

Chairman Kathleen White
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, February 21, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the January 24, 2007 agenda.

- Item 1. **Docket No. 2006-0802-RUL.** Consideration of the adoption of amended Sections 350.2 - 350.4, 350.33, 350.34, 350.37, 350.51, 350.54, 350.71, 350.73 - 350.77, 350.79, 350.91 - 350.96, 350.111, and 350.134, and new Section 350.90 of **30 TAC Chapter 350**, Texas Risk Reduction Program.

The adopted rulemaking amends various provisions in the existing rules to update, clarify, correct errors, and reflect policy changes. The proposed rules were published in the September 8, 2006, issue of the *Texas Register* (31 TexReg 7257). (Maria Lebron, Courtney Sprague, and Les Trobman) (Rule Project No. 2005-033-350-PR)

Item continued by the General Counsel to the 2-21-2007 agenda at 1:00 P.M.

Item continued from the February 7, 2007 agenda.

- Item 2. **Docket No. 2005-1801-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Parks and Wildlife Department in Harris County**; TCEQ ID No. RN102469988; 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. (Robert R. Mosley, Jennifer Cook)

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

Item continued from the February 7, 2007 agenda.

- Item 3. **Docket No. 2006-1947-AIR.** Consideration of application by **Ryno Materials Inc.** for New Air Quality Standard Permit 76818 to authorize the construction of a permanent concrete batch plant. The proposed plant site is located two miles south of Celina on County Road 53, west of Highway 289, in Celina, **Collin 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. (Shelley Stratmann, Brad Patterson)

Item continued by the General Counsel to a future agenda to be determined by the General Counsel.

AGENDA

Wednesday, February 21, 2007

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. 2006-1515-MWD.** Consideration of the application by the **Headwaters Development Co.** for a new permit, proposed TCEQ Permit No. WQ0014587001, to authorize the disposal of treated domestic wastewater with a daily average flow not to exceed 325,000 gallons per day via surface and subsurface drip irrigation of 75 acres. The wastewater treatment facility and disposal site will be located northeast of the intersection of Rural Route 12 and U.S. Highway 290 east of the City of Dripping Springs, in **Hays 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. (Names of presenters: Michael Northcutt, Kent H. Trede)

Item continued to a future agenda to be determined by the General Counsel.

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 2. **Docket No. 2006-1231-AGR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Roger Gomez dba Optimum Calves and Optimum Calves, L.L.C.** in **Bailey County**; RN104925334; 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. (Lynley Doyen, Steven Lopez)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 3. **Docket No. 2005-1906-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **ExxonMobil Oil Corporation** in **Jefferson County**; TCEQ ID No. RN102450756; 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. (Shawn Slack, Jennifer Cook)

Item remanded to the Executive Director.

- Item 4. **Docket No. 2006-0537-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Price Construction, Ltd.** in **Val Verde County**; TCEQ ID No. RN102743747; 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. (Rachael Gaines, Jennifer Cook)

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

Item 5. **Docket No. 2006-0947-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cerrito Gas Processing, L.L.C. in Webb County**; RN102521150; 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. (Jessica Rhodes, Steven Lopez)

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

Item 6. **Docket No. 2006-0422-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **ISP Synthetic Elastomers LP in Jefferson County**; RN100224799; 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. (Daniel Siringi, David Van Soest)

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

Item 7. **Docket No. 2006-0959-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Clarke Products, Inc. in Tarrant County**; RN102891108; 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 Barry, Steven Lopez)

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

Item 8. **Docket No. 2006-1233-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **La Moderna, Inc. in El Paso County**; RN100820703; 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. (Miriam Hall, Steven Lopez)

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

Item 9. **Docket No. 2006-1441-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rental Service Corporation in El Paso County**; RN102382041; 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. (Jessica Rhodes, Steven Lopez)

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

Item 10. **Docket No. 2006-0874-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Barge & Boat, Inc. in Brazoria County**; RN102037959; 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. (Miriam Hall, Steven Lopez)

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

Item 11. **Docket No. 2006-0783-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Sunoco, Inc. (R&M) in Harris County**; RN100524008; 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 Barry, Steven Lopez)

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

Item 12. **Docket No. 2006-1439-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Magellan Pipeline Company, L.P. in Ector County**; RN100244979; 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. (Bryan Elliott, Steven Lopez)

