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Chairman H.S. Buddy Garcia
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, PhD.

OLD BUSINESS AGENDA

Wednesday, December 5, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the November 7, 2007 agenda.

- Item 1. [Docket No. 2007-0747-RUL](#). Consideration for adoption of amendments to **30 TAC Chapter 113**, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, Subchapter C: National Emission Standards for Hazardous Air Pollutants for Source Categories (FCAA, §112, 40 CFR Part 63). Amendments include updates to existing maximum achievable control technology (MACT) standards currently in Subchapter C and the addition of new sections 113.870, 113.1390, 113.1400, 113.1410, and 113.1420. Consideration of the withdrawal of the proposal of section 113.1130. The adoption will revise those sections of 30 TAC Chapter 113 containing the federal MACT standards, which are incorporated by reference, with the latest version of the MACT and add new MACT standards that have been recently promulgated. The MACT standards are technology-based standards specific to various source categories that regulate hazardous air pollutants. The proposed rules were published in the August 24, 2007 issue of the *Texas Register* (32 TexReg 5296). (Beryl Thatcher/Terry Salem) (Rule Project No. 2007-012-113-PR)

Adopt the amendments to 30 TAC Chapter 113. LS/BS; all agree.

AGENDA

Wednesday, December 5, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

- Item 1. [Docket No. 2007-1160-MWD](#). Consideration of the application by the **City of Grandview** for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010180001, which authorizes the discharge of treated domestic wastewater with a daily average flow not to exceed 300,000 gallons per day. The wastewater treatment facility is located on the north side of County Road 102, approximately 1.5 miles southeast of the City of Grandview in **Johnson 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, Larry Diamond)

Deny the hearing requests, adopt the Executive Director's Response to Comments and approve the permit renewal. LS/BS; all agree.

- Item 2. [Docket No. 2007-1713-MWD](#). Consideration of the application by **Gray Utility Service L.L.C.** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System Permit No. WQ0014728001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 99,000 gallons per day. The facility will be located approximately 2,500 feet west of Farm-to-Market Road 565 and approximately 3,500 feet north of Interstate Highway 10 in **Chambers 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. (Timothy Reidy, June Ella Martinez)

Grant the hearing request of Lin Neese and the issues of: 1. whether there is currently a regional wastewater treatment plant that can handle the capacity of the proposed facility; 2. will the proposed activities negatively impact the water quality or existing uses of the receiving waters; 3. whether the proposed discharge will negatively impact wildlife and the surrounding environment; and 4. is the discharge route adequate to properly convey the proposed discharge. Refer the matter to ADR for a period of 4-6 weeks then, if necessary, to SOAH with a maximum hearing duration of six months with the recommendation that the Executive Director participate in the hearing. LS/BS; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

- Item 3. [Docket No. 2007-0640-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Alicia Anguiano** in **Erath County**; RN104963715; 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/BS; all agree.

Item 4. [Docket No. 2007-0551-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William Newell Cooper dba Cooper Dairy Farm in Erath County**; RN102095635; 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/BS; all agree.

Item 5. [Docket No. 2007-0849-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **George Ted DeVries dba DeVries Dairy in Erath County**; RN100802917; 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/BS; all agree.

Item 6. [Docket No. 2007-0625-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Petrus Adrianus Boekhorst dba Petal Dairy in Hopkins County**; RN101716298; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

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

Item 7. [Docket No. 2007-0508-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nancy Lea Huckabee and Linda Dianne Griffith dba Huckabee Dairy in Hamilton County**; RN102708096; 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/BS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8. [Docket No. 2006-1948-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Refining, L.P. in Harris County**; TCEQ ID No. RN100218130; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen Decker, Jennifer Cook)

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

Item 9. [Docket No. 2006-0093-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Brazoria County**; TCEQ ID No. RN100825249; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Justin Lannen, Jennifer Cook)

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

Item 10. [Docket No. 2007-0825-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cemex Construction Materials, L.P. in El Paso County**; RN100219435; 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/BS; all agree.

