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Chairman H.S. Buddy Garcia
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, Ph.D. Wednesday, December 10, 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. 2008-1453-MWD](#). Consideration of the application by the **City of Galveston** for a major amendment to TPDES Permit No. WQ0010688005 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 500,000 gallons per day to an annual average flow not to exceed 1,000,000 gallons per day. The wastewater treatment facility is located approximately 4.5 miles north of the San Luis Bridge and 1,900 feet west of the San Luis Pass Road (Farm-to-Market Road 3005) in **Galveston County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (John Williams, Kent H. Trede)

Deny the hearing request filed by Mark Plagens, issue the draft permit approving the major amendment, and adopt the Executive Director's Response to Comment. BS/LS; all agree.

Item 2. [Docket No. 2008-0943-MWD](#). Consideration of the application by **Val Verde Development Co.** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014777001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 990,000 gallons per day. The wastewater treatment facility is located between the City of Del Rio and Laughlin Air Force Base, approximately 1,000 feet northwest of U.S. Highway 277 and approximately 500 feet west of Spur 317 in **Val Verde 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. (Celia Castro, Kent H. Trede)

Deny the hearing request of Ronald Burton and the Request for Reconsideration of the Air Force, issue the Executive Director's draft permit, and adopt the Executive Director's Response to Comments. BS/LS; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 3. [Docket No. 2008-1110-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dirk de Boer dba New Benniger Dairy in Bowie County**; RN102791738; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Bryan Sinclair)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 4. [Docket No. 2008-0905-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **NuStar Terminals Texas, Inc. in Galveston County**; RN100218767; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Bryan Sinclair)

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

- Item 5. [Docket No. 2008-0484-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **S Fiberglass, Ltd. in Wise County**; RN100212893; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Bryan Sinclair)

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

- Item 6. [Docket No. 2006-1598-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Jefferson County**; TCEQ ID No. RN100209857; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

- Item 7. [Docket No. 2006-1578-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BASF Fina Petrochemicals Limited Partnership in Jefferson County**; TCEQ ID No. 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 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

Item 8. [Docket No. 2006-1960-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Harris County**; TCEQ ID No. RN103919817; 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. LS/BS; all agree.

Item 9. [Docket No. 2006-1533-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; TCEQ ID No. RN102553336; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alfred Oloko, Lena Roberts)

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

Item 10. [Docket No. 2005-1862-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BASF Fina Petrochemicals Limited Partnership in Jefferson County**; TCEQ ID No. 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 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

Item 11. [Docket No. 2005-0859-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chevron Phillips Chemical Company LP in Harris County**; TCEQ ID No. RN103919817; 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. LS/BS; all agree.

Item 12. [Docket No. 2008-0844-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Oiltanking Beaumont Partners, L.P. in Jefferson County**; RN101042885; 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. LS/BS; all agree.

Item 13. [Docket No. 2008-1013-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LCY Elastomers LP in Harris County**; RN102325974; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Bryan Sinclair)

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

Item 14. [Docket No. 2008-1172-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Viking Pools, LLC** in **Midland County**; RN101061844; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Bryan Sinclair)

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

Item 15. [Docket No. 2008-0799-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **UCAR Pipeline Incorporated** in **Jefferson County**; RN105212575; 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. (Harvey Wilson, Bryan Sinclair)

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

Item 16. [Docket No. 2008-1025-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Storm Reconstruction Services, Inc.** in **Bell County**; RN105494074; 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. LS/BS; all agree.

Item 17. [Docket No. 2008-0880-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Pallet & Crating Co., Inc.** in **Grayson County**; RN100822782; 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. LS/BS; all agree.

Item 18. [Docket No. 2008-1260-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Lindsey Contractors, Inc.** in **McLennan County**; RN100829498; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, Bryan Sinclair)

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

Item 19. [Docket No. 2008-1292-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Universal Corrosion Specialists, Inc.** in **Freestone County**; RN105526958; 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. LS/BS; all agree.

