



rulemaking implements House Bill (HB) 2714 and requires persons that manufacture or sell new computer equipment to implement a convenient and environmentally sound program for the collection, recycling, and reuse of used computer equipment. The commission will be responsible for oversight of some of the administrative and regulatory requirements of the program. The proposed rules were published in the December 21, 2007 issue of the *Texas Register* (32 TexReg 9536). (G. Michael Lindner, John Williams) (Rule Project No. 2007-036-328-AS)

Adopt new Subchapter I of 30 TAC Chapter 328 with the modifications made by the Executive Director and Commissioner Soward at the dais. BS/LS; all agree.

Item continued from the April 16, 2008 agenda.

Item 3. [Docket No. 2007-0220-EAQ-E](#). Consideration of a Default Order assessing administrative penalties against **Milo Drive, Inc. in Bexar County**; TCEQ ID No. RN105116677; 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. (Lena Roberts, Jennifer Cook)

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

Item continued from the May 7, 2008 agenda.

Item 4. [Docket No. 2007-1722-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Liberty Pressure Pumping, L.P. in Erath County**; RN105276521; 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. (James Nolan, Bryan Sinclair)

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

Item continued from the May 7, 2008 agenda.

Item 5. [Docket No. 2007-0794-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Shipyard, L.P. in Harris County**; TCEQ ID No. RN100248749; 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 C. Decker, Jennifer Cook)

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

## AGENDA

Wednesday, May 21, 2008

### 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. 2008-0353-MWD](#). Consideration of the application by **Guadalupe-Blanco River Authority** for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011496001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 100,000 gallons per day to a daily average flow not to exceed 180,000 gallons per day in the Interim II Phase and a daily average flow not to exceed 260,000 gallons per day in the Final Phase. The wastewater treatment facility is located at 350 Parkview Drive, approximately 0.2 mile west of Farm-to-Market Road 306 and 3.5 miles southeast of the intersection of Farm-to-Market Road 306 and Farm-to-Market Road 484 in **Comal 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. (Robert Brush, Michael Redda).

Deny the Request for Reconsideration, adopt the Executive Director's Response to Comments, and issue the draft permit. BS/LS; all agree.

Item 2. [Docket No. 2008-0428-RAW](#). Consideration of the application by **Waste Control Specialists, LLC** for new radioactive material license, proposed TCEQ license No. R05807, to authorize disposal of radioactive by-product material. The by-product disposal facility will be located at 9998 West Highway 176, approximately 30 miles west of the city of Andrews in **Andrews County**, Texas. The Commission will also consider requests for hearing and related responses and replies, the environmental analysis, public comments, and the Executive Director's Response to Public Comments. (Susan Jablonski, Don Redmond, Amie Richardson)

Deny the Hearing Requests, adopt the Executive Director's Response to Comments and approve the application. BS/BG; LS oppose.

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

Item 3. [Docket No. 2007-1352-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Leon Heijligers dba Center Point Dairy, LLP** in **Hopkins County**; RN101917771; 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, Bryan Sinclair)

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

## AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4. [Docket No. 2007-1994-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Albertson's LLC in El Paso County**; RN101382141; 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. (Sidney Wheeler, Bryan Sinclair)

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

Item 5. [Docket No. 2007-1581-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Brazoria County**; RN100825249; 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, Bryan Sinclair)

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

Item 6. [Docket No. 2007-2013-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cabot Corporation in Gray County**; RN100221761; 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. (Sidney Wheeler, Bryan Sinclair)

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

Item 7. [Docket No. 2007-1927-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Carrier Corporation in Smith County**; RN102775095; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Bryan Sinclair)

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

Item 8. [Docket No. 2007-1811-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Atrium Companies, Inc. in Dallas County**; RN100708619; 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. (Sidney Wheeler, Bryan Sinclair)

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

Item 9. [Docket No. 2007-1194-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Brazoria County**; RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Bryan Sinclair)

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

- Item 10. [Docket No. 2007-1481-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sabina Petrochemicals LLC in Jefferson County**; RN100216977; 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, Bryan Sinclair)

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

- Item 11. [Docket No. 2007-2026-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **RK Petroleum Corp. in Martin County**; RN100216795; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Bryan Sinclair)

