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Chairman H.S. Buddy Garcia OLD BUSINESS AGENDA
Commissioner Larry R. Soward
Commissioner Brian W. Shaw, Ph.D. Wednesday, January 16, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the September 19, 2007 and the December 19, 2007 agendas.

Item 1. [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)

Approve the Agreed Order. BS/BG; LS oppose.

Item continued from the December 19, 2007 agenda.

Item 2. [Docket No. 2007-1228-RUL](#). Consideration of the adoption of 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 of adoption of new **30 TAC Chapter 18**, Rollback Relief for Pollution Control, Sections 18.1, 18.2, 18.5, 18.10, 18.15, 18.25, 18.30 and 18.35. The adopted rulemaking would amend Chapter 17 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 House Bill 3732, correct incorrect references to the TCEQ, and adopt the "Equipment and Categories List" into the rule. The adoption of new Chapter 18 also implements the requirements of House Bill 3732. The proposed rules were published in the October 5, 2007, issue of the *Texas Register* (32 TexReg 6979). (Ron Hatlett, Chris Ekoh) (Rule Project No: 2007-055-017-AS)

Item continued to the 1 P.M. agenda per the General Counsel.

Adopt the amendments to 30 TAC Chapter 17 and new sections to 30 TAC Chapter 18 with the amendments proposed the Chairman. BS/LS; all agree.

AGENDA

Wednesday, January 16, 2008

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. 2007-1039-AIR](#). Consideration of Application by **Border Steel, Inc.** for renewal of Air Quality Permit No.19933 and the incorporation of Permit No. 73387 into Permit No. 19933 to authorize the continued operation of their Vinton Steel Mill Plant. The facility is located at the northern end of Border Road and adjacent to Interstate 10 and Vinton Road, in Vinton, **El Paso 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. (Dois Webb, Brad Patterson)

Deny the Motion to Remand. BS/LS; all agree.

Deny the hearing requests, adopt the Executive Director's Response to Comments with changes recommended by ED, and issue the permit renewal. BS/LS; all agree.

Item 2. [Docket No. 2007-0973-WR](#). Consideration of an application by **Texas Municipal Power Agency** to authorize 26 existing on-channel reservoirs in the Brazos River Basin. Applicant also seeks to impound a combined amount of 3,515 acre-feet of water for recreational, domestic, livestock, parks and wildlife, and game preserve purposes in **Grimes County**. No diversion of water has been requested. Applicant had previously requested authorization to maintain 31 existing on-channel reservoirs in the Brazos River Basin and impound a combined amount of 8,487.80 acre-feet of water for recreational, domestic, livestock, parks and wildlife, and game preserve purposes. Since the original request, the Applicant has shown that 5 of the 31 reservoirs are off-channel and will not impound state water, hence the requested authorization for 26 on-channel reservoirs. This authorization sought would be subject to all superior and senior water rights in the Brazos River basin. The commission will consider any hearing requests and filings. (Iliana Delgado, Pinar Dogru)

Grant the hearing request and refer the matter to SOAH for a hearing. LS/BS; all agree.

Item 3. [Docket No. 2007-0869-DIS](#). Consideration of the application by **County Line Water Supply Corporation** for conversion to a Special Utility District and for approval of an impact fee in **Hays and Caldwell Counties**, pursuant to Article XVI, Section 59 of the Texas Constitution and Texas Water Code Chs. 49 and 65. The Commission will also consider hearing requests and related filings. (Shana Horton, Rob Cummins)

Grant the hearing request of the Scott Family, refer the matter to SOAH for a hearing with a concurrent referral to ADR. BS/LS; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 4. [Docket No. 2007-1057-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Penn-Cal, L.L.C. and Glen Simonton dba Kuiper Dairy in Erath County**; RN102313244; 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, Bryan Sinclair)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 5. [Docket No. 2006-0583-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Chemical & Metallurgical Corporation in Brazoria County**; TCEQ ID No. 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. BS/BG; all agree.

- Item 6. [Docket No. 2006-1599-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Solutia Inc. in Brazoria County**; TCEQ ID No. RN100238682; 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. BS/BG; all agree.

