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Chairman H.S. Buddy Garcia OLD BUSINESS AGENDA
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, Ph.D. Wednesday, February 25, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the April 16, 2008, October 8, 2008, December 10, 2008 & January 28, 2009 agendas.

- Item 1. [TCEQ Docket No. 2005-2018-MWD-E; SOAH Docket No. 582-07-0105](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Clear Lake City Water Authority dba Robert T. Savely Water Reclamation Facility in Harris County**, Texas; TCEQ ID Water Quality No. WQ0010539001; regarding violations pursuant to the Texas Water Code and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Lena Roberts)

Adopt the ALJ's Proposed Order; adopt the Executive Director's exceptions nos. 1 - 3, 5, 7 - 11, 13, and 16 and the wording change in exception no. 15; assess an administrative penalty of \$3,400, reducing the calculated penalty of \$6,800 under other factors as justice may require; direct the Office of General Counsel to make the following changes to the Order: a) Eliminate the phrase "and no corrective action is required by" in Ordering Provision No. 1; b) Modify the year from 2007 to 2008 in the first paragraph of the Order; c) Change the name of the Chairman in the signature block; and d) Incorporate in the Order the technical requirements recommended by the Executive Director at agenda. LS/BS; all agree.

Item continued from the February 11, 2009 agenda.

- Item 2. [TCEQ Docket No. 2007-1426-MWD; SOAH Docket No. 582-08-0202](#). Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of **Hays County Water Control & Improvement District No. 1** for an amendment to Texas Pollutant

Discharge Elimination System Permit No. WQ0014293001, to discharge treated wastewater effluent. The facility is located approximately 1,100 feet west of County Road 163 (Nutt Brown Road) and approximately 1.16 miles south of the intersection of County Road 163 and U.S. Highway 290, in **Hays County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies. (Kathy Humphreys)

Adopt the ALJ's Revised Proposed Order as corrected to reflect the included settlement terms, verbatim; Issue the Executive Director's Second Revised Draft Permit, but modified to reflect all of the settlement provisions, verbatim, that are included in Finding of Fact No. 25 of the ALJ's Revised Order and the other provisions of the settlement agreement, verbatim, that the ALJ's previously recommended in their PFD; and Direct the Office of the General Counsel to include an Explanation of Changes in the Commission's Final Order to reflect the Commission's decision. Once the changes have been made, issue the Second Revised Draft Permit, as modified by the Commission's actions today. LS/BS; all agree.

Item continued from the February 11, 2009 agenda.

Item 3. [Docket No. 2008-1120-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eastman Chemical Company** in **Harrison County**; RN100219815; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Bryan Sinclair)

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

AGENDA

Wednesday, February 25, 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. 2003-0729-MSW; SOAH Docket No. 582-04-0975](#). Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of **Regional Land Management Services, Ltd.** for a Type I municipal solid waste landfill permit pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 330 authorizing the disposal of municipal solid waste, construction-demolition waste, and special waste. The proposed facility would be located south of State Highway 359, approximately 11 miles east of the intersection of Loop 20 and Highway 359 and 3.6 miles east of the city limits of the City of Laredo, in **Webb County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application and related filings, exceptions and replies. (Anthony Tatu)

Adopt the ALJ's Proposed Order granting Regional Land Management's permit with the following changes: a) Delete Finding of Fact No. 59 as recommended by the ALJ; b) Modify Ordering Provision No. 2 to eliminate that portion of the provision requiring the installation of a groundwater monitoring system and implementation of a groundwater sampling and analysis plan as recommended by the ALJ; c) Delete Finding of Fact No. 127 and delete the clause "Even though the four state-listed species that may use the proposed Ponderosa Landfill site are not included in the Texas Endangered Species Act," in Finding of Fact No. 128, as being contrary to the Commission's interpretation of its MSW rules and the precedent in the Blue Flats and TanTerra contested case matters; d) Modify Finding of Fact No. 119 and add a new finding of fact and conclusions of law regarding unstable areas, faults, wetlands, floodplains, hydrology, leachate collection, transportation, buffer zones, screening, and the permit term as set forth in the Applicant's exceptions and as recommended by the ALJ; and e) Modify Conclusion of Law No. 6 to read "Tex. Admin. Code" rather than "Tex. Admin. Code." Approve the issuance of the Executive Director's revised permit and adopt the Executive Director's Response to Comments. BS/LS; all agree.

