

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 H.S. Buddy Garcia
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, August 22, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

12100 Park 35 Circle
Room 201S, Bldg. E

Item continued from the August 8, 2007 agenda.

- Item 1. [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)

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

AGENDA

Wednesday, August 22, 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. 2006-1629-MWD**. Consideration of the application by **Aqua Utilities, Inc.**, for a renewal of TCEQ Permit No. WQ0013989001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 375,000 gallons per day via surface irrigation of 175 acres of land. The wastewater treatment facility and disposal site are located approximately 1200 feet south southeast of the intersection of Farm-to-Market Road 2325 and Jacob's Well Road, approximately 4 miles north of the community of Wimberley in **Hays 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, Kent H. Trede)

Grant the hearing requests of the Wimberley Neighbors for Healthy Water on the issues of: 1. whether the lift stations and sewer lines are properly constructed and the sewage holding pond is properly lined, 2. whether odors are coming from the effluent used to irrigate the golf course, 3. whether the wastewater treatment facility and irrigation site have adequate controls to prevent ponding, spills, and other discharges, 4. whether the Applicant is adequately disposing, treating, and meeting its effluent limits in regards to wastewater, 5. whether the Applicant's compliance history raises any issues regarding the Applicant's ability to comply with a material term of the permit, 6. whether the Applicant has adequate spill response and contingency plans, 7. whether the disposal site has adequate soil depth and sufficient land for irrigation and whether the proper crop is used, 8. whether the draft permit will protect the requesters' human health and safety, 9. whether the draft permit should have tighter standards or should the Applicant be required to continuously monitor its effluent, and 10. whether there are any faults on the Applicant's property that will allow wastewater to percolate down through faults and contaminate the Trinity Aquifer, nearby shallow wells, or the Glen Rose formation. Refer the matter to SOAH with a maximum hearing duration of nine months, direct the Executive Director to be a party in the matter, and request the ALJ submit along with the Proposal for Decision, Findings of Fact, Conclusions of Law, and corresponding Ordering Provisions. LS/BG; all agree.

- Item 2. **Docket No. 2007-0016-MWD**. Consideration of the application by **Galilee Partners, L.P.** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System Permit No. WQ0014640001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 410,000 gallons per day. The facility will be located on the east bank of Boggy Branch, approximately 2,200 feet downstream of a Soil Conservation Service (SCS) dam and approximately 1,000 feet upstream of Farm-to-Market Road 2258 in **Ellis 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. (Christiaan Siano, June Ella Martinez)

Grant the hearing request of Ellis County on the issue of will the permit meet applicable water quality standards, including consideration of any impacts related to intermittent stream flow. Refer the matter to SOAH with a maximum hearing duration of six months, direct the Executive Director to be a party in the hearing, request the ALJ to submit along with the Proposal for Decision, Findings of Fact, Conclusions of Law, and

corresponding Ordering provisions, and request that the ALJ consider consolidating this hearing with the pending hearing concerning Maypearl WCID #1. LS/BG; all agree.

Item 3. [Docket No. 2007-0831-AGR](#). Consideration of the application by **Hidden View Dairy, a Texas general partnership** for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003197000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to expand an existing dairy facility from 2,000 head to a maximum of 3,000 head, of which 2,500 head are milking cows. The facility is located on the northwest side of County Road 522, approximately one-quarter mile northeast of the intersection of County Road 522 and State Highway 6 in **Erath 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, Charles Maguire)