- Item 7. [Docket No. 2007-0589-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Big Tex Trailer Manufacturing, Inc. in Titus County**; RN100214568; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Steven Lopez)

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

- Item 8. [Docket No. 2007-0811-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN100542844; 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, Bryan Sinclair)

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

- Item 9. [Docket No. 2007-0989-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation in Jefferson**

County; RN100219252; 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, Bryan Sinclair)

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

Item 10. [Docket No. 2007-0947-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rushing Paving Company, Ltd. in Grayson County**; RN102885662; 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, Bryan Sinclair)

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

Item 11. [Docket No. 2007-1510-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LP in Harris County**; RN100219526; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Bryan Sinclair)

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

Item 12. [Docket No. 2007-1139-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC. in Harris County**; RN100212109; 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, Bryan Sinclair)

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

Item 13. [Docket No. 2007-0722-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WTG Gas Processing, L.P. in Howard County**; RN100211473; 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. BS/BG; all agree.

Item 14. [Docket No. 2007-0023-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. (Trina Grieco, David Van Soest)

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

Item 15. [Docket No. 2007-0781-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sabine Cogen, LP in Orange County**; RN100209766;

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, Bryan Sinclair)

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

Item 16. [Docket No. 2007-0838-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PD Glycol LP in Jefferson County**; RN100825413; 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. BS/BG; all agree.

Item 17. [Docket No. 2007-0370-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INEOS USA LLC in Brazoria County**; RN100238708; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bryan Elliott, Bryan Sinclair)

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

Item 18. [Docket No. 2007-1094-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Fiberglass Specialties, Inc. in Rusk County**; RN102536091; 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, Bryan Sinclair)

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

Item 19. [Docket No. 2007-0922-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Destructors, Inc. in Dallas County**; RN104916457; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Bryan Sinclair)

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

Item 20. [Docket No. 2007-0667-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bond-Coat, Inc. in Midland County**; RN105193411; 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, Bryan Sinclair)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

- Item 21. [Docket No. 2006-1318-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bothina J. Al-Hussein dba Quality Cleaners in Harris County**; RN104096995; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Audra L. Ruble, Bryan Sinclair)

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

- Item 22. [Docket No. 2006-1252-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ha Young Shin dba Smile Cleaners in Harris County**; TCEQ ID No. RN105004030; 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 E. Coleman, Jennifer Cook)

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

- Item 23. [Docket No. 2006-1514-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Wholesale Cleaners, Inc. dba Meyerland Cleaners in Harris County**; TCEQ ID No. RN104983895; 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 E. Coleman, Jennifer Cook)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDER

- Item 24. [Docket No. 2006-1132-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Meldimaa Enterprise, Inc. dba Silverline Dry Cleaners in Brazoria County**; TCEQ ID Nos. RN103962411, RN104992219, RN104992227, and RN104992243; for dry cleaner registration violations 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. BS/BG; all agree.

FIELD CITATIONS

- Item 25. [Docket No. 2007-1396-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Cliff J. Chambers in Hardin County**; RN103749859; for on-site sewage 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. BS/BG; all agree.

Item 26. [Docket No. 2007-1364-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Sandra L. Hales** in **Jim Wells County**; RN103659041; for occupational license violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Steve Lopez)

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

Item 27. [Docket No. 2007-1362-WO-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Earth Haulers, Inc.** in **Parker County**; RN105224547; for stormwater 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. BS/BG; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 28. [Docket No. 2005-1063-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lonestar Aquafarms, Ltd.** in **Jackson County**; TCEQ ID No. RN102344074; for water quality 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. (Xavier Guerra, Jennifer Cook)

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

Item 29. [Docket No. 2007-0799-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rhodia Inc.** in **Wilbarger County**; RN100219773; 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, Steve Lopez)

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

Item 30. [Docket No. 2007-0785-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wise Ready Mix Concrete Company** in **Wise County**; RN104547187; 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, Bryan Sinclair)

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

Item 31. [Docket No. 2007-0824-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stolthaven Houston, Inc.** in **Harris County**; RN100210475; 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, Steve Lopez)

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

- Item 32. [Docket No. 2007-0791-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Air Liquide Large Industries U.S. LP** in **Brazoria County**; RN102286234; 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. BS/BG; all agree.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

- Item 33. [Docket No. 2007-1167-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stephen P. Fey** in **Kendall and Bexar Counties**; RN105240402; 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. (Judy Kluge, Bryan Sinclair)

