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Chairman H.S. Buddy Garcia                      OLD BUSINESS AGENDA  
Commissioner Larry R. Soward  
Commissioner Bryan W. Shaw, Ph.D.    Wednesday, January 14, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the December 19, 2007 and May 7, 2008 agendas.

Item 1. [TCEQ Docket No. 2005-1818-PWS-E; SOAH Docket No. 582-07-0267.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Dirgin Water Supply Corporation in Rusk County, Texas**; TCEQ Registration No. 2010013; regarding certain public water supply violations and violations pursuant to the rules of the Texas Commission on Environmental Quality. (Lena Roberts)

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

## AGENDA

Wednesday, January 14, 2009

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **PROPOSALS FOR DECISION**

- Item 1. [TCEQ Docket No. 2007-0831-AGR; SOAH Docket No. 582-08-0007](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Hidden View Dairy** for an amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0003197000 pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 321 to expand an existing dairy. The dairy is located on the northwest side of County Road 522, approximately one-quarter mile northeast of the intersection of County Road 522 and State Hwy. 6 in **Erath County**, Texas. The Commission will also consider timely public comments, the Executive Director's Response to Comments, the application, related filings and exhibits, exceptions, and replies. (James Moore, Robert Brush)

Adopt the ALJ's Proposal for Decision and proposed Order with the ALJ's recommended changes to Finding of Fact numbers 54, 64, 65, and 70 – 73; delete Finding of Fact number 35 and incorporate the Executive Director's statement that "third party fields used by the dairy do not require a new source or new discharge determination because permits are not issued for third party fields"; issue the Executive Director's revised draft permit; and adopt the Executive Director's Response to Comment but correct the permit sections referenced in the paragraph describing the changes to the permit based on public comment to correctly identify parts VII.A.8(e)(5)(i)(C-D) of the permit. BS/LS; all agree.

- Item 2. [TCEQ Docket No. 2007-1842-PST-E; SOAH Docket No. 582-08-2780](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Pulak Barua dba Sunshine Food Mart in Kaufman County**, Texas; Petroleum Storage Tank Facility ID No. 40023; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code §§ 115 and 334, Tex. Water Code chs. 7 and 26, and Tex. Health & Safety Code ch. 382. The Commission will also consider timely filed exceptions and replies. (Benjamin Thompson)

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

#### **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

- Item 3. [Docket No. 2005-1994-RAW](#). Consideration of the application by **Waste Control Specialists, LLC** for new radioactive material license, proposed TCEQ License No. R04100, to authorize receipt and disposal of low-level radioactive waste. The proposed license would authorize two separate disposal facilities for the disposal of compact waste, which is low-level radioactive waste

subject to the Texas Low-Level Radioactive Waste Disposal Compact (Texas Health & Safety Code Chapter 403), and federal facility waste, which is waste that is the responsibility of the federal government under the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. Sections 2021b-2021j). The application also requests exemption from a Commission rule requirement in 30 Texas Administrative Code § 336.734(a) requiring that the state or federal government own the land on which low-level radioactive waste is disposed for the proposed federal facility waste disposal facility. The two disposal facilities are proposed to be located at 9998 West Highway 176, approximately 30 miles west of Andrews, **Andrews County**, Texas. The Commission will also consider requests for hearing and related responses and replies, the environmental analysis, the licensing order, public comments, and the Executive Director's Response to Public Comments. (Susan Jablonski, Devane Clarke, Don Redmond, Amie Richardson)

Deny all of the requests for hearing and issue the Executive Director's draft licensing order with the following changes: (1) remove the word "conditionally" from the header and ordering provision no. 1; (2) modify ordering provision no. 2 to read "the attached radioactive material license number R04100, may not be issued, signed, or granted until the demonstration required above has been provided to the Executive Director"; and (3) add a narrative discussion and ordering provision denying the request for hearing. BS/BG; LS present, but not voting.

