

Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, January 11, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.
12100 Park 35 Circle
Room 201S, Bldg. E

Continued from the November 30, 2005 agenda.

- Item 1. **Docket No. 2005-0803-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Astro Waste, Inc.** in **Harris County**; RN103158648; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (A. Sunday Udoetok, David Van Soest)

Approve the Agreed Order. KW/RM; all agree.

AGENDA

Wednesday, January 11, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.
12100 Park 35 Circle
Room 201S, Bldg. E

HEARING REQUEST(S)/REQUEST(S) FOR RECONSIDERATION

- Item 1. **Docket No. 2005-1607-SLG.** Consideration of the application by **Beneficial Land Management, L.L.C.**, for a new permit WQ0004666000, pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 312 to authorize the land application of sewage sludge for beneficial use on 793.4 acres. The proposed land application site will be located ten miles northwest of the City of Inez, on Farm-to-Market Road 444 and 2.5 miles northeast of the intersection of Karnes Road and Farm-to-Market Road 444 in **Victoria County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Michael Northcutt/Brian Sierant)

Grant Victoria County's hearing request on the issues of: 1) the environmental impact that application of sludge and its attendant pathogens, bacteria, viruses, and heavy metal at the site may have on Victoria County's soil, wetlands, health, wildlife, agriculture, and surface and ground water supply; and 2) concerns about the sludge application's creation of nuisance odors; refer the matter to SOAH with a maximum duration of 6 months with a concurrent referral to ADR. KW/RM; all agree.

- Item 2. **Docket No. 2005-1751-AIR.** Consideration of application by **Alcoa, Inc.** (formerly Alumax Mill Products) for an amendment to and renewal of their existing air quality permit, Permit No. 9476, and issuance of Prevention of Significant Deterioration permit PSD-TX-886, to authorize the continued operation and modification of the existing secondary aluminum smelter and rolling mill. The smelter and rolling mill are located at 300 Alumax Dr., Nash, **Bowie County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Dois Webb/Dan Long)

Deny the hearing request and approve the amendment and renewal of the permit. KW/LS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 3. **Docket No. 2005-1237-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Allied Construction Supplies Corp.** in **Dallas County**; RN100800077; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality,

including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 4. **Docket No. 2004-1006-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cemex Inc. in Ector County**; Air Account No. EB0121R, Regulated Entity Reference No. RN100213305; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Craig Fleming, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 5. **Docket No. 2005-1427-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Dallas Woodcraft Company, L.P. in Dallas County**; RN100216043; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 6. **Docket No. 2005-0290-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; TCEQ Air Account No. HG0229F, RN102574803; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jaime Garza, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 7. **Docket No. 2005-0163-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **ConocoPhillips Company in Brazoria County**; RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 8. **Docket No. 2005-0879-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas Molecular Limited Partnership in Harris County**; RN100209568; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality,

including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 9. **Docket No. 2005-1429-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Newfield Exploration Mid-Continent Inc. in Gray County**; RN100226869; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 10. **Docket No. 2005-0767-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rhino Linings of South Texas, Inc. in Bexar County**; RN104394663; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Tel Croston, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 11. **Docket No. 2004-1626-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **eMag Solutions, LLC in Young County**; TCEQ ID Nos. YB0006D and RN100215573; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, David VanSoest)

Approve the Agreed Order. KW/LS; all agree.

Item 12. **Docket No. 2005-1500-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas Crude Energy, Inc. in Nueces County**; RN101975571; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 13. **Docket No. 2005-1532-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Rescar, Inc. in Harris County**; RN100683002; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 14. **Docket No. 2005-0676-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Goodyear Tire & Rubber Company in Jefferson County**; RN102561925; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Edward R. Moderow, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 15. **Docket No. 2005-1308-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nisseki Chemical Texas Inc. in Harris County**; RN102887270; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 16. **Docket No. 2004-1998-AIR-E.** Consideration of a Default Order assessing administrative penalties against and requiring certain actions of **Jose Garcia dba Neighborhood Trucks & Auto Repair in Harris County**; TCEQ ID No. RN103009098; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health and Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, David Van Soest)