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

Item 13. **Docket No. 2006-1258-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Lufkin Industries, Inc. in Angelina County**; RN100221613; 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 Barry, Steven Lopez)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 14. **Docket No. 2006-1417-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dung Van Le dba 1.19 Super Cleaners in Harris County**; RN100898592; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

Item 15. **Docket No. 2006-1607-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **6914 M.L.K. Center, Inc. dba Pilgrim Laundry & Dry Cleaners in Harris County**; RN103993648; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

Item 16. **Docket No. 2006-1270-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stepano Young Kim, Jr. dba Brookhaven Cleaners** in **Dallas County**; RN102801354; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Steven Lopez)

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

Item 17. **Docket No. 2006-1580-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **D & M Cleaners, Inc. dba D & M Cleaners** in **Hidalgo County**; RN104000278; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Cari-Michel LaCaille, Steven Lopez)

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

Item 18. **Docket No. 2006-1314-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Mikyung Lim dba Fountain Place Cleaners** in **Dallas County**; RN103982427; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Colin Barth, Steven Lopez)

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

Item 19. **Docket No. 2006-1435-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Mylan Enterprises, Inc. dba Dry Clean Super Center** in **Collin County**; RN104098934; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

Item 20. **Docket No. 2006-1341-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MH Cleaners, Inc. dba Lone Star Cleaners & Laundry** in **Dallas County**; RN101052694; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Alison Echlin, Steven Lopez)

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

Item 21. **Docket No. 2006-1375-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jaime Granados dba McAllen Cleaners** in **Hidalgo County**; RN102394061; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Shontay Wilcher, Steven Lopez)

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

Item 22. **Docket No. 2006-1322-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Abdourezak M. Oman dba Lincoln Centre Cleaners** in **Dallas County**; RN104987433; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Colin Barth, Steven Lopez)

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

Item 23. **Docket No. 2006-1501-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Heather Anne Jernigan dba Jernigan Cleaners** in **Polk County**; RN104102884; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jason Godeaux, Steven Lopez)

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

Item 24. **Docket No. 2006-1707-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kyung Hughes dba Jen's Cleaners** in **Coryell County**; RN104208525; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (J. Craig Fleming, Steven Lopez)

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

Item 25. **Docket No. 2006-1321-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Iturrino and Associates, Inc. dba Dry Cleaner Super Center** in **Tarrant County**; RN104523485; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

Item 26. **Docket No. 2006-1536-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tinh Nguyen dba Hi Quality Cleaners** in **Harris County**; RN104155510; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jason Godeaux, Steven Lopez)

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

Item 27. **Docket No. 2006-1104-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hamid Enterprises Inc. dba Dilleys Dry Cleaner** in **Harris County**; RN102644242; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (J. Craig Fleming, Steven Lopez)

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

Item 28. **Docket No. 2006-1357-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Windemere Lakes, L.L.C. dba \$1.25 Dry Clean World in Harris County;** RN104609151; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Steven Lopez)

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

Item 29. **Docket No. 2006-1648-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hye Yon Taylor dba Texas Cleaners in Bell County;** RN105010508; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Steven Lopez)

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

Item 30. **Docket No. 2006-1377-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Royal Family Corporation dba A-1 Cleaners in Harris County;** RN103962429; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Thomas Greimel, Steven Lopez)

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

Item 31. **Docket No. 2006-1612-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Raymond Goolsby dba Rainbow Cleaners in Trinity and Houston Counties;** RN104096318 and RN104096276; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Steven Lopez)

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

Item 32. **Docket No. 2006-1610-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Rainbow \$1.25 Cleaners, Inc. dba Rainbow Cleaners IV in Bexar County;** RN104075098; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Steven Lopez)

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

Item 33. **Docket No. 2006-1007-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jose I. Ortiz dba Quality First Cleaners in Dallas County;** RN100736222; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rajesh Acharya, Steven Lopez)

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

Item 34. **Docket No. 2006-1239-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PJ's Cleaners, Inc. dba US Cleaners in Webb County**; RN104067350 and RN104067376; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Steven Lopez)

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

Item 35. **Docket No. 2006-1561-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Van Thi Pham dba NY Cleaners in Harris County**; RN104983267; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Steven Lopez)

