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Chairman H.S. Buddy Garcia                      OLD BUSINESS AGENDA  
Commissioner Larry R. Soward  
Commissioner Bryan W. Shaw, Ph.D.    Wednesday, September 10, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the August 6, 2008 agenda.

- Item 1. [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)

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

## AGENDA

Wednesday, September 10, 2008

### 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. 2008-0625-MWD](#). Consideration of the application by **AUC Group, L.P.** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014724002, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 995,000 gallons per day. The wastewater treatment facility will be located approximately 1,700 feet north-northwest of the intersection of Hanselman Road and County Road 67, on the west side of Chocolate Bayou in **Brazoria 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, Kent Trede)

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

- Item 2. [Docket No. 2008-0427-AGR](#). Consideration of the application by **Jim Broumley and Keith Broumley dba Broumley Dairy** for a major amendment of, and conversion to a Texas Pollutant Discharge Elimination System (TPDES) permit, Wastewater Registration No. WQ0003395000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to expand an existing dairy facility from 990 head to a maximum capacity of 1,499 head of which 1,100 head are milking, with no increase in waste production from the previous permit. In order to not have an increase in waste production, the CAFO will change to the smaller Jersey cow breed. The facility is located on the west side of County Road 240, approximately one mile south of the intersection of County Road 240 and State Highway 6, east of the City of Hico in **Hamilton 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, Charles Maguire)

Deny the Request for Reconsideration, deny any remaining hearing requests, issue the draft permit, and adopt the Executive Director's Response to Comments. BS/LS; all agree.

- Item 3. [Docket No. 2007-1895-DIS](#). Consideration of an application by **Polk County Fresh Water Supply District No. 2** for approval of a standby fee in **Polk County**, Texas. The District's application requests approval of the levy of a uniform standby fee of \$24 per year per equivalent single-family connection on unimproved property within the District for a three year period. The District proposes the standby fee to supplement its operations and maintenance account pursuant to Texas Water Code, Section 49.231 and Title 30, Chapter 293 of the Texas Administrative Code. The Commission will consider the application, the hearing requests, and related responses that have been filed on the application. (TCEQ Internal Control No. 07132006-D07) (Skip Ferris, Kayla Murray)

Deny the hearing request and approve the Executive Director's proposed Order with the Executive Director's technical memorandum as an attachment. BS/LS; all agree.

#### **MISCELLANEOUS MATTER**

- Item 4. [TCEQ Docket No. 2007-1897-MWD-E](#). Discussion of the compliance status of **Monarch Utilities I L.P.** (RN102177458) with an Agreed Order adopted by the Texas Commission on Environmental Quality on July 9, 2008, assessing administrative penalties and requiring certain actions for water quality violations in **Henderson County** 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.

Continued to the September 24, 2008 agenda.

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

- Item 5. [Docket No. 2006-0875-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Exxon Mobil Corporation in Harris County**; TCEQ ID No. RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alfred Oloko, Lena Roberts)

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

- Item 6. [Docket No. 2006-1371-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ya Razzak, Inc. dba Fast Trak in El Paso County**; TCEQ ID No. RN100814342; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Cox, Lena Roberts)

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

- Item 7. [Docket No. 2007-1548-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Belvan Corp. in Crockett County**; RN100214022; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Aaron Houston, Bryan Sinclair)

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

- Item 8. [Docket No. 2008-0276-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Diamond Shamrock Refining Company, L.P. in Live Oak County**; RN100542802; 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 Ruble, Bryan Sinclair)

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

Item 9. [Docket No. 2008-0396-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KM Aviation, Inc. in Grayson County**; RN105377717; 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 10. [Docket No. 2007-1188-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Matagorda County**; RN100216159; 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 11. [Docket No. 2007-1472-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. (Bryan Elliott, Bryan Sinclair)

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

Item 12. [Docket No. 2008-0188-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brothers Materials, Ltd. in Webb County**; RN103004099; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Bryan Sinclair)

