

Chairman Kathleen White
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, February 7, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the January 10, 2007 agenda.

- Item 1. **Docket No. 2006-2004-RUL.** Consideration of a petition for rulemaking under **30 TAC Section 20.15.**

The petition was filed with the Texas Commission on Environmental Quality on November 17, 2006, by Winstead Sechrest & Minick P.C. on behalf of Westerra Stonebridge, L.P. The petitioner requests changes to 30 TAC Section 297.21, Domestic and Livestock and Wildlife Permit Exemptions, to create an exemption to the definition of "commercial operation." The change would create an exemption from the requirement to obtain a water right for housing developments that had a dam or reservoir that preexisted the housing development and that have a Clean Water Act Section 404 permit. (Todd Chenoweth, Ross Henderson) (Rule Project No. 2007-006-PET-NR)

Deny the petition for rulemaking. KW/LS; all agree.

AGENDA

Wednesday, February 7, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUEST(S)/REQUEST(S) FOR RECONSIDERATION

Item 1. **Docket No. 2006-1947-AIR.** Consideration of application by **Ryno Materials Inc.** for New Air Quality Standard Permit 76818 to authorize the construction of a permanent concrete batch plant. The proposed plant site is located two miles south of Celina on County Road 53, west of Highway 289, in Celina, **Collin 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. (Shelley Stratmann, Brad Patterson)

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

Item 2. **Docket No. 2006-1728-IWD.** Consideration of the application by **Chevron Phillips Chemical Company LP**, for a major amendment to TPDES Permit No. WQ0000359000 to increase the daily maximum effluent limitation for total suspended solids at Outfall 001 and reduce the monitoring frequencies for total copper, oil & grease, biochemical oxygen demand (5-day), and chemical oxygen demand at Outfall 001. The current permit authorizes the discharge of process wastewater, utility wastewater, storm water, and domestic wastewater at a daily average flow not to exceed 3,150,000 gallons per day via Outfall 001. The facility is located on the south side of Farm-to-Market Road 1006, approximately 1.7 miles east of the intersection of Farm-to-Market Road 1006 and State Highway 87, southwest of the City of Orange, **Orange 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. (Paul Tough, Michael Sunderlin)

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

Item 3. **Docket No. 2001-1286-MWD.** Consideration of the application by the **City of San Angelo** for a renewal of TCEQ Permit No. WQ0010641003 which authorizes the disposal of treated domestic wastewater with a daily average flow not to exceed 16,300,000 gallons per day via evaporation and surface irrigation of 2787 acres. The wastewater treatment facility and disposal site are located approximately 3.5 miles east-northeast of the intersection of Farm-to-Market Road 380 and State Highway Loop 306 in **Tom Green 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, David Akoma)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4. **Docket No. 2006-0340-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP in Harris County**; TCEQ ID No. RN103773206; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Jennifer Cook)

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

Item 5. **Docket No. 2006-0108-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Goodyear Tire & Rubber Company in Harris County**; TCEQ ID No. RN100870898; for air quality violations pursuant to Texas Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shana L. Horton, Jennifer Cook)

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

Item 6. **Docket No. 2004-0459-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Scott Hewitt dba Scott Hewitt Broiler Farm in Upshur County**; TCEQ ID No. RN102289592; 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. (Kari L. Gilbreth, Jennifer Cook)

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

Item 7. **Docket No. 2006-0976-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Anthony Forest Products Company in Cass County**; RN102300589; 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. (Bryan Elliott, Steven Lopez)

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

Item 8. **Docket No. 2006-0803-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Citgo Products Pipeline Company in Tarrant County**; RN100225739; 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, Steven Lopez)

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

Item 9. **Docket No. 2006-1575-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Masters Resources, LLC** in **Chambers County**; RN100209774; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Steven Lopez)

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

Item 10. **Docket No. 2006-1142-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Carlos Castillo dba Olivas Paint & Body Shop** in **Bexar County**; RN104196902; 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, Steven Lopez)

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

Item 11. **Docket No. 2006-1034-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Randy Bixby dba Out on a Limb, Inc.** in **Bexar County**; RN102837382; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jessica Rhodes, Steven Lopez)

