

SOAH DOCKET NO. 582-23-21878

TCEQ DOCKET NO. 2023-0385-MWD

APPLICATION OF HK REAL ESTATE	§	BEFORE THE
DEVELOPMENT, LLC FOR NEW TEXAS	§	
POLLUTION DISCHARGE	§	STATE OFFICE OF
ELIMINATION SYSTEM PERMIT NO.	§	
WQ0016150001	§	ADMINISTRATIVE HEARINGS

FREASIER, LLC'S
EXCEPTIONS TO SUPPLEMENTAL PROPOSAL FOR DECISION ON REMAND

Protestant Freasier, LLC (“Freasier”) supports the Supplemental Proposal for Decision on Remand (“PFD”) and will not file exceptions pursuant to 30 Texas Administrative Code § 80.257(a). Protestant Freasier believes the record evidence overwhelmingly supports the Administrative Law Judges’ (“ALJs”) recommendation, findings of fact, and conclusions of law, and ordering provisions in the ALJs’ Proposed Order.

Freasier supports and agrees with the PFD’s recommendation that HK Real Estate Development, LLC’s Texas Pollutant Discharge Elimination System permit application be denied. Freasier respectfully offers the following cosmetic changes to the PFD and requests that the ALJs reflect such in their Final Order.

I. SUGGESTED CHANGES

Freasier requests that the final sentence of the first paragraph on page 106 of the Supplemental Proposal for Decision on Remand be revised from “Thus, Protestant has not shown by a preponderance of the evidence” to reflect the cadence of the sentence preceding, and state “Thus, the Applicant has not shown by a preponderance of the evidence.” The previous sentence states that Applicant failed to meet its burden to show that the Draft Permit complies with the TSWQS, Freasier believes the honorable ALJs meant to state “Applicant” rather than “Protestant” in said final

sentence.

Protestant Freasier requests that Findings of Fact Nos. 107-109 be deleted in their entirety, as the issues in said findings of fact were not included in the remand hearing and not included in the Commission's May 17, 2024 Interim Order remanding this matter to the State Office of Administrative Hearings. As such, Findings of Fact Nos. 107-109 are outside of the scope of the proceeding.

II. CONCLUSION

Freasier supports the ALJs' Supplemental Proposal for Decision on Remand, and respectfully requests that the PFD and Final Order be modified and issued reflecting the minor changes listed above. Freasier agrees with the PFD's recommendation that the permit application be denied. The ALJs' recommendation in the PFD and findings of fact, conclusions of law, and ordering provisions are well supported and should be issued with the minor revisions listed above.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Protestant Freasier, LLC's Proposed Findings of Fact and Conclusions of Law have been forwarded via electronic mail or U.S. Mail to the persons on the attached Service List on this, the 24th day of February, 2025.

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