Item 11. [Docket No. 2006-2161-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cerrito Gas Processing, L.L.C. in Webb County**; RN102521150; 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, Bryan Sinclair)

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

Item 12. [Docket No. 2007-1005-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Big Tex Trailer Manufacturing, Inc. in Midland County**; RN102565868; 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, Bryan Sinclair)

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

Item 13. [Docket No. 2007-0793-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Atmos Energy Corporation in Clay County**; RN100542661; 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, David Van Soest)

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

Item 14. [Docket No. 2007-0385-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Premcor Refining Group Inc. in Jefferson County**; RN102584026; 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/BS; all agree.

Item 15. [Docket No. 2007-0562-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Goodyear Tire & Rubber Company in Jefferson County**; RN102561925; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Daniel Siringi, David Van Soest)

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

Item 16. [Docket No. 2007-0557-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Harris County**; RN104150123; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, David Van Soest)

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

Item 17. [Docket No. 2007-0583-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lyondell Chemical Company in Harris County**; RN102523107; 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. (Nadia Hameed, David Van Soest)

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

Item 18. [Docket No. 2007-0757-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lone Star Beef Processors, L.P. in Tom Green County**; RN105096309; 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/BS; all agree.

Item 19. [Docket No. 2007-0582-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Harris County**; RN103773206; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bryan Elliott, David Van Soest)

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

Item 20. [Docket No. 2007-0873-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Enbridge G & P (North Texas) L.P. in Jack County**; RN102888377; 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. (Nadia Hameed, David Van Soest)

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

Item 21. [Docket No. 2007-0676-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Diamond Shamrock Refining Company, L.P.** in Moore County; RN100210517; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, David Van Soest)

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

Item 22. [Docket No. 2007-0594-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. (Audra L. Ruble, David Van Soest)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 23. [Docket No. 2006-0793-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Song Jung dba New Core Cleaners** in **Collin County**; TCEQ ID No. RN104962287; 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/BS; all agree.

Item 24. [Docket No. 2006-1563-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kirby-Dunstan, Inc. dba Le Bon Cleaners** in **Harris County**; TCEQ ID No. RN105017727; 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. (Dinniah M Chahin, Jennifer Cook)

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

Item 25. [Docket No. 2006-1150-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hyung S. Park dba Quality Cleaners Center** in **Collin County**; TCEQ ID No. RN102753597; 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. (Tracy Chandler, Jennifer Cook)

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

Item 26. [Docket No. 2006-1426-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **IRSA, Inc. dba 1.50 Cleaners and dba Humble Discount Cleaners** in **Harris County**; RN104990015 and RN104098918; 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. (Harvey Wilson, Bryan Sinclair)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDERS

Item 27. [Docket No. 2006-1240-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Willie Scales dba Starchy Down Cleaners Kirkwood and dba Starchy Down Cleaners in Harris County**; TCEQ ID Nos. RN104964648 and RN104415781; 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. (Benjamin O. Thompson, Jennifer Cook)

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

Item 28. [Docket No. 2006-1184-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **TQH Investments, Ltd. dba Bells Cleaners and dba Mart Cleaners in Harris County**; TCEQ ID Nos. RN103099586 and RN103775185; for dry cleaner registration violations pursuant to 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/BS; all agree.

Item 29. [Docket No. 2006-1049-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Vance E. Gifford dba Giffords Cleaners in Bexar County**; TCEQ ID No. RN103955860 and RN103955811; 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. (Xavier Guerra, Jennifer Cook)

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

Item 30. [Docket No. 2006-1558-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **M D C M S, Inc. dba Millennium Dry Cleaners in Collin County**; TCEQ ID No. RN104120043; 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. (Tracy Chandler, Jennifer Cook)

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

FIELD CITATIONS

Item 31. [Docket No. 2007-1316-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Denny Heathcott in Runnels County**; RN105233233; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Steven Lopez)

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

Item 32. [Docket No. 2007-1339-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Sunny Financial L.L.C. dba Normandy Food Mart in Harris County**; RN102276441; 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 Texas Administrative Code ch. 60. (Melissa Keller, Steve Lopez)

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

Item 33. [Docket No. 2007-1399-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **A & D Auto Pit Stop, Ltd. dba Roys Auto Center in Webb County**; RN101875656; 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, Steve Lopez)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 34. [Docket No. 2007-0931-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dome Petrochemical, L.C. in Chambers County**; RN102286374; 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, Bryan Sinclair)

