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Chairman H.S. Buddy Garica                      OLD BUSINESS AGENDA  
Commissioner Larry R. Soward  
Commissioner Bryan W. Shaw, Ph.D.    Wednesday, December 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the September 19, 2007 agenda.

Item 1. [Docket No. 2007-0030-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jackie Brister dba Barefoot Fishing Camp in San Saba County**; RN101251924; 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/BS; all agree.

## AGENDA

Wednesday, December 19, 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. 2007-1034-AIR](#). Consideration of application by **Texas Custom Grinding, Inc.** for new Air Quality Permit No. 75112 to authorize the construction of a limestone grinding facility. The proposed facility is located on Nickel Mica Road, off Highway 95, three miles north of Flatonia, **Fayette 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. (Brad Patterson, Alex Berksan)

Grant the hearing requests of Audra Janecka and Deitra Novak on the issues of: 1. whether the air emissions from the proposed facility will adversely affect air quality in the area; and 2. whether the air emissions from the proposed facility will adversely affect the health of the requesters. Deny all other requests, refer the matter to ADR for a period of four weeks then, if necessary, refer to SOAH to have a maximum hearing duration of six months. Direct the Executive Director to participate as a party in the hearing and request that the ALJ file Findings of Fact, Conclusions of Law, and Ordering Provisions with the Proposal for Decision. LS/BS; all agree.

#### **AGRICULTURAL ENFORCEMENT AGREED ORDER**

- Item 2. [Docket No. 2005-1357-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brad Allen dba A+ Angus Ranch in Erath County**; TCEQ ID No. RN104316377; for animal feeding operation 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. (Lena Roberts, Jennifer Cook)

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

#### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

- Item 3. [Docket No. 2006-0675-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chevron Phillips Chemical Company LP in Brazoria County**; TCEQ ID No. RN100825249; 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. (Justin Lannen, Jennifer Cook)

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

- Item 4. [Docket No. 2007-0754-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KM Liquids Terminals, L.P. in Harris County**; RN100224815;

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, Bryan Sinclair)

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

Item 5. [Docket No. 2007-1003-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tesco Industries, L.P.** in **Austin County**; RN101908994; 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. (Rebecca Johnson, Steven Lopez)

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

Item 6. [Docket No. 2007-0620-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Pipeline Company LP** in **Jefferson County**; RN100219716; 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. BS/LS; all agree.

Item 7. [Docket No. 2007-0750-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lucite International, Inc.** in **Jefferson County**; RN102736089; 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. BS/LS; all agree.

Item 8. [Docket No. 2007-0672-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Harris County**; RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Bryan Sinclair)

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

Item 9. [Docket No. 2007-0322-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Harris County**; RN103919817; 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. BS/LS; all agree.

Item 10. [Docket No. 2007-0699-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Eastman Chemical Company** in **Harrison County**; RN100219815; 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. BS/LS; all agree.

Item 11. [Docket No. 2007-0149-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Premcor Refining Group Inc. in Jefferson County**; RN102584026; 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. BS/LS; all agree.

Item 12. [Docket No. 2007-1220-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LP in Harris County**; RN100219526; 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. (Rebecca Johnson, Bryan Sinclair)

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

Item 13. [Docket No. 2007-0259-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mobil Chemical Company Inc. in Jefferson County**; RN100542844; 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. BS/LS; all agree.

Item 14. [Docket No. 2005-1615-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SBBQS, Inc. in Rusk County**; TCEQ ID No. RN101747905; 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. (Kathleen Decker, Jennifer Cook)

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

Item 15. [Docket No. 2007-0925-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **K.A.T. Excavation & Construction Inc. in Hardin County**; RN102705191; 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. (Jorge Ibarra, P.E., David Van Soest)

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

## **DRY CLEANER ENFORCEMENT DEFAULT ORDER**

- Item 16. [Docket No. 2006-1446-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **James R. Coleman dba Coleman Cleaners in Dallas County**; TCEQ ID No. RN103952735; 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. (Dinniah M. Chahin, Jennifer Cook)

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

## **EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

- Item 17. [Docket No. 2007-0897-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Parkside at Mayfield Ranch, Ltd. in Williamson County**; RN105174916; 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. (Cheryl Thompson, Bryan Sinclair)

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

## **FIELD CITATIONS**

- Item 18. [Docket No. 2007-1236-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **St Marys University in Bexar County**; RN100650027; 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, Steve Lopez)

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

- Item 19. [Docket No. 2007-1397-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **James E. Lyles in Johnson County**; RN103287918; for occupational license violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Steve Lopez)

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

- Item 20. [Docket No. 2007-1363-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Ronald Ray Cooper in Coke County**; RN103463162; for occupational license violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Steve Lopez)

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

## **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

- Item 21. [Docket No. 2007-0806-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Trigeant, Ltd. in Nueces County**; RN100214188; 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. (Jorge Ibarra, P.E., David Van Soest)

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

Item 22. [Docket No. 2007-0729-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN102450756; 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. BS/LS; all agree.

