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

Chairman H.S. Buddy Garcia  
Commissioner Larry R. Soward  
Commissioner Bryan W. Shaw, Ph.D.      AGENDA  
Wednesday, June 18, 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. 2008-0261-IWD](#). Consideration of the application by **United States Department of Energy and BWXT Pantex, L.L.C.**, for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002296000 to remove effluent limitations for ammonia (as N), high explosives, oil and grease, total suspended solids, total cyanide, total antimony, total arsenic, total beryllium, total cadmium, total chromium, total cobalt, total lead, total mercury, total molybdenum, total nickel, total selenium, total silver, total thallium, and total titanium at Outfall 001; increase effluent limitations for total copper, total manganese, and total zinc at Outfall 001; authorize the use of a minimum of 21 days residence time as an alternative to chlorination requirements; and reissue the permit only under State regulatory authority (Texas Water Code) and not under Federal regulatory authority (Clean Water Act). The facility is located approximately 17 miles northeast of the City of Amarillo and 10 miles west of the City of Panhandle, west of Farm-to-Market Road 2373, south of Farm-to-Market Road 293 and north of U.S. Highway 60, **Carson 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. (Marc Friberg, Michael Sunderlin)

Deny the Requests for Reconsideration, adopt the Executive Director's Response to Comments, and issue the draft permit. LS/BS; all agree.

Item 2. [Docket No. 2008-0294-MWD](#). Consideration of the application by **Wise Service Company-Water** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System Permit No. WQ0014708001, to authorize the discharge of treated domestic wastewater at a daily

average flow not to exceed 75,000 gallons per day. The wastewater treatment facility will be located approximately 3.75 miles north northwest of the intersection of U.S. Highway 380 and Farm-to-Market Road 730 and approximately 1.4 miles east of the intersection of U.S. Highway 287 and County Road 2175 in **Wise 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. (Scott Shoemaker, June Ella Martinez)

Grant the hearing requests of Nancy Forbis Carnahan, Althea Forbis, Dr. Richard and Cathy Russell Fothergill, Rob and Stephanie Fothergill, Thomas N. Long, M.D., Gordon and Roxie Ploeger, Catherine Russell, Deborah J. White, Jana Woodruff, and Wise County Water Control and Improvement District No. 1. Refer the matter to SOAH on the issues of: 1. whether the permit application and draft permit satisfies applicable regulatory requirements; 2. whether receiving stream uses and classifications have been sufficiently identified, and discharge route appropriately assessed under the Texas Surface Water Quality Standards; 3. whether the draft permit satisfies regulatory requirements intended to protect water quality, human health, the environment, wildlife, and existing uses; 4. whether proper modeling was used to predict the effects of the proposed discharge on downstream water quality; 5. whether the proposed facility location satisfies applicable regulatory requirements intended to protect private water wells; 6. whether the applicant possesses sufficient property interests in the plant site and the 150 buffer zone surrounding the proposed plant site; 7. whether the proposed activity satisfies applicable regulatory requirements intended to address odor; 8. whether the proposed facility meets applicable regulatory requirements intended to provide for proper facility location; 9. whether notice for the proposed activity satisfies applicable regulatory requirements intended to provide public notice; 10. whether the applicant has accurately identified the location of the proposed plant site; and 11. whether the proposed discharge will adversely impact use and enjoyment of private property. Deny all other requests for reconsideration, hearing requests and issues, set the duration of the hearing for nine months, direct the Executive Director to participate as a party, and request the ALJ file Ordering Provisions, Conclusions of Law, and Findings of Fact along with the Proposal for Decision. LS/BS; all agree.

#### **AGRICULTURAL ENFORCEMENT AGREED ORDER**

Item 3. [Docket No. 2007-1104-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Daniel Viss dba Daniel Viss Dairy in Erath County**; RN102065463; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Bryan Sinclair)

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

#### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4. [Docket No. 2007-1943-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alegre Energy, Inc. in Coke County**; RN101926475; 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. BS/LS; all agree.

