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

Chairman H.S. Buddy Garcia OLD BUSINESS AGENDA
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, Ph.D. Wednesday, February 13, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the January 30, 2008 agenda.

Item 1. [TCEQ Docket No. 2007-0599-MSW](#). Consideration of the Motion to Overturn filed by the Texas Campaign for the Environment and Community Inpower and Development Association, concerning the Executive Director's November 28, 2007, temporary authorization for acceptance of Newpark Waste as alternate daily cover by the **City of Port Arthur Landfill**, MSW Permit No. 1815A, in **Jefferson County**, Texas. The Commission will also consider timely responses and replies to the Motion to Overturn. (Steve Shepherd)

Grant the Motion to Overturn; instruct staff to initiate rulemaking. BS/BG; all agree

AGENDA

Wednesday, February 13, 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. 2007-1522-IWD](#). Consideration of the application by **Tri-B Industrial Partners, L.P.** (Owner) and Timely Integrated, Inc. (Operator) for a new water quality permit, Proposed Permit No. WQ0004800000 to authorize the disposal of truck wash water at a daily average flow not to exceed 270 gallons per day via evaporation. The facility site and evaporation pond are located at 13006 Gateway East, adjacent to Interstate Highway 10, approximately 2.3 miles southeast of the City of Socorro, and approximately 2.5 miles northeast of the City of Clint, **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. (Timothy Reidy, Melinda Luxemburg)

Grant the hearing requests of Nikki Boutwell, Ed Chavez, Don Peterson, Todd Peterson, Debbie Stowell, Ira J. Sullivan and Lee Thompson, Jr. on Issues 1, 2, 4, 5, and 7; refer the matter to SOAH with a maximum hearing duration of nine months and an initial referral to ADR for 4 to 6 weeks; deny the remaining issues; and direct the Office of General Counsel to include a provision in the Commission's Interim Order requesting that the ALJ issue the Proposal for Decision to include Findings of Fact, Conclusions of Law, and Ordering Provisions. LS/BS; all agree.

- Item 2. [Docket No. 2007-1765-MWD](#). Consideration of the application by **TCB Rental, Inc.** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014725001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 25,000 gallons per day. The wastewater treatment facility will be located on the west side of Farm-to-Market Road 50, approximately 1.5 miles south of the intersection of Farm-to-Market Road 50 and Farm-to-Market Road 1361 in **Burleson 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. (Chris Ekoh, Kent H. Trede)

Grant the hearing requests of Jean and Leonard Killgore, Douglas R. Kettler and Koontz Bayou Old River Group on the issues of; whether the proposed discharge will be in compliance with regulations that are intended to protect water quality or with regulations that are intended to protect the health and safety of humans, native wildlife, or livestock; whether the facility is located on a 100-year flood plain, if so whether the Applicant will comply with Section 309.13(a) of the Commission rules; whether the facility will meet the rule requirements intended to reduce nuisance odor conditions; whether the Applicant can meet the all-weather access road requirement in 30 TAC §317.7(e); whether the Applicant can meet the private water well buffer requirement in 30 TAC §309.13. Deny the remaining issues, set the duration of the hearing for nine months from the date of the first preliminary hearing until issuance of the Proposal for Decision, direct

the Office of General Counsel to include in the Interim Order requesting that the ALJ issue in the Proposal for Decision Findings of Fact, Conclusions of Law and Ordering Provisions. BS/LS; all agree

AGRICULTURAL ENFORCEMENT AGREED ORDERS

Item 3. [Docket No. 2007-1209-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pottsboro Independent School District in Grayson County**; RN104984000; 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. LS/BS; all agree.

Item 4. [Docket No. 2007-0624-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Dennis James Schouten dba Dennis Schouten Dairy in Erath County**; TCEQ ID No. RN102844768; for a dairy concentrated animal feeding operation 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. (Dinniah M. Chahin, Jennifer Cook)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5. [Docket No. 2007-1326-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ALBERTSON'S LLC dba Albertson's Express 1016 in El Paso County**; RN101656031; 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. LS/BS; all agree.

Item 6. [Docket No. 2007-1108-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Barten Industrial Coatings, LLC in Colorado County**; RN105211007; 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. LS/BS; all agree.