Item 20. [Docket No. 2008-1001-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Acme Brick Company** in **Parker County**; RN100225184; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Bryan Sinclair)

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

Item 21. [Docket No. 2008-0913-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **C.B.H. Services, Inc.** in **Orange County**; RN100638030; 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. LS/BS; all agree.

Item 22. [Docket No. 2008-0675-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CFF Recycling USA, Inc.** in **Harris County**; RN104772967; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Bryan Sinclair)

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

Item 23. [Docket No. 2008-1022-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gulf South Pipeline Company, LP** in **Jackson County**; RN100219245; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bryan Elliott, Bryan Sinclair)

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

Item 24. [Docket No. 2008-0236-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **International Wood, LLC** in **Hidalgo County**; RN100215458; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Bryan Sinclair)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDERS

Item 25. [Docket No. 2006-1246-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **JKY Store Inc. dba Saks Fine Cleaners** in **Harris County**; TCEQ ID No. RN103962445; 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. (Jennifer Cook, Lena Roberts)

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

- Item 26. [Docket No. 2006-1854-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Seong D. Roh dba South Side Cleaners in Dallas County**; TCEQ ID No. RN103200424; 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. (Jim Sallans, Lena Roberts)

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

- Item 27. [Docket No. 2006-1694-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Kim Phuong Tran dba Kims Cleaners in Harris County**; TCEQ ID No. RN104995105; for a dry cleaner registration violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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

FIELD CITATIONS

- Item 28. [Docket No. 2008-1501-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Kendrick Oil Company dba Chisum Travel Center in Lubbock County**; RN104502745; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

- Item 29. [Docket No. 2008-1505-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Trademark Homes, Inc. in Bexar County**; RN105582886; 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. LS/BS; all agree.

- Item 30. [Docket No. 2008-1525-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Flat Rock Minerals, LLC in Upshur County**; RN105497176; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

- Item 31. [Docket No. 2008-0806-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Unlimited Inc. Metal Processing in Washington County**; RN102154523; for industrial and hazardous waste violations pursuant to

Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Bryan Sinclair)

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

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT DEFAULT ORDER

Item 32. [Docket No. 2006-2186-IHW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Van Der Horst U.S.A. Corporation in Kaufman County**; TCEQ ID No. RN100574235; for industrial hazardous waste violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 33. [Docket No. 2005-1856-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Betty Brown in Tom Green County**; TCEQ ID No. RN101976926; for industrial and hazardous waste, 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. (Gary K. Shiu, Lena Roberts)

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

Item 34. [Docket No. 2008-0855-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cobra Stone, Inc. in Williamson County**; RN105485460; for Edwards Aquifer and water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lauren Smitherman, Bryan Sinclair)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 35. [Docket No. 2006-0395-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Garland Kimbrell dba Timber We'll Take It in Lubbock County**; TCEQ ID No. RN102938321; 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. LS/BS; all agree.

Item 36. [Docket No. 2008-0713-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Laredo in Webb County**; RN102327582; 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. (Michael Graham, Bryan Sinclair)

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

Item 37. [Docket No. 2008-0917-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **GOPDQ.NET, LLC dba Big K Environmental in Harris County**; RN102966595; 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. LS/BS; all agree.

Item 38. [Docket No. 2006-0921-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bradley S. McClure and Heather L. McClure in Taylor County**; TCEQ ID No. RN104899166; 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. (Kari L. Gilbreth, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 39. [Docket No. 2006-1961-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Royce Richardson in McLennan County**; TCEQ ID No. RN104807359; 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. (Dinniah M. Chahin, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 40. [Docket No. 2008-0327-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Humble in Harris County**; RN102179447; 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. LS/BS; all agree.

