

*The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).*

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

Chairman H.S. Buddy Garcia                      OLD BUSINESS AGENDA  
Commissioner Larry R. Soward  
Commissioner Bryan W. Shaw, Ph.D.    Wednesday, November 5, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the September 24, 2008 agenda.

Item 1.    [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)

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

## AGENDA

Wednesday, November 5, 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. 2008-0751-MWD](#). Consideration of the application by **WYA Autumnwood, Ltd.** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014853001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day. The facility will be located approximately 2.3 miles southwest of the intersection of Hardin Store Road and Farm-to-Market Road 2978, on the north side of Hardin Store Road, east of Mill Creek in **Montgomery County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Dede Sigman, Larry Diamond)

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

- Item 2. [Docket No. 2008-0870-AIR](#). Consideration of application by **Wheatcraft Inc.** for New Air Quality Permit No. 76508 to authorize construction and operation of a rock crushing facility. The proposed facility is located at 6133 Highway 27, Center Point, **Kerr County**. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Alex Berksan/Erin Selvera)

Refer to SOAH all of the timely hearing requests for an affectedness determination and the following issues: 1) whether the facility will have an adverse impact on the health of the requesters, their families, and area students; 2) whether the facility's operations will have an adverse impact on the requesters' livestock, orchards, and other agricultural enterprises; 3) whether the facility will result in nuisance conditions; 4) whether the Applicant's modeling is sufficient; 5) whether a school is located within 3,000 feet of the facility; 6) whether warrants denial of the permit; and 7) whether the permit complies with applicable rules and regulations relating to: BACT for PM; compliance with the NAAQS for PM<sub>2.5</sub>; monitoring; representations of emission sources, emission rates, and stockpile levels, correct usage of emission factors; enforceability; and recordkeeping to ensure compliance, set the maximum duration of a hearing at nine months, and direct the Executive Director to participate in the hearing. BS/LS; all agree.

- Item 3. [Docket No. 2006-2167-IWD](#). Consideration of the application by **JOCO Holdings Corporation** which operates a motel and restaurant complex, for renewal of Texas Land Application Permit No. WQ0002730000. The current permit authorizes the disposal of domestic wastewater from a motel and restaurant complex at a daily average flow not to exceed 30,000 gallons per day by evaporation and irrigation of 20 acres of coastal bermuda grass at an

application rate not to exceed 3.80 acre-feet per year per acre. The facility and disposal site are located on the east side of Interstate Highway 35 West, approximately 2000 feet southeast of the Bethesda Road overpass and approximately 5.1 miles southeast of the City of Burleson, **Johnson 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. (Tim Reidy, Kelly Holligan)

Deny the Requests for Reconsideration filed by Tim Davis and Bennie Faye Woods, issue the draft permit, and adopt the Executive Director's amended Response to Comments. BS/LS; all agree.

#### **AGRICULTURAL ENFORCEMENT AGREED ORDERS**

Item 4. [Docket No. 2007-1459-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jochum Schievink dba Jochum Schievink Dairy in Erath County**; TCEQ ID No. RN102754892; 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 R. Risner, Lena Roberts)

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

Item 5. [Docket No. 2008-0931-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thelma Hall dba Thelma Hall Dairy in Franklin County**; RN102792546; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Bryan Sinclair)

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

Item 6. [Docket No. 2008-0773-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tommy Manion of Texas, Inc. in Denton County**; RN105153613; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Bryan Sinclair)

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

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

Item 7. [Docket No. 2007-1662-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Safety Railway Service, L.P. in Victoria County**; RN100214535; 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. (Kirk Schoppe, Bryan Sinclair)

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

Item 8. [Docket No. 2008-0681-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**;

RN102212925; 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. 2006-0429-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Formosa Plastics Corporation, Texas in Calhoun County**; TCEQ ID No. RN100218973; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

- Item 10. [Docket No. 2008-0582-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brownfield Farmers, L.L.C. in Gaines County**; RN104320023; 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 11. [Docket No. 2008-0497-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP in Ector County**; RN100222330; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, Bryan Sinclair)

