

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



DECISION OF THE COMMISSION
REGARDING THE PETITION FOR RULEMAKING
FILED BY THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT AND
THE CITY OF AUSTIN

Docket No. 2008-1601-RUL

On November 19, 2008, the Texas Commission on Environmental Quality (Commission) considered the petition for rulemaking filed by the Barton Springs/Edwards Aquifer Conservation District and the City of Austin. The petition, filed on October 1, 2008, requests that the agency initiate rulemaking to propose the adoption of a new subchapter in 30 TAC Chapter 311 entitled "Water Quality Management of the Onion Creek and Barton Creek Watersheds." The petitioners' proposed rule defines water quality areas and watersheds of Onion and Barton Creeks and prohibits the discharge of pollutants into these water quality areas. The petitioners' proposed rule also allows any new or expanded wastewater treatment facilities in the water quality areas disposal without discharge so long as the facility satisfies specific requirements.

IT IS THE DECISION OF THE COMMISSION pursuant to Administrative Procedure Act (APA), Texas Government Code, §2001.021 and Texas Water Code, §5.102 to deny rulemaking as provided in the Administrative Procedures Act §2001.021.

The Commission determined that additional stakeholder input is necessary to insure that all issues relating to the petition are fully explored and all potentially impacted entities have an opportunity to participate. The Commission directs the ED to solicit stakeholder input on all the issues raised in the petition and on any other issues that are relevant to issues raised in the petition and take appropriate action. Furthermore, the Commission directs the ED to report back to the Commission within six months unless rulemaking has been initiated as a result of the stakeholder input.

This Decision constitutes the decision of the Commission required by the APA, §2001.021(c).

Issued date: **DEC 8 2008**

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ENVIRONMENTAL QUALITY

A handwritten signature in cursive script that reads "Buddy Garcia".
Buddy Garcia, Chairman