

Chairman Kathleen White  
Commissioner Ralph Marquez  
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, August 25, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the July 14, 2004 agenda.

- Item 1. **Docket No. 2004-0642-MWD.** Consideration of the application by **Aquasource Development Company** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014346001, to authorize the discharge of treated domestic wastewater at an Interim I volume not to exceed a daily average flow of 0.055 million gallons per day (MGD), an Interim II volume not to exceed a daily average flow of 0.11 MGD, and a Final volume not to exceed a daily average flow of 0.22 MGD. The facility will be located approximately 775 yards east of the intersection of Schluter Road and Old Stony Road in **Denton 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. (Todd Burkey, Firoj Vahora)

Item continued to the October 13, 2004 agenda.

## AGENDA

Wednesday, August 25, 2004

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### HEARING REQUESTS

- Item 1. **Docket No. 2004-0837-MWD.** Consideration of the application of **Fort Bend County Municipal Utility District No. 118** for a major amendment to TPDES Permit No. WQ0013951001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 600,000 gallons per day to an annual average flow not to exceed 1,200,000 gallons per day. The facility is located approximately 4200 feet west of Harlem Road and 7200 feet south of Mortin Road in **Fort Bend 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. (Jason Haas/Kent Trede)

Deny the hearing request of Gloria Miller, adopt the Executive Director's Response to Comments and approve the major amendment. RM/KW; all agree.

- Item 2. **Docket No. 2004-0745-AIR.** Consideration of application by **Jobe Concrete Products, Inc.** for renewal of Air Quality Permit No. 17950 to authorize continued operation of a rock crushing facility. The facility is located at 3125 West Paisano St. in El Paso, **El Paso County, Texas**. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Dois D. Webb/Christopher B. Pepper)

Deny the hearing request as a matter of law, adopt the Executive Director's Response to Comments and approve the permit renewal. KW/LS; all agree.

- Item 3. **Docket No. 2004-0838-AIR.** Consideration of application by **Traylor Brothers, Inc.** for a new Air Quality Permit No. 56784L001, to authorize a permanent concrete batch plant. The proposed facility will be located at 11022 Mesa Drive in Houston, **Harris 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. (Helga Chatelle/John Minter)

Grant the hearing request of Super Neighborhood Council 49/50. Refer this matter to ADR for a period of 4-6 weeks then to SOAH, if necessary, for a duration of 4 months with the hearing to be held in Houston. Refer to SOAH issues 1-2, as set forth by OPIC, related to health and use & enjoyment. LS/KW; all agree.

## AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4. **Docket No. 2003-1280-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **BP Amoco Chemical Company in Brazoria County**; Air Account No. BL-0002-S, Regulated Entity ID No. RN100238708; 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. (Miriam Hall, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 5. **Docket No. 2003-0573-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of El Paso in El Paso County**; Air Account No. EE-1118-M; 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. (David Van Soest, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 6. **Docket No. 2002-0886-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, L.P. in Brazoria County**; Air Account No. BL-0113-I; 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, Suzanne Walrath)

Item continued to the September 15, 2004 agenda.

Item 7. **Docket No. 2003-1356-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Georgia-Pacific Corporation in Liberty County**; Air Account No. LH-0026-B, Regulated Entity ID No. RN100217967; for air quality violations pursuant to TEX. HEALTH & SAFETY CODE ch. 382, 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. (J. Craig Fleming, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 8. **Docket No. 2004-0099-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **IMOT, Inc. in Johnson County**; Air Account No. JH0459A; 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. (Kelli Bruce, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 9. **Docket No. 2004-0202-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **KMCO, L.P. in Harris County**; Air Account No. HG-0426-B; 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. (Carolyn Lind, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 10. **Docket No. 2004-0126-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **L.F. Manufacturing, Inc. in Lee County**; Air Account No. LF-0053-U, Regulated Entity Reference No. RN100214642; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Carolyn V. Lind, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 11. **Docket No. 2003-1312-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pampa in Gray County**; Air Account No. GH0055U, Regulated Entity ID No. RN100211416; 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. (Thomas Greimel, Suzanne Walrath)

Item continued to the September 15, 2004 agenda. KW/LS; all agree.

