

# State Office of Administrative Hearings



Shelia Bailey Taylor  
Chief Administrative Law Judge

CHIEF CLERKS OFFICE

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TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

January 22, 2007

Derek Seal  
General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin Texas 78711-3087

VIA FACSIMILE NO. 512/239-3311

**Re: SOAH Docket No. 582-06-3270; TCEQ Docket No. 2004-1663-PST-E; In the Matter of An Enforcement Action against Mohammad Adil Aqil; TCEQ ID No. 60355 RN No. 101060226**

Dear Mr. Seal:

The Administrative Law Judge (ALJ) has reviewed the Executive Director's Exceptions to the Administrative Law Judge's Proposal for Decision (ED's Exceptions) dated December 28, 2006, and received on January 9, 2007. The ALJ disagrees with the ED's Exceptions set forth in Paragraphs II.A, II.B, and II.C.

As to the ED's other suggested modifications set forth in Paragraph III, the ALJ agrees with the change in Paragraph III.1 and does not object to the change suggested in Paragraph III.3. As to Paragraph III.2, the ALJ suggests the following change in language to Finding of Fact No. 18:

By letter dated July 12, 2006, and received on July 13, 2006, Respondent filed an answer and request for a hearing upon the Third Petition.

With these changes, the ALJ believes the Proposal for Decision correctly and equitably applies the applicable statutes and promulgated rules to the facts set forth in the evidentiary record.

Sincerely,

Howard S. Seitzman  
Administrative Law Judge

HSS/vg

cc: Parties (Service List) - VIA FACSIMILE OR VIA REGULAR MAIL

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**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** MOHAMMAD ADIL AQL / OWENS TRUCK STOP  
**SOAH DOCKET NUMBER:** 582-06-3270  
**REFERRING AGENCY CASE:** 2004-1663-PST-E

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE  
ALJ HOWARD S. SEITZMAN**

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**REPRESENTATIVE / ADDRESS**

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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RESPONDENT

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xc: Docket Clerk, State Office of Administrative Hearings