Item 41. [Docket No. 2008-0706-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Holy Trinity Episcopal School of Greater Houston**,

Inc. in Harris County; RN102855384; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Bryan Sinclair)

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

Item 42. [Docket No. 2008-0403-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dripping Springs Independent School District in Hays County**; RN103118972; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Bryan Sinclair)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 43. [Docket No. 2006-1710-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **A.Z.H.E. Corporation dba Forest Conoco in Harris County**; TCEQ ID No. RN102037157; 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. (Benjamin O. Thompson, Lena Roberts)

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

Item 44. [Docket No. 2006-2033-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bilal Enterprises, Inc. dba 786 Truck Stop 1 in Fort Bend County**; TCEQ ID No. RN101880607; 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. (Mary R. Risner, Lena Roberts)

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

Item 45. [Docket No. 2006-1001-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shalynah, Inc. dba Sammys 3 in Harris County**; TCEQ ID No. RN102030186; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 46. [Docket No. 2003-1045-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Friend Enterprises Inc. dba Friendly Mart in Travis County**; TCEQ ID No. RN100825090; 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. (Barham A. Richard, Lena Roberts)

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

Item 47. [Docket No. 2008-0933-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Donald Page dba Last Chance Shell in Burnet County**; RN102006202; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Bryan Sinclair)

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

Item 48. [Docket No. 2008-0197-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alberto Lopez in Hidalgo County**; RN101679876; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steven Lopez, Bryan Sinclair)

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

Item 49. [Docket No. 2008-0985-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Meheboob Momin dba M & S Grocery in Orange County**; RN102230679; 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. (Thomas Greimel, Bryan Sinclair)

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

Item 50. [Docket No. 2008-1157-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Coastal Transport Co., Inc. in Dallas County**; RN103870770; 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. LS/BS; all agree.

Item 51. [Docket No. 2008-0960-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **JERRY SPENCER, L.P. dba JJS Fastop 294 in Tarrant County**; RN102780103; 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. LS/BS; all agree.

Item 52. [Docket No. 2008-1069-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Zaki Niazi in Harris County**; RN103028908; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Bryan Sinclair)

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

Item 53. [Docket No. 2008-1223-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Byron Rusk dba RMS Automotive in Harris County**; RN101759157; 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. (J. Craig Fleming, Bryan Sinclair)

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

Item 54. [Docket No. 2008-0588-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nand Kishore dba Lucky Stop 1 in Grayson County**; RN101549590; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Bryan Sinclair)

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

Item 55. [Docket No. 2008-1202-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shy Investment, Inc. dba Times Market 52 in Nueces County**; RN101431542; 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. (Ross Fife, Bryan Sinclair)

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

Item 56. [Docket No. 2005-0547-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Evelio Morales dba Casino Grocery and dba Casino Grocery 2 in Maverick County**; TCEQ ID Nos. RN102243151 and RN104469515; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

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

Item 57. [Docket No. 2005-0893-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **James Ramirez dba West Beauregard Service Center in Tom Green County**; TCEQ ID No. RN100545078; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 58. [Docket No. 2005-1523-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vashu Samtani dba Countryside in Van Zandt County**; TCEQ ID No. RN101434579; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 59. [Docket No. 2006-0111-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Asalah, Inc. dba Town Tires and Auto Service** in **Tarrant County**; TCEQ ID No. RN102459054; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 60. [Docket No. 2005-0602-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mohammed A. Swati dba Sheldon King Savers Food** in **Harris County**; TCEQ ID No. RN100861137; 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. (Anna M. Cox, Lena Roberts)

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

Item 61. [Docket No. 2005-0868-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Name Investment, Inc. dba Highway Stop** in **Nueces County**; TCEQ ID No. RN101435600; 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. (Jacquelyn Boutwell Lena Roberts)

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

Item 62. [Docket No. 2006-0925-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Bluff Springs Food Mart, Inc. dba Bluff Springs Food Mart No. 2** in **Travis County**; TCEQ ID No. RN101490936; 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. (Laurencia Fasoyiro, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 63. [Docket No. 2006-0866-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **S. P. Holmes, Inc. dba Georgetown 66** in **Williamson County**; TCEQ ID No. RN102757481; 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. (Jacquelyn Boutwell, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 64. [Docket No. 2006-1984-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WSWS Company in Grayson County**; TCEQ ID No. RN101218121; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

