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Chairman H.S. Buddy Garcia
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, Ph.D. Wednesday, March 11, 2009

AGENDA

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. 2007-1805-PWS-E; SOAH Docket No. 582-08-2960](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Mark Stewart and Dona Stewart dba Stewart Water in Cass County**, Texas; Public Water System ID No. 0340019; RN101194447; regarding public water system violations pursuant to 30 Tex. Admin. Code ch. 290, Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 7, and prior TCEQ Default Order No. 2005-0073-PWS-E. The Commission will also consider timely filed exceptions and replies. (Barham A. Richard)

Adopt the ALJ's Proposal for Decision and proposed Default Order with the following changes: a) Add the phrase "and the regulations cited" to the introductory paragraph in Finding of Fact No. 4; b) Add the applicable regulatory cites at the end of each violation in Finding of Fact No. 4; c) Change the initial citation in Conclusion of Law No. 7 from 1 Texas Administrative Code § 155.55 to 1 Texas Administrative Code § 155.501; and d) Change "Agreed Order" to "Default Order" in Conclusions of Law No. 8; direct the Office of General Counsel to prepare an explanation of the changes to ALJ's proposed Order to be included in the Order issued by the Commission. BS/LS; all agree.

Item 2. [TCEQ Docket No. 2007-0795-MLM-E; SOAH Docket No. 582-08-1316](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Liberty Waste Systems, Inc. in Harris County**, Texas; RN101889236; regarding used oil, municipal solid waste and industrial hazardous waste violations pursuant to 30 Tex. Admin. Code chs. 324, 328, 330, and 335, 40 Code of Federal Regulations ch. 279, Tex. Health and Safety Code chs. 361 and 371, and Tex.

Water Code chs. 7 and 26. The Commission will also consider timely filed exceptions and replies. (Barham A. Richard)

Adopt the ALJ's proposed Order with the following changes: 1) Amend Conclusion of Law No. 7(a) by changing the reference of 1 Texas Administrative Code § 155.55 to 1 Texas Administrative Code § 155.501 and the reference of 30 Texas Administrative Code § 70.160(b) to 30 Texas Administrative Code § 70.106(b); 2) Amend Finding of Fact No. 7 to indicate that the penalty in the Section 335.6(c) violation is based on a single event that was classified as a major programmatic violation; 3) Amend Finding of Fact No. 9 to indicate the penalty for the Section 330.15(c) violation is based on one quarterly violation; 4) Amend Conclusion of Law No. 2 to state "Under Texas Water Code Annotated § 7.052, a penalty may not exceed \$10,000 per violation per day for the violations alleged in this proceeding and for which individual PCWs were included in Attachment A to the September 10, 2007 EDPRP; 5) Delete from Ordering Provision No. 1 the references to the two Federal Rules, 40 CFR §§ 279.22(c)(1) and 279.22(d); and instruct the Office of General Counsel and/or Office of Chief Clerk to include all known addresses of the Respondent when mailing out the Order. LS/BS; all agree.

Item 3. [TCEQ Docket No. 2005-1144-PST-E; SOAH Docket No. 582-07-4067](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Issa Ahmad dba Houston Mart** in **Bexar County**, Texas; Petroleum Storage Tank Facility ID No. 39462; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code ch. 334 and Tex. Water Code chs. 7 and 26. The Commission will also consider timely filed exceptions and replies. (Anna M. Cox)

Continued to the April 8, 2009 Agenda. LS/BS; all agree.