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

- Item 12. [Docket No. 2007-1800-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **George Dreher dba Pumpjacks, Etc. in Midland County**; RN104996855; 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. (Suzanne Walrath, Bryan Sinclair)

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

- Item 13. [Docket No. 2007-1838-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nutri-Feeds, Inc. in Deaf Smith County**; RN101629947; 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. (James Nolan, Bryan Sinclair)

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

- Item 14. [Docket No. 2007-1417-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **McWane, Inc. in Smith County**; RN102679867; for air quality 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. (Suzanne Walrath, Bryan Sinclair)

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

- Item 15. [Docket No. 2007-1719-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lone Star Industries, Inc. dba Buzzi Unicem USA in Nolan County**; RN100220847; 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, Bryan Sinclair)

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

- Item 16. [Docket No. 2007-1517-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Leedo Manufacturing Co., L.P. in Wharton County**; RN100542562; 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. (Kimberly Morales, Bryan Sinclair)

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

- Item 17. [Docket No. 2007-1724-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lee-Var, Inc. dba Palmer of Texas in Andrews County**; RN100213594; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Bryan Sinclair)

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

- Item 18. [Docket No. 2007-1769-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Laredo Paving, Inc. in Tom Green County**; RN105354427; 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. (Libby Hogue, Bryan Sinclair)

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

- Item 19. [Docket No. 2006-0782-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oxbow Calcining LLC f/k/a Great Lakes Carbon LLC in Jefferson County**; TCEQ ID No. RN100209287; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Jennifer Cook)

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

- Item 20. [Docket No. 2007-1735-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **US Petroleum Depot, Inc. in Cameron County**; RN105195317; 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. (Sidney Wheeler, Bryan Sinclair)

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

- Item 21. [Docket No. 2007-1993-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 22. [Docket No. 2007-1482-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Barge & Boat, Inc.** in **Brazoria County**; RN102037959; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Bryan Sinclair)

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

Item 23. [Docket No. 2007-1694-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southern Forest Products, LLC** in **Newton County**; RN102213907; 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. (Aaron Houston, Bryan Sinclair)

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

Item 24. [Docket No. 2008-0065-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **J. H. Strain & Sons, Inc.** in **Taylor County**; RN102980539; 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, Bryan Sinclair)

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

Item 25. [Docket No. 2007-1788-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Haldor Topsoe, Inc.** in **Harris County**; RN101211498; 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. (Kimberly Morales, Bryan Sinclair)

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

Item 26. [Docket No. 2007-1520-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Chemical & Metallurgical Corporation** in **Brazoria County**; RN100210129; 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., Bryan Sinclair)

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

Item 27. [Docket No. 2007-1547-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation** in **Jefferson County**;

RN102450756; 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. (James Nolan, Bryan Sinclair)

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

Item 28. [Docket No. 2007-1637-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 29. [Docket No. 2007-0830-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **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, Bryan Sinclair)

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

#### **DRY CLEANER ENFORCEMENT AGREED ORDERS**

Item 30. [Docket No. 2006-1227-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John Cushman dba Sun Cleaners in Harris County**; TCEQ ID No. RN104992102; 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. (Anna Cox, Jennifer Cook)

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

Item 31. [Docket No. 2006-1160-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Johnny Dorton dba Ideal Cleaners and dba Your Laundry in Wichita County**; TCEQ ID Nos. RN104136809 and RN104104187; 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. (Rebecca M. Combs, Jennifer Cook)

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

#### **DRY CLEANER ENFORCEMENT DEFAULT ORDER**

Item 32. [Docket No. 2006-1051-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Juan Rodriguez dba JJ's Cleaners in Dallas County**; TCEQ ID No. RN103957320; 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. (Anna Cox, Jennifer Cook)

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

### **EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

- Item 33. [Docket No. 2007-1890-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Military Institute of San Antonio, Texas in Bexar County**; RN104347257; 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. (Heather Brister, Bryan Sinclair)

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

### **FIELD CITATION MATTERS**

- Item 34. [Docket No. 2007-1971-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Ameriforge Group Inc. dba Texas Metal Works in Tyler County**; RN101622710; 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, Bryan Sinclair)

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

- Item 35. [Docket No. 2007-1970-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **J. C. Smith and Sons Sand Gravel, Inc. in Polk County**; RN104896493; 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, Bryan Sinclair)

