

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 12, 2006

Ms. LaDonna Castañuela
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: UA Holdings; TPDES Permit No. 14468-001
Docket No: 2005-1184-MWD
SOAH Docket: 582-060-0393

Dear Ms. Castañuela:

Please find attached the original Executive Director's Response to the Administrative Law Judge's Proposal for Decision regarding UA Holdings, TPDES Permit No. 14468-001.

Please file stamp the original and return copies to our office. If you have any questions or comments, please call me at (512) 239-5778. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Tatu".

Anthony Tatu, Staff Attorney
Environmental Law Division MC 173

CHIEF CLERKS OFFICE

2006 DEC 12 AM 11:47

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

CHIEF CLERKS OFFICE

2006 DEC 12 PM 4:10

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

SOAH Docket No. 582-06-0393

TCEQ Docket No. 2005-1184-MWD

Application of
UA HOLDINGS, 1994-95, INC. for
NEW TPDES PERMIT
No. WQ 14468-001

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Before the
TEXAS COMMISSION
ON
ENVIRONMENTAL QUALITY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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**EXECUTIVE DIRECTOR'S RESPONSE TO THE ADMINISTRATIVE LAW JUDGE'S
PROPOSAL FOR DECISION**

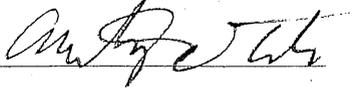
**TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY AND THE HONORABLE ADMINISTRATIVE LAW
JUDGE:**

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this Response to the Proposal for Decision (PFD) recommended by the Administrative Law Judge (ALJ) in this case.

The ED agrees with the ALJ's recommendation that the Commission deny the application because the Applicant failed to meet its burden of proof in this case.

CHIEF CLERKS OFFICE
2006 DEC 12 PM 4:16
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Respectfully submitted,



Anthony Tatu, Staff Attorney

TCEQ Environmental Law Division

State Bar No. 00792869

Representing the EXECUTIVE DIRECTOR
of the TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

MAILING LIST
UA HOLDINGS 1994-5
NEW TPDES PERMIT NO. WQ14468-001
TCEQ DOCKET NO. 2005-1184-MWD

FOR THE APPLICANT:

Ms. Lauren Kalisek
Lloyd Gosselink
Attorneys at Law
816 Congress Avenue, Suite 1900
Austin, Texas 78701

FOR THE PROTESTANTS:

Mr. B. James Blackburn, Jr.
Blackburn Carter, P.C.
4709 Austin
Houston, Texas 77004

Michael and Wendy Thornton
345 Harbor Circle
Montgomery, Texas 77356-4739

Mr. Doug Joslyn
244 E. Blue Heron Drive
Montgomery, Texas 77356

Mr. Phil Berthelot
17814 N. Blue Heron Drive
Montgomery, Texas 77316-3107

FOR THE EXECUTIVE DIRECTOR:

Anthony Tatu, Staff Attorney
Texas Commission on Environmental
Quality Law Division, MC 173
P.O. Box 13087
Austin, Texas 78711-3087

Mr. David Akoma, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division, MC 148
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Mr. Scott A. Humphrey, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel, MC 103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental
Quality
Office of the Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711-3087

COMMENTORS AND INTERESTED
PERSONS:

Maria Brasher
257 Blue Heron Drive
Montgomery, Texas 77316

FOR THE ADMINISTRATIVE LAW
JUDGE:

Tommy L. Broyles
Administrative Law Judge
State Office of Administrative Hearings
William P. Clements Building
300 West Fifteenth Street, Ste. 502
Austin, Texas 78701

CERTIFICATE OF SERVICE

I certify that on December 12, 2006 the "Executive Director's Response to Administrative Law Judge's Proposal for Decision" for TPDES Permit No. 14468-001, regarding UA Holdings, was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Anthony Tatu, Staff Attorney
Environmental Law Division
State Bar No. 00792869

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 DEC 12 AM 11:47

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