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

Item 65. [Docket No. 2008-0417-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Custom Water Co., L.L.C. in Montague County**; RN101260115; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Bryan Sinclair)

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

Item 66. [Docket No. 2008-0761-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Caro Water Supply Corporation in Nacogdoches County**; RN101184141; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Bryan Sinclair)

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

Item 67. [Docket No. 2008-0891-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **McClelland Water Supply Corporation in Shelby County**; RN101458297; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Bryan Sinclair)

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

Item 68. [Docket No. 2008-0741-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kenedy Manor Nursing Homes, Inc. in Karnes County**; RN101205276; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Bryan Sinclair)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 69. [Docket No. 2005-0253-PWS-E](#). Consideration of a Default Order assessing administrative penalties against **Mike Walsh dba The Pier in Travis County**; TCEQ ID No. RN101259653; for water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Xavier Guerra, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

- Item 70. [Docket No. 2008-1219-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **H & W Petroleum Company, Inc.** in **Angelina County**; RN100539378; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Bryan Sinclair)

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

- Item 71. [Docket No. 2006-0777-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **C. L. Castillo Builders, Inc.** in **Hunt County**; RN104949821; for water quality violations pursuant to Tex. Water Code chs. 7 and 26, Code of Federal Regulations part 122, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

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

- Item 72. [Docket No. 2005-0869-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lutenbaker-Coleman, Ltd. dba Sandy Hill Concrete fka Sandy Hill Redi-Mix, Inc.** in **Wise County**; RN100802206; 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. (Xavier Guerra, Lena Roberts)

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

USE DETERMINATION APPEAL

- Item 73. [Docket No. 2008-0940-MIS-U](#). Consideration of the appeal filed by **Mont Belvieu Caverns, LLC** with regard to one use determination issued by the Executive Director regarding the Mont Belvieu North Storage Facility (**Chambers County**). The use determination application was assigned number 07-11881. The Commission will also consider all responses and reply briefs.

Deny the appeal and uphold the Executive Director's negative use determination. LS/BS; all agree.

STATE IMPLEMENTATION PLAN MATTERS

- Item 74. [Docket No. 2008-0686-SIP](#). Consideration of the adoption of an **Eight-Hour Ozone Redesignation Request and Maintenance Plan State Implementation Plan Revision for the Beaumont-Port Arthur (BPA) area**. The adopted SIP revision would request that the United States Environmental Protection Agency redesignate the BPA area to attainment for the 1997 eight-hour ozone National Ambient Air Quality Standard (NAAQS) and provide a Maintenance Plan that will ensure the area remains in attainment of the NAAQS through 2021. (Walker Williamson, John Minter) (Rule Project No. 2008-006-SIP-NR)

Adopt the Eight-Hour Ozone Redesignation Request and Maintenance Plan State Implementation Plan Revision for the Beaumont-Port Arthur (BPA) area as recommended by the Executive Director. BS/LS; all agree.

Item 75. [Docket No. 2008-1602-SIP](#). Consideration of the adoption of a **Dallas-Fort Worth (DFW) Attainment Demonstration State Implementation Plan (SIP) Revision for the 1997 Eight-Hour Ozone Standard (Discrete Emissions Reduction Credit (DERC) Program)**. This SIP revision sets a limit on DERC use in the DFW eight-hour ozone nonattainment area consistent with maintaining attainment of the 1997 eight-hour ozone National Ambient Air Quality Standard. (Mary Ann Cook, Terry Salem) (Project No. 2008-016-SIP-NR)

Adopt the DERC rulemaking and the corresponding SIP revisions as recommended by the Executive Director. BS/LS; all agree.