Item 4. [Docket No. 2008-0779-AIR](#). Consideration of application by **Citgo Refining & Chemical Company, L.P.** for the amendment of Air Quality Permit No. 46637 to authorize loading of gasoline and gasoline blend components at Barge Dock 7. The dock is located at Citgo's Corpus Christi Refinery - East Plant, 1801 Nueces Bay Boulevard, Corpus Christi, **Nueces County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments.(Dede Sigman/Troy Dalton)

Deny all remaining hearing requests not withdrawn; grant the permit amendment for permit number 46637 as recommended by the Executive Director; and adopt the Executive Director's Amended Response to Comments. LS/BS; all agree.

Item 5. [Docket No. 2007-1792-MSW](#). Consideration of an application by **Zapata County** (San Ygnacio Landfill), for an amendment authorizing lateral and vertical expansion of a municipal solid waste Type I Arid Exempt Landfill Facility (Proposed Permit No. 783A). The facility is located in **Zapata County** off an unnamed gravel road, approximately 0.4 miles northeast of US Highway 83, two miles south of the City of San Ygnacio, an unincorporated community. The facility is authorized to accept municipal solid waste resulting from, or incidental to, municipal, community, commercial, institutional, recreational and industrial activities, including garbage, putrescible wastes, rubbish, ashes, brush, street cleanings, dead animals, abandoned automobiles, construction-demolition waste, yard waste, Class 2 non-hazardous industrial solid waste, Class 3 non-hazardous industrial solid waste, and certain special wastes. The Commission will also consider requests for hearing or reconsideration and related responses and replies and public comment and the Executive Director's Response to Comments. (Shana Horton, Mario Perez)

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

## MISCELLANEOUS MATTER

- Item 6. [Docket No. 2008-0878-DIS](#). Consideration of a petition from Lakeview BP Land, LP (Petitioner), for the dissolution of **Fort Bend County Municipal Utility District (MUD) No. 20**, pursuant to Texas Water Code Sections 49.321 to 49.327 and Title 30 of the Texas Administrative Code, Sections 293.131 to 293.136. (Greg Charles, Kayla Murray)

Adopt the Executive Director's proposed Order granting dissolution of Fort Bend County Municipal Utility District No. 20 but change the second to last sentence of the Order to read "The Commission will file a certified copy of this Order of Dissolution in the deed records of Fort Bend County and another certified copy of the Order of Dissolution with the Secretary of State." LS/BS; all agree.

## AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 7. [Docket No. 2008-0627-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jantje Van Gosliga dba Vango Dairy in Hopkins County**; RN103129680; 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. (J. Craig Fleming, Bryan Sinclair)

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

## AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 8. [Docket No. 2008-1216-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ant Enterprises Incorporated in Bexar County**; RN102861655; 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.

- Item 9. [Docket No. 2008-0664-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation in Jefferson County**; RN100219252; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Daniel Siringi, Bryan Sinclair)

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

- Item 10. [Docket No. 2008-1066-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. (Nadia Hameed, Bryan Sinclair)

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

Item 11. [Docket No. 2008-0530-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Harris County**; RN100210319; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Bryan Sinclair)

Item remanded to the Executive Director.

Item 12. [Docket No. 2008-1084-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **National Oilwell Varco, L.P.** in **Harris County**; RN100215268; 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 13. [Docket No. 2008-1168-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Oldcastle Windows, Inc. dba Vistawall** in **Kaufman County**; RN100218783; 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 14. [Docket No. 2008-0050-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pasadena Refining System, Inc** in **Harris County**; RN100716661; 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)

Item remanded to the Executive Director.

Item 15. [Docket No. 2008-0963-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Citgo Products Pipeline Company** in **Tarrant County**; RN100225739; 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 16. [Docket No. 2008-1021-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sabina Petrochemicals LLC** in **Jefferson County**; RN100216977; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Bryan Sinclair)

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

Item 17. [Docket No. 2008-0903-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas A&M University in Brazos County**; RN100216274; 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. (Samuel Short, Bryan Sinclair)

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

Item 18. [Docket No. 2008-0696-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chemical Lime, Ltd. in Cameron County**; RN102307956; 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.

Item 19. [Docket No. 2008-0980-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Block Creek Concrete Products, L.L.C. in Kendall County**; RN105446983; 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.