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

- Item 12. [Docket No. 2008-0792-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Arkema Inc. in Harris County**; RN100209444; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Bryan Sinclair)

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

- Item 13. [Docket No. 2008-0575-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BASF FINA Petrochemicals Limited Partnership 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. (Miriam Hall, Bryan Sinclair)

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

Item 14. [Docket No. 2007-1598-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Firestone Polymers, LLC in Orange County**; RN100224468; 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 15. [Docket No. 2008-0798-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Williamson Printing Corporation in Dallas County**; RN100214741; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Bryan Sinclair)

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

Item 16. [Docket No. 2008-0456-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Armstrong Hardwood Flooring Company in Shelby County**; RN100213065; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Bryan Sinclair)

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

Item 17. [Docket No. 2008-0956-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Certainteed Corporation in Grayson County**; RN100671619; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Daniel Siringi, Bryan Sinclair)

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

Item 18. [Docket No. 2008-0930-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Clearstream Wastewater Systems, Incorporated in Hardin County**; RN100214659; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Daniel Siringi, Bryan Sinclair)

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

Item 19. [Docket No. 2008-0911-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Copano Processing, L.P. in Colorado County**; RN101271419; 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. BS/LS; all agree.

Item 20. [Docket No. 2008-0479-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hill-Lake Gas Storage, L.P. in Eastland County**; RN100543024; 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 21. [Docket No. 2008-0800-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INEOS USA LLC in Brazoria County**; RN100238708; 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 22. [Docket No. 2008-0645-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arrow Marble L.L.C. in Harris County**; RN100873108; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Bryan Sinclair)

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

Item 23. [Docket No. 2008-0568-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flint Hills Resources, LP in Jefferson County**; RN100217389; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Bryan Sinclair)

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

Item 24. [Docket No. 2008-0465-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Port Recycling LP in Harris County**; RN101474955; 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)

Continued to the November 19, 2008 agenda. BS/LS; all agree.

Item 25. [Docket No. 2008-0757-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **US Department of the Army in Bell County**; RN101612083; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Bryan Sinclair)

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

Item 26. [Docket No. 2007-1545-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Nueces County**; RN100211663; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Bryan Sinclair)

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

Item 27. [Docket No. 2008-0726-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC. in Jefferson County**; RN102457520; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, Bryan Sinclair)

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

Item 28. [Docket No. 2008-0707-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M-I L.L.C. dba M-I SWACO in Ector County**; RN102577384; 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.

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

Item 29. [Docket No. 2006-1365-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Opel Business, Inc. dba Garth Road Cleaners aka Garth Road 1.69 Cleaners and dba 1.69 City Cleaners in Harris County**; TCEQ ID Nos. RN104621503 and RN104104336; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Tracy Chandler, Lena Roberts)

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

Item 30. [Docket No. 2006-1505-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Yong Cha Edney AKA Yung Chea dba K Dry Cleaners in Bell County**; TCEQ ID No. RN105010466; 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. (Laurencia N. Fasoyiro, Lena Roberts)

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

#### **DRY CLEANER ENFORCEMENT DEFAULT ORDERS**

Item 31. [Docket No. 2006-1675-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Nhung T. Nguyen dba Anna's Cleaners & Alterations in Fort Bend**

**County**; TCEQ ID No. RN104309794; 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. (Dinniah M. Chahin, Lena Roberts)

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

Item 32. [Docket No. 2006-1400-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Cleaning Stop LLC dba Crystal Cleaners in Ellis County**; TCEQ ID No. RN103988812; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

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

### **FIELD CITATIONS**

Item 33. [Docket No. 2008-1324-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Vidal Trejo in Tarrant County**; RN103846325; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 366, 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. 2008-1331-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Charles Clarkson in Erath County**; RN105549729; 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 35. [Docket No. 2008-1345-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Thurman Woodle Investments, LLC in Parker County**; RN105502009; for storm water 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.

