

Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, May 11, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the April 27, 2005 agenda.

- Item 1. **Docket No. 2004-1330-RUL.** Consideration of the adoption of new Sections 37.9201, 37.9205, 37.9210, 37.9215, and 37.9220 of **30 TAC Chapter 37**, Financial Assurance; and new Sections 337.1 - 337.4, 337.10 - 337.15, 337.20 - 337.22, 337.30 - 337.32, 337.40, 337.41, 337.50, 337.51, 337.60 - 337.63, 337.70 - 337.72, and 337.80 of **30 TAC new Chapter 337**, Dry Cleaner Environmental Response. The adopted new sections would implement House Bill 1366, 78th Legislature, Regular Session, 2003.

The adopted rules would establish provisions for the regulation and remediation of dry cleaning solvents, including fee payment and registration procedures for dry cleaning facilities, drop stations, and distributors; standards for solvent delivery, handling, and disposal; specifications for recordkeeping, audits, and financial assurance; and requirements relating to use of the dry cleaning remediation fund. The proposed rules were published in the November 12, 2004, issue of the *Texas Register* (29 TexReg 10442 and 10444). (Grace "Nell" Tyner, Caroline Sweeney, Derek Chapin) (Rule Project No. 2003-047-337-WS)

Approve adoption of new Sections 337.1 - 337.4, 337.10 - 337.15, 337.20 - 337.22, 337.30 - 337.32, 337.40, 337.41, 337.50, 337.51, 337.61 - 337.63, 337.70 - 337.72, and 337.80 of 30 TAC new Chapter 337, with deletion of Subsections 337.15(c)(5), 337.20(b), and 337.20(d). Withdrawal of 337.60 of 30 TAC new Chapter 337 and Sections 37.9201, 37.9205, 37.9210, 37.9215, and 37.9220 of 30 TAC Chapter 37. KW/LS; all

AGENDA

Wednesday, May 11, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUEST(S) AND/OR REQUEST(S) FOR RECONSIDERATION

- Item 1. **Docket No. 2005-0572-MWD.** Consideration of the application by **Southwood Estates, Inc.** for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0012780001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 34,000 gallons per day in the interim I phase, a daily average flow not to exceed 34,000 gallons per day in the interim II phase (advanced secondary treatment with nitrification), a daily average flow not to exceed 145,000 gallons per day in the interim III phase and a daily average flow not to exceed 400,000 gallons per day in the final phase. The facility is located approximately 1900 feet north of State Highway 6 and 2 miles east of the intersection of State Highway 6 and State Highway 288 in **Brazoria 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. (Alicia Lee, David Akoma)

Deny the request for reconsideration, adopt the Executive Director's Response to Comments, and issue the permit. KW/RM; all agree.

- Item 2. **Docket No. 2005-0069-IWD.** Consideration of permit application WQ0001261000, submitted by **Caviness Packing Company, Inc.**, for a major amendment to Texas Commission on Environmental Quality (TCEQ) Permit No. WQ0001261000 to increase the authorized daily average wastewater flow of effluent to be disposed of via irrigation from 100,000 gallons per day to 300,000 gallons per day and to include an additional 310 acre off-site irrigation tract for an increase in the total authorized irrigation tract area from 20 acres to 330 acres. The current permit authorizes the disposal of process wastewater and holding pen runoff at a daily average flow not to exceed 100,000 gallons per day via evaporation and irrigation of 20 acres of grassland. This permit will not authorize a discharge of pollutants into water in the State. The applicant operates a slaughterhouse. The facility and the primary land application site are located adjacent to the northwest side of U.S. Highway 60, approximately 1.25 miles southwest of the intersection of U.S. Highway 60 and U.S. Highway 385 and southwest of the City of Hereford; the off-site land application site is located adjacent to the southeast side of U.S. Highway 60, approximately 1.5 miles southwest of the intersection of U.S. Highway 60 and U.S. Highway 385 and approximately 0.25 miles southwest of the primary facility, and southwest of the City of Hereford, **Deaf Smith 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. (Matthew Beeter/Michael Sunderlin)

Grant the hearing request of Mike and Evelyn Morrison; refer the matter to Alternate Dispute Resolution if all parties agree for a period of four to six weeks; if necessary, refer to SOAH for a duration of six months on the issues of (1) Whether the requesters' health and safety and that of their family will be adversely affected by facility operations in accordance with the draft permit; (2) Whether odor and irrigation, including drifting spray, associated with the facility will be a nuisance to the requesters if it is operated in accordance with the draft permit; (3) Whether the groundwater, requesters' water supply wells, and public water supply wells near the facilities will be protected as required by the applicable rules; (4) Whether the characteristics of the discharge and/or off-site discharge location make it unsuitable for land application; and (5) Whether the proposed off-site land application site is adequately identified in the permit application. Deny all other issues. KW/RM; all agree.