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

Item 12. **Docket No. 2006-0664-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Pasadena Refining System, Inc.** in **Harris County**; RN100716661; 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. (Sherronda Martin, Steven Lopez)

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

Item 13. **Docket No. 2006-0977-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Orange Crush Recyclers, Ltd.** in **Dallas and Denton Counties**; RN103081394; 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. (Jason Kemp, Steven Lopez)

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

Item 14. **Docket No. 2006-1259-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Motiva Enterprises, LLC** in **Jefferson County**; RN100238898; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Daniel Siringi, Steven Lopez)

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

Item 15. **Docket No. 2006-0887-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Coletto Creek Power, LP** in **Goliad County**; RN100226919; 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, Steven Lopez)

Item remanded to the Executive Director.

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 16. **Docket No. 2006-0694-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Amarillo Village Cleaners, Inc.** in **Potter County**; TCEQ ID No. RN103962221; for dry cleaning violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Shana L. Horton, Jennifer Cook)

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

Item 17. **Docket No. 2006-1172-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brian Le dba 1.25 Brian Cleaners** in **Harris County**; RN104966445; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Cheryl Thompson, Steven Lopez)

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

Item 18. **Docket No. 2006-1207-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Young Man Rhee dba A1 Dry Cleaners** in **Harris County**; RN103966875 and RN103966651; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

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

Item 19. **Docket No. 2006-1006-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bolton Brite Way Cleaners, Inc.** in **Lubbock County**; RN104160585, RN104164082, RN104164439, RN104160981, RN104161245, RN102153160, RN104164785, RN104163803, RN104165014, RN104165857, RN104160593, RN104166285 and RN104160973; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Shontay Wilcher, Steve Lopez)

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

Item 20. **Docket No. 2006-1496-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Joy International Corporation dba Dry Clean 150** in **Harris County**; RN102000841; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch.

374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Alison Echlin, Steven Lopez)

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

Item 21. **Docket No. 2006-0869-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hoa Bui Enterprises, Inc. dba Mpress Cleaners in Tarrant County**; RN104131461; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Acharya Rajesh, Steven Lopez)

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

Item 22. **Docket No. 2006-1500-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Sun Kun Ziegler dba Heights Cleaners in Bell County**; RN104102769; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jason Godeaux, Steven Lopez)

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

Item 23. **Docket No. 2006-1404-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **George's Cleaners, Inc. dba Community Cleaners in Brazoria County**; RN104989983; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Steven Lopez)

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

Item 24. **Docket No. 2006-1456-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Expert Cleaners, Inc. dba Pro Cleaners in Harris County**; RN104095054; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Deana Holland, Steven Lopez)

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

Item 25. **Docket No. 2006-1055-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kim A. Johnson dba Dry Clean Super Center in Dallas County**; RN104962204; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Audra L. Ruble, Steven Lopez)

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

Item 26. **Docket No. 2006-1636-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Custer Cleaners LLC dba Dry Clean City in Collin County**; RN100610047; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex.

Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Cari-Michel La Caille, Steven Lopez)

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

Item 27. **Docket No. 2006-1282-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Wan Tae Lim dba City Cleaners in Dallas County**; RN104061718; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

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

Item 28. **Docket No. 2006-1639-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **C & D Yun Corporation dba Sky Town & Country Cleaners in Collin County**; RN100714104; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Steven Lopez)

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

Item 29. **Docket No. 2006-1135-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Shenaz A. Hirani dba Whitex Cleaners in Denton County**; RN103962205; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

Item 30. **Docket No. 2006-1419-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **VNP, Inc. dba Greg's Cleaners in Harris County**; RN102333226; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

Item 31. **Docket No. 2006-1275-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chung K Yi dba Uptown Cleaners in Dallas County**; RN103960886; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Marlin Bullard, Steven Lopez)

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

Item 32. **Docket No. 2006-1323-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bang Tieu dba Unik Cleaners and Alterations in Harris County**; RN104992177; for a dry cleaner registration violation pursuant to Tex. Health

& Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Colin Barth, Steven Lopez)

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

Item 33. **Docket No. 2006-1672-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trishla, Inc. dba A-1 Dry Cleaners in Harris County**; RN104967138; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Cheryl Thompson, Steven Lopez)