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

Item 13. [Docket No. 2008-0157-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **La Porte Methanol Company, L.P. in Harris County**; RN102830866; 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 14. [Docket No. 2007-1789-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Oil Company 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. (Bryan Elliott, Bryan Sinclair)

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

Item 15. [Docket No. 2008-0182-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LP** in **Jefferson County**; RN104964267; 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 16. [Docket No. 2008-0200-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Seminole Pipeline Company** in **Fort Bend County**; RN102805058; 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 17. [Docket No. 2007-1979-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sam Cicalo dba Sam's Horse and Stock Trailers** in **Wise County**; RN104461611; 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 18. [Docket No. 2008-0095-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sabina Petrochemicals LLC** in **Jefferson County**; RN100216977; 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 19. [Docket No. 2008-0547-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Owens Corning Composite Materials, LLC** in **Randall County**; RN100222140; 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. LS/BS; all agree.

Item 20. [Docket No. 2007-1242-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Murphy Oil USA, Inc. dba Murphy Oil** in **El Paso County**; RN102246915, RN102295672, and RN102991882; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Bryan Sinclair)

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

- Item 21. [Docket No. 2008-0389-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. (Aaron Houston, Bryan Sinclair)

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

- Item 22. [Docket No. 2008-0633-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Miller Breweries West Limited Partnership** in **Tarrant County**; RN102649399; 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. LS/BS; all agree.

- Item 23. [Docket No. 2008-0361-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lee's United Construction Services, Inc.** in **Zapata County**; RN102871217; 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.

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

- Item 24. [Docket No. 2008-0491-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Drennan Day Custom Homes Inc.** in **Williamson County**; RN105469258; 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. LS/BS; all agree.

#### **FIELD CITATIONS**

- Item 25. [Docket No. 2008-0247-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **USA IDOL Inc dba Stop & Go 5** in **Webb County**; RN105136238; 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. 2008-0245-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **May Man Corp. dba Nevon Food** in **Harris County**; RN102268620; 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. 2008-0246-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Entergy Gulf States, Inc. dba Conroe Service Center** in **Montgomery County**; RN100660992; 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.

#### **INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 28. [Docket No. 2007-1088-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bill Phillips dba Scrub-A-Dubb Barrel Company** in **Lubbock County**; RN100583236; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Colin Barth, Bryan Sinclair)

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

#### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 29. [Docket No. 2007-0882-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R & S Concrete, L.L.C.** in **Fort Bend County**; TCEQ ID No. RN104367826; 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, Lena Roberts)

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

Item 30. [Docket No. 2008-0620-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Safety-Kleen Systems, Inc.** in **Denton County**; RN103896387; 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 31. [Docket No. 2008-0468-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oxbow Carbon & Minerals LLC** in **Galveston County**; RN102707049; for water quality violations pursuant to Tex. Water Code chs. 7 and 26

and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Bryan Sinclair)

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

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

Item 32. [Docket No. 2006-0796-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Waste Control Specialists LLC in Andrews County**; TCEQ ID No. RN101702439; for industrial hazardous waste, underground injection control, and radioactive waste violations pursuant to Tex. Health & Safety Code chs. 361 and 401, Tex. Water Code chs. 7 and 27, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert Mosley, Lena Roberts)

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

Item 33. [Docket No. 2008-0041-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **50'S Group Properties, LTD. dba LONE STAR BEEF PROCESSORS in Tom Green County**; RN101517597; for industrial and hazardous waste and air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Bryan Sinclair)

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

Item 34. [Docket No. 2007-1998-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Texas Municipal Water District in Collin and Denton Counties**; RN102342144 and RN101607265; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Bryan Sinclair)

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

#### **MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS**

Item 35. [Docket No. 2007-1821-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Juan Antonio Diaz dba Tony's Tire Service in Bexar County**; TCEQ ID No. RN105359392; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

Item 36. [Docket No. 2007-0301-MSW-E](#). Consideration of a Default Order assessing administrative penalties against **Jesus Marroquin in Hidalgo County**; TCEQ ID No. RN105109128; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Cox, Lena Roberts)



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

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

Item 37. [Docket No. 2005-0887-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chilton Water Supply and Sewer Service Corporation** in **Falls County**; TCEQ ID No. RN102285814; 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. (Mary Coleman, Lena Roberts)

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

Item 38. [Docket No. 2005-1335-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Western Trails Water Supply Corporation** in **Bexar County**; TCEQ ID No. RN102096526; 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. (Kari L. Gilbreth, Lena Roberts)

Remanded to the Executive Director. LS/BS; all agree.

