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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

AGENDA

Wednesday, September 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

12100 Park 35 Circle
Room 201S, Bldg. E

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

- Item 1. [Docket No. 2006-1819-WR](#). Consideration of the application of the **Lower Colorado River Authority** (LCRA) for Water Right Permit 5731 to divert, store, and use those excess flood waters and those unappropriated flows of the Colorado River Basin downstream of O.H. Ivie Reservoir and downstream of Lake Brownwood in an amount not to exceed 853,514 acre-feet of water per year. LCRA seeks to divert and use the requested appropriation of water at nine existing diversion points downstream of the USGS Gage (08161000) at Columbus in Colorado County at a maximum combined diversion rate of 40,000 cfs, and to construct an unspecified number of off-channel reservoirs within **Colorado, Wharton, and Matagorda Counties** with a maximum combined storage capacity of 500,000 acre-feet of water and maximum combined surface area of 25,408 acres. LCRA requests to use the water requested in this application anywhere within its authorized water service area within the Colorado, Brazos, Brazos-Colorado, Lavaca, and the Lavaca-Colorado River and Coastal Basins and other areas that hereinafter may be authorized by law for municipal, industrial, and agricultural purposes. The Commission will consider the draft permit, hearing requests and responses, and any other filings. (Iliana Delgado, Robin Smith)

Approve the hearing requests of City of Austin, National Wildlife Federation, Matagorda Bay Foundation, South Texas Nuclear Operating Company and its owners Reliant Energy, Inc. and the City of Austin, City of San Antonio through its public service board, Central Power and Light Company, Texas Parks and Wildlife, and Texas Chapter of the Coastal Conservation Association; all other

requesters may request party status with the SOAH judge. Refer the matter to SOAH for a contested case hearing and request that an Order be issued with Findings of Fact, Conclusions of Law and Ordering Provisions. Direct that the hearing include in the issues, "whether special conditions G of part 6 of the permit should be modified to require notice and opportunity for hearing prior to approval of the reservoir sites and their construction" and that the permit be returned to the commission for review and approval in the event that the parties reach a settlement agreement. LS/BG; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

Item 2. [Docket No. 2007-0578-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jim Gaylon Beyer dba Beyer Dairy 1 in Erath County**; RN101513588; 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, David Van Soest)

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

Item 3. [Docket No. 2007-0556-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cottonwood Auction Barn, L.L.C. in Erath County**; RN102900818; 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 4. [Docket No. 2007-0444-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **NC-Nortex Cattle Company, LLC in Wilbarger County**; RN104804794; 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, David Van Soest)

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

Item 5. [Docket No. 2007-0536-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John Morgan Howle, Jr. and Allene Howle dba JM Howle Jr. Dairy in Erath County**; RN101528586; 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, David Van Soest)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6. [Docket No. 2005-1672-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **General Dynamics OTS (Garland), L.P. in Dallas County**; TCEQ ID No. RN102660909; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on

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

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

- Item 7. [Docket No. 2006-0474-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Huerta's Trucking, Inc. in Dallas County**; TCEQ ID No. RN104471958; for air quality violations pursuant to Texas Water Code chs. 5 and 7, Tex. Health and Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen Decker, Jennifer Cook)

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

- Item 8. [Docket No. 2004-1389-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Chemical & Metallurgical Corporation in Brazoria County**; TCEQ ID Nos. BL0029V and RN100210129; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alfred Oloko, Jennifer Cook)

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

- Item 9. [Docket No. 2007-0200-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **DCP Midstream, LP in Andrews County**; RN100218684; 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, David Van Soest)

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

- Item 10. [Docket No. 2007-0207-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dome Hydrocarbons, L.C. in Chambers County**; RN100214352; 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. (Kim Morales, David Van Soest)

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

- Item 11. [Docket No. 2007-0124-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP in Hansford County**; RN100219955; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bryan Elliott, David Van Soest)

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

- Item 12. [Docket No. 2007-0312-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **U.S. Minerals, LLC dba Stan Blast Abrasives** in

Galveston County; RN100929140; 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 13. [Docket No. 2007-0615-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Prairie View A & M University in Waller County**; RN100219666; 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, David Van Soest)