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

Item 34. **Docket No. 2006-0939-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Asifa Shoaib dba Tip Top Cleaners in Dallas County**; RN104983853; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Audra L. Ruble, Steven Lopez)

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

Item 35. **Docket No. 2006-0963-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Jose Valenzuela dba The New Lone Star Cleaners in El Paso County**; RN104473855; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Cari-Michel La Caille, Steven Lopez)

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

Item 36. **Docket No. 2006-1373-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tom Pham dba T&C Specialty Cleaners in Galveston County**; RN100707595; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Alison Echlin, Steven Lopez)

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

Item 37. **Docket No. 2006-1658-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Nizarali Ali Bhai Dhuka dba Texas A 1 Cleaners in Bexar County**; RN100696871; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Steven Lopez)

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

Item 38. **Docket No. 2006-1268-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Jims Inc. dba Snow White Cleaners in Dallas County**; RN101474591; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water

Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Michael Meyer, Steven Lopez)

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

Item 39. **Docket No. 2006-1342-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oanh Hoang Ngo dba Sharpway Cleaners in Harris County**; RN104958723; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Alison Echlin, Steven Lopez)

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

Item 40. **Docket No. 2006-1481-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Kyong Allin dba Sassy Cleaners in Bell County**; RN104442181; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Judy Kluge, Steven Lopez)

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

Item 41. **Docket No. 2006-1110-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Lavelle M. Jeane dba Santa Fe Cleaners in Galveston County**; RN104992185; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Cari-Michel La Caille, Steven Lopez)

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

Item 42. **Docket No. 2006-0649-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eloina G. Torres dba Royal Cleaners in Matagorda County**; RN103954160; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rajesh Acharya, Steven Lopez)

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

Item 43. **Docket No. 2006-0868-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **RLY Cleaners, L.L.C. dba Metro Cleaners in Denton County**; RN104091129, RN103955530 and RN104091178; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rajesh Acharya, Steven Lopez)

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

Item 44. **Docket No. 2006-1603-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Ram Leather Care of San Antonio, Inc. dba Ram Leather Care in Bexar County**; RN100675719; for a dry cleaner registration violation pursuant to Tex. Health &

Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Steven Lopez)

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

Item 45. **Docket No. 2006-0716-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paul Mauricio & Sons, Inc. dba Snow White Cleaners No. 15, dba Snow White Cleaners No. 27, dba Zip Cleaners No. 6, dba Snow White Cleaners No. 24, dba Snow White Cleaners No. 1, dba Snow White Cleaners No. 12, dba Sudden Cleaners No. 10, dba Sudden Cleaners No. 1, dba Zip Cleaners No. 1, dba Snow White Cleaners No. 9, and dba Snow White Cleaners No. 23** in **Bexar County**; RN104101464, RN104101373, RN104101407, RN104966395, RN100634435, RN104101480, RN104086590, RN104101613, RN104101365, RN104101621, and RN100718121; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Cari-Michel La Caille, Steven Lopez)

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

Item 46. **Docket No. 2006-1156-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paul Allbright dba Bent Tree Cleaners in Collin County**; RN103973103; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Thomas Greimel, Steven Lopez)

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

FIELD CITATIONS

Item 47. **Docket No. 2006-1538-PST-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **K & R Fuel Centers, Inc. dba Travel Plaza in Somervall County**; RN104488069; 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, Steven Lopez)

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

Item 48. **Docket No. 2006-2160-PST-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Mohammad Omair dba JRS Quick Stop in Parker County**; RN101550200; 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, Steven Lopez)

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

Item 49. **Docket No. 2006-2089-PST-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **North Texas Super Save LP dba Burrus IGA Supermarket in Denton County**; RN102245859; 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, Steven Lopez)

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

Item 50. **Docket No. 2006-1754-PST-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Gentek Investments, Inc. dba Rowdy's** in **Harris County**; RN102449709; 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, Steven Lopez)

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

Item 51. **Docket No. 2006-1895-PST-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Best Texan Inc.** in **Hardin County**; RN102350949; 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, Steven Lopez)