Item 3. **Docket No. 2005-0573-MWD.** Consideration of the application by **Driftwood Utility Company, L.L.C.** for a new permit, proposed TCEQ Permit No. WQ0014480001, to authorize the disposal of treated domestic wastewater with a daily average flow not to exceed 50,000 gallons per day via subsurface drip irrigation on approximately 11.5 acres of public access land. The facility and disposal site will be located approximately 4,000 feet southeast of the intersection of Farm-to-Market Road 1826 and Bear Creek Pass, approximately 4,300 feet south of the intersection of Farm-to-Market Road 1826 and proposed Barrett Boulevard in **Hays County**, Texas. The facility and disposal site are located in the drainage basin of Onion Creek in Segment No. 1427 of the Colorado River Basin. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Michael Northcutt/Kent H. Trede)

Deny all hearing requests and requests for reconsideration, adopt the Executive Director's Response to Comments, and issue the permit. KW/RM; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

Item 4. **Docket No. 2001-0169-AGR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R.J. Smelley Company, Inc. dba R.J. Smelley Dairy** in **Tarrant County**; TCEQ ID Nos. 02422 and RN101536886, for water quality 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. (Barbara L. Klein, Mike Meyer)

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

Item 5. **Docket No. 2004-0999-AGR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gerard Van Kooten dba Van Kooten Dairy Farm** in **Comanche County**; Water Quality Permit No. 0004067000; 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. (Judy Kluge, Kent Heath)

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

- Item 6. **Docket No. 2004-0916-AGR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tamminga Family Partnership, LTD dba Tamminga Dairy Farm** in **Ellis County**; Texas Pollutant Discharge Elimination System Permit No. WQ0002714-000; 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. (Cheryl Thompson, Elvia Maske)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 7. **Docket No. 2003-1335-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Acacia Natural Gas Corporation, Montgomery and Waller Counties**; Air Account Nos. MQ0303C, MQ0583O, MQ0021P and WB0098G, Regulated Entity Nos. RN100227867, RN102563921, RN102534278 and RN100227776, 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. (Brian Lehmkuhle, Merrilee Hupp)

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

- Item 8. **Docket No. 2003-1492-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Acme Brick Company** in **Parker County**; Air Account No. PC0001E, RN100225184; 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. (Pamela Campbell, Sherry Smith)

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

- Item 9. **Docket No. 2004-0451-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **K & K Langham, LTD.** in **Travis County**; Air Account No. TH0247V, RN100216746; 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, Michael Limos)

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

Item 10. **Docket No. 2004-1255-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Oxy USA WTP LP in Yoakum County**; Air Account No. YA0050L; RN102533445; 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, Steven Lopez)

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

Item 11. **Docket No. 2004-1081-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **San Angelo Packing Company, Inc. in Tom Green County**; Regulated Entity No. RN101511772; 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. (Edward R. Moderow, Steven Lopez)

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

Item 12. **Docket No. 2004-1047-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Kinder Morgan Production Company, LP in Scurry County**; TCEQ Air Account Nos. SG-0143-D and SG-0110-S; RN102494853 and RN104087598; 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. (Jaime Garza, Steven Lopez)

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

Item 13. **Docket No. 2004-0704-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Brazoria County**; Air Account No. BL-0042-G, 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. (Ronnie Kramer, Elvia Maske)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 14. **Docket No. 2004-0782-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Century Park Apartments Limited Partnership dba Century Park Apartments in Travis County**; TCEQ ID No. EA1104012001, Regulated Entity ID No. RN104133079; 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. (Chris Friesenhahn, Michael Meyer)

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

Item 15. **Docket No. 2004-1494-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Lower Colorado River Authority in Williamson County**; Edwards Aquifer Protection Program No. 11-01121403, RN102769544; 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. (Cari Bing, Kent Heath)

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

Item 16. **Docket No. 2004-1418-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Cypress 4F Cattle & Ranch, LTD. in Travis County**; Regulated Entity Reference No. RN104355862; 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. (Cari Bing)

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

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 17. **Docket No. 2004-0941-IHW-E.** Consideration of an Agreed Order assessing administrative penalties against **Albemarle Corporation in Harris County**; Solid Waste Registration No. 83328, Regulated Entity No. RN100218247; 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. (Rebecca Johnson, Elvia Maske)

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

Item 18. **Docket No. 2004-1453-IHW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Quest Chemical Corporation in Harris County**; Solid Waste Registration No. 74760; RN100657477; 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. (Laura Clark, Elvia Maske)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 19. **Docket No. 2004-1648-IWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Duco, Inc. in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 12874001, RN102183647; 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. (Erika Fair, Cari Bing)