Item remanded to the Executive Director.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 17. **Docket No. 2005-1021-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ABG Development, Ltd. in Bexar County**; RN104415237; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 18. **Docket No. 2004-1886-IHW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stewart & Stevenson Tactical Vehicle Systems, LP in Austin County**; TCEQ ID Nos. 32050 and RN102411352; for industrial and hazardous waste violations pursuant to the Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental

Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, David VanSoest)

Approve the Agreed Order. KW/LS; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 19. **Docket No. 2005-0967-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Campbell Gas & Oil Company, Inc.** in **Orange County**; RN100256338; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Carolyn V. Lind, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 20. **Docket No. 2005-0316-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lone Star Growers, L.P.** in **Walker County**; RN102183555; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kent Heath, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 21. **Docket No. 2005-1164-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jimmie Hahn Partnership, Ltd.** in **Waller County**; RN103727913; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brent Hurta, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 22. **Docket No. 2005-0004-IWD-E.** Consideration of an Agreed Order assessing administrative penalties against **ReedHycalog, L.P.** in **Harris County**; Texas Pollutant Discharge Elimination System Permit No. 00635, RN100214162; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kim Morales, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 23. **Docket No. 2005-1385-IWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Sanderson Farms, Inc.** (Processing Division) in **Brazos County**; RN102009107; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Catherine Albrecht, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

- Item 24. **Docket No. 2005-1556-LII-E.** Consideration of an Agreed Order assessing administrative penalties against **Michael Manders** in **Collin and Dallas Counties**; RN103416301; for licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Merrilee Hupp, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

- Item 25. **Docket No. 2005-0801-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jaime J. Salinas** in **Hildago County**; RN104553300; for licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Judy Kluge, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

- Item 26. **Docket No. 2005-0003-LII-E.** Consideration of an Agreed Order assessing administrative penalties against **Maurice Rosalez** in **Wilbarger County**; TCEQ ID No. RN104455019; for licensed irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Kathleen C. Decker, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

- Item 27. **Docket No. 2002-1339-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cameron County** in **Cameron County**; Municipal Solid Waste Unauthorized Site No. 455150066 and Regulated Entity Reference No. RN102131067; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 382 and 361, Tex. Water Code ch.7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jaime Garza, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 28. **Docket No. 2005-0739-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Utilities, Inc. dba Aqua Texas, Inc.** in **Hays County**; RN101513729; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental

Quality, including specifically 30 Texas Administrative Code ch. 60. (Sandy VanCleave, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 29. **Docket No. 2003-0400-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Glen Rose in Somervell County**; Texas Pollutant Discharge Elimination System Permit No. 10177-001, RN101918431; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 30. **Docket No. 2005-0603-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Martindale in Caldwell County**; Water Quality Permit No. 0013450001, RN101521268; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 31. **Docket No. 2003-1296-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rayburn Country Municipal Utility District in Jasper County**; RN102328564; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 32. **Docket No. 2004-0531-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Saint Jo in Montague County**; TCEQ ID Nos. 10368-001 (Expired) and RN103016226; for wastewater treatment plant violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 33. **Docket No. 2005-0636-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Safety-Kleen Systems, Inc. in Denton County**; Texas Pollutant Discharge Elimination System Permit No. 04336, RN103896387; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26

and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 34. **Docket No. 2005-0605-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rogers in Bell County**; Texas Pollutant Discharge Elimination System Permit No. 10804001, RN102184678; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Edward R. Moderow, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 35. **Docket No. 2005-0853-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Olmito Water Supply Corporation in Cameron County**; RN103888004; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 36. **Docket No. 2005-1333-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Iola Independent School District in Grimes County**; RN101221620; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ruben Soto, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 37. **Docket No. 2004-0544-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Haskell in Haskell County**; RN102076866; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 38. **Docket No. 2003-1298-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Lovelady in Houston County**; TCEQ ID Nos. 10734-001 and RN102185543; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Deborah A. Bynum, David Van Soest)