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

Item 52. **Docket No. 2006-1531-WQ-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Maria Rosales dba Salvatex Used Auto Parts** in **Montgomery County**; RN104995956; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Steven Lopez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 53. **Docket No. 2005-1801-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Parks and Wildlife Department** in **Harris County**; TCEQ ID No. RN102469988; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Jennifer Cook)

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

Item 54. **Docket No. 2006-0775-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Utilities, Inc. dba Aqua Texas, Inc.** in **Harris County**; RN101516268; 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. (Ruben Soto, Steven Lopez)

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

Item 55. **Docket No. 2006-0864-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Crockett in Houston County**; RN101609675; 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. (Ruben Soto, Steven Lopez)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 56. **Docket No. 2005-1849-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jubilant Services, Inc. dba RJN Food Mart in Tarrant County**; TCEQ ID No. RN101565778; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rachael Gaines, Jennifer Cook)

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

Item 57. **Docket No. 2002-1013-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Salwa, Inc. dba Cypress Plaza 1 in Orange County**; TCEQ ID No. RN101895308; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Shannon Strong, Jennifer Cook)

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

Item 58. **Docket No. 2005-0809-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mickey Koonsman dba Tex Hess 3 Way Store and Karen Koonsman dba Tex Hess 3 Way Store in Erath County**; TCEQ ID No. RN102719390; 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. (Robert R. Mosley, Jennifer Cook)

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

Item 59. **Docket No. 2006-1218-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Racetrac Petroleum, Inc. dba Racetrac 501 in Jefferson County**; RN102275468; 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. (Harvey Wilson, Steven Lopez)

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

Item 60. **Docket No. 2006-1002-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Peter Xac dba Lucky Store in San Patricio County**; RN104956594; 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. (Audra L. Ruble, Steven Lopez)

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

Item 61. **Docket No. 2006-1059-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Laredo Regional Medical Center, L.P. dba Doctors Hospital of Laredo in Webb County**; RN101867703; 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, Steven Lopez)

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

Item 62. **Docket No. 2004-1336-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William R. Leo dba Leo's Food Mart 3 in Hidalgo County**; TCEQ ID Nos. 55005 and RN102283652; 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. (Shannon Strong, Jennifer Cook)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 63. **Docket No. 2006-0214-PST-E.** Consideration of a Default Order assessing administrative penalties against **Dapino Watters dba Krystal Mart in Wichita County**; TCEQ ID No. RN101442572; 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. (Lena Roberts, Jennifer Cook)

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

Item 64. **Docket No. 2003-0933-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Liaquat Hussain dba Huffman Gas & Grocery in Harris County**; TCEQ ID No. RN100918705; 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. (Rachael Gaines, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 65. **Docket No. 2006-1025-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Teresa Pate dba Matties Place in Angelina County**; RN102322476; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Steven Lopez)

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

Item 66. **Docket No. 2006-0879-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Stanley Huber dba Huber Gardens Estates in Ector County**; RN101175115; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Steven Lopez)

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

Item 67. **Docket No. 2006-0520-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Adventure Camp, Inc. dba Y.O. Adventure Camp in Kerr County**; TCEQ ID No. RN101194561; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Deanna Sigman, Jennifer Cook)

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

Item 68. **Docket No. 2005-2085-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Brazos Bend Home & Ranch, Inc. in Fort Bend County**; TCEQ ID No. RN101176592; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Deanna Sigman, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 69. **Docket No. 2005-0301-PWS-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Continental Land Owners Association, Inc. in Harris County**; TCEQ ID Nos. 1012576 and RN101217354; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Laurencia Fasoyiro, Jennifer Cook)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 70. **Docket No. 2004-0937-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **P & S Stone, Inc. dba P & S Stone TD Williams in Jack County**; TCEQ ID Nos. TXR15M004 and RN104285291; 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. (Deanna Sigman, Jennifer Cook)

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

Item 71. **Docket No. 2006-1330-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **THS Properties, L.L.C. and Pineview Woods, L.P. in Jasper County;** RN104814553; 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. (Elvia Maske, Steven Lopez)

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

Item 72. **Docket No. 2006-0810-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Kahler Homes, Ltd. in Midland County;** RN104925847; 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. (Ruben Soto, Steven Lopez)

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

Item 73. **Docket No. 2006-1570-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Camelot Custom Homes, Inc. in Travis County;** RN105008486; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Yuliya Dunaway, Steven Lopez)

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

TMDL MATTERS

Item 74. **Docket No. 2006-1432-TML.** Consideration to adopt two final TMDLs for chloride and total dissolved solids in the **Colorado River Below E. V. Spence Reservoir** (Segment 1426) of the Colorado River Basin, in **Coke and Runnels Counties**, as certified updates to the State of Texas Water Quality Management Plan to satisfy federal water quality management planning requirements. (Faith Hambleton, Marc Friberg)

Adopt the two final TMDLs for chloride and total dissolved solids. KW/LS: all agree.

