

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 REPLY TO PROTESTANTS EXCEPTIONS TO THE
ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) maintains her position that the draft permit meets the requirements of the applicable statutory and regulatory requirements and will be protective of human health and the environment.¹ Ellis County, the City of Midlothian, and the City of Waxahachie continue to reargue issues that were thoroughly vetted during the hearing.

The Executive Director supports the Administrative Law Judge’s (ALJs) conclusions that Highland Lakes Midlothian I LLC has met its burden of proof on all five agreed issues², and the draft permit be issued without changes.³ 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.

¹ 582-23-23818 Supplemental Administrative Record, Tab C, at bates stamp 0072.

² 582-23-23818 PFD at 40.

³ *Id.*

Respectfully submitted,

Texas Commission on Environmental Quality

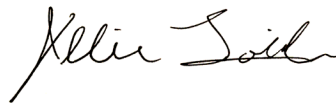
Kelly Keel,
Executive Director

Erin Chancellor, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division



Aubrey Pawelka, Staff Attorney
Environmental Law Division
State Bar No. 24121770
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
Phone (512) 239-0622
Fax (512) 239-0626



Allie Soileau, Staff Attorney
Environmental Law Division
State Bar No. 24137200
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone (512) 239-6033

REPRESENTING THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

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 25th day of April 2024.



Aubrey Pawelka, Staff Attorney
Environmental Law Division

For the Applicant:

Helen S. Gilbert
hgilbert@bartonbensonjones.com

Randall B. Wilburn
rwilburn@bartonbensonjones.com

For Protestants Ellis County, City of Midlothian, and City of Waxahachie

Emily Rogers
erogers@bickerstaff.com

Joshua Katz
jkatz@bickerstaff.com

Stefanie Albright
salbright@bickerstaff.com

Kimberly Kelley
kkelley@bickerstaff.com

For the Public Interest Counsel:

Jennifer Jamison
Jennifer.Jamison@tceq.texas.gov