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

Item 14. [Docket No. 2007-0523-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Plains Pipeline, L.P. in Wood County**; RN100216712; 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, David Van Soest)

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

Item 15. [Docket No. 2006-2193-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Pasadena Refining System, Inc. in Harris County**; RN100716661; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lindsey Jones, Steven Lopez)

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

Item 16. [Docket No. 2007-0713-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Refining LP in Harris County**; RN100218130; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, David Van Soest)

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

Item 17. [Docket No. 2007-0290-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102212925; 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, David Van Soest)

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

Item 18. [Docket No. 2005-1948-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Diamond Shamrock Refining Company, L.P.** in **Live Oak County**; RN100542802; 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, David Van Soest)

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

Item 19. [Docket No. 2007-0380-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Harris County**; RN102018322; 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. (Roshondra Lowe, David Van Soest)

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

Item 20. [Docket No. 2007-0276-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brandom Southwest, Ltd. dba Brandom Cabinets** in **Hill County**; RN100621002; 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, David Van Soest)

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

Item 21. [Docket No. 2007-0138-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alcoa World Alumina LLC** in **Calhoun County**; RN100242577; 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, David Van Soest)

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

Item 22. [Docket No. 2007-0206-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Air Liquide Large Industries U.S. LP** in **Brazoria County**; RN100215334; 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, David Van Soest)

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

DRY CLEANER ENFORCEMENT AGREED ORDER

Item 23. [Docket No. 2006-1587-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Katy Crystal Cleaners, Inc. dba Gap Cleaners in Harris and Fort Bend Counties**; RN105024178, RN104994819, and RN103960852; 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. (Harvey Wilson, David Van Soest)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDERS

Item 24. [Docket No. 2006-1428-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **John Tran dba Quality Cleaners and dba Deluxe Drycleaning in Jefferson County**; TCEQ ID Nos. RN103953683, RN104137443, RN104137518, and RN104137435; for a dry cleaner registration violation pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Shawn A. Slack, Jennifer Cook)

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

Item 25. [Docket No. 2006-1497-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **125 Max Dry Cleaning Center, LLC dba 1.25 Max Dryclean in Harris County**; TCEQ ID No. RN103992012; 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)

Item remanded to the Executive Director.

Item 26. [Docket No. 2006-1164-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Gilberto D. Reta dba Rasso Cleaners in Bexar County**; TCEQ ID No. RN 104462528; 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 27. [Docket No. 2006-1149-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **SNS Enterprises, Inc. dba Fashion Touch in Harris County**; TCEQ ID No. RN102188869; 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. (Lena Roberts, Jennifer Cook)

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

Item 28. [Docket No. 2006-1319-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Metro Continental, Inc. dba One Hour Cleaners and dba Tip Top Cleaners in Liberty County, Chambers County, and Jefferson County**; TCEQ ID Nos. RN104109749, RN104103015, RN100546399, RN104103072; 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. (Mary Hammer, Jennifer Cook)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 29. [Docket No. 2007-0221-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **685 Cedar Creek, Ltd. in Bexar County**; RN105117642; 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. (Rebecca Clausewitz, David Van Soest)

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

Item 30. [Docket No. 2007-0483-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mesa Canyon Springs, Ltd. in Bexar County**; RN104162474; 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. (J. Craig Fleming, David Van Soest)

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

Item 31. [Docket No. 2006-0074-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Christopher Milam and Keith John Schoenfelt dba The Preserve at Lost Gold Cave in Travis County**; RN104792163; 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. (Colin Barth, David Van Soest)

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

FIELD CITATIONS

Item 32. [Docket No. 2006-1530-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Olmos Park Chevron, Inc. in Bexar County**; RN102125309; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

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

Item 33. [Docket No. 2007-0854-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Nazir N. Chandani dba River Run Texaco in Johnson County**; RN101560134; 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 34. [Docket No. 2007-0841-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **redy&family inc., dba Turbo Gas & Kwick Food Mart Location 23** in **Hale County**; RN102344991; 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.

