

The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).

Backup documents filed with the OCC 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 27, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the February 8, 2008 agenda.

Item 1. [Docket No. 2005-0050-WQ-E](#). Consideration of a Default Order assessing administrative penalties against **Cowboy Foundations and Construction, Inc.** in **Comal County**; TCEQ ID No. RN104332945; 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. (Benjamin O. Thompson, Jennifer Cook)

Item remanded to the Executive Director.

AGENDA

Wednesday, February 27, 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. 2007-1774-MSW](#). Consideration of an application by **BFI Waste Systems of North America, Inc.** (Sunset Farms Landfill), for an amendment authorizing vertical expansion of a municipal solid waste Type I Landfill Facility (Proposed Permit No. 1447A). The facility is located at 9912 Giles Road approximately three quarters of a mile north of the intersection of Giles Road and U.S. Highway 290, in **Travis County**, Texas. The facility would accept municipal solid waste, regulated asbestos-containing material from municipal sources, construction and demolition waste, Class 1 industrial nonhazardous solid waste that is considered Class 1 only because of asbestos content, Class 2 industrial nonhazardous solid waste, Class 3 industrial nonhazardous solid waste, and certain special wastes. The Commission will also consider requests for hearing or reconsideration and related responses and replies and public comment and the Executive Director's Response to Comments. (Steve Shepherd, Arten Avakian)

Grant the hearing requests of Jeremiah Bentley/Harris Branch Residential Property Owners Assn., Amy Kersten, Nora Longoria, Mark and Melanie Mcfee/Barr Mansion, Alto and Rosemary Nauert, Northeast Neighbors Coalition, Evelyn and Cecil Remmert, Delmer Rogers, Mike and Ramona Roundtree, Pioneer Farms (represented by Celeste Scarborough), Roy and Janet Smith, TJFA, L.P., Evan Williams/Williams, Ltd./Roger Joseph, Kathryn Albee, Lionel Bess, Amber and Tony Buonodono, Terry Cainal and Amy Williamson, Lee Cook, Sean Cottle, Chuck Dabbs, James Daniel, Melissa Fields, Tim Fleetwood, Ron and Cam Junker, Pam and Allan Luttig, James Marchak, Dan Pyka, Merry Rightmer, Jeffrey Seider, Cloyce Spradling, Vu Tran, Roland Valles, Jeremy and Karen Vest, Alfred Wendland, Mark Wilkerson, David Williams, and Michael Young on the issues of: 1. whether the application demonstrates that natural drainage patterns will not be significantly altered by the expansion, in accordance with agency rules, including 30 TAC § 330.56(f)(A)(iv); 2. whether the application includes adequate provisions to control disease vectors, in compliance with agency rules, including 30 TAC §§ 330.126 and 330.133(a); 3. whether the application proposes adequate protection of ground water and surface water, in compliance with agency rules, including 30 TAC §§ 330.55(b)(1), 330.56(f), 330.134, and 330.200-.206; 4. whether the application includes adequate provisions to control odors, in compliance with rules, including 30 TAC §§ 330.125(b) and 330.133(a); 5. whether the application includes adequate provisions to manage landfill gas, in compliance with agency rules, including 30 TAC §§ 330.56(n) and 330.130; 6. whether the application includes adequate provisions for proper slope stability, in compliance with agency rules, including 30 TAC §§ 330.55(b)(8) and 330.56(l); 7. whether the application includes adequate provisions to control spilled and windblown waste and cleanup spilled waste, in compliance with agency rules, including 30 TAC §§ 330.117, 330.120, 330.123, and 330.127; 8. whether the application includes adequate provisions for groundwater monitoring, in compliance with agency rules, including 30 TAC §§ 330.230-.233; 9. whether

