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Chairman H.S. Buddy Garcia
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, Ph.D. Wednesday, March 25, 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. 2008-1009-AIR; SOAH Docket No. 582-08-4460](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Block Creek Concrete Products, LLC** for Air Quality Standard Registration 83958, pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC, Chapter 116, and Texas Health and Safety Code Section 382.05195, to construct and operate a permanent specialty concrete batch plant. The proposed plant would be located at 444 FM Old Number 9 Highway A, near Comfort, in **Kendall 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. (Shelley Stratmann, Alicia M. Lee)

Adopt the ALJ's proposed Order with the following two modifications: 1) Add to the end of Finding of Fact No. 5 the following language: "after notice of the October 20, 2008 hearing was published on September 18, 2008 in *The Comfort News*;" and 2) Add to Conclusion of Law No. 3 the following language: "and Tex. Health & Safety Code § 382.058(c)." BS/LS; all agree.

- Item 2. [TCEQ Docket No. 2007-1878-UCR; SOAH Docket No. 582-08-2245](#). Consideration of the Administrative Law Judge's Proposal for Decision and proposed Order regarding the application of **Buena Vista Water System** to change its water rates and tariff under Certificate of Convenience and Necessity No. 11656 in **Burnet County**, Texas, pursuant to Texas Water Code Chapter 13 and the rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291. The Commission will also consider the application, the related filings, the exceptions and the replies. (Ron Olson)

1) Adopt the Executive Director's rate design in his exceptions; 2) Adopt the ALJ's Proposal for Decision and proposed Order with the ALJ's proposed revisions to Finding of Facts Nos. 37, 58, 68, 78, 79, 127, 137, and 139 as expressed in his Reply to Exceptions; 3) Delete proposed Finding of Fact No. 133 and replace it with the following: "Buena Vista has questionable financial integrity because its general ledger and accounting systems are disorganized and need substantial improvements, it has been subject to at least one previous enforcement action, and it was delinquent in paying federal payroll taxes during the test year;" 4) Amend revised Conclusion of Law No. 18 to correct the total \$27,309 disallowance amount and remove the partial disallowance chart; 5) Delete the ALJ's proposed Conclusion of Law No. 22 and replace it with the following: "Based on the above Findings of Fact and Conclusions of Law, Buena Vista's water rates will require the collection of a revenue amount above the revenue requirement established by Buena Vista in order to preserve its financial integrity and Buena Vista should be allowed to charge the base rates and gallonage rate currently approved in its tariff;" 6) Delete Conclusion of Law Nos. 27 through 30; 7) Amend proposed Conclusion of Law No. 32 and Ordering Provision No. 3 to reflect the reversion of the existing base rate and gallonage charges as proposed by the Executive Director; 8) Amend proposed Ordering Provision No. 4 to establish a refund deadline as follows: "Ms. Bryant shall refund or credit to customers all sums collected since September 1, 2007, which was the effective date of the rates at issue in this case that exceeds the rates approved the Commission, plus six percent interest on the over collection. This refund or credit shall be made over the 24 month period beginning June 1, 2010;" 9) Amend proposed Ordering Provision No. 9 to require the Chief Clerk to mail a copy of the Order to all parties without a citation; and 10) Direct the Executive Director to review all matters associated with this Utility and its ratepayers to determine if it is in the best interest of this Utility and its ratepayers for the appointment of a temporary manager or receiver. LS/BS; all agree.

Item 3. [TCEQ Docket No. 2006-1434-AIR-E; SOAH Docket No. 582-07-2484](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Advantage Asphalt Products, Ltd.** in **Armstrong County**, Texas; TCEQ ID RN102997970; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider all related filings, including timely filed exceptions and replies. (Jennifer Cook)

Adopt the ALJ's Proposal for Decision and proposed Order with the following changes: 1) Change the reference on Page 1 of the ALJ's Order from the "Executive Director Report and Petition" to the "Executive Director's First Amended Report and Petition;" 2) Change the date in Finding of Fact No. 2.a. on Page 2 from "December 3, 2003" to "December 8, 2003" as shown in Executive Director's Exhibit 2 as the date of issuance of Permit No. 54119L002; 3) Change the reference to "January 19, 2007" in Finding of Fact No. 21 on Page 5 of the Order to "February 19, 2007" the date the Respondent requested a contested case hearing; 4) Change Conclusion of Law No. 5 on Page 6 of the Order to reference Air Permit No. "54119L002" instead of No. "54229L001;" and 5) Amend Finding of Fact No. 2.c. of Page 2 of the Order to read "30 Texas Admin. Code § 106.142" instead of "30 Texas Admin. Code § 116.142." BS/LS; all agree.

