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Backup documents filed with the OCC and distributed to the Commissioners will be added to this document daily until 5:00 p.m. Friday before the given agenda date. Updates to backup documents will be noted by a purple indicator. Documents filed less than five days before the agenda date will not be added to this document. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 11 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).

Chairman H.S. Buddy Garcia
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, October 24, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

12100 Park 35 Circle

Room 201S, Bldg. E

Item continued from the October 10, 2007 agenda.

- Item 1. [Docket No. 2007-0404-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Jefferson County**; RN100209857; 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. (Nadia Hameed, David Van Soest)

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

AGENDA

Wednesday, October 24, 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. 2007-1165-AIR](#). Consideration of application by **H&B Contractors, Ltd.** for renewal of Air Quality Permit No. 2345 to authorize continued operation of its hot mix asphalt plant. The site is located at 2017 East Tinsley Road, Waco, **McLennan County**. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Alyssa Aston, Dede Sigman)

Deny the hearing request, grant the permit renewal and adopt the Executive Director's Response to Comments. LS/BG; all agree.

- Item 2. [Docket No. 2007-1178-MWD](#). Consideration of the application by **Lerin Hills, Ltd.** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014712001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 500,000 gallons per day. The wastewater treatment facility will be located approximately 4.1 miles west of Interstate Highway 10, as measured along State Highway 46, and then approximately 200 feet due west from that point on State Highway 46 in **Kendall 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. (Kathy Humphreys, Mary Ann Airey)

Grant the request to extend the deadline for filing hearing request. Grant the hearing request of William "Rick" Wood; deny the requests of Kendall County Utility Company and Tapatio Springs Service Company; and allow Kendall County Development Company, Mountainview at Tapatio, and Tapatio Springs Real Estate Holdings to seek party status with SOAH. Refer the matter to SOAH on the issues of: 1. whether the proposed discharge will be in compliance with regulations that are intended to protect groundwater and surface water quality; 2. whether the effluent limitations in the draft permit are protective of water quality and the designated uses of the receiving waters; 3. whether the permit would authorize the Applicant to discharge the appropriate amount of wastewater based on the service area projections; 4. whether the proposed facility would comply with the siting requirements in 30 TAC § 309.12; 5. whether the facility will meet the rule requirements intended to reduce nuisance odor conditions; 6. whether the Applicant's compliance history is such that the permit should not be issued; and 7. whether other requirements number one and operational requirements number four of the draft permit with regard to plant operator and safety requirements are sufficient to ensure compliant plant operations, with a maximum hearing duration of nine months, and continue mediation concurrently with the referral. Urge the Executive Director to participate in the hearing and request the ALJ file Findings of Fact, Conclusions of Law, and Ordering Provisions with the Proposal for Decision. LS/BG; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

- Item 3. [Docket No. 2007-0196-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nico Jaap de Boer** in **Henderson County**; RN103920385; 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, David Van Soest)

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

- Item 4. [Docket No. 2007-0588-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **J.B. Grand Canyon Dairy, L.P.** in **Erath County**; RN100794155; 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. LS/BG; all agree.

- Item 5. [Docket No. 2007-0545-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jack Edwin Vanden Berge dba Vanden Berge Dairy Farm** in **Erath County**; RN102073137; 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. (Thomas Jecha, David Van Soest)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 6. [Docket No. 2006-1774-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Diamond Shamrock Refining Company, L.P.** in **Moore County**; TCEQ ID No. RN100210517; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, 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. LS/BG; all agree.

- Item 7. [Docket No. 2006-0613-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Motiva Enterprises LLC** in **Jefferson County**; TCEQ ID No. RN100209451; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen Decker, Jennifer Cook)

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

- Item 8. [Docket No. 2007-0701-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Channel Shipyard Company, Inc.** in **Harris County**; RN100218429; 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, David Van Soest)

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

Item 9. [Docket No. 2005-2083-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lonestar Prestress Mfg., Inc.** in **Harris County**; TCEQ ID No. RN103887824; 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. (Justin Lannen, Jennifer Cook)

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

Item 10. [Docket No. 2007-0401-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Davis Petroleum Pipeline LLC** in **Harris County**; RN100211739; 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. LS/BG; all agree.