the application includes adequate provisions calculating the estimated rate of solid waste deposition and operating life of the site, in compliance with agency rules, including 30 TAC § 330.55(a)(4); 10. whether the application includes adequate provisions for closure and post-closure, in compliance with agency rules, including 30 TAC §§ 330.56(l) and (m); 11. whether the application includes adequate provisions to manage and dispose of special waste, in compliance with agency rules, including 30 TAC § 330.136; 12. whether the application includes adequate provisions designating the owner, operator, responsible parties, and qualified personnel, in compliance with agency rules, including 30 TAC §§330.52(a)(1), 330.52(b)(7-10), and 330.114(1); 13. whether the application includes adequate provisions to prevent unauthorized wastes from being disposed in the landfill, in compliance with agency rules, including 30 TAC § 330.114(5); 14. whether the application provides adequate information related to transportation, as required by agency rules, including 30 TAC 330.53(b)(9); 15. whether the application includes adequate provisions for dust control and maintenance of site access roads, in compliance with agency rules, including 30 TAC § 330.127; 16. whether the application includes adequate provisions to protect endangered or threatened species, in compliance with agency rules, including 30 TAC §§ 330.53(b)(13) and 330.129; 17. whether the application includes adequate provisions for cover, in compliance with agency rules, including 30 TAC § 330.133; 18. whether the application should be denied based on the Applicant's compliance history, in accordance with state laws and agency rules, including Tex. Health & Safety Code § 361.089, 30 TAC §§ 305.66 and 30 TAC Chapter 60; 19. whether the application includes adequate provisions for fire protection, in accordance with agency rules, including 30 TAC § 330.115; 20. whether the Applicant has complied with financial assurance requirements, in accordance with agency rules, including 30 TAC §§ 330.52(b)(11) and 330.281; 21. whether the proposed expansion is compatible with land use in the surrounding area; 22. whether the provisions proposed for buffer zones and landscape screening comply with agency rules, including 30 TAC §§ 330.121(b) and 330.138; 23. whether the application proposes sufficient provisions to protect the health of the requesters and their families and avoid causing a nuisance, in violation of the Commission rules, including 30 TAC § 330.5(a)(2). 24. whether the landfill's operational hours are appropriate; 25. whether the erosion control methods identified in the application and draft permit are sufficient; and 26. whether the storage, treatment, and disposal of contaminated water is adequately addressed in the application and draft permit. Deny all other hearing requests, issues, and requests for reconsideration, refer the matter to SOAH with a maximum hearing duration of 12 months, direct the Executive Director to participate in the hearing and request the ALJ submit Findings of Fact, Conclusions of Law and Ordering Provision with the Proposal for Decision. LS/BS; all agree.

Item 2. [Docket No. 2007-1529-AIR](#). Consideration of application by **Superior Crushed Stone, LC** for New Air Quality Permit 75068L001 to authorize the construction of a portable rock crushing facility. The proposed site is located approximately 3.5 miles northeast of Highway 195 on County Road 228 in Florence, **Bell 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. (Shelley Stratmann, Erin Selvera)

Grant the hearing requests of Adrian and J.T. Madden, Paul B. Mitchell, Debbie Porterfield, Alan D. Procter, David and Destiny Schuchardt, and Virginia Wilson on the issues of: 1. whether air emissions from the proposed facility will adversely affect human health; 2. whether air emissions from the proposed facility will adversely affect the land or the biological diversity of the area surrounding the proposed facility; and 3. whether air emissions from the proposed facility will adversely affect air quality in the area. Refer the matter to SOAH for a maximum hearing duration of six months with a referral to ADR for 4-6 weeks, direct to the Executive Director to participate in the hearing, and request the ALJ submit Findings of Fact, Conclusions of Law and Ordering Provision with the Proposal for Decision. LS/BS; all agree.

