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Chairman H.S. Buddy Garcia
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, Ph.D. Wednesday, August 6, 2008

AGENDA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1. [Docket No. 2008-0473-MWD](#). Consideration of the application by **South Central Water Company** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014804001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 950,000 gallons per day. The facility will be located approximately 300 yards east of the intersection of 29th Street and Avenue S, on the north side of Avenue S in **Galveston 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. (Robert Brush, Larry Diamond)

Grant the hearing requests of Mr. Roy Robinson and Mrs. Kathleen Robinson on the issues of: 1. whether the discharge of effluent will harm wildlife and marine life in the receiving waters and the wetlands maintained by Mr. and Mrs. Robinson; 2. whether the discharge will violate water quality standards in the receiving stream or in Dickinson Bayou. Refer the matter to SOAH to have a maximum hearing duration of six months, direct the Executive Director to participate in the hearing, and request the ALJ to submit Findings of Fact, Conclusions of Law, and Ordering Provisions with the Proposal for Decision. BS/LS; all agree.

Item 2. [Docket No. 2008-0559-MWD](#). Consideration of the application by the **City of Castroville** for a major amendment of TCEQ Permit No. WQ0010952001 to change from disposal via irrigation at a daily average not to exceed 350,000 gallons per day to discharge into waters in the state at a daily average flow not to exceed 900,000 gallons per day. The current permit authorizes the disposal of treated domestic wastewater via irrigation of 26.6 acres of a public access park and 166.8 acres of non-public access pastureland. The wastewater treatment facility and disposal site

are located approximately 0.9 mile southeast of the intersection of U.S. Highway 90 and Farm-to-Market Road 1343 in **Medina County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Chris Ekoh, Amewusika Clara Dake)

Refer the hearing requests of Evangeline Bippert, Janice Haby, Harvey Lee Kunze, and the Texas Rivers Protection Association, for a determination of whether the individual hearing requesters are affected and whether Texas Rivers Protection Assoc., has established associational standing. Should SOAH name any of these hearing requesters as parties, the Commission refers to SOAH the issues of: 1) whether the proposed effluent limits are protective of the hearing requesters families' recreational use (such as fishing and swimming) of the Medina River and the Regional Park; 2) whether the proposed effluent limits are protective of shallow drinking water wells which may be impacted by the proposed discharge; and 3) whether the proposed effluent limits are protective of water quality and the use and enjoyment of the Medina River or whether more stringent limits of 5 mg/l BOD, 5 mg/l TSS, 2 mg/l nitrogen, and 1 mg/l phosphorous are necessary; set the duration of hearing at nine months; and direct the ED to participate in the SOAH hearing. BS/LS; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 3. [Docket No. 2007-1976-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Postmus Dairy, L.L.C. dba Postmus Dairy in Erath County**; RN102334836; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Bryan Sinclair)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4. [Docket No. 2006-1443-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gary Gene Crupper in Hood County**; TCEQ ID No. RN104943642; for an air quality violation 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 5. [Docket No. 2007-1952-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Citation Corporation in Angelina County**; RN100218288; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Aaron Houston, Bryan Sinclair)

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

Item 6. [Docket No. 2007-1853-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Citgo Refining and Chemicals Company L.P. in Nueces County**; RN100238799; 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 7. [Docket No. 2007-2001-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Deer Park Refining Limited Partnership** in **Harris County**; RN100211879; 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 8. [Docket No. 2008-0376-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Falcon Gunito Co., Inc.** in **Travis County**; RN100720440; 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 9. [Docket No. 2007-2006-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation** in **Jefferson County**; RN100219252; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Aaron Houston, Bryan Sinclair)

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

- Item 10. [Docket No. 2008-0079-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Chemical LP** in **Harris County**; RN100211879; 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 11. [Docket No. 2008-0331-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. (Rebecca Johnson, Bryan Sinclair)

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

- Item 12. [Docket No. 2008-0526-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tige Boats, Inc.** in **Taylor County**; RN104316500; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas

Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, Bryan Sinclair)

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

Item 13. [Docket No. 2008-0401-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tennessee Gas Pipeline Company in Jasper County**; RN100221878; 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. (J. Craig Fleming, Bryan Sinclair)