Item 12. **Docket No. 2004-0067-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Gilbert Reyes dba Party Time in El Paso County**; Air Account No. EE-0812-T, Regulated Entity Reference No. RN100810449; 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. (Erika Fair, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 13. **Docket No. 2003-1321-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Shell Chemical, L.P. in Harris County**; TCEQ ID Nos. HG-0659-W and RN 100211879; for air quality violations pursuant to the Texas Clean Air Act, 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. (David Speaker, Sherry Smith)

Approve the agreed order. KW/RM; all agree.

Item 14. **Docket No. 2004-0027-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **U.S. Minerals, LLC dba Stan Blast Abrasives in Galveston County**; Air Account No. GB-0132-B; 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, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 15. **Docket No. 2004-0178-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **T & C Tires, Inc. in Dallas County**; Regulated Entity Reference No. RN103059234; 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)

Approve the agreed order. KW/RM; all agree.

Item 16. **Docket No. 2003-0275-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sid Richardson Pipeline, Ltd. in Pecos County**; Air Account No. PE-0042-O; 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. (Terry Murphy, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 17. **Docket No. 2003-0570-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Richmar Foods, Inc. dba Rainbow Foods in El Paso County**; Petroleum Storage Tank ID Nos. 74807 and 74808; 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. (Laura Clark, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 18. **Docket No. 2004-0270-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Patterson Petroleum LP in Fort Bend County**; Air Account No. FG-0040-P, Regulated Entity Reference No. RN100900893; 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. (Erika Fair, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 19. **Docket No. 2003-1215-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Parkview Metal Products, Inc.**

in **Hays County**; Air Account No. HK-0046-W; 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. (Michael Limos, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 20. **Docket No. 2003-1235-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Occidental Permian, Ltd. in Upton County**; Air Account No. UB-0058-G, Regulated Entity Reference No. RN100226737; 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)

Approve the agreed order. KW/RM; all agree.

Item 21. **Docket No. 2004-0317-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Kraft Foods North America, Inc. in Harris County**; Air Account No. HG0473P; 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. (Chad Blevins, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 22. **Docket No. 2003-1221-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kinder Morgan CO2 Company, L.P. in Scurry County**; Air Account No. SG-0029-C, Regulated Entity ID No. RN102170966; 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 Clausewitz, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 23. **Docket No. 2003-1385-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Gorham Pet Rest Cremation Services, Inc., formerly known as Pet Rest Cremation Services in Travis County**; Air Account No. TH-0746-V; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, including specifically 30 Texas Administrative Code ch. 60. (Stacey Young, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 24. **Docket No. 2004-0153-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **General Aluminum Company of Texas, L.P. in Dallas County**; Air Account No. DB-0386-T, Regulated Entity

Reference No. RN100683010; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 25. **Docket No. 2003-1234-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **ExxonMobil Oil Corporation in Jefferson County**; Air Account No. JE-0149-F, Regulated Entity No. RN102553336; 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. (David VanSoest, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

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

Item 26. **Docket No. 2003-1550-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Hill Country Bible Church Inc. in Williamson County**; Edwards Aquifer File No. 11-02060607B; 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. (Miriam Hall, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

#### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 27. **Docket No. 2002-1028-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Brazoria County**; Water Quality Permit No. 00721; for water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

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

Item 28. **Docket No. 2003-1123-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Jasper in Jasper County**; Texas Pollutant Discharge Elimination System Permit No. 10197-001, Public Water System ID No. 1210001, Regulated Entity Reference Nos. RN101052132 & RN101385250; for water quality and drinking water quality violations pursuant to Tex. Water Code chs. 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. (Sheila Smith, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

- Item 29. **Docket No. 2003-1423-MLM-E.** Consideration of an Agreed Order assessing administrative penalties against **Ranco, Inc. in Cameron County**; Solid Waste Registration No. 38665, Regional Storm Water ID No. R15STW0031, Regulated Entity Reference No. RN100687086; for water quality and industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Cari Bing, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