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

- Item 34. [Docket No. 2007-0671-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Todd Farber dba Garden Guy, Inc.** in **Fort Bend County**; RN105071898; 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. (Bryan Elliott, David Van Soest)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 35. [Docket No. 2006-0801-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Texas, Inc. dba Country View Estates** in **Medina County**; TCEQ ID No. RN102679347; for public drinking water and water quality 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 Tex. Admin. Code ch. 60. (Dinniah M. Chahin, Jennifer Cook)

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

- Item 36. [Docket No. 2005-1925-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Speedy Stop Food Stores, Ltd. dba Speedy Stop #92** in **Williamson County**; TCEQ ID No. RN104711569; for water quality and 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 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Jennifer Cook)

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

Item 37. [Docket No. 2007-0813-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thompson Heights Development Company** in **Grayson County**; RN101226322; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Steve Lopez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 38. [Docket No. 2007-1037-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **R. C. Smith Companies, Ltd.** in **Montgomery and San Jacinto Counties**; RN102784535; 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. (Cynthia McKaughan, Bryan Sinclair)

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

Item 39. [Docket No. 2007-0868-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Seven Sanders Companies, Inc.** in **Lubbock County**; RN103040812 and RN104784137; 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. BS/BG; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 40. [Docket No. 2007-0071-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Utilities, Inc. dba Aqua Texas, Inc.** in **Harris County**; RN102341559; 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. BS/BG; all agree.

Item 41. [Docket No. 2007-0665-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fayette County** in **Fayette County**; RN102935541; 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, Bryan Sinclair)

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

Item 42. [Docket No. 2007-0994-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Nederland** in **Jefferson County**; RN103016374; 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, Steve Lopez)

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

Item 43. [Docket No. 2007-0564-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Morgan's Point in Harris County**; RN102075801; 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. BS/BG; all agree.

Item 44. [Docket No. 2007-0836-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Martin Leon Edwards dba Minnow Bucket Marina in Wood County**; RN105092308; 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, Bryan Sinclair)

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

Item 45. [Docket No. 2007-0817-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James Wayne Robinson in Harris County**; RN102343373; 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. (Thomas Jecha, Bryan Sinclair)

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

Item 46. [Docket No. 2007-0565-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **West Harris County Municipal Utility District 4 in Harris County**; RN102821279; 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, Bryan Sinclair)

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

Item 47. [Docket No. 2007-1081-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **Town of Woodboro in Refugio County**; RN101920551; 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. BS/BG; all agree.

Item 48. [Docket No. 2007-0862-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Teague in Freestone County**;

RN101607935; 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, Bryan Sinclair)

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

- Item 49. [Docket No. 2007-0833-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rogers in Bell County**; RN102184678; 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, Bryan Sinclair)

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

ON SITE SEWAGE FACILITY INSTALLERS ENFORCEMENT AGREED ORDER

- Item 50. [Docket No. 2006-0095-OSI-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mark A. Mouton in Hardin County and in Orange County**; TCEQ ID No. RN103748133; for on-site sewage installer violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Jennifer Cook)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 51. [Docket No. 2006-0411-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Westex Capital, LTD. dba Corner Store in Dewitt County**; TCEQ ID No. RN102781952; for a petroleum storage tank violation pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Jennifer Cook)

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

- Item 52. [Docket No. 2005-1960-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Antonio Vera and Roman Vera dba Jessie's Drive Thru in Hidalgo County**; TCEQ ID No. RN103993069; 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. (Jacquelyn Boutwell, Jennifer Cook)

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

- Item 53. [Docket No. 2007-0886-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ATC Leasing Company LLC in Denton County**; RN105224919; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip DeFrancesco, Bryan Sinclair)

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

- Item 54. [Docket No. 2007-1103-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David Dodier in Webb County**; RN101875656; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Bryan Sinclair)

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

- Item 55. [Docket No. 2007-0784-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Levelland in Hockley County**; RN102996238; 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. (Elvia Maske, Bryan Sinclair)

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

- Item 56. [Docket No. 2007-0933-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Farah Chaudhry dba Country Boy 2 in Nacogdoches County**; RN103194387; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Bryan Sinclair)

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

- Item 57. [Docket No. 2005-1909-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Econo Lube N' Tune, Inc. in Bexar County**; TCEQ ID No. RN102041910; 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. (Barham Richard, Jennifer Cook)

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

- Item 58. [Docket No. 2006-2179-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Imran Khan dba Stop N Drive in Harris County**; TCEQ ID No. RN102855053; 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. (Tracy Chandler, Jennifer Cook)

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

- Item 59. [Docket No. 2007-0399-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Angie G. Vasquez in Reeves County**; RN102268133; 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. BS/BG; LS oppose.