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

Item 36. **Docket No. 2006-1088-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Noorain, Inc. dba Country Cleaners, Joy Cleaners, Professional Cleaners, Deluxe Cleaners, and Country Cleaners in Harris County**; RN104983952, RN104991393, RN104963517, RN104990049, and RN104989975; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Steven Lopez)

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

Item 37. **Docket No. 2006-1477-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Paul Martin Moore III dba D & M Cleaners in Hidalgo County**; RN103771911; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Thomas Greimel, Steven Lopez)

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

Item 38. **Docket No. 2006-1620-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alvin G. Randolph dba Crown Cleaners in Jefferson County**; RN105004022; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

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

Item 39. **Docket No. 2006-0788-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **C. Kun, Corp. dba One Hour Martinizing in Dallas County**; RN103967691; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Cheryl Thompson, Steven Lopez)

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

Item 40. **Docket No. 2006-1161-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James A. Buford dba Buford's Cleaning in Webb County**; RN104137427; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Thomas Greimel, Steven Lopez)

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

Item 41. **Docket No. 2006-1134-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Al-Ameen, Inc. dba Plus Cleaners in Fort Bend County**; RN101996262; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

Item 42. **Docket No. 2006-1425-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **777 Enterprises, Inc. dba C Martinez Tailors & Dry Cleaners in Parker County**; RN103029914, RN104963509 and RN100570597; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Steven Lopez)

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

Item 43. **Docket No. 2006-1214-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Henry Janer dba 1.35 Cleaners in Harris County**; RN104990056; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rajesh Acharya, Steven Lopez)

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

FIELD CITATION

Item 44. **Docket No. 2006-1913-WQ-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Nash Trucking & Construction Inc. in Cass County**; RN105019947; for a stormwater violation 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, Steven Lopez)

Approve the Field Citation. KW/LS; all agree.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 45. **Docket No. 2004-2109-IHW-E.** Consideration of an Agreed Order assessing administrative penalties against **Teer Plating Co., Inc. in Dallas County**; TCEQ ID No. RN100585520; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, 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. (Jim Sallans, Jennifer Cook)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 46. **Docket No. 2003-0543-LII-E.** Consideration of an Agreed Order assessing administrative penalties against **Ricardo Ortega dba Ortega's Trees & Landscaping in Guadalupe County**; TCEQ ID No. RN103126249; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7, 34 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Laurencia Fasoyiro, Jennifer Cook)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 47. **Docket No. 2006-0271-LII-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Janice L. Wilson in Austin County**; TCEQ ID No. RN104664826; for landscape irrigator installer violations pursuant to Tex. Water Code ch. 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 48. **Docket No. 2003-0347-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Coleman in Coleman County**; TCEQ ID Nos. CO-0003-M, 0420001, RN102521994 and RN102424645; for air and public water supply violations pursuant to Tex. Health & Safety Code chs. 341 and 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, Jennifer Cook)

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

Item 49. **Docket No. 2005-1242-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Alpine in Brewster County**; RN103114690; 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, Steven Lopez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 50. **Docket No. 2006-0742-MSW-E.** Consideration of an Agreed Order assessing administrative penalties against **BFI Waste Services of Texas, LP dba Allied Waste Services of Beaumont**

in **Jefferson County**; RN102035011; 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. (Audra L. Ruble, Steven Lopez)

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

Item 51. **Docket No. 2005-0884-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Port Arthur in Jefferson County**; RN100225390; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, 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. (Thomas Greimel, Steven Lopez)

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

Item 52. **Docket No. 2006-0877-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cu Hoang in Montgomery County**; RN104946777; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Steven Lopez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 53. **Docket No. 2006-1021-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kerrville in Kerr County**; RN100844802; 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, Steven Lopez)

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

Item 54. **Docket No. 2006-0966-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pflugerville in Travis County**; RN101611440; 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. (Merrilee Hupp, Steven Lopez)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 55. **Docket No. 2003-0357-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pharr in Hidalgo County**; TCEQ ID No. RN101429413; 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, Jennifer Cook)

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

Item 56. **Docket No. 2006-1567-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Bill L. Dover Company, Inc. dba Wildwood Country Store in Hardin County**; RN102445947; for petroleum storage tank 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. (Judy Kluge, Steven Lopez)

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

Item 57. **Docket No. 2005-1189-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Metroplex Lucky Star, LLC dba Coastal 1 in Grayson County**; TCEQ ID No. RN101560977; 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. (Jacquelyn Boutwell, Jennifer Cook)