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

- Item 35. [Docket No. 2006-2039-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Akzo Nobel Polymer Chemicals LLC** in **Harris County**; RN102177391; 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 Meyer, David Van Soest)

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

- Item 36. [Docket No. 2007-0340-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dial Lubricants, Inc.** in **Dallas County**; RN100525286; 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, David Van Soest)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

- Item 37. [Docket No. 2007-0448-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Charley's Concrete Co., Ltd.** in **Denton County**; RN100809268; 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., David Van Soest)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

- Item 38. [Docket No. 2007-0627-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Philip Wetzel** in **Rockwall County**; RN105071922; 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. (Cynthia McKaughan, David Van Soest)

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

- Item 39. [Docket No. 2007-0388-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jimmy L. West** in **Wilson County**; RN104787239; 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. (Chris Holcomb, David Van Soest)

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

- Item 40. [Docket No. 2007-0270-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tim Peters** in **Harris County**; RN104859822; 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. (Libby Hogue, David Van Soest)

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

- Item 41. [Docket No. 2007-0402-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Serena Cartwright** in **Hays County**; RN105124531; 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. (Rajesh Acharya, David Van Soest)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

- Item 42. [Docket No. 2005-0062-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Brad Stricker** in **Medina County**; TCEQ ID No. RN104211362; for landscape irrigator installer violations pursuant to Tex. Water Code ch. 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 43. [Docket No. 2007-0277-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John Benoit** in **Jefferson County**; RN105120737; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Marlin Bullard, David Van Soest)

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

- Item 44. [Docket No. 2005-0843-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Edgewood in Van Zandt County**; RN101916302 and RN101404887; for water quality and public drinking water violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, David Van Soest)

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

- Item 45. [Docket No. 2005-0658-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Queen City in Cass County**; RN101388858 and RN101918910; for water quality and public drinking water violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Limos, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

- Item 46. [Docket No. 2007-0186-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Tire Disposal, LLC in Ector County**; RN105153738; 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. (Clinton Sims, David Van Soest)

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

- Item 47. [Docket No. 2007-0268-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kevin Dugas dba KH Dugas Construction/Demolition in Jefferson County**; RN105120745; 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. (Colin Barth, David Van Soest)

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

- Item 48. [Docket No. 2007-0063-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **JTB Recycling Facility, Inc. in Jefferson County**; RN102214806; 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. (Marlin Bullard, David Van Soest)

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

Item 49. [Docket No. 2007-0470-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fiesta Nursery Co., Inc.** in **Bexar County**; RN103914107; 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. (Colin Barth, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 50. [Docket No. 2005-0464-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Alther Tyson dba AFP Tires** in **Jefferson County**; TCEQ ID No. RN104293857; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Jennifer Cook)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 51. [Docket No. 2003-0413-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Derdeyn/Ford, Inc.** in **Marion County**; TCEQ ID Nos. 11260-001 and RN102080777; 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. (Alfred Oloko, Jennifer Cook)

Item continued to the December 19, 2007 agenda.

Item 52. [Docket No. 2007-0115-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bartlett** in **Bell County**; RN100835487; 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, David Van Soest)

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

Item 53. [Docket No. 2007-0153-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Anahuac and Trinity Bay Conservation District** in **Chambers County**; RN102179652; 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, David Van Soest)

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

Item 54. [Docket No. 2007-0289-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Town of Ponder in Denton County**; RN102739349; 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., David Van Soest)

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

Item 55. [Docket No. 2007-0486-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Alamo Water Supply Corporation in Hidalgo County**; RN102340056; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Laurie Eaves, David Van Soest)

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

Item 56. [Docket No. 2006-2171-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Leonard in Fannin County**; RN101919322; 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.

Item 57. [Docket No. 2007-0219-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Holland in Bell County**; RN102075983; 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, David Van Soest)

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

Item 58. [Docket No. 2007-0278-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Anthony John Riedel dba Hickory Hollow Inn in Harris County**; RN101700201; 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, David Van Soest)

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

Item 59. [Docket No. 2007-0187-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Commerce in Hunt County**; RN102178233; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Laurie Eaves, David Van Soest)

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

Item 60. [Docket No. 2007-0198-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Whitney** in **Hill County**; RN101919421; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 61. [Docket No. 2005-2080-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **T.T.X., Inc.** in **Dallas County**; TCEQ ID No. RN101648079; 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. (Mary Hammer, Jennifer Cook)