Item 7. [Docket No. 2007-1314-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cemex Construction Materials, L.P. in Comal County**; RN102437274; 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. LS/BS; all agree.

Item 8. [Docket No. 2007-1163-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BLR Construction Companies, L.L.C.** in **Johnson County**; RN105205744; 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. (Suzanne Walrath, Bryan Sinclair)

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

Item 9. [Docket No. 2007-0767-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Firestone Polymers, LLC** in **Orange County**; RN100224468; 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, Bryan Sinclair)

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

Item 10. [Docket No. 2007-0230-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Formosa Plastics Corporation, Texas** in **Calhoun County**; RN100218973; 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. (Samuel Short, Bryan Sinclair)

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

Item 11. [Docket No. 2007-1473-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gas Solutions II Ltd.** in **Gregg County**; RN100237502; 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. (Sidney Wheeler, Bryan Sinclair)

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

Item 12. [Docket No. 2007-1354-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Johnson Controls Battery Group, Inc.** in **Bexar County**; RN105172621; 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. LS/BS; all agree.

Item 13. [Docket No. 2007-1206-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oasis Pipe Line Company Texas L.P.** in **Caldwell County**; RN100220177; 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. (Suzanne Walrath, Bryan Sinclair)

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

Item 14. [Docket No. 2007-0053-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Chambers County**; TCEQ ID No. RN100229319; 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. (Shawn Slack, Jennifer Cook)

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

Item 15. [Docket No. 2007-1478-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Wharton County Power Partners, L.P. in Wharton County**; RN101527943; 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. LS/BS; all agree.

Item 16. [Docket No. 2007-1092-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Thin Recycling Company, L.P. in Tarrant County**; RN100762954; 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. (James Nolan, Bryan Sinclair)

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

Item 17. [Docket No. 2007-0956-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. (Aaron Houston, Bryan Sinclair)

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

Item 18. [Docket No. 2007-1675-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. (Nadia Hameed, Bryan Sinclair)

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

Item 19. [Docket No. 2007-1256-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Southwest-Tex Leasing Co., Inc. dba Advantage Rent-A-Car in El Paso County**; RN100967777; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Bryan Sinclair)

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

Item 20. [Docket No. 2007-1430-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Southern Union Gas Services, Ltd. in Winkler County**; RN103952925; 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. (James Nolan, Bryan Sinclair)

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

Item 21. [Docket No. 2007-1527-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Shintech Incorporated in Brazoria County**; RN100637909; 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. (Cheryl Thompson, Bryan Sinclair)

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

Item 22. [Docket No. 2007-1568-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Quebecor World Dallas II Inc. in Dallas County**; RN100212885; 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. (Suzanne Walrath, Bryan Sinclair)

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

Item 23. [Docket No. 2006-0498-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **ExxonMobil Oil Corporation in Harris County**; TCEQ ID No. RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alfred Oloko, Jennifer Cook)

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

Item 24. [Docket No. 2006-2244-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Maxim Farm Egg Co., Inc. in Wharton County**; TCEQ ID No. RN102612520; 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. (Shawn Slack, Jennifer Cook)

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

Item 25. [Docket No. 2007-1429-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LANXESS Corporation in Chambers County**; RN104680871; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Libby Hogue, Bryan Sinclair)

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

Item 26. [Docket No. 2007-1403-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Harris County**; RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Bryan Sinclair)

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

Item 27. [Docket No. 2007-0519-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Harris County**; RN100210319; 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. LS/BS; all agree.

Item 28. [Docket No. 2007-1419-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Brazoria County**; RN100825249; 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, Bryan Sinclair)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 29. [Docket No. 2007-0984-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **GSW Cleaners, Inc. dba GSW Cleaners** in **Tarrant County**; RN104896428; 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. (Rajesh Acharya, Bryan Sinclair)

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

Item 30. [Docket No. 2006-1193-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jin Park dba Lah Cleaners** in **Harris County**; TCEQ ID No. RN104995121; 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. (Patrick Jackson, Jennifer Cook)

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

FIELD CITATION

Item 31. [Docket No. 2007-1892-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Texas Department of Transportation** in **Crosby County**; RN101813533 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, Bryan Sinclair)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 32. [Docket No. 2007-0749-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Garland in Dallas County**; RN101607737; 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, Bryan Sinclair)