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

Item 58. **Docket No. 2005-0041-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Madat Hirani dba Circle J Food Store in Harris County**; TCEQ ID No. RN102405768; 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. (Rachael Gaines, Jennifer Cook)

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

Item 59. **Docket No. 2004-1114-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Imran Investments, Inc. dba Mainland Texaco in Galveston County**; TCEQ ID Nos. 23164 and RN103150868; 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. (Justin Lannen, Jennifer Cook)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 60. **Docket No. 2004-0982-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Will Harper in Jefferson County**; TCEQ ID No. RN104066121; 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. (Jim Sallans, Jennifer Cook)

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

Item 61. **Docket No. 2004-1677-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Paula A. Hicks in Houston County**; TCEQ ID No. RN104154315; 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. (Justin Lannen, Jennifer Cook)

Item remanded to the Executive Director.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 62. **Docket No. 2005-0135-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **New Town Water Corporation in Colorado County**; TCEQ ID No. RN101179109; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Shawn Slack, Jennifer Cook)

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

Item 63. **Docket No. 2006-1102-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Ballinger in Runnels County**; RN101409928; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amy Martin, Steven Lopez)

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

Item 64. **Docket No. 2005-1990-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **EAS Oil, LLC dba Stage Coach Stop in Gillespie County**; RN101776540; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Cari-Michel LaCaille, Steven Lopez)

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

Item 65. **Docket No. 2006-1033-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tim O'Brien dba O'Brien's Restaurant in Kendall County**; RN104189303; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Colin Barth, Steven Lopez)

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

Item 66. **Docket No. 2006-1129-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Maverick County in Maverick County**; RN101253565; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Steven Lopez)

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

Item 67. **Docket No. 2006-1061-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Chivly Kaing Pich dba Bernard Grocery in Brazoria County**; RN101282242; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Steven Lopez)

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

Item 68. **Docket No. 2005-1298-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **U.S. International Boundary and Water Commission in Starr County**; TCEQ ID No. RN101214732; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca M. Combs, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 69. **Docket No. 2005-1291-PWS-E.** Consideration of a Default Order assessing administrative penalties against **Sadrudin & Sons, Inc. dba Churchill Grocery in Brazoria County**; TCEQ ID No. RN101906204; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Mark Curnutt, Jennifer Cook)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 70. **Docket No. 2006-1688-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **John Thames Excavating, Ltd. in Hays County**; RN105023899; 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, Steven Lopez)

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

Item 71. **Docket No. 2006-0757-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Tom Woodruff Signature Homes, L.L.C. in Midland County**; RN104902127; 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. (Clinton Sims, Steven Lopez)

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

TMDL MATTER

- Item 72. **Docket No. 2006-2230-TML.** Consideration for approval to publish and solicit public comment on seventeen draft TMDLs for bacteria, dissolved oxygen, and pH in **Adams Bayou, Cow Bayou, and their tributaries** (Segments 0508, 0508A, 0508B, 0508C, 0511, 0511A, 0511B, 0511C, and 0511E) of the Sabine River Basin, in **Jasper, Newton and Orange Counties.** (Faith Hambleton, Marc Friberg)

The Commissioners approved for publication and solicitation of public comment the seventeen draft TMDLs as recommended by Executive Director staff, including the additional changes proposed by his staff during their presentation. KW/LS; all agree.

USE DETERMINATION MATTERS

- Item 73. **TCEQ Docket Nos. 2006-0547-MIS-U; 2006-0535-MIS-U; 2006-1369-MIS-U; 2006-0588-MIS-U; 2006-0589-MIS-U; 2006-0590-MIS-U; and 2006-1395-MIS-U.** Consideration of the appeals filed by the Chief Appraisers of **Runnels, Mitchell, Wise, Parker and Erath Counties** with regard to eight use determinations issued by the Executive Director regarding **Union Drilling Texas LP.** The use determinations concern the Union Drilling Texas LP applications seeking exemption from property taxation for property and equipment associated with drilling rigs and drilling activity that were assigned the following Application Numbers: 05-9441 through 05-9443; 05-9446 through 05-9449; and 05-9452. The corresponding use determination numbers for these applications are: UD 05-9441 & 05-9442 (Runnels County); UD 05-9443 (Mitchell County); UD 05-9446 (Wise County); UD 05-9447, UD 05-9448, and UD 05-9449 (Parker County); and UD 05-9452 (Erath County). The Commission will also consider all responses, replies and supplemental briefs.

