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Chairman H.S. Buddy Garcia
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, Ph.D. Wednesday, September 24, 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. 2008-0746-IWD](#). Consideration of the application by **Diamond Shamrock Refining Company, L.P.**, for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001353000 to increase the daily average permitted flow at Outfall 001 from 800,000 gallons per day to 1,500,000 gallons per day; increase the daily maximum permitted flow at Outfall 001 from 1,600,000 gallons per day to 3,000,000 gallons per day; increase effluent limitations for all limited parameters at Outfall 001; remove monitoring/reporting requirements for total antimony, total arsenic, total barium, total cadmium, cyanide, total chromium, hexavalent chromium, total copper, total lead, total mercury, total selenium, total silver, and fecal coliform at Outfall 001; increase the size of the irrigation tract from 1376 acres to 1438 acres; increase the minimum irrigation area from 341.5 acres to 474 acres; increase the hydraulic application rate from 2.95 acre-feet/acre/year to 3.54 acre-feet/acre/year; and remove the retest provision which requires monitoring for benzene, ethylbenzene, toluene, total xylene, and methyl-tertiary-butyl-ether (MTBE) at Outfall 001. The facility is located at 301 Leroy Street in the City of Three Rivers, **Live Oak County**, Texas; with an irrigation (disposal) site located adjacent to the southwest side of Interstate Highway 37, approximately one mile northwest of the intersection of Interstate Highway 37 and State Highway 72, north of the City of Three Rivers, Live Oak 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. (Anthony Tatu, Michael Sunderlin)

Grant the hearing request of Virginia and Lloyd "Bubba" Stewart on the issues of: 1. whether the application was properly noticed as required by Texas Water Code § 26.028; 2. whether the draft permit satisfies regulatory requirements intended to protect water quality, the hearing requesters' health, and the

environment; 3. whether the Applicant's compliance history will result in its inability to comply with material terms of the draft permit; 4. whether the proposed permit adequately prescribes monitoring and reporting requirements; 5. whether wastewater from the Applicant's irrigation fields will flow onto the Stewarts' property or will raise the water table and percolate so as to cause contamination or nuisance conditions on the Stewarts' property; 6. whether the draft permit expands the types and volumes of wastewater used for irrigation in the violation of the Texas Water Code; and 7. whether operations under the draft permit will adversely affect livestock and vegetation. Refer the matter to SOAH for a maximum hearing duration of 9 months and direct the Executive Director to participate in the hearing. LS/BS; all agree.

Item 2. [Docket No. 2008-0293-AIR](#). Consideration of an application by **Flint Hills Resources, LP** for amendment of Air Quality Permit No. 8803A (PSD-TX-413M8) for the West Refinery to authorize the following: 1) incorporation of Standard Permit Nos. 74076, 77459, 77655, 79214 and Permit by Rule Registration No. 75266 into the permit including update of emission calculations; 2) reauthorization of ammonia emissions including the addition of an ammonia cap on the Maximum Allowable Emission Rate Table and voidance of the Standard Permit 76446. There will be no physical or operational changes as a result of this amendment since construction and operation is currently authorized under the noted existing authorizations. The West Refinery is located at 2825 Suntide Road in Corpus Christi, **Nueces 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. (Dr. Ozden Tamer/Erin Selvera)

Deny the hearing requests of Refinery Reform Campaign and South Texas Colonias Initiative and deny all Request for Rehearings and refer to SOAH as a preliminary matter for determination the associational standing of Citizens for Environmental Justice (CFEJ) with direction that only Mr. Jim Miller's status as an affected person is to be relied upon initially for purposes of establishing CFEJ's associational standing, and direct that only if the ALJ determines that Mr. Miller is an affected person, may the ALJ conclude that CFEJ has satisfied the associational standing requirements and consider other requests to participate in a hearing as affected persons on the following two issues: 1. whether Flint Hills Resources' use of emission factors with regard to the changes requested in the amendment application or the changes in the proposed Special Conditions and MAERT is adequate to assure compliance with all applicable requirements and limits, and 2. whether the monitoring requirements that are proposed for change in the amendment application or changed in the proposed Special Conditions or MAERT, as applicable, are sufficient to determine compliance with permit limits; set a maximum duration of six months for the hearing; and direct the Executive Director to participate in the hearing. BS/LS; all agree.

