

Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward

AGENDA

Wednesday, January 25, 2006

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. 2005-1370-MWD.** Consideration of the application by the **Aqua Utilities, Inc.** for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011332001 which authorizes the discharge of treated domestic wastewater with a daily average flow not to exceed 50,000 gallons per day. The facility is located north of Highcrest Drive between Lakecrest Drive and Moss Downs Drive in **Burnet 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. (Marc Friberg/Firoj Vahora/Katherine Faz)

Deny the request for reconsideration, adopt the Executive Director's Response to Comments and approve the permit renewal. KW/RM; all agree.

Item 2. **Docket No. 2005-1720-MWD.** Consideration of the application by **Midtex Partners, LTD.** for a new permit, proposed TCEQ Permit No. WQ0014472001, to authorize the disposal of treated **Docket No. 2005-1720-MWD.** Consideration of the application by **Midtex Partners, LTD.** for a new permit, proposed TCEQ Permit No. WQ0014472001, to authorize the disposal of treated domestic wastewater with a daily average flow not to exceed 154,000 gallons per day via subsurface drip irrigation of 35.35 acres of public access land. The facility and disposal site will be located on the west side of Melber Lane, approximately 1/2 mile north of the intersection of Melber Lane and Cele Road and approximately 5 miles east of the City of Pflugerville in **Travis 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/Julian Centeno, Jr.)

Grant the hearing request of the City of Pflugerville on the issues of: 1. whether the Applicant should connect to an existing wastewater collection system rather than constructing a new wastewater treatment facility and disposing of treated domestic wastewater via subsurface drip irrigation on public access land; 2. whether the application rate is excessive; 3. whether the disposal area acreage is adequate; 4. whether the soil conditions are adequate for the proposed activities; 5. whether there is adequate storage proposed for the facility; 6. whether there is adequate control of runoff over the

disposal area; 7. whether the disposal activities will result in groundwater contamination; 8. whether the permit contains adequate provisions to ensure that disposal does not occur where the soil is saturated, frozen, or otherwise unsuitable for disposal of wastewater; and 9. whether the treatment level required by the permit is sufficient to prevent clogging of the drip disposal system; refer the matter to SOAH with a maximum hearing duration of 6 months. KW/RM; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 3. **Docket No. 2005-0361-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **BP Amoco Chemical Company** in **Galveston County**; TCEQ Air Account No. GB0001R; RN102536307; for air quality violations pursuant to Tex. Health & Safety Code chs. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jaime Garza, David Van Soest)

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

Item 4. **Docket No. 2005-1305-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **East Texas Asphalt Co. Ltd.** in **Polk County**; RN101965150; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Barry, David Van Soest)

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

Item 5. **Docket No. 2005-0754-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Lyondell-Citgo Refining LP** in **Harris County**; RN100218130; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, David Van Soest)

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

Item 6. **Docket No. 2005-1491-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Robstown Utility Systems** in **Nueces County**; RN100224203; 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, David Van Soest)

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

Item 7. **Docket No. 2005-1213-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Innovene Polymers Inc.** in **Harris County**; RN102537289; 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, David Van Soest)

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

Item 8. **Docket No. 2005-1724-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Sweetwater Ready-Mix Concrete Co. in Scurry County**; RN101465540; 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. (Samuel Short, David Van Soest)

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

Item 9. **Docket No. 2005-1306-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Western Cabinets, Inc. in Dallas County**; RN102302007; 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, David Van Soest)

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

Item 10. **Docket No. 2005-1397-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Calhoun County Navigation Industrial Development Authority in Calhoun County**; RN100226638; 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, David Van Soest)

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

Item 11. **Docket No. 2005-1542-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Little Big Inch Pipeline Company, Inc. in El Paso County**; RN100821701; 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, David Van Soest)

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

Item 12. **Docket No. 2004-1533-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Jefferson County**; TCEQ ID Nos. JE0508W and RN100209857; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7,

and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amie Dutta Richardson, Jennifer Cook)