PETITION FOR RULEMAKING

Item 76. [Docket No. 2008-1659-RUL](#). Consideration of two companion petitions for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The commission received two companion petitions on October 16, 2008 from Marisa Perales on behalf of Texas Campaign for the Environment, Texas Disposal Systems, Inc., Texas Disposal Systems Landfill, Inc., Texas Landfill Management, L.L.C., Indian Creek Homeowners Association, Citizens Against Montgomery Landfill, Melanie & Mark McAfee, Shannon Pana, Hutto Citizens Group, Jeff Maurice, The Heritage on the San Gabriel, Bob & Linda Thompson, Citizens to Save Palo Pinto County, Max Wheeler, John Williams, Orylnn Evans, Northeast Neighbors Coalition, Two Bush Community Action Group, James Henderson, Citizens Against Landfill Location, SuperNeighborhood #36, SuperNeighborhood Alliance and Sharon Bramblett. The petitioners seek amendments to **30 Texas Administrative Code Sections 305.2 and 305.43** to: (1) define the terms applicant and permittee, so that only operators may be applicants or permittees and (2) clarify that the person who submits an application: (a) is the same person who is identified as the applicant for a permit, permit amendment, or permit modification; (b) is the party named in any contested case proceeding; and (c) is ultimately identified as the permittee on the face of the permit. (Richard Carmichael, Anthony Tatu) (Rule Project No. 2009-004-PET-NR)

Deny the two petitions for rulemaking and adopt the Executive Director's proposed Order. BS/LS; all agree.

MISCELLANEOUS MATTER

Item 77. [Docket No. 2008-1615-MIS](#). Discussion and consideration of recommendations regarding designation and boundary determinations for the 2008 revised eight-hour ozone **National Ambient Air Quality Standard (NAAQS)** for submittal to the Governor for his consideration and transmittal to the United States Environmental Protection Agency (EPA). The EPA will consider state recommendations in making final designations and boundary determinations for the 2008 revised eight-hour ozone NAAQS. On March 12, 2008, the EPA revised the 1997 eight-hour ozone standard from 0.08 parts per million to 0.075 parts per million. The Federal Clean Air Act requires state recommendations be submitted no later than one year after a new standard is issued, or March 12, 2009. Three years of quality-assured data is the basis of the EPA designations. (Margie McAllister, Terry Salem)

Adopt the resolution concerning the 2008 revised eight-hour ozone National Ambient Air Quality Standard designations excluding Williamson County and modify the proposed submittal to identify Exhibit A as referenced in the resolution. BS/LS; all agree.

RULE MATTERS

Item 78. [Docket No. 2008-0600-RUL](#). Consideration of the adoption of the repeal of §§299.1-299.5, 299.11-299.18, 299.21-299.31, 299.51, and 299.61; and adopted new §§299.1-299.7, 299.11-299.17, 299.21-299.33, 299.41-299.46, 299.51, 299.52, 299.61, 299.62, 299.71, and 299.72 of **30 TAC Chapter 299**, Dams and Reservoirs. The adoption repeals the existing rule. The new adopted rule relates to dam: design; construction plans and specifications; construction; operation and maintenance; inspections; removal; emergency management; and site security. The adopted rule updates existing criteria to make them more consistent with current engineering practices. The adopted rule adds requirements for emergency action plans, gate operating plans, security plans, and better defines the dam owner responsibilities. The adopted rule requires new dams to meet certain design standards and requires additional nonstructural requirements of existing dams. The adopted rule removes small and intermediate-size, low-hazard dams from the periodic inspection schedule, and establishes an inspection frequency of five years for high and significant-hazard dams and large, low-hazard dams. The adopted rule allows inspections by the owner or the owner's representative in lieu of agency inspections. The adopted rule changes the definition of "dam", thus reducing the number of small, low-hazard dams under the regulation of the agency. The adopted rule updates all relevant cross-references and citations. (Warren D. Samuelson, Robin Smith) (Rule Project No. 2008-005-299-CE)

Adopt the repeal of existing 30 TAC Chapter 299 and the addition of new 30 TAC Chapter 299, Dams and Reservoirs as recommended by the Executive Director. BS/LS; all agree.