Item 4. [TCEQ Docket No. 2007-1295-PST-E; SOAH Docket No. 582-08-1956](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Dewayne Dyer** in **Fannin County**, Texas; Petroleum Storage Tank Facility ID No. 12467; 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)

Approve the ALJ's proposed Order with the Executive Director's exception. LS/BS; all agree.

- Item 5. [TCEQ Docket No. 2007-0539-PST-E; SOAH Docket No. 582-08-1450](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties against **Hunter Webb** in **Potter County**, Texas; Petroleum Storage Tank Facility ID No. 68180; 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. (Xavier Guerra)

Adopt the ALJ's proposed Order. BS/LS; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

- Item 6. [Docket No. 2008-1700-MWD](#). Consideration of the application by **Wood-Oak Hollow, LLC**, for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014878001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 500,000 gallons per day. The wastewater treatment facility will be located approximately 1,000 feet south and 1,996 feet west of the intersection of County Highway 285 and County Highway 827, in **Collin 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. (Christiaan Siano, Kent H. Trede)

Grant the hearing requests of North Texas Municipal Water District and the City of Anna; refer the matter to SOAH to consider the following issues: a) Whether there is a need for the proposed facility and whether operation of the proposed plant will be consistent with Commission's regionalization policy; b) Whether the facility's operations, which includes the discharge, would have an adverse impact on water quality, including whether the proposed effluent limits in the draft permit are adequate, whether the proposed permit will result in increased loading to the receiving stream, and whether water quality will be maintained consistent with public health; c) Whether the proposed WWTP will generate nuisance odors; d) Does the application meet the requirements under applicable rules and guidance regarding who must apply for this TPDES permit; encourage the parties to participate in the ADR process; direct the Executive Director to participate in the hearing; and set the maximum duration of the hearing as nine months. BS/LS; all agree.

- Item 7. [Docket No. 2008-1876-UIC](#). Consideration of the application by **South Texas Mining Venture, L.L.P.** for two Class I waste disposal well permits, authorizing it to dispose of by-product materials generated from in situ uranium mining operations. The proposed wells will be located on the La Palangana site in **Duval County**, Texas, approximately six miles north of Benavides, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Tim Reidy, Gerald Bolmer)

Item remanded to the Executive Director.

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 8. [Docket No. 2008-1597-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David Lloyd dba Prairieview Dairy** in **Johnson**

County; RN101608230; 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, Cari-Michel La Caille)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 9. [Docket No. 2008-1437-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Harris County**; RN100219310; 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. LS/BS; all agree.

Item 10. [Docket No. 2008-1568-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LP in Jefferson County**; RN104964267; 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 11. [Docket No. 2007-1260-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mannesmann DMV Stainless USA, Inc. in Harris County**; TCEQ ID No. RN100210962; 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. (Rebecca Combs, Lena Roberts)

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

Item 12. [Docket No. 2008-1378-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MEMC Pasadena, Inc. in Harris County**; RN101062099; 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 13. [Docket No. 2008-1456-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Chemical LP in Harris County**; RN100209832; 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, Cari-Michel La Caille)

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

Item 14. [Docket No. 2007-0314-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Diamond Shamrock Refining Company, L.P.** in **Moore County**; TCEQ ID No. RN100210517; 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. (Anna M. Cox, Lena Roberts)

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

Item 15. [Docket No. 2008-1611-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gilbert & Geraldine Malooly Children's Trust dba Shell Super Stop 10** in **El Paso County**; RN100814524; 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 16. [Docket No. 2008-1604-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against the **University of Texas at El Paso** in **El Paso County**; RN100220359; 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 17. [Docket No. 2008-1624-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Clean Harbors Environmental Services, Inc.** in **Harris County**; RN102184173; 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 18. [Docket No. 2008-1554-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pasadena Refining System, Inc** in **Harris County**; RN100716661; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Cari-Michel La Caille)

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

Item 19. [Docket No. 2008-1153-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **AK/HA Manufacturing, LLC** in **Jefferson County**; RN100214238; 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 Marlowe, Cari-Michel La Caille)

