

The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC) and distributed by the Chief Clerk to the Commissioners for their consideration]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).

Backup documents filed with the OCC and distributed to the Commissioners will be added to this document daily until 5:00 p.m. Friday before the given agenda date. Updates to backup documents will be noted by a purple indicator. Documents filed less than five days before the agenda date will not be added to this document. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 11 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).

Chairman Kathleen White OLD BUSINESS AGENDA
 Commissioner Larry Soward
 Commissioner H.S. Buddy Garcia Wednesday, August 8, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the June 13, 2007 agenda.

Item 1. [Docket No. 2006-1967-TML](#) Consideration to adopt one final TMDL for bacteria in **Upper Oyster Creek** (Segment 1245) of the Brazos River Basin, in **Fort Bend County**, as a certified update to the State of Texas Water Quality Management Plan to satisfy federal water quality management planning requirements. (Faith Hambleton, Marc Friberg)

Adopt one final TMDL for bacteria in Upper Oyster Creek. KW/LS; all agree.

Item continued from the June 13, 2007 agenda.

Item 2. [Docket No. 2006-1921-TML](#) Consideration to adopt one final TMDL for bacteria in **Gilleland Creek** (Segment 1428C) of the Colorado River Basin, in **Travis County**, as a certified update to the State of Texas Water Quality Management Plan to satisfy federal water quality management planning requirements. (Faith Hambleton, Marc Friberg)

Adopt one final TMDL for bacteria in Gilleland Creek. KW/BG; all agree.

AGENDA

Wednesday, August 8, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

- Item 1. [Docket No. 2007-0020-MWD](#). Consideration of the application by the **City of Aledo** for an amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010847001 to authorize the increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 350,000 gallons per day to a daily average flow not to exceed 600,000 gallons per day and change the technique of disinfection from chlorination to ultraviolet. The wastewater treatment facility is located approximately 0.5 mile west of the intersection of Farm to Market Road 5 and Farm to Market Road 2376 in the City of Aledo in **Parker 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. (Michael Northcutt, Michael Redda)

Grant the hearing request of Martin Siegmund on the issues of: 1. whether the permit amendment complies with the applicable rules for buffer zone and odor control requirements as found in 30 TAC § 309.13(e); 2. whether specific special conditions are necessary to address potential chlorine leaks; and 3. whether the permit amendment proposed by the Applicant comports with TCEQ's policy of regionalization. Deny the request for reconsideration, refer the matter to SOAH with a maximum hearing duration of six months, direct the Executive Director to participate in the hearing, and request the ALJ provide Findings of Fact, Conclusions of Law, and Ordering Provisions with the PFD. KW/BG; all agree.

- Item 2. [Docket No. 2006-1833-DIS](#). Consideration of an application by **Bexar Metropolitan Water District** (District) for approval to assess impact fees in **Bexar, Medina, Atascosa, and Comal Counties**. The District requests Commission approval to levy an impact fee of \$2,376 per connection pursuant to Local Government Code, Chapter 395. The Commission will also consider requests for a contested case hearing and related responses and replies. (TCEQ Internal Control No. 05012006-D01, Rob Cummins, Christiaan Siano)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 3. [Docket No. 2006-1780-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cross-Cut Hardwoods, Inc.** in **Cherokee County**; RN101953206; 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. LS/BG; all agree.

Item 4. [Docket No. 2007-0361-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Transit Mix Concrete & Materials Company in Parker County**; RN100805613; 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. LS/BG; all agree.

Item 5. [Docket No. 2007-0131-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Nueces County**; RN100211663; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Steven Lopez)

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

Item 6. [Docket No. 2007-0118-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Watco Tanks, Inc. in Wilson County**; RN102519584; 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. (Lindsey Jones, Steven Lopez)

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

Item 7. [Docket No. 2006-2062-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Riata Energy, Inc. in Pecos County**; RN104411756; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Steven Lopez)

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

Item 8. [Docket No. 2007-0017-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gilbert O. Reyes Jr. dba Party Time II in El Paso County**; RN104759568; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Ruble, Steven Lopez)

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

Item 9. [Docket No. 2006-2195-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joe Perez dba J & R Body Shop in Taylor County**; RN104913926; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Steven Lopez)

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

Item 10. [Docket No. 2006-1740-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INVISTA S.à r.l., LLC in Orange County**; RN104392626; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Steven Lopez)

Item continued to the August 22, 2007 agenda.