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

LICENSED IRRIGATOR ENFORCEMENT AGREED ORDERS

Item 35. [Docket No. 2006-1696-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Felix Aguilar in Harris County**; TCEQ ID No. RN105006498; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Jennifer Cook)

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

Item 36. [Docket No. 2007-0745-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jason E. Weaver in Harris and Fort Bend Counties**; RN103255634; 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. (Epifanio Villareal, David Van Soest)

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

Item 37. [Docket No. 2007-0211-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John E. Mitchell Jr. in Harris County**; RN105132468; 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/BS; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 38. [Docket No. 2007-0567-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company** in **Hutchinson County**; RN102495884; 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. (Trina Grieco, David Van Soest)

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

Item 39. [Docket No. 2007-0709-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Billy Hilton** in **Guadalupe County**; RN105128342; for municipal solid waste, water quality, and air quality 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. (Dana Shuler, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 40. [Docket No. 2007-0755-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alvin Washington dba Organic Resource Management** in **Travis County**; RN105137418; 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, Bryan Sinclair)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 41. [Docket No. 2007-0347-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Anna** in **Collin County**; RN102754199; 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, David Van Soest)

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

Item 42. [Docket No. 2007-0657-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Development, Inc. dba Aqua Texas, Inc.** in

Denton County; RN102343662; 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/BS; all agree.

Item 43. [Docket No. 2007-0070-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Aqua Utilities, Inc. dba Aqua Texas, Inc. in Orange County**; RN101524767; 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/BS; all agree.

Item 44. [Docket No. 2007-0188-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Covington in Hill County**; RN101920080; 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/BS; all agree.

Item 45. [Docket No. 2007-0685-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Fort Bend County Municipal Utility District No. 142 in Fort Bend County**; RN102977287; 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. (Deana Holland, David Van Soest)

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

Item 46. [Docket No. 2007-0661-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Young Men's Christian Association of the Greater Houston Area in Trinity County**; RN101279412; 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. (Suzanne Walrath, Bryan Sinclair)

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

Item 47. [Docket No. 2005-0750-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Palo Pinto and Johnson Counties**; RN102075744 and RN102096823; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Steven Lopez)

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

Item 48. [Docket No. 2007-0860-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Spring Creek Utility District in Montgomery County**; RN101514792; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

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

Item 49. [Docket No. 2007-0612-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chung Nguyen dba Hilltop Village Mobile Home Park in Bell County**; RN104845029; 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/BS; all agree.

Item 50. [Docket No. 2007-0648-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Galileo Mount Houston TX LP dba Mount Houston Utilities in Harris County**; RN102336526; 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/BS; all agree.

Item 51. [Docket No. 2007-0384-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Diocese of Galveston-Houston in Montgomery County**; RN101523215; 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. (Libby Hogue, David Van Soest)

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

Item 52. [Docket No. 2007-0623-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dallas County Utility & Reclamation District in Dallas County**; RN102335940; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, David Van Soest)

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

Item 53. [Docket No. 2006-1738-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Buda and Guadalupe-Blanco River Authority in Hays County**; RN101703288; 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/BS; all agree.

Item 54. [Docket No. 2007-0662-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brookshire Municipal Water District in Waller County**; RN101920312; 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. (Libby Hogue, David Van Soest)

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

Item 55. [Docket No. 2007-0704-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Aqua Development, Inc. dba Aqua Texas, Inc. in Montgomery County**; RN102342227; 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/BS; all agree.

Item 56. [Docket No. 2007-0823-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Development, Inc. in Harris County**; RN102343217; 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, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 57. [Docket No. 2007-0040-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dang Cong Huynh dba B & G Food Store in Tarrant County**; RN101643716; 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/BS; all agree.