Item 11. [Docket No. 2007-0392-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marathon Petroleum Company LLC** in **Galveston County**; RN100210608; 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. (Roshondra Lowe, David Van Soest)

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

Item 12. [Docket No. 2006-2191-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ten Hi Gin, Inc.** in **Gaines County**; RN102775871; 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. LS/BG; all agree.

Item 13. [Docket No. 2007-0604-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P.** in **Harris County**; RN100219310; 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. (Nadia Hameed, Steven Lopez)

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

Item 14. [Docket No. 2007-0488-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LP** in **Jefferson County**;

RN104964267; 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. LS/BG; all agree.

Item 15. [Docket No. 2007-0521-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Southwestern Public Service Company in Potter County**; RN100224849; 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, David Van Soest)

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

Item 16. [Docket No. 2007-0343-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation in Jefferson County**; RN100217389; 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. (Trina Grieco, David Van Soest)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 17. [Docket No. 2006-1554-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **DAEGU Corp. dba LeBon Cleaners in Collin County**; TCEQ ID No. RN102162468; 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. (Alfred A. Oloko, Jennifer Cook)

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

Item 18. [Docket No. 2006-1337-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ahad Business, Inc. dba My Favorite Cleaners in Fort Bend County**; TCEQ ID No. RN104996152; for a dry cleaner registration violation 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. (Benjamin O. Thompson, Jennifer Cook)

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

Item 19. [Docket No. 2006-1671-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Trinh Thuy Lam dba Almeda Cleaners in Harris County**; TCEQ ID No. RN104966999; 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. (Benjamin O. Thompson, Jennifer Cook)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDERS

- Item 20. [Docket No. 2006-0677-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Sonny Nguyen dba Crystal Cleaners & Alteration in Travis County**; TCEQ ID Nos. RN102315876 and RN100715721; 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. (Shawn Slack, Jennifer Cook)

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

Motion to reconsider the action taken. LS/BG; all agree.

Item remanded to the Executive Director. LS/BG; all agree.

- Item 21. [Docket No. 2006-1352-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Thai Truong dba Love Drycleaners in Harris County**; TCEQ ID No. RN103962981; for a dry cleaner registration violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Alfred A. Oloko, Jennifer Cook)

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

- Item 22. [Docket No. 2006-0914-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Qaswa Enterprise, LLC dba Dynasty Cleaners in Tarrant County**; TCEQ ID No. RN104987664; 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. (Mary Hammer, Jennifer Cook)

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

- Item 23. [Docket No. 2006-1320-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Dan Park dba U.S.A. Dry Cleaners in Dallas County**; TCEQ ID No. RN104408943; for dry cleaner registration violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Robert R. Mosley, Jennifer Cook)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

- Item 24. [Docket No. 2007-0492-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AT Holding-Copper Ridge, LLC in Comal County**; RN105162580; 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. (Jorge Ibarra, David Van Soest)

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

Item 25. [Docket No. 2007-0546-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Highway 46, LTD. in Comal County**; RN105186480; 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. (Tom Jecha, David Van Soest)

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

FIELD CITATIONS

Item 26. [Docket No. 2007-1110-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Quick & Convenience Pro-Victoria 1 LLC dba Midway Truck Stop in Victoria County**; RN101261535; 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 Field Citation. LS/BG; all agree.

Item 27. [Docket No. 2007-1109-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Priten Patel dba Easy Stop in Crosby County**; RN102047313; 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 Field Citation. LS/BG; all agree.