Item 4. [TCEQ Docket No. 2007-1587-MSW-E; SOAH Docket No. 582-08-1771](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order denying assessment of administrative penalties and correction actions of **Wayne Orsak dba East Texas Tree Service** in **Hardin County**, Texas, regarding municipal solid waste violations pursuant to 30 Texas Admin. Code § 330.15(c). The Commission will also consider timely filed exceptions and replies. (Barham A. Richard)

Adopt Judge Wood's proposed Order; amend Finding of Fact No. 16 to read as follows: "In February or March 2006 the Respondent, at Mr. Henderson's request, took three loads to Mr. Henderson's place, two loads of cut saw logs and a mixed load of saw logs and brush, he took saw logs to help Mr. Henderson rebuild his house after Hurricane Rita." Adopt the Executive Director's exceptions, regarding reducing the penalty, to the extent they do not conflict with the proposed Order. LS/BS; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 5. [Docket No. 2008-1786-AIR](#). Consideration of application by **Madison Bell Partners, LP** for New Air Quality Permit No. 83378 to authorize construction of four natural gas-fired turbines for a power generation facility. The proposed site is located six miles southwest of Madisonville on County Road 413, one half mile south of U.S. Highway 190 West, **Madison 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. (Bridget Malone, Erin Selvera)

Grant the hearing requests of Angela Fannin, Charles Strawther, and Patsy Strawther; refer the following issues to SOAH: 1) Whether the proposed plant will adversely impact air quality; 2) Whether emissions from the proposed facility will adversely affect the Fannins' and Strawthers' human health and welfare; 3) Whether the proposed plant will adversely impact wildlife on the Fannins' and Strawthers' property; 4) Whether the proposed plant will adversely impact the Fannins' and Strawthers' livestock; and 5) Whether the proposed plant will adversely impact the Fannins' and Strawthers' hay production; specify a hearing duration of six months; and direct the Executive Director to participate in the SOAH hearing on this matter. LS/BS; all agree.

Item 6. [Docket No. 2005-1094-MWD](#). Consideration of the application by **Wynne Jackson, Inc. and West Foundation** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014535001, to authorize a discharge of treated domestic wastewater at an Interim volume not to exceed a daily average flow of 0.04 million gallons per day (MGD) and a Final volume not to exceed a daily average flow of 0.6347 MGD. The facility will be located approximately two miles northeast of the intersection of Highway 740 and Highway 80 in **Kaufman 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, June Ella Martinez)

Grant the hearing request of North Texas Municipal Water District; refer the matter to SOAH to consider the issue of whether the Commission should deny or alter the terms and conditions of the proposed permit, based on consideration of need and the availability of existing or proposed area-wide or regional waste collection, treatment, and disposal systems; direct the Executive Director to participate in the hearing; and set the maximum duration of the hearing as four months. BS/LS; all agree.

MOTION TO OVERTURN

Item 7. [Docket No. 2008-0304-UCR](#). Consideration of a Motion to Overturn filed by Alex Valdes on behalf of **Tapatio Springs Homeowners Assoc. and Tapatio Ridge Homeowners Assoc.** The Motion concerns the Executive Director's December 29, 2008 order regarding the applications by Kendall County Utility Co., Inc. and Tapatio Springs Service Co., Inc. (Application Nos. 35933-R, 35934-R, and 35935-R) in **Kendall County**. The Commission will also consider timely-filed responses and replies to the Motion to Overturn.

Grant the Motion to Overturn; set aside the Executive Director's December 29, 2008 Order and attached rate tariff; and remand the matter to the Executive Director to issue an Order and revised rate tariff consistent with the parties' Settlement Agreement as reflected in the Executive Director's attachment to his proposed Order. BS/LS; all agree.

MISCELLANEOUS MATTER

Item 8. [TCEQ Docket No. 2008-1062-UCR](#). Consideration of a request for a Commission Order approving a contract designating service areas between La Joya Water Supply Corporation (WSC), water certificate of convenience and necessity (CCN) No. 10559, and the **City of Mission**, water CCN No. 11537, in **Hidalgo County**, Texas, pursuant to section 13.248 of the Texas Water Code. Under the contract, La Joya WSC will transfer approximately 5.39 acres of its water CCN to the City of Mission. (Stefanie Skogen, Lisa Fuentes)

Approve the contract between La Joya Water Supply Corporation and the City of Mission under TWC § 13.248 which will result in the transfer of approximately 5.39 acres to Mission's water CCN No. 11537 and issue the Executive Director's proposed Order. BS/LS; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

