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Chairman H.S. Buddy Garcia                      OLD BUSINESS AGENDA  
Commissioner Larry R. Soward  
Commissioner Bryan W. Shaw, Ph.D. Wednesday, April 2, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the March 19, 2008 agenda.

Item 1. [Docket No. 2007-0475-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Alan Karl dba Coles Crossing in Chambers County**; TCEQ ID No. RN102952033; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Patrick Jackson, Jennifer Cook)

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

## AGENDA

Wednesday, April 2, 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. 2007-1941-MWD](#). Consideration of the application by the **City of Walnut Springs** for a major amendment of Texas Land Application Permit No. WQ0013436001 to TPDES Permit No. WQ0013436001, changing the method of disposal from irrigation to discharge of treated domestic wastewater at a daily average flow not to exceed 65,000 gallons per day to Steele Creek of the Brazos River Basin. The current permit authorizes the disposal of treated effluent via irrigation of 60 acres of non-public access land at a daily average flow of 65,000 gallons per day. The wastewater treatment facility is located approximately 1,500 feet east of the crossing of State Highway 144 over Steele Creek in the City of Walnut Springs and the irrigation site is located approximately one mile west-southwest of the intersection of Farm-to-Market Road 927 (Texas Street) and State Highway 144 in **Bosque 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. (Dede Sigman, Mary Ann Dimakos Airey)

Deny all requests, adopt the Executive Director's Response to Comments, and issue the draft permit. BS/BG; LS opposed.

Item 2. [Docket No. 2007-1138-WR](#). Consideration of an application by **TXU Mining Company LP** for Water Use Permit No. 5931 to construct and maintain five reservoirs which will impound a combined total of 1,792.10 acre feet of water for mining purposes, and to divert not to exceed 1,000 acre feet of water per year for mining purposes from or upstream of the reservoirs for use within the Willow/Heads Creek Watershed in the Kosse Lignite Mining Area in **Limestone and Robertson Counties**, through the year 2027 or with the cessation of mining activities. After 2027 or the cessation of mining activities, the reservoirs will remain for domestic and livestock use only. The reservoirs are on Heads Creek, which is a tributary of Steele Creek, or unnamed tributaries of Willow Creek (also a tributary of Steele Creek) or Steele Creek. Steele Creek and Willow Creek are tributaries of the Navasota River, Brazos River, Brazos River Basin, and are located approximately 9 to 11 miles southeast and northeast of the town of Kosse. The Commission will consider the application, hearing requests, and any responses and replies. (Craig Mikes, Robin Smith)

Item continued to the June 4, 2008 agenda.

## AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 3. [Docket No. 2007-1323-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Larry Martindale dba Sundance Dairy** in **Cooke County**; RN104348412; 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.

## AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 4. [Docket No. 2006-1440-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **New Process Steel, L.P.** in **Harris County**; TCEQ ID No. RN101874667; 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. (Dinniah M. Chahin, Jennifer Cook)

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

- Item 5. [Docket No. 2007-1770-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Aero-Marine Engineering, Inc.** in **Jack County**; RN100219567; 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 6. [Docket No. 2007-1548-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Belvan Corp.** in **Crockett County**; RN100214022; 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)

Item remanded to the Executive Director.

- Item 7. [Docket No. 2007-0742-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chemtrade Refinery Services, Inc.** in **Jefferson County**; RN100218932; 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 8. [Docket No. 2007-1132-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Coastal Industrial Coatings, Incorporated** in **Hardin County**; RN104924543; 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. (LaMia Handy, Bryan Sinclair)

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

Item 9. [Docket No. 2007-1328-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Charles J. Engle in El Paso County**; RN103940854 and RN100823954; 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 10. [Docket No. 2007-1392-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INVISTA S.a.r.l. in Orange County**; RN104392626; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Bryan Sinclair)

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

Item 11. [Docket No. 2007-1335-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Motiva Enterprises LLC in Jefferson County**; RN100209451; 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 12. [Docket No. 2007-1268-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Convenience Stores, LLC dba 7-Eleven in El Paso County**; RN102006459, RN102061124, RN102017068, RN102032422, RN102033800, RN102023058, RN102024072, RN102039070, RN102043999, RN102061140, RN102384260, RN102390028, RN102397189, RN102387024, RN102389228, and RN100942085; 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 13. [Docket No. 2006-0958-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP in Ector County**; TCEQ ID No. RN100222330; 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. (Laurencia Fasoyiro, Jennifer Cook)