Item remanded to the Executive Director. RM/KW; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 39. **Docket No. 2005-0671-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ANR Investments, Inc. dba ANR Grocery in Montgomery County**; RN102901675; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 40. **Docket No. 2004-0235-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dayton Drive-Thru, Inc. in Liberty County**; Petroleum Storage Tank (PST) Facility ID No. 0075117, Regulated Entity Reference No. RN102243748; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 41. **Docket No. 2002-0222-PST-E.** Consideration of an Agreed Order assessing administrative costs against **U.S. Dept. of the Navy, Naval Air Station Kingsville in Kleberg County**; TCEQ ID Nos. 2411 and RN102376449; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Amie Dutta Richardson, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 42. **Docket No. 2004-1243-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jan Pate dba B D J's in Cherokee County**; TCEQ ID Nos. 71445 and and RN102939162; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 43. **Docket No. 2005-0392-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Samuel Consulting, Inc. dba Circle Full Service Car Wash in Hunt County**; TCEQ ID Nos. 28827 and RN101536969; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 44. **Docket No. 2005-0376-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Daniel Ramirez, Jr. dba Country Village Market** in **Hidalgo County**; TCEQ ID Nos. 71678 and RN102267184; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 45. **Docket No. 2005-0632-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Regency Centers Corporation dba Time Mart 15** in **Harris County**; TCEQ ID Nos. 74463 and RN101736379; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 46. **Docket No. 2004-1662-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alto Corner Market, Inc.** in **Cherokee County**; TCEQ ID Nos. 45663 and RN101846525; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 47. **Docket No. 2005-1283-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Glass, Inc.** in **Dallas County**; RN101553485; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Deana Holland, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 48. **Docket No. 2005-1390-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ozdo, Inc. dba Star Food Mart** in **Randall County**; RN102355500; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brent Hurta, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 49. **Docket No. 2005-1362-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Lackland Mart Inc. dba Valley Hi 66 1** in **Bexar County**; RN100695774; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7

and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Dana Shuler, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 50. **Docket No. 2005-1001-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jung Oil, Inc.** in **Bexar and Guadalupe Counties**; RN104608922; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Howard G. Willoughby, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 51. **Docket No. 2005-1322-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Melinda Lee dba Garrison Fina** in **Nacogdoches County**; RN102224516; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Shontay Wilcher, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 52. **Docket No. 2005-1456-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Culebra Phillips Mart, Inc. dba Culebra Phillips 6** in **Bexar County**; RN100712512; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Dana Shuler, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 53. **Docket No. 2005-1551-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Charles Trice dba Daves Corner Grocery** in **Harrison County**; RN102273646; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Colin Barth, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 54. **Docket No. 2005-1036-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AHS, Inc. dba Amigo Mart** in **Galveston County**; RN101284024; for drinking water quality violations pursuant to Tex.

Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Jill McNew, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 55. **Docket No. 2005-1299-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lake Livingston Water Supply and Sewer Service Corporation in Walker County**; RN101253904; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Brent Hurta, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 56. **Docket No. 2005-1263-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Loop 360 Water Supply Corporation in Travis County**; RN102672565; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (J. Craig Fleming, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 57. **Docket No. 2005-1260-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Travis County MUD 10 in Travis County**; RN101422533; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Joseph Daley, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 58. **Docket No. 2005-1420-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas Conference Association of Seventh-Day Adventists in Travis County**; RN101193019; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sandy VanCleave, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 59. **Docket No. 2005-1228-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sam Rayburn Water, Inc. in San Augustine County**; RN101274165; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lynley Doyen, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 60. **Docket No. 2005-1258-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Winnsboro in Wood County**; RN101388106; for drinking water quality violations pursuant to Tex. Health &

Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality.
(Cheryl Thompson, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 61. **Docket No. 2005-1100-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Town of Quintana in Brazoria County**; RN101242907; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Trina Grieco, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 62. **Docket No. 2005-1288-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rhodia Inc. in Brazoria County**; RN100215177; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Trina Grieco, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 63. **Docket No. 2005-1196-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lower Colorado River Authority in Matagorda County**; RN101240745; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (J. Craig Fleming, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 64. **Docket No. 2005-1073-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hemphill in Sabine County**; RN101254381; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Daniel Siringi, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 65. **Docket No. 2005-0763-PWS-E.** Consideration of an Agreed Order assessing administrative penalties of the **City of Iredell in Bosque County**; RN101386167; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda King-Zrubek, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 66. **Docket No. 2004-1540-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Edgewood in Van**

Zandt County; Public Water Supply No. 2340002, RN101404887; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules

Approve the Agreed Order. KW/LS; all agree.

Item 67. **Docket No. 2004-0944-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Alpine in Brewster County**; Public Water System No. 0220001; Regulated Entity ID No. RN101176261; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Brian Lehmkuhle, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 68. **Docket No. 2004-1984-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jack and Rhonda Vanover dba Casey Homes Estates Public Water Supply in Lubbock County**; Public Water Supply Registration No. 1520188, RN102679305; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Michael Meyer, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 69. **Docket No. 2005-0607-PWS-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Craig Turner dba Turner Water Service in Fort Bend County**; TCEQ ID Nos. 0790190 and RN101243129; for public water supply violations pursuant to Tex. Water Code ch. 5, the Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Kathleen C. Decker, David Van Soest)

Approve the Default Order. KW/LS; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 70. **Docket No. 2005-0637-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lexicon, Inc. in Montgomery County**; RN104467402; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

Item 71. **Docket No. 2005-1029-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Quality Concrete & Materials Co., Ltd. in Orange County**; RN102601390; for industrial & hazardous waste violations pursuant to Tex. Water Code

chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Daniel Siringi, David Van Soest)

Approve the Agreed Order. KW/LS; all agree.

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 72. **Docket No. 2005-0080-WQ-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Vernco Construction, Inc.** in **Bexar County**; TCEQ ID No. RN103012571; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shannon Strong, David Van Soest)

Approve the Default Order. KW/LS; all agree.

AIR QUALITY STANDARD PERMIT

Item 73. **Docket No. 2005-1820-MIS.** Consideration for issuance of a new **air quality standard permit for animal carcass incinerators** (pet crematories) under 30 TAC Chapter 116, Subchapter F, Standard Permits. The new air standard permit will be effective January 16, 2006. Notice of the proposed standard permit was published in the June 24, 2005 issue of the *Texas Register*. (Blake Stewart/Les Trobman)

Approve the issuance of the new air quality standard permit. KW/RM; all agree.

BUDGET ITEM

Item 74. **Docket No. 2005-0814-BGT.** CONSIDERATION OF FISCAL YEAR 2006 ASSESSMENT OF COSTS FOR **WATERMASTER OPERATIONS IN THE CONCHO RIVER WATERMASTER PROGRAM.** For Commission Action pursuant to Texas Water Code Section 11.329; and 30 Texas Administrative Code Sections 12.1; 12.3; 12.5 and 304.61, the Executive Director requests that the Commission consider costs of administration for the fiscal year beginning September 1, 2005 and ending August 31, 2006 for appropriators in the Concho River Watermaster Program created by Tex. Water Code Chapter 11 Subchapter K. The Concho River Watermaster Program includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir, located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in **Concho County**. The Executive Director requests approval of an assessment amount of One Hundred Seventy-Seven Thousand Dollars, with the assessment per account to consist of a \$50.00 base charge plus a use fee and/or a storage fee calculated from the authorized acre-feet. A penalty of 5.0% of any delinquent fee due shall be imposed on a person who fails to pay the required fee when due and if the person fails to pay the fee within 30 days after the day which the fee is due, an additional 5.0%

penalty shall be imposed. Delinquent fees will accrue interest beginning on the 61st day after their due date. (Pat Hooper/Robin Smith)

Approve the 2006 fiscal year assessment of costs for Watermaster Operations in the Concho River Watermaster Program. KW/RM; all agree.