Grant the hearing request of Carol Robbins based on she is an adjacent landowner on the issues of: 1. whether the expansion of the facility constitutes a "new source" or "new discharger" under federal law and meets the requirements of 40 CFR § 122.4(i) as that issues relates to fact, 2. whether the proposed permit is consistent with the TMDL for the North Bosque River watershed, 3. whether Hidden View Dairy compliance history warrants the denial of the proposed permit, 4. whether the proposed permit complies with applicable odor requirements, 5. whether the proposed permit is protective of downstream uses and complies with applicable water quality standards, 6. whether the anti-degradation analysis performed for the expanded facility properly addresses the impact on the quality of the receiving waters and whether the proposed permit violates the anti-degradation requirements in TCEQ rules and Texas statues, 7. whether the proposed permit includes adequate requirements to control pathogens and bacteria to comply with applicable rules and regulations, 8. whether the proposed permit correctly accounts for the estimated phosphorus that will be produced by the permitted number of animals at the Dairy, and 9. whether site specific factors require additional special conditions in the permit relating to waste management practices. Refer the matter to SOAH with a maximum hearing duration of six months, direct the Executive Director to be a party in the hearing and request the ALJ submit along with the Proposal for Decision, Findings of Fact, Conclusions of Law and corresponding Ordering Provisions. LS/BG; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4. [Docket No. 2007-0024-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Delta Brands, Inc. in Dallas County**; RN100543313; 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.

Item 5. [Docket No. 2007-0170-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Citgo Refining and Chemicals Company, L.P. in Nueces County**; RN102555166; 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 6. [Docket No. 2007-0078-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Associated Rack Corporation in Tarrant County**; RN100771807; 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 7. [Docket No. 2007-0175-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **INEOS USA LLC in Brazoria County**; RN100238708; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bryan Elliott, Steven Lopez)

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

Item 8. [Docket No. 2007-0039-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Brazoria County**; RN100210574; 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 9. [Docket No. 2006-2061-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Farmers Milling Company of Graham, Inc. in Young County**; RN102208196; 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 10. [Docket No. 2007-0387-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Fort Worth in Tarrant County**; RN100942259; 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 11. [Docket No. 2007-0072-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **KM Liquids Terminals, L.P. in Harris County**; RN100224815; 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 12. [Docket No. 2007-0044-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Occidental Permian Ltd. in Hockley County**; RN100212786; for air 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. LS/BG; all agree.

- Item 13. [Docket No. 2005-0965-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M & H Crates, Inc. in Cherokee County**; RN101947919; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Steven Lopez)

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

- Item 14. [Docket No. 2007-0087-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rescar, Inc. in Orange County**; RN100234681; 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 15. [Docket No. 2007-0041-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Transcontinental Gas Pipe Line Corporation in Hardin County**; RN100211838; 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 16. [Docket No. 2007-0093-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **WTG Gas Processing, L.P. in Howard County**; RN100211754; 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.

- Item 17. [Docket No. 2007-0365-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LP in Harris County**; RN100219526; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, David Van Soest)

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

- Item 18. [Docket No. 2006-2225-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Brazoria County**; RN100225945; 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. LS/BG; all agree.

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 19. [Docket No. 2006-1407-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Vicki Atkins dba Bon Ton Cleaners in Harris County**; RN104992029; 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. LS/BG; all agree.

Item 20. [Docket No. 2006-1201-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Zulfiqar Noorani dba Country Cleaners in Harris County**; TCEQ ID No. RN104989959; 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. (Mary Hammer, Jennifer Cook)

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

Item 21. [Docket No. 2006-0934-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Dillard Dry Cleaning & Restoration, Inc. dba Marvel Cleaners in Tarrant County**; RN104028444; 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. LS/BG; all agree.

Item 22. [Docket No. 2006-1645-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Thuc X. Bui dba Cadillac Cleaner in Dallas County**; RN104967211; 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. LS/BG; all agree.

Item 23. [Docket No. 2006-0839-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **YTK Enterprises, Inc. dba Comet One Hour Cleaners and dba The Cleaners in Dallas County**; RN102413143 and RN104065776; 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. (Deana Holland, Steven Lopez)

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

Item 24. [Docket No. 2006-1280-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lan C. Bui dba Tip Top Cleaners in Harris County**; RN104026547; 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. (Amy Martin, Steven Lopez)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDERS

Item 25. [Docket No. 2006-1103-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Tony Nguyen dba Classic Cleaners in Harris County**; TCEQ ID

No. RN102294329; 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 Default Order. LS/BG; all agree.

