

**SOAH DOCKET NO. 582-22-1016
TCEQ DOCKET NO. 2021-1214-MWD**

APPLICATION BY	§	BEFORE THE STATE OFFICE
AIRW 2017-7 L.P. FOR TPDES	§	OF
PERMIT NO. WQ0015878001	§	ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR’S EXCEPTIONS TO THE PROPOSAL FOR DECISION

I. OVERVIEW

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) supports the administrative law judge’s (ALJ’s) conclusion that AIR-W 2017-7 L.P. (Applicant or AIR-W) has met its burden of proof with respect to all eight referred issues by a preponderance of the evidence and that the Draft Permit should be issued without changes.

II. CORRECTIONS AND EXCEPTIONS

(A) Findings of Fact # 3

“The unclassified receiving water uses are limited aquatic life use for the unnamed tributary and Mankins Branch, and high aquatic life use for Mankins Branch.” should be corrected to say “The unclassified receiving water uses are limited aquatic life use for the unnamed tributary and Mankins Branch (intermittent with perennial pools), and high aquatic life use for Mankins Branch (perennial).¹

III. CONCLUSION

The Executive Director supports the ALJ’s finding AIR-W met their burden to prove by a preponderance of the evidence that the Draft Permit should be issued without changes. Therefore, the ED respectfully requests that the Commission adopt the ALJ’s proposed PFD and Order with the ED’s recommended changes presented herein and issue the draft permit.

¹ AR at Tab C:0037

Respectfully submitted,

Texas Commission on Environmental
Quality

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REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I hereby certify that on the 12th Day of September, 2022, a true and correct copy of the foregoing document was sent via first class mail, electronic mail, or hand delivery to all parties of record.



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