Item 5. [Docket No. 2007-1715-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Harris County**; RN100210319; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Bryan Sinclair)

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

Item 6. [Docket No. 2008-0049-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **JSW Steel (USA) Inc.** in **Chambers County**; RN100217421; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Bryan Sinclair)

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

Item 7. [Docket No. 2007-1497-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. BS/LS; all agree.

Item 8. [Docket No. 2007-1918-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Millennium Petrochemicals Inc.** in **Harris County**; RN100224450; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Bryan Sinclair)

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

Item 9. [Docket No. 2007-1839-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **ISP Technologies Inc.** in **Galveston County**; RN100825272; 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. BS/LS; all agree.

Item 10. [Docket No. 2007-1514-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Jefferson County**; RN100209857; 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. BS/LS; all agree.

Item 11. [Docket No. 2008-0068-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ogre, Inc. dba Mur-Tex Company** in **Randall County**; RN100216340; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Bryan Sinclair)

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

Item 12. [Docket No. 2007-1882-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Amarillo Road Company, L.P.** in **Parmer County**; RN105366181; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Bryan Sinclair)

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

Item 13. [Docket No. 2007-2039-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P.** in **Galveston County**; RN100238385; 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. BS/LS; all agree.

Item 14. [Docket No. 2007-1960-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P.** in **Harris County**; RN100219310; 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. BS/LS; all agree.

Item 15. [Docket No. 2007-1114-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sunoco Pipeline L.P.** in **Navarro County**; RN100216266; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bryan Elliott, Bryan Sinclair)

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

Item 16. [Docket No. 2007-1940-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sunoco, Inc. (R&M)** in **Harris County**; RN102888328; 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. BS/LS; all agree.

Item 17. [Docket No. 2008-0216-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Saint-Gobain Vetrotex America, Inc.** in **Wichita County**; RN100218601; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Bryan Sinclair)

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

Item 18. [Docket No. 2007-2002-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Reliant Energy Channelview LP** in **Harris County**; RN100220276; 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. BS/LS; all agree.

Item 19. [Docket No. 2008-0015-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Owens Corning Roofing and Asphalt, LLC** in **Ellis County**; RN100222686; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bryan Elliott, Bryan Sinclair)

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

#### **DRY CLEANER ENFORCEMENT AGREED ORDERS**

Item 20. [Docket No. 2007-1438-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Patrick Y. Shin dba Cedar Hill Cleaners** in **Dallas County**; RN100607845; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (John Shelton, Bryan Sinclair)

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

Item 21. [Docket No. 2006-1064-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hailu Sima Mesfin dba Classic Cleaners & Tailors** in **Dallas County**; RN104962196; 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. (Colin Barth, Bryan Sinclair)

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

Item 22. [Docket No. 2006-1427-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mimi Hoang Investment Inc. dba Rich Cleaners** in **Harris County**; RN104411582, RN101637320, and RN104411574; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Bryan Sinclair)

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

### **EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

- Item 23. [Docket No. 2008-0315-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Enviroplan Architects - Planners Austin, Inc.** in **Travis County**; RN105379879; 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. (Lauren Smitherman, Bryan Sinclair)

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

### **FIELD CITATIONS**

- Item 24. [Docket No. 2008-0535-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Noe Alaniz** in **Cameron County**; RN103471256; for occupational license violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

- Item 25. [Docket No. 2008-0574-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Adam D. Lopez, Jr.** in **Eastland County**; RN105422992; for occupational license violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

- Item 26. [Docket No. 2008-0573-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Donnie Earl Bristow** in **Jones County**; RN103707386; for occupational license violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

- Item 27. [Docket No. 2007-1992-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Martin Operating Partnership L.P. and Martin Product Sales LLC** in **Jefferson County**; RN102605136; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Libby Hogue, Bryan Sinclair)

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

## LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

- Item 28. [Docket No. 2007-1465-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Francisco DeLuna dba Joint Aggies Irrigation in Brazos County**; RN105212930; 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. (Colin Barth, Bryan Sinclair)

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

## LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS

- Item 29. [Docket No. 2007-1082-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Alonso Trejo in El Paso County**; TCEQ ID No. RN105236053; for a landscape irrigator installer violation pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Ana Cox, Jennifer Cook)

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

- Item 30. [Docket No. 2007-0497-LII-E](#). Consideration of a Default Order assessing administrative penalties against **William M. Aldrup in Bexar County**; TCEQ ID No. RN103610069; for a landscape irrigator installer violation pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, 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. BS/LS; all agree.