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

Item 14. [Docket No. 2007-1292-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Viridis Energy (Texas), LP** in **Galveston County**; RN102496130; 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 15. [Docket No. 2007-1189-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P.** in **Nueces County**; RN100211663; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Bryan Sinclair)

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

Item 16. [Docket No. 2007-1367-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC.** in **Harris County**; RN100909373; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Bryan Sinclair)

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

Item 17. [Docket No. 2007-1358-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. (Miriam Hall, Bryan Sinclair)

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

Item 18. [Docket No. 2007-1791-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. 2007-1477-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Targa Midstream Services Limited Partnership** in **Harris County**; RN100214212; 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 20. [Docket No. 2007-1461-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **SI Group, Inc. in Brazoria County**; RN100218999; 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 21. [Docket No. 2007-1297-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kiewit Texas Construction L.P. in Webb County**; RN102816618; 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 22. [Docket No. 2007-1530-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **FMC Corporation in Harris County**; RN100215417; 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 23. [Docket No. 2007-1526-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Double B Foods, Inc. in Bosque County**; RN103857504; 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 24. [Docket No. 2007-1079-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.

Item 25. [Docket No. 2007-1378-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Blue Line Corporation in Bexar County**; RN103103792; 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.

## **AIR QUALITY ENFORCEMENT DEFAULT ORDER**

- Item 26. [Docket No. 2006-1019-AIR-E](#). Consideration of a Default Order assessing administrative penalties against **Environmental Recycling Technologies LLC in Fort Bend County**; TCEQ ID No. RN104927629; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Jennifer Cook)

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

## **DRY CLEANER ENFORCEMENT AGREED ORDERS**

- Item 27. [Docket No. 2006-0677-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sonny Nguyen dba Crystal Cleaners & Alteration in Travis County**; TCEQ ID Nos. RN102315876 and RN100715721; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Shawn Slack, Jennifer Cook)

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

- Item 28. [Docket No. 2006-0676-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations in Travis County**; TCEQ ID No. RN102018033; for dry cleaner registration violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Mary E. Coleman, Jennifer Cook)

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

- Item 29. [Docket No. 2006-0818-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Berry Cleaners, Inc. in Hansford County**; RN101630440; 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. (Kimberly Morales, Bryan Sinclair)

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

## **EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

- Item 30. [Docket No. 2007-1626-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **AHZ, LLC, MZH, LLC, ZAO, LLC, and Patrinely Group, LLC in Bexar County**; RN105282206; 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. (Jorge Ibarra, P.E., Bryan Sinclair)

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

## FIELD CITATIONS

Item 31. [Docket No. 2007-1909-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **HH Farms, LLC** in **Hale County**; RN101693885; 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 32. [Docket No. 2007-1968-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Franklin Bain** in **Hale County**; RN103420550; 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, Bryan Sinclair)

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

Item 33. [Docket No. 2007-1923-WO-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Parkway Construction & Associates, L.P.** in **Lamb County**; RN105241616; 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. (Melissa Keller, Bryan Sinclair)

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

## INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 34. [Docket No. 2007-1379-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ATCO-VALLEY PLAZA, LLC** in **Harris County**; RN102182474; 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. (Tom Greimel, Bryan Sinclair)

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

Item 35. [Docket No. 2007-1457-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ELG Metals, Inc.** in **Harris County**; RN102185733; 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 ORDER

Item 36. [Docket No. 2007-1383-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gregory Alan Lewis dba GAL Horticulture Service** in **Palo Pinto and Jack Counties**; RN105271720; for landscape irrigator occupational license



violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Marlin Bullard, Bryan Sinclair)

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

#### **LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER**

Item 37. [Docket No. 2005-1114-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Joey Sisca** in **Travis County**; TCEQ ID No. RN104574389; 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. (Jacquelyn Boutwell, Jennifer Cook)

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

Item 38. [Docket No. 2007-0920-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Israel R. Gonzalez** in **Montgomery County**; TCEQ ID No. RN105204333; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Anna M. Cox, Jennifer Cook)