Item 58. [Docket No. 2007-0610-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sheema Enterprise, Inc. dba Highway 59 Phillips 66 in Harris County**; RN100697564; 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. (Rajesh Acharya, David Van Soest)

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

Item 59. [Docket No. 2006-1591-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tristar Convenience Stores, Inc. dba Handi Stop 46 in Harris County**; TCEQ ID No. RN102457918; 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. (Benjamin O. Thompson, Jennifer Cook)

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

- Item 60. [Docket No. 2007-0718-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ashish Food, Inc. dba Amigo Stop** in **Harris County**; RN101832954; 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, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

- Item 61. [Docket No. 2006-2066-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Dennis Sparks** in **Palo Pinto County**; TCEQ ID No. RN102271350; 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. (Lena Roberts, Jennifer Cook)

Item remanded to the Executive Director.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 62. [Docket No. 2007-0818-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Burleson County MUD 1** in **Burleson County**; RN101397131; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, David Van Soest)

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

- Item 63. [Docket No. 2006-1771-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cockrell Hill** in **Dallas County**; RN101185320; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Bryan Sinclair)

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

- Item 64. [Docket No. 2007-0980-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **El Paso County Water Control Improvement District 4** in **El Paso County**; RN102673399; 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, David Van Soest)

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

Item 65. [Docket No. 2007-0658-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Emerald Valley Independent Aquatic Network, Ltd. Co.** in **Comal County**; RN101439768; 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)

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

Item 66. [Docket No. 2007-0547-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James A. Dyche dba Crest Water Company** in **Johnson County**; RN101220887, RN101251023, RN101192540; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, David Van Soest)

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

Item 67. [Docket No. 2007-0367-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bonham** in **Fannin County**; RN102546108; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, David Van Soest)

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

Item 68. [Docket No. 2007-0706-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bluegrove Water Supply Corporation** in **Clay County**; RN101206167; 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, David Van Soest)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 69. [Docket No. 2005-0606-PWS-E](#). Consideration of a Default Order assessing administrative penalties against **Grayson Hilltop Estates Water Supply Corporation** in **Grayson County**; TCEQ ID No. RN101231884; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Xavier Guerra, Jennifer Cook)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 70. [Docket No. 2007-0774-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Crane Co.** in **Montgomery County**; RN101194769; 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. (Deana Holland, David Van Soest)

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

- Item 71. [Docket No. 2007-0914-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Nalle Custom Homes, Inc.** in **Bastrop County**; RN105229702; 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, Bryan Sinclair)

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

WATER OPERATOR CERTIFICATION ENFORCEMENT DEFAULT ORDER

- Item 72. [Docket No. 2006-0265-WTR-E](#). Consideration of a Default Order assessing administrative penalties against **Dennis A. Holmes** in **Hardin County**; TCEQ ID No. RN103372447; for public drinking water operator certification violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Shawn Slack, Jennifer Cook)

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

MISCELLANEOUS AGENDA ITEM

- Item 73. [Docket No. 2007-1028-MIS](#). Consideration of nominations and appointments of (1) Two representatives from the "general public" (one position expires August 31, 2011; the 2nd position expires August 31, 2013); (2) A representative from a solid waste management organization composed primarily of commercial operators; (3) A person who is experienced in the management and operation of a composting or recycling facility or an educator with knowledge of the design and management of solid waste facilities; (4) An elected official from a city with a population between 25,000 and 100,000; (5) A representative of the financial community; (6) An elected official from a municipality with a population fewer than 25,000; (7) An elected official from a county of any population size; to serve on the Municipal Solid Waste Management and Resource Recovery Advisory Council. (Jackie S. Hardee and Steve Hutchinson)

Approve the appointments of H.C. Clark, Shirley Blanton, Thomas Brown, Hector Chavez, James S. Wyatt, David S. Yanke, Frank Reilly, and Drue Bynum to serve on the Municipal Solid Waste Management and Resource Recovery Advisory Council. LS/BS; all agree.

STATE IMPLEMENTATION PLAN

- Item 74. [Docket No. 2007-1539-SIP](#). Consideration for publication of, and hearing on, a proposed revision to the State Implementation Plan (SIP) to address **visibility impairment due to regional haze in Class I Federal areas**. The proposed revision would implement federal requirements to make reasonable progress in reducing visibility impairment at Class I Federal areas, including Big Bend and Guadalupe Mountains National Parks, resulting from anthropogenic pollution. (Margaret Earnest, John Minter) (Project No. 2007-016-SIP-NR)

Approve the publication of, and hearing on, a proposed revision to the State Implementation Plan to address visibility impairment due to regional haze in Class I Federal areas. LS/BS; all agree.