- Item 60. [Docket No. 2007-0464-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Severiano M. Anguiano** in **Kimble County**; RN101802353; 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. BS/BG; LS oppose.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

- Item 61. [Docket No. 2003-1089-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **BASN Corporation dba Swif T Food Store** in **Tarrant County**; TCEQ ID No. RN102040466; for a petroleum storage tank violation pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 62. [Docket No. 2007-0954-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Utilities, Inc.** in **Chambers County**; RN102692027; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Keffer, Bryan Sinclair)

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

- Item 63. [Docket No. 2007-0708-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Leona** in **Leon County**; RN101404002; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steve Lopez)

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

- Item 64. [Docket No. 2007-0644-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Live Oak Resort, Inc.** in **Washington County**; RN101269926; 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, Bryan Sinclair)

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

- Item 65. [Docket No. 2007-0881-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bill Mayhew dba Wood Trail Water Supply** in **Kerr**

County; RN101244523; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, David Van Soest)

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

Item 66. [Docket No. 2007-0946-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **A.K. Mittal dba Wes Texas Family Dining in Lubbock County**; RN102315736; 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, Bryan Sinclair)

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

Item 67. [Docket No. 2007-1051-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monarch Utilities I L.P. in Johnson County**; RN101376283; 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, Bryan Sinclair)

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

Item 68. [Docket No. 2007-1072-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monarch Utilities I L.P. in Johnson County**; RN101379519; 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, Bryan Sinclair)

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

Item 69. [Docket No. 2007-0883-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Darryl Wheeler dba Magnolia Lake RV Park in Polk County**; RN101237154; 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, Bryan Sinclair)

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

Item 70. [Docket No. 2007-0934-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chatt Water Supply Corporation in Hill County**; RN101440931; 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, Bryan Sinclair)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

- Item 71. [Docket No. 2007-0707-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M&T Natural Stone, Inc. in Palo Pinto County**; RN104320882; 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. (Chris Keffer, Bryan Sinclair)

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

- Item 72. [Docket No. 2007-1036-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lindsey Contractors, Inc. in Real County**; RN105222772; 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. (Michael Meyer, Bryan Sinclair)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

- Item 73. [Docket No. 2007-0446-WR-E](#). Consideration of an Agreed Order assessing administrative penalties against **LGI Land, Ltd. in Collin County**; RN104841085; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Bryan Sinclair)

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

RESOLUTION

- Item 74. [Docket No. 2007-1567-RES](#). Consideration of a Resolution to extend the existence of the **Water Utility Operator Licensing Advisory Committee** until August 31, 2011, and to appoint two members to the Water Utility Operator Licensing Advisory Committee of the Texas Commission on Environmental Quality. The Water Utility Operator Licensing Advisory Committee is an advisory committee that advises the Commission on matters related to the training and licensing of water and wastewater operators. These new members would replace two members whose terms expired on August 31, 2007. (Noreen Helmle, Pinar Dogru)

Adopt the Executive Director's resolution which extends the existence of the Water Utility Operator Licensing Advisory Committee until August 31, 2011 and to appoint Ginger Laird and Richard Rowell to the committee to both serve a four year term. BS/LS; all agree.

RULE MATTERS

- Item 75. [Docket No. 2006-0383-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 60**, Compliance History, Sections 60.1 - 60.3. The proposed rulemaking would make changes to the components and the formula; redefine repeat violator; change the average by default classification; add a requirement that prior to a sale of a regulated entity, the current owner shall provide compliance history information to the prospective buyer,

and the buyer shall also seek out compliance history information; add language that allows a regulated entity access to its compliance history information prior to publication on the agency's Web site; and revise the appeal of classification language to allow all average performers the opportunity to appeal. (Mary Wallin, Robert Mosley) (Rule Project No. 2006-001-060-CE)

Item continued to a future agenda. Post matter for discussion on the February 29, 2008 Work Session. BS/BG; all agree.