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

Item 33. [Docket No. 2007-0666-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **International Paper Company in Polk County**; RN103884631; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, David Van Soest)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 34. [Docket No. 2007-0489-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **100 Century Oaks, Ltd. dba Wortham Oaks in Bexar County**; RN104151444; for Edwards Aquifer and municipal solid waste violations pursuant to Tex. Health and Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Catherine Albrecht, Bryan Sinclair)

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

Item 35. [Docket No. 2007-0586-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Motiva Enterprises LLC in Jefferson County**; RN100238898; for air and industrial and hazardous waste 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 36. [Docket No. 2005-0666-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Grand Saline in Van Zandt County**; RN102330081 and RN101385920; for water quality and public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 26, and the rules of

the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Bryan Sinclair)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 37. [Docket No. 2007-0345-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **CO2 Cleaning Services, Inc. in Wise County**; TCEQ ID No. RN105133342; for municipal solid waste and air violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Cox, Jennifer Cook)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 38. [Docket No. 2007-1159-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Steve Claubaugh dba Discount Materials in Midland County**; RN105228365; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Colin Barth, Bryan Sinclair)

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

Item 39. [Docket No. 2007-0761-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Roger Wall dba Wall's Tire Service in San Augustine County**; RN104953252; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Dana Shuler, Bryan Sinclair)

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

Item 40. [Docket No. 2007-0111-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Anthony Vaughn dba Wildwood Mobile Home Village in Lubbock County**; RN101193357; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Dana Shuler, David Van Soest)

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

Item 41. [Docket No. 2007-1182-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joe E. Panagopoulos dba Metro Materials in Bexar County**; RN105225106; 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 42. [Docket No. 2005-1134-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cranfills Gap in Bosque County**; RN101916492; 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. (Lindsey Jones, David Van Soest)

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

Item 43. [Docket No. 2007-0341-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Post in Garza County**; RN102910262; 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.

Item 44. [Docket No. 2007-0983-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Criminal Justice in Brazoria County**; RN102314341; 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. (John Shelton, Bryan Sinclair)

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

Item 45. [Docket No. 2006-1392-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of De Kalb in Bowie County**; TCEQ ID No. RN101918936; 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. (Laurencia Fasoyiro, Jennifer Cook)

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

Item 46. [Docket No. 2007-1366-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Willow Park in Parker County**; RN102342128; 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. LS/BS; all agree.

Item 47. [Docket No. 2007-1283-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Quinlan in Hunt County**; RN101917565; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Bryan Sinclair)

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

Item 48. [Docket No. 2007-1293-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mont Belvieu in Chambers County**; RN102919941; 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. (Cynthia McKaughan, Bryan Sinclair)

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

Item 49. [Docket No. 2007-1298-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District No. 189 in Harris County**; RN103040846; 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. (Trina Grieco, Bryan Sinclair)

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

Item 50. [Docket No. 2007-1232-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, Bryan Sinclair)

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

Item 51. [Docket No. 2007-1282-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fort Bend County Municipal Utility District 30 in Fort Bend County**; RN102546173; 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. LS/BS; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 52. [Docket No. 2006-0123-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Inara Convenience, Inc. dba Rosedale Texaco in Tarrant County**; TCEQ ID No. RN101534790; 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. (Kathleen C. Decker, Jennifer Cook)

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

- Item 53. [Docket No. 2007-1353-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Delta Bevco, Inc. dba Delta Food 2 in Orange County**; RN101887891; 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, Bryan Sinclair)

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

- Item 54. [Docket No. 2005-0285-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Herminia Witherspoon dba Nick's Conoco in Bexar County**; TCEQ ID No. RN101725059; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert Mosley, Jennifer Cook)

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

- Item 55. [Docket No. 2006-1915-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Amir Ali Momin dba Shop N Go in Harris County**; TCEQ ID No. RN101447464; 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 56. [Docket No. 2007-0759-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Brazos Valley Petroleum Corporation dba In & Out 7 in Orange County**; TCEQ ID No. RN102482346; for petroleum storage tank 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. (Anna M. Cox, Jennifer Cook)

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

- Item 57. [Docket No. 2005-1876-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Amer Tell dba Quick Stop 1 in Bowie County**; TCEQ ID No. RN101897502; 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. LS/BS; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

- Item 58. [Docket No. 2007-0442-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ray Johnson in Rusk County**; TCEQ ID No.