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

Item 13. **Docket No. 2005-0346-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Invista S.A.R.L. in Victoria County**; Air Account No. VC0008Q, RN102663671; 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. (Edward R. Moderow, David Van Soest)

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

Item 14. **Docket No. 2005-1697-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Western Extrusions Corporation in Dallas County**; RN102590700; 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. (Samuel Short, David Van Soest)

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

Item 15. **Docket No. 2005-0540-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Total Petrochemicals USA, Inc. in Harris County**; Air Account No. HG0036S, RN100212109; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, David Van Soest)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 16. **Docket No. 2005-0928-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Penreco in Galveston County**; RN100221282; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brent Hurta, David Van Soest)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 17. **Docket No. 2005-1483-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **C. Bonner & Son Auto Crushing, Inc. in Cherokee County**; RN103783411; for industrial & hazardous waste and 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. (Steven Lopez, David Van Soest)

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

Item 18. **Docket No. 2004-1258-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Liquid Environmental Solutions of Texas, L.P.** in **Nueces County**; RN102546926; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 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, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 19. **Docket No. 2004-0382-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Edinburg in Hidalgo County**; Municipal Solid Waste Permit No. 956B, Regulated Entity ID No. RN102217734; 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. (Jaime Garza, David Van Soest)

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

Item 20. **Docket No. 2005-1454-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pete Gallegos Paving, Inc.** in **Webb County**; RN104651831; 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. (Dana Shuler, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 21. **Docket No. 2004-0950-MSW-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **David Williams dba Shelby Trash Service** in **Shelby County**; TCEQ ID No. RN103000055; 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. (Shannon Strong, Jennifer Cook)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 22. **Docket No. 2005-0536-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alvarado ISD in Johnson County**; Texas Pollutant Discharge Elimination System Permit No. 14101-001, RN101528297; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, David Van Soest)

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

Item 23. **Docket No. 2004-0002-MWD-E.** Consideration of an Agreed Order requiring certain actions of **Pine Tree MHP Landowners Association in Tarrant County**; Texas Pollutant Discharge Elimination System Permit No. 13036-001; 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 Texas Administrative Code ch. 60. (Cheryl Thompson, David Van Soest)

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

Item 24. **Docket No. 2005-0842-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rosenberg in Ft. Bend County**; RN101701142; 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. Mac Vilas, David Van Soest)

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

Item 25. **Docket No. 2005-1065-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bryan in Brazos County**; RN101612851; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brent Hurta, David Van Soest)

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

Item 26. **Docket No. 2005-1142-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Montgomery County Municipal Utility District No. 24 in Montgomery County**; RN103124236; 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. (John Muennink, David Van Soest)

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

Item 27. **Docket No. 2004-0521-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Karnes City in Karnes County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit Nos.

0010352001 and 0010352002, Regulated Entity ID Nos. RN101610111 and RN101610020; 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. (Jill McNew, David Van Soest)

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

Item 28. **Docket No. 2005-0577-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cotulla in La Salle County**; RN101920148; 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. Mac Vilas, David Van Soest)

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

Item 29. **Docket No. 2005-0598-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tawakoni Waste Water Corporation in Hunt County**; RN103014973; 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, David Van Soest)

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

Item 30. **Docket No. 2005-0923-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shelbyville Independent School District in Shelby County**; RN101527224; 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. (John Barry, David Van Soest)

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

Item 31. **Docket No. 2005-1104-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Marlin in Falls County**; RN102886892; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

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

Item 32. **Docket No. 2004-1920-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kingsville in Kleberg County**; Texas Pollutant Discharge Elimination System Permit No. 10696-004, RN101612877; 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. Mac Vilas, David Van Soest)

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

Item 33. **Docket No. 2005-1256-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jackson County Water Control and Improvement District No. 2 in Jackson County**; RN102185071; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, David Van Soest)

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

Item 34. **Docket No. 2005-1334-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Garrett Creek Ranch, Inc. in Wise County**; RN101179653; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