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

- Item 36. [Docket No. 2007-2007-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **W. O. Jordan in Tyler County**; RN105115075; 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, Bryan Sinclair)

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

### **INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS**

- Item 37. [Docket No. 2007-0577-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ameriforge Corporation dba Forged Vessel Connections in Harris County**; RN103037719; for 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. (Dana Shuler, Bryan Sinclair)

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

- Item 38. [Docket No. 2007-1616-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Georgia Gulf Chemicals & Vinyls, LLC** in **Harris County**; RN100213958; for 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. (Colin Barth, Bryan Sinclair)

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

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

- Item 39. [Docket No. 2007-1329-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BAE Systems Tactical Vehicle Systems LP** in **Austin County**; RN102411352; 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, Bryan Sinclair)

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

- Item 40. [Docket No. 2007-1781-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oxid L.P.** in **Harris County**; RN100210350; 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. (Andrew Hunt, Bryan Sinclair)

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

- Item 41. [Docket No. 2007-1551-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SMI Oil Field Services, Inc., Vallourec Industries, Inc., SC Pipe Services, Inc. dba VAM PTS Company** in **Harris County**; RN102186194; 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. (Heather Brister, Bryan Sinclair)

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

- Item 42. [Docket No. 2007-1604-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sterling Chemicals, Inc.** in **Galveston County**; RN100212620; 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.

### **LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS**

Item 43. [Docket No. 2007-0408-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Dusty L. Turner** in **Cooke County**; TCEQ ID No. RN103660445; for a landscape irrigator installer violation pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Barham A. Richard, Jennifer Cook)

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

Item 44. [Docket No. 2007-0592-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **David Gayle Lovett** in **Randall County**; TCEQ ID No. RN103386561; for a landscape irrigator installer violation pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Anna Cox, Jennifer Cook)

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

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

Item 45. [Docket No. 2007-1814-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Prime Mart Inc.** in **Travis County**; RN102010493; for Edwards Aquifer and 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. (Rajesh Acharya, Bryan Sinclair)

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

Item 46. [Docket No. 2007-1947-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Diamondback Pumping GP LLC** in **Johnson County**; RN105077275; for industrial and hazardous waste and 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. (Colin Barth, Bryan Sinclair)

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

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

Item 47. [Docket No. 2007-0743-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Dolores A. Luke dba Little Big Horn Services** in **Hardin County**; TCEQ ID No. RN101228740; for public water supply and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 5, 7, and 11, and the rules of the Texas Commission on Environmental Quality. (Barham A. Richard, Jennifer Cook)

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

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

Item 48. [Docket No. 2006-1216-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Starr County** in **Starr County**; TCEQ ID No. RN102119120; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health and Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Jennifer Cook)

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

Item 49. [Docket No. 2005-0383-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Capitol City Disposal, Inc.** in **Travis County**; TCEQ ID No. RN104157763; 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 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Jennifer Cook)

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

Item 50. [Docket No. 2007-1848-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Eldorado** in **Schleicher County**; RN102142999; 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. (Colin Barth, Bryan Sinclair)

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

Item 51. [Docket No. 2007-1835-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **CCAA, L.L.C. dba BCS Stop & Go Potties** in **Brazos County**; RN105298921; 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, Bryan Sinclair)

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

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

Item 52. [Docket No. 2007-1615-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Moran** in **Shackelford County**; RN101918365; 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, Bryan Sinclair)

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

Item 53. [Docket No. 2007-0639-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **San Antonio Water System** in **Bexar County**; RN102182664; 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. (Rebecca Clausewitz, Bryan Sinclair)

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

- Item 54. [Docket No. 2007-0893-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trinity @ Windfern LLC in Harris County**; RN102916178; 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, Bryan Sinclair)

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

- Item 55. [Docket No. 2007-1525-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Upper Trinity Regional Water District in Denton County**; RN102079076; 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, Bryan Sinclair)

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

- Item 56. [Docket No. 2007-1705-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Criminal Justice in Walker County**; RN102315199; 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. (Harvey Wilson, Bryan Sinclair)

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

- Item 57. [Docket No. 2007-1564-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Runaway Bay in Wise County**; RN102181385; 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, Bryan Sinclair)

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

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

- Item 58. [Docket No. 2007-1638-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Se Yon Oh dba US Food Mart 107 in Harris County**; RN101870491; 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, Bryan Sinclair)