Item 3. [Docket No. 2008-0569-AGR](#). Consideration of the application by **Peter Henry Schouten, Sr. and Nova Darlene Schouten dba P & L Dairy**, for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003675000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to expand an existing dairy facility from 580 head to a maximum capacity of 990 head. The facility is located at the southwest corner of the intersection of County Road 229 and County Road 231, approximately 1.8 miles south of the intersection of County Road 229 and Farm-to-Market Road 913 in **Erath 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 hearing request, adopt the Executive Director's Response to Comments and adopt the draft permit. 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 October 8, 2008 agenda.

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 5. [Docket No. 2008-0405-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Salvador G. Gonzalez dba Gonzalez Dairy** in **Tom Green County**; RN101961753; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Bryan Sinclair)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 6. [Docket No. 2007-1424-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Coast Composite Marine Specialist Inc.** in **Galveston County**; TCEQ ID No. RN100887306; 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)

Continued to the October 22, 2008 agenda.

- Item 7. [Docket No. 2008-0564-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP** in **Brazoria County**; RN100210574; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Bryan Sinclair)

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

- Item 8. [Docket No. 2008-0160-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Harris County**; RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Bryan Sinclair)

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

- Item 9. [Docket No. 2008-0550-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Brazoria County**; RN102200482; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Bryan Sinclair)

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

- Item 10. [Docket No. 2008-0874-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **J.C. Evans Construction Co., LP in Bexar County**; RN105062459; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Bryan Sinclair)

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

- Item 11. [Docket No. 2008-0192-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **McWane, Inc. in Smith County**; RN102679867; 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. BS/LS; all agree.

- Item 12. [Docket No. 2008-0695-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **DCP Midstream, LP in Hansford County**; RN100219955; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Bryan Sinclair)

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

- Item 13. [Docket No. 2007-1479-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Adelfo Hernandez dba 3H Auto Sales in Tarrant County**; RN105308795; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Bryan Sinclair)

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

- Item 14. [Docket No. 2008-0283-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Chemical LP and 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. (Trina Grieco, Bryan Sinclair)

Continued to the November 5, 2008 agenda.

- Item 15. [Docket No. 2007-2041-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rohm and Haas Texas Incorporated** in **Harris County**; RN100223205; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Bryan Sinclair)

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

DRY CLEANER ENFORCEMENT AGREED ORDER

- Item 16. [Docket No. 2006-1409-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dosan Enterprises, Inc. dba Professional Cleaners** in **Harris County**; TCEQ ID No. RN104996285; 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. (Tracy Chandler, Lena Roberts)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDERS

- Item 17. [Docket No. 2006-0837-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Faridabano Gaffar dba Comet Cleaners** in **Tarrant County**; TCEQ ID No. RN100708338; 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. (Barham A. Richard, Lena Roberts)

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

- Item 18. [Docket No. 2006-1410-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Royal Superior Corporation dba 1.25 Expert Cleaners dba Super Cleaner and dba Super Cleaners** in **Harris County**; TCEQ ID Nos. RN103957726, RN103957809, RN103955894, RN103955902, and RN100559566; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Tracy Chandler, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 19. [Docket No. 2008-0677-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kamary Development, Ltd.** in **Bexar County**; RN105379333; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lauren Smitherman, Bryan Sinclair)

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

FIELD CITATIONS

Item 20. [Docket No. 2008-0719-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Alonzo Aguilar dba Aguilars Grocery** in **Brewster County**; RN102274669; 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. BS/LS; all agree.

Item 21. [Docket No. 2008-1100-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Trans Health Management, Inc.** in **Lubbock County**; RN102048923; 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. BS/LS; all agree.

Item 22. [Docket No. 2008-0730-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Southwest Convenience Stores, LLC dba 7-Eleven 57652** in **Ector County**; RN105204283; 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. BS/LS; all agree.

Item 23. [Docket No. 2008-1124-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Shelter Park, L.P.** in **Lubbock County**; RN101768638; 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. BS/LS; all agree.

Item 24. [Docket No. 2008-0796-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Scott Egert dba Scott's Complete Car Care** in **Lubbock County**; RN102264058; 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. BS/LS; all agree.