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

- Item 20. [Docket No. 2008-1477-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102212925; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Cari-Michel La Caille)

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

- Item 21. [Docket No. 2008-1545-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vopak Logistics Services USA Inc. in Harris County**; RN100223007; 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, Cari-Michel La Caille)

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

- Item 22. [Docket No. 2007-1946-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shumard Corporation dba Associated Fiberglass Enterprises in Tarrant County**; RN101340818; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Bryan Sinclair)

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

- Item 23. [Docket No. 2008-1894-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mine Service, Ltd. in McLennan County**; RN102607561; 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, Cari-Michel La Caille)

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

- Item 24. [Docket No. 2008-0989-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. (Miriam Hall, Bryan Sinclair)

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

- Item 25. [Docket No. 2008-1540-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fort Worth Excavating, Inc. in Tarrant County**; RN100733138; 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. (Carlie Konkol, Cari-Michel La Caille)

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

- Item 26. [Docket No. 2008-0391-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LP in Harris County**; RN100219526; 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.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

- Item 27. [Docket No. 2007-1480-AIR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Elegant Craftworks, Inc. dba Allan Products in Dallas County**; TCEQ ID No. RN100215342; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Cox, Lena Roberts)

Item remanded to the Executive Director.

DRY CLEANER ENFORCEMENT AGREED ORDER

- Item 28. [Docket No. 2008-1195-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hyon Walk dba Chantz Cleaners in Bell County**; RN105010417; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Cari-Michel La Caille)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDER

- Item 29. [Docket No. 2006-1265-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Myung & Choon Kim, Inc. dba Town & Country Cleaners and dba Viking Cleaners in Dallas County**; TCEQ ID Nos. RN104094933 and RN100795848; for dry cleaner 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. (Gary K. Shiu, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 30. [Docket No. 2008-1680-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **H. E. Butt Grocery Company in Bexar County**; RN102842143; 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. (Samuel Short, Cari-Michel La Caille)

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

FIELD CITATIONS

Item 31. [Docket No. 2008-1531-PST-E](#). Consideration of a Field Citation assessing administrative penalties against **Terry County in Terry County**; RN101858579; 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 32. [Docket No. 2008-1576-WOC-E](#). Consideration of a Field Citation assessing administrative penalties against **Billy A. Stafford in McLennan County**; RN103483087; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 33. [Docket No. 2008-1513-WOC-E](#). Consideration of a Field Citation assessing administrative penalties against **Curtis J. Shupak in Burleson County**; RN103694675; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 34. [Docket No. 2008-1524-WQ-E](#). Consideration of a Field Citation assessing administrative penalties against the **City of Henderson in Rusk County**; RN101612679; 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 35. [Docket No. 2008-1580-WQ-E](#). Consideration of a Field Citation assessing administrative penalties against **RIMROCK DEVELOPMENT, L.L.C. in Tom Green County**; RN105610869; 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 36. [Docket No. 2008-1516-WQ-E](#). Consideration of a Field Citation assessing administrative penalties against **SIERRA VISTA CONSTRUCTION, INC.** in **Tom Green County**; RN104933049; 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. 2008-1509-WQ-E](#). Consideration of a Field Citation assessing administrative penalties against **Edward T. Jacobs dba Spruce Hill Road Duplexes Construction** in **Smith County**; RN105536502; 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.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 38. [Docket No. 2007-1886-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rex D. Melton** in **Hutchinson County** and **Potter County**; TCEQ ID No. RN104284542; 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. (Dinniah M. Chahin, Lena Roberts)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 39. [Docket No. 2007-1281-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Emilio Garza** in **Cameron County**; TCEQ ID No. RN105197636; 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. LS/BS; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 40. [Docket No. 2008-1575-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Del Rio** in **Val Verde County**; RN101264299; for water rights and public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, 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 41. [Docket No. 2008-1497-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Minsa Corporation** in **Bailey County**; RN102597200;

for public drinking water 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 Texas Administrative Code ch. 60. (Rebecca Clausewitz, Cari-Michel La Caille)

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

- Item 42. [Docket No. 2008-0501-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Geosource, Inc. dba Geosource aka Wagner Materials in Bexar County and Comal County**; TCEQ ID No. RN100847813; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Dinniah M. Chahin, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

