

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 12, 2005

Ms. Pamela M. Giblin
Baker Botts, LLP
1500 San Jacinto Center
98 San Jacinto Blvd.
Austin, Texas 78701-4287

Dear Ms. Giblin:

I am responding to your recent letter regarding the May 13, 2004 notice of violation (NOV) issued by the Texas Commission on Environmental Quality to Penske Truck Leasing Co., L.P. (Penske) in connection with the spill investigation at IH-35 South near Exit 221 in Buda, Hays County. You believe that Penske has done everything in its power to address this NOV and state that Penske now intends to proceed with obtaining a trial date in the pending Hays County litigation to allow a court to ultimately decide the disputed issues in this matter:

I agree that Penske has made appropriate attempts to address the NOV. Further, notwithstanding the briefings filed, meetings convened and hearings held before this agency, a number of relevant issues remain in dispute and are unresolved. In my view, these matters are best resolved in court. Given these circumstances, I do not plan to take further action on the NOV pending the resolution of this matter in court proceedings.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Shankle".

Glenn Shankle
Executive Director