Item 3. [Docket No. 2007-1052-MWD](#). Consideration of the application by **Seadrift Ranch Partners, LTD.** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014716001, 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 3,600 feet southeast of the intersection of Swan Point and Falcon Point Roads in **Calhoun County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Michael Northcutt, Mary Ann Airey)

Grant the hearing requests of Daniel Cervenka, Virginia Cervenka, Dudley Garrett, Patsy Garrett, Jeffrey Kubena, Terri Kubena, Franklin Pierce, Rick Dierlam, Christie Waida, and Greg Waida on the issues of : 1. whether the Proposed discharge would be in compliance with regulation that are intended to protect water quality and with regulation that are intended to protect health and safety of humans, native plants and wildlife including oyster reefs, sea grass, marine life, fish, whooping cranes, and blue crab; 2. whether the chlorine and addition of fresh water from this discharge will affect the normal salinity of San Antonio Bay and affect aquatic health; 3. whether depth, wind, and tidal influences cause the effluent to stagnate and not leave the San Antonio Bay; 4. whether the facility is located on a 100 year flood plain and if so whether the Applicant will comply with section 309.13(a) of the commission rules; 5. whether the discharge is expected to cause a violation of the applicable Texas water quality criteria for the recreation of aquatic life uses designating receiving water bodies in the Texas water quality standards; and 6. whether the facility will meet the rule requirements intended to reduce nuisance odor conditions. Refer the matter to SOAH for a maximum hearing duration of six months, direct to the Executive Director to participate in the hearing, and request the ALJ submit Findings of Fact, Conclusions of Law and Ordering Provision with the Proposal for Decision. BS/LS; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 4. [Docket No. 2007-0549-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William Veldhuizen dba Veldhuizen Dairy Farm** in **Erath County**; RN105168991; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Bryan Sinclair)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5. [Docket No. 2007-0993-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Hutchinson County**; RN102320850; 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 6. [Docket No. 2007-0670-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company** in **Brazoria County**;

RN101619179; 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 7. [Docket No. 2007-0940-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP** in **Midland County**; RN102229572; 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 8. [Docket No. 2007-1466-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Custom Building Products, Inc.** in **Dallas County**; RN100614809; 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 9. [Docket No. 2007-1542-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dixie Chemical Company, Inc.** in **Harris County**; RN100218486; 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. (Thomas Jecha, Bryan Sinclair)

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

Item 10. [Docket No. 2007-1308-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **E. I. du Pont de Nemours and Company** in **Jefferson County**; RN100216035; 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. LS/BS; all agree.

Item 11. [Docket No. 2007-1004-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 12. [Docket No. 2007-1415-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Georgia-Pacific Chemicals LLC** in **Angelina County**;

RN101896439; 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 13. [Docket No. 2007-1411-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Huntsman Petrochemical Corporation in Montgomery County**; RN100219740; 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 14. [Docket No. 2007-1434-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **United Copper Industries, Inc. in Denton County**; RN100683531; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Bryan Sinclair)

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

Item 15. [Docket No. 2007-0209-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Union Carbide Corporation in Galveston County**; RN100219351; 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 16. [Docket No. 2007-1428-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Signal International Texas, L.P. in Jefferson County**; RN102514841; 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 17. [Docket No. 2007-1227-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 18. [Docket No. 2007-0815-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Harris County**;

RN102926920; 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 19. [Docket No. 2007-1096-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Diamond Shamrock Refining Company, L.P.** in **Moore County**; RN100210517; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Bryan Sinclair)

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

DRY CLEANER ENFORCEMENT AGREED ORDER

Item 20. [Docket No. 2006-0893-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Deborah L. Godfrey Pilarcik dba Comet Cleaners in Tarrant County**; TCEQ ID No. RN104962683; for a dry cleaner registration violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Rebecca Combs, Jennifer Cook)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 21. [Docket No. 2007-1371-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Austin Equipment Company, LC dba Superior Crushed Stone** in **Williamson County**; RN104543780; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrew Hunt, Bryan Sinclair)

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

Item 22. [Docket No. 2007-1258-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gruene Rapids Condominiums, LLC** in **Comal County**; RN105225932; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Bryan Sinclair)

