

**SOAH DOCKET NO. 582-23-21878
TCEQ DOCKET NO. 2023-0385-MWD**

APPLICATION OF HK REAL ESTATE DEVELOPMENT, LLC FOR NEW TEXAS POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NO. WQ0016150001	§ § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**HK REAL ESTATE DEVELOPMENT, LLC'S EXCEPTION TO PROPOSAL FOR
DECISION ON SUMMARY DISPOSITION**

TO THE HONORABLE JUDGES DeANGELO AND DOGGETT:

HK Real Estate Development, LLC (Applicant) is in full agreement with the Administrative Law Judges' (ALJs) Proposal for Decision on Summary Disposition (PFD). However, there is one minor mistake in the Proposed Order attached to the PFD.

In the Proposed Order, the ALJs included Finding of Fact No 19, which reads:

19. The Notice of Application and Preliminary Decision was published on September 21, 2022, in the Wilson County News, in English; on September 18, 2022, in the Seguin Gazette, in English; and on September 15, 2022, in El Mundo, in Spanish.

However, the Applicant did not publish the Notice of Application and Preliminary Decision (NAPD) in the Seguin Gazette. A review of the notices in the administrative record shows that the NAPD published in the Seguin Gazette is for another application filed by Mark Austin Ventures, LLC, for TPDES Permit No. WQ0016149001.¹ Apparently, the TCEQ's Chief Clerk included this NAPD in error which was repeated in the Executive Director's Response to Comments.

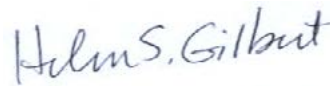
Therefore, Applicant requests that the ALJs modify FOF No. 19 as follows:

19. The Notice of Application and Preliminary Decision was published on September 21, 2022, in the Wilson County News, in English; ~~on September 18, 2022, in the Seguin Gazette, in English;~~ and on September 15, 2022, in El Mundo, in Spanish.

¹ Applicant Ex. 1 at Bates APP00022-00024 (Tab b).

In all other respects, Applicant supports the ALJs' finding that there is no genuine material fact regarding the six referred issues and the Applicant's prima facie case remains uncontroverted that the Draft Permit meets all applicable legal and technical requirements and, if issued, would be adequately protective of public and environmental health and safety. Accordingly, Applicant respectfully requests that the Commission adopt the ALJs' PFD and Proposed Order with the noted revision and issue the proposed permit as drafted.

Respectfully submitted,



By: _____

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CERTIFICATE OF SERVICE

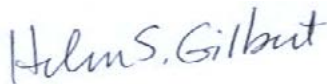
I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on this 1st day of February 2024:

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