RN102226925; 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 Default Order. LS/BS; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 59. [Docket No. 2007-0074-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Reza S. Mousavi dba Bernard's Liquor Store in Lubbock County**; RN101176253; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Trina Grieco, Bryan Sinclair)

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

Item 60. [Docket No. 2006-0378-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Racetrac Petroleum, Inc. dba Racetrac 512 in Harris County**; TCEQ ID No. RN102270121; 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. (Anna Cox, Jennifer Cook)

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

Item 61. [Docket No. 2005-1897-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Tahoka in Lynn County**; RN101234847; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Audra Ruble, Bryan Sinclair)

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

Item 62. [Docket No. 2007-1391-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Texas District of the Pentecostal Church of God, Inc. in Comal County**; RN101232031; 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. LS/BS; all agree.

Item 63. [Docket No. 2007-1156-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Craig J. Dickson in Waller County**; RN103105557; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Bryan Sinclair)

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

Item 64. [Docket No. 2007-1231-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Granbury in Hood County**; RN102690971;

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. LS/BS; all agree.

Item 65. [Docket No. 2007-1373-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Itasca** in **Hill County**; RN101385771; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Cheryl Thompson, Bryan Sinclair)

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

Item 66. [Docket No. 2007-1504-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **McLennan County Water Control and Improvement District No. 2** in **McLennan County**; RN101194066; 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. LS/BS; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 67. [Docket No. 2007-1044-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of DeSoto** in **Dallas County**; RN101408334; 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, Bryan Sinclair)

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

Item 68. [Docket No. 2007-0926-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **King-Isles, Inc. dba King Isles Vista Hermosa** in **Nueces County**; RN105229744; 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. LS/BS; all agree.

Item 69. [Docket No. 2007-1388-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas Egg Products, LLC** in **Gonzales County**; RN104986161; 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 70. [Docket No. 2007-1169-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **TRI Century Management Solutions, Inc. dba Lance Friday Homes** in

Wichita County; RN104980032; 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. (John Muennink, Bryan Sinclair)

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

Item 71. [Docket No. 2007-1252-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Westwind Enterprises, Ltd. dba Cedar Grove Manufactured Home Community** in **Coryell County**; RN104488531; 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, Bryan Sinclair)

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

Item 72. [Docket No. 2007-1585-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tarken Builders, Ltd.** in **Aransas County**; RN105330864; 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. (Andrew Hunt, Bryan Sinclair)

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

GENERAL PERMIT

Item 73. [Docket No. 2007-1588-WQ](#). Consideration of renewal with changes of **General Permit No. TXR150000**, which authorizes on a state-wide basis, the discharge of storm water runoff associated with small and large construction sites and certain non-storm water discharges into surface water in the state. The proposed general permit specifies which sites may be authorized under this general permit, which may obtain waivers, which may be eligible for coverage without submitting a notice of intent, and which must obtain individual permit coverage. The Commission will also consider public comment and the Executive Director's response to comments. (Cynthia Hooper, Robert Brush)

Approve the renewal with changes of General Permit No. TXR150000. BS/LS; all agree.

Item 74. [Docket No. 2007-1738-UIC](#). Consideration of a request for a Commission order approving the designation of a portion of the Woodbine Formation in Navarro County as an exempt aquifer pursuant to 30 Tex. Admin. Code § 331.13(c); and directing the Executive Director of the Texas Commission on Environmental Quality to submit a program revision to the United States Environmental Protection Agency, pursuant to 40 C.F.R. §§ 144.7, 146.4, and 145.32, to reflect this aquifer exemption designation for the Underground Injection Control Program for the State of Texas. Currently, **Corsicana Technologies, Inc.** (CTI) has a Class I injection well permitted under TCEQ Permit No. WDW394, drilled in 2005, for injection of non-hazardous ammonia waste waters containing salts, polysulfides, amines, and alcohols. The injection well is located at CTI's facility on the south side of Texas Highway 31 East, and approximately 4,000 feet east of Interstate 45 within the city of Corsicana in **Navarro County**. CTI cannot start disposal operations of the well without an aquifer exemption. (Fred Duffy, Don Redmond)

Approve the designation of a portion of the Woodbine Formation as an exempt aquifer. BS/LS; all agree.