Item 76. [Docket No. 2007-1285-RUL](#). Consideration for publication of, and hearing on, proposed repeal of Sections 344.1, 344.4, 344.10, 344.49, 344.58 - 344.63, 344.70 - 344.73, 344.75, 344.77, 344.90 - 344.96 and proposed new Sections 344.1, 344.20 - 344.24, 344.30 - 344.38, 344.40 - 344.43, 344.50 - 344.52, 344.60 - 344.65, 344.70 - 344.72, and 344.80 of **30 TAC Chapter 344**, Landscape Irrigation. The proposed rulemaking would implement House Bill (HB) 4, Section 13, HB 1656 and Senate Bill 3, Section 2.34, 80th Legislature, 2007, Regular Session. The proposed rulemaking would establish standards for landscape irrigation system design, installation, operation, and water conservation, and would establish the duties and responsibilities of licensed irrigators. Some irrigation systems would be exempted from local permitting requirements. The proposed rulemaking would establish the roles and responsibilities of a new license type, an irrigation inspector. (Candy Garrett, Alicia Lee) (Rule Project No. 2007-027-344-CE)

Approve for publication of, and hearing on, proposed repeal of Sections 344.1, 344.4, 344.10, 344.49, 344.58 - 344.63, 344.70 - 344.73, 344.75, 344.77, 344.90 - 344.96 and proposed new Sections 344.1, 344.20 - 344.24, 344.30 - 344.38, 344.40 - 344.43, 344.50 - 344.52, 344.60 - 344.65, 344.70 - 344.72, and 344.80 of 30 TAC Chapter 344 with the changes proposed by the Executive Director. BS/LS; all agree.

Item 77. [Docket No. 2007-1671-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Sections 30.3, 30.111, 30.120 and 30.122 of **30 TAC Chapter 30**, Occupational Licenses and Registrations. The proposed rulemaking would implement House Bill (HB) 4, Sections 13, 19, and 20, HB 1656, Section 1 and Senate Bill 3, Section 2.34, 80th Legislature, 2007, Regular Session. The amendments would create two new license classifications, irrigation technician and irrigation inspector, to be consistent with 30 TAC Chapter 344, Landscape Irrigation, Texas Occupations Code, Section 1903.251 and Texas Water Code, Section 49.238, and Texas Local Government Code, Section 401.006 as added by HB 1656, Section 3, 80th Legislature 2007, Regular Session. (Terry Thompson, Alicia Lee) (Rule Project No. 2007-031-030-CE)

Approve for publication of, and hearing on, proposed amendments to Sections 30.3, 30.111, 30.120 and 30.122 of 30 TAC Chapter 30. BS/LS; all agree.

Item 78. [Docket No. 2007-1043-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Section 335.6 and Section 335.25 of **30 TAC, Chapter 335**, Industrial Solid Waste and Municipal Hazardous Waste. The proposed rulemaking would implement House Bills 1457 and 1719, 80th Legislature, 2007, Regular Session. The proposed rulemaking would eliminate the requirement for landowners to notify the Commission of on-site burial of animal carcasses provided they have an approved water quality management plan for that site. The proposed rulemaking would also eliminate the use of poultry carcasses as swine food. (Tom Weirich, Tim Reidy) (Rule Project No. 2007-042-335-PR)

Approve for publication of, and hearing on, proposed amendments to Section 335.6 and Section 335.25 of 30 TAC Chapter 335 with the suggested amendment to the preamble proposed by Commissioner Soward. LS/BS; all agree.

Item 79. **Docket No. 2007-0998-RUL.** Consideration for publication of, and hearing on, proposed amendments to Sections 291.3, 291.14, 291.21, 291.41, 291.87, 291.88, 291.101, 291.105, 291.113, and 291.144 of **30 TAC Chapter 291**, Utility Regulations. The proposed rulemaking would implement Senate Bill 3, Sections 2.05, 2.06, 2.07, 2.08, 2.32, 2.39, and 7.01; House Bill 149; and House Bill 3475, 80th Legislature, 2007, relating to water utilities. This proposed rulemaking would amend the definition of a landowner for the purpose of certificate of convenience and necessity (CCN) regulation; allow for consolidated billing and collection contracts between retail public water and sewer providers; allow for adjustments to utility rates to account for increases or decreases in documented energy costs; revise the rules relating to obtaining, amending, and decertifying a municipality's CCN for water and sewer service; create new duties of a water service provider to certain political subdivisions that provide sewer service to the same area; allow a district to establish different utility rates among classes of customers; allow a utility that takes over a nonfunctioning utility to charge reasonable temporary rates and give the utility a reasonable period of time to bring the nonfunctioning system into compliance with commission rules before the commission assesses penalties; allow certain counties to operate a utility in the same manner as a municipality; and, allow a city to extend a CCN to area outside the city's extraterritorial jurisdiction so long as the city meets the criteria outlined in Texas Water Code, Section 13.241, for granting or amending a CCN. (Tammy Holguin Benter, Ross Henderson) (Rule Project No. 2007-048-291-PR)