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

#### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 39. [Docket No. 2007-1409-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Corpus Christi** in **Nueces County**; RN101385151; for public drinking water and water quality 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. (Epifanio Villarreal, Bryan Sinclair)

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

Item 40. [Docket No. 2007-0581-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation** in **Jefferson County**; RN100219252; for air quality and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bryan Elliott, David Van Soest)

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

Item 41. [Docket No. 2007-1084-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bill Dechert** in **Kimble County**; RN105229645; for municipal solid waste and air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental

Quality, including specifically 30 Texas Administrative Code ch. 60. (Marlin Bullard, Bryan Sinclair)

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

Item 42. [Docket No. 2007-1313-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Clifco Construction, Ltd.** in **Montgomery County**; RN105295208; for water quality and water rights violations pursuant to Tex. Water Code chs. 7, 11, and 26 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.

#### **MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 43. [Docket No. 2006-0682-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Joseph Gaber dba Cody's Market & Marina, and Victoria Gaber dba Cody's Market & Marina** in **Parker County**; TCEQ ID No. RN101230654; for petroleum storage tank and public drinking water violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

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

#### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 44. [Docket No. 2007-0656-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Manshack & Sons, Inc.** in **Orange County**; RN102903317; 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 45. [Docket No. 2007-0867-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert Choate dba Pop's Tire Shop** in **Jefferson County**; RN103073383; 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.

#### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 46. [Docket No. 2007-1660-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Angleton** in **Brazoria County**;

RN102179785; 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. 2005-0264-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of La Coste in Medina County**; TCEQ ID No. RN101916617; 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. (Robert Mosley, Jennifer Cook)

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

Item 48. [Docket No. 2007-1278-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Waelder in Gonzales County**; RN102916046; 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 49. [Docket No. 2007-1174-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt in McLennan County**; RN102097235; 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)

Item continued to the April 16, 2008 agenda. LS/BS; all agree.

Item 50. [Docket No. 2007-1405-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Ellis County**; RN102076379; 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 51. [Docket No. 2007-1348-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Smith County Water Control and Improvement District No. 1 in Smith County**; RN102335874; 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 52. [Docket No. 2007-1463-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Shepherd in San Jacinto County**; RN101916666; 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. (James Nolan, Bryan Sinclair)

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

Item 53. [Docket No. 2007-1519-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rayburn Country Municipal Utility District in Jasper County**; RN102328564; 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 54. [Docket No. 2007-0179-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Randolph Water Supply Corporation in Fannin County**; RN102915469; 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. (Sidney Wheeler, Bryan Sinclair)

Item continued to the April 16, 2008 agenda. LS/BS; all agree.

Item 55. [Docket No. 2007-1387-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Military Highway Water Supply Corporation in Hidalgo County**; RN101611366; 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 56. [Docket No. 2007-1453-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Roger Allen Lund dba Hickory Ridge Mobile Home Park in Anderson County**; RN102078953; 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 57. [Docket No. 2007-1684-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Creek Park Corporation in Johnson County**; RN102095106; 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.

## PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 58. [Docket No. 2007-1239-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arash The Archer Corporation dba Corner Food Store in Galveston County**; RN102042728; 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. (Rajesh Acharya, Bryan Sinclair)

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

- Item 59. [Docket No. 2006-1825-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **IZ, Inc. dba IZ Food Mart in Collin County**; TCEQ ID No. RN102239035; 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. (Kathleen C. Decker, Jennifer Cook)

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

- Item 60. [Docket No. 2007-1515-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **S & K Iman, Inc. dba Convenient Food Mart in Bexar County**; RN101788826; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Bryan Sinclair)

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

## PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

- Item 61. [Docket No. 2007-0236-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Charles O. Cullins dba Thelbert Elkins Texaco in Coleman County**; TCEQ ID No. RN101902039; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Patrick Jackson, Jennifer Cook)

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

## PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 62. [Docket No. 2006-0683-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Gatesville in Coryell County**; TCEQ ID No. RN101388932; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Dinniah M. Chahin, Jennifer Cook)

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

Item 63. [Docket No. 2006-1036-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R & R Mobile Home Management, Inc. dba Blessing Mobile Home Park** in **Williamson County**; TCEQ ID No. RN102690302; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Dinniah M. Chahin, Jennifer Cook)