Item 75. **Docket No. 2006-1967-TML.** Consideration for approval to publish and solicit public comment on one draft TMDL for bacteria in **Upper Oyster Creek** (Segment 1245) of the Brazos River Basin, in **Fort Bend County.** (Faith Hambleton, Marc Friberg)

Approve to publish and solicit public comment on one draft TMDL. KW/LS; all agree.

RULE MATTERS

Item 76. **Docket No. 2006-2245-RUL.** Consideration of a petition for rulemaking under **30 TAC Section 20.15.**

The petition requests changes to the Commission's rules relating to the regulation of Class III injection wells for in situ mining as provided in 30 TAC Chapters 305 and 331. Proposed changes would eliminate all current rules in Chapters 305 and 331 that apply to the production

area authorization process for in situ uranium mining and replace them with a requirement to submit a report. The petition also requests changes to Section 331.103 to allow up to five years to meet the requirements for monitoring wells. (David H. Murry, Project Manager, Don Redmond, Attorney) (Rule Project No. 2007-010-PET-NR)

Deny the petition as the Executive Director is currently engaged in an ongoing rulemaking which addresses these issues. Direct the Executive Director to consider the full range of issues raised by stakeholders and to process this matter in a timely manner. KW/LS; all agree.

Item 77. **Docket No. 2006-1997-RUL.** Consideration for publication of the proposed amendment to Section 80.108 of **30 TAC Chapter 80**, Contested Case Hearings.

The proposed rulemaking would provide the commission with the express authority to direct the executive director to participate in certain contested case hearings. (Janis Hudson) (Rule Project No. 2007-003-080-LS)

Approve the publication of the proposed amendment to Section 80.108 of 30 TAC Chapter 80, with the deletion of the Executive Director's proposed modification to subsection (a) and the addition of a new subsection (m) that would state, "notwithstanding the requirements of subsections (a) and (c) of this section regarding party participation, the Executive Director shall participate as a party if directed to do so by the Commission", and direct the Executive Director to make the appropriate changes to the preamble to reflect these changes. KW/LS; all agree.

Item 78. **Docket No. 2006-2026-RUL.** Consideration for publication of, and hearing on, proposed amendments to Sections 101.1, 101.23, 101.302, 101.306, 101.350, 101.351, 101.353, 101.354, 101.360, 101.372, 101.376, 101.383, and 101.385 and the proposed repeal of Section 101.22 of **30 TAC Chapter 101**, General Air Quality Rules, and corresponding revisions to the state implementation plan.

The proposed rulemaking would correct references to sections of 30 TAC Chapter 117 which are changing due to the reorganization of Chapter 117. This rulemaking would also include revisions identified during the last review of Chapter 101, including changes to the definitions of visible emissions, cold solvent cleaning, conveyORIZED degreasing, open-top vapor degreasing, high-volume low-pressure spray guns, and standard conditions. A definition for nitrogen oxides would be added, the definitions of hazardous waste management facility and hazardous waste management unit would be deleted, references to the title of the commission would be corrected, and an obsolete effective date section would be removed. (Becky Southard/Terry Salem) (Rule Project No. 2006-053-101-PR)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Chapter 101 and corresponding revisions to the state implementation plan. KW/LS; all agree.

Item 79. **Docket No. 2006-0525-RUL.** Consideration of the adoption of new Sections 19.1, 19.3, 19.10, 19.12, and 19.14 in **30 TAC new Chapter 19**, Electronic Reporting. The new sections will be submitted as revisions to the state implementation plan.