Item 11. [Docket No. 2006-1716-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Crown Beverage Packaging Inc. in Fort Bend County**; RN100218072; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Steven Lopez)

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

Item 12. [Docket No. 2006-2093-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **E. I. du Pont de Nemours and Company in Harris County**; RN100225085; 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. LS/BG; all agree.

Item 13. [Docket No. 2006-2043-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Steven Lopez)

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

Item 14. [Docket No. 2007-0008-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southern Union Pipeline, Ltd. in Ward County**; RN100215532; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Steven Lopez)

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

- Item 15. [Docket No. 2006-1067-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Galveston County**; TCEQ ID No. RN100238385; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Jennifer Cook)

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

- Item 16. [Docket No. 2007-0090-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Approach Operating LLC in Crockett County**; RN104256102; 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. LS/BG; all agree.

- Item 17. [Docket No. 2006-1990-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against the **Army & Air Force Exchange Service in El Paso County**; RN102843547; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Libby Hogue, Steven Lopez)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

- Item 18. [Docket No. 2006-1298-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Manir Bata dba Addison Circle Cleaners II in Dallas County**; TCEQ ID No. RN105000541; 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. (Rebecca M. Combs, Jennifer Cook)

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

- Item 19. [Docket No. 2006-1725-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jorge Tangarife dba Diamond Xpress Cleaners in Fort Bend County**; TCEQ ID No. RN104490131; 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. (Benjamin O. Thompson, Jennifer Cook)

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

- Item 20. [Docket No. 2006-1153-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Lisa Cypert dba Munday Cleaners in Knox County**; RN105025407; 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. LS/BG; all agree.

DRY CLEANER ENFORCEMENT DEFAULT ORDER

Item 21. [Docket No. 2006-0855-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Nam Sun Paek dba Metro Cleaners and dba Custom Cleaners in Tarrant and Denton Counties**; TCEQ ID Nos. RN103955506 and RN104986906; 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. (Shawn Slack, Jennifer Cook)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 22. [Docket No. 2006-2065-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Capital City-Bee Caves, Ltd. in Travis County**; RN105079842; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cari-Michel La Caille, Steven Lopez)

Approve the Agreed Order. LS/BG; KW present.

FIELD CITATIONS

Item 23. [Docket No. 2007-0633-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Moore County Hospital District in Moore County**; RN101890739; 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. LS/BG; all agree.

Item 24. [Docket No. 2007-0474-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Jayvik Auto Systems, Inc. dba Speedee Oil Change & Tune Up in Denton County**; RN100539923; for petroleum storage tank violations pursuant to Tex. Water Code ch. 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. LS/BG; all agree.

Item 25. [Docket No. 2007-0634-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Groendyke Transport, Inc.** in **Hutchinson County**; RN100557990; 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. LS/BG; all agree.

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 26. [Docket No. 2007-0398-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Andrew Pena dba A-One Aircraft Paint** in **Ellis County**; RN105121891; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Limos, Steven Lopez)

Approve the Agreed Order. LS/BG; KW present.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 27. [Docket No. 2006-2170-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Robinson** in **McLennan County**; RN101918605; 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, Steven Lopez)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 28. [Docket No. 2006-1806-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dustin L. Turner** in **Cooke County**; RN103660445; for landscape irrigator occupational license violations pursuant to Tex. Occupations Code ch. 1903, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 29. [Docket No. 2006-2243-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas Polymer Services, Inc.** in **Orange County**; RN100590207; for water quality and industrial hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental

Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Steven Lopez)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 30. [Docket No. 2005-0962-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mack Pool dba A&P Water Company in Rusk County**; TCEQ ID No. RN102918794; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 31. [Docket No. 2007-0150-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **J & C Construction, Inc. in Hidalgo County**; RN105126585; 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. (Libby Hogue, Steven Lopez)

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

Item 32. [Docket No. 2007-0346-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **N.B. Wood Recycling and Construction, Ltd. in Comal County**; RN105150999; 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. (Michael Meyer, Steven Lopez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 33. [Docket No. 2006-0191-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Casey Croy in Hamilton County**; TCEQ ID No. RN104789045; 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. (Alfred Oloko, Jennifer Cook)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 34. [Docket No. 2005-1937-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Jacinto City in Harris County**; TCEQ ID No. RN101919884; 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. (Mark Curnutt, Jennifer Cook)

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

Item 35. [Docket No. 2007-0035-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **C&R Water Supply Inc. in Montgomery County**; RN102341377; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lynley Doyen, Steven Lopez)

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

Item 36. [Docket No. 2006-2197-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Port of Houston Authority in Harris County**; RN102179033; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Steven Lopez)