Deny the appeals and affirm the Executive Director's decision; recommend to and request the Executive Director establish an advisory committee to assist agency staff with regard to periodic reviews of the PEL; direct the General Counsel to set the remaining identical appeals on a future agenda if they are not withdrawn. KW/LS; all agree.

STATE IMPLEMENTATION PLAN

- Item 74. **Docket No. 2006-1548-SIP.** Consideration for the adoption of El Paso County Area **Natural Events Action Plan** (NEAP) to implement requirements of the United States Environmental Protection Agency's Natural Events Policy. The adoption of the NEAP would manage exceedances of the particulate matter (PM10 and PM2.5) national ambient air quality standards that can be attributed to uncontrollable natural events such as unusually high winds that result in dust storms. The NEAP protects public health by providing information to educate the public about the harmful effects of high concentrations of PM and by requiring implementation of the best available control measures for emissions from anthropogenic sources. Notice of the proposed NEAP was published in the November 17, 2006, issue of the *Texas Register* (31TexReg 9507). (Ita Ufot, Laura Pfefferle) (Project No. 2006-040-SIP-NR)

Adopt the El Paso County Area Natural Events Action Plan. KW/LS; all agree.

RULE MATTERS

- Item 75. **Docket No. 2006-1785-RUL.** Consideration for publication of proposed amended Sections 305.69, 305.175, 305.571, and 305.572 of **30 TAC Chapter 305**, Consolidated Permits; and amended Sections 335.1, 335.29, 335.31, 335.152, 335.221, 335.431, and 335.504 of **30 TAC Chapter 335**, Industrial Solid Waste and Municipal Hazardous Waste.

The proposed rulemaking would update Chapter 305 and Chapter 335 to include federal rule changes in Federal Rule Clusters XI, XII, XIII, and XV. The proposed rulemaking would amend hazardous air pollutant standards for combustors; amend permitting standards for corrective action management units (CAMUs); amend the definition of a solid waste, which excludes some wastes from being characteristically hazardous; amend standards for fertilizers that contain K061 wastes; amend Resource Conservation and Recovery Act (RCRA) air emission standards for owners and operators of treatment, storage, and disposal facilities to exempt air emissions from certain activities that are covered by the final national emission standards (NESHAP); finalize NESHAP standards for hazardous air pollutants for hazardous waste combustors; add new constituents to the list of hazardous wastes (K174, K175, K176, K177, and K178) and one nonwastewater (K181); and amend land disposal restrictions for three inorganic chemical manufacturing wastes (K176, K177, and K178) and hazardous non-wastewaters generated from the production of certain dyes, pigments and food, and drug and cosmetic colorants (K181). (Cynthia Palomares, Dawn Burton) (Rule Project No. 2006-032-335-PR)

Approve for publication the proposed amended Sections of 30 TAC Chapter 305 and 30 TAC Chapter 335, with the changes proposed by Executive Director staff during their presentation. KW/LS; all agree.

- Item 76. **Docket No. 2006-2162-RUL.** Consideration for publication of, and hearing on, the proposed amendments to **30 TAC Chapter 114**, Sections 114.1 and 114.270, and the repeal of 30 TAC Chapter 114, Sections 114.4, 114.201, 114.202, and 114.618 and corresponding revisions to the state implementation plan.

The proposed rulemaking would revise certain transportation and air quality rules and definitions through the repeal of certain Texas Clean Fleet program elements, specifically mobile source emissions credits; the repeal of the transportation control measure substitution process, which was superseded by federal requirements; and the repeal of a requirement that vehicle manufacturers publish a brochure listing eligible new light-duty motor vehicles on an annual basis. (Santos Olivarez, Dan Long) (Rule Project No. 2006-050-114-EN)

Approve for publication of, and hearing on, the proposed amendments to 30 TAC Chapter 114 and corresponding revisions to the state implementation plan. KW/LS; all agree.

- Item 77. **Docket No. 2006-0781-RUL.** Consideration for adoption of an amendment to **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification, Section 116.615; and an amendment to **30 TAC Chapter 321**, Control of Certain Activities by Rule, Section 321.43. The amendment to Chapter 116 will be submitted as a revision to the state implementation plan.