- Item 2. [TCEQ Docket No. 2008-0559-MWD; SOAH Docket No. 582-08-4359](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of the **City of Castroville** for a major amendment to Texas Land Application Permit (TLAP) Permit No. WQ0010952001 to change from disposal via irrigation at a daily average not to exceed 350,000 gallons per day to discharge into waters in the state at a daily average flow not to exceed 900,000 gallons per day. The wastewater treatment facility is located approximately 0.9 mile southwest of the intersection of U.S. Highway 90 and Farm-to-Market Road 1343 in **Medina County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies. (D.A. Chris Ekoh, Amewusika Clara Dake)

Adopt the ALJ's proposed Order; adopt the Executive Director's exceptions modifying Conclusion of Law No. 1; correct the typographical error in Finding of Fact No. 4 to read "is located" and Conclusion of Law No. 1 to read "wastewater treatment facilities"; issue the draft permit; and adopt the Executive Director's Response to Comments. BS/BG; LS voting no.

Item 3. [TCEQ Docket No. 2007-1653-PST-E; SOAH Docket No. 582-08-4453](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Lupe Mercado in DeWitt County, Texas**; Petroleum Storage Tank Facility ID No. 38988; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code § 334 and Tex. Water Code chs. 7 and 26. The Commission will also consider timely filed exceptions and replies. (Anna M. Cox)

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 4. [Docket No. 2008-1888-UIC](#). Consideration of an application by **Uranium Energy Corp. (UEC)** for a for new Underground Injection Control (UIC) Permit No. UR03075, and of UEC's request to the TCEQ for designation of an exempt aquifer. The facility where the proposed activity would take place is located approximately 13 miles north of the city of Goliad, approximately 0.9 mile east of the intersection of State Highway 183 and Farm-to-Market Road 1961 in **Goliad County, Texas**. The permit would authorize UEC to construct and operate Class III injection and production wells for recovery of uranium from a certain portion of the Goliad Formation within the permit area. The area within the proposed permit boundary is approximately 1,139.4 contiguous acres. The application also includes a request for an aquifer exemption. The requested aquifer exemption would apply from a depth of 45 to 404 feet and would extend over an area of approximately 423.8 acres within the proposed permit area in Goliad County. The Commission will also consider Requests for Hearing or Reconsideration, Related Responses and replies, public comment, and the Executive Director's Response to Comments. (David Murry, Shana Horton, Don Redmond)

Grant the hearing requests of Goliad County, Goliad County Groundwater Conservation District, Goliad County Farm Bureau, Ander-Weser Volunteer Fire Department, St. Peter's Lutheran Church, Mary and Thomas Anklam, Raymond and Karon Arnold, Aldon and Brenda Bade, Elizabeth and Mickey Beard, Otto and Ruth Bluntzer, Matt and Erika Bochat, Gene and Reta Brown, John and Pearl Caldwell, Lynn and Ginger Cook, LuAnn and Craig Duderstadt, Darwyn and Waynell Duderstadt, Wilburn and Doris Duderstadt, Douglas and Wanda Franke, Joel and Joyce Grieser, Brenda Hardt, Ernest and Frances Hausman, Gaylon and Barbara Kornfuehrer, Mr. and Mrs. Jason Mikeska, Ricki McKinney, Susan and Weldon Orr, Margaret Rutherford, Wayne and Margie Smith, and Carol and Dorian Thurk; refer the following issues to SOAH: 1) Whether the use and installation of the injection wells are in the public interest under Texas Water Code 27.051(a). Public interest in regard to this issue includes whether UEC's mining operation or restoration activities will adversely impact the public interest by unreasonably reducing the amount of groundwater available for permitting by the Goliad County Groundwater Conservation District 2) Does the Applicant's compliance history require denial of the application under Tex. Water Code § 27.051(e) and 30 TAC Chapter 60 3) Does the application adequately and accurately describe baseline conditions of the groundwater in the proposed permitted area under applicable requirements of 30 TAC Chapter 331 4) Does the application meet all applicable criteria of 30 TAC § 331.122, related to required consideration by the commission prior to issuing a Class III Injection Well