Item 26. [Docket No. 2006-1354-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Phuong Tam Enterprises, Inc. dba King Cleaners in Harris County**; TCEQ ID No. RN104065925; 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. (Alfred A. Oloko, Jennifer Cook)

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

Item 27. [Docket No. 2006-1757-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Denville Business, Inc dba Deville \$1.25 Cleaners aka Denville Cleaners in Harris County**; TCEQ ID No. RN104707245; 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. (Mark Curnutt, Jennifer Cook)

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

Item 28. [Docket No. 2006-1444-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Hung Le dba Elite Cleaners in Dallas County**; TCEQ ID No. RN102168689; for a dry cleaner registration violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Robert R. Mosley, Jennifer Cook)

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

Item 29. [Docket No. 2006-1296-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Nazar Ali dba Deville Cleaners in Harris County**; TCEQ ID No. RN104991724; 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. (Shawn Slack, Jennifer Cook)

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

FIELD CITATIONS

Item 30. [Docket No. 2007-0281-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Yash Hospitality, Inc. dba Express Food Store in Cameron County**; RN103048856; 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 31. [Docket No. 2007-0630-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **The Trinity Company dba Hale County Compress Bldg 1 Main in Hale County**; RN105148076; 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.

Item 32. [Docket No. 2007-0631-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **The Trinity Company dba Lockney Warehouse in Floyd County**; RN105148118; 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 33. [Docket No. 2007-0080-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LP in Jefferson County**; RN104964267; 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. (Clinton Sims, Steven Lopez)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT DEFAULT ORDER

Item 34. [Docket No. 2005-0913-IHW-E](#). Consideration of a Default Order assessing administrative penalties against **Donald Savage dba Redi-Strip in Dallas County**; TCEQ ID No. RN100566280; for hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 35. [Docket No. 2006-2228-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Weatherford U.S., L.P. in Harris County**; RN102586088; 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 36. [Docket No. 2007-0201-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Matheson Tri-Gas, Inc. in Ellis County**; RN102186236; 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. (Jorge Ibarra, P.E., Steven Lopez)

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

Item 37. [Docket No. 2007-0622-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Contractor's Supplies, Inc.** in **Harrison and Gregg Counties**; RN100250034, RN100249556; 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. (Cari-Michel LaCaille, Steven Lopez)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 38. [Docket No. 2007-0059-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pedro Sandate** in **Bexar County**; RN103591848; for landscape irrigator occupational license violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Steven Lopez)

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

Item 39. [Docket No. 2007-0450-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Larry Skero** in **Llano and Burnet Counties**; RN103268900; for irrigator violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Clinton Sims, Steven Lopez)

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

Item 40. [Docket No. 2006-1065-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joe K. Hopper** in **Lubbock County**; TCEQ ID No. RN104611603; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupational Code ch. 1903, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Justin Lannen, Jennifer Cook)

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

Item 41. [Docket No. 2007-0216-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tommy Christopher Moore** in **Kendall and Bexar Counties**; RN105120828; for irrigator violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Steven Lopez)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 42. [Docket No. 2002-0694-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Omar Rodriguez dba R & B Services** in **Cameron County**; TCEQ ID No. RN103341053; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7, 34, and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Mary Hammer, Jennifer Cook)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 43. [Docket No. 2003-1371-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **E. I. DuPont de Nemours & Company, Inc.** in **Jefferson County**; TCEQ ID No. RN100216035; for air and water quality violations pursuant to Texas Health & Safety Code ch. 382, Texas Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Jennifer Cook)

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

Item 44. [Docket No. 2007-0142-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kinder Morgan Petcoke GP LLC** in **Jefferson County**; RN102206349; for air quality and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 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. (Jorge Ibarra, P.E., Steven Lopez)

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

Item 45. [Docket No. 2006-2021-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Loadcraft Industries, Ltd.** in **McCulloch County**; RN101620748; for air quality and industrial & hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Dana Shuler, Steven Lopez)