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

Item 14. [Docket No. 2008-0161-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **EBAA Iron, Inc. in Eastland County**; RN100217306; 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 15. [Docket No. 2008-0066-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ysleta Independent School District in El Paso County**; RN102304086; 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 16. [Docket No. 2008-0339-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Goodyear Tire & Rubber Company in Harris County**; RN100870898; 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 17. [Docket No. 2008-0070-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sunoco, Inc. (R&M) in Harris County**; RN100524008; 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 18. [Docket No. 2007-2024-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Longhorn Glass Manufacturing, L.P. in Harris County**; RN100671445; 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 19. [Docket No. 2008-0077-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Honeywell International Inc.** in **Jefferson County**; RN100217405; 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 20. [Docket No. 2007-1858-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **El Paso Independent School District** in **El Paso County**; RN103102869; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Aaron Houston, Bryan Sinclair)

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

Item 21. [Docket No. 2007-1560-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Armortex, Inc.** in **Guadalupe County**; RN104444526; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, Bryan Sinclair)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 22. [Docket No. 2006-0762-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Abdul Aziz dba Pro Cleaners and dba Vogue Cleaners** in **Dallas County**; TCEQ ID Nos. RN104102264 and RN102521036; 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. (Rebecca M. Combs, Jennifer Cook)

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

Item 23. [Docket No. 2006-0932-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **JNCHO Inc. dba Comet Cleaners** in **Tarrant County**; RN103954442; 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. (Michael Meyer, Bryan Sinclair)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 24. [Docket No. 2007-0509-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Fiorano Ventures, L.L.C.** in **Comal County**; RN105155808; 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. (J. Craig Fleming, Bryan Sinclair)

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

FIELD CITATIONS

- Item 25. [Docket No. 2008-0088-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Star Fuels, Inc. dba Wallisville Texaco** in **Harris County**; RN102037363; 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 26. [Docket No. 2008-0083-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Harlow Stores, Inc. dba Harlows 3** in **Collin County**; RN101553220; 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 27. [Docket No. 2007-1967-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **James E. Fortson** in **Navarro County**; RN105359889; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

- Item 28. [Docket No. 2008-0101-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Roger Collins** in **Falls County**; RN105362859; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Shelton, Bryan Sinclair)

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

- Item 29. [Docket No. 2007-1843-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **THE DOW CHEMICAL COMPANY** in **Brazoria County**; RN100225945; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on

Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Bryan Sinclair)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 30. [Docket No. 2008-0237-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **East TeXas MillworXs, Inc. dba Seal Moulding** in **Brazos County**; RN105337802; for air quality and municipal solid waste 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. (Samuel Short, Bryan Sinclair)

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

Item 31. [Docket No. 2007-1817-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rose City** in **Orange County**; RN102676269; for water quality 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 Texas Administrative Code ch. 60. (Thomas Jecha, Bryan Sinclair)

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

Item 32. [Docket No. 2008-0055-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas State Technical College** in **McLennan County**; RN101236925; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Bryan Sinclair)

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

Item 33. [Docket No. 2008-0196-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Munsell Construction, Inc.** in **Mason County**; RN101643880; for used oil, petroleum storage tank, and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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 34. [Docket No. 2007-0515-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Thomas Steel Drums, Inc.** in **Tarrant County**; TCEQ ID No. RN100688738; for hazardous waste and air quality 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. (Lena Roberts, Jennifer Cook)

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

- Item 35. [Docket No. 2006-1037-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **New Progress Water Supply Corporation dba Enchanted Oaks Subdivision, Spring Valley Estates, Highland Lakes Subdivision, and Ponderosa Hills Subdivision in Parker County**; TCEQ ID Nos. RN101651578, RN101230712, RN101245413, and RN101654317; for public drinking water and water rights violations pursuant to Tex. Water Code chs. 5, 7, and 11, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

Continued to the September 10, 2008 agenda. LS/BS; all agree.