The adoption outlines the electronic reporting requirements for agency programs. The United States Environmental Protection Agency (EPA) promulgated its Cross Media Electronic

Reporting Rule (CROMERR) on October 13, 2005, which impacts the Texas Commission on Environmental Quality's federally authorized programs by requiring specific regulatory changes in those programs in order for the commission to accept reports and applications electronically. Adding a chapter for electronic reporting will minimize the need to open multiple rule sections now or in the future in the event EPA amends CROMERR. This rule also establishes that a person who fails to comply with electronic reporting procedures will be subject to the same level of enforcement as for failure to report as required. The proposed rules were published in the September 8, 2006, issue of the *Texas Register* (31 TexReg 7235). (Ellette Vinyard, James Sallans) (Rule Project No. 2006-018-019-PR)

Adopt new Sections 19.1, 19.3, 19.10, 19.12, and 19.14 in 30 TAC new Chapter 19. KW/LS; all agree.

EXECUTIVE SESSION

Item 80. **Docket No. 2007-0001-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.

No action taken.

Item 81. **Docket No. 2007-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, including Environmental Defense, Inc. vs. Texas Commission on Environmental Quality, Cause No. D-1-GN-06-003957 in the District Court of Travis County, 345th Judicial District, and other settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, including the General Counsel, 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 82. **Docket No. 2007-0003-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.

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.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: [HTTP://WWW.TEXASADMIN.COM/cgi-bin/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)

AGENDA

Wednesday, February 7, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

Item 1. **TCEQ Docket No. 2006-1763-UCR.** Consideration of a request for a Commission order approving a contract designating service areas between the **City of Austin** ("Austin"), water certificate of convenience and necessity ("CCN") No. 11322, and **Manville Water Supply Corporation** ("Manville WSC"), water CCN No. 11144, in **Travis County**, Texas pursuant to Section 13.248 of the Texas Water Code. Under the Agreement, Austin will transfer approximately 151 acres of service area to Manville WSC. Manville WSC will transfer a total of approximately 1,668 acres of service area to the City of Austin. No facilities are proposed to be transferred. (Jessica Luparello, Lisa Mejia)

Item remanded to the Executive Director.

Item 2. **TCEQ Docket No. 2004-0634-UCR; SOAH Docket No. 582-04-6436.** Consideration of the Joint Motion to Overturn filed by the Executive Director and Carrington Associates, Inc., and the Motion to Overturn filed separately by Mary Nell McKay, concerning the Executive Director's approval of a water rate increase/tariff change application for **Certificate of Convenience and Necessity No. 11714** in **Matagorda and Cooke Counties**, Texas (Application No. 34429-R). The application was filed by Carrington Associates, Inc. on November 6, 2003, remanded from the State Office of Administrative Hearings on August 12, 2005, after settlement was reached, and approved by the Executive Director on November 9, 2006. The Commission will also consider timely responses and replies to the Motions to Overturn.

Grant the Joint Motion to Overturn filed by the Executive Director and Carrington Associates, Inc.; grant the Motion to Overturn filed by Mary Nell McKay to the extent of issues related to the Joint Motion to Overturn, deny issues relating to additional rate charges; set aside the tariff and remand the matter to the Executive Director. KW/LS; all agree

Item 3. **TCEQ Docket No. 2006-2047-UCR.** Consideration of a Motion to Overturn filed by Charles Thrash on behalf of James Barnett, Marilyn Barnett, utility customers represented by the Barnetts, Larry Brown, Frances Brown, Patty Forman, Barbara Phillips, Ellen Steinman, Nina Strickland, Steve Strickland, and others concerning the Executive Director's approval of an application (Application No. 35067-S) by **Bethesda Water Supply Corporation** to transfer service area and cancel Certificate of Convenience and Necessity (CCN) No. 10092 from Tarrant County Fresh Water Supply District No. 1 and amend CCN No. 10089 held by Bethesda Water Supply Corporation in **Tarrant County**, Texas. The Commission will also consider timely responses and replies to the Motion to Overturn.

Deny the Motion to Overturn. KW/LS; all agree.

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

REGISTRATION FOR AGENDA STARTS AT 12:30 P.M. UNTIL 1:00 P.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

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/s/ Anne Rowland
Assistant General Counsel,
Anne Rowland

5-9-2007
Date