Area Permit 5) Has the Applicant demonstrated that the proposed exempted aquifer meets the applicable criteria of 30 TAC § 331.13 6) Is the application sufficiently protective of groundwater quality 7) Does the application adequately characterize and describe the geology and hydrology in the proposed permit area, including fault lines, under the applicable rules 8) Does the geologic and hydraulic properties of the proposed permit area indicate that the Applicant will be able to comply with rule requirements 9) Does the Applicant meet the applicable requirements for financial assurance under Texas Water Code §§ 27.051, 27.073, and 30 TAC Chapters 37 and 331 10) Is the application sufficiently protective of surface water quality 11) Are local roadways sufficient to handle traffic to and from the proposed facility 12) Whether UEC's proposal for restoration of groundwater to baseline levels as contained in the permit application is reasonable and adequate 13) Will the Applicant's proposed activities negatively impact livestock and wildlife, including endangered species 14) Will the Applicant's proposed activities negatively impact the use of property 15) Will the Applicant's proposed activities adversely affect public health and welfare 16) Whether the proposed mining is in the recharge zone of the Gulf Coast Aquifer (Evangeline component) 17) Whether the Gulf Coast Aquifer is a confined aquifer in the areas of Goliad County where UEC will Conduct UIC activities 18) Whether mining fluids will migrate vertically or horizontally and contaminate an USDW (underground source of drinking water) 19) Whether there are any USDWs within the injection zones proposed by UEC 20) Whether any USDWs within Goliad County will be adversely impacted by UEC's proposed in situ uranium operations 21) Whether there is a "practical, economic and feasible alternative to an injection well reasonably available" within the meaning of that term as set forth in TWC § 27.051(d)(2); set a hearing duration of one year; and direct the Executive Director to participate as a party. BS/LS; all agree.

Item 5. [Docket No. 2006-0031-AIR](#). Consideration of Application by **Invista S.A.R.L.** for Renewal of Air Quality Permit No. 20011 to authorize the continued operation of its processing unit which produces dodecanedioic acid and usable by-products from butadiene, and includes organic compounds, carbon monoxide, nitrogen oxides, ammonia, sulfur dioxide, particulate matter, nitric acid, and organic acids. The facility is located at 2695 Old Bloomington Road North in Victoria, **Victoria 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.(Lon Morris, Tim Eubanks)

Deny the hearing request of Sharon Harper and Steve Stevenson; issue the Permit Renewal of Air Quality Permit No. 20011; and adopt the Executive Director's Amended Response to Comments. BS/LS; all agree.

Item 6. [Docket No. 2008-1446-MSW](#). Consideration of an application by **Darling International, Inc.** for a new Type V-GG Municipal Solid Waste permit to authorize a grease trap waste processing facility (Proposed Permit No. 2353). The Applicant proposes to locate the facility at 3701 Schalker Street, 850 feet south of Cavalcade Street, in Houston, **Harris County**, Texas. This permit, if approved, would authorize the proposed facility to store and process grease trap waste resulting from, or incidental to, municipal, community, commercial, institutional and recreational activities and to recycle recovered materials. The Commission will also consider Requests for Hearing or Reconsideration, Related Responses and replies, public comment, and the Executive Director's Response to Comments. (Jeff Holderread, Shana Horton)

Deny the request for hearing and reconsideration submitted by Downstream Environmental, LLC; revise the Executive Director's Response to Comments by deleting the reference to grease trap waste related to industrial activities in paragraph two on page two and adopt the Response to Comments as revised;

approve issuance of Proposed Permit No. 2353 as recommended by the Executive Director. BS/LS; all agree.