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

Item 64. [Docket No. 2007-1038-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Martindale Water Supply Corporation** in **Caldwell County**; RN101214369; 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 65. [Docket No. 2007-1143-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kim Moore dba Smith Springs Road Mobile Home Park** in **Erath County**; RN101265098; 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. (Epifanio Villarreal, Bryan Sinclair)

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

Item 66. [Docket No. 2007-1795-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Bosque Water Supply Corporation** in **McLennan County**; RN101459220; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Bryan Sinclair)

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

Item 67. [Docket No. 2007-1262-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Arledge Ridge Water Supply Corporation** in **Fannin County**; RN101230910; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Bryan Sinclair)

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

Item 68. [Docket No. 2007-0304-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kathie Bryant dba Buena Vista Water System** in **Burnet County**; RN101190809; 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.

## **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

- Item 69. [Docket No. 2006-0944-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Yetta Husted dba High Five in Brazoria County**; TCEQ ID No. RN101221240; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Jennifer Cook)

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

## **WATER QUALITY ENFORCEMENT AGREED ORDERS**

- Item 70. [Docket No. 2007-1666-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Boyett Construction, L.L.C. in Orange County**; RN105205942; 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.

- Item 71. [Docket No. 2007-1026-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mike Einkauf Custom Homes, Inc. in Taylor County**; RN105197859; 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. (Colin Barth, Bryan Sinclair)

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

- Item 72. [Docket No. 2007-1172-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Byron Cory in El Paso County**; RN101612489; 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. (Libby Hogue, Bryan Sinclair)

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

## **TMDL MATTERS**

- Item 73. [Docket No. 2007-2029-TML](#). Consideration for approval to publish and solicit public comment on one draft TMDL for bacteria in **Peach Creek** (Segment 1803C), of the Guadalupe River Basin, in **Gonzales, Fayette, and Bastrop Counties**. (Faith Hambleton, Marc Friberg)

Approve the publication and solicitation of public comment on one draft TMDL for bacteria in Peach Creek (Segment 1803C). LS/BS; all agree.

- Item 74. [Docket No. 2008-0220-TML](#). Consideration for approval to publish and solicit public comment on one draft TMDL for dissolved oxygen in **Upper Oyster Creek** (Segment 1245), of the Brazos River Basin, in **Fort Bend County**. (Faith Hambleton, Marc Friberg)

Approve the publication and solicitation of public comment on one draft TMDL for dissolved oxygen in Upper Oyster Creek (Segment 1245). BS/LS; all agree.

Item 75. [Docket No. 2008-0250-TML](#). Consideration for approval to publish and solicit public comment on a draft Implementation Plan for one TMDL for dissolved oxygen in **Lake O' the Pines** (Segment 0403) of the Cypress Creek Basin, in **Camp, Marion, Morris, and Upshur Counties**. (Faith Hambleton, Marc Friberg)

Approve the publication and solicitation of public comment on a draft Implementation Plan for one TMDL for dissolved oxygen in Lake O' the Pines (Segment 0403). LS/BS; all agree.

### **USE DETERMINATION MATTERS**

Item 76. [TCEQ Docket Nos. 2007-0961-MIS-U and 2007-0962-MIS-U](#). Consideration of the appeals filed by the Chief Appraisers of Rusk and Panola Counties with regard to two use determinations issued by the Executive Director regarding **Houston Pipeline Company**. The use determinations were assigned Application Numbers 06-11002 and 06-11004. The Commission will also consider all responses and reply briefs.

Deny the appeals and affirm the Use Determinations. BS/LS; all agree.

Item 77. [TCEQ Docket Nos. 2007-0903-MIS-U, 2007-0963-MIS-U, and 2007-0911-MIS-U](#). Consideration of the appeals filed by the Chief Appraisers of Panola, Freestone, and Rusk Counties with regard to three use determinations issued by the Executive Director regarding **Energy Transfer Fuel**. The use determinations were assigned Application Numbers 06-11006, 06-11009, and 06-11021. The Commission will also consider all responses and reply briefs.

Deny the appeals of 06-11006 & 06-11009 and affirm their Use Determinations. Set aside the appeal of 06-11021 and remand the matter to the Executive Director. LS/BS; all agree.