RULE MATTERS

Item 75. [Docket No. 2007-0996-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Sections 293.11, 293.32, 293.41, 293.63, 293.201, and 293.202 of **30 TAC Chapter 293**, Water Districts. The proposed rulemaking would implement House Bill (HB) 576, HB 1127, HB 1886, HB 2984, HB 3378, HB 3770, and Senate Bill 657, 80th Legislature, 2007, relating to water districts. The proposed rulemaking would require that a district must accept a bid bond if a contract is over \$250,000; allow certain districts within Montgomery County to issue bonds supported by taxes to fund recreational facilities; allow a defined local governmental entity limited use of a design-build process to construct certain civil works projects; revise the qualifications to be a supervisor on a board of a Fresh Water Supply District (FWSD); allow a city with a certain population, when consenting to the creation of a district, to require that a district's water system meets the fire flow requirements adopted by the city; allow a petitioner seeking creation of a Municipal Utility District (MUD) to also request road powers at the time of creation; delete the requirement that a MUD have taxing authority before acquiring road powers; delete the requirement that a MUD have preliminary plan approval of proposed roads by the Texas Transportation Commission when obtaining road powers; define the types of roads that a MUD can finance and convey to a third party for operation and maintenance; increase the thresholds for bidding on district projects; and, allow the board of a special law district to elect to contract in accordance with Texas Water Code Section 49.273, even if it conflicts with provisions in the district's special law. (Randy Nelson, Shana Horton) (Rule Project No. 2007-047-293-PR)

Approve for publication of, and hearing on, proposed amendments to Sections 293.11, 293.32, 293.41, 293.63, 293.201, and 293.202 of 30 TAC Chapter 293. LS/BS; all agree.

Item 76. [Docket No. 2007-0995-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Sections 230.1 - 230.3 and 230.9 of **30 TAC Chapter 230**, Groundwater Availability Certification for Platting. The proposed rulemaking would implement Senate Bill (SB) 662, 80th Legislature, 2007. SB 662 requires the commission, in consultation with the Texas Water Development Board (TWDB), by rule, to require a plat applicant for the subdivision of a tract of land for which the intended water source is groundwater to provide the TWDB and any applicable groundwater conservation district (GCD) additional information required under Local Government Code, Sections 212.0101 or 232.0032, useful in performing GCD activities, conducting regional water planning, maintaining the TWDB's groundwater database, or conducting state studies on groundwater. In addition to the SB 662 changes, the proposed rulemaking would update citations to the Local Government Code and reference to the authority for laboratory accreditation and certification, arrange the definitions in alphabetical order, update the reference on state aquifers to reflect the most recent State Water Plan, and add definitions for "applicable groundwater conservation district or districts" and "executive administrator." (Kelly Mills, Ilkay Pinar Dogru) (Rule Project No. 2007-045-230-PR)

Approve for publication of, and hearing on, proposed amendments to Sections 230.1 - 230.3 and 230.9 of 30 TAC Chapter 230. BS/LS; all agree.

Item 77. [Docket No. 2007-1030-RUL](#). Consideration for publication of, and hearing on, proposed amendment to **30 TAC Chapter 19**, Electronic Reporting, new Subchapter C, Use of Electronic Reporting, Section 19.21, Fees. The proposed rulemaking would implement HB 1254, 80th Legislature, 2007, Regular Session, by stating that the commission may adjust fees as necessary to encourage electronic reporting and the use of the commission's electronic document receiving system. The proposed section would serve as an advance notice that the commission may consider fee changes in the future for this purpose. (Ellette H. Vinyard, Scott Shoemaker) (Rule Project No. 2007-050-019-PR)

Approve for publication of, and hearing on, proposed amendment to 30 TAC Chapter 19. LS/BS; all agree.