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

- Item 30. **Docket No. 2003-1478-MSW-E.** Consideration of an Agreed Order assessing administrative penalties against **Mesquite Landfill TX, LP in Dallas County**; Municipal Solid Waste Disposal Permit No. 556, Regulated Entity Reference No. 100217942; 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. (Sherry Smith, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

- Item 31. **Docket No. 2002-0156-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bartlett in Bell County**; TCEQ ID Nos. 0370 and RN102003142; for municipal solid waste violations pursuant to the Texas Solid Waste Disposal Act, Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Gitanjali Yadav, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

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

- Item 32. **Docket No. 2003-1348-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Caddo Mills in Hunt County**; Texas Pollutant Discharge Elimination System Permit No. 10425-001, Regulated Entity Reference No. RN101721488; 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. (Ronnie Kramer, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.



Item 33. **Docket No. 2003-0655-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ricetec, Inc. in Brazoria County**; Texas Pollutant Discharge Elimination System Permit No. 14068-001; 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. (Catherine Albrecht, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 34. **Docket No. 2004-0234-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **City of Somerset in Bexar County**; Texas Pollutant Discharge Elimination System Permit No. Permit No. 11822-001, Regulated Entity Reference No. RN101609139; 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. (Laurie Eaves, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 35. **Docket No. 2003-1422-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **WEB/VDJ, INC. in Trinity County**; Texas Pollutant Discharge Elimination System Permit No. 11350-001, Regulated Entity Reference No. RN101717015; 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. (Ronnie Kramer, Suzanne Walrath)

Item remanded to the Executive Director.

Item 36. **Docket No. 2004-0160-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Union Water Supply Corporation in Starr County**; Texas Pollutant Discharge Elimination System Permit No. 13842-001, Regulated Entity ID No. RN102915501; 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. (Chris Friesenhahn, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 37. **Docket No. 2003-0082-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Sabinal in Uvalde County**; Texas Pollutant Discharge Elimination System Permit Nos. 14342-001 and 10604-001(Expired), Regulated Entity ID No. 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. (Jaime Garza, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 38. **Docket No. 2003-1128-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Campbell in Hunt County**; TPDES Permit No. 13791-001; 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. (Laurie Eaves, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 39. **Docket No. 2003-0182-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tommy J. Thomas dba Deer Trail Mobile Home Park in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 12919-001, Regulated Entity No. RN101237923; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 40. **Docket No. 2002-1332-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Marine Fabricators, Inc. in San Patricio County**; Texas Pollutant Discharge Elimination System Permit Nos. 0003012-000 and 0012064-001; 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. (J. Craig Fleming, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

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

Item 41. **Docket No. 2003-1189-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Broadus Enterprises, Inc. in Travis County**; Petroleum Storage Tank Facility ID Nos. 28634, 4266, and 45113, Regulated Entity Reference Nos. RN101488708, RN100609361, and RN101494862; 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. (Steven Lopez, Suzanne Walrath)

Item remanded to the Executive Director.

Item 42. **Docket No. 2004-0037-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Duran Holdings, Ltd. in Williamson County**; Regulated Entity No. 103174736; 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. (Jaime Garza, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 43. **Docket No. 2002-0870-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Petro-Chemical Transport, Inc. in Dallas County**; TCEQ ID No. RN103950572; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Laurencia Fasoyiro, Lisa Lemanczyk)

Approve the agreed order. KW/RM; all agree.