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

Item 36. [Docket No. 2008-0272-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **APACHE DISPOSAL, INC. in Guadalupe County**; RN105225098; for municipal solid waste and petroleum storage tank 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. (Thomas Greimel, Bryan Sinclair)

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

- Item 37. [Docket No. 2008-0739-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ANH P. BROWN CORPORATION dba The Convenient Store in Travis County**; RN101496289; for petroleum storage tank and Edwards Aquifer violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steven Lopez, Bryan Sinclair)

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

- Item 38. [Docket No. 2008-0481-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kleberg County in Kleberg County**; RN102761442; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 5, 7, and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Shelton, Bryan Sinclair)

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

- Item 39. [Docket No. 2008-0440-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lake Whitney Resorts, LLC and Paul S. Bissing in Hill County**; RN102131034; for water quality and 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 Texas Administrative Code ch. 60. (Heather Brister, Bryan Sinclair)

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

- Item 40. [Docket No. 2008-0166-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Quail Oak Property Owners Association in Harris County**; RN101277317; for public water supply and water utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Bryan Sinclair)

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

- Item 41. [Docket No. 2008-0393-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Willie Garza dba The Man Shop Cleaners & Tuxedo Rental in Kleberg County**; RN105426829; for dry cleaner registration and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 374 and 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.

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 42. [Docket No. 2007-1687-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Joe Lee Adams** in **Hill County**; TCEQ ID No. RN105072128; for municipal solid waste and air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Cox, Lena Roberts)

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

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

Item 43. [Docket No. 2008-0051-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Corpus Christi** in **Nueces County**; RN100224724; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Bryan Sinclair)

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

Item 44. [Docket No. 2007-1541-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jose Granados** in **Hidalgo County**; RN105234058; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Bryan Sinclair)

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

Item 45. [Docket No. 2007-1355-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tyler County** in **Tyler County**; RN101999969; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Shelton, Bryan Sinclair)

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

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

Item 46. [Docket No. 2008-0786-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **East Cedar Creek Fresh Water Supply District** in **Henderson County**; RN102185352; 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. BS/LS; all agree.

Item 47. [Docket No. 2008-0896-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Montgomery County Municipal Utility District No. 24** in **Montgomery County**; RN103124236; 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 48. [Docket No. 2007-1712-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Village of Wimberley and Guadalupe Blanco River Authority in Hays County**; RN101610350; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Bryan Sinclair)

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

- Item 49. [Docket No. 2007-1625-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Henrietta in Clay County**; TCEQ ID No. RN101701795; 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. (Alfred Oloko, Lena Roberts)

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

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

- Item 50. [Docket No. 2008-0959-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Currey Decatur Truckstop, Inc. dba Currey Decatur Truckstop in Wise County**; RN101898872; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Bryan Sinclair)

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

- Item 51. [Docket No. 2008-0816-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MURPHY OIL USA, INC. dba Murphy USA 5708 in Orange County**; RN102264322; 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. (Thomas Greimel, Bryan Sinclair)

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

- Item 52. [Docket No. 2008-0488-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **1403, INC dba On The Move 9 in Travis County**; RN102272408; 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 53. [Docket No. 2008-0543-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brijinder Mohan dba S S Mart in Grayson County**; RN101543270; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Bryan Sinclair)

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

Item 54. [Docket No. 2008-0670-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Petroleum Wholesale, L.P. dba Sunmart 476 in Harris County**; RN102358686; for petroleum storage tank 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. (Elvia Maske, Bryan Sinclair)

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

Item 55. [Docket No. 2008-0545-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BUCKY'S NAVIGATION, INC. dba Corpus Christi Truck Stop in Nueces County**; RN103141982; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Bryan Sinclair)

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

Item 56. [Docket No. 2008-0892-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **UMER INTERNATIONAL, INC. dba Ellington Food Store in Harris County**; RN100876333; for petroleum storage tank 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. (Wallace Myers, Bryan Sinclair)

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

Item 57. [Docket No. 2008-0725-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas Business Networks Inc. dba Country Store 2 in Nueces County**; RN102716875; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Bryan Sinclair)