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

Item 37. [Docket No. 2006-1525-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Utilities, Inc. dba Aqua Texas, Inc. in Trinity County**; RN102915451; 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, Steven Lopez)

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

Item 38. [Docket No. 2006-1964-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bastrop County Water Control and Improvement District No. 3 in Bastrop County**; RN101513430; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, Steven Lopez)

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

Item 39. [Docket No. 2006-1044-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bonham in Fannin County**; RN101919850; 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, Steven Lopez)

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

- Item 40. [Docket No. 2006-2189-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of College Station in Brazos County**; RN101608362; 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, Steven Lopez)

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

- Item 41. [Docket No. 2006-2254-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Dumas in Moore County**; RN101921005; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, Steven Lopez)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 42. [Docket No. 2005-1559-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Quick Shop #2, Inc. dba I 10 Fuelmart Etc. in Orange County**; TCEQ ID No. RN101875862; 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. (Mark Curnutt, Jennifer Cook)

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

- Item 43. [Docket No. 2007-0047-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dondi and Donna Tipton dba Tipton Texaco and Harvey and Beth Tipton dba Tipton Texaco in Shelby County**; RN101723997; 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. (Deana Holland, Steven Lopez)

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

- Item 44. [Docket No. 2004-1405-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Silwad, Inc. dba Circle M Food Store in McLennan County**; TCEQ ID No. RN102452463; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rebecca M. Combs, Jennifer Cook)

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

Item 45. [Docket No. 2007-0046-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Azim & Ruhee, Inc. dba Salyers Short Stop** in **Brazoria County**; RN101844140; 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. (Philip DeFrancesco, Steven Lopez)

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

Item 46. [Docket No. 2006-1897-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Key Oil Company dba Lawndale Service Station** in **Harris County**; RN102840113; 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. (Thomas Greimel, Steven Lopez)

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

Item 47. [Docket No. 2006-2088-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **John Ali Hemati dba Mimbela Fuel & Oil** in **El Paso County**; RN103937389; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Steven Lopez)

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

Item 48. [Docket No. 2007-0147-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NDV Enterprises, Inc. dba Chubbys 3** in **Liberty County**; RN101431708; 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. (Philip DeFrancesco, Steven Lopez)

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

Item 49. [Docket No. 2006-2035-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jacob Neycheril dba Singco Food Store** in **Harris County**; RN101812840; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Steven Lopez)

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

Item 50. [Docket No. 2006-1983-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **S & S USA Enterprises, Inc. dba Berry Food Store** in **Harris County**; RN100890979; 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. (Deana Holland, Steven Lopez)

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

Item 51. [Docket No. 2006-0225-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texcan Consulting, Inc. dba Trainer Hale Truck Stop in Guadalupe County**; RN101816932; 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, Steven Lopez)

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

Item 52. [Docket No. 2007-0319-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **John W. Cooke dba Phippen Motor in Panola County**; RN104747167; 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, Steven Lopez)

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

Item 53. [Docket No. 2006-1927-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pirafzal Corporation dba Stop-N-Drive 7 in Jefferson County**; RN101867992; 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. (Shontay Wilcher, Steven Lopez)

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

Item 54. [Docket No. 2006-1872-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brazos Valley Petroleum Corporation dba In & Out 7 in Orange County**; RN102482346; 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, Steven Lopez)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 55. [Docket No. 2005-1449-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Sohail Afridi dba Lumberton Food Mart in Hardin County**; TCEQ ID No. RN102353554; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 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. (Mark Curnutt, Jennifer Cook)

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

- Item 56. [Docket No. 2005-0292-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Al-Tahir U.S.A., Inc. dba Main Street Shell** in **Harris County**; TCEQ ID No. RN101821742; for a petroleum storage tank violation pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Jennifer Cook)

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

- Item 57. [Docket No. 2006-0306-PST-E](#). Consideration of a Default Order assessing administrative penalties against **A & B, Inc. dba The Corner Stop 3** in **Tom Green County**; TCEQ ID No. RN102438389; 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 Default Order. LS/BG; all agree.