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS

- Item 36. [Docket No. 2007-1372-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Derdeyn/Ford, Inc. dba Tejas Village in Marion County**; TCEQ ID No. RN102684339; for public water system and water rights violations pursuant to Tex. Water Code chs. 5, 7, 11, and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

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

- Item 37. [Docket No. 2007-1245-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Lawrence Jackson in Burleson County**; TCEQ ID No. RN105146674; for municipal solid waste and air quality 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. (Gary K. Shiu, Jennifer Cook)

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

- Item 38. [Docket No. 2007-0641-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Texas Industrial Scrap Iron & Metal Company, Inc. in Tarrant County**; TCEQ ID No. RN100944313; for municipal solid waste, industrial solid waste, used oil, and water quality violations pursuant to Tex. Health & Safety Code ch. 361 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Jennifer Cook)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

- Item 39. [Docket No. 2006-2175-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David D. Smith Construction, Inc. in Lampasas and Bell Counties**; TCEQ ID No. RN105084453; for a municipal solid waste violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Jennifer Cook)

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

Item 40. [Docket No. 2007-1745-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hardin County** in **Hardin County**; RN101692564 and RN104806344; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Colin Barth, Bryan Sinclair)

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

Item 41. [Docket No. 2008-0106-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eggemeyer Land Clearing, LLC** in **Bexar County**; RN105053946; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Colin Barth, Bryan Sinclair)

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

Item 42. [Docket No. 2006-2173-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lorraine Donaldson** in **Bell County**; TCEQ ID No. RN104026737; for a municipal solid waste violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Jennifer Cook)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 43. [Docket No. 2006-0076-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Triple A Dump Truck Service, L.L.C.** in **Hidalgo County**; TCEQ ID No. RN104566120; for a municipal solid waste violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Jennifer Cook)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 44. [Docket No. 2008-0267-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BCWK, LP** in **Harris County**; RN101527513; 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. (Lauren Smitherman, Bryan Sinclair)

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

Item 45. [Docket No. 2007-1407-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of San Augustine** in **San Augustine County**; RN103137949; 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 46. [Docket No. 2007-1016-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Sonora in Sutton County**; RN102806411; 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 47. [Docket No. 2008-0004-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Riviera Water Control and Improvement District in Kleberg County**; RN105377535; 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 48. [Docket No. 2008-0410-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Medina County Water Control and Improvement District No. 2 in Medina County**; RN101919801; 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 49. [Docket No. 2007-1933-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Glen Rose in Somervell County**; RN101918431; 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 50. [Docket No. 2005-1166-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kerens in Navarro County**; RN101919553; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Bryan Sinclair)

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

- Item 51. [Docket No. 2008-0253-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District 250 in Harris County**; RN101513687; 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.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 52. [Docket No. 2008-0069-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **VIVEK LLC dba Sam Food Mart in Denton County**; RN101540698; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Bryan Sinclair)

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

Item 53. [Docket No. 2007-1685-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Walter Lloyd Smith, Sr. in Nolan County**; RN101820793; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Bryan Sinclair)

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

Item 54. [Docket No. 2007-1978-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Leo Kopecky dba Leo's Stop N Shop in Fayette County**; RN101696110; 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. (Suzanne Walrath, Bryan Sinclair).

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

Item 55. [Docket No. 2006-1517-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cullen Texaco, Inc. dba Cullen Texaco in Harris County**; TCEQ ID No. RN100875145; 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. (Rebecca Combs, Jennifer Cook)

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

Item 56. [Docket No. 2007-2028-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **C W & A, Inc. in Victoria County**; RN101443075; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Bryan Sinclair)

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

Item 57. [Docket No. 2008-0194-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ashmal, Inc. dba East 1st Grocery in Travis County**; RN101492312; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the

Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Bryan Sinclair)

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

Item 58. [Docket No. 2007-2034-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ALI GULLU CORPORATION dba Four Star Citgo 4** in **Tarrant County**; RN101556736; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Bryan Sinclair)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 59. [Docket No. 2007-0585-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **John Paul Dodson and William Dodson** in **Winkler County**; TCEQ ID No. RN101872133; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

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

Item 60. [Docket No. 2007-0698-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Husnain Aftab Enterprises, Inc. dba JR Mini Mart** in **Orange County**; TCEQ ID No. RN103190393; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 61. [Docket No. 2005-1161-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Debbie Lewis dba Chaparral Courts** in **Tom Green County**; TCEQ ID No. RN103916839; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Xavier Guerra, Jennifer Cook)

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

Item 62. [Docket No. 2007-1913-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Texas, Inc.** in **Polk County**; RN102685393; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Keffer, Bryan Sinclair)

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

Item 63. [Docket No. 2007-1900-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Tyler in Smith County**; RN101385870; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Bryan Sinclair)