STATE IMPLEMENTATION PLAN ITEMS

Item 75. **Docket No. 2005-0877-SIP.** Consideration of the adoption of revisions to the state implementation plan (SIP) to incorporate a plan for maintenance of the **8-hour ozone national ambient air quality standard (NAAQS)** in **El Paso County** as required by 40 CFR Section 51.905(a)(3). The revision contains results of an updated attainment emissions inventory and technical analyses in support of the projections demonstrating maintenance of the 8-hour ozone standard through 2014; a discussion of monitoring data demonstrating attainment of the 1-hour and 8-hour ozone NAAQS; and a discussion of the contingency plan and control strategies. The proposed SIP revision was considered at the July 27, 2005, Commission Agenda. (Erik Gribbin, Laura Pfefferle) (Rule Project No. 2005-017-SIP-NR)

Adopt the revisions to the state implementation plan to incorporate a plan for maintenance of the 8-hour ozone national ambient air quality standard in El Paso County. KW/RM; all agree.

Item 76. **Docket No. 2005-0878-SIP.** Consideration of the adoption of revisions to the state implementation plan (SIP) supporting the request for redesignation of the **El Paso carbon monoxide nonattainment area** to attainment. The revisions incorporate a plan for the maintenance of the carbon monoxide national ambient air quality standard (NAAQS) in El Paso through 2015. The adopted SIP revision contains an updated emissions inventory and provides motor vehicle emissions budget (MVEB) projections through 2015. The revision includes discussion of data collection, modeling, monitoring, and technical analyses underlying the components of the redesignation request. The proposed SIP revision was considered at the July 27, 2005, Commission Agenda. (Erik Gribbin, Laura Pfefferle) (Rule Project No. 2005-028-SIP-NR)

Adopt revisions to the state implementation plan supporting the request for redesignation of the El Paso carbon monoxide nonattainment area. KW/RM; all agree.

RULE MATTERS

Item 77. **Docket No. 2005-1353-RUL.** Consideration of the adoption of amendments to **30 TAC Chapter 337**, Dry Cleaner Environmental Response, Sections 337.3, 337.11, 337.13 - 337.15, 337.20, 337.22, 337.30, 337.31, 337.61, and 337.62.

The adoption would comply with House Bill 2376 and Senate Bill 444, 79th Legislature, 2005, Regular Session, relating to the environmental regulation and remediation of dry cleaning facilities. The adopted rules amend annual registration fees assessment calculations; establish new compliance deadlines for performance standards for dry cleaning facilities; provide that the commission will request the comptroller to verify that the owner is in good standing with the state and is reporting gross receipts consistently with what was

reported to the comptroller; clarify the designation of a nonparticipating status and establish new deadlines and fee credits for nonparticipating sites; and clarify and establish procedures to administer and enforce the program. The proposed rules were published in the October 14, 2005, issue of the *Texas Register* (30 TexReg 6571). (Don Kennedy, Caroline Sweeney) (Rule Project No. 2005-043-337-PR)

Adopt amendments to 30 TAC Chapter 337, Sections 337.3, 337.11, 337.13 - 337.15, 337.20, 337.22, 337.30, 337.31, 337.61, and 337.62. KW/LS; all agree.

Item 78. **Docket No. 2005-1050-RUL.** Consideration for adoption of amended Sections 116.12, 116.150, 116.151, 116.160, and 116.610; the repeal of Sections 116.180 - 116.183, 116.410, and 116.617; and new Sections 116.121, 116.180, 116.182, 116.184, 116.186, 116.188, 116.190, 116.192, 116.194, 116.196, 116.198, 116.400, 116.402, 116.404, 116.406, 116.617, and 116.1200 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification; and corresponding revisions to the state implementation plan.