- Item 31. [Docket No. 2007-1257-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Manicured Landscapes, Inc. in Harris County**; TCEQ ID No. RN105231922; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Barham A. Richard, Jennifer Cook)

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

- Item 32. [Docket No. 2007-0607-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Yubany A. Rodriguez dba AR Lawn & Landscape Care in Dallas County**; TCEQ ID No. RN105156061; 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, including specifically 30 Tex. Admin. Code ch. 60. (Patrick Jackson, Jennifer Cook)

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

## MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

- Item 33. [Docket No. 2007-1782-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Cindy Henderson and Melvin Henderson in Hardin County**; TCEQ ID No. RN105193940; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, 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. BS/LS; all agree.

## MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

- Item 34. [Docket No. 2008-0133-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hershel W. Conner in Bosque County**; RN105170435; 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. (Ross Fife, Bryan Sinclair)

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

- Item 35. [Docket No. 2008-0140-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Encinal in Webb County**; RN105025902; 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. BS/LS; all agree.

- Item 36. [Docket No. 2007-0298-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Polk County in Polk County**; RN102668654; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cynthia McKaughan, Bryan Sinclair)

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

## MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 37. [Docket No. 2007-1932-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Childress in Childress County**; RN101612521; 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. BS/LS; all agree.



Item 38. [Docket No. 2005-0223-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Dilley in Frio County**; RN103124137; 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. (Rebecca Clausewitz, Bryan Sinclair)

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

Item 39. [Docket No. 2007-1897-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monarch Utilities I L.P. in Henderson County**; RN102177458; 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)

Item continued to the July 9, 2008 agenda. BS/LS; all agree.

Item 40. [Docket No. 2005-1455-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Gustine in Comanche County**; RN102178654; 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. BS/LS; all agree.

Item 41. [Docket No. 2007-1573-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Wills Point in Van Zandt County**; RN102852514; 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. BS/LS; all agree.

Item 42. [Docket No. 2008-0126-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Point Aquarius Municipal Utility District in Montgomery County**; RN102078474; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Bryan Sinclair)

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

#### **PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 43. [Docket No. 2007-1592-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **BK Services Inc. dba US 59 Fuel Mart in Fort Bend County**; RN102356409; 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. BS/LS; all agree.

- Item 44. [Docket No. 2007-1131-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Frank De Los Santos in Dewitt County**; RN101741296; 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. (Thomas Greimel, Bryan Sinclair)

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

- Item 45. [Docket No. 2007-1784-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flying J Inc. dba Flying J Travel Plaza Orange in Orange County**; RN102056827; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Bryan Sinclair)

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

- Item 46. [Docket No. 2005-1321-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Curtis Hamlin dba H & S Quik Stop in Houston County**; RN101848489; 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. (Shontay Wilcher, Bryan Sinclair)

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

- Item 47. [Docket No. 2007-1924-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HILLCROFT GROCERS, L.L.C. in Harris County**; RN101432771; 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. BS/LS; all agree.

- Item 48. [Docket No. 2006-2099-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Don Pressly Jr. in Hunt County**; TCEQ ID No. RN101555738; 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. (Xavier Guerra, Jennifer Cook)

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

- Item 49. [Docket No. 2006-1748-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shahid Hameed dba RPS Discount in Harris County**; TCEQ ID No. RN102061504; 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. (Rebecca M. Combs, Jennifer Cook)

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

- Item 50. [Docket No. 2007-1951-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Zarin, Inc. dba Collins & I-20 Mobil** in **Tarrant County**; RN102161874; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Bryan Sinclair)

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

- Item 51. [Docket No. 2008-0071-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **VALLIANI ENTERPRISES INC. dba Greenhouse Citgo** in **Harris County**; RN101909513; 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. (Steven Lopez, Bryan Sinclair)

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

- Item 52. [Docket No. 2007-1785-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LaPorte Business, Inc. dba Quick Stop** in **Harris County**; RN102257359; 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. BS/LS; all agree.