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

Item 64. [Docket No. 2008-0626-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Sulphur Springs in Hopkins County**; RN101265866; 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. 2008-0549-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stryker Lake Water Supply Corporation in Cherokee County**; RN101450377; 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 66. [Docket No. 2008-0344-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Salado Water Supply Corporation in Bell County**; RN101176600; 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 67. [Docket No. 2008-0322-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Central Bosque Water Supply Corporation in McLennan County**; RN101439933; 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. 2008-0356-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cayuga Water Supply Corporation in Anderson County**; RN101440998; 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 69. [Docket No. 2007-1945-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Boyd in Wise County**; RN101387496; 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.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 70. [Docket No. 2008-0341-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kiker's Machine Works, Inc.** in **Ector County**; RN105362081; 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 71. [Docket No. 2007-1766-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of San Angelo** in **Tom Green County**; RN102296654; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Bryan Sinclair)

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

WATER RIGHT ENFORCEMENT AGREED ORDERS

Item 72. [Docket No. 2008-0291-WR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chesapeake Energy Marketing, Inc.** in **Johnson County**; RN104790381; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Bryan Sinclair)

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

EMERGENCY ORDER

Item 73. [Docket No. 2007-1862-UCR-E](#). Consideration of whether to modify, affirm, or set aside the Emergency Order issued on June 9, 2008, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality to address the abandonment of a retail public utility (Utility) by **Bert Dickens, Inc. dba Vista Ranch Water System**, in **Fayette County**; TCEQ ID No. RN101220911; CCN No. 12927; to ensure continued operation of the Utility, and to provide continuous and adequate service to the customers. The Emergency Order renewed the appointment of Aqua Water Supply Corporation as temporary manager of the Utility. (Dinniah M. Chahin)

Affirm the Emergency Order. BS/LS; all agree.

MISCELLANEOUS MATTERS

Item 74. [Docket No. 2008-0759-SPF](#). Consideration of a Final Administrative Order, pursuant to Tex. Health & Safety Code ch. 361, regarding the **Spector Salvage Yard State Superfund Site** in Orange, **Orange County**, RN101649556, which orders the responsible parties to remediate the

Site and includes the listing of the Site on the state registry of superfund sites, the determination of responsible parties, and the selection of a remedial action. The Spector Salvage Yard State Superfund Site is divided by Tenth Street and bordered by Polk Avenue and the Union Pacific Railroad tracks to the north, Jackson Avenue and the Evergreen Cemetery to the south, a railroad right of way and railroad yard to the east, and the City of Orange sewage treatment plant to the west. (Charmaine Backens, Carol Boucher, P.G.)

Approve the Final Administrative Order regarding the Spector Salvage Yard Superfund Site. BS/LS; all agree.

Item 75. [Docket No. 2008-1051-BGT](#). Discussion and Consideration for Approval of the Executive Director's recommended **TCEQ 2010/2011 Legislative Appropriations Request** (LAR). (Linda M. Flores, Becky O'Brien)

Continued to the 1:00 p.m. agenda. Approve the Executive Director's recommended TCEQ 2010/2011 Legislative Appropriations Request with modifications presented at the dais. LS/BS; all agree.

STATE IMPLEMENTATION PLAN

Item 76. [Docket No. 2008-0926-SIP](#). Consideration for publication of, and hearing on, a proposed revision to the **Dallas-Fort Worth (DFW) Eight-Hour Ozone Standard Nonattainment Area State Implementation Plan** (SIP). This SIP revision, named DFW Eight-Hour Ozone Attainment Demonstration SIP Revision for the 1997 eight-hour ozone standard (For only the Contingency Measure Plan and Discrete Emissions Reduction Credit (DERC) Program), incorporates a DERC rule revision and sets a limit on DERC use for the DFW nonattainment area. In addition, this SIP revision identifies reductions to satisfy the U.S. Environmental Protection Agency's three percent contingency requirement for the DFW 1997 Eight-Hour Ozone Standard Nonattainment Area. The Motor Vehicle Emissions Budget (MVEB) for nitrogen oxides (NOX) and volatile organic compound (VOC) emissions, set in the DFW Eight-Hour Ozone Attainment Demonstration SIP Revision for the 1997 eight-hour ozone standard that was submitted to the EPA on June 15, 2007, is not changed or affected by this SIP revision. (Mary Ann Cook, Terry Salem) (Project No. 2008-016-SIP-NR)

Approve the proposed revision to the Dallas-Fort Worth (DFW) Eight-Hour Ozone Standard Nonattainment Area State Implementation Plan (SIP) with the modified timeline as directed from the dais. LS/BS; all agree.