USE DETERMINATION MATTER

- Item 7. **Docket Nos. [2008-0830-MIS-U](#), [2008-0831-MIS-U](#), [2008-0832-MIS-U](#), [2008-0849-MIS-U](#), [2008-0850-MIS-U](#), and [2008-0851-MIS-U](#).** Consideration of the appeals filed by Rusk County Appraisal District, Freestone Central Appraisal District, Hutchinson County Appraisal District, Fort Bend Central Appraisal District, Brazoria County Appraisal District, and Wharton County Appraisal District with regard to six use determinations issued by the Executive Director regarding **Tenaska Gateway Partners, Ltd. (Rusk County)**, **Freestone Power Generation LP (Freestone County)**, **Borger Energy Associates, LP (Hutchinson County)**, **Brazos Valley Energy L.P. (Fort Bend County)**, **Freeport Energy Center, L.P. (Brazoria County)**, and **Navasota Wharton Energy Partners LP (Wharton County)**. The use determinations were assigned Application Numbers 07-11914, 07-11966, 07-11971, 07-11969, 07-11994 and 07-11926. The Commission will also consider all response and reply briefs.

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

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 8. **[Docket No. 2008-1146-AGR-E](#).** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Klaas Talsma dba Talsma Dairy in Erath County**; RN102313384; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Bryan Sinclair)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 9. **[Docket No. 2008-1458-AIR-E](#).** Consideration of an Agreed Order assessing administrative penalties against **Merisol USA LLC in Harris County**; RN100214576; 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. BS/LS; all agree.

- Item 10. **[Docket No. 2008-1230-AIR-E](#).** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN102450756; 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, Bryan Sinclair)

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

- Item 11. **[Docket No. 2008-1561-AIR-E](#).** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INEOS USA LLC in Brazoria County**;

RN100238708; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jeremy Escobar, Bryan Sinclair)

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

Item 12. [Docket No. 2008-1283-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Honeywell International Inc. in Orange County**; RN100217405; 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. 2008-1273-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hood Flexible Packaging Corporation in Smith County**; RN100218361; 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, Bryan Sinclair)

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

Item 14. [Docket No. 2008-1469-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mitsubishi Caterpillar Forklift America Inc. in Harris County**; RN100219161; 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. (Danielle Porras, Bryan Sinclair)

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

Item 15. [Docket No. 2008-1519-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Johnson Plate and Tower Fabrication, Inc. in El Paso County**; RN100819242; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, Bryan Sinclair)

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

Item 16. [Docket No. 2008-1024-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Imaging Bureau, Inc. in Tarrant County**; RN100777648; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Bryan Sinclair)

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

Item 17. [Docket No. 2008-0687-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Brazoria County**; RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Bryan Sinclair)

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

Item 18. [Docket No. 2008-1116-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Overwraps Packaging, L.P. in Dallas County**; RN100804657; 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 19. [Docket No. 2008-1251-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ofelia Bosquez dba Wenchos Gas & Food Mart in El Paso County**; RN101652691; 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 20. [Docket No. 2008-1349-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **ConocoPhillips Pipe Line Company in Lamb County**; RN100213495; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Bryan Sinclair)

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

Item 21. [Docket No. 2008-1298-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **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. (Raymond Marlow, Cari-Michel La Caille)

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

Item 22. [Docket No. 2007-1508-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BASF Corporation in Brazoria County**; TCEQ ID No. RN100218049; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

Item 23. [Docket No. 2008-0921-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. (Miriam Hall, Bryan Sinclair)

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

Item 24. [Docket No. 2008-1528-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Whirlwind Steel Buildings, Inc. in Harris County**; RN100543917; 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 25. [Docket No. 2008-1231-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN100542844; 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 26. [Docket No. 2008-1416-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Greif Packaging LLC in Harris County**; RN102079662; 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 27. [Docket No. 2007-1531-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **E. I. du Pont de Nemours and Company in Harris County**; TCEQ ID No. RN100225085; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

Item 28. [Docket No. 2008-1121-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **INEOS USA LLC dba INEOS Polyethylene North America in Harris County**; RN100229905; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, Bryan Sinclair)

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

Item 29. [Docket No. 2008-1205-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vopak Terminal Deer Park, Inc.** in **Harris County**; RN100225093; 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 30. [Docket No. 2008-1625-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Frontera Generation Limited Partnership** in **Hidalgo County**; RN102344645; 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. BS/LS; all agree.