The adoption would amend Chapter 116 to implement federal new source review reform. The specific areas addressed are definitions, plant-wide applicability limits, actual-to-projected actual emission test, and emission baseline determination. The pollution control project standard permit would be amended to incorporate a change resulting from new source review reform, require the inclusion of maintenance, start-up, and shutdown emissions, and to reorganize requirements. The adoption would also reorganize portions of Chapter 116 to allow the inclusion of the proposed new sections. The proposed rules were published in the September 30, 2005, issue of the *Texas Register* (30 TexReg 6183). (Beecher Cameron, Janis Hudson) (Rule Project No. 2005-010-116-PR)

Adopt amended Sections 116.12, 116.150, 116.151, 116.160, and 116.610; the repeal of Sections 116.180 - 116.183, 116.410, and 116.617; and new Sections 116.121, 116.180, 116.182, 116.184, 116.186, 116.188, 116.190, 116.192, 116.194, 116.196, 116.198, 116.400, 116.402, 116.404, 116.406, 116.617, and 116.1200 of 30 TAC Chapter 116, and corresponding revisions to the state implementation plan. KW/RM; all agree.

EXECUTIVE SESSION

Item 79. **Docket No. 2006-0001-EXE.** The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 80. **Docket No. 2006-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open

Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 81. **Docket No. 2006-0003-EXE.** The Commission will conduct a closed session to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

AGENDA

Wednesday, January 11, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2004-0171-IHW-E; SOAH Docket No. 582-05-3401.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Fuel Brokers, Inc. in Bexar County, Texas**; TCEQ Solid Waste Registration No. 3165; Hazardous Waste Permit No. 50118; regarding industrial hazardous waste violations pursuant to 30 Tex. Admin. Code §§ 335.2 and 305.64(g), 40 CFR § 264.117, and the rules of the Texas Commission on Environmental Quality.

Adopt the ALJ's Order with the Executive Director's exceptions. KW/RM; all agree.

- Item 2. **TCEQ Docket No. 1996-0209-WR; SOAH Docket No. 582-96-0144.** Consideration of an Order, which is the proposed **Final Determination in the Adjudication of All Claims of Water Rights in the Upper Rio Grande Segment of the Rio Grande Basin**, which is located above Fort Quitman, Texas, in **El Paso and Hudspeth Counties**, pursuant to Chapter 11, Subchapter G of the Texas Water Code. The Commission entered an Order, which constituted the Preliminary Determination in this matter on August 10, 2005. Notice of the Preliminary Determination was provided as required by Texas Water Code Chapter 11, Subchapter G, and no contests of the Preliminary Determination were received.

Adopt the proposed Final Determination with a correction to the name of Ms. Kimpel on page 19. KW/RM; all agree.

- Item 3. **Docket No. 2004-1705-MIS.** Consideration of the Request by the **South Central Texas Water Advisory Committee (SCTWAC)** for the Commission to review the Edwards Aquifer Authority (EAA) Board of Directors' approval of Resolution and Order No. 12-03-478, which adopted revised permit regulations for groundwater withdrawals from the Edwards Aquifer in Chapter 711 of the EAA Rules. SCTWAC is a committee that advises the EAA on water rights and other issues that may affect interests downstream of the Edwards Aquifer and has requested a Commission review under Section 1.10 of the EAA Act. The Executive Director has filed recommendations regarding: (1) the impact of the EAA's Junior/Senior permit rules on downstream water interests, particularly surface water rights holders; and (2) whether the EAA's Junior/Senior permit rules are contrary to a Commission action affecting downstream interests, particularly the issuance, administration and enforcement of existing and future surface water rights. The Commission will also consider the response briefs to the recommendations filed by

SCTWAC and the EAA. The Commission may consider making a recommendation to the EAA Board of Directors under Section 1.10 of the EAA Act.

Adopt the proposed [Resolution](#) as provided by the Chairman and revised at the dais. KW/LS; all agree.

/s/ Tracy Gross
Assistant General Counsel,
Tracy Gross

1-30-2006
Date