RULE MATTERS

Item 77. [Docket No. 2008-0469-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 101**, General Air Quality Rules, Subchapter H, Emissions Banking and Trading, Division 4, Discrete Emission Credit Banking and Trading, Sections 101.376 and 101.379 and corresponding revisions to the state implementation plan. The proposed rulemaking would create an enforceable mechanism that allows the executive director to restrict the use of discrete emissions reduction credits (DERCs) in the Dallas-Fort Worth (DFW) eight-hour ozone nonattainment area to a level consistent with the attainment and maintenance of the eight-hour ozone National Ambient Air Quality Standard. The proposed amendments would establish an annual review to be conducted by the executive director to determine the number of DERCs available for potential use in the upcoming calendar year for the DFW eight-hour ozone

nonattainment area. The proposed rulemaking would also change the deadlines to submit a DEC-2 Form to September 1 of the calendar year immediately preceding the applicable use period to allow adequate time for the executive director to determine the amount of available DERCS. (Luke Baine, Amy Browning) (Rule Project No. 2008-011-101-EN)

Approve for publication of, and hearing on, proposed amendments to 30 TAC Chapter 101, General Air Quality Rules, Subchapter H, Emissions Banking and Trading, Division 4, Discrete Emission Credit Banking and Trading, Sections 101.376 and 101.379 and corresponding revisions to the state implementation plan. LS/BS; all agree.

Item 78. [Docket No. 2008-0863-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 336**, Radioactive Substance Rules, Sections 336.1, 336.101, 336.103, 336.105, 336.107, 336.1105, 336.1109, 336.1113, 336.1125, and 336.1235; proposed new Sections 336.114, 336.208, 336.210, 336.1301, 336.1303, 336.1305, 336.1307, 336.1309, 336.1311, 336.1313, 336.1315, and 336.1317. The commission also proposes amendments to **30 TAC Chapter 37**, Financial Assurance, Sections 37.9001, 37.9030, 37.9035, 37.9040, 37.9045, and 37.9050; **30 TAC Chapter 39**, Public Notice, Sections 39.403, 39.651, 39.653, 39.702, 39.703, and 39.707; new Section 39.655; amendment to **30 TAC Chapter 55**, Request for Reconsideration or Contested Case Hearings; Public Comment, Section 55.201; amendments to **30 TAC Chapter 305**, Consolidated Permits, Sections 305.49, 305.62, and 305.127; amendments to **30 TAC Chapter 331**, Underground Injection Control, Sections 331.2, 331.7, 331.13, 331.45, 331.46, 331.82, 331.84 - 331.86, 331.103 - 331.107, and 331.143; and new Sections 331.87, 331.108, 331.109, 331.220 - 331.225. The rulemaking would implement Senate Bill (SB) 1604, 80th Legislature, 2007, Regular Session, House Bill 3838, 80th Legislature, 2007, Regular Session, and House Bill 1567, 78th Legislature, 2003, relating to radioactive material licensing, including uranium mining. SB 1604 also addresses the TCEQ's underground injection control program for regulation of in situ uranium mining and requires the TCEQ to establish and administer a new state fee for the disposal of radioactive wastes other than low-level radioactive waste. In addition, the rulemaking would establish the remaining technical requirements, application processing requirements, public notice requirements, licensing and application fees, low-level radioactive waste disposal fees, and financial assurance requirements for radioactive material licensing, including those programs transferred from the Department of State Health Services to the TCEQ. (Susan Jablonski, Don Redmond, Amie Richardson) (Rule Project No. 2007-029-336-PR)

Continued to the August 20, 2008 agenda. LS/BS; all agree.

Item 79. [Docket No. 2008-0515-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Sections 291.3 and 291.144, and new Section 291.147 of **30 TAC Chapter 291**, Utility Regulations. The proposed rulemaking would implement House Bill 149, 80th Legislature, 2007, Regular Session, relating to retail public water and sewer utilities. This proposed rulemaking would add the definition of a nonfunctioning system and allow a retail public utility that takes over a nonfunctioning utility to charge reasonable temporary rates and give the retail public utility a reasonable period of time to bring the nonfunctioning system into compliance with commission rules before the commission assesses penalties. (Tammy Benter, Ross Henderson) (Rule Project No. 2008-014-291-PR)

Approve for publication of, and hearing on, proposed amendments to Sections 291.3 and 291.144, and new Section 291.147 of 30 TAC Chapter 291, Utility Regulations. BS/LS; all agree.