Item 28. [Docket No. 2007-0856-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Scientific Drilling International, Inc. dba Scientific Drilling International Permian Basin in Midland County**; RN105179980; 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. (Melissa Keller, Steven Lopez)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 29. [Docket No. 2007-0155-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E.I. du Pont de Nemours and Company in Jefferson County**; RN100216035; 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 Texas Administrative Code ch. 60. (Colin Barth, David Van Soest)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 30. [Docket No. 2007-0590-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chemicals Incorporated in Chambers County**; RN102145257; 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. LS/BG; all agree.

Item 31. [Docket No. 2007-0540-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Marmac LLC dba McDonough Marine Service in Harris County**; RN103897476; 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. (Libby Hogue, David Van Soest)

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

Item 32. [Docket No. 2007-0705-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Reagent Chemical & Research, Inc. in Harris County**; RN102409570; 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. LS/BG; all agree.

Item 33. [Docket No. 2007-0317-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **TXI Operations, LP in Navarro County**; RN100211283; 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. (Samuel Short, David Van Soest)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 34. [Docket No. 2006-1801-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stuart Standley dba Total Lawn Care in Montgomery County**; TCEQ ID No. RN104859806; for landscape irrigator installer 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. (Tracy Chandler, Jennifer Cook)

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

Item 35. [Docket No. 2007-0611-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James E. Post in Aransas County**; RN105194591; for landscape irrigator occupational license 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. (Andrea Linson-Mgbeoduru, David Van Soest)

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

- Item 36. [Docket No. 2007-0368-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jaime R. Kypuros, Jr.** in **Maverick County**; RN103268645; for landscape irrigator occupational license violations pursuant to Tex. Occupations Code ch. 1903, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Thomas Greimel, David Van Soest)

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

- Item 37. [Docket No. 2007-0593-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Joe Sotelo** in **Hidalgo County**; RN103367991; for landscape irrigator occupational license 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. (Thomas Barnett, David Van Soest)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 38. [Docket No. 2005-0959-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Donald Burkhardt dba Clearwood Recycling Center** in **Harris County**; TCEQ ID No. RN102952785; for municipal solid waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Jennifer Cook)

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

- Item 39. [Docket No. 2006-1871-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Drennan Day Custom Homes Inc.** in **Williamson County**; RN105085211; for Edwards Aquifer and 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, David Van Soest)

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

- Item 40. [Docket No. 2007-0189-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Children's Hospital** in **Harris County**; RN100583483; for municipal solid waste and industrial and hazardous 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. (Clinton Sims, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

- Item 41. [Docket No. 2007-0280-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The JHM & KPM Company, LLC dba D & D Construction Materials Company** in **Tarrant County**; RN105067276; 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. (Clinton Sims, David Van Soest)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 42. [Docket No. 2004-0077-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Brownsboro** in **Henderson County**; Texas Pollutant Discharge Elimination System Permit No. 10540-001 and Regulated Entity ID No. RN101721025; 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. (Michael Meyer, Steven Lopez)

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

- Item 43. [Docket No. 2007-0253-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Zavala County** in **Zavala County**; RN102075702; 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, David Van Soest)

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

- Item 44. [Docket No. 2007-0376-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Wichita Falls** in **Wichita County**; RN101611275; 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. LS/BG; all agree.

- Item 45. [Docket No. 2006-1842-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Uvalde** in **Uvalde County**; RN103119087; 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. (Samuel Short, David Van Soest)

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

- Item 46. [Docket No. 2007-0323-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas H2O, Inc.** in **Hood County**; RN101702397; 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, David Van Soest)

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

Item 47. [Docket No. 2007-0514-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Criminal Justice in Brazoria County**; RN102314069; 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, David Van Soest)

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

Item 48. [Docket No. 2007-0331-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mertens in Hill County**; RN101407815; 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. (Samuel Short, David Van Soest)

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

Item 49. [Docket No. 2007-0659-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Lefors in Gray County**; RN102184546; 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. (Thomas Jecha, David Van Soest)

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

Item 50. [Docket No. 2007-0510-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Kennard in Houston County**; RN102078169; 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. (Deana Holland, David Van Soest)

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

Item 51. [Docket No. 2007-0258-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Edgewood in Van Zandt County**; RN101916302; 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. (Samuel Short, David Van Soest)

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

Item 52. [Docket No. 2007-0359-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of De Leon in Comanche County**;

RN101920569; 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. LS/BG; all agree.

