

# State Office of Administrative Hearings

Kristofer S. Monson  
Chief Administrative Law Judge

May 22, 2023

Megan Grace, TCEQ Staff Attorney

VIA EFILE TEXAS

R. Brian Daniel, Attorney for Respondent

VIA EFILE TEXAS

Garrett Arthur, OPIC Staff Attorney

VIA EFILE TEXAS

**RE: Docket Number 582-22-07515; TCEQ Docket No. 2022-0010-PWS-E; Executive Director of the Texas Commission on Environmental Quality v. Blue Cereus, LLC d/b/a La Caleta Estates and Blue Cereus, LLC d/b/a San Pedro Village**

Dear Parties:

On April 18, 2023, I issued the Proposal for Decision and Proposed Order in this case. The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) timely filed exceptions on May 8, 2023. Blue Cereus, LLC d/b/a La Caleta Estates and Blue Cereus, LLC d/b/a San Pedro Village (Respondent) and the Office of Public Interest Counsel (OPIC) did not file exceptions or responses to exceptions.

The ED's exceptions recommended changes to the Findings of Fact and Conclusions of Law within the Proposed Order to clarify provisions and correct typographical errors. The ALJ agrees that the ED's recommended changes should be incorporated into the Proposed Order, as follows:

1. In Finding of Fact No. 14, delete "the State Office of Administrative Hearings" and the parentheses around the SOAH acronym.

2. In Ordering Provision No. 2, add “in accordance with 30 Tex. Admin. Code section 290.45.”
3. In Ordering Provision No. 3, delete “in accordance with 30 Tex. Admin. Code section 290.45” and add in its place “in Ordering Provision No. 2.”
4. In Order No. 6, change “The Commission’s” to “TCEQ’s.”

With the changes above, the Proposal for Decision and Proposed Order are ready for TCEQ’s consideration.

ALJ Signature:



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Linda Brite,

Presiding Administrative Law Judge

CC: Service List