Item 31. [Docket No. 2008-0822-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. (James Nolan, Bryan Sinclair)

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

Item 32. [Docket No. 2008-1269-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 33. [Docket No. 2008-1439-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lufkin Industries, Inc.** in **Angelina County**; RN100221613; 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, Bryan Sinclair)

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

Item 34. [Docket No. 2008-1701-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Permian Enterprises, Ltd.** in **Ector County**; RN105088629; 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. BS/LS; all agree.

Item 35. [Docket No. 2008-1180-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PD Glycol LP** in **Jefferson County**; RN100825413; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, Bryan Sinclair)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDER

Item 36. [Docket No. 2006-1316-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Fairmont Cleaners, Inc. dba Fairmont Cleaners** in **Harris County**; TCEQ ID No. RN104086384; for dry cleaner drop station registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Tammy L. Mitchell, Lena Roberts)

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

FIELD CITATIONS

Item 37. [Docket No. 2008-1500-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **HNQ, Inc. dba Kool Corner** in **Travis County**; RN101496644; 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 38. [Docket No. 2008-1573-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **50'S CLASSIC CAR WASH OF LUBBOCK, INC. dba 50's Classic Car Wash** in **Lubbock County**; RN102377553; 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 39. [Docket No. 2008-1507-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Larry Oates Construction Company dba Fresenius Medical Care Rockport** in **Aransas County**; RN105573141; 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 40. [Docket No. 2008-1442-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Altivia Corporation** in **Harris County**; RN102076601; 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.

Item 41. [Docket No. 2008-1113-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AUSTWELL AQUA FARM, INC.** in **Refugio County**; RN103896163; 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 42. [Docket No. 2007-2019-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Carotex, Inc.** in **Jefferson County**; RN100213727; 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.

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 43. [Docket No. 2007-0875-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jason S. Goff** in **Tarrant County**; TCEQ ID No. RN103496394; 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. (Rudy Calderon, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 44. [Docket No. 2008-1197-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rogelio Ramon** in **Jackson County**; RN105554810; 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. (Clinton Sims, Bryan Sinclair)

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

Item 45. [Docket No. 2008-1300-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Favelle Favco Cranes USA, Inc.** in **Cameron County**; RN102952983; for air quality and water quality 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. (Terry Murphy, Bryan Sinclair)

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

- Item 46. [Docket No. 2008-0596-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Four States Recycling, Inc.** in **Potter County**; RN103204954; for municipal solid waste and industrial solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Bryan Sinclair)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

- Item 47. [Docket No. 2008-1372-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eagle Disposal Company, Inc.** in **Limestone County**; RN105163950; for municipal solid waste 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. (Danielle Porras, Carimichel La Caille)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

- Item 48. [Docket No. 2007-0866-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Rodolfo Ruiz** in **Cameron County**; TCEQ ID No. RN104747639; 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 Default Order. BS/LS; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 49. [Docket No. 2008-1243-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Riesel** in **McLennan County**; RN101920635; 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.

Item 50. [Docket No. 2007-0787-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Port Arthur in Jefferson County**; RN101608024; 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 51. [Docket No. 2008-0562-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **A. K. Interests-Hunterwood, L.P. in Harris County**; RN102916814; 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.

Item 52. [Docket No. 2008-1420-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hallsville in Harrison County**; RN102181872; 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.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 53. [Docket No. 2008-1358-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CHEVRON U.S.A. INC. in Karnes County**; RN102483641; 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. (Mike Pace, Bryan Sinclair)

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

Item 54. [Docket No. 2008-1387-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ata Ur Rahman Khawaja dba M & R Food Market in Harris County**; RN102783495; 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. BS/LS; all agree.