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

Item 35. **Docket No. 2005-0509-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Dessau Fountains Estates, L.L.C. in Travis County**; RN102080637; 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, David Van Soest)

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

Item 36. **Docket No. 2005-0968-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Franklin in Robertson County**; RN101917425; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

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

Item 37. **Docket No. 2005-0712-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Boring Specialties, Inc. in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 12484001, RN100863174; 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. (Carolyn Lind, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 38. **Docket No. 2005-1461-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **18 Hours Incorporated dba 18 Hour Food Mart in Tarrant County**; RN100761154; 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. (J. Mac Vilas, David Van Soest)

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

Item 39. **Docket No. 2004-1029-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paco Steel Corp dba Best Pak Warehouse in Harris County**; TCEQ ID Nos. 74317 and RN100907260; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Deborah A. Bynum, Jennifer Cook)

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

Item 40. **Docket No. 2005-0195-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Lacefield Investments, Inc. dba Don's Port Marina in Henderson County**; TCEQ ID Nos. 47186 and RN101853364; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen Decker, Jennifer Cook)

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

Item 41. **Docket No. 2005-1046-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Heroes Quick Stop, Inc. dba Wez Mart 2 in Bexar County**; RN102050994; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Shontay Wilcher, David Van Soest)

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

Item 42. **Docket No. 2004-1565-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Crystal Beach Corporation dba Sweads Grocery in Galveston County**; Petroleum Storage Tank Facility No. 3909, RN101794196; 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. (Daniel Siringi, David Van Soest)

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

Item 43. **Docket No. 2005-1512-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **John Keith Wright dba Trackside Grocery in Montgomery County**; RN102425014; 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. (John Barry, David Van Soest)

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

Item 44. **Docket No. 2005-0680-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sultan Enterprises, Inc. dba Stop-N-Drive 27 in Jefferson County**; RN102435997; 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. (Chad N. Blevins, David Van Soest)

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

Item 45. **Docket No. 2005-1015-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shine Enterprises, Inc. dba Fuel Express in Guadalupe County**; RN104216684; 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. (Trina Grieco, David Van Soest)

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

Item 46. **Docket No. 2005-1214-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Sadash Corporation dba Knob Hill Kwik Stop in Parker County**; RN101568988; 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. (Deana Holland, David Van Soest)

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

Item 47. **Docket No. 2004-2113-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jeswood Oil Company in Denton County**; RN104461298; 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. (Ruben Soto, David Van Soest)

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

Item 48. **Docket No. 2005-0835-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Henderson County Justice Center in Henderson County**; RN102978996; 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. (Thomas Greimel, David Van Soest)

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

Item 49. **Docket No. 2005-0747-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Farmers Cooperative Association of O'Donnell, Texas in Lynn County**; Petroleum Storage Tank Facility ID No. 1465, RN102025947; 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. (Kent Heath, David Van Soest)

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

Item 50. **Docket No. 2005-1570-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Beaumont I.S.D. Public Facility Corporation in Jefferson County**; RN101377307; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

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

Item 51. **Docket No. 2005-1156-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **B. K. Trading, Inc. dba Speedy Stop 2 in Lamar County**; RN102717212; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, David Van Soest)

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

Item 52. **Docket No. 2003-0910-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Aslam Mohammed dba One Stop Pantry in Tarrant County**; TCEQ ID Nos. 42381 and RN101433480; 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. (Courtney St. Julian, Jennifer Cook)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEAFULT ORDER

Item 53. **Docket No. 2004-1085-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Hussain Liaqat dba Stop N Drive 33 in Liberty County**; TCEQ ID Nos. 54324 and RN101729127; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on

Environmental Quality, including specifically 30 Tex. Admin Code ch. 60. (Kathleen Decker, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 54. **Docket No. 2005-1515-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aquila Water Supply District in Hill County**; RN101439909; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michael Meyer, David Van Soest)

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

Item 55. **Docket No. 2005-1328-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mathis in San Patricio County**; RN101388130; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sandy VanCleave, David Van Soest)

