

FILED  
582-23-10368  
11/15/2023 4:11 PM  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
April Bermea , CLERK

ACCEPTED  
582-23-10368  
11/15/2023 4:16:14 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
April Bermea , CLERK

**SOAH Docket No. 582-23-10368**

**Suffix: TCEQ**

**TCEQ Docket No. 2022-1731-MWD**

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# **BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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

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## **ORDER EXTENDING THE RECORD CLOSE DATE AND REQUIRING PARTIES TO FILE HEARING RECORD**

The hearing in this matter was held on August 15-16, 2023, and the record closed on September 25, 2023, with the filing of the parties' written closing arguments. However, it has come to the Administrative Law Judge's attention that, although the parties were apparently provided with the transcript on or about September 8, 2023, the court reporter has not filed the transcript or record exhibits with the State Office of Administrative Hearings (SOAH) as required.<sup>1</sup> The court reporter has also not responded SOAH's repeated efforts to reach her. It also appears that the court reporter's transcript did not attach or certify the parties'

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<sup>1</sup> 1 Tex. Admin. Code § 155.423(d)(1) ("The original transcript shall be filed with SOAH....").

exhibits. Because the official hearing record has not been filed, the ALJ is reopening the record so the parties can file the evidentiary record. Accordingly, **IT IS ORDERED** that by **NO LATER THAN FRIDAY, NOVEMBER 17, 2023**:

- Applicant **shall file** the original transcript volumes with SOAH or; alternatively, if Applicant was not provided the original transcript volumes, then Applicant shall file a copy of both volumes;<sup>2</sup>
- Applicant **shall file** its exhibits admitted at the hearing (Applicant Exhibits 1-9);
- The ED **shall file** its exhibits admitted at the hearing (ED-BL-1 to ED-BL-4, and ED-SB-1 to EB-SB-2; and
- Protestant Jonah Water Special Utility District **shall file** its exhibits admitted at the hearing (JSUD-1 and BB-1 (also marked as JWSUD-3); and JWSUD-2 and MW-1 (also marked as JWSUD-4)).<sup>3</sup>

The record will close upon the filing of the complete evidentiary record.

**Signed November 15, 2023**



Holly Vandrovec  
Administrative Law Judge

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<sup>2</sup> Although the original transcript is required to be filed and becomes the official record of the proceedings, the ALJ has discretion to adapt the record requirements for purposes of ensure a fair and efficient contested case process. *See* 1 Tex. Admin. Code §§ 155.153(b), .155(a)(7).

<sup>3</sup> The parties are referred to the Chief ALJ's General Order Relating to the Submission of Exhibits: <https://www.soah.texas.gov/sites/default/files/2022-04/GENERAL%20ORDER%20-%20FINAL.pdf>.

### Automated Certificate of eService

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Status as of 11/15/2023 4:20 PM CST

Associated Case Party: Executive Director

Name	BarNumber	Email	TimestampSubmitted	Status
Aubrey Pawelka		aubrey.pawelka@tceq.texas.gov	11/15/2023 4:11:13 PM	SENT

Case Contacts

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SHAWN BICHSEL		sbichsel@gmail.com	11/15/2023 4:11:13 PM	SENT
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Associated Case Party: R040062, LP

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ERIN SELVERA		erin@carltonlawaustin.com	11/15/2023 4:11:13 PM	SENT

Associated Case Party: Jonah Water Special Utility District

Name	BarNumber	Email	TimestampSubmitted	Status
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John Carlton		john@carltonlawaustin.com	11/15/2023 4:11:13 PM	SENT

Associated Case Party: Public Interest Counsel

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Name	BarNumber	Email	TimestampSubmitted	Status
SHELDON WAYNE		sheldon.wayne@tceq.texas.gov	11/15/2023 4:11:13 PM	SENT