Item 39. [Docket No. 2007-1849-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shirley Creek Marina, Inc.** in **Nacogdoches County**; RN102080199; 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.

Item 40. [Docket No. 2008-0251-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Roxton** in **Lamar County**; RN101920759; 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 41. [Docket No. 2008-0603-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Maud** in **Bowie County**; RN103138202; 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. (Lanae Foard, Bryan Sinclair)

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

Item 42. [Docket No. 2008-0227-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harris County** in **Harris County**; RN103016218; 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. (Steve Villatoro, Bryan Sinclair)

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

Item 43. [Docket No. 2008-0392-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fernco Development, Ltd., Lenco Development, Ltd., and Norco Development, Ltd.** in **Harris County**; RN101243210; 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 44. [Docket No. 2008-0368-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Columbia-Brazoria Independent School District** in **Brazoria County**; RN101179398; 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. (Roshondra Lowe, Bryan Sinclair)

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

Item 45. [Docket No. 2008-0213-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CRVC Via Bayou, LLC** in **Galveston County**; RN101246601; 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 46. [Docket No. 2008-0595-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bruni Rural Water Supply Corporation** in **Webb County**; RN101524288; 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. (Lanae Foard, Bryan Sinclair)

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

Item 47. [Docket No. 2008-0195-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Blooming Grove** in **Navarro County**; RN101720654; 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 48. [Docket No. 2008-0510-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Apple Springs Independent School District** in **Trinity**

**County**; RN101607851; 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. (Lanae Foard, Bryan Sinclair)

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

Item 49. [Docket No. 2005-1956-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Meadows at Quail Run GP, LLC in Wilson County**; TCEQ ID No. RN103764213; for water quality violations pursuant to Tex. Water Code chs. 7, 26, and 37 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

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

### **PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS**

Item 50. [Docket No. 2005-0961-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Neptune International, Inc. dba Pick N Pay in Harris County**; TCEQ ID No. RN102464559; 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)

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

Item 51. [Docket No. 2008-0150-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Development II Partners, Inc. dba Exxon on the Run in Hays County**; RN105194682; 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 52. [Docket No. 2008-0366-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **15010, INC dba On The Move 5 in Travis County**; RN102130614; 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. LS/BS; all agree.

Item 53. [Docket No. 2008-0138-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **KBEC Corporation dba Phillips 66 27502 in Harris County**; RN100699479; 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. 2008-0554-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Charles R. Brown** in **Jones County**; RN102011699; 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. LS/BS; all agree.

Item 55. [Docket No. 2006-2257-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **FPN Enterprises, Inc. dba Kuykendahl Valero** in **Harris County**; TCEQ ID No. RN102275096; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Lena Roberts)

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

#### **PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER**

Item 56. [Docket No. 2005-1174-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **SAO Traders Inc. dba Stop N Drive 2** in **San Jacinto County**; TCEQ ID No. RN102471190; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Lena Roberts)

Approve the Default Order as revised by the Executive Director. LS/BS; all agree.

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

Item 57. [Docket No. 2005-1018-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mario Yague dba Arvey Park** in **El Paso County**; TCEQ ID No. RN102323250; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

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

Item 58. [Docket No. 2008-0171-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Faith West, Inc.** in **Harris County**; RN101188795; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Bryan Sinclair)

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

Item 59. [Docket No. 2008-0485-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Elm Creek Water Supply Corporation** in **McLennan County**; RN101217818; for public drinking water violations pursuant to Tex. Health & Safety

Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Bryan Sinclair)

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

Item 60. [Docket No. 2008-0044-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Wortham in Freestone County**; RN101386761; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Bryan Sinclair)

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

Item 61. [Docket No. 2007-1035-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Webb County in Webb County**; RN102698719; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Bryan Sinclair)

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

Item 62. [Docket No. 2008-0206-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Tech University in Lubbock County**; RN101247336; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Bryan Sinclair)

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

Item 63. [Docket No. 2008-0346-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ranger Utility Company in Waller County**; RN101216133; 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. LS/BS; all agree.