Item 55. [Docket No. 2008-1438-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NEPTUNE INTERNATIONAL INC. and PARKVIEW PROPERTIES, INC. dba Sugar Land Food Mart in Fort Bend County**; RN101794782; 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. (Elvia Maske, Cari-Michel La Caille)

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

Item 56. [Docket No. 2008-1344-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **G & J INTERNATIONAL, INC. dba Sunny's Food Mart 3** in **Denton County**; RN101546588; 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. (Steven Lopez, Bryan Sinclair)

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

Item 57. [Docket No. 2008-1487-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AAEMS LLC dba Kwik Mart 2** in **Tarrant County**; RN102142049; 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 58. [Docket No. 2008-1159-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gerene Ferguson** in **Lubbock County**; RN101787885; 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. (James Nolan, Bryan Sinclair)

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

Item 59. [Docket No. 2006-0504-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Buddy Ford** in **Harrison County**; TCEQ ID No. RN102063088; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 60. [Docket No. 2007-0084-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Prince Texas Group, Inc.** in **Jefferson County**; TCEQ ID No. RN102409851; 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. (Rebecca M. Combs, Lena Roberts)

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

Item 61. [Docket No. 2007-0728-PST-E](#). Consideration of a Default Order assessing administrative penalties against **FKD Enterprises Inc. dba Lucky Seven Food Mart** in **Bexar County**; TCEQ ID No. RN101765089; 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 Default Order. BS/LS; all agree.

Item 62. [Docket No. 2007-0606-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jake Davis** in **Palo Pinto County**; TCEQ ID No. RN101572832; 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. (Rudy Calderon, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 63. [Docket No. 2006-0490-PST-E](#). Consideration of a Default and Shutdown Order assessing an administrative penalty and requiring certain actions of **Bountheung Noymany dba Boat Club Grocery** in **Tarrant County**; TCEQ ID No. RN100737493; 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. (Rebecca M. Combs, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 64. [Docket No. 2008-1376-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Clarkson Energy Homes Inc. dba Sun Valley Mobile Home Park** in **Erath County**; RN101176915; 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. BS/LS; all agree.

Item 65. [Docket No. 2007-0935-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Corinne Maib dba Coletto Water** in **Victoria County**; RN102683562; 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 66. [Docket No. 2007-1360-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **T S Ranch & Retreat, Inc.** in **Parker County**; TCEQ

ID No. RN104810619; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Anna M. Cox, Lena Roberts)

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

Item 67. [Docket No. 2008-1238-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Julie Ann Thames dba Primrose Mobile Home Park** in **Johnson County**; RN101228005; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Thomas Jecha, Bryan Sinclair)

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

Item 68. [Docket No. 2008-1644-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Hale Center** in **Hale County**; RN101383982; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Cari-Michel La Caille)

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

Item 69. [Docket No. 2008-1297-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Grove Water Supply Corporation** in **Coryell County**; RN101216620; 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 70. [Docket No. 2008-1037-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fort Gates Water Supply Corporation** in **Coryell County**; RN101216257; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Bryan Sinclair)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 71. [Docket No. 2007-1826-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Hank Cantu dba Hills of Texas Bulk Water** in **Burnet County**; TCEQ ID No. RN103108452; for public drinking water 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 Default Order. BS/LS; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 72. [Docket No. 2008-1666-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HCN MANAGEMENT, LLC** in **Coryell County**; RN105431985; 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. (Samuel Short, Cari-Michel La Caille)

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

Item 73. [Docket No. 2008-1105-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Silo Road Partners, Ltd.** in **Collin County**; RN105538649; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lauren Smitherman, Bryan Sinclair)

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

Item 74. [Docket No. 2008-1419-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jeske Construction Co.** in **Dallas County**; RN101560324; 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. (Samuel Short, Bryan Sinclair)

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

Item 75. [Docket No. 2007-1146-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **ICI Construction, Inc.** in **Smith County**; RN105171698; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts)

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

Item 76. [Docket No. 2008-1452-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Toll Bros., Inc.** in **Travis County**; RN104981212 and RN104976857; 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. (Jorge Ibarra, P.E., Cari-Michel La Caille)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 77. [Docket No. 2007-1682-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Stoneridge Custom Homes, Inc.** in **Tarrant County**; TCEQ ID No. RN105348981; 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 Default Order. BS/LS; all agree.