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

Item 46. [Docket No. 2004-0114-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Brenham** in **Washington County**; RN101721355 and RN101386662; for water quality and drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 47. [Docket No. 2006-1682-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hidalgo County** in **Hidalgo County**; RN102003597; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Dana Shuler, Steven Lopez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 48. [Docket No. 2005-0256-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Blossom** in **Lamar County**; RN101611580; 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 49. [Docket No. 2005-1041-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Camp For All Foundation in Washington County**; RN102080660; 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 50. [Docket No. 2006-2226-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Camp Olympia, Inc. in Trinity County**; RN101515435; 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. (Harvey Wilson, Steven Lopez)

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

Item 51. [Docket No. 2007-0036-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cleveland in Liberty County**; RN101613735; 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 52. [Docket No. 2007-0027-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Maganbhai R. Patel, Bhagubhai B. Patel, Vinubhai B. Patel, and Laxmiben L. Patel dba Holiday Motel in Liberty County**; RN101518843; 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. (Catherine Albrecht, Steven Lopez)

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

Item 53. [Docket No. 2007-0262-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mills Road Municipal Utility District in Harris County**; RN102739380; 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 54. [Docket No. 2007-0127-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Winnsboro in Wood County**; RN102916913; 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 55. [Docket No. 2007-0329-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Huntington in Angelina County**; RN102184355; 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 56. [Docket No. 2007-0373-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Nixon in Gonzales County**; RN102181781; 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. (Cari-Michel La Caille, Steven Lopez)

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

Item 57. [Docket No. 2007-0021-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NJB & Sons, Inc. dba Greenbrier Golf Club in McLennan County**; RN101523009; 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. (Kim Morales, Steven Lopez)

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

Item 58. [Docket No. 2005-0059-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Orange in Orange County**; Texas Pollutant Discharge Elimination System Permit No. 0010626001 and RN101613644; 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. (Catherine Albrecht, Steven Lopez)

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

Item 59. [Docket No. 2006-2188-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Texas Department of Criminal Justice in Walker County**; RN102314432; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 60. [Docket No. 2007-0106-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Eufrocina Merino dba Roslyn Food Mart in Orange County**; RN101809184; 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 61. [Docket No. 2007-0287-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Murphy Oil USA, Inc. dba Murphy USA 5708 in Orange County**; RN102264322; 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. (Philip DeFrancesco, Steven Lopez)

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

Item 62. [Docket No. 2005-0889-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Imran Charolia in Harris County**; RN101192136; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, 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. (Trina Grieco, Steven Lopez)

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

Item 63. [Docket No. 2005-0784-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Danny Crump dba Southend Grocery in Titus County**; RN102026465; 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 64. [Docket No. 2006-2020-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Alina & Zainab, Inc. dba Sawdust Chevron in Montgomery County**; RN101619658; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Steven Lopez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDER

Item 65. [Docket No. 2007-0202-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jacobs Water Supply Corporation in Rusk County**; RN101181428; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Steven Lopez)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 66. [Docket No. 2006-0967-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Youn Ok Kim dba Aunt Annies 5 in Montgomery County**; TCEQ ID No. RN101196236; 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. (Mary Hammer, Jennifer Cook)

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

Item 67. [Docket No. 2006-0246-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Lee Landers dba Acorn Mobile Home Park in Tarrant County**; TCEQ ID No. RN101266922; 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. (Lena Roberts, Jennifer Cook)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 68. [Docket No. 2006-0671-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **C. Johnnie-on-the-Spot Portable Toilets, Inc. in Jefferson County**; RN103163101; for sludge 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. (Tel Croston, Steven Lopez)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 69. [Docket No. 2007-0682-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Apex of Texas Homes, LP in Johnson County**; RN105031082; 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 70. [Docket No. 2006-0720-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Arlington in Tarrant County**; RN104950134; 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 71. [Docket No. 2006-1966-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Guillermo Fajardo dba Michael's Scrap Metal No. 2 in Harris County**; RN102975315; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Steven Lopez)

