

Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, September 29, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the August 25, 2004 and September 15, 2004 agendas.

- Item 1. **Docket No. 2002-0886-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, L.P.** in **Brazoria County**; Air Account No. BL-0113-I; 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, Suzanne Walrath)

Continued to the October 27, 2004 agenda.

AGENDA

Wednesday, September 29, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS

- Item 1. **Docket No. 2004-0839-AIR.** Consideration of application by **Southern Crushed Concrete** for a modification of Air Quality Permit No. 70136L001 (formerly Permit No. 40072) to authorize the relocation of a portable rock crushing facility from its current location of 5001 Gasmer Street, Houston Harris County to a proposed new site at 2350 Bellfort Avenue, Houston, **Harris 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. (Josh Reddoch/Garrett Arthur)

Grant the hearing requests for the City of Houston, Citizens Against Southern Crushed Concrete, and Texas Pipe and Supply Co. Inc., refer to SOAH for a period of 6 months with the hearing to be held in Houston, Texas on the issues of: 1. Would operation of the facility have an adverse effect on the health of the requesters who live within one mile of the facility? 2. Would operation of the facility adversely affect the ability of the requesters to use and enjoy their property or cause damage to the requester's property? 3. Would operation of the facility have an adverse effect on air quality? 4. Whether or not the Applicant's emissions calculations and modeling are accurate? 5. Is a stockpile limitation necessary and are stockpile emissions adequately addressed in the permit conditions? and 6. Whether or not the record keeping requirements set forth in the draft permit are sufficient to enable enforcement? Deny the Request for Reconsideration. KW/RM; all agree.

- Item 2. **Docket No. 2004-1198-MWD.** Consideration of the application by **Falcon/Westminster - 2 Partnership, L.L.P.** for a major amendment of Texas Commission on Environmental Quality (TCEQ) Permit No. WQ0013880001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 20,460 gallons per day to a daily average flow not to exceed 29,260 gallons per day via subsurface drip irrigation and to increase the acreage irrigated from 4.7 acres to 6.84 acres. The facility and disposal site are located approximately 0.25 mile north of the intersection of U.S. Highway 183 and State Highway 29 in **Williamson 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. (Matt Beeter/Julian Centeno, Jr.)

Continued to the October 27, 2004 agenda. KW/RM; all agree.

- Item 3. **Docket No. 2004-1199-SLG.** Consideration of the application by **Synagro of Texas-CDR, Inc.** for a new Permit No. 04475 to authorize the beneficial land application of sewage sludge on 767 acres distributed among eight fields within a 2299.88-acre site. The facility is located at the intersection of Farm-to-Market Roads 1104 and 1150, east of Farm-to-Market Road 1104 and along Farm-to-Market Road 1150 in **Guadalupe County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (John Williams/Tassie Fish)

Grant hearing requests of James W. Watts, Sr. and James W. Watts, Jr., refer to ADR for a period of 4-6 weeks then, if necessary, to SOAH for a hearing with a maximum duration of 4 months on the issues of:

1. Has Synagro complied with applicable regulatory requirements to submit a description of all processes generating sewage sludge to be applied at the site?
2. Will Synagro's permitted activities comply with applicable regulatory requirements to maintain a 200-foot buffer zone around intermittent streams?
3. Will Synagro's permitted activities comply with applicable regulatory requirements to maintain a 200-foot buffer zone around conduits to groundwater?
4. Has Synagro complied with applicable regulatory requirements regarding soil sampling?
5. Will Synagro's permitted activities comply with applicable regulatory requirements to prevent runoff from the site to waters of the state?
6. Has Synagro accurately calculated and supported the agronomic rates in the application?
7. Does the site or the El Campo sludge to be applied to the site require the addition of special provisions to the proposed permit?
8. Will operation of the facility under the proposed permit satisfy the nuisance control requirements of Chapter 312?; and
9. Does Synagro's compliance history justify modification or denial of the permit? KW/RM; all agree.

RECONSIDERATION OF THE APPLICATION

- Item 4. **Docket No. 2004-0266-MWD.** Reconsideration of the application by **Ronald Eugene Shafer** for a new permit, proposed TCEQ Permit No. WQ0004573000, to authorize the beneficial land application of domestic septage on 22.92 acres. The land application site will be located on County Road 423, 1 mile northwest of the intersection of Farm-to-Market Road 3025 and County Road 423, 2 miles southwest of the intersection of Farm-to-Market Road 3025 and State Highway 108, approximately 6 miles northwest of the City of Stephenville in **Erath County**, Texas. On June 9, 2004, the Commission remanded the permit application to the Executive Director to amend portions of the permit involving a nutrient management plan, buffer zones, and maximum phosphorous levels. (Jason Haas, Tassie Fish)