Item 78. [Docket No. 2007-1058-RUL](#). Consideration for publication of, and hearing on, the proposed repeal of **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Subchapter L, On-Road Engines, Division 1, Heavy-Duty Diesel Engines, Sections 114.700 - 114.702, 114.706, 114.707, and 117.709, and corresponding revisions to the state implementation plan. The proposed rulemaking would repeal the state regulations that require all new heavy-duty diesel engines (HDDE) produced for sale or other use in Texas for the 2005 and newer model years to be certified to meet the California emission control standards specified under California Code of Regulations, Title 13, Section 1956.8 that was revised by the California Air Resources Board (CARB) on December 8, 2000, and effective on July 25, 2001. (Morris Brown, John Minter) (Rule Project No. 2007-056-114-EN)

Approve for publication of, and hearing on, the proposed repeal of 30 TAC Chapter 114. BS/LS; all agree.

EXECUTIVE MEETING

Item 79. **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 80. **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 81. **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/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)

AGENDA

Wednesday, February 13, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [TCEQ Docket No. 2004-0049-AIR; SOAH Docket No. 582-05-0593](#); Consideration of the Application by **ASARCO Incorporated** (ASARCO) for renewal of Air Quality Permit No. 20345 to authorize its continued operation and all related filings, including the Executive Director's Report to the Commission on the Renewal of Asarco Incorporated's Air Quality Permit No. 20345 prepared pursuant to the Commission's Interim Order of March 10, 2006, public comments, and the Executive Director's Responses to Comments. The copper smelting plant is located at 2301 West Paisano Road, El Paso, **El Paso County**, Texas.

Adopt as the Commission's Report and Schedule, accept as modified by this Order, the Executive Director's Report, including the schedule of actions required to be taken in accordance with TCAA Section 382.055; order that actions as described in the Report shall be taken by ASARCO as expeditiously as possible, but no later than 90 days prior to startup; and adopt the July 2007 Executive Director's Response to Comments and the earlier Executive Director's Response to Comments on the renewal application. Also order that by July 1, 2008, ASARCO shall provide the Executive Director with assessment reports and maintenance plans with regard to the baghouses, the acid plants and the electrostatic precipitators, and the Executive Director's Report requirements with regard to corrosion damage, cleaned and/or mothballed equipment and systems, and other plant parts and areas in need of general housekeeping; and beginning September 1, 2008, ASARCO shall submit bi-monthly progress reports to the Executive Director describing progress toward completion of the repairs and maintenance identified and required. In addition, order that ASARCO shall not start up operations at its El Paso Plant unless and until all the requirements set forth in the Executive Director's Report, as modified by this Order, have been completed in the timeframes specified and the Executive Director has certified in writing, full and satisfactory completion of all those items, and if the Executive Director determines that ASARCO has failed to complete all the requirements in the Report in the timeframes specified, the Executive Director shall immediately refer the matter to the SOAH for a contested case hearing for ASARCO to show cause why the permit should not expire immediately in accordance with TCAA Section 382.055(g). The Executive Director is ordered to revise the draft permit as recommended by the Executive Director on page 27, changes 1, 2, and 4, of the Executive Director's Report and to file a copy of the revised permit in the Office of Chief Clerk and to mail a copy to all parties on the official service list for this matter. The Executive Director is also directed to add two new Special Conditions with one stating that the permit shall be effective for 5 years from the renewal date shown above in the revised permit, unless it expires in accordance with Section 382.055(g), and the other stating that ASARCO shall establish, maintain and operate under the direction of the TCEQ, four additional air monitors positioned on the fence line, in-stack, or other more advantageous positions with site locations for the monitors and more extensive monitoring to be determined with certain official cooperative efforts as agreed to in light of Senator Shapleigh's request for a cooperative approach to location of the monitors. Also deny all hearing requests and all other motions, requests for entry of specific findings and conclusions, and any other request for general or specific relief not granted in this Order; direct that ASARCO be allocated and shall pay all transcription costs from the 2005 SOAH hearing; and approve

ASARCO's renewal application and the issuance of the revised permit and direct the Office of General Counsel to attach a copy of the revised permit as Exhibit A. BG/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/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)

/s/ Celeste Baker
Assistant General Counsel,
Celeste Baker

3/24/2008
Date