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

Item 56. **Docket No. 2005-1198-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Jasper in Jasper County**; RN101385250; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (J. Craig Fleming, David Van Soest)

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

Item 57. **Docket No. 2005-1329-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Jacksboro in Jack County**; RN101401396; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, David Van Soest)

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

Item 58. **Docket No. 2005-0306-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Humble Partners Limited Partnership dba Atascocita Village Mobile Home Park in Harris County**; RN102687779; for drinking water quality violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Michael Limos, David Van Soest)

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

Item 59. **Docket No. 2005-1176-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Canyon Lake Water Supply Corporation** in **Comal County**; RN101226678; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, David Van Soest)

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

Item 60. **Docket No. 2005-0811-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Zapata County** in **Zapata County**; RN101198075; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, David Van Soest)

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

Item 61. **Docket No. 2005-1262-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **United States Department of Agriculture, Animal and Plant Health Inspection Service** in **Hildago County**; RN101611804; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (J. Mac Vilas, David Van Soest)

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

Item 62. **Docket No. 2005-0755-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Matagorda County Water Control and Improvement District No. 2** in **Matagorda County**; RN101408201; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kimberly Morales, David Van Soest)

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

Item 63. **Docket No. 2005-1410-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Baybrook Municipal Utility District 1** in **Harris County**; RN101441590; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Trina Grieco, David Van Soest)

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

Item 64. **Docket No. 2005-1358-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Sebastian Municipal Utility District** in **Willacy County**; RN101193043; for drinking water quality violations pursuant to Tex. Health & Safety Code

ch. 341 and the rules of the Texas Commission on Environmental Quality. (Carolyn V. Lind, David Van Soest)

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

Item 65. **Docket No. 2005-1017-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Winters in Runnels County**; Public Water Supply No. 2000003, RN101387850; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Craig Fleming, David Van Soest)

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

Item 66. **Docket No. 2005-1259-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Point Comfort in Calhoun County**; RN101391266; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Cheryl Thompson, David Van Soest)

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

Item 67. **Docket No. 2005-1276-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brookeland FWSD in Sabine County**; RN101283224; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, David Van Soest)

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

Item 68. **Docket No. 2005-1414-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mackenzie Municipal Water Authority in Briscoe County**; RN101452167; 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, David Van Soest)

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

Item 69. **Docket No. 2005-1574-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Linh-Son Buddhist Association of Texas in Harris County**; RN102317807; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, David Van Soest)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 70. **Docket No. 2005-1612-SLG-E.** Consideration of an Agreed Order assessing administrative penalties against **Forrest A. Dillon dba Reliable Wastewater Management in Nacogdoches County**; RN102755105; for water 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. (Cheryl Thompson, David Van Soest)

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

UNDERGROUND INJECTION CONTROL ENFORCEMENT AGREED ORDER

Item 71. **Docket No. 2005-0387-UIC-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William R. Massey, LTD dba Lubrication Service, Inc.** in **Ector County**; Solid Waste Registration No. 83938, RN100636893; for underground injection control violations pursuant to Tex. Water Code chs. 7, 26, and 27 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, David Van Soest)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 72. **Docket No. 2005-1090-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Meridian Precast & Granite, Inc.** in **McLennan County**; RN100594589; 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, David Van Soest)

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

MISCELLANEOUS AGENDA ITEM

Item 73. **Docket No. 2005-1807-MIS.** Consideration of **gifts and donations** of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

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

ADVISORY COMMITTEE ITEM

Item 74. **Docket No. 2005-1842-MIS.** Consideration of nominations and appointment of a "general public" representative to serve on the Municipal Solid Waste Management and Resource Recovery Advisory Council. (Jacqueline S. Hardee, Gary W. Trim)

Approve the appointment of Jan R. Artley as a "general public" representative to serve on the Municipal Solid Waste Management and Resource Recovery Advisory Council. KW/RM; all agree.