Item 79. [Docket No. 2008-0469-RUL](#). Consideration for adoption of amendments to **30 TAC Chapter 101**, General Air Quality Rules, Subchapter H, Emissions Banking and Trading, Division 4, Discrete Emission Credit Banking and Trading, Sections 101.376 and 101.379 and corresponding revisions to the state implementation plan. The adopted rules will create an enforceable mechanism that allows the executive director to restrict the use of discrete emissions reduction credits (DERCs) in the Dallas-Fort Worth eight-hour ozone nonattainment area to a level consistent with attainment and maintenance of the 1997 eight-hour ozone National Ambient Air Quality Standard. The proposed rules were published in the August 22, 2008, issue of the Texas Register (33 TexReg 6727). (Luke Baine, Amy Browning) (Rule Project No. 2008-011-101-EN)

Adopt the DERC rulemaking and the corresponding SIP revisions as recommended by the Executive Director. BS/LS; all agree.

EXECUTIVE MEETING

Item 80. **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 81. **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 82. **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)

AGENDA

Wednesday, December 10, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item 1. [TCEQ Docket No. 2006-1434-AIR-E; SOAH Docket No. 582-07-2484](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Advantage Asphalt Products, Ltd.** in **Armstrong County**, Texas; TCEQ ID RN102997970; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider all related filings, including timely filed exceptions and replies. (Alfred A. Oloko)

Item continued to a future agenda to be determined by the General Counsel.

Item 2. [Docket No. 2007-0020-MWD; SOAH Docket No. 582-07-3998](#). Consideration of the Motion for Rehearing filed by Mr. Martin Siegmund concerning the Commission's Order issued on September 29, 2008, regarding the issuance of an amendment to the **City of Aledo's** TPDES Permit No. WQ0010847001. The Commission will also consider timely responses and replies to the motion. (**Parker County**)

Item removed from the agenda for consideration.

Item 3. [Docket No. 2008-0063-UCR](#). Consideration of a request for a Commission order approving an agreement designating service areas between the **City of Frisco** (Frisco), water certificate of convenience and necessity (CCN) No. 11772, and City of McKinney (McKinney) water CCN No. 10194, in **Collin County**, Texas pursuant to section 13.248 of the Texas Water Code. Currently, each party holds a CCN that includes some of the area that is the subject of the agreement. Under the agreement, Frisco will transfer 696.476 acres of its CCN to McKinney and McKinney will transfer 1888.48 acres of its CCN area to Frisco. The exchange of portions of the parties' respective CCN areas will result in each city's CCN boundary more closely corresponding with the boundaries of its own corporate limits and extraterritorial jurisdiction (ETJ). The agreement transfers retail water customers within each area transferred from the city currently providing service to the city to which the area is transferred. The agreement also transfers all facilities, waterlines, easements or equipment used to provide service in the transferred areas transferred from the city currently providing service to the city to which the area is transferred. (Shana Horton, Heidi Graham)

Approve the contract between the City of McKinney (McKinney) and the City of Frisco (Frisco) under TWC § 13.248, which will result in the transfer of 696.476 acres to McKinney CCN No. 10194, the transfer of approximately 1888.48 acres to Frisco CCN No. 11772, and issue the Executive Director's proposed Order. BS/LS; all agree.

Item 4. [Docket No. 2008-1801-WQ](#). For consideration of issuance of **General Permit No. TXG500000**, which would authorize the discharges of process wastewater, mine dewatering, storm water associated with industrial activity, construction storm water, and certain non-storm water discharges from quarries located greater than one mile from a water body that is within a water quality protection area in the John Graves Scenic Riverway. The Commission will also consider public comment and the Executive Director's response to comments. (Kimberly Wilson/Robert Brush)

Adopt the proposed resolution providing the issuance of new TPDES permit no. TXG500000 and adopt the Executive Director's Response to Comments. LS/BS; all agree.

PUBLIC COMMENT SESSION

Item 5. The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.

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

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/s/ Celeste Baker
Assistant General Counsel,
Celeste Baker

12/18/2008
Date