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

FIELD CITATIONS

Item 23. [Docket No. 2006-1526-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Fort Bend Oil Corporation dba Handi Plus 369** in

Fort Bend County; RN101435485; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

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

Item 24. [Docket No. 2007-1975-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Jared Morris dba Sportsman Center in Brown County**; RN101828127; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 25. [Docket No. 2007-1893-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Gary Valdez in Harris County**; RN105233670; for occupational license violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Steve Lopez)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 26. [Docket No. 2006-1765-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **W. Silver, Inc. in El Paso County**; RN100930965; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Colin Barth, Bryan Sinclair)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 27. [Docket No. 2007-0924-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Nut Company in El Paso County**; RN102924529; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, Bryan Sinclair)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 28. [Docket No. 2007-0233-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bruce Coleman Siegel in Wood and Smith Counties**; TCEQ ID No. RN105137715; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Jennifer Cook)

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

- Item 29. [Docket No. 2007-0725-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Doreen A. Swadley dba GreenBell** in **Bell County**; TCEQ ID No. RN104452370; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Anna M. Cox, Jennifer Cook)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS

- Item 30. [Docket No. 2007-0339-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Terry Brown** in **Tarrant County**; TCEQ ID No. RN105170823; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Anna M. Cox, Jennifer Cook)

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

- Item 31. [Docket No. 2006-1867-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Larry Smith** in **Denton County**; TCEQ ID No. RN105087522; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Jennifer Cook)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 32. [Docket No. 2007-1077-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tapia Dairy #3, L.L.C.** in **Tom Green County**; RN102184199; for water quality and industrial hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lynley Doyen, Bryan Sinclair)

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

- Item 33. [Docket No. 2005-0106-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Matbon, Inc.** in **Wise County**; TCEQ ID No. RN104318845; for water rights and water quality violations pursuant to Texas Water Code chs. 7, 11, 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. LS/BS; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 34. [Docket No. 2007-1332-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Steve Williams dba Axis Demolition & Excavating in Victoria County**; RN105229793; 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. (Michael Meyer, Bryan Sinclair)

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

Item 35. [Docket No. 2007-1495-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James & Vickie Enterprises, Inc. dba James Stuart Construction in Hardin County**; RN105324875; 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. (John Shelton, Bryan Sinclair)

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

Item 36. [Docket No. 2007-1184-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Martha Gallison dba Mt. Houston Tire Disposal in Harris County**; RN103042867; 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 37. [Docket No. 2007-1589-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David Griffith dba East Texas Core Suppliers in Nacogdoches County**; RN105273726; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (John Shelton, Bryan Sinclair)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 38. [Docket No. 2005-1040-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Charles D. Hodges dba North Western Excavation and Dirt Landfill, LLP in Tarrant County**; TCEQ ID Nos. RN100712983 and RN104574728; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Jennifer Cook)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 39. [Docket No. 2007-1327-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Clint Independent School District in El Paso County**; RN101521169; 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 40. [Docket No. 2007-1623-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Pharr in Hidalgo County**; RN102928041; 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.

Item 41. [Docket No. 2007-1408-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Syed N. Hyder in Brazos County**; RN102097789; 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. (Daniel Siringi, Bryan Sinclair)

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

Item 42. [Docket No. 2007-1556-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harmony Independent School District in Upshur County**; RN101720837; 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.

Item 43. [Docket No. 2007-1076-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Frankston in Anderson County**; RN102834405; 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. 2007-1324-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Elite Computer Consultants, L.P. dba Ed Lou Mobile Home Park in Harris County**; RN102916848; 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 45. [Docket No. 2006-0332-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Collinsville in Grayson County**; RN101919959; 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.

ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT AGREED ORDER

- Item 46. [Docket No. 2006-1999-OSS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enrique Valenzuela in Ochiltree County**; RN104951868; for on-site sewage disposal violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Sidney Wheeler, Bryan Sinclair)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 47. [Docket No. 2005-1342-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tariq Shahzad Enterprises, Inc. dba Pakco 4 in Orange County**; TCEQ ID No.: RN102650645; 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. (Barham A. Richard, Jennifer Cook)

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

- Item 48. [Docket No. 2007-1261-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **A R H Enterprises, Inc. dba R H Food Mart in Dallas County**; RN102455748; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Bryan Sinclair)

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

- Item 49. [Docket No. 2007-0305-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas Malik Enterprises, Inc. dba KC 2 Grocery Store in Tarrant County**; TCEQ ID No. RN101634889; 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. (Lena Roberts, Jennifer Cook)

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

Item 50. [Docket No. 2006-1769-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Qusra Corporation dba Lone Star Superette** in **Jefferson County**; TCEQ ID No. RN102827649; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, 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 51. [Docket No. 2007-1350-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kenneth Ray Cavitt dba Don's Wrecker Service** in **Brazos County**; RN102021912; 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. (Wallace Myers, Bryan Sinclair)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 52. [Docket No. 2005-1188-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Adam J. Wood dba Hoover Valley Country Store** in **Burnet County**; TCEQ ID No. RN101383073; 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.

Item 53. [Docket No. 2007-0900-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Lorenzo Hernandez** in **Tyler County**; TCEQ ID No. RN101728350; 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. (Lena Roberts, Jennifer Cook)

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

Item 54. [Docket No. 2007-0728-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **FKD Enterprises Inc. dba Lucky Seven Food Mart** in **Bexar County**; TCEQ ID No. RN101765089; 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. (Anna Cox, Jennifer Cook)

Item remanded to the Executive Director. LS/BS; all agree.

Item 55. [Docket No. 2006-0321-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Plain-O-Gas, Inc. dba Fina** in **Collin County**; TCEQ ID No. RN101542512; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on

Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 56. [Docket No. 2007-1474-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Child Inc.** in **Blanco County**; RN105284301; 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. LS/BS; all agree.

Item 57. [Docket No. 2007-0834-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Taylor Petroleum Companies, Inc.** in **Lubbock County**; RN101885069; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Cynthia McKaughan, Bryan Sinclair)

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

Item 58. [Docket No. 2007-1750-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rochelle Water Supply Corporation** in **McCulloch County**; RN101188290; 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. LS/BS; all agree.

Item 59. [Docket No. 2007-1441-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Red River Authority of Texas** in **Clay County**; RN101246221; 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. LS/BS; all agree.

Item 60. [Docket No. 2007-0927-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Paducah** in **Cottle County**; RN101385029; 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 61. [Docket No. 2007-1491-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Hamilton Hill Water Supply Corporation** in **Robertson County**; RN101177426; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Bryan Sinclair)

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

- Item 62. [Docket No. 2006-1393-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Nome in Jefferson County**; RN101387843; 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 63. [Docket No. 2007-1124-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Matagorda Waste Disposal and Water Supply Corporation in Matagorda County**; RN101454627; 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 64. [Docket No. 2007-0114-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M R K Investment Corp. dba El Primero Training Center in Webb County**; RN101440691; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villareal, Bryan Sinclair)

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

- Item 65. [Docket No. 2007-1240-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Forest Hill in Tarrant County**; RN101391969; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Bryan Sinclair)

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

- Item 66. [Docket No. 2007-1484-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ezekiel L. Holloway dba Hill River Country Estates in Kerr County**; RN101195212; 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.

