

FILED
582-23-10368
5/10/2023 11:47 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

ACCEPTED
582-23-10368
5/10/2023 11:48:33 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Crystal Rosas, CLERK

SOAH Docket No. 582-23-10368

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**APPLICATION OF R040062, LP FOR
TPDES PERMIT No. WQ0016008001**

ORDER ADOPTING PROCEDURAL SCHEDULE

On April 26, 2023, Applicant R040062, LP filed a Joint Proposed Procedural Schedule and Statement of Position. The filing indicates that all parties (with the exception of Mr. Bichsel and Ms. Cifuentes who did not respond) are in agreement with the procedural schedule included therein. The proposed procedural schedule as set forth below is adopted and the parties are ordered to comply. The parties should take notice of changes made by the ALJ with respect to participation in the prehearing conference and hearing on the merits.

Date	Activity
April 24, 2023	Preliminary Hearing; Discovery Begins.
May 19, 2023	Mediation Deadline
June 9, 2023	Deadline for Protestants and OPIC to file direct testimony, proposed order of witnesses, and exhibits.
July 7, 2023	Deadline for Applicant and ED to file direct testimony, proposed order of witnesses, and exhibits.
July 21, 2023	Deadline for all parties to file objections and motions to strike prefiled testimony and exhibits. Deadline to file dispositive motions.
July 28, 2023	Deadline for all parties to file responses to objections and motions to strike pre-filed evidence and to file responses to dispositive motions; Deadline to complete all discovery.
August 10, 2023	Prehearing conference via Zoom videoconference to rule on objections to pre-filed evidence and other pending motions. Deadline for parties to file a notice indicating whether they will appear in person or via Zoom at the hearing on the merits. This information will be used by the ALJ and SOAH staff to prepare the hearing room.
August 15-17, 2023	Hybrid hearing on the merits at the State Office of Administrative Hearings, 300 West 15th Street, Fourth Floor, Austin, Texas and via Zoom videoconference.
September 7, 2023	Deadline for all parties to file written closing arguments.
September 14, 2023	Deadline for all parties to file written responses to closing arguments; record closes.
November 13, 2023	Deadline to Issue Proposal for Decision.

All service between the parties shall be conducted by email. Drafts of testimony and statements of position and emails transmitting drafts of testimony and statements of position will not be discoverable. All discovery is subject to a 21-calendar day response deadline, and depositions shall be scheduled on no less than 10 calendar days' notice to the other parties.

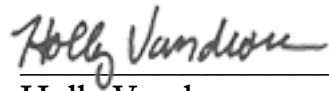
The parties may access the prehearing conference and the hearing on the merits (if not attending in person) in one of the following ways:

Join by computer or smart device: Go to https://soah-texas.zoomgov.com and enter the following: Meeting ID: 161 313 2461 Passcode: TCEQ368	Join by telephone (audio only): Call +1 669 254 5252, and then enter the Meeting ID and Password listed below. Meeting ID: 161 313 2461 Passcode: 4729123
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The parties may agree to extend deadlines without requesting leave from the ALJ, with the exception of 1) the deadline for objections to prefiled testimony and exhibits (and the responses to those objections); 2) the deadlines for filing and responding to dispositive motions; 3) the dates for the prehearing conference and hearing on the merits; and 4) the post-hearing briefing deadlines.

Applicant is responsible for obtaining a court reporter for the hearing on the merits. The costs for reporting are subject to being divided under 30 Texas Administrative Code § 80.23.

Signed May 10, 2023

A handwritten signature in dark ink, appearing to read "Holly Vandrovec", written over a horizontal line.

Holly Vandrovec
Administrative Law Judge

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Filing Description: ORDER MEMORIALIZING SCHEDULE

Status as of 5/10/2023 11:49 AM CST

Associated Case Party: Executive Director

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