Item 9. [Docket No. 2008-0732-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David Montanez dba David Montanez Calf Farm** in **Erath County**; RN105006829; 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, Cari-Michel La Caille)

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

Item 10. [Docket No. 2007-1312-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jerry Dean Harris** in **Brown County**; TCEQ ID No. RN102956455; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Lena Roberts)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 11. [Docket No. 2008-1484-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enstor Katy Storage and Transportation, L.P.** in **Fort Bend County**; RN102543816; 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, Cari-Michel La Caille)

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

Item 12. [Docket No. 2008-1412-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Formosa Plastics Corporation, Texas** in **Calhoun County**; RN100218973; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, Cari-Michel La Caille)

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

Item 13. [Docket No. 2008-1588-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KM Liquids Terminals LLC** in **Harris County**; RN100224815; 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, Cari-Michel La Caille)

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

- Item 14. [Docket No. 2008-1314-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Monsanto Ag Products, LLC in Floyd County**; RN100218940; 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. (Jeremy Escobar, Cari-Michel La Caille)

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

- Item 15. [Docket No. 2008-1423-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hyman Farm Service, LLC in Robertson County**; RN105477863; 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, Cari-Michel La Caille)

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

- Item 16. [Docket No. 2008-1382-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC. in Jefferson County**; RN102457520; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, Cari-Michel La Caille)

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

- Item 17. [Docket No. 2008-1762-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Flowers Baking Company of Tyler, LLC in Smith County**; RN100218221; 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, Cari-Michel La Caille)

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

- Item 18. [Docket No. 2008-1115-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Coast Waste Disposal Authority in Harris County**; RN100219500; 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 19. [Docket No. 2008-1055-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INVISTA S.a.r.l. in Orange County**; RN104392626; 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 20. [Docket No. 2008-1543-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KMCO, L.P.** in **Harris County**; RN101613511; 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, Cari-Michel La Caille)

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

- Item 21. [Docket No. 2008-1455-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Linde Gas North America LLC** in **Harris County**; RN100217207; 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. (Raymond Marlow, Cari-Michel La Caille)

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

- Item 22. [Docket No. 2008-0922-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Allied Feeds, Inc.** in **Bexar County**; RN100852672; 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. LS/BS; all agree.

- Item 23. [Docket No. 2008-1431-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Raytheon Company** in **Dallas County**; RN102207073; 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, Cari-Michel La Caille)

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

- Item 24. [Docket No. 2008-1553-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **American Acryl L.P.** in **Harris County**; RN101379287; 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 25. [Docket No. 2008-1293-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lucite International, Inc.** in **Jefferson County**; RN102736089; 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. (Raymond Marlow, Cari-Michel La Caille)

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

- Item 26. [Docket No. 2008-1571-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E. I. du Pont de Nemours and Company in Jefferson County**; RN100216035; 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, Cari-Michel La Caille)

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

- Item 27. [Docket No. 2007-0372-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Exxon Mobil Corporation in Harris County**; TCEQ ID No. RN102574803; 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 28. [Docket No. 2008-1418-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Acme Brick Company in Henderson County**; RN100221993; 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, Cari-Michel La Caille)

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

- Item 29. [Docket No. 2008-1389-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Belvan Corp. in Crockett County**; RN100214022; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Bryan Sinclair)

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

- Item 30. [Docket No. 2008-1457-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Harris County**; 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 Texas Administrative Code ch. 60. (Rebecca Johnson, Cari-Michel La Caille)

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

- Item 31. [Docket No. 2008-1267-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cimarex Energy Co. in Liberty County**; RN105522247; 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, Cari-Michel La Caille)

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

- Item 32. [Docket No. 2008-1019-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eagle Rock Field Services, L.P.** in **Carson County**; RN100225887 and RN102820313; 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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 33. [Docket No. 2008-1746-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **E. E. Hood & Sons, Inc.** in **Uvalde County**; RN105522668; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lauren Smitherman, Cari-Michel La Caille)

