

**SOAH DOCKET NO. 582-08-0029
TCEQ DOCKET NO. 2006-1629-MWD**

APPLICATION OF AQUA UTILITIES, INC. FOR RENEWAL OF TPDES PERMIT NO. WQ0013989001 IN HAYS COUNTY	§ § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**ORDER NO. 6
GRANTING MOTION TO WITHDRAW AS A PARTY; CANCELLING HEARING;
DISMISSAL OF SOAH DOCKET; AND REMAND TO COMMISSION**

On April 14, 2008, Hay Trinity Groundwater Conservation District filed a notice of intent to withdraw its protest. This request is granted, and this party will be deleted from the service list after this order.

On April 25, 2008, Aqua Utilities, Inc. d/b/a/ Aqua Texas, Inc. (Aqua Texas) filed a motion to remand, stating that the four protesting parties have filed notices to withdraw their protest in this matter. All parties have settled; no contested issues remain. Pursuant to 30 TEX. ADMIN. CODE §§ 50.137 and 80.101, Aqua Texas requests a remand to the Texas Commission on Environmental Quality (TCEQ) Executive Director (ED) for further processing as a uncontested application. Aqua Texas has discussed this request with both the counsel for the ED and the Office of Public Interest Counsel; these parties have no opposition to Aqua Texas' request.

Accordingly, the Administrative Law Judge (ALJ) grants Aqua Texas' request. The hearing set for Monday, April 28, 2008, is cancelled. This case is remanded to the TCEQ ED for processing as an uncontested matter and dismissed from the docket of the State Office of Administrative Hearings.

Aqua Texas further notes that an administrative correction should be made to its permit application: it does not seek to change the interim phase effluent storage volume (58.34 acre-feet) in its final permit renewal application.

SIGNED April 25, 2008.

**LILLO D. POMERLEAU
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**