Consideration of the withdrawal of the proposal of Sections 116.110, 116.116, 116.710, 116.721, 116.787, 116.805, 116.820, 116.930, 116.1020, 116.1021, and 116.1424. The rulemaking would implement statutory requirements of Senate Bill 1740, 79th Legislature, 2005, Regular Session, concerning distance limits, setbacks, and buffer zones specified in air quality standard permits. The proposed rules were published in the September 8, 2006, issue of the *Texas Register* (31 TexReg 7245 and 7255). (Mike Wilhoit, John Minter) (Rule Project No. 2005-052-116-PR)

Adopt amended 30 TAC Chapter 116, Section 116.115, and amended 30 TAC Chapter 321, Section 321.43, withdraw various sections as recommended by staff, and approve submission of amended Section 116.115 as a revision to the State Implementation Plan. KW/LS; all agree.

EXECUTIVE SESSION

Item 78. **Docket No. 2007-0001-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 and General Counsel, 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.

Commission did not meet in closed session.

Item 79. **Docket No. 2007-0002-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.

Commission did not meet in closed session.

Item 80. **Docket No. 2007-0003-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.

Commission did not meet in closed session.

(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.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: [HTTP://WWW.TEXASADMIN.COM/cgi-bin/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)

OLD BUSINESS AGENDA

Wednesday, February 21, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.
12100 Park 35 Circle
Room 201S, Bldg. E

Item continued from the January 24, 2007 agenda.

- Item 1. **TCEQ Docket No. 2005-1582-IHW-E; SOAH Docket No. 582-06-2407.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Joe Boy Johnson** in **McCulloch County**, Texas; TCEQ Enforcement ID 26818, violations pursuant to 30 Texas Admin Code §§ 335.2(a) and 335.4, 40 Code of Federal Regulations § 270.1, and Tex. Water Code ch. 7. (Mark Curnutt)

Item continued to the March 28, 2007 agenda.

Item continued from the January 24, 2007 and morning February 21, 2007 agendas.

- Item 2. **Docket No. 2006-0802-RUL.** Consideration of the adoption of amended Sections 350.2 - 350.4, 350.33, 350.34, 350.37, 350.51, 350.54, 350.71, 350.73 - 350.77, 350.79, 350.91 - 350.96, 350.111, and 350.134, and new Section 350.90 of **30 TAC Chapter 350**, Texas Risk Reduction Program.

The adopted rulemaking amends various provisions in the existing rules to update, clarify, correct errors, and reflect policy changes. The proposed rules were published in the September 8, 2006, issue of the *Texas Register* (31 TexReg 7257). (Maria Lebron, Courtney Sprague, and Les Trobman) (Rule Project No. 2005-033-350-PR)

Adopt amended Sections to 30 TAC Chapter 350 with the revised language provided by both the Executive Director and the Texas Chemical Council. KW/LS; all agree.

AGENDA

Wednesday, February 21, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2004-0054-MSW; SOAH Docket No. 582-04-5745.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of the **City of Anson** for a new permit to operate a municipal solid waste landfill facility in **Jones County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application and related filings, exceptions and replies.

Adopt the ALJ's proposed Order with the changes proposed by the Chairman at the dais; adopt the Executive Director's Response to Comments; and grant the proposed permit. KW/LS; all agree.

- Item 2. **Docket No. 2006-2249-WQ.** Consideration of the Motion to Overturn filed by the **City of Groesbeck** concerning the Executive Director's issuance of authorization number TXR05T197 to **Connors Construction, Inc.**, following its submission of the Notice of Intent for coverage under the TPDES multi-sector storm water general permit (TXR050000) in accordance with Chapter 26 of the Texas Water Code and Chapter 205 of the Commission's rules. The facility is a limestone quarry and crushing operation located on the east side of County Road 400, approximately 200 feet west of the Navasota River in **Limestone County**. The Commission will also consider the response briefs filed by Connors Construction, Inc., the Executive Director, and the Office of Public Interest Counsel and the supplemental and reply briefs filed by the City of Groesbeck. (Bob Brush, Cynthia Hooper)

Deny the Motion to Overturn. KW/LS; all agree.

(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 12:30 P.M. UNTIL 1:00 P.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

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/s/ Celeste Baker
Assistant General Counsel,
Celeste Baker

2-21-2007
Date