RULE MATTERS

Item 75. [Docket No. 2007-1681-RUL](#). Consideration of two petitions for rulemaking submitted by **Viridis Energy (Texas), L.P.** under 30 TAC Section 20.15. The petitioner is requesting output-based monitoring alternatives, for both major and minor sources, to the existing requirement to install fuel flow meters on stationary reciprocating internal combustion engines and gas turbines in the Houston-Galveston-Brazoria ozone nonattainment area under 30 TAC Chapter 117. The petitioners request amending Sections 117.340 and 117.2035 to specify the output-based alternative monitoring provisions, and Sections 117.345 and 117.2045 to prescribe recordkeeping requirements for sources using the output-based alternative. (Jay Tonne, Andrea Casey) (Rule Project No. 2008-004-PET-NR)

Find that the two petitions raise meritorious issues that should be explored in rulemaking and adopt the Executive Director's proposed order filed with the Chief Clerk and direct the Executive Director to initiate rulemaking. LS/BS; all agree.

Item 76. [Docket No. 2007-1640-RUL](#). Consideration for publication of, and hearing on, amendments to Sections 37.825, 37.830, 37.835, 37.840, 37.845, 37.855, 37.870, and 37.885, and new Section 37.867 of **30 TAC Chapter 37**, Financial Assurance. The proposed rulemaking would implement House Bill 1956, 80th Legislature, 2007, Regular Session. The proposed rulemaking would also require underground storage tank (UST) owners or operators to include evidence of financial assurance along with self-certification forms; require UST owners or operators to empty their tanks within 90 days of a termination of their financial assurance coverage unless they obtain coverage; and clarify and simplify the wording of financial assurance mechanisms to minimize confusion. (Rob Norris, Cullen McMorro) (Rule Project No. 2007-038-037-AS)

Approve the publication of, and hearing on, amendments to Sections 37.825, 37.830, 37.835, 37.840, 37.845, 37.855, 37.870, and 37.885, and new Section 37.867 of 30 TAC Chapter 37. LS/BS; all agree.

Item 77. [Docket No. 2007-1611-RUL](#). Consideration for publication of, and hearing on, amendments to Title **30 Texas Administrative Code Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification, Subchapter D, Permit Renewals, Section 116.315, Permit Renewal Submittal, and corresponding revisions to the state implementation plan. The proposed rulemaking would implement Senate Bill 1673, passed in the 80th Session of the Texas Legislature, Regular Session, 2007, that provides for submission of a preconstruction renewal application concurrently with a preconstruction amendment application under certain circumstances. The amended rule would specify that the amendment application must be filed not more than three years before the date the permit is scheduled to expire and must be subject to notice requirements under the Texas Health and Safety Code, Section 382.056, Notice of Intent to Obtain Permit or Permit Review; Hearing. Processing a renewal and amendment application concurrently would be optional for applicants. (Becky Southard, John Minter) (Rule Project No. 2007-024-116-PR)

Approve the publication of, and hearing on, amendments to Title 30 Texas Administrative Code Chapter 116. LS/BS; all agree.

Item 78. [Docket No. 2007-1476-RUL](#). Consideration for publication of, and hearing on, proposed new subchapter I of **30 TAC Chapter 328**, comprising proposed new sections 328.131, 328.133,

328.135, 328.137, 328.139, 328.141, 328.143, 328.145, 328.147, 328.149, 328.151, 328.153, and 328.155. The proposed rulemaking requires persons that manufacture or sell new computer equipment to implement a convenient and environmentally sound program for the collection, recycling, and reuse of used computer equipment. The commission will be responsible for oversight of some of the administrative and regulatory requirements of the program. (G. Michael Lindner, Project Manager; John Williams, Lead Attorney) (Rule Project No. 2007-036-328-AS)

Approve the publication of, and hearing on, proposed new subchapter I of 30 TAC Chapter 328 with the proposed language change provided by Commissioner Soward at the dais. LS/BS; all agree.

Item 79. [Docket No. 2007-0937-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Sections 114.7, 114.62, 114.64, 114.66, and 114.70. The adoption would implement revisions to the Low Income Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) as amended by Senate Bill 12, 80th Legislature, 2007. The revisions would expand vehicle owner financial eligibility to 300% of the federal poverty rate and provide incentives for certain vehicle owners to retire and replace their present vehicle with newer, cleaner running vehicles. The proposed rules were published in the August 24, 2007, issue of the *Texas Register* (32 TexReg 5315). (Bob Wierzowiecki, Brad Patterson) (Rule Project No. 2007-026-114-EN)

Adopt the amendments to 30 TAC Chapter 114 as recommended by the Executive Director and amended by Commissioner Soward at the dais. LS/BS; all agree.