### **RULE MATTERS**

Item 78. [Docket No. 2007-1476-RUL](#). Consideration of the adoption of new Subchapter I of **30 TAC Chapter 328**, comprising of adopted new Sections 328.131, 328.133, 328.135, 328.137, 328.139, 328.141, 328.143, 328.145, 328.147, 328.149, 328.151, 328.153, and 328.155. The adopted rulemaking implements House Bill (HB) 2714 and requires persons that manufacture or sell new computer equipment to implement a convenient and environmentally sound program for the collection, recycling, and reuse of used computer equipment. The commission will be responsible for oversight of some of the administrative and regulatory requirements of the program. The proposed rules were published in the December 21, 2007 issue of the *Texas Register* (32 TexReg 9536). (G. Michael Lindner, John Williams) (Rule Project No. 2007-036-328-AS)

Item continued to the 1:00 P.M. agenda.



Item to be continued to the May 21, 2008 agenda and direct the Executive Director to file proposed rule standards as outlined by Commissioner Soward at the dais. LS/BS; all agree.

Item 79. [Docket No. 2007-1264-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 213**, Edwards Aquifer, Sections 213.9, 213.13, 213.14, and 213.26-213.28. The adoption would implement House Bill 3098, Texas Water Code Section 26.0461, 80th Legislature, Regular Session, 2007, by increasing fee caps and initiating new fee structures for all Edwards Aquifer plans, including contributing zone plans, submitted to the TCEQ's Edwards Aquifer Protection Program for review. The proposed rules were published in the November 23, 2007 issue of the *Texas Register* (32 TexReg 8420). (Tracy Miller, Chris Ekoh) (Rule Project No. 2007-032-213-CE)

Adopt the amendments to 30 TAC Chapter 213. LS/BS; all agree.

### **EXECUTIVE MEETING**

Item 80. **Docket No. 2008-0001-EXE**. The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission accepts the resignation of the Executive Director and directs the General Counsel to post the position.

Item 81. **Docket No. 2008-0002-EXE**. The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 82. **Docket No. 2008-0003-EXE**. The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

**(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF**

**CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)**

**REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.**

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

## AGENDA

Wednesday, April 2, 2008

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle  
Room 201S, Bldg. E

- Item 1. [TCEQ Docket No. 2005-1287-PST-E; SOAH Docket No. 582-06-2964](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Hamsho, Inc.** in **Jefferson County**, Texas; TCEQ Registration No. RN102409430; regarding violations of provisions of the Texas Health and Safety Code ch. 382, Texas Water code chs. 7 and 26, 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 proposed Order with the Executive Director's exceptions to the introductory paragraph, finding of fact no. 11, ordering provision no. 1, and ordering provision no. 2; and authorize the Executive Director to work with the Respondent to possibly develop a payment plan of the penalty amount. LS/BS; all agree.

- Item 2. [TCEQ Docket No. 2004-0639-PST-E; SOAH Docket No. 582-07-1206](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Sam R. Dillon dba Sam's Produce Farm** in **Nacogdoches County**, Texas; TCEQ RN ID 102267903; regarding violations pursuant to Tex. Water Code §§ 7, 5.702, 26.3475(c) and (d) and 30 Tex. Admin. Code §§ 37.815(a) and (b), 312.9, 334.22(a), 334.47(a)(2), 334.49(a), and 334.50(a)(1)(A). The Commission will also consider timely filed exceptions and replies. (Xavier Guerra)

Adopt the ALJ's proposed Order with the Executive Director's exceptions and amendment made at the dais. LS/BS; all agree.

- Item 3. [TCEQ Docket No. 2005-1720-MWD; SOAH Docket No. 582-06-1581](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Midtex Partners, Ltd.** for permit to authorize the disposal of treated domestic wastewater via subsurface drip irrigation in **Travis County**, Texas. The Commission will also consider timely filed public comments and the Executive Director's Response to such comments; the application, related filings, exceptions, and replies.

Adopt the ALJ's proposed Order with the exception of Conclusion of Law #9. LS/BS; all agree.

**(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE**

**AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)**

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

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

/s/ Anne Rowland  
Assistant General Counsel,  
Anne Rowland

Date 4-11-2008