- Item 53. [Docket No. 2007-1973-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Matt Ray and Donnie Johnson** in **Dallas County**; RN101733210; 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. (Steven Lopez, Bryan Sinclair)

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

#### **PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**

- Item 54. [Docket No. 2006-1781-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **William Carl Bell dba Speedos** in **Kaufman County**; TCEQ ID No. RN102042280; 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. (Kari L. Gilbreth, Jennifer Cook)

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

- Item 55. [Docket No. 2006-1817-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Heroes Quick Stop, Inc. dba Wez Mart 2** in **Bexar County**; TCEQ ID No. RN102050994; 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. (Patrick Jackson, Jennifer Cook)

Item remanded to the Executive Director.

Item 56. [Docket No. 2006-1844-PST-E](#). Consideration of a Default Order assessing administrative penalties against **A & L Partners, LLC dba Hurst Food Mart in Tarrant County**; TCEQ ID No. RN101539930; 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. BS/LS; all agree

Recant the motion to Approve the Default Order and remand the matter to the Executive Director. LS/BS; all agree.

Item 57. [Docket No. 2007-1596-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **James Carter in Ellis County**; TCEQ ID No. RN103141180; 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)

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

#### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 58. [Docket No. 2007-1291-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Evant in Coryell County**; RN101396802; 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. BS/LS; all agree.

Item 59. [Docket No. 2007-2000-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Fairfield in Freestone County**; RN101231660; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Bryan Sinclair)

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

Item 60. [Docket No. 2008-0039-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jack Neely dba Heights Water Company in Smith County**; RN102676129; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Bryan Sinclair)

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

Item 61. [Docket No. 2007-2005-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lake Whitney Resorts, LLC** in **Hill County**; RN105215651; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Bryan Sinclair)

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

Item 62. [Docket No. 2007-2018-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Midway** in **Madison County**; RN101193274; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Bryan Sinclair)

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

Item 63. [Docket No. 2007-2021-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ghuman Enterprise Inc. dba Amatos Food Mart 3** in **Montgomery County**; RN104162300; 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. BS/LS; all agree.

Item 64. [Docket No. 2007-1580-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC.** in **Jefferson County**; RN102457520; 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. BS/LS; all agree.

Item 65. [Docket No. 2007-1056-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tall Oaks Estates Water System** in **Van Zandt County**; RN101228609; 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. BS/LS; all agree.

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

Item 66. [Docket No. 2007-1107-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Barbara Miller dba Turner Water Service** in **Fort Bend County**; TCEQ ID No. RN101243129; 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. (Patrick Jackson, Jennifer Cook)

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

### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 67. [Docket No. 2007-1852-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HCNRC Real Estate, Ltd. in Gonzales County**; RN105087712; 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. BS/LS; all agree.

Item 68. [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)

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

Item 69. [Docket No. 2005-0050-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cowboy Foundations and Construction, Inc. in Comal County**; RN104332945; for a water quality violation pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Jennifer Cook)

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

Item 70. [Docket No. 2007-1988-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Renaissance Stone Works, LLC in Travis County**; RN105148647; 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. BS/LS; all agree.

Item 71. [Docket No. 2007-1064-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Post Oak Development of Texas, Inc. in Bexar County**; RN105237887; 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. BS/LS; all agree.

## WATER QUALITY ENFORCEMENT DEFAULT ORDER

- Item 72. [Docket No. 2007-1119-WQ-E](#). Consideration of a Default Order assessing administrative penalties against **Douglas L. Barr dba Texas Rock in Limestone County**; RN103972691; 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. (Barham A. Richard, Jennifer Cook)

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

### MISCELLANEOUS ITEMS

- Item 73. [Docket No. 2008-0516-MIS](#). Consideration of nominations and appointments of the following two positions to serve on the **Municipal Solid Waste Management and Resource Recovery Advisory Council**: an elected official from a county with a population less than 150,000 (expires August 31, 2009); an elected official from a municipality with a population between 100,000 or more but less than 750,000 (expires August 31, 2013).

Approve the nominations of Barbara Graff and John Monaco as recommended by the Executive Director. BG/BS; all agree.