STATE IMPLEMENTATION PLAN

- Item 78. [Docket No. 2007-1539-SIP](#). Consideration of the adoption of a revision to the State Implementation Plan (SIP) to address visibility impairment due to regional haze in Class I Federal areas. The adopted revision would implement Federal Clean Air Act requirements to make reasonable progress in reducing visibility impairment at Class I Federal areas, including Big Bend and Guadalupe Mountains National Parks, resulting from anthropogenic pollution. (Margaret Earnest, John Minter) (Project No. 2007-016-SIP-NR)

Approve the adoption of the proposed revision to the State Implementation Plan to address visibility impairment due to regional haze in Class I Federal areas as recommended by the Executive Director. BS/LS; all agree.

RULE MATTERS

- Item 79. [Docket No. 2008-1631-RUL](#). Consideration for publication of and hearing on, proposed amended section 101.1 of **30 TAC Chapter 101**, General Air Quality Rules; proposed amended sections 116.10, 116.12, and 116.150 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification; and corresponding revisions to the state implementation plan. The proposed rulemaking would amend definitions in 30 TAC Chapter 101 to remove language regarding specific maintenance and nonattainment areas. Additionally, the proposed rulemaking would amend Chapter 116 to remove language indicating that the one-hour thresholds and offsets are not effective unless the U.S. Environmental Protection Agency (EPA) promulgates rules. The proposed rulemaking would also amend Chapter 116 to add a requirement for continued applicability of nonattainment New Source Review until the EPA approves its removal for areas attaining the ozone NAAQS. (Blake Stewart, Terry Salem) (Rule Project No. 2008-030-116-PR)

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

- Item 80. [Docket No. 2008-1632-RUL](#). Consideration for the adoption of amendments to **30 TAC Chapter 334**, Underground and Aboveground Storage Tanks, Sections 334.71, 334.201, and 334.503; and **30 TAC Chapter 350**, Texas Risk Reduction Program, Sections 350.2, 350.4, 350.77, 350.91, and 350.92. The rulemaking would remove applicability of Chapter 350, Texas Risk Reduction Program, to the remediation of Leaking Petroleum Storage Tank (LPST) sites, and it would reinstate the applicability of Chapter 334. The proposed rules were published in the November 21, 2008 issue of the *Texas Register* (33 TexReg 9433). (Anton Rozsypal, Cullen McMorrow) (Rule Project No. 2009-003-350-PR)

Approve the adoption of the proposed amendments to 30 TAC Chapter 334 and 30 TAC Chapter 350 as recommended by the Executive Director. BS/LS; all agree.

- Item 81. [Docket No. 2008-1866-RUL](#). Consideration for the publication of, and hearing on, proposed amendments to **30 TAC Chapter 21**, Water Quality Fees, Section 21.3 and **30 TAC Chapter 290**, Public Drinking Water, Section 290.51. The proposed rulemaking would increase the Public Health Services fee, the Consolidated Water Quality fee, and the Water Use Assessment fee to ensure that there are sufficient funds to carry out the tasks required to protect water resources in the state. (Kathleen Ramirez, Margaret Ligarde) (Rule Project No. 2009-007-021-PR)

Approve the publication of and hearing on the proposed amendments to 30 TAC § 21.3 and 30 TAC § 290.51 as recommended by the Executive Director and modified by the Commission at the Agenda meeting. LS/BS; all agree.

PUBLIC COMMENT SESSION

Item 82. The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.

No action taken.

EXECUTIVE MEETING

Item 83. **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 84. **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 85. **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/ Anne Rowland
Assistant General Counsel,
Anne Rowland

03/06/2009
Date