Item 44. **Docket No. 2003-1104-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Truman Arnold Companies in Hunt County**; Regulated Entity Reference No. RN102080645; 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. (Lori Thompson, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 45. **Docket No. 2004-0340-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mohammad Ataur Rahman dba Texaco Prime Stop 2 in Hunt County**; Petroleum Storage Tank Facility ID No. 7422, Regulated Entity Reference No. RN101442820; 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. (Jill Reed, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 46. **Docket No. 2003-0986-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Port Arthur Retails, Inc. in Jefferson County**; Petroleum Storage Tank Facility ID No. 0016557, Regulated Entity Reference No. RN102890407; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Sheila Smith, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 47. **Docket No. 2004-0063-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mohammad Frotan dba MOs Exxon in Collin County**; Petroleum Storage Tank Facility ID No. 73447, Regulated Entity Reference No. RN101545770; 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. (Ronnie Kramer, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 48. **Docket No. 2004-0258-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jeff Luce dba Luce Oil & Gas Company** in **Real County**; Petroleum Storage Tank Facility ID No. 61350; 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. (J. Mac Vilas, P.G., Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 49. **Docket No. 2003-0633-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Lubbock** in **Lubbock County**; Petroleum Storage Tank Facility ID No. 30251; 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. (Merrilee Hupp, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 50. **Docket No. 2004-0236-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **LA FERIA CO-OP GIN** in **Cameron County**; Regulated Entity ID No. RN102828209; 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. (Bill Davis, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 51. **Docket No. 2003-1082-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ike's Texaco, Inc.** in **Ector County**; Petroleum Storage Tank Facility ID No. 0023062; 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. (Chris Friesenhahn, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

Item 52. **Docket No. 2004-0015-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **I.B.D. Corp. dba Jamies Food Store 1** in **Tarrant County**; Petroleum Storage Tank Registration No. 49421; 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. (Chris Friesenhahn, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

- Item 53. **Docket No. 2004-0010-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Gilbert Food Stores, Inc. dba Northend Grocery** in **Collin County**; PST Facility ID No. 55925, Regulated Entity Reference No. RN101752517; 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. (Lawrence King, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

- Item 54. **Docket No. 2003-0415-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Bruce A. Eiles dba Echo** in **Wood County**; Petroleum Storage Tank Facility ID No. 46277; 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. (Carolyn V. Lind, Suzanne Walrath)

Approve the agreed order. KW/RM agree, LS opposed.

- Item 55. **Docket No. 2003-0611-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **ANA, Inc. in Harris County**; Petroleum Storage Tank Facility ID No. 0057399, Regulated Entity Reference No. RN102717733; 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. (A. Sunday Udoetok, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

- Item 56. **Docket No. 2003-1129-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mohammad Shoukat dba Palmer Food Mart** in **Galveston County**; Petroleum Storage Tank Facility ID No. 39049, Regulated Entity Reference No. RN101841757; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ronnie Kramer, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

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

- Item 57. **Docket No. 2003-0898-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Silver Rose Enterprises, Inc.** in **Tarrant County**; TCEQ ID Nos. 64891 and RN 101433431; 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. (Wendy Cooper, Suzanne Walrath)

Approve the default order. KW/RM; all agree.

- Item 58. **Docket No. 2003-1118-PST-E.** Consideration of a Default Order assessing administrative penalties against **Petro Express Management, L.L.C. dba Donna's Food Market in Jefferson County**; TCEQ ID Nos. 26914 and RN102432390; 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. (Lindsay Andrus, Suzanne Walrath)

Approve the default order. KW/RM; all agree.

- Item 59. **Docket No. 2003-0806-PST-E.** Consideration of a Default Order assessing administrative penalties against **ASN Enterprises, Inc. dba JR Food Mart in Smith County**; TCEQ ID Nos. 9067 and RN 102409877; 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. (David Speaker, Suzanne Walrath)

Approve the default order. KW/RM; all agree.

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

- Item 60. **Docket No. 2003-1284-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brushy Creek Municipal Utility District in Williamson County**; Public Water Supply ID No. 2460061; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (John Schildwachter, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

- Item 61. **Docket No. 2003-1197-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Girl Scouts of South Texas Council dba Camp Wind A Mere in Brazoria County**; Public Water Supply ID No. 0840142; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Chad Blevins, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

- Item 62. **Docket No. 2004-0389-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **H.I.S. Instead, Inc. dba Gardendale Meadows in Ector County**; Public Water Supply No. 0680174, Regulated Entity Reference No. RN101257566; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Lopez, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

- Item 63. **Docket No. 2003-0636-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **City of Watauga in Tarrant County**; Public Water Supply No. 2200328, Regulated Entity Reference No. RN101392348; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lori Thompson, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

#### **WATER RIGHTS ENFORCEMENT AGREED ORDER**

- Item 64. **Docket No. 2003-0510-WR-E.** Consideration of an Agreed Order assessing administrative penalties against **Hidalgo County Irrigation District 5 in Hidalgo County**; TCEQ ID Nos. RN101416790 and 4445240; for water rights violations pursuant to the Tex. Water Code chs. 7 and 11 and the rules of the Texas Commission on Environmental Quality. (Laurencia Fasoyiro, Suzanne Walrath)

Approve the agreed order. KW/RM; all agree.