- Item 43. [Docket No. 2007-1176-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **I.M.C. Waste Disposal, Inc. in Wichita County**; TCEQ ID No. RN101306082; 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. (Gary Shiu, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

- Item 44. [Docket No. 2008-0563-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Casey Croy in Hamilton County**; TCEQ ID No. RN104789045; 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. (Tracy Chandler, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 45. [Docket No. 2007-1815-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Roscoe in Nolan County**; RN101917581; 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 46. [Docket No. 2008-0999-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Hempstead in Waller County**; RN101920692; 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 47. [Docket No. 2008-0598-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Westphalia Water & Sewer Supply Corporation in Falls County**; RN103930061; 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, Cari-Michel La Caille)

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

Item 48. [Docket No. 2008-1618-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fin & Feather Lodge LLC in Sabine County**; RN101608081; 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. (Harvey Wilson, Cari-Michel La Caille)

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

Item 49. [Docket No. 2008-1353-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Timber Lane Utility District in Harris County**; RN102844909; 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 50. [Docket No. 2008-0991-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Crowell in Foard County**; RN101612380; 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, Cari-Michel La Caille)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 51. [Docket No. 2008-1591-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **MISAQ ENTERPRISES INC. dba Gibby's Food Store in Harris County**; RN101984094; 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. (Rajesh Acharya, Cari-Michel La Caille)

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

- Item 52. [Docket No. 2008-1428-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **National Stations Inc.** in **Hale County**; RN101792935; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Cari-Michel La Caille)

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

- Item 53. [Docket No. 2008-1429-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **PNS SHELL INC** in **Harris County**; RN101900173; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Cari-Michel La Caille)

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

- Item 54. [Docket No. 2008-1460-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Victron Stores, L.P. dba Tiger Mart 2** in **Johnson County**; RN101569226; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Cari-Michel La Caille)

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

- Item 55. [Docket No. 2008-1664-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RG Holdings Inc. dba Allen Shell** in **Collin County**; RN101533800; 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. (Mike Pace, Cari-Michel La Caille)

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

- Item 56. [Docket No. 2008-0953-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nile J. Patterson, Jr.** in **Armstrong County**; RN101875342; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Cari-Michel La Caille)

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

- Item 57. [Docket No. 2008-1612-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **RIYAAN & NOORAIN ENTERPRISES, INC. dba Country Mart** in **Bastrop County**; RN104087762; 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. (Michael Pace, Cari-Michel La Caille)

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

Item 58. [Docket No. 2008-1781-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **J. T. HEATH HOME & AUTO SUPPLY COMPANY dba H & H Grocery 1** in **Culberson County**; RN102057577; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Cari-Michel La Caille)

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

Item 59. [Docket No. 2007-0311-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **West Texas Gas, Inc. dba WTG San Angelo Warehouse 210100** in **Tom Green County**; TCEQ ID No. RN102249653; 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 60. [Docket No. 2008-1623-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **United Fuel & Energy Corporation** in **Hockley County**; RN102230026; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Cari-Michel La Caille)

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

Item 61. [Docket No. 2008-1354-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bobby Enterprises, Inc. dba One Stop Shopping Mart** in **Harris County**; RN102450665; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Cari-Michel La Caille)

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

Item 62. [Docket No. 2008-1655-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ARISTOS, INC. dba Smart Stop** in **Orange County**; RN102256088; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Cari-Michel La Caille)

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

Item 63. [Docket No. 2008-1649-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Scott Halbert dba CITGO Convenience Store in Bastrop County**; RN104366760; 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. (Brianna Carlson, Cari-Michel La Caille)

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

Item 64. [Docket No. 2008-1865-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tom Van Nguyen dba Lisa Food Mart in Tarrant County**; RN104967203; 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 65. [Docket No. 2008-1125-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jeff Davidson dba C & W One Stop 12 in Irion County**; RN102438462; 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. (Thomas Greimel, Cari-Michel La Caille)

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

Item 66. [Docket No. 2008-1328-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SHANE TRANSPORTATION, INC in Brazos and Orange Counties**; RN105359921; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Cari-Michel La Caille)

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

Item 67. [Docket No. 2004-0675-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M & K Pantry, L.C. dba Lumberton Chevron and dba M & K Pantry 4 in Hardin County**; TCEQ ID Nos. RN101893188 and RN102444890; 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. (Anna M. Cox, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 68. [Docket No. 2006-1565-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Afzal Shekhani dba Bender Texaco in Harris County**; TCEQ ID No. RN101259067; 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. (Dinniah M. Chahin, Lena Roberts)