Item 53. [Docket No. 2007-0645-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cleveland in Liberty County**; RN102179892; 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, David Van Soest)

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

Item 54. [Docket No. 2007-0327-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Angus in Navarro County**; RN102806734; 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. (Libby Hogue, David Van Soest)

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

Item 55. [Docket No. 2007-0018-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Big Lake in Reagan County**; RN101611820; 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, David Van Soest)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 56. [Docket No. 2006-0517-MWD-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Blacksher Development Corporation in Orange County**; TCEQ ID No. RN101263101; 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 Default Order. LS/BG; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 57. [Docket No. 2005-0372-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Inara Convenience, Inc. dba Rosedale Texaco in Tarrant County**; TCEQ ID No. RN101534790; 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, Jennifer Cook)

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

- Item 58. [Docket No. 2007-0255-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Charles Taylor in Coleman County**; RN101803864; 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 Texas Administrative Code ch. 60. (Deana Holland, Steven Lopez)

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

- Item 59. [Docket No. 2006-1958-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ahmad B. Goushey in Collin County**; RN102224888; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, 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. (Judy Kluge, Steven Lopez)

Item continued to a future date to be determined by General Counsel.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 60. [Docket No. 2007-0065-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Clayton Water Supply Corporation in Panola County**; RN101178846; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, David Van Soest)

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

- Item 61. [Docket No. 2007-0697-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fossil Rim Wildlife Center, Inc. in Somervell County**; RN101190197; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, David Van Soest)

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

- Item 62. [Docket No. 2006-1940-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Royse City in Rockwall County**; RN101391696; 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, David Van Soest)

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

- Item 63. [Docket No. 2007-0663-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rio Brazos Water Supply Corporation in Parker County**; RN101457604;

for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Nolan, David Van Soest)

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

- Item 64. [Docket No. 2007-0517-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Newcastle in Young County**; RN102691748; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, David Van Soest)

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

- Item 65. [Docket No. 2006-2227-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Granbury in Hood County**; RN102690971; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Judy Kluge, Steven Lopez)

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

- Item 66. [Docket No. 2007-0482-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Forest Water Supply Corporation in Cherokee County**; RN101183465; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Laurie Eaves, David Van Soest)

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

SLUDGE ENFORCEMENT AGREED ORDERS

- Item 67. [Docket No. 2007-0511-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John Gardner in Parker County**; RN103150165; for water quality 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. (Harvey Wilson, David Van Soest)

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

- Item 68. [Docket No. 2006-0685-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paul Mullin dba Paul Mullin's Septic Tank Service in Angelina County**; RN103150629; for water quality 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. (Audra Ruble, David Van Soest)

Item continued to a future date to be determined by General Counsel.

UNDERGROUND INJECTION CONTROL ENFORCEMENT AGREED ORDER

- Item 69. [Docket No. 2005-0717-UIC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company** in **Hutchinson County**; Underground Injection Control Well WDW-325; RN102495884; for underground injection control violations pursuant to Tex. Water Code chs. 7 and 27 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, Steven Lopez)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

- Item 70. [Docket No. 2007-0158-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Broadmore Custom Homes LP** in **Wise County**; RN104951322; 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. (Yuliya Dunaway, David Van Soest)

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

- Item 71. [Docket No. 2007-0246-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Velta Homes, Inc.** in **Ellis County**; RN105150916; 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. (Epifanio Villareal, David Van Soest)

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

- Item 72. [Docket No. 2007-0437-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Claybar Construction, LLP** in **Newton County**; RN104858618; 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. LS/BG; all agree.