Item 23. [Docket No. 2007-0675-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shin-Etsu Silicones of America, Inc. in Brazoria County**; RN100885102; 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. (Harvey Wilson, David Van Soest)

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

Item 24. [Docket No. 2007-0769-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwestern Public Service Company in Potter County**; RN100224641; 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. BS/LS; all agree.

Item 25. [Docket No. 2007-0660-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Westmoreland Coal Co. in Leon, Limestone, and Freestone Counties**; RN101610749; 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. (Jorge Ibarra, David Van Soest)

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

#### **LICENSED IRRIGATOR ENFORCEMENT DEFAULT ORDERS**

Item 26. [Docket No. 2006-1695-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Glenn Klein dba Sunburst Lawn & Landscaping in Harris County**; TCEQ ID No. RN104789003; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Jennifer Cook)

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

Item 27. [Docket No. 2006-1726-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Alex L. Cruz in Bexar County**; TCEQ ID No. RN103542270; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Tracy Chandler, Jennifer Cook)

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

#### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 28. [Docket No. 2007-0912-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **F. A. Nunnely Company in Comal County**; RN105161939; for water quality and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Deana Holland, Bryan Sinclair)

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

#### **MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 29. [Docket No. 2004-1052-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Marrice Hampton in Smith County**; TCEQ ID No. RN104222336; for municipal solid waste and air quality violations pursuant to Texas Water Code ch. 7, Texas Health & Safety Code chs. 361 and 382, 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. BS/LS; all agree.

#### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 30. [Docket No. 2005-0329-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Positive Impact Waste Solutions, LLC dba Positive Impact Waste Solutions in Harris County and Ector County**; TCEQ ID No. RN102947280; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shawn A. Slack, Jennifer Cook)

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

Item 31. [Docket No. 2007-0764-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Edcouch in Hidalgo County**; RN105176218; 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. BS/LS; all agree.

Item 32. [Docket No. 2007-0326-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of El Paso in El Paso County**; RN100215599; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 5 and 7, 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. BS/LS; all agree.

Item 33. [Docket No. 2003-0287-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert C. Nichols in Montgomery County and San Jacinto County**; TCEQ ID Nos. RN101983989, RN102819695, 455100029, and 455100036; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shawn A. Slack, Jennifer Cook)

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

#### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 34. [Docket No. 2003-1241-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Follett in Lipscomb County**; TCEQ ID No. RN101916559; 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. BS/LS; all agree.

Item 35. [Docket No. 2004-0026-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Elsa in Hidalgo County**; TCEQ ID Nos. WQ0011510002 and RN101610251; for water quality and drinking water fee violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Dinniah M. Chahin, Jennifer Cook)

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

Item 36. [Docket No. 2007-0726-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Aqua Development, Inc. in Fort Bend County**; RN102344082; 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. (Jorge Ibarra, P.E., David Van Soest)

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

Item 37. [Docket No. 2007-0758-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **EL Dorado Utility District in Harris County**; RN101607299; 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. BS/LS; all agree.

- Item 38. [Docket No. 2007-0568-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District No. 286 in Harris County**; RN102944030; 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. BS/LS; all agree.

- Item 39. [Docket No. 2007-0061-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harris County Municipal Utility District No. 358 in Harris County**; RN102844776; 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, Bryan Sinclair)

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

- Item 40. [Docket No. 2007-0664-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hull Fresh Water Supply District in Liberty County**; RN102094729; 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. BS/LS; all agree.

- Item 41. [Docket No. 2007-0890-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kwik-Kopy Corporation in Harris County**; RN102076494; 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. BS/LS; all agree.

- Item 42. [Docket No. 2007-0318-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Midway in Madison County**; RN101920262; 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. BS/LS; all agree.

- Item 43. [Docket No. 2007-0374-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Reno in Lamar County**; RN102186772; 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. BS/LS; all agree.