Approve the issuance of the permit application. RM/KW; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 5. **Docket No. 2004-0242-AGR-E.** Consideration of an Agreed Order assessing administrative penalties against **Rogers & Sons, Ltd.** in **Castro County**; Texas Pollutant Discharge Elimination System (TPDES) Registration No. WQ0003783-000, Regulated Entity Reference No. RN102097227; 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. (Ronnie Kramer, Tel Croston)

Approve the agreed order. KW/RM; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6. **Docket No. 2004-0055-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Albertson's Inc. dba Albertson's Express 936 in El Paso County**; Regulated Entity ID No. RN102988730; 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. (Kensley Greuter, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 7. **Docket No. 2004-0430-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **C & R Distributing Inc. in El Paso County**; TCEQ Air Account ID No. EE2247Q, Regulated Entity ID No. RN102614203; 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. (Brandon Smith, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 8. **Docket No. 2003-1184-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Cemex Cement of Texas LP in Ector County**; Air Account No. EB-0121-R, RN100213305; 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. (David Van Soest, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 9. **Docket No. 2004-0143-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Parkview Metal Products, Inc. in Hays County**; Air Account No. HK-0046-W, Regulated Entity Reference No. RN100211945; 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. (Jill Reed, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 10. **Docket No. 2004-0387-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Enterprise Products Operating L.P. in Chambers**

County; Air Account No. CI0006V, Regulated Entity ID No. RN102984911; 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. (Kensley Greuter, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 11. **Docket No. 2004-0221-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Hobas Pipe USA, LP** in **Harris County**; Air Account No. HG-1531-T, Air Permit No. 17434, Regulated Entity No. 102540812; 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. (Kent Heath, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 12. **Docket No. 2004-0350-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Sandel Energy, Inc.** in **Brazoria County**; Air Account No. BL-0779-R, Regulated Entity Reference No. RN100897388; 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. (Ronnie Kramer, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 13. **Docket No. 2004-0078-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Savoy Kay dba S & S Fuel Co.** in **El Paso County**; Regulated Entity ID No. RN100817410; 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. (Bill Davis, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 14. **Docket No. 2003-0569-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Young Brothers, Inc. Contractors** in **McLennan County**; Air Account No. MB0283F, Regulated Entity ID No. RN102311875; 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 Greimel, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 15. **Docket No. 2004-0393-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **The Goodyear Tire and Rubber Company** in

Jefferson County; Air Account No. JE-0039-N, Regulated Entity Reference No. 102561925; 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, Tel Croston)

Remanded to the Executive Director.

Item 16. **Docket No. 2003-1507-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company** in **Harris County**; Air Account No. HG07690; 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. (Sherry Smith, Tel Croston)

Approve the agreed order. KW/RM; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 17. **Docket No. 2004-0116-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mr. W Fireworks, Inc.** in **Bexar County**; Edwards Aquifer Site Registration No. 13-03041103; Regulated Entity Reference No. RN103101770; 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. (Lori Thompson, Tel Croston)

Approve the agreed order. KW/RM; all agree.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 18. **Docket No. 2003-1495-IHW-E.** Consideration of an Agreed Order assessing administrative penalties against **North American Trans Waste, Inc.** in **Cameron County**; Solid Waste Registration No. 85642; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mauricio Olaya, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 19. **Docket No. 2003-1450-IHW-E.** Consideration of an Agreed Order assessing administrative penalties against **Southwest Shipyard, L.P.** in **Harris County**; Solid Waste Registration No. 31208; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Tel Croston)

Approve the agreed order. KW/RM; all agree.

- Item 20. **Docket No. 2003-0083-IHW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Universal Forest Products Texas Limited Partnership** in **Comal County**; Solid Waste Registration No. 32209, Regulated Entity ID No. RN101042950; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Joseph Daley, Tel Croston)

Approve the agreed order. KW/RM; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

- Item 21. **Docket No. 2002-0971-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Schenectady International, Inc.** in **Brazoria County**; Texas Pollutant Discharge Elimination System Permit No. 01961-000; 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, Tel Croston)

Continued to the October 27, 2004 agenda.

LICENSED IRRIGATOR ENFORCEMENT AGREED ORDER

- Item 22. **Docket No. 2003-0445-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vincent Robinson** in **Fort Bend County**; Regulated Entity Reference No. RN103665675; for licensing violations pursuant to Tex. Water Code chs. 7 and 34 and the rules of the Texas Commission on Environmental Quality. (Ronnie Kramer, Tel Croston)

Remanded to the Executive Director. RM/KW; all agree.