- Item 58. [Docket No. 2005-0162-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Henna Enterprises, Inc. dba Clark Store** in **Harris County**; TCEQ ID No. RN102784410; 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. (Shawn A. Slack, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 59. [Docket No. 2006-0022-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chong Bai Xia dba Twin Lakes Water Co.** in **Tarrant County**; TCEQ ID No. RN101453512; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Jennifer Cook)

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

- Item 60. [Docket No. 2007-0054-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **6700 McHard, Inc. dba Greater Houston Gun Club** in **Fort Bend County**; RN101219939; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Steven Lopez)

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

Item 61. [Docket No. 2007-0105-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Byers in Clay County**; RN101236404; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Cheryl Thompson, Steven Lopez)

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

Item 62. [Docket No. 2006-2029-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eco Resources, Inc. in Smith County**; RN101194470; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Steven Lopez)

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

Item 63. [Docket No. 2007-0019-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Girl Scouts-Circle T Council, Inc. dba Camp Timberlake in Tarrant County**; RN101262913; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Steven Lopez)

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

Item 64. [Docket No. 2006-2256-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jack Neely dba Heights Water Company in Smith County**; RN102676129; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Steven Lopez)

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

Item 65. [Docket No. 2006-1985-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hilco United Services Inc. in Hill County**; RN101271401; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Anita Keese, Steven Lopez)

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

Item 66. [Docket No. 2004-1836-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Killeen in Bell County**; RN101391308; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Steven Lopez)

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

Item 67. [Docket No. 2006-2087-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Roanoke in Denton County**; RN101202042; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Pamela Campbell, Steven Lopez)

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

Item 68. [Docket No. 2006-1899-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Steve Torno dba Rodell Water Supply in Leon County**; RN105061436; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Anita Keese, Steven Lopez)

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

Item 69. [Docket No. 2007-0056-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rosebud-Lott Independent School District in Falls County**; RN101194082; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amy Martin, Steven Lopez)

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

Item 70. [Docket No. 2006-2233-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Sansom Park in Tarrant County**; RN101414480; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amy Martin, Steven Lopez)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 71. [Docket No. 2007-0228-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tex Mix Partners, LTD.** in **Williamson County**; RN103972428; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, Steven Lopez)

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

Item 72. [Docket No. 2006-1756-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Killeen in Bell County**; RN103174306; 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, Steven Lopez)

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

GENERAL PERMIT

- Item 73. [Docket No. 2006-0428-WQ](#). For consideration of issuance of **General Permit No. TXR040000**, which authorizes on a state-wide basis, the discharge of storm water and certain types of non-storm water into or adjacent to surface water in the state from small municipal separate storm sewer systems, or MS4s. The proposed general permit specifies which small MS4s must obtain permit coverage, which are eligible for waivers, and which must obtain individual permit coverage. The Commission will also consider public comment and the Executive Director's response to comments. (Cynthia Hooper, Robert Brush)

Adopt the Executive Director's response to comments and approve the issuance of General Permit No. TXR040000. KW/LS; all agree.

RULE MATTERS

- Item 74. [Docket No. 2007-0937-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Sections 114.7, 114.62, 114.64, 114.66, and 114.70. The proposed rulemaking would implement revisions to the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) as amended by Senate Bill 12, 80th Legislature, 2007. The revisions would expand vehicle owner financial eligibility to 300 percent of the federal poverty rate and provide incentives for certain vehicle owners to repair or retire and replace their present vehicles with newer, cleaner running vehicles. (Bob Wierzowiecki, Brad Patterson) (Rule Project No. 2007-026-114-EN)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Chapter 114. KW/BG; all agree.

- Item 75. [Docket No. 2007-0939-RUL](#). Consideration for publication of, and hearing on, an amendment to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Subchapter K, Mobile Sources Incentive Programs, Division 3, Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles, Section 114.622 and corresponding revisions to the state implementation plan. The proposed rulemaking would authorize the commission to allow travel on highways and roadways designated by the commission to count towards the requirement that grant-funded vehicles operate at least 75 percent of the annual miles in the eligible counties; raise the cost-effectiveness criteria from \$13,000 per ton of nitrogen oxides reduced to \$15,000 per ton; and remove the option that vehicles, equipment, and engines replaced under the program may be removed from the state in lieu of being recycled or scrapped. (Donna F. Huff, Brad Patterson) (Rule Project No. 2007-022-114-EN)

Approve the publication of, and hearing on, an amendment to 30 TAC Chapter 114, with public hearings to be held in Arlington and Houston as well as Austin and corresponding revisions to the SIP. KW/BG; all agree.

Item 76. [Docket No. 2007-0747-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 113**, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, Subchapter C: National Emission Standards for Hazardous Air Pollutants for Source Categories (FCAA, §112, 40 CFR Part 63). Amendments include updates to existing maximum achievable control technology (MACT) standards currently in Subchapter C and the addition of new sections 113.870, 113.1130, 113.1390, 113.1400, 113.1410, and 113.1420. The proposed rulemaking will revise those sections of 30 TAC Chapter 113 containing the federal MACT standards, which are incorporated by reference, with the latest version of the MACT and add new MACT standards that have been recently promulgated. The MACT standards are technology-based standards specific to various source categories that regulate hazardous air pollutants. (Beryl Thatcher/Terry Salem) (Rule Project No. 2007-012-113-PR)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Chapter 113. KW/LS; all agree.