Item 80. [Docket No. 2007-0939-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Subchapter K, Mobile Sources Incentive Programs, Division 3, Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles, Section 114.622 and corresponding revisions to the state implementation plan. The adoption would authorize the commission to allow travel on highways and roadways designated by the commission to count towards the requirement that grant-funded vehicles operate at least 75 percent of the annual miles in the eligible counties as authorized in Senate Bill 12, 80th Legislature, Regular Session, 2007; raise the cost-effectiveness criteria from \$13,000 per ton of nitrogen oxides reduced to \$15,000 per ton as authorized in Senate Bill 12, 80th Legislature, 2007; and remove the option that vehicles, equipment, and engines replaced under the program may be removed from the state in lieu of being recycled or scrapped. The proposed rules were published in the August 24, 2007 issue of the *Texas Register* (32 TexReg 5324). (Steve Dayton, Brad Patterson) (Rule Project No. 2007-022-114-EN)

Adopt the amendments to 30 TAC Chapter 114 with the added language to page 3, in subsection (c) after "scrapped" and before ".", "provided, however, that the Executive Director may allow permanent removal from the State of Texas in specific grants where the applicant has provided sufficient assurances that the old locomotive will not be returned to the State of Texas". BS/LS; all agree.

EXECUTIVE MEETING

Item 81. **Docket No. 2007-0001-EXE**. The Commission will conduct a closed meeting 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 meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

Approve the appointment of Les Trobman to the position of the General Counsel at the maximum salary posted; the appointment is to be effective 12-6-2007. LS/BS; all agree.

Item 82. **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 meeting to take action on 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 83. **Docket No. 2007-0003-EXE.** The Commission will conduct a closed meeting 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 meeting 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)

OLD BUSINESS AGENDA

Wednesday, December 5, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.
12100 Park 35 Circle
Room 201S, Bldg. E

Item continued from the November 7, 2007 agenda.

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

Item re-posted as new business Item # 1.

AGENDA

Wednesday, December 5, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.
12100 Park 35 Circle
Room 201S, Bldg. E

- Item 1. [Docket No. 2006-1763-UCR](#). Consideration of a request for a Commission order approving contracts designating service areas between the **City of Austin** (“Austin”), water certificate of convenience and necessity (“CCN”) No. 11322, and **Manville Water Supply Corporation** (“Manville WSC”), water CCN No. 11144, in **Travis County**, pursuant to Section 13.248 of the Texas Water Code. Under one Agreement, Austin will transfer approximately 151 acres of service area to Manville WSC and Manville WSC will transfer approximately 1,618 acres of service area to Austin. Additionally in another Agreement, Manville WSC will transfer approximately 42 acres to Austin. No facilities are proposed to be transferred. (Pinar Dogru, Lisa Fuentes)

Approve the ED's proposed order approving two contracts designating service areas between the City of Austin and Manville Water Supply Corporation with a modification of the first ordering provision that specifies the specific acreage transferred between the parties in the two contracts. LS/BS; all agree.

- Item 2. [TCEQ Docket No. 2004-0565-MWD-E; SOAH Docket No. 582-06-0662](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against the **City of Normangee** in **Leon County**, Texas; TCEQ ID No. WQ0010356001; 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. The Commission will also consider timely filed exceptions and replies. (Shawn A. Slack)

Item continued to the March 19, 2008 agenda. LS/BS; all agree.

- Item 3. [TCEQ Docket No. 2005-2007-UCR; SOAH Docket No. 582-06-1029](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of the **City of Midlothian** to amend its Certificate of Convenience and Necessity (CCN) No. 11706 and to decertify Wax-Mid, Inc.'s CCN No. 11966 in **Ellis County**, Texas. The Commission will also consider the application and related filings, including exceptions and replies. (Brian MacLeod)

Adopt the ALJ's Proposal for Decision and Order. LS/BS; 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

12-13-2007
Date