Item 64. [Docket No. 2008-0464-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Newark in Wise County**; RN101388536; 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. LS/BS; all agree.

Item 65. [Docket No. 2008-0105-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Moore's Water System of Beaver Lake, Inc. in McLennan County**; RN102682291; 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 66. [Docket No. 2008-0619-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eastern Cass Water Supply Corporation in Cass County**; RN101256444; 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.

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

- Item 67. [Docket No. 2007-0712-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Michael Lantz O'Neill dba Frontier Park Marina in Sabine County**; TCEQ ID No. RN101183986; for public water system violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Lena Roberts)

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

#### **WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER**

- Item 68. [Docket No. 2008-0042-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Richard Martini in Harris County**; RN105304893; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (John Shelton, Bryan Sinclair)

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

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

- Item 69. [Docket No. 2008-0610-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **284 San Gabriel, L.L.C. in Burnet County**; RN105444368; 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 70. [Docket No. 2008-0207-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Homes Unique, Inc. in Midland County**; RN105202238; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Bryan Sinclair)

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

Item 71. [Docket No. 2008-0492-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Troy T. Hunt Management Corporation in Midland County**; RN105110472; 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 72. [Docket No. 2008-0566-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Weatherford Brothers in Tom Green County**; RN105386981; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Bryan Sinclair)

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

Item 73. [Docket No. 2008-0669-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M.R. Gonzalez in Pecos County**; RN105380067; 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.

#### **WATER RIGHT ENFORCEMENT AGREED ORDER**

Item 74. [Docket No. 2008-0684-WR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chesapeake Energy Marketing, Inc. in Tarrant County**; RN105487706; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Andrew Hunt, Bryan Sinclair)

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

#### **WATERMASTER BUDGET MATTERS**

Item 75. [Docket No. 2008-1064-BGT](#). Consideration of Fiscal Year 2009 Assessment of Annual Costs for Watermaster Operations in the **South Texas Water Division**. Pursuant to TWC Section 11.329; and 30 TAC Sections 12.1; 12.3; 12.5 and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2008, and ending August 31, 2009, for appropriators in the South Texas Water Division, which consists of the Nueces, San Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in Hidalgo, Cameron, Willacy, and Starr counties and approve \$589,305.00 as the amount to be assessed for annual costs.

Approve the Fiscal Year 2009 Assessment of Annual Costs for Watermaster Operations in the South Texas Water Division and adopt the ED's proposed Order. BS/LS; all agree.

Item 76. [Docket No. 2008-1063-BGT](#). Consideration of Fiscal Year 2009 Assessment of Annual Costs for Watermaster Operations in the **Concho River Watermaster Program**. Pursuant to TWC Section 11.329; and 30 TAC Sections 12.1; 12.3; 12.5 and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2008, and ending August 31, 2009, for appropriators in the Concho River Watermaster Program, which consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in Concho County and approve \$158,999.00 as the amount to be assessed for annual costs.

Approve the Fiscal Year 2009 Assessment of Annual Costs for Watermaster Operations in the Concho River Watermaster Program and adopt the ED's proposed Order. BS/LS; all agree.

Item 77. [Docket No. 2008-1065-BGT](#). Consideration of Fiscal Year 2009 Assessment of Annual Costs for Watermaster Operations in the **Rio Grande Water Division**. Pursuant to TWC Section 11.329; and 30 TAC Sections 12.1; 12.3; 12.5 and 303.71 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2008, and ending August 31, 2009, for appropriators in the Rio Grande Water Division which extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers; and includes that portion of the Nueces-Rio Grande Coastal Basin lying in Hidalgo, Cameron, Willacy and Starr counties and approve \$702,703.00 as the amount to be assessed for annual costs.