PETITION FOR RULEMAKING

Item 77. [Docket No. 2007-0967-RUL](#). Consideration of two petitions for rulemaking under 30 TAC Section 20.15. The first petition requests that TCEQ add a definition for metal fasteners to 30 TAC Section 115.420(b)(9) and the second requests a specific volatile organic compound (VOC) coating limit for metal fasteners in 30 TAC Section 115.421(a)(9). The petition also requests a moratorium on enforcement of 30 TAC Section 115.421(a)(9)(A) against any facilities affected by the petition until the matter addressed in the petition is resolved. (Teresa Hurley, P.E., Douglas Brown) (Rule Project No. 2007-039-PET-NR)

Deny the two petitions for rulemaking under 30 TAC Section 20.15 per the Executive Director's recommendation. KW/LS; all agree.

Item 78. [Docket No. 2007-1214-BGT](#). Consideration and Approval of the **Agency's FY 2008 Recommended Operating Budget**. (Linda Flores, Becky O'Brien)

Approve the Agency's FY 2008 Recommended Operating Budget. KW/LS; all agree.

Item 79. [Docket No. 2007-1215-AUD](#). Consideration for approval of the **TCEQ FY2008/2009 Biennial Audit Plan** for audit activities of the Chief Auditor's Office at the TCEQ for the FY2008/2009 Biennium. (Steve Goodson)

Approve the TCEQ FY2008/2009 Biennial Audit Plan. KW/BG; 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 and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open 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.

Accept the resignation of Derek Seal as General Counsel effective August 22, 2007, appoint Celeste Baker as acting General Counsel. BG/LS; all agree.

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

No action taken.

Item 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, August 8, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle
Room 201S, Bldg. E

- Item 1. [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, and Exceptions, assessing administrative penalties against **Al Jodoin dba Lake Whitney RV Community in Hill County, Texas**; TCEQ ID No. WQ0013891001; regarding various municipal waste discharge violations pursuant to Tex. Water Code chs. 7 and 26, 30 Texas Administrative Code chs. 30, 60, 305, and 319, and TCEQ Water Quality Permit No. 0013891001. (Alfred Oloko)

Adopt the Executive Director's proposed Order with the total penalty of \$4,000 reduced to \$2,000 to reflect the reduction of the \$2,500 penalty for the first violation to \$500 under other factors as justice may require. KW/LS; all agree.

- Item 2. [TCEQ Docket No. 2006-0240-UCR; SOAH Docket No. 582-06-2110](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the ratepayers' petition to appeal the water rate increases established by the Board of Directors of the **Millersview-Doole Water Supply Corporation**, pursuant to the Commission's authority established in Tex. Water Code Section 13.043 and the Commission's rules. Millersview-Doole Water Supply Corporation provides retail water service in **Concho County, Texas**. The Commission will also consider the petition, the motion to dismiss and related filings, and the timely-filed exceptions. (Spencer Marks)

Adopt the ALJ's proposed Order, direct the Executive Director to investigate the Ratepayers complaints that were raised and make system improvement recommendations. KW/BG; all agree.

- Item 3. [TCEQ Docket No. 2005-2091-UCR; SOAH Docket No. 582-06-1766](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the petition for review filed by **Victoria Palms Resort, Inc.**, challenging the water and sewer rates of **City of Donna** pursuant to Chapter 13 of the Texas Water Code and the Commission's rules. The City of Donna provides retail water and sewer service in **Hidalgo County, Texas**. The Commission will also consider the petition for review, the motion to dismiss and related filings, and the timely-filed exceptions. (Paul Tough)

Item continued to the October 10, 2007 agenda.

- Item 4. [TCEQ Docket No. 2004-0834-UCR; SOAH Docket No. 582-04-7557](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of

Campbellton Water Works, Inc. to discontinue water utility service and to cancel Certificate of Convenience and Necessity No. 12581 in **Atascosa County**, Texas. The Commission will also consider timely public comments, the application and related filings, exceptions and replies. (Ross Henderson)

Adopt the ALJ's proposed Order. KW/BG; 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.

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

/s/ Elaine Lucas
Assistant General Counsel,
Elaine Lucas

10-3-2007
Date