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

Item 58. [Docket No. 2008-0500-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ty Osmani dba Lucky Stop 2, Lucky Stop 4, and Lucky Stop 9 in Grayson County**; RN101445005, RN104400619, and RN101434660; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the

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

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

#### **PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS**

Item 59. [Docket No. 2007-1250-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Tom Jordan dba T Jordan Conoco** in **Tarrant County**; TCEQ ID No. RN100701119; 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. (Rudy Calderon, Lena Roberts)

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

Item 60. [Docket No. 2007-1639-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Chantron Patrick Tes dba Texas Spirit Liquor Store** in **Kaufman County**; TCEQ ID No. RN102284643; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Cox, Lena Roberts)

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

Item 61. [Docket No. 2007-1822-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Pasadena Investment Group Corporation** in **Jefferson County**; TCEQ ID No. RN101876928; 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 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

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

Item 62. [Docket No. 2008-0848-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gerardo Romero dba Sol Y Mar** in **Hidalgo County**; RN105377410; 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 63. [Docket No. 2008-0528-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kirvin** in **Freestone County**; RN101408953; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Bryan Sinclair)

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

- Item 64. [Docket No. 2008-0452-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Interstate Southwest, Ltd. in Grimes County**; RN103394722; 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. BS/LS; all agree.

- Item 65. [Docket No. 2008-0046-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Consolidated Water Supply Corporation in Houston County**; RN102684966, RN102687381, RN101281632, and RN101285989; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Keffer, Bryan Sinclair)

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

- Item 66. [Docket No. 2008-0601-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Butler Water Supply Corporation in Freestone County**; RN101438893; 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 67. [Docket No. 2008-0546-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Feron Corporation dba Zebra Show Bar in El Paso County**; RN105449151; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Bryan Sinclair)

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

- Item 68. [Docket No. 2008-1006-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Lyle Murphey dba Highway 71 Storage & Mobile Home Park in Travis County**; RN101250322; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Keffer, Bryan Sinclair)

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

- Item 69. [Docket No. 2008-1017-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Granger in Williamson County**; RN102834371; 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.

### **WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDERS**

Item 70. [Docket No. 2007-1384-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bob Covington in Orange County**; TCEQ ID No. RN105209324; for occupational license violations pursuant to Tex. Water Code chs. 7, 26, and 37 and the rules of the Texas Commission on Environmental Quality. (Anna M. Cox, Lena Roberts)

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

Item 71. [Docket No. 2007-0848-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David P. Derdeyn in Marion County**; TCEQ ID No. RN103856449; for occupational license violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Barham A. Richard, Lena Roberts)

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

### **WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 72. [Docket No. 2008-0529-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Martin Muniz and Emma Muniz in Ector County**; RN105378962; 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.

### **EMERGENCY ORDER**

Item 73. [TCEQ Docket No. 2008-1646-UCR](#). Consideration of a request by Carl & Janel Parker and Carolina Ruiz for an emergency order to require **East Rio Hondo Water Supply Corporation** to provide continuous and adequate water service pursuant to Section 13.041 of the Texas Water Code and Title 30, Section 291.14 of the Texas Administrative Code. East Rio Hondo Water Supply Corporation provides retail water service in **Cameron County**, Texas, under Certificate of Convenience and Necessity No. 11552. (Stefanie Skogen, Lisa Fuentes)

Issue the proposed Emergency Order requiring East Rio Hondo Water Supply Corporation to provide continuous and adequate service to the customers. BS/LS; all agree.

### **USE DETERMINATION MATTER**

Item 74. [Docket Nos. 2007-0724-MIS-U, 2007-0732-MIS-U, 2007-0733-MIS-U, 2007-0734-MIS-U, 2007-0735-MIS-U, 2007-0736-MIS-U, 2007-0737-MIS-U, 2007-0738-MIS-U, 2007-0739-MIS-U, 2007-0740-MIS-U](#). Consideration of the appeals filed by **Valero Refining – Texas**,

**L.P., Diamond Shamrock Refining Company, L.P., and The Premcor Refining Group, Inc.** with regard to ten use determinations issued by the Executive Director regarding Valero Corpus Christi Refinery (**Nueces County**), Valero Houston Refinery (**Harris County**), Diamond Shamrock McKee Refinery (**Moore County**), Valero Port Arthur Refinery (**Jefferson County**), and Valero Texas City Refinery (**Galveston County**). The use determinations were assigned Application Numbers 06-10268, 06-10270 and 06-10271, and 06-10279 through 06-10285. The Commission will also consider all responses and reply briefs.