- Item 44. [Docket No. 2007-0139-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Sabinal in Uvalde County**; RN103014908; 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, Bryan Sinclair)

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

- Item 45. [Docket No. 2007-0786-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Criminal Justice in Fort Bend County**; RN102320322 and RN102314671; 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. (Craig Fleming, David Van Soest)

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

- Item 46. [Docket No. 2007-0716-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Criminal Justice in Madison County**; RN102816873; 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. BS/LS; all agree.

- Item 47. [Docket No. 2007-0822-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trinity Bay Conservation District in Chambers County**; RN102077393; 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, Bryan Sinclair)

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

#### **ON SITE SEWAGE FACILITY INSTALLERS ENFORCEMENT DEFAULT ORDER**

- Item 48. [Docket No. 2003-1528-OSI-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Brad Bolton in Coleman County**; TCEQ ID No. RN103051066; for on-site sewage installer violations pursuant to Tex. Water Code ch.7, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Jennifer Cook)

Item remanded to the Executive Director.

#### **PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

- Item 49. [Docket No. 2007-0776-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Priten Y. 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. (Judy Kluge, Steve Lopez)

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

Item 50. [Docket No. 2007-0887-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Town & Country Food Stores, Inc. dba Town & Country 271 in Reagan County**; RN102007952; 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. (Judy Kluge, David Van Soest)

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

Item 51. [Docket No. 2007-0986-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pringka Corporation dba Speedys Food Store in Tarrant County**; RN104711734; 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. (Elvia Maske, David Van Soest)

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

Item 52. [Docket No. 2007-0617-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **F. D. Gavranovic in Wharton County**; RN102262995; 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. (Shontay Wilcher, Steve Lopez)

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

#### **PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**

Item 53. [Docket No. 2005-1246-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **First Gatesville Venture, Inc. dba Amigos 3 in Bexar County**; TCEQ ID No. RN102357019; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Jennifer Cook)

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

Item 54. [Docket No. 2004-1407-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **New York Brothers Investments, Inc. dba BKS Beverage in Kaufman County**; TCEQ ID No. RN101539294; for a petroleum storage tank violation 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. BS/LS; all agree.

Item 55. [Docket No. 2004-0679-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Marlin Gruber** in **Newton County**; TCEQ ID No. RN104137054; 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. BS/LS; all agree.

Item 56. [Docket No. 2003-0389-PST-E](#). Consideration of a Default Order assessing an administrative penalty against **Datari Corporation dba One Stop Mobil** in **Harris County**; TCEQ ID No. RN101436038; 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. (Rebecca M. Combs, Jennifer Cook)

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

Item 57. [Docket No. 2003-0922-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Tuftsun, Inc.** in **Hill County**; TCEQ ID No. RN102432440; for a petroleum storage tank violation 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. BS/LS; all agree.

Item 58. [Docket No. 2004-1634-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ali Samnani dba City Star Texaco** in **Tarrant County**; TCEQ ID No. RN102042710; 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. (Rebecca M. Combs, Jennifer Cook)

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

#### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 59. [Docket No. 2007-0896-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Galveston County Water Control and Improvement District 19** in **Galveston County**; RN101408599; 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, Bryan Sinclair)

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

Item 60. [Docket No. 2007-0945-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gray Utility Service L.L.C.** in **Chambers County**; RN101233534; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Thomas Barnett, Bryan Sinclair)

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

Item 61. [Docket No. 2007-0751-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John Nguyen and Thanh Mai Chau dba Handi Plus 47** in **Harris County**; RN102315470; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elvia Maske, David Van Soest)

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

Item 62. [Docket No. 2007-0763-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Conrad G. Walton dba Holiday Oaks Subdivision** in **Washington County**; RN101184877; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Bryan Sinclair)

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

Item 63. [Docket No. 2007-1074-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Iola Independent School District** in **Grimes County**; RN101221620; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Bryan Sinclair)

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

Item 64. [Docket No. 2007-0130-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Megargel** in **Archer County**; RN101386605; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Clinton Sims, David Van Soest)

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

Item 65. [Docket No. 2007-0762-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Post Oak Development of Texas, Inc.** in **Medina County**; RN103172078; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, David Van Soest)

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

Item 66. [Docket No. 2007-0711-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Red River Redevelopment Authority** in **Bowie County**; RN100224104; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Heather Brister, Bryan Sinclair)

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

Item 67. [Docket No. 2007-0669-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sparta Oaks Water Corporation** in **Bell County**;

RN101456556; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Thomas Barnett, David Van Soest)