Item 25. [Docket No. 2008-0809-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Mohsen Max Mousavi dba King's Food & Gas** in **Lubbock County**; RN102394392; 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. BS/LS; all agree.

Item 26. [Docket No. 2008-0934-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Franklin Bain** in **Hale County**; RN103420550; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 27. [Docket No. 2008-0358-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Kerry Charles Brown** in **Tom Green County**; RN105388318; for occupational licensing violations pursuant to Tex. Water Code ch. 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 28. [Docket No. 2008-0733-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Julian Castaneda** in **Dallas County**; RN105482970; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 29. [Docket No. 2008-0760-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Johnny Stricklin** in **Kaufman County**; RN105403174; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 30. [Docket No. 2008-1128-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Robert Serth** in **Kleburg County**; RN105500839; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 31. [Docket No. 2008-0797-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Albert B. Redding** in **Calhoun County**; RN103382289; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 32. [Docket No. 2008-1142-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Larry Patterson in Denton County**; RN105530190; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 33. [Docket No. 2008-1129-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Leroy McBride in Shelby County**; RN104956214; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 34. [Docket No. 2008-0215-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Donnie Lewis in Palo Pinto County**; RN105379929; for occupational license violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 35. [Docket No. 2008-1143-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Robert Wayne Baze in Tom Green County**; RN103745741; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 36. [Docket No. 2008-0948-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **City of Carthage in Panola County**; RN104356225; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 37. [Docket No. 2008-0458-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **First Texas Homes, Inc. in Collin County**; RN105447551; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 38. [Docket No. 2008-0618-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **First Texas Homes, Inc.** in **Denton County**; RN105458079; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 39. [Docket No. 2008-0936-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **City of Wichita Falls** in **Wichita County**; RN105495329; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 40. [Docket No. 2008-0935-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **City of Wichita Falls** in **Wichita County**; RN105495360; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 41. [Docket No. 2008-0937-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **City of Tyler** in **Smith County**; RN102916459; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 42. [Docket No. 2008-0938-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **The Card Group, Inc.** in **Angelina County**; RN105489827; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 43. [Docket No. 2008-0939-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Seven Points Sand & Gravel, Inc.** in **Navarro County**; RN105484018; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 44. [Docket No. 2008-0419-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Sentinel Transportation, LLC** in **Wichita County**; RN105429963; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 45. [Docket No. 2008-0169-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **SandRidge Energy, Inc.** in **Pecos County**; RN105338313; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 46. [Docket No. 2008-0794-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Milk Transport Services, L.P.** in **Lubbock County**; RN104459987; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 47. [Docket No. 2008-0718-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Yellow Transportation, Inc.** in **Jefferson County**; RN104209663; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 48. [Docket No. 2008-1165-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Hal Jones Development, LLC** in **Aransas County**; RN105524268; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 49. [Docket No. 2008-0607-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **First Texas Homes, Inc.** in **Denton County**; RN105458640; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 50. [Docket No. 2008-1107-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **CHISHOLM OPERATING, INC.** in **Runnels County**; RN105484935; 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. BS/LS; all agree.

Item 51. [Docket No. 2008-1166-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **EnCana Oil & Gas (USA) Inc.** in **Johnson County**; RN104417159; 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. BS/LS; all agree.

Item 52. [Docket No. 2008-1119-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Starr County** in **Starr County**; RN105510309; 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. BS/LS; all agree.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 53. [Docket No. 2007-0050-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David W. Trammell** in **Harris County**; TCEQ ID No. RN103654075; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Gary K. Shiu, Lena Roberts)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 54. [Docket No. 2007-0393-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Evans Weaver** in **Travis County**; TCEQ ID No. RN104787213; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Patrick N. Jackson, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 55. [Docket No. 2007-0441-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Laredo** in **Webb County**; TCEQ ID Nos. RN100524099 and RN101608545; for public water supply, public water utilities, and water quality violations pursuant to Tex. Water Code chs. 7, 13, and 26, Tex. Health & Safety Code ch.