TMDL MATTER

- Item 73. [Docket No. 2007-0160-TML](#). Consideration to approve the final Implementation Plan for one total maximum daily load for zinc in oyster tissue in **Nueces Bay (Segment 2482)**. Nueces Bay is in **Nueces and San Patricio Counties** and drains the Nueces River Basin, along with portions of the San Antonio-Nueces and Nueces-Rio Grande Coastal Basins. (Faith Hambleton, Marc Friberg)

Approve the final Implementation Plan for one total maximum daily load for zinc in oyster tissue in Nueces Bay (Segment 2482). LS/BG; all agree.

GIFTS AND DONATIONS

- Item 74. [Docket No. 2007-1462-MIS](#). Consideration of **gifts and donations** of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (David Timberger)

Approve staff recommendations as reflected in the adopted Resolution including Exhibit A, which contains the names of the donors and descriptions and statements of the purposes of the gifts and which is attached to and incorporated in these minutes. LS/BG; all agree.

EXECUTIVE SESSION

- Item 75. **Docket No. 2007-0001-EXE**. The Commission will conduct a closed meeting 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 meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in a closed meeting.

- Item 76. **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 meeting to take action on 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.

The Commission did not meet in a closed meeting.

- Item 77. **Docket No. 2007-0003-EXE**. The Commission will conduct a closed meeting 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 meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in a closed meeting.

(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, October 24, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the October 10, 2007 agenda.

- Item 1. [TCEQ Docket No. 2006-1778-UCR](#). Consideration of the Motion for Judgment Nunc Pro Tunc under Texas Rule of Civil Procedure 316 filed by the **City of Lindsay**. The motion requests that the Commission to issue a judgment nunc pro tunc in order to correct alleged errors in the Executive Director's issuance of water certificate of convenience and necessity ("CCN") no. 13025 in **Cooke County**, Texas, after processing the applications of the Town of Lindsay to obtain water and sewer CCNs in TCEQ Docket Nos. 2001-1045-UCR and 2001-1046-UCR and SOAH Docket No. 582-02-0431. The Commission will consider the motion, the related filings and the timely-filed responses and reply. (Ross Henderson, Tammy Benter)

Item continued to a future date to be determined by General Counsel.

AGENDA

Wednesday, October 24, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [TCEQ Docket No. 2005-1336-MWD-E; SOAH Docket No. 582-06-2363](#). Consideration of the Administrative Law Judge's Proposal for Decision, the Executive Director's exceptions to the Proposal for Decision, and an Order assessing administrative penalties and requiring certain actions of **Boraas Properties, Inc.** in **Grayson County**; RN102915527; for wastewater violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality. (Shawn Slack)

Adopt the ALJ's PFD and the ED's Order with modifications as concurred with by the ALJ. LS/BG; all agree.

- Item 2. [TCEQ Docket No. 2007-0334-UCR](#). Consideration of a request for a Commission Order approving a contract designating service areas between the **City of Conroe**, water certificate of convenience and necessity (CCN) No. 10339, and **Teas Estates Homeowners Association (HOA), Inc.**, water CCN No. 12117, in **Montgomery County**, Texas pursuant to section 13.248 of the Texas Water Code. Currently, Teas Estates HOA holds a CCN for the area in question. The City of Conroe has annexed the area and is proposing to provide service to the customers in the area. Under the contract, Teas Estates HOA will transfer its entire CCN to the City of Conroe. No facilities are proposed to be transferred. (Stefanie Skogen, Lisa Fuentes)

Approve the contract designating service areas between the City of Conroe and Teas Estates Homeowners Association, Inc. LS/BG; 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.

**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)**

/s/ Celeste Baker
Assistant General Counsel,
Celeste Baker

12-6-2007
Date