Continued to the January 14, 2009 agenda.

### **GENERAL PERMIT**

- Item 75. [Docket No. 2007-1524-IWD](#). Consideration of issuance of an amended and renewed **General Permit No. WQG200000**, which authorizes on a state-wide basis, the disposal of wastewater generated by manure compost facilities by evaporation or beneficial use by irrigation adjacent to water in the state. This permit specifies which facilities may be covered under this general permit. (Yvonna Miramontes/Dede Sigman)

Adopt the revised resolution providing for the issuance of the amended and renewed General Permit and adopt the Executive Director's Response to Comments. BS/LS; all agree.

### **STATE IMPLEMENTATION PLAN**

- Item 76. [Docket No. 2008-0926-SIP](#). Consideration for the adoption of revisions to the State Implementation Plan (SIP) for the Control of Ozone Air Pollution in the **Dallas-Fort Worth (DFW) Eight-Hour Ozone Nonattainment Area**. This SIP revision identifies control measures and estimated emission reductions to satisfy the United States Environmental Protection Agency's (EPA's) three percent contingency requirement for the DFW 1997 Eight-Hour Ozone Standard Nonattainment Area. (Mary Ann Cook, Terry Salem) (Project No. 2008-016-SIP-NR)

Adopt the proposed State Implementation Plan revision. LS/BS; all agree.

### **STATE PLAN**

- Item 77. [Docket No. 2008-1346-MIS](#). Consideration to take public comment, and hearing on, a proposed **Federal Clean Air Act (FCAA), Sections 111(d) and 129 State Plan** for Small Municipal Waste Combustion Units, Commercial and Industrial Solid Waste Incineration Units, and Other Solid Waste Incineration Units. The proposed FCAA, Sections 111(d) and 129 State Plan and the corresponding proposed Chapter 113 rulemaking are required under the FCAA, Section 129 and the emission guidelines contained in 40 Code of Federal Regulations Part 60, Subparts BBBB, DDDD, and FFFF for incineration and combustion units. States must adopt and submit to the United States Environmental Protection Agency for approval, a State Plan to implement and enforce the emission guidelines. (Lisa Martin/Terry Salem) (Rule Project No. 2008-007-113-PR)

Approve the taking of public comment and holding hearing on the proposed Federal Clean Air Act, Sections 111(d) and 129 State Plan for Small Municipal Waste Combustion Units, Commercial and Industrial Solid

Waste Incineration Units, and Other Solid Waste Incineration Units and approve the publication of and hearing on the proposed new Divisions 3 - 5 of Subchapter D Chapter 113 of Texas Administrative Code (Item 78 on this agenda). BS/LS; all agree.

## **RULE MATTERS**

Item 78. [Docket No. 2008-0132-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 113**, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, Subchapter D, Designated Facilities and Pollutants; new Division 3, Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999, Sections 113.2100 - 113.2174; new Division 4, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999, Sections 113.2200 - 113.2261; and new Division 5, Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004, Sections 113.2300 - 113.2357. The proposed new divisions in Subchapter D and the accompanying Federal Clean Air Act, Sections 111(d) and 129 State Plan would implement federal emission guidelines contained in 40 Code of Federal Regulations Part 60, Subparts BBBB, DDDD, and FFFF for incineration and combustion units. The content of the model rules that are contained in the emission guidelines, as promulgated by the United States Environmental Protection Agency, would be proposed to be included as new divisions of 30 TAC Chapter 113 with minor administrative changes. (Lisa Martin/Terry Salem)

Approve the taking of public comment and holding hearing on the proposed Federal Clean Air Act, Sections 111(d) and 129 State Plan for Small Municipal Waste Combustion Units, Commercial and Industrial Solid Waste Incineration Units, and Other Solid Waste Incineration Units (Item 77 on this agenda) and approve the publication of and hearing on the proposed new Divisions 3 - 5 of Subchapter D Chapter 113 of Texas Administrative Code. BS/LS; all agree.

