

SOAH DOCKET NO. 582-23-11653  
TCEQ DOCKET NO. 2022-1732-MWD

APPLICATION OF § BEFORE THE STATE OFFICE  
CIVITAS AT BUDA, LLC §  
FOR TPDES PERMIT § OF  
NO. WQ0016154001 § ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR'S REPLY TO PROTESTANTS EXCEPTIONS TO THE  
ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION

I. OVERVIEW

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) maintains her position that the draft permit meets the applicable statutory and regulatory requirements and will be protective of human health and the environment.<sup>1</sup> GBRA and the Kolodzeys continue to reargue issues that were thoroughly vetted during the hearing.

The Executive Director supports the Administrative Law Judge's (ALJs) conclusions that Civitas at Buda has met its burden of proof on the agreed issues A<sup>2</sup>, B<sup>3</sup>, and C<sup>4</sup>, the application be granted<sup>5</sup>, and the draft permit be issued without changes.<sup>6</sup> Therefore, the Executive Director respectfully requests that the Commission adopt the ALJ's proposed order with the Executive Director's recommended changes presented in her Exceptions to the PFD and issue the proposed permit.

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<sup>1</sup> 582-23-11653 Administrative Record, Tab C, at bates stamp 0038.

<sup>2</sup> 582-23-11653 PFD at 25.

<sup>3</sup> 582-23-11653 PFD at 26.

<sup>4</sup> 582-23-11653 PFD at 31.

<sup>5</sup> 582-23-11653 PFD at 1.

<sup>6</sup> 582-23-11653 PFD at 10.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel,  
Executive Director

Erin Chancellor, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
Environmental Law Division



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REPRESENTING THE EXECUTIVE DIRECTOR  
OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## II. CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following by U.S. Regular Mail, Certified Mail (return receipt requested), electronic mail, hand delivery and/or facsimile at the addresses listed below on this 21<sup>st</sup> day of December 2023.



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