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

### **UNDERGROUND INJECTION CONTROL ENFORCEMENT AGREED ORDER**

Item 68. [Docket No. 2007-1010-UIC-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mestena Uranium, L.L.C.** in **Brooks County**; RN102360039; 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. (Cynthia McKaughan, Bryan Sinclair)

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

### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 69. [Docket No. 2007-0684-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Corinth** in **Denton County**; RN101217156; 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, Steve Lopez)

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

Item 70. [Docket No. 2007-0989-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Frontera Truck Parts & Equipment, Inc.** in **Ellis County**; RN104855770; 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. (Cheryl Thompson, Bryan Sinclair)

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

Item 71. [Docket No. 2007-0765-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Kingsville** in **Kleberg County**; RN102334570; 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. (Lindsey Jones, Bryan Sinclair)

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

Item 72. [Docket No. 2007-0650-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Olney Construction Company, Inc.** in **Wichita County**; RN104900014; 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, Steve Lopez)

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

Item 73. [Docket No. 2007-0731-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Julie Ann Thames dba Primrose Mobile Home Park in Johnson County**; RN101228005; 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. BS/LS; all agree.

Item 74. [Docket No. 2007-0783-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stone Mill Homes, Inc. in Denton County**; RN105206015; 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. (Thomas Jecha, David Van Soest)

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

Item 75. [Docket No. 2007-0971-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Temple in Bell County**; RN105135636; 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. (Lynley Doyen, Bryan Sinclair)

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

#### **WATER QUALITY ENFORCEMENT DEFAULT ORDER**

Item 76. [Docket No. 2006-0686-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **John W. Rice dba JR Used Auto Parts in Jim Wells County**; TCEQ ID No. RN104298997; for a water quality violation 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 Default Order. BS/LS; all agree.

#### **MISCELLANEOUS ITEMS**

Item 77. [Docket No. 2007-1921-MIS](#). Consideration of the public notice requirements for water right amendment applications subject to Texas Water Code Section 11.122(b), including the recommendations and any report of the **Water Rights Amendment Notice Advisory Group**. (Todd Chenoweth, Robin Smith)

Item continued to the January 18, 2008 Commissioners' Work Session. LS/BS; all agree.

Item 78. [Docket No. 2007-1648-RES](#). Consideration of the adoption of revisions to **Texas Emissions Reduction Plan: Guidelines for Emissions Reduction Incentive Grants** (RG-388). The revisions to the guidelines would implement changes to the Texas Emissions Reduction Plan (TERP) as authorized in Senate Bill 12 and House Bill 160, 80th Legislature, 2007. Additional revisions to the

Guidelines were also proposed by the Executive Director. Copies of the draft revised Guidelines were made available for public comment in accordance with the provisions of Texas Health and Safety Code, Section 386.053. The Commission received comments on the proposed revisions to the Guidelines. Those comments have been considered and responded to in the Executive Director's Response to Comments. (Steve Dayton, Brad Patterson)

Item continued to the 1:00 P.M. agenda.

Adopt all revisions to Texas Emissions Reduction Plan: Guidelines for Emissions Reduction Incentive Grants as amended and outlined by the Executive Director. LS/BS; all agree.

## **RULE MATTERS**

Item 79. [Docket No. 2007-1228-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 17**, Tax Relief for Property Used for Environmental Protection, Sections 17.1, 17.2, 17.4, 17.10, 17.12, 17.15, 17.17, and 17.20; and new 17.14. Consideration of adoption of new **30 TAC Chapter 18**, Rollback Relief for Pollution Control, Sections 18.1, 18.2, 18.5, 18.10, 18.15, 18.25, 18.30 and 18.35. The adopted rulemaking would amend Chapter 17 in order to implement the requirements of House Bill 3732, 80th Legislature, 2007, Regular Session. The amendments add new definitions, modify the application review process to incorporate the requirements of House Bill 3732, correct incorrect references to the TCEQ, and adopt the "Equipment and Categories List" into the rule. The adoption of new Chapter 18 also implements the requirements of House Bill 3732. The proposed rules were published in the October 5, 2007, issue of the *Texas Register* (32 TexReg 6979). (Ron Hatlett, Chris Ekoh) (Rule Project No: 2007-055-017-AS)

Item continued to the January 16, 2008 agenda. LS/BS; all agree.