PETROLEUM STORAGE TANK SHUTDOWN ORDER

Item 75. **Docket No. 2005-0911-PST-E.** Consideration of a Shutdown Order requiring certain actions of **Pertex Interprise Inc. dba Krystal Mart in Wichita County**; TCEQ ID No. 0001022, pursuant to Tex. Water Code section 26.3475; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Alfred Okpohworho, Jennifer Cook)

Item remanded to the Executive Director. KW/RM; all agree.

TEXAS WATER CODE § 13.248 AGREEMENT

Item 76. **Docket No. 2005-1888-UCR.** Consideration of a request for a Commission order approving a contract designating service areas between the **City of Austin**, water CCN No. 11322, and **Sun Communities Texas Limited Partnership dba Branch Creek Estates**, water CCN No. 11905, in **Travis County**, Texas, pursuant to Section 13.248 of the Texas Water Code. The agreement stipulates that the City of Austin will provide water and sewer service to a 126.941 acre tract of land currently contained in Sun Communities Texas Limited Partnership's water service area. (Christie Walters, Lisa Mejia)

Approve the contract designating service areas between the City of Austin and Sun Communities Texas Limited Partnership dba Branch Creek Estates. KW/LS; all agree.

MOTION TO OVERTURN

Item 77. **Docket No. 2005-1912-AIR.** Consideration of Motions to Overturn filed by the Representative Harold Dutton, Jr., Othella Anderson, Wesley Aubrey, Jr., Imogene Ballard, Willie Brandyburg, Oneseophor Broussard, James Chambers, Katherine Chambers, Lolita Chandler, C.B. Coleman, Thelma Coleman, Gloria Drew, Corine Gaston, Lillie Grogan, Gloria Hammons, Cleveland Johnson, Jr., Robert Jones, Roosevelt Lee, Deborah Maxey, Irma McGruder, Rosie Merritt, Andrew Moran, Melba Ozenne, Mable Printis, Reverend Johnny Rhodes, Mr. & Mrs. Raymond Robinson, Robert Robinson, Dolores Williams, Will Williams, Calvin Wills, Hilda Wilson, Henry & Loretta Wyndon, Dorothy Yancy, and W.H. Yancy regarding the Executive Director's issuance of Air Quality Permit No. 74412 to **Chemorganics** for a chemical processing and manufacturing facility in **Harris County**, Texas. The Commission will also consider timely-filed briefs and replies to the Motions to Overturn.

Grant the Motions to Overturn, remand the permit to the Executive Director, and instruct the agency to facilitate the Alternative Dispute Resolution process with a maximum duration of 60 days. KW/LS; all agree.

RULE MATTERS

- Item 78. **Docket No. 2005-1799-RUL.** Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 111**, Control of Air Pollution from Visible Emissions and Particulate Matter, Subchapter B, Outdoor Burning, Section 111.203 and Section 111.209, and corresponding revisions to the state implementation plan. The proposed rulemaking would implement House Bill 39 and Senate Bill 1710, 79th Legislature, 2005, Regular Session.

The proposed rulemaking would prohibit the burning of all household refuse on certain properties in a limited demographic region, authorize by rule the burning of plant growth in attainment areas on the property on which it was generated, and provide for the burning of plant growth from specific residential properties on designated sites in counties with a population of less than 50,000. (Ronnie Kramer, Micheal Blinn) (Rule Project No. 2005-041-111-CE)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Chapter 111. KW/LS; all agree.

- Item 79. **Docket No. 2005-1914-RUL.** Consideration for publication of an amendment to **30 TAC Chapter 335**, Industrial Solid Waste and Municipal Hazardous Waste, Subchapter H, Standards for the Management of Specific Types of Waste and Specific Types of Facilities, Division 5, Universal Waste Rule, Section 335.261, Universal Waste Rule.