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

Item 69. [Docket No. 2007-0409-PST-E](#). Consideration of a Default Order assessing administrative penalties against **IZR Corporation dba Garland Fina** in **Dallas County**; TCEQ ID No. RN101551299; 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. (Rebecca Combs, Lena Roberts)

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

Item 70. [Docket No. 2007-1552-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Richard Brannan** in **Coleman County**; TCEQ ID No. RN102220761; 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 71. [Docket No. 2008-0357-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Patrick H. Hetherly** in **Bowie County**; TCEQ ID No. RN101788958; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Cox, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 72. [Docket No. 2006-0603-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Dahisar Business, Inc. dba Honey Stop 2** in **Orange County**; TCEQ ID No. RN102253242; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 73. [Docket No. 2008-1430-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sidney Independent School District** in **Comanche County**; RN101283919; 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 74. [Docket No. 2008-1359-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Moran in Shackelford County**; RN101392181; 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 75. [Docket No. 2008-1669-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Coke County Water Supply Corporation in Coke County**; RN101220820; 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 76. [Docket No. 2008-1574-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Macedonia Eylau Municipal Utility District 1 in Bowie County**; RN101451920; 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. LS/BS; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

- Item 77. [Docket No. 2008-0136-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision in Williamson County** and Travis County; TCEQ ID Nos. RN101250306 and RN100825082; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

Continued to the April 22, 2009 agenda. LS/BS; all agree.

- Item 78. [Docket No. 2007-1578-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Cowcatchers, L.L.C. in Comal County**; TCEQ ID No. RN104633995; 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. (Rudy Calderon, Lena Roberts)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 79. [Docket No. 2008-1534-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wayne Dobbins dba 3D Vacuum Service in Victoria County**; RN102984226; 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. (Evette Alvarado, Cari-Michel La Caille)

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

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER

Item 80. [Docket No. 2008-1697-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties against **Guillermo Garcia Jr. in Nueces County**; RN104188313; for occupational licensing violations pursuant to Tex. Water Code ch. 37, 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.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 81. [Docket No. 2008-1792-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Burdick Homes, Ltd. in Bexar County**; RN105626568; 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. (Evette Alvarado, Cari-Michel La Caille)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDERS

Item 82. [Docket No. 2007-0775-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **W W Cattle Feeds, Inc. in Parker County**; TCEQ ID No. RN100756931; 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. (Rebecca Combs, Lena Roberts)

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

Item 83. [Docket No. 2007-1212-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Frank Lamas dba Lamas Surplus in San Patricio County**; TCEQ ID No. RN104917901; 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. (Rudy Calderon, Lena Roberts)

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

MISCELLANEOUS MATTER

Item 84. **Docket No. 2008-1951-WR**. Consideration of a resolution to appoint a replacement representative to the Steering Committee for the **Edwards Aquifer Authority Recovery Implementation Program** for species that are listed as threatened or endangered under federal law and are associated with the Edwards Aquifer. This Program is required by SB 3-Article 12 and HB 3-Article 2 from the 80th Legislative session, which amended Chapter 626 (Acts of the 73rd Legislature, Regular Session, 1993) which created and authorized the Edwards Aquifer Authority. The Steering Committee is composed of representatives of state agencies and stakeholders and is cooperatively developing a Program Document with recommendations for the Edwards Aquifer Authority's consideration. The current TCEQ representative on the Steering Committee retired from state service effective October 31, 2008. This is one of the three positions on the steering committee that were appointed by the commission in August, 2007. (Cary Betz, Robin Smith)

Adopt the Executive Director's proposed Resolution appointing Cary Betz to represent the TCEQ on the Steering Committee for the Edwards Aquifer Authority Recovery Implementation Program and Herman Settemeyer as the alternate representative. BS/LS; all agree.

PUBLIC COMMENT SESSION

Item 85. 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 86. **Docket No. 2009-0001-EXE**. The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 87. **Docket No. 2009-0002-EXE**. The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 88. **Docket No. 2009-0003-EXE.** The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

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

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

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

/s/ Shannon Strong
Assistant General Counsel,
Shannon Strong

04/17/2009
Date