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

- Item 20. **Docket No. 2004-0995-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Maverick Tube, L.P.** in **Montgomery County**; Texas Pollutant Discharge Elimination System Permit No. WQ0002365000, RN100543131; 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. (Catherine Albrecht, Elvis Maske)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

- Item 21. **Docket No. 2004-0942-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Larry Ratliff, Inc.** in **Dallas County and Ellis County**; TCEQ ID Nos. A85535, RN103776498 and RN101060689; for industrial and hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality including specifically, 30 Tex. Admin. Code ch. 60. (Barbara L. Klein, Mike Meyer)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

- Item 22. **Docket No. 2003-1408-MLM-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **James O. Teague** in **Bosque County**; TCEQ ID Nos. RN102974466 and RN102997947 for air and municipal solid waste violations pursuant to the Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. ch. 60. (Barbara L. Klein, Mike Meyer)

Approve the default order. KW/LS; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

- Item 23. **Docket No. 2004-1205-MSW-E.** Consideration of an Agreed Order assessing administrative penalties against **Allied Waste Systems, Inc. dba Trinity Waste Services** in **Dallas County**; Solid Waste Registration No. 41774, RN102338464; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Cari Bing)

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

- Item 24. **Docket No. 2004-0553-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alan and Yolanda Black dba Black's Construction and Caliche Pit** in **Webb County**; TCEQ ID No. RN104153705;

for municipal solid waste violations pursuant to the Texas Solid Waste Disposal Act, Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Mike Meyer)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 25. **Docket No. 2004-0504-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Brazoria in Brazoria County**; Texas Pollutant Discharge Elimination System Permit No. WQ0010133001, RN101613552; 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. (Catherine Albrecht, Cari Bing)

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

Item 26. **Docket No. 2003-0069-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Alpine in Brewster County**; Texas Pollutant Discharge Elimination System Permit No. 10117-001 (Expired); 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. (Cari Bing, Michael Meyer)

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

Item 27. **Docket No. 2004-0976-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Victoria County**; Texas Pollutant Discharge Elimination System Permit No. 12024-001, RN102075918; for water quality violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (David Van Soest, Merrilee Hupp)

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

Item 28. **Docket No. 2004-1051-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Shirley Creek Marina, Inc. in Nacogdoches County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 0010947001; RN102080199; 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, Mike Meyer)

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

Item 29. **Docket No. 2004-1228-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pittsburg in Camp**

County; Texas Pollutant Discharge Elimination System Permit No. 10250001; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Elvia Maske)

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

Item 30. **Docket No. 2003-1017-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pasadena in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 10053-005, Regulated Entity ID No. RN101609584; 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. (Michael Meyer, Joseph Daley)

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

Item 31. **Docket No. 2004-1440-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **North Orange Water & Sewer, LLC in Orange County**; Texas Pollutant Discharge Elimination System Permit No. 13072-001; 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. (Jorge Ibarra, P.E., Cari Bing)

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

Item 32. **Docket No. 2004-1204-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Moffett Twin Oaks Mobile Home Property Trust in Angelina County**; Texas Pollutant Discharge Elimination System Permit No. WQ0011588001, RN101519064; 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. (Brandon Smith, Elvia Maske)

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

Item 33. **Docket No. 2004-0524-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Joaquin in Shelby County**; Texas Pollutant Discharge Elimination System Permit No. 12718-001; 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. (Erika Fair, Elvia Maske)

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

Item 34. **Docket No. 2004-0865-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **The Walden Woods Company in Navarro County**; TCEQ ID Nos. 0014221001 and RN101522357; 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. (Ashley Keever, Mike Meyer)

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

- Item 35. **Docket No. 2004-0812-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Splendor** in **Montgomery County**; Texas Pollutant Discharge Elimination System Permit No. WQ0013389001, RN102181922; 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. (Catherine Albrecht, Elvia Maske)

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

- Item 36. **Docket No. 2004-0673-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Elkhart** in **Anderson County**; Texas Pollution Discharge Elimination System WQ0010735001; 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. (Sandy VanCleave, Steven Lopez)

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

- Item 37. **Docket No. 2003-0334-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Eustace** in **Henderson County**; Texas Pollutant Discharge Elimination System Permit No. 11132-001, Regulated Entity Reference No. RN101919140; 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. (Carolyn V. Lind, Elvia Maske)

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

- Item 38. **Docket No. 2004-0705-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Faulkey Gully MUD** in **Harris County**; Texas Pollutant Discharge Elimination System Permit No. WQ0011832001, Regulated Entity ID No. RN102178993; 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, Elvia Maske)