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

Item 72. [Docket No. 2006-0511-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Westlake JV, Inc. dba Renaissance Builders in Tarrant County**;

TCEQ ID No. RN104921804; 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 Admin. Code ch. 60. (Mary Hammer, Jennifer Cook)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 73. [Docket No. 2007-0215-WR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Affiliated Crown Developments, LTD. in Montgomery County**; RN101971125; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Catherine Albrecht, Steven Lopez)

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

EMERGENCY ORDER

Item 74. [Docket No. 2007-1106-IWD](#). Consideration of whether to affirm, modify or set aside an Emergency Order issued in response to a request by **Diamond Shamrock Refining Company, L.P.** (Diamond Shamrock) pursuant to Texas Water Code, Section 5.509 and 30 Texas Administrative Code, Sections 35.301 through 35.303. The Executive Director granted the Emergency Order on July 11, 2007 and will expire 45 days after issuance. The Emergency Order would create an internal outfall 102 for the purpose of the Emergency Order only, authorize the discharge of excess water (process wastewater, utility wastewater, storm water, and groundwater) from Pond Nos. 5, 6, and 7 via pump hoses at a daily average flow not to exceed 1.5 MGD, and establish effluent limitations for all discharges from outfall 102. Diamond Shamrock is authorized to operate its wastewater treatment facility under Texas Pollutant Discharge Elimination System Permit No. WQ0001353000. The facility is located at 301 Leroy Street in the City of Three Rivers, Live Oak County, Texas, with an irrigation (disposal) site located adjacent to the southwest side of Interstate Highway 37, approximately one mile northwest of the intersection of Interstate Highway 37 and State Highway 72, north of the City of Three Rivers in **Live Oak County**, Texas. Diamond Shamrock sought the Emergency Order to prevent uncontrolled releases or overtopping from onsite ponds that store treated wastewater and storm water. The discharge is to an unnamed ditch, then to the Nueces/Lower Frio River in Segment No. 2106 of the Nueces River Basin. (Kerrie Jo Qualtrough, Michael Sunderlin)

Affirm the Emergency Order. LS/BG; all agree.

MISCELLANEOUS

Item 75. [Docket No. 2007-1061-MIS](#). **Steering Committee for Recovery Implementation Plan Consideration** of a resolution to appoint three representatives to the Steering Committee for the Edwards Aquifer Authority Recovery Implementation Program for species that are listed as threatened or endangered under federal law and are associated with the Edwards Aquifer. This Program is required by SB 3-Article 12 and HB 3-Article 2 from the 80th Legislative session, which amended Chapter 626 (Acts of the 73rd Legislature, Regular Session, 1993) regarding the Edwards Aquifer Authority. The Steering Committee will be composed of representatives of state agencies and stakeholders and will cooperatively develop a Program Document with recommendations for the Edwards Aquifer Authority's consideration. Three positions on the Steering Committee, consisting of a representative of the TCEQ, a municipal water right holder in the Guadalupe River Basin, and an industrial water right holder in the Guadalupe River Basin, shall be appointed by the commission. (Mary Ambrose, Robin Smith)

Approve the Executive Director's recommendations with regard to the appointment of three representatives and one alternate to the Steering Committee for the Recovery Implementation Plan. LS/BG; all agree.

DISTRICT MATTERS

Item 76. [Docket No. 2007-0498-DIS](#). Consideration of a petition from Union Pacific Railroad Company (Applicant) for dissolution of **Fort Bend County Municipal Utility District No. 101 (District)** in **Fort Bend County** Texas. The Applicant requests that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. 03152007-D01; Rob Cummins, Pinar Dogru)

Approve the petition for dissolution. LS/BG; all agree.