Item 79. [Docket No. 2008-0538-RUL](#). Consideration of the adoption of **30 TAC Chapter 321**, Control of Certain Activities By Rule, new Subchapter P, Reclaimed Water Production Facilities. The adoption would provide a streamlined process to authorize the construction and operation of reclaimed water production facilities at a location other than a permitted wastewater treatment facility. The proposed rules were published in the June 20, 2008 issue of the Texas Register (33 TexReg4809). (Mary Ann Dimakos Airey, P.E., Kathy Humphreys) (Rule Project No. 2008-002-321-PR)

Adopt proposed new 30 TAC Chapter 321, Subchapter P, Reclaimed Water Production Facilities, amend proposed 321.303(3), by eliminating (e.g. aeration basins, splitter boxes, bar screens, clarifiers, on-site lift stations) from the Subsection and provide the examples of qualifying treatment units in the preamble, and amend the first Response to Comment accordingly. BS/LS; all agree.

Item 80. [Docket No. 2008-1632-RUL](#). Consideration for the publication of, and hearing upon, proposed amendments to 30 TAC Chapter 334, Underground and Aboveground Storage Tanks, Sections 334.71, 334.201, and 334.503; and 30 TAC Chapter 350, Texas Risk Reduction Program, Sections 350.2, 350.4, 350.77, 350.91, and 350.92. The proposed rulemaking would remove applicability of Chapter 350, Texas Risk Reduction Program, to the remediation of Leaking

Petroleum Storage Tank (LPST) sites, and it would reinstate the applicability of Chapter 334. (Anton Rozsypal, Cullen McMorrow) (Rule Project No. 2009-003-350-PR)

Approve for publication of and hearing on the proposed amendments of 30 TAC Chapter 334, Underground and Aboveground Storage Tanks and 30 TAC Chapter 350, Texas Risk Reduction Program as recommended by the Executive Director, but authorize the public comment period to be 45 days, in recognition of the intervening holidays. LS/BS; all agree.

### **EXECUTIVE MEETING**

Item 81. **Docket No. 2008-0001-EXE.** The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The commission did not meet in an executive meeting.

Item 82. **Docket No. 2008-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The commission did not meet in an executive meeting.

Item 83. **Docket No. 2008-0003-EXE.** The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The commission did not meet in an executive meeting.

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

**239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)**

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

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

OLD BUSINESS AGENDA

Wednesday, November 5, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the December 5, 2007, March 19, 2008, June 18, 2008 and August 20, 2008 agendas.

- Item 1. [TCEQ Docket No. 2004-0565-MWD-E; SOAH Docket No. 582-06-0662](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against the **City of Normangee** in **Leon County**, Texas; TCEQ ID No. WQ0010356001; 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. The Commission will also consider timely filed exceptions and replies. (Shawn A. Slack)

Dismiss as moot the Proposal for Decision and ALJ's Proposed Order. BS/LS; all agree.

## AGENDA

Wednesday, November 5, 2008

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [Docket No. 2008-1362-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Normangee in Leon County**; TCEQ ID No. RN101916385; 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. (Lena Roberts)

Adopt the Agreed Order as recommended by the Executive Director. BS/LS; all agree.

- Item 2. [TCEQ Docket No. 2007-0452-MSW-E; SOAH Docket No. 582-08-0163](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Chester Hermes in Bexar County, Texas**; TCEQ Enforcement ID No. 33864; regarding violations pursuant to 30 Tex. Admin Code § 330.15(c), Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Barham Richard)

Continued to the February 11, 2009 agenda. 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/ John Sedberry  
Assistant General Counsel,  
John Sedberry

11/12/2008  
Date