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

- Item 59. [Docket No. 2007-1633-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Broadway Grocery, Inc. in Bexar County**; RN101876498; 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. (Rajesh Acharya, Bryan Sinclair)

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

Item 60. [Docket No. 2007-1771-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **MIDLAND VILLAGE CAR WASH, INC. dba Village East Express Wash & Lube and Village Car Wash & Express Lube in Midland County**; RN101432763 and RN100528058; 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, Bryan Sinclair)

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

#### **PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER**

Item 61. [Docket No. 2006-1001-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain action of **Shalynah, Inc. dba Sammys 3 in Harris County**; TCEQ ID No. RN102030186; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Jennifer Cook)

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

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

Item 62. [Docket No. 2007-1502-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Golinda Water Supply Corporation in Falls County**; RN101439404; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Shontay Wilcher, Bryan Sinclair)

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

Item 63. [Docket No. 2007-0782-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Walnut Creek Special Utility District in Parker County**; TCEQ ID No. RN101190056; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Anna Cox, Jennifer Cook)

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

Item 64. [Docket No. 2007-1456-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mart in McLennan County**; RN101388544; 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, Bryan Sinclair)

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

- Item 65. [Docket No. 2007-1669-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kosse in Limestone County**; RN101390599; 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, Bryan Sinclair)

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

- Item 66. [Docket No. 2007-0770-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Coming of Christ Full Gospel Church, A Community Church in Ellis County**; RN103010211; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Bryan Sinclair)

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

- Item 67. [Docket No. 2007-1498-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David Zulejkic dba Buffalo Ridge Mobile Home Community in Johnson County**; RN102322286; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michael Meyer, Bryan Sinclair)

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

- Item 68. [Docket No. 2007-1267-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **A Young Adventure Child Care Learning Center Inc. in Fort Bend County**; RN101239515; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Bryan Sinclair)

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

#### **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

- Item 69. [Docket No. 2007-1133-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Michael Soza dba Water Valley Water Co-op in Travis County**; TCEQ ID No. RN101451110; for public water system violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

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

#### **WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT DEFAULT ORDER**

- Item 70. [Docket No. 2007-0848-WOC-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **David P. Derdeyn in Marion County**; TCEQ ID No.

RN103856449; for occupational license violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Barham Richard, Jennifer Cook)

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

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

Item 71. [Docket No. 2006-1959-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **U.S. Oil Recovery, L.P.** in **Harris County**; TCEQ ID No. RN100604677; 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. (Kathleen C. Decker, Jennifer Cook)

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

Item 72. [Docket No. 2007-1832-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Cameron** in **Milam County**; RN101607828; 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. (Andrew Hunt, Bryan Sinclair)

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

### **TMDL MATTERS**

Item 73. [Docket No. 2008-0225-TML](#). Consideration for approval to publish and solicit public comment on eighteen **draft total maximum daily loads for bacteria in Buffalo and Whiteoak Bayous and Tributaries** (Segments 1013, 1013A, 1013C, 1014, 1014A, 1014B, 1014E, 1014H, 1014K, 1014L, 1014M, 1014N, 1014O, 1017, 1017A, 1017B, 1017D, and 1017E) of the San Jacinto River Basin, in **Fort Bend, Waller, and Harris Counties**. (Tom Weber, Marc Friberg)

Approve the publication and solicitation of public comment on eighteen draft total maximum daily loads for bacteria in Buffalo and Whiteoak Bayous and Tributaries. BS/LS; all agree.

Item 74. [Docket No. 2008-0224-TML](#). Consideration for approval to publish and solicit public comment on two draft **TMDLs for dissolved oxygen in Dickinson Bayou** (Segments 1103 and 1104), of the San Jacinto-Brazos Coastal Basin, in **Brazoria and Galveston Counties**. (Tom Weber, Marc Friberg)

Approve the publication and solicitation of public comment on two draft TMDLs for dissolved oxygen in Dickinson Bayou. BS/LS; all agree.

Item 75. [Docket No. 2008-0223-TML](#). Consideration for approval to publish and solicit public comment on nine draft **TMDLs for bacteria in Clear Creek and Tributaries** (Segments 1101, 1101B, 1101D, 1102, 1102A, 1102B, 1102C, 1102D, and 1102E), of the San Jacinto-Brazos Coastal Basin, in **Brazoria, Harris, Galveston, and Fort Bend Counties**. (Tom Weber, Marc Friberg)

Approve the publication and solicitation of public comment on nine draft TMDLs for bacteria in Clear Creek and Tributaries. BS/LS; all agree.

