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STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

**SOAH DOCKET NO. 582-23-12834  
TCEQ DOCKET NO. 2022-0376-MSW-E**

**EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY,  
Petitioner**

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**BEFORE THE STATE OFFICE**

ACCEPTED  
582-23-12834  
6/11/2024 8:35:30 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Carol Hale, CLERK

v.

**OF**

**STL DEVELOPER, LLC.;  
Respondent**

**ADMINISTRATIVE HEARINGS**

**STL DEVELOPER, LLC’S EXCEPTIONS TO MAY 22, 2024 PROPOSAL FOR  
DECISION**

STL Developer, LLC (“STL Developer”) files the following exceptions to the Proposal for Decision (“PFD”) issued on May 22, 2024:

**I. Exception No. 1: STL Developer requests that the Findings of Fact include information from Mr. Lara’s testimony as concerning the cost to implement the ED’s recommended corrective actions, and the very limited financial resources of STL Developer, and requests an additional Finding of Fact for the same.**

- a. STL Developer requests that an additional Finding of Fact be added regarding the cost estimates for which Mr. Lara provided testimony. The Finding of Fact should read: “The Executive Director’s recommended corrective action includes, in part, removing all MSW excavated and/or dumped at the Site that is currently above-ground, and repairing and maintaining adequate cover. This corrective action will include the removal and disposal of 10,600 cubic yards of waste at an off-site MSW facility and will take 1,000 – 2,000 truckloads at \$800 per truck, costing, in total, between \$800,000

and \$1,000,000. STL Developer only has \$50,000 – \$60,000 and does not have sufficient resources to accomplish the recommended corrective action.”

**II. Exception No. 2: STL Developer excepts to the ALJ’s Finding of Fact No. 36 and would propose the following additional Findings in lieu of Finding of Fact No. 36.**

- a. The TCEQ has historically interpreted Subchapter T to allow reburial of much larger debris than present at the Site.
- b. The Deepwood/Loop 12 infrastructure and landfill project (Deepwood Project) is an example of a valid alternative corrective action to that proposed by the Executive Director. The Deepwood Project demonstrates that Section 330.955(c), Subchapter T, is a valid and applicable authority under which the corrective action may be taken for the Site.
- c. STL Developer recommends, as the only feasible remedial option available for the Site given its limited financial resources, that it be ordered to pursue a remedy of reburial of waste at the Site.
- d. STL Developer’s proposal is the only proposed corrective action that it is capable of achieving. Accordingly, STL Developer should be ordered to engage with the TCEQ, resubmit its Application to Disturb Final Cover, and timely respond to the TCEQ’s requests for information to complete a remedy of reburying the waste at the Site under Subchapter T.

**III. Exception No. 3: STL Developer excepts to the ALJ’s Conclusion of Law No. 20**

- a. For the reasons listed in Section II, above, STL Developer also excepts to the ALJ’s Conclusion of Law No. 20. Specifically, STL Developer excepts to the conclusion that

it be ordered to take the corrective action proposed by the ED. STL Developer does not except to the conclusion that it be assessed a \$4,725 administrative penalty.

- b. STL Developer requests that the aforementioned exception be granted, and that it not be required to take the proposed corrective action regarding removal of all above-ground MSW excavated and/or dumped at the Site as it does not have the financial ability to complete the corrective action proposed by the ED.
- c. STL Developer respectfully requests that it be ordered to engage with the TCEQ, resubmit its Application to Disturb Final Cover, and timely respond to the TCEQ's requests for information to complete a remedy of reburying the waste at the Site under Subchapter T.

STL Developer pray that the Exceptions be granted.

Respectfully submitted,

NORTON ROSE FULBRIGHT US LLP

By:  /s/ Eddie Lewis

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**CERTIFICATE OF SERVICE**

This STL Developer's Exceptions to May 22, 2024 Proposal for Decision was served on all parties on June 11, 2024

*/s/ Eddie Lewis*

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Eddie Lewis

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