

SOAH DOCKET NO. 582-23-23818
TCEQ DOCKET NO. 2023-0844-MWD

APPLICATION OF § BEFORE THE STATE OFFICE
HIGHLAND LAKES MIDLOTHIAN I, §
LLC § OF
FOR TPDES PERMIT §
NO. WQ0015999001 § ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR'S 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) submits her Exceptions to the Proposal for Decision. The Executive Director supports the Administrative Law Judge's (ALJs) conclusions that Highland Lakes Midlothian I has met its burden of proof on all five agreed issues,¹ and the draft permit be issued without changes.² The Executive Director is providing suggested changes to the Findings of Fact.

II. EXCEPTIONS to the PROPOSAL for DECISION

A. Executive Director's Recommended Changes to Findings of Fact

The Executive Director recommends the following changes to the ALJ's Findings of Fact:

1. Finding of Fact #4 (Correction/Clarification)

Finding of Fact #4 indicates that the application was declared technically complete on September 30, 2022. The Executive Director notes that TCEQ records and the record³ for this case indicate that the technical complete date was July 7, 2022.

2. Finding of Fact #24 (Correction/Clarification)

Finding of Fact #24 indicates that the parties submitted an agreed list of issues which the ALJ adopted by order dated October 23, 2023. The ED notes that the ALJ's order was signed October 20, 2023.

¹ 582-23-23818 PFD at 40.

² *Id.*

³ 582-23-23818 Administrative Record, Tab A, at Page 4, Bates Stamp 00006.

III. Conclusion

The Executive Director maintains her position that the draft permit meets all applicable statutory and regulatory requirements. The ED supports the ALJ's position that the application be granted, and the draft permit be issued without changes. The ED respectfully recommends the Administrative Law Judge issue a Revised Proposal for Decision reflecting the ED's corrections to the Findings of Fact.

Respectfully submitted,

Texas Commission on Environmental Quality

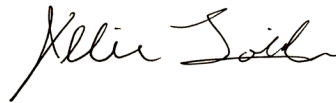
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REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

IV. 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 15th day of April 2024.



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