Approve the Fiscal Year 2009 Assessment of Annual Costs for Watermaster Operations in the Rio Grande Water Division and adopt the ED's proposed Order. BS/LS; all agree.

#### **DISTRICT MATTER**

Item 78. [Docket No. 2005-1651-DIS](#). Consideration of a petition from LGI Land, LLC, Woodforest National Bank, and Vision Mortgage, Inc. (Petitioners), for the Dissolution of **Montgomery County Municipal Utility District (MUD) No. 71**, pursuant to Texas Water Code Sections 49.321 to 49.327 and Title 30 of the Texas Administrative Code, Sections 293.131 to 293.136. (Alex A. (Skip) Ferris, Christiaan Siano)

Approve the petition from LGI Land, LLC, Woodforest National Bank, and Vision Mortgage, Inc. (Petitioners), for the Dissolution of Montgomery County Municipal Utility District (MUD) No. 71 and revised Order submitted by the Executive Director. LS/BS; all agree.

#### **TMDL MATTER**

Item 79. [Docket No. 2008-0223-TML](#). Consideration to adopt nine final TMDLs for bacteria in **Clear Creek and Tributaries** (Segments 1101, 1101B, 1101D, 1102, 1102A, 1102B, 1102C, 1102D, and 1102E), of the San Jacinto-Brazos Coastal Basin, in **Brazoria, Harris, Galveston, and Fort Bend Counties** as a certified update to the State of Texas Water Quality Management Plan to satisfy federal water quality management planning requirements. (Faith Hambleton, Marc Friberg)



Approve the adoption of nine final TMDLs for bacteria in Clear Creek and Tributaries, including the revised language submitted by the Executive Director. LS/BS; all agree.

### MISCELLANEOUS MATTERS

Item 80. [TCEQ Docket No. 2007-1164-UCR](#). Consideration of a request for a Commission order approving a contract designating service areas between the **Mustang Special Utility District** (“Mustang SUD”), water certificate of convenience and necessity (“CCN”) No. 11856, and the City of Frisco (“City”), water CCN No. 11772, in **Denton County**, Texas pursuant to section 13.248 of the Texas Water Code. Currently, Mustang SUD holds CCN No. 11856 that includes the area in question. Under the Agreement, Mustang SUD will transfer approximately 237.62 and 98.44 acres of its CCN area to the City. No customers or facilities are proposed to be transferred. (Trey Jackson, Tammy Holguin-Benter)

Approve the request for a Commission order approving a contract designating service areas between the Mustang Special Utility District (“Mustang SUD”), water certificate of convenience and necessity (“CCN”) No. 11856, and the City of Frisco (“City”), water CCN No. 11772. BS/LS; all agree.

Item 81. [TCEQ Docket No. 2008-0690-UCR](#). Consideration of a request for a Commission order approving a contract designating service areas between the **Town of Ponder**, water certificate of convenience and necessity (“CCN”) No.12951, and Ponder Enterprises, Inc dba Longhorn Company, water CCN No.12810, in **Denton County**, Texas pursuant to Texas Water Code Section 13.248. Under the agreement, the Town of Ponder will transfer approximately 73.5 acres of its water CCN to Ponder Enterprises, Inc dba Longhorn Company. No customers or facilities are proposed to be transferred. (Erin Selvera, Lisa Fuentes)

Approve the request for a Commission order approving a contract designating service areas between the Town of Ponder, water CCN No.12951 and Ponder Enterprises, Inc dba Longhorn Company, water CCN No.12810. LS/BS; all agree.