LICENSED IRRIGATOR ENFORCEMENT DEFAULT ORDER

- Item 23. **Docket No. 2002-1186-LII-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Grover G. Bruce Jr.** in **Tarrant County**; TCEQ ID No. RN103461729; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Laurencia Fasoyiro, Tel Croston)

Remanded to the Executive Director. RM/KW; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

- Item 24. **Docket No. 2002-0806-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Town of Pecos City** in **Reeves County**; Municipal Solid Waste Unauthorized Facility Nos. 455070007, 455070009, and 455070010; for municipal solid waste violations pursuant to TEX. HEALTH & SAFETY

CODE ch. 361, TEX. WATER CODE ch. 7, and the rules of the Texas Commission on Environmental Quality. (Merrilee Hupp, Tel Croston)

Approve the agreed order. KW/RM; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 25. **Docket No. 2004-0338-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Kaufman in Kaufman County**; TPDES Permit No. 12114-001, Regulated Entity ID No. RN102410461; 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. (Michael Meyer, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 26. **Docket No. 2003-1380-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Eli Sasson in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 0011414-002, Regulated Entity Reference No. RN101525137; 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. (A. Sunday Udoetok, Tel Croston)

Continued to the October 13, 2004 agenda.

Item 27. **Docket No. 2003-1532-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Spring West Municipal Utility District in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 12579-001; 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. (Laurie Eaves, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 28. **Docket No. 2002-0962-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Upper Leon River Municipal Water District in Comanche County**; Sludge Registration No. 710710; for water quality 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. (J. Craig Fleming, Tel Croston)

Approve the agreed order. KW/RM; all agree.

ON SITE SEWAGE FACILITY INSTALLER ENFORCEMENT AGREED ORDER

Item 29. **Docket No. 2003-0401-OSI-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David Vrazel in Hays County**;

Regulated Entity Reference Number RN100843184; for licensing/certification violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Lori Thompson, Tel Croston)

Approve the agreed order. KW/RM; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 30. **Docket No. 2004-0212-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **AAA Petroleum Distributors, Inc. in Travis County**; Regulated Entity ID No. RN103777223; 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. (Kensley Greuter, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 31. **Docket No. 2002-1146-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arnold Felts dba A & D General Store in Tom Green County**; Petroleum Storage Tank Facility ID No. 71010, Public Water Supply ID No. 2260059, Regulated Entity Reference No. RN102314770; for petroleum storage tank and drinking 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. (Jill Reed, Tel Croston)

Remanded to the Executive Director

Item 32. **Docket No. 2004-0164-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Motiva Enterprises LLC in Harris and Fort Bend Counties**; TCEQ ID No: Regulated Entity No. RN102862455; 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. (Edward R. Moderow, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 33. **Docket No. 2004-0247-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **ZR CO, INC. dba Swif-T 24 in Dallas County**; Petroleum Storage Tank Registration No. 42829, Regulated Entity ID No. RN101560779; 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 Tex. Admin. Code ch. 60. (Cari Bing, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 34. **Docket No. 2004-0105-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Xuan, Inc. dba Mercury Drive In in Harris County**; Petroleum Storage Tank Facility ID No. 0033838; 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 Tex. Admin. Code ch. 60. (Stacey Young, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 35. **Docket No. 2003-0919-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sharon K. Williams dba Williams Feed & Grocery in Hardin County**; Petroleum Storage Tank Facility ID No. 0065791, Regulated Entity Reference No. 101433696; 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. (Sheila Smith, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 36. **Docket No. 2004-0028-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Thrif-Tee Foods, Inc. in Collin County**; Petroleum Storage Tank Facility ID No. 65165, Regulated Entity ID No. RN102403151; 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. (Rebecca Clausewitz, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 37. **Docket No. 2003-0793-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Guiti Assadi dba Texas Food & Fuel in Harris County**; Petroleum Storage Tank Facility ID No. 26972, Regulated Entity ID No. RN101447282; 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. (Jaime Garza, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 38. **Docket No. 2002-1305-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Superior Aviation Fuel Enterprises, LLC in El Paso County**; Petroleum Storage Tank Facility ID No. 0049238; 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. (Jill Reed, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 39. **Docket No. 2004-0579-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Kelsoe Tractor Company, Inc. in Denton County**;

Petroleum Storage Tank Facility ID No. 7927, Regulated Entity Reference No. RN103052817; 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. (A. Sunday Udoetok, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 40. **Docket No. 2004-0354-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Hicks Oil & Butane Co. in Cameron County**; Regulated Entity Reference No. 102974680; 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. (Keith Fleming, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 41. **Docket No. 2004-0272-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **H & W Petroleum Company, Inc. in Harris County**; Petroleum Storage Tank Facility ID No. 50854, Regulated Entity Reference No. RN101378271; 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. (Lawrence King, Tel Croston)

Approve the agreed order. KW/RM; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 42. **Docket No. 2003-1218-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Camilla Coves Lot Owners Association, Inc. dba Camilla Coves Water System in San Jacinto County**; Public Water Supply ID No. 2040040; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Tel Croston)

Remanded to the Executive Director.