The proposed rule-making implements House Bill 2793, codified in new Texas Health and Safety Code Chapter 375. The proposed rule would incorporate, by reference, the federal rule designating mercury-containing devices as universal waste. This entails adding “mercury-containing equipment,” which includes “convenient switches,” to TCEQ’s list of universal wastes. In addition to convenience switches, examples of mercury-containing equipment include thermostats, barometers, manometers. (G. Michael Lindner, Project Manager, Susan White, Lead Attorney) (Rule Project No. 2005-072-335-AD)

Approve the publication of an amendment to 30 TAC Chapter 335. KW/RM; all agree.

EXECUTIVE SESSION

- Item 80. **Docket No. 2006-0001-EXE.** The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission’s Executive Director, 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.

The Commission did not meet in Executive Session.

- Item 81. **Docket No. 2006-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or

the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in Executive Session.

Item 82. **Docket No. 2006-0003-EXE.** The Commission will conduct a closed session to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in Executive Session.

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

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

AGENDA

Wednesday, January 25, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle
Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2004-1050-MLM-E; SOAH Docket No. 582-05-7506.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Mayfield McCraw dba McCraw Materials** in **Fannin County**, Texas, regarding air quality and and municipal solid waste violations pursuant to Tex. Water Code ch. 7, and Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60.

Adopt the ALJ's Order with the exceptions provided during the meeting by the Executive Director and agreed to by the Administrative Law Judge as well as the revisions recommended during the meeting by the Chairman, which were agreed to by the Executive Director. KW/RM; all agree.

- Item 2. **TCEQ Docket No. 2004-0539-PST-E; SOAH Docket No. 582-05-2744.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Johnny M. Craven dba Craven Truck Center** in **Gonzales County**, Texas; TCEQ Petroleum Storage Tank Facility ID No 20129; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code §§334.49(c)(4), 334.49(c)(2)(C), 334.50(b)(1)(A), and 334.50(b)(2)(A)(ii), 334.50(b)(2)(A)(i)(III), and Tex. Water Code §§ 26.3475(d), 26.3475(a), 26.3475(c)(1), and the rules of the Texas Commission on Environmental Quality.

Item continued to the March 8, 2006 Commission Agenda. KW/RM; all agree.

- Item 3. **TCEQ Docket No. 2004-1768-MWD-E; SOAH Docket No. 582-05-7639.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Al Jodoïn dba Lake Whitney RV Community** in **Hill County**, Texas; TCEQ Water Quality No. WQ0013891001; regarding water quality violations pursuant to Texas Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60, and any exceptions and replies to the Proposal for Decision and Order.

Item remanded to SOAH with a directive for the Public Interest Counsel to provide assistance as necessary to the Respondent. KW/LS; all agree.

Item 4. **TCEQ Docket No. 2003-1072-PST-E; SOAH Docket No. 582-05-7372.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Harisar Petroleum, Inc. dba Fina Quick Mart in Dallas County**, Texas; TCEQ Petroleum Storage Tank Facility ID No. 0015577, regarding 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, and any exceptions and replies to the Proposal for Decision and Order.

Adopt the ALJ's Order, with the ED's recommended changes. KW/RM all agree.

Item 5. **TCEQ Docket No. 2004-0988-EAQ.** Consideration of the Motion to Overturn filed by Anne Ashmun; the Motion to Overturn filed by Neighbors Organized to Protect the Environment and John Sikoski; and the Motion for Reconsideration filed by the City of Austin, concerning the Executive Director's letter dated October 28, 2005, regarding the Executive Director's approval of an Edwards Aquifer Water Pollution Abatement Plan under Chapter 26 of the Texas Water Code and Chapter 213 of the Commission's rules for KBDJ, L.P., Program ID No. 0312013, at the **KBDJ Ruby Ranch Site**, 6025 FM 967, Buda, **Hays County**, Texas. The Commission will also consider the Response filings submitted by KBDJ, L.P., the Executive Director, and the Office of Public Interest Counsel and the Supplemental filings submitted by Anne Ashmun and the City of Austin.

Deny the Motions to Overturn and the Motion for Reconsideration. KW/RM; LS present.

/s/ Celeste Baker
Assistant General Counsel,
Celeste Baker

3/28/2006
Date