#### **MODIFY, AFFIRM, OR SET ASIDE EMERGENCY ORDER**

- Item 65. **Docket No. 2003-0604-MLM-E.** Consideration of an Order to Modify, Affirm, or Set Aside an Emergency Order issued on June 14, 2004 by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code Sections 5.501, 5.507 and 13.4132, Tex. Health & Safety Code ch. 341, and 30 Tex. Admin. Code chs. 35, 290, and 291 to address the abandonment of a retail public utility (Utility) by **V V Water Supply System Inc.**, TCEQ PWS ID No. 0610052, in **Denton County**, to ensure continued operation of the Utility and to provide continuous and adequate service to customers. The Emergency Order appointed Joe Mulroy as temporary manager of the Utility. (Lindsay Andrus, Lisa Lemanczyk)

Affirm the Emergency Order issued on June 14, 2004. RM/KW; all agree.

#### **RESOLUTION**

- Item 66. **Docket No. 2004-1171-RES.** A resolution authorizing the Executive Director to enter and manage all contracts (including grant agreements) and to delegate authority to the staff. (Katharine Marvin and Charles Stokes)

Approve the resolution authorizing the Executive Director to enter and manage all contracts (including grant agreements) and to delegate authority to the staff. KW/RM; all agree.

#### **BUDGET MATTERS**

- Item 67. **Docket No. 2004-0991-BGT.** CONSIDERATION OF FISCAL YEAR 2005 COSTS FOR **WATERMASTER OPERATIONS IN THE RIO GRANDE WATER**

**DIVISION.** The Executive Director requests that the Commission consider and approve the amount to be assessed for the fiscal year beginning September 1, 2004, and ending August 31, 2005, for appropriators in the Rio Grande Water Division, under Texas Water Code Section 11.329; and 30 TAC Sections 12.1; 12.3; 12.5 and 304.61 of the Commission Rules. This Division extends from **Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers; and includes that portion of the Nueces-Rio Grande Coastal Basin lying in Hidalgo, Cameron, Willacy and Starr Counties.** The Executive Director requests approval of Five Hundred Thirty Three Thousand, Two Hundred Seventy Dollars (\$533,270.00), as the amount to be assessed, with the assessment per account to consist of a \$50.00 base charge plus a use fee and/or a storage fee calculated from the authorized acre-feet, and a penalty of 5.0% of any delinquent fee due shall be imposed on a person who fails to pay the required fee when due. (Patricia Hooper 239-0436; Carlos Rubinstein, 1-956-430-6019)

Approve the budget for the fiscal year beginning September 1, 2004 and ending August 31, 2005 for the Rio Grande Water Division. KW/LS; all agree.

Item 68. **Docket No. 2004-0992-BGT.** CONSIDERATION OF FISCAL YEAR 2005 COSTS FOR **WATERMASTER OPERATIONS IN THE SOUTH TEXAS WATER DIVISION.** The Executive Director requests that the Commission consider and approve the amount to be assessed for the fiscal year beginning September 1, 2004 and ending August 31, 2005 for appropriators in the South Texas Water Division, under to Texas Water Code Section 11.329; and 30 TAC Sections 12.1; 12.3; 12.5 and 304.61 of the Commission Rules. This Division covers the **Nueces, San Antonio, Guadalupe and Lavaca River Basins, as well as the Lavaca-Guadalupe, San Antonio-Nueces and Nueces-Rio Grande Coastal Basins, except that part of the Nueces-Rio Grande Coastal Basin in Hidalgo, Cameron, Willacy and Starr Counties.** The Executive Director requests approval of Four Hundred Seventy Seven Thousand Eight Hundred Thirty Four Dollars (\$477,834.00) as the amount to be assessed, with the assessment per account to consist of a \$50.00 base charge plus a use fee and/or a storage fee calculated from the authorized acre-feet, and a penalty of 5.0% of any delinquent fee due shall be imposed on a person who fails to pay the required fee when due. (Patricia Hooper 239-0436; Al Segovia, Watermaster, 800-733-2733)

Approve the budget for the fiscal year beginning September 1, 2004 and ending August 31, 2005 for the South Texas Water Division. KW/LS; all agree.