Approve for publication of, and hearing on, proposed amendments to Sections 291.3, 291.14, 291.21, 291.41, 291.87, 291.88, 291.101, 291.105, 291.113, and 291.144 of 30 TAC Chapter 291 with a preamble amendment to change the public hearing date to a later date. BS/LS; all agree.

EXECUTIVE MEETING

Item 80. **Docket No. 2008-0001-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.

The Commission did not meet in an Executive Meeting.

Item 81. **Docket No. 2008-0002-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.

The Commission did not meet in an Executive Meeting.

Item 82. **Docket No. 2008-0003-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.

The Commission did not meet in an Executive Meeting.

(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/tnrec.cgi](http://www.texasadmin.com/cgi-bin/tnrec.cgi)

AGENDA

Wednesday, January 16, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item 1. [TCEQ Docket No. 2007-0985-UCR](#). Consideration of a request for a Commission Order approving a contract designating service areas between **MSEC Enterprises, Inc.**, water certificate of convenience and necessity (“CCN”) No. 12887, and **Dobbin-Plantersville Water Supply Corporation**, water CCN No. 11052, in **Grimes and Montgomery Counties**, Texas, pursuant to Section 13.248 of the Texas Water Code. Based on the terms of the contract, Dobbin-Plantersville Water Supply Corporation will transfer approximately 3,304.9 acres of its certificated area to MSEC Enterprises, Inc. No facilities are proposed to be transferred. (Application No. 35686-C) (Kayla Murray, Lisa Fuentes)

Approve and issue the Executive Director's second revised Order. LS/BS; all agree.

Item 2. [TCEQ Docket No. 2006-0901-MLM-E; SOAH Docket No. 582-07-1469](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Chico Auto Parts & Service, Inc.** in **Wise County**, RN100643360, Texas; regarding multimedia violations pursuant to Tex. Health & Safety Code ch. 361 and the rules of the Texas Commission on Environmental Quality. (Robert Mosley)

Adopt the ALJ's proposed Order with a 12 month payment plan for the Respondent. BS/LS; all agree.

Item 3. [TCEQ Docket No. 2006-0199-MWD; SOAH Docket No. 582-06-2770](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of the **City of Weston** for a new wastewater treatment facility to be located approximately 1.6 miles east of the intersection of Farm-to-Market Road 2478 and Farm-to-Market Road 170, at the intersection of Farm-to-Market Road 170 and Honey Creek in **Collin County**, Texas. The new permit, Water Quality Permit No. WQ0014602001, would authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 300,000 gallons per day in the interim phase and a daily average flow not to exceed 350,000 gallons per day in the final phase via surface irrigation of 118 acres of municipal park and golf course. The draft permit would not authorize a discharge of pollutants into water in the state. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies. (Scott Shoemaker)

Grant Mr. Town's request to withdraw as a party.

Remand the application first to the Executive Director so that the City may submit and the Executive Director may review a detailed geologic and hydrologic assessment of the site, a detailed flood analysis, and an irrigation management plan. Based on that review, the Executive Director shall develop additional specific or modified specific provisions to ensure the protection of ground and surface water; and if a major

amendment is not required, the application should be direct referred to SOAH for a supplemental hearing. The Executive Director shall participate in the hearing as a party.

The Administrative Law Judge is to hear and rule on any requests from any party to submit additional evidence at the supplemental hearing on any of the file issues previously referred to SOAH. After weighing all evidence at both hearings, the Administrative Law Judge is requested to issue a proposed order with Findings of Fact and Conclusions of Law along with her Proposal for Decision. BS/LS; all agree.

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

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

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

/s/ Tracy Gross
Assistant General Counsel,
Tracy Gross

2/7/2008
Date