- Item 74. [Docket No. 2008-0655-MIS](#). Consideration for commission approval of the **Austin-Round Rock Eight-Hour Ozone Flex Plan Memorandum of Agreement (MOA)**. The MOA would encourage the continuation of voluntary air emission reduction measures to assist in maintaining attainment of the 1997 eight-hour ozone National Ambient Air Quality Standard in **Bastrop, Caldwell, Hays, Travis, and Williamson Counties**. Emission reduction measures include, but are not limited to: a regional rideshare program, implementation of a watch/warning ozone alert system, and implementation of an AirCheck Texas local initiative project with Low Income Vehicle Repair, Retrofit, and Accelerated Vehicle Retirement Assistance Program funds. These reduction measures and projects will be implemented through a voluntary intergovernmental agreement (MOA) between: the Texas Commission on Environmental Quality; the Cities of Austin, Bastrop, Elgin, Lockhart, Luling, Round Rock, and San Marcos; the Counties of Bastrop, Caldwell, Hays, Travis, and Williamson; and the United States Environmental Protection Agency. (Kim Herndon, Dede Sigman) (Project No. 2007-020-MIS-NR)

Approve the Austin-Round Rock Eight-Hour Ozone Flex Plan Memorandum of Agreement. BS/LS; all agree.

### MOTION TO OVERTURN

- Item 75. [Docket No. 2008-0745-MSW](#). Consideration of **River City Rolloffs, Inc.'s** Motion to Overturn concerning the Executive Directors April 9, 2008 letter returning the Notice of Intent to Operate a Recycling Facility filed by River City Rolloffs, Inc. for its facility located at 8000 Daffan Lane in **Travis County**; and related filings.

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

### RULE MATTERS

Item 76. [Docket No. 2007-1030-RUL](#). Consideration of the adoption of new **Subchapter C, Use of Electronic Reporting, Section 19.21, Fees**. The rulemaking would implement HB 1254, 80th Legislature, 2007.

The rulemaking states the commission may adjust fees as necessary to encourage electronic reporting and the use of the commission's electronic document receiving system. The proposed rules were published in the February 29, 2008 issue of the *Texas Register* (Vol. 33 TexReg 1739). (Ellette H. Vinyard, Scott Shoemaker) (Rule Project No. 2007-050-019-PR)

Adopt new Subchapter C, Use of Electronic Reporting, Section 19.21, Fees. BS/LS: all agree.

Item 77. [Docket No. 2007-1301-RUL](#). Consideration of the adoption of 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 adoption would implement House Bill (HB) 2654 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. The proposed rules were published in the March 14, 2008 issue of the *Texas Register* (Vol. 33 TexReg 2118). (Kathryn Flegal, Shana Horton) (Rule Project No. 2007-030-331-PR)

Adopt amendments to 30 TAC Chapter 50, Chapter 55, Chapter 305, and Chapter 331. BS/LS; all agree.

Item 78. [Docket No. 2007-0998-RUL](#). Consideration of the adoption of amended Sections 291.3, 291.21, 291.41, 291.87, 291.88, 291.101, 291.105, and 291.113 of **30 TAC Chapter 291**, Utility Regulations.

The adoption would implement Senate Bill 3, Sections 2.05, 2.06, 2.07, 2.08, 2.32, 2.39, and 7.01 and House Bill 3475, 80th Legislature, Regular Session 2007, relating to water utilities. This rulemaking would adopt a definition of a landowner for the purpose of certificate of convenience and necessity (CCN) regulation; allow for consolidated billing and collection contracts between retail public water and sewer providers; allow for adjustments to utility rates to account for increases or decreases in documented energy costs; revise the rules relating to obtaining, amending, and decertifying a municipality's CCN for water and sewer service; create new duties of a water service provider to certain political subdivisions that provide sewer service to the same area; allow a district to establish different utility rates among classes of customers; allow certain



counties to operate a utility in the same manner as a municipality; and, allow a city to extend a CCN to area outside the city's extraterritorial jurisdiction so long as the city meets the criteria outlined in Texas Water Code, Section 13.241, for granting or amending a CCN. The proposed rules were published in the February 1, 2008 issue of the *Texas Register* (33 TexReg 871). The rulemaking, as recommended by the Executive Director, does not include the proposed amendments to implement House Bill 149, 80th Legislature, 2007. (Tammy Holguin Benter, Ross Henderson) (Rule Project No. 2007-048-291-PR)

Adopt amended Sections 291.3, 291.21, 291.41, 291.87, 291.88, 291.101, 291.105, and 291.113 of 30 TAC Chapter 291 with the modification provided the Executive Director previous to and at the agenda. LS/BS; all agree.