Item 80. [Docket No. 2007-0953-RUL](#). Consideration of the adoption of an amendment to **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification, Subchapter B, New Source Review Permits, Section 116.114, Application Review Schedule, and corresponding revisions to the state implementation plan. The amendment would implement requirements of House Bill 3732, 80th Legislature (2007), and Texas Health and Safety Code, Section 382.0566, concerning specific deadlines for review and issuance of air permits for Advanced Clean Energy Projects. The proposed rules were published in the September 7, 2007, issue of the *Texas Register* (32 TexReg 6056). (Michael Wilhoit, Timothy Eubank) (Rule Project No. 2007-023-116-PR)

Adopt the amendment to 30 TAC Chapter 116 and the corresponding revisions to the state implementation plan. LS/BS; all agree.

Item 81. [Docket No. 2007-1020-RUL](#). Consideration for adoption of amendments to **30 TAC Chapter 336**, Radioactive Substance Rules, Sections 336.1, 336.5, 336.105, 336.201, 336.203, 336.207, 336.211, 336.213, 336.601, 336.613, 336.619; proposed new Sections 336.1101, 336.1103, 336.1105, 336.1107, 336.1109, 336.1111, 336.1113, 336.1115, 336.1117, 336.1119, 336.1121, 336.1123, 336.1125, 336.1127, 336.1129, 336.1131, 336.1133, 336.1135, 336.1201, 336.1203, 336.1205, 336.1207, 336.1209, 336.1211, 336.1213, 336.1215, 336.1217, 336.1219, 336.1221, 336.1223, 336.1225, 336.1227, 336.1229, 336.1231, 336.1233, 336.1235; and proposed repeal of Section 336.11. The commission also adopts amendments to **30 TAC Chapter 281**, Applications

Processing, Section 281.19; **30 TAC Chapter 39**, Public Notice, Sections 39.702, 39.703, 39.707, 39.709; and **30 TAC Chapter 37**, Financial Assurance, Sections 37.9001, 37.9030, 37.9035, 37.9040, 37.9045. The rulemaking would implement Senate Bill (SB) 1604, 80th Legislature, 2007, Regular Session, relating to transfer of certain regulatory responsibilities for radioactive waste from the Texas Department of State Health Services (DSHS) to the TCEQ. SB 1604 transfers regulatory authority to the TCEQ for commercial radioactive waste processing, source material recovery, and by-product disposal. SB 1604 addresses the process for TCEQ's continued review of a pending application submitted by Waste Control Specialists LLC (WCS) to DSHS for a by-product disposal facility proposed for Andrews County. SB 1604 also addresses the TCEQ's underground injection control program for regulation of in situ uranium mining and requires the TCEQ to establish and administer a new state fee for the disposal of radioactive wastes other than low-level radioactive waste. In addition, the rulemaking would establish technical requirements, application processing requirements, public notice requirements, licensing and application fees, and financial assurance requirements for the licensing programs transferred from the DSHS to the TCEQ. The proposed rules were published in the September 7, 2007, issue of the *Texas Register* (32 TexReg 6045). (Susan Jablonski, Don Redmond, Amie Richardson) (Rule Project No. 2007-028-336-PR)

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

Item 82. [Docket No. 2007-0966-RUL](#). Consideration of the adoption of amendments to Sections 288.1 and 288.30 of **30 TAC Chapter 288**, Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements. The adoption would implement Sections 2.04, 2.06 and 2.18 of Senate Bill 3 and Sections 4, 6 and 8 of House Bill 4 from the 80th Texas Legislative Session relating to water conservation plans. The rulemaking also would adopt a definition for best management practices. Additionally, this rulemaking would require that each entity that is required to submit a water conservation plan to the commission under the Texas Water Code must submit a copy of the plan to the Executive Administrator of the Texas Water Development Board; that each entity that is required to submit a water conservation plan to the Executive Administrator of the Texas Water Development Board under the Texas Water Code must report annually to the Executive Administrator on the entity's progress in implementing the plan; and, that the commission require that a retail public utility that provides potable water service to 3,300 or more connections submit to the Executive Administrator of the Texas Water Development Board a water conservation plan based on specific targets and goals developed by the retail public utility and using appropriate best management practices; and, that the commission provide for the enforcement of these requirements. The proposed rules were published in the September 7, 2007 issue of the *Texas Register* (32 TexReg 6060). (Bill Billingsley, Ross Henderson) (Rule Project No. 2007-025-288-PR)

Adopt the amendments to Sections 288.1 and 288.30 of 30 TAC Chapter 288 with the modifications read by the Chairman at the dais. BS/LS; all agree