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

Item 62. [Docket No. 2004-1423-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sahil Business, Inc. dba Stop N Save** in **Burleson County**; TCEQ ID No. RN101660173; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shawn A. Slack, Jennifer Cook)

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

Item 63. [Docket No. 2006-2024-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SNSSS Enterprises, Inc. dba Blalock Food Mart** in **Harris County**; RN101466712; 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. (Tom Greimel, David Van Soest)

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

Item 64. [Docket No. 2005-0825-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gita K. Samadi dba Joe's Country Store** in **Denton County**; TCEQ ID No. RN101549178; for petroleum storage tank violations pursuant to Texas Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Jennifer Cook)

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

Item 65. [Docket No. 2007-0240-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Daniel Potter dba Herbert's Auto Repair** in **Johnson County**; RN100574441; 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. (Shontay Wilcher, David Van Soest)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 66. [Docket No. 2007-0030-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jackie Brister dba Barefoot Fishing Camp in San Saba County**; RN101251924; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, David Van Soest)

Item continued to the December 19, 2007 agenda. LS/BG; all agree.

Item 67. [Docket No. 2007-0062-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **West Harrison Water Supply Corporation in Harrison County**; RN101451532; for public drinking water 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 68. [Docket No. 2007-0320-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas H2O, Inc. in Tarrant County**; RN101217925; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villareal, David Van Soest)

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

Item 69. [Docket No. 2007-0264-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hydro Conduit of Texas, LP dba Rinker Materials Moor-Tex in Austin County**; RN101227676; for public drinking water 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 70. [Docket No. 2007-0574-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Megargel in Archer County**; RN101386605; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Clinton Sims, David Van Soest)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

- Item 71. [Docket No. 2007-0226-WR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rancho Viejo Cattle Company, Ltd.** in **Uvalde County**; RN104501119; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, David Van Soest)

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

BUDGET MATTERS

- Item 72. [Docket No. 2007-1148-BGT](#). CONSIDERATION OF FISCAL YEAR 2008 ASSESSMENT OF ANNUAL COSTS FOR WATERMASTER OPERATIONS IN THE **CONCHO RIVER WATERMASTER PROGRAM**. Pursuant to TWC Section 11.329; and TAC Sections 12.1; 12.3; 12.5 and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2007, and ending August 31, 2008, for appropriators in the Concho River Watermaster Program, which consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in **Concho County** and approve \$157,586.00 with a municipal rate of \$0.5452 as the amount to be assessed for annual costs, with the assessment per account to consist of a \$50.00 base charge plus a use fee and/or storage fee calculated from the authorized acre-feet, and a penalty of 5.0% of any delinquent fee due imposed on a person who fails to pay the required fee when due and if the person fails to pay the fee within 30 days after the day which the fee is due, an additional 5.0% penalty shall be imposed. Delinquent fees will accrue interest beginning on the 61st day after their due date.

Approve the fiscal year 2008 assessment of annual costs for watermaster operations in the Concho River Watermaster Program. LS/BG; all agree.

- Item 73. [Docket No. 2007-1149-BGT](#). CONSIDERATION OF FISCAL YEAR 2008 ASSESSMENT OF ANNUAL COSTS FOR WATERMASTER OPERATIONS IN THE **RIO GRANDE WATER DIVISION**. Pursuant to TWC Section 11.329; and TAC Sections 12.1; 12.3; 12.5 and 303.71 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2007, and ending August 31, 2008, for appropriators in the Rio Grande Water Division which extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers; and includes that portion of the Nueces-Rio Grande Coastal Basin lying in **Hidalgo, Cameron, Willacy and Starr Counties** and approve \$645,390.00 with a municipal rate of \$0.2807 as the amount to be assessed for annual costs, with the assessment per account to consist of a \$50.00 base charge plus a use fee and/or storage fee calculated from the authorized acre-feet and a penalty of 5.0% of any delinquent fee due imposed on a person who fails to pay the required fee when due and if the person fails to pay the fee within 30 days after the day which the fee is due, an additional 5.0% penalty

shall be imposed. Delinquent fees will accrue interest beginning on the 61st day after their due date.

Approve the fiscal year 2008 assessment of annual costs for watermaster operations in the Rio Grande Water Division. LS/BG; all agree.