#### **RULE MATTER**

Item 69. **Docket No. 2003-1537-RUL.** Consideration of the adoption of proposed amendments to **30 TAC Section 50.113**, Applicability and Action on Application; **Section 55.101**, Applicability; **Section 55.201**, Requests for Reconsideration or Contested Case Hearing; **Section 305.72**, Underground Injection Control (UIC) Permit Modifications at the Request of the Permittee; and **Section 331.2**, Definitions.



The adoption would amend Chapters 50, 55, 305, and 331 to implement House Bill 2567, 78th Legislature, Regular Session, 2003. It also would amend Chapters 50 and 55 to conform with previous rulemakings on pre-injection unit registration and weather modification. This rulemaking provides rule authority for the commission to act on an application for the disposal of desalination brine in a Class I injection well without a contested case hearing under Texas Water Code, Section 27.018. Additionally, this rulemaking will ensure that the administrative listings of actions that do not require a contested case hearing are updated. The proposed rules were published in the April 9, 2004 issue of the *Texas Register* (29 TexReg 3586). (Fred Duffy, Dawn Burton, Emily Barrett) (Rule Project No. 2003-062-331-WT)

Approve the adoption of proposed amendments to 30 TAC Sections 50.113, 55.101, 55.201, 305.72, and 331.2. RM/LS; all agree.

### STATE IMPLEMENTATION PLANS

Item 70. **Docket No. 2004-0858-RUL.** Consideration for publication of, and hearing upon, a revision to the **Beaumont/Port Arthur State Implementation Plan (SIP)** to incorporate seven agreed orders in **Jefferson County**, Texas into the SIP to make certain voluntary emission reductions, projects, or activities identified in those orders federally enforceable. (Mike Magee, Janis Hudson) (Project Number 2004-084-SIP-NR)

Approve the publication of, and hearing upon, a revision to the Beaumont/Port Arthur State Implementation Plan. KW/LS; all agree.

Item 71. **Docket No. 2004-0846-SIP.** Consideration for publication of, and hearing upon, an agreed order with **ExxonMobil Oil Corporation, Jefferson County**, Texas, Account Number JE-0067-I, and corresponding revisions to the State Implementation Plan (SIP). The agreed order would make certain voluntary emission reductions, projects, or activities federally enforceable. (Mike Magee, Janis Hudson) (Project Number 2004-079-SIP-NR)

Approve the publication of, and hearing upon, an agreed order with ExxonMobil Oil Corporation, and corresponding SIP revisions. KW/LS; all agree.

Item 72. **Docket No. 2004-0882-SIP.** Consideration for publication of, and hearing upon, an agreed order with **Huntsman Petrochemical Corporation, Jefferson County**, Texas, Account Number JE-0052-V, and corresponding revisions to the State Implementation Plan (SIP). The agreed order and revised SIP would make specific actions identified in the order federally enforceable. (Mike Magee, Janis Hudson) (Project Number 2004-090-SIP-NR)

Approve the publication of, and hearing upon, an agreed order with Huntsman Petrochemical Corporation, and corresponding SIP revisions. KW/LS; all agree.

Item 73. **Docket No. 2004-0845-SIP.** Consideration for publication of, and hearing upon, an agreed order with **Huntsman Petrochemical Corporation, Jefferson County**, Texas,

Account Number JE-0135-Q, and corresponding revisions to the State Implementation Plan (SIP). The agreed order would make certain voluntary emission reductions, projects, or activities federally enforceable. (Mike Magee, Janis Hudson) (Project Number 2004-080-SIP-NR)

Approve the publication of, and hearing upon, an agreed order with Huntsman Petrochemical Corporation, and corresponding SIP revisions. KW/LS; all agree.