### RULE MATTER

Item 82. [Docket No. 2007-1953-RUL](#). Consideration of the adoption of amendments to 30 TAC Chapter 328, Waste Minimization and Recycling, Section 328.4, Limitations on Storage of Recyclable Materials. The adoption would implement House Bill 2541, 80th Legislature, Regular Session, 2007. The rulemaking would establish requirements for non-permitted and non-registered municipal solid waste recyclers that store combustible material for producing mulch or compost located in Bexar County. These new requirements would prescribe time limits for processing and removing combustible materials from the facility; limit the amount of combustible materials stored; limit the size of piles; require fire lanes; require buffer zones from the facility boundary; and establish more stringent standards for these same facilities that are located on the recharge or transition zone of a sole source aquifer. These new requirements must not become effective until the first anniversary of the date the rules are adopted. The proposed rules were published in the April 4, 2008 issue of the *Texas Register* (33 TexReg 2800). (Wayne Harry, Steve Shepherd) (Rule Project No. 2007-044-328-PR)

Approve the adoption of amendments to 30 TAC Chapter 328, Waste Minimization and Recycling, Section 328.4, Limitations on Storage of Recyclable Materials. BS/LS; all agree.

## **EXECUTIVE MEETING**

Item 83. **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.

No action taken.

Item 84. **Docket No. 2008-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 85. **Docket No. 2008-0003-EXE.** The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

**(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)**

**REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. 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)**

## AGENDA

Wednesday, September 10, 2008

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [TCEQ Docket Nos. 2006-1850-AIR, 2006-1851-AIR, 2006-1853-AIR, 2006-1856-AIR, 2006-1857-AIR, 2006-1865-AIR; SOAH Docket Nos. 582-07-0615, 582-07-0614, 582-07-0616, 582-07-0724, 582-07-0722, 582-07-0723.](#) Consideration of the Administrative Law Judges' Proposal for Decision and Order dismissing without prejudice six applications by **TXU Generation Company, L.P.**, (n/k/a/ Luminant Generation Company LLC) for State Air Quality and PSD Permits, in **Freestone, Rusk, Titus, Fannin, and McLennan Counties**. The Commission will also consider timely public comments, the Executive Director's Responses to such comments; the applications, related filings, exceptions, and replies. (Booker Harrison and Erin Selvera)

Adopt the Proposal for Decision and proposed Order. BS/LS; all agree.

- Item 2. [TCEQ Docket No. 2007-0119-WQ-E; SOAH Docket No. 582-08-0036.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Bruce's, Inc. in Jasper County**, Texas; TCEQ Registration No. RN102541794; regarding violations pursuant to Texas Water Code and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Barham A. Richard)

Adopt the Proposal for Decision and proposed Order. BS/LS; all agree.

- Item 3. [TCEQ Docket No. 2006-1931-MSW; SOAH Docket No. 582-07-0863.](#) Reconsideration of the Texas Commission on Environmental Quality's August 6, 2008 decision following 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 limit its reconsideration of this matter to what appropriate site operating hours should be designated for the facility.

Set aside the Commission's August 6, 2008 deletion of Finding of Fact No. 99, Conclusion of Law No. 14, and Ordering Provision No. 1.a. Set aside the language adopted on August 6, 2008 amending the draft permit Section II.A. and direct the Executive Director to make changes to the permit to effectuate the hours set forth in the applicant's exceptions. Adopt the applicant's exceptions regarding operating hours, including its proposed revisions to Finding of Fact Nos. 97-99, Conclusion of Law No. 14, and Ordering Provision No. 1.a. All other aspects of the Commission's August 6, 2008 decision will remain as stated on August 6, 2008. LS/BS; all agree.

Item 4. Docket No. 2007-1523-IWD. Consideration of issuance of an amended and renewed General Permit No. TXG830000, which authorizes on a state wide basis, the discharge of water contaminated by petroleum fuel or petroleum substances into or adjacent to water in the state subject to specific effluent limitations. This permit specifies which facilities may be covered under this general permit. The Commission will also consider public comment and the Executive Director's response to comments. (Yvonna Miramontes/Chris Ekoh)

Adopt the resolution renewing General Permit No. TXG830000 as recommended by the Executive Director, and adopt the Executive Director's revised Response to Comments. BS/LS; all agree.

**(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)**

**REGISTRATION FOR AGENDA STARTS AT 12:30 P.M. 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.**

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/s/ Elaine Lucas  
Assistant General Counsel,  
Elaine Lucas

10/3/08  
Date