Item 20. [Docket No. 2008-0872-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Bryan Sinclair)

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

Item 21. [Docket No. 2008-0858-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Fleetwood Travel Trailers of Texas, Inc. in Gregg County**; RN102306180; 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. BS/LS; all agree.

Item 22. [Docket No. 2008-1248-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Galveston County**; RN100219351; 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. BS/LS; all agree.

Item 23. [Docket No. 2008-1379-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Goodyear Tire & Rubber Company in Harris County**; RN100870898; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Bryan Sinclair)

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

Item 24. [Docket No. 2007-1455-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Premcor Refining Group Inc. in Jefferson County**; RN102584026; 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 25. [Docket No. 2008-0994-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Atrium Companies, Inc. dba Danvid Window in Dallas County**; RN100804053; 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. BS/LS; all agree.

Item 26. [Docket No. 2008-1056-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ameron International Corporation in Wichita County**; RN100678440; 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. BS/LS; all agree.

#### **DRY CLEANER ENFORCEMENT AGREED ORDER**

Item 27. [Docket No. 2006-1083-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Dung Thanh Nguyen dba VIP Cleaners in Harris County**; TCEQ ID No. RN104098157; for a dry cleaner registration violation 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. (Xavier Guerra, Lena Roberts)

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

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

Item 28. [Docket No. 2006-1234-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Shali Enterprises, Inc. dba U.S. Cleaners in Harris County**; TCEQ ID No. RN103956769; for a dry cleaner registration violation 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. (Peipey Tang, Lena Roberts)

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

Item 29. [Docket No. 2006-1215-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Shali Enterprises, Inc. dba US Cleaners** in **Harris County**; TCEQ ID No. RN104996400; 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. (Peipey Tang, Lena Roberts)

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

### **FIELD CITATIONS**

Item 30. [Docket No. 2008-1530-PST-E](#). Consideration of a Field Citation assessing administrative penalties against **KENDRICK OIL CO. dba Fast Stop 14** in **Lubbock County**; RN104346861; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 31. [Docket No. 2008-1579-WQ-E](#). Consideration of a Field Citation assessing administrative penalties against **Flat Rock Minerals, LLC** in **Upshur County**; RN105497176; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 32. [Docket No. 2008-1582-WQ-E](#). Consideration of a Field Citation assessing administrative penalties against **Larry Smith** in **Somervell County**; RN104873831; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

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

Item 33. [Docket No. 2008-0839-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LAMBERTI USA, INCORPORATED** in **Wharton County**; RN101206803; 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.



Item 34. [Docket No. 2008-0813-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TXI Operations, LP** in **Denton County**; RN105471445; for water quality violations pursuant to 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. (Heather Brister, Bryan Sinclair)

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

#### **LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER**

Item 35. [Docket No. 2008-1139-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jeff Hamm** in **Hood County**; RN105532261; for landscape irrigator occupational license violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Lanae Foard, Bryan Sinclair)

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

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

Item 36. [Docket No. 2008-0146-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **River City Waste, Inc.** in **Bexar County**; RN104662135; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Bryan Sinclair)

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

Item 37. [Docket No. 2008-0572-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wendland Manufacturing Corp.** in **Tom Green County**; RN100676220; for underground injection control and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7, 26, and 27, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Bryan Sinclair)

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

Item 38. [Docket No. 2008-0125-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dirgin Water Supply Corporation** in **Rusk County**; RN101438778; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Bryan Sinclair)

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

#### **MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 39. [Docket No. 2007-1601-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Johnny Gore in Hardin County**; TCEQ ID No. RN104806344; 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. (Alfred Oloko, Lena Roberts)

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

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

Item 40. [Docket No. 2008-0925-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CCAA, L.L.C. dba BCS Stop & Go Potties in Brazos County**; RN105205306; 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. (Clinton Sims, Bryan Sinclair)

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

Item 41. [Docket No. 2004-0706-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ricardo Aguero dba Aguero's Trucking in Webb County**; TCEQ ID No. RN104154562; 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. (Xavier Guerra, Lena Roberts)

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

Item 42. [Docket No. 2003-0081-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David Hughitt dba Hughitt Tire Disposal in Hamilton County**; TCEQ ID No. RN102805652; 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. (Xavier Guerra, Lena Roberts)