Item 83. [Docket No. 2006-1256-RUL](#). Consideration of the adoption of amended Sections 290.38, 290.39, 290.41, 290.42, 290.44 - 290.47, 290.101 - 290.104, 290.106 - 290.110, 290.112 - 290.114, 290.117 - 290.119, 290.121, 290.122, 290.272, 290.273, and 290.275 of **30 TAC Chapter 290**, Public Drinking Water. The Commission also adopts the repeal of Section 290.111. In addition, the commission adopts new Sections 290.111, 290.115, and 290.116. The adoption would implement changes in Chapter 290 to be consistent with changes in the federal rules adopted by the United States Environmental Protection Agency, including the Public Notification Rule, the Stage 2 Disinfectants and Disinfection Byproducts Rule, the Long Term 2 Enhanced Surface Water

Treatment Rule, and the Ground Water Rule. This rulemaking would also adopt amendments to Chapter 290 to reflect changes to Texas Health and Safety Code, Section 341.033(i). In addition, this rulemaking would adopt changes to Chapter 290 to ensure consistency with the federal Total Coliforms (including fecal coliforms and E. coli) Rule and the Disinfectants and Disinfection Byproducts Rule. Finally, this adopted rulemaking would add to Section 290.38 the definition of "process control duties" which has been deleted from 30 TAC Section 30.387 by another Commission rulemaking, Rule Project No. 2006-041-030-CE. The proposed rules were published in August 10, 2007, issue of the *Texas Register* (32 TexReg 4876). (Alicia Diehl, Shana Horton) (Rule Project No. 2006-045-290-PR)

Adopt the amended Sections 290.38, 290.39, 290.41, 290.42, 290.44 - 290.47, 290.101 - 290.104, 290.106 - 290.110, 290.112 - 290.114, 290.117 - 290.119, 290.121, 290.122, 290.272, 290.273, and 290.275 of 30 TAC Chapter 290; the repeal of Section 290.111; and new Sections 290.111, 290.115, and 290.116. BS/LS; all agree.

### **EXECUTIVE MEETING**

Item 84. **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 an Executive Meeting.

Item 85. **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 an Executive Meeting.

Item 86. **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 an Executive 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, December 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

Item continued from the September 19, 2007 and November 7, 2007 agendas.

- Item 1. [TCEQ Docket No. 2007-1128-IWD](#). Consideration of a "Motion to Overturn and Motion to Determine the Sufficiency of Necessary Technical Data" concerning the Executive Director's return of an application to amend Permit No. WQ000359000 held by **Elmer Jack Parks dba Jack Parks Dairy** concerning the operation of a concentrated animal feeding operation in **Erath County**, Texas. The Commission will also consider responses and replies to the motion.

Grant the Motion to Determine the Sufficiency of Necessary Technical Data filed by Elmer Jack Parks and remand the matter to the Executive Director. BS/BG; LS opposed.

## AGENDA

Wednesday, December 19, 2007

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [TCEQ Docket No. 2005-0419-MLM-E; SOAH Docket No. 582-07-0103](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Gilbert Carrillo** in **Bexar County**, Texas; regarding certain multimedia violations pursuant to the 30 Tex. Admin. Code ' ' 327.5(a) and (c), 330.5(a) and 335.504; Tex. Water Code ' 26.121(a); Tex. Health & Safety Code ch. 361; and 40 Code of Federal Regulations ' 262.11. (Kathleen Decker)

Adopt the ALJ's Proposal for Decision and Order with the modifications proposed by the Executive Director. LS/BS; all agree.

- Item 2. [Docket No. 2007-0275-UCR](#). Consideration of the Motion for Rehearing filed by **Terra Southwest, Inc.** ("Terra Southwest"), concerning the Commission's Order dated September 13, 2007, approving a contract designating service areas between the **City of Frisco** ("Frisco") and Terra Southwest pursuant to Texas Water Code, Section 13.248. Terra Southwest, water Certificate of Convenience and Necessity ("CCN") No. 11608, and Frisco, water CCN No. 11772, entered into an agreement that proposes to re-designate approximately 355 acres of Terra Southwest's existing water service area to Frisco in **Denton County**. The Commission approved the contract designating CCN service areas at its agenda meeting on September 5, 2007. The Commission will consider the Motion for Rehearing, the responses and all related documents. (Application No. 35118-C) (Shana Horton, Tammy Holguin-Benter)

Grant the Motion for Rehearing and approve the contract designating service areas between Terra Southwest, Inc. and the City of Frisco with the corrected CCN map. LS/BS; 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/ Shannon Strong  
Assistant General Counsel,  
Shannon Strong

03/25/2008  
Date