Item 43. **Docket No. 2003-0579-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Wortham in Freestone County**; Public Water Supply ID No. 0810003; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Joseph Daley, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 44. **Docket No. 2004-0092-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sam Rector dba Town & Country MHP in Wise County**; Public Water Supply ID No. 2490029; for drinking

water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elvia Maske, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 45. **Docket No. 2003-1527-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Milam Water Supply Corporation** in **Milam County**; Public Water Supply ID No. 1660015, Regulated Entity ID No. RN101452837; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 26, and the rules of the Texas Commission on Environmental Quality. (Jaime Garza, Tel Croston)

Approve the agreed order. KW/RM; all agree.

Item 46. **Docket No. 2004-0173-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of China in Jefferson County**; Public Water System 1230038, Regulated Entity No. 101276855; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Chris Friesenhahn, Tel Croston)

Approve the agreed order. KW/RM; all agree.

SLUDGE ENFORCEMENT AGREED ORDER

Item 47. **Docket No. 2004-0310-SLG-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ollie Sutton dba Sutton Septic Service** in **Jones County**; Sludge Transporter ID No. 20199, Regulated Entity ID No. RN102798790; for water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Leila Pezeshki, Tel Croston)

Approve the agreed order. KW/RM; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 48. **Docket No. 2003-1548-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SET Environmental, Inc.** in **Harris County**; Texas Pollutant Discharge Elimination System Permit 04123; 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. (Ruben Soto, Tel Croston)

Remanded to the Executive Director.

DISTRICT MATTER

- Item 49. **Docket No. 2004-0152-DIS.** Consideration of a petition by Regency I-45/ Spring Cypress Retail Ltd., Edward P. deZevallos, ZED Partners, Ltd., David G. Edgar, Edgar Family Limited Partnership, and Richard J. Lindley, Jr., Trustee, landowners (Applicants), for dissolution of **Harris County Municipal Utility District No. 311** (District). The Applicants request that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. 01142004-D01; Rob Cummins, Brian MacLeod)

Approve the proposed petition and issuance of the revised order. KW/RM; all agree.

ADVISORY COMMITTEE RESOLUTION

- Item 50. **Docket No. 2004-0396-MIS.** Consideration of a Resolution to extend the existence of the **Water Utility Operator Licensing Advisory Committee** until August 31, 2008 and to appoint members to the Water Utility Operator Licensing Advisory Committee of the Texas Commission on Environmental Quality. The Water Utility Operator Licensing Advisory Committee is an advisory committee that advises and assists the Texas Commission on Environmental Quality on matters related to training and licensing of water and wastewater operators. (Noreen Helmle/Gabriel Soto)

Adopt the ED's revised resolution approving the appointment of ten members to the Water Utility Operator Licensing Advisory Committee of the Texas Commission on Environmental Quality and extending the existence of the Water Utility Operator Licensing Advisory Committee until August 31, 2008. KW/RM; all agree.

EXECUTIVE SESSION

- Item 51. **Docket No. 1998-1154-EXE.** The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, 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 session 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 52. **Docket No. 1999-0024-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 session to take action on a 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 53. **Docket No. 1999-0025-EXE.** The Commission will conduct a closed session 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 session 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. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

OLD BUSINESS AGENDA

Wednesday, September 29, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

Continued from the May 12, 2004 and July 28, 2004 agendas.

- Item 1. **TCEQ Docket No. 2002-1378-MWD; SOAH Docket No. 582-03-2828.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Lake Travis II Investments, Ltd.** for a wastewater permit pursuant to Chapter 26 of the Texas Water Code. The proposed wastewater treatment facilities and disposal site would be located approximately 0.8 miles west of Mansfield Dam and 0.5 miles south of Ranch Road 620 in **Travis County**, Texas. The Commission will also consider timely public comments and the Executive Director's response to such comments, and related filings, exceptions and replies.

Continued to the October 27, 2004 agenda.

AGENDA

Wednesday, September 29, 2004

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. **TCEQ Docket No. 2002-0117-MSW; SOAH Docket No. 582-02-1595.** Consideration of the Administrative Law Judge's Proposal for Decision and order regarding the application of **Juliff Gardens, L.L.C.** to construct a Type IV municipal solid waste landfill in **Brazoria County**, Texas. The proposed landfill site is located on the east side of Farm-to-Market Road 521, approximately 2500 feet south of the intersection of Farm-to-Market Road 521 and County Road 56. The Commission will also consider timely public comments and the Executive Director's Response to Public Comment; the application, and related filings, exceptions and replies.

Deny the permit, adopt the ALJs' Order with the deletion of Finding of Facts # 45 & 46 and Conclusion of Law #6. KW/LS; all agree.

/s/ Tracy Gross
Assistant General Counsel,
Tracy Gross

10/14/2004
Date