Item 74. [Docket No. 2007-1150-BGT](#). CONSIDERATION OF FISCAL YEAR 2008 ASSESSMENT OF ANNUAL COSTS FOR WATERMASTER OPERATIONS IN THE **SOUTH TEXAS WATER DIVISION**. Pursuant to TWC Section 11.329; and TAC Sections 12.1; 12.3; 12.5 and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2007, and ending August 31, 2008, for appropriators in the South Texas Water Division, which consists of the Nueces, San Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in **Hidalgo, Cameron, Willacy, and Starr Counties** and approve \$535,988.00 with a municipal rate of \$0.1664 as the amount to be assessed for annual costs, with the assessment per account to consist of a \$50.00 base charge plus a use fee and/or storage fee calculated from the authorized acre-feet, and a penalty of 5.0% of any delinquent fee due imposed on a person who fails to pay the required fee when due and if the person fails to pay the fee within 30 days after the day which the fee is due, an additional 5.0% penalty shall be imposed. Delinquent fees will accrue interest beginning on the 61st day after their due date.

Approve the fiscal year 2008 assessment of annual costs for watermaster operations in the South Texas Water Division. LS/BG; all agree.

DISTRICT MATTER

Item 75. [Docket No. 2007-0512-DIS](#). Consideration of an application from **Fort Bend County Water Control and Improvement District No. 8** for the addition of wastewater and drainage authority in **Fort Bend County**. The District requests approval of additional powers to provide wastewater and additional drainage services within the District pursuant to Texas Water Code Sections 51.331- 51.333 and the rules of the Texas Commission on Environmental Quality, including 30 Texas Administrative Code Section 293.15. (TCEQ Internal Control No. 12152006-D03; Rob Cummins, Pinar Dogru)

Approve the application from Fort Bend County Water Control and Improvement District No. 8 and adopt the Executive Director's revised Order as amended by the commission at the public meeting. LS/BG; all agree.

RULE MATTERS

Item 76. [Docket No. 2007-1228-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 17**, Tax Relief for Property Used for Environmental Protection, Sections 17.1, 17.2, 17.4, 17.10, 17.12, 17.15, 17.17, and 17.20; and new 17.14. Consideration for publication of the proposed addition of new **Chapter 18**, Rollback Relief for Pollution Control Requirements to 30 TAC, Sections 18.1, 18.2, 18.5, 18.10, 18.15, 18.25, 18.30 and 18.35. The proposed rulemaking amends Chapter 17, Tax Relief for Property Used

for Environmental Protection in order to implement the requirements of House Bill 3732, 80th Legislature, 2007, Regular Session. The amendments add new definitions, modify the application review process to incorporate the requirements of HB 3732, correct incorrect references to the TCEQ, and adopt the Equipment and Categories List into the rule. The proposed rulemaking creates Chapter 18, Rollback Relief for Pollution Control Requirements in order to implement the requirements of House Bill 3732, 80th Legislature, 2007, Regular Session. (Ron Hatlett, Chris Ekoh) (Rule Project No: 2007-055-017-AS)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Chapter 17 and proposed addition of new Chapter 18 with the amendments provided by the Executive Director at the public meeting. Include language to the preamble, "The Commission solicits comments on whether Part B should be limited to pollution control property associated with advanced clean energy projects, as defined in Section 382.003, Health & Safety Code." Solicit comments on appropriate notice and notice procedures to Chief Appraisers of this State with regard to applications for Use Determinations as well as on the issue of applying environmental benefit at the site criteria to Use Determination. LS/BG; all agree.

Item 77. [Docket No. 2007-0991-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.512 and 114.517 and corresponding revisions to the state implementation plan. The proposed rulemaking would implement Senate Bill 12, Article 4, 80th Legislature, 2007. The proposed rulemaking would extend the expiration of prohibitions on the commission adopting rules restricting certain vehicle idling activities from September 1, 2007, to September 1, 2009. Additionally the proposed rulemaking would prohibit idling within 1,000 feet of a hospital and in residential areas. Finally, vehicles with sleeper berths would be prohibited from idling if an electrification facility that provides external heat and air conditioning hook-ups is located within two miles of their stop. (Theodore Kosub, John Minter) (Rule Project No. 2007-041-114-EN)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Chapter 114 and corresponding revisions to the state implementation plan. LS/BG; all agree.