Item 77. [Docket No. 2007-0499-DIS](#). Consideration of a petition from Union Pacific Railroad Company (Applicant) for dissolution of **Fort Bend County Municipal Utility District No. 102 (District)** in **Fort Bend County**, Texas. The Applicant requests that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. 03152007-D02; Rob Cummins, Pinar Dogru)

Approve the petition for dissolution. LS/BG; all agree.

Item 78. [Docket No. 2007-0500-DIS](#). Consideration of a petition from Union Pacific Railroad Company (Applicant) for dissolution of **Fort Bend County Municipal Utility District No. 103 (District)** in **Fort Bend County** Texas. The Applicant requests that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. 03152007-D03; Rob Cummins, Ilkay Dogru)

Approve the petition for dissolution. LS/BG; all agree.

Item 79. [Docket No. 2007-0501-DIS](#). Consideration of a petition from Union Pacific Railroad Company (Applicant) for dissolution of **Fort Bend County Municipal Utility District No. 104 (District)** in **Fort Bend County** Texas. The Applicant requests that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. 03152007-D04; Rob Cummins, Ilkay Dogru)

Approve the petition for dissolution. LS/BG; all agree.

TMDL MATTER

Item 80. [Docket No. 2007-0379-TML](#). Consideration to adopt one final TMDL for bacteria in **Oso Bay** (Segment 2485) of the Nueces-Rio Grande Coastal Basin, in **Nueces 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 the final TMDL for bacteria in Oso Bay of the Nueces-Rio Grande Coastal Basin. LW/BG; all agree.

RULE MATTERS

Item 81. [Docket No. 2007-0966-RUL](#). Consideration for publication of the proposed amendments to **30 TAC Chapter 288**, Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements.

The proposed rulemaking would implement Sections 2.04, 2.06 and 2.18 of Senate Bill 3 and Sections 4, 6 and 8 of House Bill 4 from the 80th Texas Legislative Session relating to water conservation plans by amending 30 TAC Sections 288.1 and 288.30. The proposed rulemaking also would establish a definition for "Best management practices." Additionally, the proposed rulemaking would require that each entity that is required to submit a water conservation plan to the commission under the Texas Water Code must submit a copy of the plan to the Executive Administrator of the Texas Water Development Board; that each entity that is required to submit a water conservation plan to the Executive Administrator of the Texas Water Development Board under the Texas Water Code must report annually to the Executive Administrator on the entity's progress in implementing the plan; and, that the commission require that a retail public utility that provides potable water service to 3,300 or more connections submit to the Executive Administrator of the Texas Water Development Board a water conservation plan based on specific targets and goals developed by the retail public utility and using appropriate best management practices; and, that the commission provide for the enforcement of these requirements. (Bill Billingsley, Ross Henderson) (Rule Project No. 2007-025-288-PR)

Approve the publication of the proposed amendments to 30 TAC Chapter 288. LS/BG; all agree.

Item 82. [Docket No. 2007-0953-RUL](#). Consideration for publication of, and hearing on, a proposed amendment to **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification, Subchapter B, New Source Review Permits, Section 116.114, Application Review Schedule, and corresponding revisions to the state implementation plan. The proposed rulemaking would implement requirements of House Bill 3732, 80th Legislature (2007), and Texas Health and Safety Code, Section 382.0566, concerning specific deadlines for review and issuance of air permits for Advanced Clean Energy Projects. (Michael Wilhoit, Timothy Eubank) (Rule Project No. 2007-023-116-PR)

Approve the publication of, and hearing on, a proposed amendment to 30 TAC Chapter 116 and corresponding revisions to the state implementation plan, with direction to the Executive Director to add language to the publication that solicits public comment regarding the question of direct referral. LS/BG; all agree.