### STATE IMPLEMENTATION PLAN

Item 76. [Docket No. 2008-0335-SIP](#). Consideration for publication of, and hearing on, proposed revisions to the state implementation plan to implement revisions to the **Federal Clean Air Interstate Rule** (CAIR) and Senate Bill 1672 of the 80th Texas Legislature, Regular Session in 2007. The proposed revisions incorporate Federal changes to the CAIR program; methodology for allocation of CAIR nitrogen oxides (NOX) allowances as specified by Senate Bill 1672, 80th Texas Legislature, Regular Session; and non-substantive administrative changes. (Kim Herndon, Terry Salem) (Project No. 2007 051-SIP-NR)

Item continued to the June 4, 2008 agenda. LS/BS; all agree.

### RULE MATTER

Item 77. [Docket No. 2008-0334-RUL](#). Consideration for publication of, and hearing on, proposed amended sections 101.502, 101.504, 101.506 and 101.508 of **30 TAC Chapter 101**, General Air Quality rules; and corresponding revisions to the state implementation plan. The proposed rulemaking would implement revisions to the Texas Health and Safety Code, Section 382.0173 as required by Senate Bill (SB) 1672 from the 80th Legislature, 2007, Regular Session, which revises the methodology for allocation of CAIR nitrogen oxides allowances. The proposed revisions also incorporate Federal changes to CAIR and make non-substantive administrative changes. (Jay Tonne, Terry Salem) (Rule Project No. 2007-053-101-EN)

Item continued to the June 4, 2008 agenda. LS/BS; all agree.

### EXECUTIVE SESSION

Item 78. **Docket No. 2008-0001-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.

No action taken.

Item 79. **Docket No. 2008-0002-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.

Direct the Office of General Counsel to work with the Office of Legal Services to appeal the Open Record Request opinion issued by the Attorney General of Texas May 16, 2008. LS/BS; all agree.

Item 80. **Docket No. 2008-0003-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.

No action taken.

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

**REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE 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/tnrec.cgi](http://www.texasadmin.com/cgi-bin/tnrec.cgi)**

AGENDA

Wednesday, May 21, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. [TCEQ Docket No. 2005-1510-MSW; SOAH Docket No. 582-06-0839](#). Consideration of the Administrative Law Judges' Proposal for Decision and Proposed Order regarding the application of **Roy Eugene Donaldson, II** for a Type V-RC municipal solid waste permit seeking authorization to operate a composting facility on a 15-acre site in southeast **Travis County**, Texas. The Commission will also consider timely public comments, the Executive Director's Response to Comments, the application, exceptions, replies and related filings.

Adopt the ALJs' Proposed Order, denying the permit, with the following changes: (1) Delete Finding of Fact Nos. 96 & 97 and Conclusion of Law Nos. 9 & 10; (2) Modify Finding of Fact 62e to reflect that the log did not indicate a percentage passing a No. 200 sieve; and (3) Correct the date in Finding of Fact No. 1 to January 2004 and add the word "waste" after "municipal solid" in that Finding. Take no action on the ED's RTC. LS/BS; all agree.

- Item 2. [TCEQ Docket No. 2006-2025-MWD-E; SOAH Docket No. 582-07-4078](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Palo Gaucho, Inc.** in **Sabine County**, Texas; TCEQ Permit ID Nos. WQ0011432001 and TX0066672; regarding violations pursuant to Tex. Water Code Ann. § 26.121(a) and ch. 7, 30 Tex. Admin. Code § 305.125(1) and (17), and Texas Pollutant Discharge Elimination System Permit No. 11432001. The Commission will also consider timely filed exceptions and replies. (Mary Coleman)

Adopt the ALJ's proposed Order with the Executive Director's non-substantive modifications, add new Conclusion of Law 14 regarding the non-applicability of the automatic stay provision in the Bankruptcy Code as read by Commissioner Soward at the dais, and delete the ALJ's proposed Ordering Provision No. 2. 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. AND WILL CONTINUE 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

6-2-2008  
Date