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

FIELD CITATIONS

- Item 34. [Docket No. 2008-1522-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Kendrick Oil Company dba Buddy's** in **Lubbock County**; RN102061363; 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 35. [Docket No. 2008-1577-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Kevin Dunham** in **Comanche County**; RN105599054; for occupational licensing violations pursuant to Texas Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

- Item 36. [Docket No. 2008-1581-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **JORDAN PAVING CORPORATION** in **Taylor County**; RN105570048; 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 37. [Docket No. 2008-1535-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **PARADISE MANUFACTURING COMPANY, INC.** in **Potter County**; RN103794475; 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 38. [Docket No. 2008-1508-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **CORNERBROOK CONSTRUCTION, L.P. dba Summerbrooke Apartments** in **Galveston County**; RN105593941; 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 39. [Docket No. 2008-1518-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Edge Concepts, LLC** in **Randall County**; RN105519466; 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 40. [Docket No. 2008-1515-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **RIDGECREST, INC. dba Ridgecrest Bluffs South** in **Tom Green County**; RN104700430; 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.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

- Item 41. [Docket No. 2008-1334-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Metroplex Retaining Walls, Inc.** in **Tarrant County**; RN100800986; 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, Cari-Michel La Caille)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 42. [Docket No. 2007-0391-LII-E](#). Consideration of a Default Order assessing administrative penalties against **Jorge A. Cavazos** in **Maverick County and Val Verde County**; TCEQ ID No. RN103331591; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Rebecca M. Combs, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 43. [Docket No. 2008-0802-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Terrell** in **Kaufman County**; RN102975075; 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 Texas Administrative Code ch. 60. (Ross Fife, Bryan Sinclair)

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

Item 44. [Docket No. 2007-1224-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Lawn** in **Taylor County**; TCEQ ID No. RN101406916; for public water supply and water quality violations pursuant to Tex. Health & Safety Code ch. 341, 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. (James Sallans, Lena Roberts)

Continued to the May 20, 2009 Agenda. BG; no objection.

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 45. [Docket No. 2007-0981-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Wilmer Powell** in **Trinity County**; TCEQ ID No. RN102997939; 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. (Laurencia Fasoyiro, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 46. [Docket No. 2007-1518-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Smith County Recycling, L.L.C. dba Dingler Road Recycling Center** in **Smith County**; TCEQ ID No. RN104443767; 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. (Benjamin O. Thompson, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

- Item 47. [Docket No. 2007-1223-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Victor C. Lopez** in **Bexar County**; TCEQ ID No. RN105225718; 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. (Rudy Calderon, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 48. [Docket No. 2007-1078-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hondo Healthcare & Rehabilitation Center, Inc. (previously known as Harvest Communities of Houston, Inc.)** in **Harris County**; TCEQ ID No. RN102186889; 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. LS/BS; all agree.

- Item 49. [Docket No. 2007-0407-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Town of Mustang** in **Navarro County**; TCEQ ID No. RN102807864; 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. (Gary K. Shiu, Lena Roberts)

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

- Item 50. [Docket No. 2008-1169-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harris County Municipal Utility District No. 24** in **Harris County**; RN101609089; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Bryan Sinclair)

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

- Item 51. [Docket No. 2008-1663-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Groesbeck** in **Limestone County**; RN101918944; 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, Cari-Michel La Caille)

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

Item 52. [Docket No. 2008-1274-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **West Hardin County Consolidated Independent School District in Hardin County**; RN101518793; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lauren Smitherman, Bryan Sinclair)

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

Item 53. [Docket No. 2008-1361-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Gatesville in Coryell County**; RN101613685; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Bryan Sinclair)

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

Item 54. [Docket No. 2008-0584-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Evant in Coryell County**; RN101920403; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Bryan Sinclair)

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

Item 55. [Docket No. 2008-1747-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bridgeport in Wise County**; RN102740230; 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, Cari-Michel La Caille)

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

Item 56. [Docket No. 2008-1735-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Victoria County**; RN102075918; 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. (Jennifer Graves, Cari-Michel La Caille)

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

Item 57. [Docket No. 2008-1716-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Avalon Water Supply and Sewer Service Corporation in Ellis County**; RN101511863; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Cari-Michel La Caille)

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

- Item 58. [Docket No. 2008-1289-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Magnolia in Montgomery County**; RN101919769; 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, Cari-Michel La Caille)

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

- Item 59. [Docket No. 2008-0104-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Goodlow in Navarro County**; RN101520922; 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. LS/BS; all agree.

ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT AGREED ORDER

- Item 60. [Docket No. 2008-0720-OSS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Timpson Rural Water Supply Corporation in Shelby County**; RN101200111; for on-site sewage disposal violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Pamela Campbell, Cari-Michel La Caille)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 61. [Docket No. 2008-1677-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Costco Wholesale Corporation dba Costco Gasoline Station 636 in Dallas County**; RN104959697; 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. (Mike Pace, Cari-Michel La Caille)

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

- Item 62. [Docket No. 2005-0994-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of El Paso in El Paso County**; TCEQ ID No. RN100250091; 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 63. [Docket No. 2005-0200-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Muhammad Altaf dba Country Food Store in Jasper County**; TCEQ ID No. RN101444941; 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 64. [Docket No. 2008-1443-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Elvan Management Inc. dba Elvan's Granbury Chevron in Hood County**; RN102445491; 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, Cari-Michel La Caille)

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

Item 65. [Docket No. 2007-1073-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Orange County Development Co. in Orange County**; TCEQ ID No. RN105209035; 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 66. [Docket No. 2008-1191-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ONE STOP FOOD STORES, INC. dba One Stop 43 in Dallas County**; RN102236296; 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. LS/BS; all agree.

Item 67. [Docket No. 2008-1208-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **JO PO AND ASSOCIATES, INC. dba Sunwest Grocery Citgo in Johnson County**; RN101556256; 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, Cari-Michel La Caille)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 68. [Docket No. 2006-0154-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill in Dallas County**; TCEQ ID No. RN102092624; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 69. [Docket No. 2008-0098-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Edna L. Rayford in Caldwell County**; TCEQ ID No. RN101490738; 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. (Gary K. Shiu, Lena Roberts)

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

Item 70. [Docket No. 2007-0254-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Socorro Alvarado in Winkler County**; TCEQ ID No. RN101775518; 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. (Gary Shiu, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 71. [Docket No. 2006-1727-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Almeda, Inc. dba Downtown Tiger Mart in Harris County**; TCEQ ID No. RN102532801; 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.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 72. [Docket No. 2008-1392-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Diamond Water Company dba River Bend Estates in Bandera County**; RN101221257; 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.

Item 73. [Docket No. 2008-1532-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bosqueville Green Acres Water Supply Corporation in McLennan County**; RN101217008; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Keffer, Cari-Michel La Caille)

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

- Item 74. [Docket No. 2008-1445-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cranfills Gap in Bosque County**; RN101384170; 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, Cari-Michel La Caille)

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

- Item 75. [Docket No. 2008-1551-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **South Rusk County Water Supply Corporation in Rusk County**; RN101393544; 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, Cari-Michel La Caille)

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

- Item 76. [Docket No. 2007-0972-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brian Fabre dba Fay Ben Mobile Home Park in Lubbock County**; TCEQ ID No. RN101247328; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Laurencia Fasoyiro, Lena Roberts)

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

- Item 77. [Docket No. 2008-1393-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Glenwood Water Supply Corporation in Upshur County**; RN101436780; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Cari-Michel La Caille)

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

- Item 78. [Docket No. 2008-1711-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mullin Independent School District in Mills County**; RN101256550; 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, Cari-Michel La Caille)

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

- Item 79. [Docket No. 2008-1653-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bethany-Hearne Water Supply Corporation in Robertson County**; RN101203180; 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, Cari-Michel La Caille)

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

- Item 80. [Docket No. 2007-0396-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Los Ojuelos Water Company, Inc. in Webb County**; TCEQ ID No. RN101196673; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