341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mary Coleman, Lena Roberts)

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

Item 56. [Docket No. 2008-0336-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert H. Griffin** in **Mason County**; RN104985775; for municipal solid waste and 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. (Clinton Sims, Bryan Sinclair)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 57. [Docket No. 2006-0150-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James M. Knowles** in **Montgomery County**; TCEQ ID No. RN102830742; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 58. [Docket No. 2007-1753-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **H. Mitchell Enterprises, Inc. dba Dirt-Tech Construction & Excavation** in **Tarrant County**; TCEQ ID No. RN103719795; for municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barham A. Richard, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 59. [Docket No. 2008-0375-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Coast Waste Disposal Authority** in **Harris County**; RN102183340; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Bryan Sinclair)

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

Item 60. [Docket No. 2008-0587-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of McGregor** in **McLennan County**; RN101609220; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Bryan Sinclair)

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

- Item 61. [Docket No. 2008-0379-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **San Antonio Water System in Bexar County**; RN102182789; 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. BS/LS; all agree.

- Item 62. [Docket No. 2008-0426-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Teen Challenge of Texas in Nueces County**; RN102179124; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Bryan Sinclair)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

- Item 63. [Docket No. 2008-0347-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sohail Malik dba Hempstead Food Mart in Harris County**; RN102371093; 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. BS/LS; all agree.

- Item 64. [Docket No. 2008-0395-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **G & R STORE, INC. dba 1 Stop Food Store in Denton County**; RN101562346; 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. BS/LS; all agree.

- Item 65. [Docket No. 2008-0345-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Karim Ali Peermohammed dba North Loop Food Store in Travis County**; RN101432920; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Bryan Sinclair)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 66. [Docket No. 2007-1274-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Don Strong** in **Burleson County**; TCEQ ID No. RN101663235; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Patrick Jackson, Lena Roberts)

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

Item 67. [Docket No. 2007-1739-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Dhanani Investment Inc. dba Saveway Food Market** in **Harris County**; TCEQ ID No. RN100871300; 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 Tex. Admin. Code ch. 60. (Barham A. Richard, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 68. [Docket No. 2007-0104-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Hubbard** in **Hill County**; TCEQ ID No. RN101178465; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Mary Coleman, Lena Roberts)

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

Item 69. [Docket No. 2007-1898-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Forest Creek Partnership, Ltd. dba Forest Creek Apartments** in **Harris County**; RN101214559; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Bryan Sinclair)

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

Item 70. [Docket No. 2008-0034-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kenedy** in **Karnes County**; RN101428274; 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. BS/LS; all agree.

Item 71. [Docket No. 2008-0148-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Killeen** in **Bell County**; RN101391308; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Bryan Sinclair)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 72. [Docket No. 2007-1042-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **J.W. Garrett & Son, Inc. dba G & G Enterprises in Jefferson County**; TCEQ ID No. RN105134498; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Lena Roberts)

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

Item 73. [Docket No. 2008-0175-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lankford Construction, L.L.C. in Nacogdoches County**; RN105368542; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, Bryan Sinclair)

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

WATER RIGHTS MATTER

Item 74. [Docket No. 2008-0791-WR](#). Consideration of the public notice required for **Northeast Texas Municipal Water District's** application to amend Certificate of Adjudication No. 04-4590 to authorize the release and interbasin transfer of 9,000 acre-feet of Lake O' the Pines water per year for municipal and industrial purposes from the Cypress Basin to that part of the City of Marshall's service area located in the Sabine River Basin within Harrison County. The water will be conveyed using the bed and banks of Cypress Creek and diverted at the City of Marshall's diversion point on Cypress Creek authorized under Certificate of Adjudication No. 04-4612, pursuant to a Raw Water Purchase Contract with the City of Marshall. Northeast Texas MWD [Applicant] owns Certificate of Adjudication No. 04-4590 which authorizes the Owner to store 251,000 acre-feet of water in Lake O' the Pines on Cypress Creek, Cypress Basin, for in-place recreation purposes and to divert and use not to exceed 42,000 acre-feet per year from Lake O' the Pines and Lake Bob Sandlin on Cypress Creek, Cypress Basin, for municipal and domestic purposes and to divert and use not to exceed 161,800 acre-feet of water per year from Lake O' the Pines and Lake Bob Sandlin for industrial purposes of which no more than 10,000 acre-feet of water per year may be from Lake Bob Sandlin. Owner is authorized interbasin transfer of not to exceed 18,000 acre-feet of water per year for industrial purposes and not to exceed 20,000 acre-feet per year for municipal and industrial purposes in the Sabine River Basin and is also authorized to use the bed and banks of Cypress Creek below Lake O' the Pines to convey and deliver water to downstream diversion points. This right has a priority date of September 16, 1957. Several diversion rates and special conditions apply. The Commission will also consider filed public comment. The Executive Director recommends that no public notice be required for this application. (Kellye Rila, Todd Chenoweth, Robin Smith)

Find that no notice is required for the application of Northeast Texas Municipal Water District for an amendment to Certificate of Adjudication No. 04-4590. BG/ BS; LS abstains.