Item 74. **Docket No. 2004-0842-SIP.** Consideration for publication of, and hearing upon, an agreed order with **ISP Elastomers, Jefferson County**, Texas, Account Number JE-0017-A, and corresponding revisions to the State Implementation Plan (SIP). The agreed order would make certain voluntary emission reductions, projects, or activities federally enforceable. (Mike Magee, Janis Hudson) (Project Number 2004-078-SIP-NR)

Approve the publication of, and hearing upon, an agreed order with ISP Elastomers, and corresponding SIP revisions. KW/LS; all agree.

Item 75. **Docket No. 2004-0841-SIP.** Consideration for publication of, and hearing upon, an agreed order with **Mobil Chemical Company, a division of ExxonMobil Oil Corporation, Jefferson County**, Texas, Account Number JE-0062-S, and corresponding revisions to the State Implementation Plan (SIP). The agreed order would make certain voluntary emission reductions, projects, or activities federally enforceable. (Mike Magee, Janis Hudson) (Project Number 2004-081-SIP-NR)

Approve the publication of, and hearing upon, an agreed order with Mobil Chemical Company, a division of ExxonMobil Oil Corporation, and corresponding SIP revisions. KW/LS; all agree.

Item 76. **Docket No. 2004-0843-SIP.** Consideration for publication of, and hearing upon, an agreed order with **Motiva Enterprises LLC, Jefferson County**, Texas, Account Number JE-0095-D, and corresponding revisions to the State Implementation Plan (SIP). The agreed order would make certain voluntary emission reductions, projects, or activities federally enforceable. (Mike Magee, Janis Hudson) (Project Number 2004-082-SIP-NR)

Approve the publication of, and hearing upon, an agreed order with Motiva Enterprises LLC, and corresponding SIP revisions. KW/LS; all agree.

Item 77. **Docket No. 2004-0844-SIP.** Consideration for publication of, and hearing upon, an agreed order with **Premcor Refining Group, Inc., Jefferson County**, Texas, Account Number JE-0042-B, and corresponding revisions to the State Implementation Plan (SIP). The agreed order would make certain voluntary emission reductions, projects, or activities federally enforceable. (Mike Magee, Janis Hudson) (Project Number 2004-083-SIP-NR)

Approve the publication of, and hearing upon, an agreed order with Premcor Refining Group, Inc., and corresponding SIP revisions. KW/LS; all agree.

## EXECUTIVE SESSION

Item 78. **Docket No. 1998-1154-EXE.** The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 79. **Docket No. 1999-0024-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 80. **Docket No. 1999-0025-EXE.** The Commission will conduct a closed session to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

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

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

AGENDA

Wednesday, August 25, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2003-0801-UCR; SOAH Docket No. 582-04-1012.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **East Medina County Special Utility District** to amend Water Certificate of Convenience and Necessity No. 10217, pursuant to rules of the Texas Commission on Environmental Quality in 30 Tex. Water Code Ann. Chapter 13, in **Medina County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies.

Adopt the ALJ's PFD and Order with the Executive Director's recommended change from the word "flat" to "gallonage" in Finding of Fact #19. RM/KW; all agree.

- Item 2. **TCEQ Docket No. 1999-0474-DIS; SOAH Docket No. 582-02-3628.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Engelman Irrigation District in Hidalgo County**, Texas, for authorization to proceed into bankruptcy, pursuant to Texas Water Code § 49.456 and the Commission's rules. The Commission will also consider any proposed changes, exceptions and replies.

Adopt the ALJ's PFD and Order with the changes to Finding of Fact 15(g) recommended by the ALJ in her letter dated August 13, 2004 and the changes to Ordering Provision #2 recommended by the ED in his exceptions and require semiannual status reports rather than monthly reports. RM/KW; all agree.

/s/ Celeste Baker  
Assistant General Counsel,  
Celeste Baker

09/13/2004  
Date