- Item 81. [Docket No. 2006-1792-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of "**Triumph Christian Center Inc.**" in **Fort Bend County**; TCEQ ID No. RN101251866; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tracy Chandler, Lena Roberts)

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

- Item 82. [Docket No. 2007-1912-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Frederico Garcia dba My Dream Ballroom in Harris County**; TCEQ ID No. RN101215168; for public water supply violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Laurencia Fasoyiro, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

- Item 83. [Docket No. 2008-1081-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Fort Worth Crushed Stone, L.C. in Hood County**; RN102737780; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lauren Smitherman, Bryan Sinclair)

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

- Item 84. [Docket No. 2007-1153-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jim Sparks dba Sparky's Car Salvage No. 2 in Erath County**; RN105243703; 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. (Tracy Chandler, Lena Roberts)

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

- Item 85. [Docket No. 2008-1796-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mira Vista, Inc. in Taylor County**; RN104682257; 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, Cari-Michel La Caille)

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

PETITION FOR RULEMAKING

- Item 86. [Docket No. 2009-0058-RUL](#). Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality on January 12, 2009 by **Quadvest Inc., Aqua Texas Inc., Southern Water Company, Southwest Water Company, and Bradberry Water Supply** (Petitioners). The petitioners request a rulemaking to change the deposit for water and wastewater utility customers and allow a payment plan for customers paying the deposits. (Margot Taunton, Ron Olson) (Rule Project No. 2009-013-PET-NR)

Deny the petition for rulemaking. LS/BS; all agree.

STATE IMPLEMENTATION PLAN MATTERS

- Item 87. [Docket No. 2009-0065-SIP](#). Consideration for proposal of, and hearing on, a revision to the State Implementation Plan (SIP) to address a second ten-year maintenance plan regarding the **1978 lead National Ambient Air Quality Standard (NAAQS) for Collin County**. The proposed SIP revision would implement Federal Clean Air Act requirements for a second ten-year maintenance plan for an area redesignated to attainment in 1999 for the 1978 lead NAAQS. Although a new lead NAAQS took effect January 12, 2009, the original 1978 lead NAAQS remains in effect for Collin County until approximately January 12, 2012. (Jim Price, Amy Browning)

Approve the publication of and hearing on the proposed SIP revision and Agreed Order with Exide Technologies in Collin County as recommended by the Executive Director. LS/BS; all agree.

- Item 88. [Docket No. 2009-0071-MIS](#). Consideration for publication of, and hearing on, the proposal of an agreed order with **Exide Technologies in Collin County** to require Exide Technologies to comply with certain requirements in the event that contingency measures are required to be implemented by the maintenance plan for the 1978 lead National Ambient Air Quality Standard (NAAQS) for Collin County. The proposed agreed order with Exide Technologies would make contingency measures for the federally required second ten-year maintenance plan for the 1978 lead NAAQS in Collin County legally enforceable. (Jim Price, Amy Browning)

Approve the publication of and hearing on the proposed SIP revision and Agreed Order with Exide Technologies in Collin County as recommended by the Executive Director. LS/BS; all agree.

RULE MATTER

- Item 89. [Docket No. 2008-1394-RUL](#). Consideration for publication of, and hearing on, proposed repeals of Sections 106.101, 106.103, 106.121, 106.123, 106.228, 106.282, 106.291, 106.312, and 106.413 of **30 TAC Chapter 106**, Permits by Rule. The proposed rulemaking would repeal

nine permits by rule that were added with no change to the list of De Minimis Facilities or Sources in order to eliminate duplication and provide a clear regulatory structure. (Johnny Bowers, Chrissie Angeletti) (Rule Project No. 2008-029-106-PR)

Approve the publication of and hearing on the proposed repeals of 30 TAC Chapter 106 as recommended by the Executive Director. BS/LS; all agree.

EXECUTIVE MEETING

Item 90. **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.

The commission did not meet in an executive meeting.

Item 91. **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.

The commission did not meet in an executive meeting.

Item 92. **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.

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)

/s/ Celeste Baker
Assistant General Counsel,
Celeste Baker

03/23/2009
Date