RULE MATTERS

Item 75. [Docket No. 2007-0997-RUL](#). Consideration of the adoption of amended Sections 290.44, 290.46, and 290.47 of **30 TAC Chapter 290**, Public Drinking Water, Subchapter D, Rules and Regulations for Public Water Systems. The adoption would implement Section 11 of House Bill (HB) 4, HB 1391, and Section 2.28 of Senate Bill 3, 80th Legislature, 2007, Regular Session. The adopted rulemaking would establish rules for structures that are connected to a public water supply system and have a rainwater harvesting system for indoor use and establish standards for maintaining sufficient water pressure for service to fire hydrants in residential areas served by a public utility in municipalities with a population of 1,000,000 or more. The proposed rules were published in the May 2, 2008 issue of the *Texas Register* (33 TexReg 3552). (Cindy Haynie, Stefanie Skogen) (Rule Project No. 2007-046-290-PR)

Approve the adoption of amended Sections 290.44, 290.46, and 290.47 of 30 TAC Chapter 290. BS/LS; all agree.

Item 76. [Docket No. 2007-1714-RUL](#). Consideration of adoption of new **30 TAC Chapter 218**, Brine Evaporation Pits and **30 TAC Chapter 37**, Financial Assurance, Subchapter X. The adoption would implement Senate Bill (SB) 1037 requiring regulation of evaporation pits operated for the commercial production of brine water, minerals, salts, or other naturally occurring substances that are not regulated under the authority of the Texas Railroad Commission. The rulemaking includes standards to prevent pollution of surface and groundwater resources from brine evaporation pit operations, and requires adequate financial assurance to ensure satisfactory brine evaporation pit closure and third party pollution liability insurance. The proposed rules were published in the June 6, 2008 issue of the *Texas Register* (33 TexReg 4484). (David Galindo, Tim Reidy) (Rule Project No. 2007-034-218-PR)

Approve the adoption of new 30 TAC Chapter 218 and 30 TAC Chapter 37. LS/BS; all agree.

EXECUTIVE MEETING

Item 77. **Docket No. 2008-0001-EXE**. The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 78. **Docket No. 2008-0002-EXE**. The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 79. **Docket No. 2008-0003-EXE.** The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

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 24, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [TCEQ Docket No. 2005-1860-PWS-E; SOAH Docket No. 582-08-1716](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Clarence A. Reeves dba Pleasant Ridge Addition and dba Timber Creek Addition** in **Cooke County**, Texas; TCEQ ID Registration Nos. 0490030 & 0490041; regarding violations pursuant to 30 Tex. Admin. Code ch. 290, Tex. Health and Safety Code ch. 341, and an Agreed Order issued in a prior case. The Commission will also consider timely filed exceptions and replies. (Jim Sallans)

Adopt the Proposal for Decision and proposed Order, including the Executive Director's exceptions. BS/LS; all agree.

- Item 2. [TCEQ Docket No. 2007-0020-MWD; SOAH Docket No. 582-07-3998](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **City of Aledo** to increase the discharge of treated domestic wastewater to a daily average flow not to exceed 600,000 gallons per day. The existing facility is located in **Parker County**, Texas. 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. (Christiaan Siano)

Adopt the Proposal for Decision and amended Order, the Executive Director's Response to Comments, and issue the draft permit. BS/LS; all agree.

- Item 3. [TCEQ Docket No. 2008-1415-MIS](#). Discussion and approval of the 81st Regular Session Legislative Recommendations.

Approve the 81st Regular Session Legislative Recommendations. LS/BS; all agree.

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

PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

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

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

/s/ Tracy Gross
Assistant General Counsel,
Tracy Gross

11/4/2008
Date