

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**DECISION OF THE COMMISSION  
REGARDING THE PETITION FOR RULEMAKING  
FILED BY BROWN MCCARROLL, L.L.P., ON BEHALF OF ELK CORPORATION OF TEXAS**

**Docket No. 2008-1914-RUL**

On January 28, 2009, the Texas Commission on Environmental Quality (Commission) considered the petition for rulemaking filed by Brown McCarroll, L.L.P., on behalf of Elk Corporation of Texas. The petition, filed on December 11, 2008, requests that the agency initiate rulemaking to revise 30 TAC Chapter 117, Subchapter B, § 117.403(a)(12).

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 instruct the Executive Director to examine the issues in the petition and to initiate rulemaking proceedings.

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

Issued date: **FEB 02 2009**

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Buddy Garcia  
Buddy Garcia, Chairman