SLUDGE ENFORCEMENT AGREED ORDER

- Item 67. [Docket No. 2007-1763-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jerry L. McClung dba J L Backhoe Service in Bell County**; RN102911708; for water quality 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. (Jorge Ibarra, P.E., Bryan Sinclair)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 68. [Docket No. 2007-1055-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Barker Development Company, LLC in Parker County**; RN105232524; 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. (Rajesh Acharya, Bryan Sinclair)

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

Item 69. [Docket No. 2007-1305-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Custom Crushed Stone, Inc. in Bexar County**; RN105282172; 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. (Shontay Wilcher, Bryan Sinclair)

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

Item 70. [Docket No. 2007-1307-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Earth Haulers, Inc. in Parker County**; RN105224547; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Bryan Sinclair)

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

Item 71. [Docket No. 2007-1205-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chris Schober dba Schober Trucking in Bexar County**; RN104555941; 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 72. [Docket No. 2007-1251-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of McAllen in Hidalgo County**; RN102635604; 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)

Item remanded to the Executive Director. LS/BS; all agree.

Item 73. [Docket No. 2007-1310-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **F&K Face, L.P. in Smith County**; RN105119390; 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.

RESOLUTION

- Item 74. [Docket No. 2007-1509-RES.](#) Consideration of nominations and appointments of members to the **Pollution Prevention Advisory Committee** of the Texas Commission on Environmental Quality, pursuant to Section 361.0215 of the Texas Health and Safety Code, and related resolution. The Pollution Prevention Advisory Committee advises the commission on matters involving the state's pollution prevention policies (Section 361.502 of the Solid Waste Disposal Act), and assists in developing strategies for promoting public awareness of pollution prevention. The new statutory members would fill terms that expire on August 31, 2011. (Karley Eaves, Tim Eubank)

Approve the appointment of Lynne S. Nava, Catrennia Williamson, Fred Kelly, and Don L. Renchie to the Pollution Prevention Advisory Committee for a term to expire August 31, 2011. BS/LS; all agree.

RULE MATTERS

- Item 75. [Docket No. 2007-1883-RUL.](#) Consideration for publication of, and hearing on, proposed repeal of **30 TAC Chapter 317**, Design Criteria for Sewerage Systems, and proposal of new **30 TAC Chapter 217**, Design Criteria for Domestic Wastewater Systems.

The proposed rulemaking would update the standards for wastewater collection systems and treatment facilities and move the design criteria from the 300 chapter series to the 200 chapter series. (Sherry Smith, Robert Brush) (Rule Project No. 2006-044-217-PR)

Approve the publication of, and hearing on, the proposed repeal of 30 TAC Chapter 317, Design Criteria for Sewerage Systems, and proposed new 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems, with an amendment to proposed subsection 217.35(a)(1) in order to add the following sentence: "FIMA maps for prima facie evidence of flood plain locations". LS/BS; all agree.

- Item 76. [Docket No. 2007-1301-RUL.](#) Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 50**, Action On Applications And Other Authorizations, Section 50.113; **Chapter 55**, Requests For Reconsideration And Contested Case Hearings; Public Comment, Sections 55.101 and 55.201; **Chapter 305**, Consolidated Permits, Section 305.72; Chapter 331, Underground Injection Control, Sections 331.2, 331.7, 331.17, 331.42, 331.45, 331.46, 331.62, 331.63, 331.64, 331.65, 331.66 and 331.121; and new Subchapter L, Sections 331.201, 331.202, 331.203, 331.204, 331.205 and 331.206.

The proposed rulemaking would implement House Bill (HB) 2654, 80th Legislature, 2007, Regular Session, and amend technical standards for injection wells injecting nonhazardous brine from a desalination operation and nonhazardous drinking water treatment residuals. HB 2654 allows the commission to issue a general permit to authorize a Class I injection well for injection of nonhazardous desalination concentrate and nonhazardous drinking water treatment residuals. HB 2654 also authorizes the use of nonhazardous desalination concentrate or nonhazardous

drinking water treatment residuals as an injection fluid for enhanced recovery purposes without first obtaining a permit from the TCEQ. The technical standards for wells injecting nonhazardous desalination concentrate or nonhazardous water treatment residuals from public water systems are amended to be consistent with federal Class I nonhazardous injection well regulations. (Kathryn Hoffman, Shana Horton) (Rule Project No. 2007-030-331-PR)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Chapter 50, Chapter 55, Chapter 305, and Chapter 331. BS/LS; all agree.