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

Item 43. [Docket No. 2008-0697-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kingsville in Kleberg County**; RN102334570; 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. (Trina Grieco, Bryan Sinclair)

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

Item 44. [Docket No. 2008-1242-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flying Star Transport, L.L.C. in Potter County**; RN104517180; 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. (Ross Fife, Bryan Sinclair)

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

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

Item 45. [Docket No. 2008-0984-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Salvation Army in Ellis County**; RN102769098; 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 46. [Docket No. 2008-0861-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Clovercreek Municipal Utility District in Montgomery County**; RN102844172; 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. 2008-0924-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mount Pleasant in Titus County**; RN102885654; 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. BS/LS; all agree.

Item 48. [Docket No. 2008-0749-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pflugerville in Travis County**; RN101611440; 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. 2008-0902-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Ellis County**; RN102076296; for water quality violations pursuant to 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. (Samuel Short, Bryan Sinclair)

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

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

Item 50. [Docket No. 2008-0840-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **JARODIYA & SONS LLC. dba D&S Food Mart in Dallas County**; RN101539682; 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. (Rajesh Acharya, Bryan Sinclair)

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

Item 51. [Docket No. 2008-0845-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Anas Ahmad dba Mobil Discount Inspection and Brakes in Harris County**; RN100534056; 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 52. [Docket No. 2008-0590-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **GREENSPOINT ENTERPRISES LLC dba Courtesy Chevron 6 in Harris County**; RN102482957; 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. 2003-1244-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ballpark Mart, Inc. dba Ballpark Mart in Tarrant County**; TCEQ ID No. RN101570083; 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. (Anna M. Cox, Lena Roberts)

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

Item 54. [Docket No. 2004-0285-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MZEE, Inc. dba Key Truck Stop in Harris County**; TCEQ ID No. RN101249498; 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. (Jim Sallans, Lena Roberts)

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

Item 55. [Docket No. 2008-0950-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **RAJWANI & ALI'S CORPORATION dba K & W Corner Store in Collin County**; RN101561652; 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. (Wallace Myers, Bryan Sinclair)

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

Item 56. [Docket No. 2005-0613-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **RFK Enterprises, Inc. dba Food Spot 2 in Jefferson County**; TCEQ ID No. RN101909695; 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. (Jim Sallans, Lena Roberts)

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

Item 57. [Docket No. 2008-1101-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ADDISON ENTERPRISES, INC. dba C Store Royal in Dallas County**; RN102755287; 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. BS/LS; all agree.

Item 58. [Docket No. 2008-1200-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ALBERTSON'S LLC dba Albertsons Express 4209 in Tom Green County**; RN102024726; 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. BS/LS; all agree.

Item 59. [Docket No. 2008-0907-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **EHAN, Inc. dba Metro Mart 5 in Williamson County**; RN102246584; 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. (Rajesh Acharya, Bryan Sinclair)

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

Item 60. [Docket No. 2008-1244-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas Stop N Shine, Inc. in Dallas County**; RN100528553; 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. (Steven Lopez, Bryan Sinclair)

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

Item 61. [Docket No. 2008-0908-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **FOCUS METROPLEX, INC. dba City Star in Tarrant County**;

RN101559573; 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 62. [Docket No. 2008-0811-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Javier De La O dba J De La O Electric** in **Hidalgo County**; RN101682169; 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. BS/LS; all agree.

Item 63. [Docket No. 2008-0744-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ramon Martinez, Jr.** in **La Salle County**; RN104777552; 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. BS/LS; all agree.

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

Item 64. [Docket No. 2006-1518-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mohammad K. Ali dba Sunnys Food Store** in **Harris County**; TCEQ ID No. RN101776557; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

Item 65. [Docket No. 2006-1569-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Saif Malik Enterprises, Inc. dba Step N Go** in **Harris County**; TCEQ ID No. RN104586540; 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. (Xavier Guerra, Lena Roberts)

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

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

Item 66. [Docket No. 2007-0942-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Nel-Mark Properties, LLC dba Anjalo**

**Food Mart in Bexar County**; TCEQ ID No. RN104213053; 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 and Shutdown Order. BS/LS; all agree.