### **EXECUTIVE MEETING**

Item 79. **Docket No. 2008-0001-EXE.** The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

Item 80. **Docket No. 2008-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

Item 81. **Docket No. 2008-0003-EXE.** The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

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

**PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)**

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

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

OLD BUSINESS AGENDA

Wednesday, June 18, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the March 19, 2008 and May 21, 2008 agendas.

- Item 1. [TCEQ Docket Nos. 2004-1120-UCR, 2004-1671-UCR; SOAH Docket Nos. 582-05-2770, 582-05-2771.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Aqua Development Company and Aqua Utilities, Inc., dba Aqua Texas, Inc.** ("Applicant"), to change water and sewer tariffs and rates in various counties throughout Texas pursuant to Texas Water Code Chapter 13 and the Commission's rules, including 30 TAC Chapters 80 and 291. The Applicant sought new tariffs and rates in four regional territories for its water and sewer service provided under Certificate of Convenience and Necessity Nos. 11157, 12902, 20453 and 20867, including North Water, North Sewer, Southeast Water, Southeast Sewer, Southwest Water, Southwest Sewer and Ingram Water. The Commission will also consider the application and related filings, the exceptions and the replies. (**Anderson, Bandera, Bastrop, Bexar, Bosque, Brazoria, Burnet, Camp, Chambers, Cherokee, Comal, Cooke, Denton, Erath, Fort Bend, Grayson, Gregg, Grimes, Harris, Hays, Henderson, Hood, Hunt, Jefferson, Johnson, Kendall, Kerr, Llano, Liberty, Live Oak, Marion, McLennan, Medina, Montgomery, Nueces, Orange, Parker, Polk, Rockwall, San Jacinto, Smith, Somervell, Tarrant, Taylor, Travis, Trinity, Victoria, Wharton, Williamson, Wilson, Wise, and Wood Counties**) (Todd Galiga)

Item continued to the August 6, 2008 agenda. LS/BS; all agree.

## AGENDA

Wednesday, June 18, 2008

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. [TCEQ Docket No. 2006-1470-IHW-E; SOAH Docket No. 582-07-2334](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Kaspar Electroplating Corporation** in **Lavaca County**, Texas; TCEQ Solid Waste Registration No. 35002; regarding violations pursuant to 40 Code of Federal Regulations Section 265.173(a), Texas Water Code Ch. 7, Tex. Health & Safety Code Ch. 361, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Kari L. Gilbreth)

Adopt the ALJ Order as revised by the exceptions proposed by the Executive Director. LS/BS; all agree.

- Item 2. [TCEQ Docket No. 2004-1071-WQ-E; SOAH Docket No. 582-07-3619](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Louis Moncus dba Moncus Sand and Gravel** in **McLennan County**, Texas; TCEQ Storm Water ID No. TXR05R479; RN104353677; regarding water quality violations pursuant to Tex. 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. (Mary Risner)

Adopt the ALJ's Order with a reduced penalty amount to \$0, as justice may require. BS/LS; all agree.

- Item 3. [TCEQ Docket No. 2006-1730-PWS-E; SOAH Docket No. 582-07-3289](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Double Diamond Utilities Co. dba White Bluff Community Water System** in **Hill County**, Texas; RN101233120; regarding public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Benjamin Thompson)

Decline to adopt the ALJ's PFD and Order, issue an Order finding that the preponderance of evidence in the record does not establish a violation of the TCEQ Rules for dealing with the boiled water notice requirements, and the enforcement action be dismissed. 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. AND WILL CONTINUE 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

7/7/2008  
Date