EXECUTIVE MEETING

Item 77. **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 78. **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 79. **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 27, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. [TCEQ Docket No. 2006-0774-LII-E; SOAH Docket No. 582-07-1759](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties of **Nick Nikah** in **Dallas County**, Texas; TCEQ License ID Nos. BP0005789 & LI0002932; regarding landscape irrigation violations pursuant to Tex. Water Code chs. 7 and 37 and Tex. Occ. Code ch. 1903 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Lena Roberts)

Adopt the ALJ's Order as modified by the Executive Director and Commissioner Shaw at agenda. BS/LS; all agree.

- Item 2. [TCEQ Docket No. 2006-0772-DCL-E; SOAH Docket No. 582-07-1252](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties of **Brandy Carter dba Carter's Cleaners** in **Caldwell County**, Texas; RN104964564; regarding violations pursuant to Tex. Health and Safety Code ch. 374 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Robert Mosley)

Adopt the ALJ's Order as modified by the Executive Director's exceptions and modified by Commissioner Soward from the dais; and direct the Executive Director to offer a payment plan to the Respondent. LS/BS; all agree.

- Item 3. [TCEQ Docket No. 2005-0180-SLG; SOAH Docket No. 582-05-5610](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Synagro of Texas-CDR, Inc.** to amend its application for TCEQ Permit No. WQ0004671000 to authorize the land application of wastewater treatment sewage sludge for beneficial use on 1,073.92 acres at a rate not to exceed 5.02 dry tons/acre/year on Fields 1 and 2, and at a rate not to exceed 4.66 dry tons/acre/year on Field 3. The land application site is located approximately 4.5 miles from the City of Lissie, south-southwest of intersection of Highway 90 and Farm-to-Market Road 271, approximately 7 miles southeast of the City of Eagle Lake in **Wharton County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, related filings, and exceptions and replies. (John Williams, Brian Sierant)

Adopt the ALJ's Order, issue the draft permit, direct the Executive Director to revise the Response to Comments in conformance with the Commission's Order, and adopt the Response to Comments in the conforming form. BS/LS; all agree.

Item 4. [TCEQ Docket No. 2006-0969-DIS](#). Consideration of Travis County District Court's "Order on Motion to Reconsider Order to Remand to Agency to Consider Material New Evidence" in the appeal of the Commission's consideration of the petition from Lerin Hills Development Company LLC, general partner of Lerin Hills, Ltd., (Petitioner) for the creation of **Lerin Hills Municipal Utility District** under Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code. The proposed municipal utility district would contain approximately 866.53 acres and would be located approximately 4 miles west-southwest of Boerne and approximately 31 miles northwest of the San Antonio Central Business District in **Kendall County**, Texas. The proposed municipal utility district would provide water, wastewater, and drainage facilities within its proposed boundaries. At its November 15, 2006 agenda and by Order dated November 20, 2006, the Commission determined to deny all hearing requests and grant the petition for the creation of Lerin Hills Municipal Utility District. The Travis County District Court Order remanded the matter to the Commission to allow Tapatio Springs Service Company, Lee Roy and John Hahnfeld, and Edgar W. Blanch, Jr. (collectively, "Plaintiffs") the opportunity to present additional evidence with respect to the use of groundwater and Plaintiffs' status as affected persons concerning the petition. The Commission will consider the timely-filed briefs from the Plaintiffs, Lerin Hills Municipal Utility District, the Executive Director and the Office of Public Interest Counsel.

File the Plaintiffs exhibits H, I, and J with the district court as Plaintiff's additional evidence presented to the Commission and inform the district court that the Commission declines to modify its prior findings and decisions based upon the additional evidence. BS/BG; LS oppose.

(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/ Elaine Lucas
Assistant General Counsel,
Elaine Lucas

3/26/2008
Date