Item 67. [Docket No. 2007-1907-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Steven Switzer dba Our C Store 502** in **Dallas County**; TCEQ ID No. RN102254414; 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 Default and Shutdown Order. BS/LS; all agree.

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

Item 68. [Docket No. 2008-0047-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monarch Utilities I L.P.** in **Grayson County**; RN101376986; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Bryan Sinclair)

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

Item 69. [Docket No. 2008-1131-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James Lewis Allen dba Holiday Springs Mobile Home Park** in **Harrison County**; RN101194041; 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 70. [Docket No. 2008-0966-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply** in **Lubbock County**; RN102679305; 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 71. [Docket No. 2008-0748-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Darryl Wheeler dba Magnolia Lake RV Park** in **Polk County**; RN101237154; 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 72. [Docket No. 2008-1203-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Cresson in Johnson County**; RN102676012; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Bryan Sinclair)

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

#### **SLUDGE ENFORCEMENT AGREED ORDER**

Item 73. [Docket No. 2008-0887-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Race 4 Time, Inc. in Lipscomb County**; RN105499206; for water quality 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. (Heather Brister, Bryan Sinclair)

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

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

Item 74. [Docket No. 2008-1091-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Standley Feed & Seed, Inc. in Madison County**; RN100831502; 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. (Mark Oliver, Bryan Sinclair)

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

Item 75. [Docket No. 2006-0506-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert Durham dba A & A Auto Parts and Rebuilders in Tarrant County**; TCEQ ID No. RN104726831; for water quality 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. (Gary K. Shiu, Lena Roberts)

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

Item 76. [Docket No. 2008-1290-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ross Construction, Inc. in Travis County**; RN105520431; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Bryan Sinclair)

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

#### **RULE MATTER**



Item 77. [Docket No. 2008-0515-RUL](#). Consideration of the adoption of amendments to Sections 291.3 and 291.144, and new Section 291.147 of **30 TAC Chapter 291**, Utility Regulations. The adoption would implement House Bill 149, 80th Legislature, 2007, Regular Session, relating to retail public water and sewer utilities. This rulemaking would add the definition of a nonfunctioning system and allow a retail public utility that takes over a nonfunctioning utility to charge reasonable temporary rates and give the retail public utility a reasonable period of time to bring the nonfunctioning system into compliance with commission rules before the commission assesses penalties. The proposed rules were published in the August 22, 2008 issue of the *Texas Register* (33 TexReg 6736). (Tammy Benter, Ross Henderson) (Rule Project No. 2008-014-291-PR)

Item continued to the January 28, 2009 agenda. LS/BS; all agree.

### **MISCELLANEOUS MATTERS**

Item 78. [Docket No. 2008-0054-RES](#). Consideration of a Resolution to extend the existence of the Irrigator Advisory Council until February 1, 2015, and to appoint three members to the Irrigator Advisory Council of the Texas Commission on Environmental Quality. The Irrigator Advisory Council advises the Commission on matters related to landscape irrigation in Texas. These new members would replace three members whose terms expire on February 1, 2009. (Candy Garrett/Alicia Lee)

Adopt the Executive Director's recommended Resolution extending the existence of the Irrigator Advisory Council until February 1, 2015 and fill the vacancies on the Irrigator Advisory Council with Karen Guz, term to expire February 1, 2015; Nora Mullarky, term to expire February 1, 2015; and Rusty Tucker, term to expire February 1, 2015. BS/LS; all agree.

Item 79. [Docket No. 2008-1903-MIS](#). Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. [David Timberger]

Approve the issuance of the Resolution acknowledging the Executive Director's acceptance of the enumerated gifts. LS/BS; all agree.

### **EXECUTIVE MEETING**

Item 80. **Docket No. 2009-0001-EXE**. The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 81. **Docket No. 2009-0002-EXE**. The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific

Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 82. **Docket No. 2009-0003-EXE.** The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

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

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

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

/s/ Elaine Lucas  
Assistant General Counsel,  
Elaine Lucas

01/26/2009  
Date