Item 83. [Docket No. 2007-1020-RUL](#). Consideration for publication of proposed amendments to **30 TAC Chapter 336**, Radioactive Substance Rules, Sections 336.1, 336.5, 336.105, 336.201, 336.203, 336.207, 336.211, 336.213, 336.601, 336.613, 336.619; proposed new Sections 336.1101, 336.1103, 336.1105, 336.1107, 336.1109, 336.1111, 336.1113, 336.1115, 336.1117, 336.1119, 336.1121, 336.1123, 336.1125, 336.1127, 336.1129, 336.1131, 336.1133, 336.1135, 336.1201, 336.1203, 336.1205, 336.1207, 336.1209, 336.1211, 336.1213, 336.1215, 336.1217, 336.1219, 336.1221, 336.1223, 336.1225, 336.1227, 336.1229, 336.1231, 336.1233; and proposed repeal of Section 336.11. The commission also proposes amendments to **30 TAC Chapter 281**, Applications Processing, Section 281.19; **30 TAC Chapter 39**, Public Notice, Sections 39.702, 39.703, 39.707, 39.709; and **30 TAC Chapter 37**, Financial Assurance, Sections 37.9001, 37.9030, 37.9035, 37.9040, 37.9045. The proposed rulemaking would implement Senate Bill (SB) 1604 from the 80th Texas Legislative Session relating to transfer of certain regulatory responsibilities for radioactive waste from the Texas Department of State Health Services (DSHS) to the TCEQ. SB 1604 transfers regulatory authority to the TCEQ for commercial radioactive waste processing, uranium mining, and by-product disposal. SB 1604 also addresses the process for TCEQ's continued review of a pending application submitted by Waste Control Specialists LLC (WCS) to DSHS for a by-product disposal facility proposed for Andrews County. SB 1604 also addresses the TCEQ's underground injection control program for regulation of in situ uranium mining and requires the TCEQ to establish and administer a new state fee for the disposal of radioactive wastes other than low-level radioactive waste. In addition, the proposed rulemaking would establish technical requirements, application processing requirements, public notice requirements, licensing and application fees, and financial assurance requirements for

the licensing programs transferred from the DSHS to the TCEQ. (Susan Jablonski, Don Redmond, Amie Richardson) (Rule Project No. 2007-028-336-PR)

Approve the publication of proposed amendments to 30 TAC Chapter 336, 30 TAC Chapter 281, 30 TAC Chapter 39, and 30 TAC Chapter 37, direct the Executive Director to hold a public hearing, and grant the Executive Director's request to extend the comment period to October 15, 2007 or until the end of the public hearing. LS/BG; all agree.

EXECUTIVE SESSION

Item 84. **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.

No action taken.

Item 85. **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 86. **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 22, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [TCEQ Docket Nos. 2004-1474-IHW & 2004-1475-IHW; SOAH Docket No. 582-05-4175.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **COGEMA Mining, Inc.** to amend the restoration tables contained in its Production Area Authorizations UR02155-071, UR02156-011 and UR02156-071 in **Duval County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies. (Don Redmond)

Adopt the ALJ's Order as modified by the exceptions filed by the Executive Director and adopt the Executive Director's Response to Comments. LS/BG; all agree.

- Item 2. [TCEQ Docket No. 2006-0688-MWD; SOAH Docket No. 582-06-2596.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Lazy Nine Municipal Utility District and Forest City Sweetwater Limited Partnership** for a permit to treat and dispose of domestic wastewater, as an irrigant, on a tract of land lying south of State Highway 71 in **Travis County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments, application, and related filings, exceptions and replies.

Adopt the ALJ's Order with the exception of allocating all transcription cost to the Applicant, deny all other exceptions, and adopt the Executive Director's Response to Comments. LS/BG; all agree.

- Item 3. [TCEQ Docket No. 2005-1899-MWD; SOAH Docket No. 582-06-0568.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Far Hills Utility District** for new Texas Pollutant Discharge Elimination System permit, authorizing the discharge of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day from Applicant's facility to be located in **Montgomery County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application and related filings, exceptions, replies, and other related filings.

Adopt the ALJ's Order, deny the permit based on the wetlands issue, but not on the regionalization issue and modify the ALJ's Order accordingly. LS/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/ Anne Rowland
Assistant General Counsel,
Anne Rowland

10-3-2007
Date