Item 80. [Docket No. 2008-0771-RUL](#). Consideration for publication of proposed amendment to Section 1.10 of 30 TAC Chapter 1, Purpose of Rules, General Provisions. The proposed rulemaking would revise the number of copies submitted to the Chief Clerk for documents filed for commission meetings and define the acronym SOAH as the State Office of Administrative Hearings. (LaDonna Castañuela, Michael Parrish, Alicia Lee) (Rule Project No. 2008-018-001-AS)

Approve for publication the proposed amendments to Section 1.10 of 30 TAC Chapter 1, Purpose of Rules, General Provisions. BS/LS; all agree.

Item 81. [Docket No. 2007-1883-RUL](#). Consideration of the adoption of the repeal of **30 TAC Chapter 317**, Design Criteria for Sewerage Systems, and adoption of new **30 TAC Chapter 217**, Design Criteria for Domestic Wastewater Systems. The adopted rulemaking would update the standards for wastewater collection systems and treatment facilities and move the design criteria from the 300 chapter series to the 200 chapter series. The proposed rules were published in the March 14, 2008 issue of the *Texas Register* (33 TexReg 2126 and 2234). (Sherry Smith, Celia Castro) (Rule Project No. 2006-044-217-PR)

Approve the adoption of the repeal of 30 TAC Chapter 317, Design Criteria for Sewerage Systems, and adoption of new 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. BS/LS; all agree.

EXECUTIVE MEETING

Item 82. **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 83. **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 84. **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.

OLD BUSINESS AGENDA

Wednesday, August 6, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

Item continued from the June 4, 2008 agenda

- Item 1. [TCEQ Docket No. 2006-0560-PST-E; SOAH Docket No. 582-07-3620](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Murmur Corporation in Dallas County**, Texas; TCEQ ID No. RN102013679 regarding petroleum storage tank 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. (Lena Roberts)

Adopt the ALJ's Proposed Order with the recommended changes to the title of the Order, Findings of Fact 1, 3 and 22, Conclusions of Law 3 and 12 and Ordering Provisions 5 through 7. LS/BS; all agree.

Item continued from the March 19, 2008, May 21, 2008 & June 18, 2008 agendas

- Item 2. [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)

Continued to the August 20, 2008 agenda.

AGENDA

Wednesday, August 6, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

- Item 1. [TCEQ Docket No. 2007-0768-AIR-E; SOAH Docket No. 582-08-0523](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties against **Advantage Asphalt Products, Ltd.** in **Randall County**, Texas; TCEQ Enforcement ID No. RN104955497; regarding an air quality violation pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7 and rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Kathleen Decker)

Remanded to the State Office of Administrative Hearings for a hearing on the merits. LS/BS; Chairman Garcia opposed.

- Item 2. [TCEQ Docket No. 2006-1931-MSW; SOAH Docket No. 582-07-0863](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Waste Management of Texas, Inc.**, MSW Permit No. 66B, for authorization of a major amendment to the existing Comal County Landfill in **Comal County**, expanding into **Guadalupe County**, Texas, and to rename the facility the Mesquite Creek Landfill. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application and related filings, exceptions and replies. (Anthony Tatu)

Adopt the ALJ's Proposed Order, granting the permit amendment to Waste Management, Inc. with the following changes: adopt typographical corrections to Finding of Fact Nos. 20, 32, 37b, 58b and 143, as recommended by the Applicant and agreed to by the ALJ; delete Finding of Fact 99; delete Finding of Fact 142; delete Conclusion of Law 14; delete Ordering Provision 1a; revise paragraph II.A. of the draft permit to read, "the operating hours for receipt of waste and for all landfill-related operations at this municipal solid waste facility shall be as specified in the site operating plan"; add a new ordering provision to adopt the Executive Director's Response to Public Comment; and correct a citation in Finding of Fact 46c from 33.231[a] to 330.231(a). 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>

/s/ John Sedberry
Assistant General Counsel,
John Sedberry

August 15, 2008
Date