Item 78. [Docket No. 2007-0234-RUL](#). Consideration for adoption of a repeal of **30 TAC Chapter 321** Control of Certain Activities by Rule, Subchapter G, Hydrostatic Test Dischargers; Subchapter H, Discharge to Surface Water from Treatment of Petroleum Substance Contaminated Waters; Subchapter J, Discharges to Surface Waters from Ready-Mixed Concrete Facilities; Subchapter K, Concentrated Animal Feeding Operations; Subchapter M, Discharges to Surface Waters from Petroleum Bulk Stations and Terminals; Subchapter O, Discharges from Aquaculture Production Facilities and amendments to Chapter 305, Consolidated Permits, Section 305.539 and Chapter 50, Action on Applications and Other Authorizations, Sections 50.31 and 50.131. The adopted rulemaking would repeal certain subchapters of Chapter 321, which have been replaced by general permits. The rulemaking will also amend sections of Chapters 305 and 50 to remove obsolete references to Chapter 321. The proposed rules were published in the May 25th, 2007 issue of the *Texas Register* ([Vol.32] TexReg [2824]). (Yvonna Pierce, Celia Castro) (Rule Project No. 2006-051-321-PR)

Adopt the repeal of 30 TAC Chapter 321, Subchapter G, Hydrostatic Test Dischargers; Subchapter H, Discharge to Surface Water from Treatment of Petroleum Substance Contaminated Waters; Subchapter J, Discharges to Surface Waters from Ready-Mixed Concrete Facilities; Subchapter K, Concentrated Animal Feeding Operations; Subchapter M, Discharges to Surface Waters from Petroleum Bulk Stations and Terminals; and Subchapter O, Discharges from Aquaculture Production Facilities and amendments to Chapter 305, Consolidated Permits, Section 305.539 and Chapter 50, Action on Applications and Other Authorizations, Sections 50.31 and 50.131. LS/BG; all agree.

EXECUTIVE SESSION

Item 79. **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.

Set the Executive Director's salary at the amount specified in the General Appropriations Act effective September 1, 2007 and notify the respective parties as required by the Act. LS/BG; all agree.

Item 80. **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 81. **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, September 19, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2007-1128-IWD.** Consideration of a "Motion to Overturn and Motion to Determine the Sufficiency of Necessary Technical Data" concerning the Executive Director's return of an application to amend Permit No. WQ000359000 held by **Elmer Jack Parks dba Jack Parks Dairy** concerning the operation of a concentrated animal feeding operation in **Erath County**, Texas. The Commission will also consider responses and replies to the motion.

Item continued to the November 7, 2007 agenda, with direction to the Applicant to file supplemental technical information with the ED within 30 days of the 9/19/07 Agenda date. LS/BG; all agree.

- Item 2. **TCEQ Docket No. 2005-1184-MWD. SOAH Docket No. 582-06-0393.** Consideration of the Joint Motion for Rehearing filed by UA Holdings 1994-5, Inc., Doug Joslyn, Phil Berthelot, and Michael and Wendy Thornton concerning the Commission's July 30, 2007, order denying UA Holdings 1994-5, Inc.'s application for Permit No. WQ0014468001. The Commission may consider both the Joint Motion for Rehearing and UA Holdings 1994-5, Inc.'s application for Permit No. WQ0014468001. (Montgomery County)

Grant the Motion for Rehearing and remand the application to the Executive Director to be processed as an uncontested permit application. LS/BG; all agree.

- Item 3. **TCEQ Docket No. 2005-1177-PWS-E; SOAH Docket No. 582-06-2366.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties of **Al Jabour dba Rivers Country Villas and RV Park in Brazoria County**, Texas; TCEQ Registration ID No. 0200585; regarding public water system violations pursuant to 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i), (c)(2)(F), (c)(3)(A)(ii), and (f)(2), and 290.122(c)(2)(B), and Tex. Health & Safety Code § 341.033(d). (Robert R. Mosley)

Item continued to the November 7, 2007 agenda.

(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/ John Sedberry
Assistant General Counsel,
John Sedberry

11-14-2007
Date