

SOAH DOCKET NO. 582-22-1885
TCEQ DOCKET NO. 2021-1442-MWD

APPLICATION OF § BEFORE THE STATE OFFICE
STEPHEN RICHARD SELINGER §
FOR TPDES PERMIT NO. § OF
WQ0015932001 § ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR'S REPLY TO EXCEPTIONS TO THE
PROPOSAL FOR DECISION**

I. Overview

The Executive Director maintains her position that the draft permit meets the requirements of the applicable statutory and regulatory requirements and would be protective of human health and the environment. The Executive Director supports the ALJs' finding that the draft permit is protective of water quality and the existing uses of the receiving waters in accordance with the applicable TSWQS, including the protection of aquatic and terrestrial life. The City of Ennis, The City of Waxahachie, and Ellis County continue to reargue issues that were thoroughly vetted during the hearing.

The ED agrees with the ALJ and maintains the position as discussed in her prefiled testimony and at the hearing, that land ownership is a threshold requirement to issuance of the draft permit. The draft permit does not meet this requirement as the record in this case establishes that Selinger did not own the land at the time he submitted his application. Mr. Selinger's exceptions on this issue did not show that the ALJ's conclusion was incorrect.

The ED agrees with the ALJ that due to Issue D, land ownership, the application should be denied. Therefore, the Executive Director respectfully requests that the Commission adopt the ALJs' proposed order with the Executive Director's recommended change presented in her Exception to the PFD and issue the proposed permit as recommended by the ALJ and the Executive Director.

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 certify that on the 24th of May, 2023, the Executive Director's Reply To Exceptions To The Proposal For Decision for TPDES Permit No. WQ0015932001 was served electronically to:

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