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

- Item 39. **Docket No. 2003-1442-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hood County Utilities, Inc.** in **Hood County**; Texas Pollutant Discharge Elimination System Permit No. 13022-001,

RN102957024; 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. (Brian Lehmkuhle, Joseph Daley)

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

- Item 40. **Docket No. 2004-1028-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Hallsville in Harrison County**; Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0026921; 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. (Suzanne Walrath, Steven Lopez)

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

- Item 41. **Docket No. 2004-1372-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Bryan in Brazos County**; Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0022616; RN101613388; 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. (Suzanne Walrath, Seven Lopez)

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

- Item 42. **Docket No. 2004-0784-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **CA New Plan Floating Rate Partnership, L.P. in Harris County**; Texas Pollutant Discharge Elimination System Permit No. WQ0014144001; 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. (Catherine Albrecht, Michael Meyer)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 43. **Docket No. 2004-1599-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Adan R. Ocampo dba Adam Auto Service in Tarrant County**; Petroleum Storage Tank Facility ID No. 62180, Regulated Entity Reference No. RN101573566; 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. (Harvey Wilson, Kent Heath)

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

- Item 44. **Docket No. 2004-1043-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Patrick Dale Sudderth dba Smitty's Drive In in Harris County**; Petroleum Storage Tank Facility ID No. 20464; RN101807949; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7 and 26 and the rules

of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Steven Lopez)

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

Item 45. **Docket No. 2004-0597-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jim Strong dba Papa's Market in Bee County**; Petroleum Storage Tank Facility ID No. 18253; 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. (Chad N. Blevins, Tom Greimel)

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

Item 46. **Docket No. 2004-1021-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lucky Lady Oil Company dba Super Lucky Lady 2 in Tarrant and Denton Counties**; Petroleum Storage Tank Facility ID No. 10757, Regulated Entity ID No. RN100539667; 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 Texas Administrative Code ch. 60. (Chris Friesenhahn, David Van Soest)

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

Item 47. **Docket No. 2004-1385-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Louisiana Chicken Food Mart, Inc. dba Louisiana Chicken Food Mart in Tarrant County**; Petroleum Storage Tank Facility ID No. 2417, Regulated Entity Reference No. RN102713344; 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. (Jorge Ibarra, P.E., Michael Meyer)

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

Item 48. **Docket No. 2004-1283-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jerry Chambers dba Joes Quick Stop 2 in Cameron County**; Petroleum Storage Tank ID No. 42992, RN102434776; 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. (Kent Heath, Elvia Maske)

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

Item 49. **Docket No. 2004-1306-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Inayat's, Inc. dba Stop & Shop in Tarrant County**; Petroleum Storage Tank Facility ID No. 67449, RN101542702; 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. (Joseph Daley, Elvia Maske)

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

Item 50. **Docket No. 2004-1515-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Michael Silvertooth dba Silvers Store & Motel** in **Titus County**; TCEQ ID No. RN101864171; 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. (Mary Clair Lyons, Mike Meyer)

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

Item 51. **Docket No. 2004-1054-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **I I M A Corporation dba Wichita Texaco** in **Wichita County**; Petroleum Storage Tank Facility ID No. 73427; RN101890234; 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. (Jill Reed, P.E., Steven Lopez)

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

Item 52. **Docket No. 2004-1316-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Groendyke Transport, Inc.** in **Nueces County**; Petroleum Storage Tank Facility ID No. 37013, Regulated Entity ID No. RN100703727; 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. (Catherine Albrecht, Steven Lopez)

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

Item 53. **Docket No. 2004-1094-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Vina R. Patel dba Glad Mart 1** in **Dallas County**; Petroleum Storage Tank Facility ID No. 66804, RN102009339; 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. (Terry Murphy, Cari Bing)

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

Item 54. **Docket No. 2004-1163-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **David Dominguez dba D's One Stop** in **Howard County**; Petroleum Storage Tank Facility ID No. 68904; Regulated Entity Reference No. RN102366697; 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, Steven Lopez)

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

Item 55. **Docket No. 2004-1345-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Eric Cornelius dba Cornelius Oil Co. in Floyd County**; Petroleum Storage Tank Facility ID No. 20843, RN101898864; 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. (Erika Fair, Mike Meyer)

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

Item 56. **Docket No. 2004-1170-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Cornelius Motor Sales, Inc. in Tarrant County**; Petroleum Storage Tank Facility Registration No. 57624; RN100784321; 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. (Cari Bing, David Van Soest)

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

Item 57. **Docket No. 2003-0781-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Star Tex Gasoline & Oil Distributors Inc. dba Star Trac 1 in Nueces County**; TCEQ ID No. 0023481 and RN101378263; 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. (Laurencia Fasoyiro, Mike Meyer)

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

Item 58. **Docket No. 2004-1001-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brink's Home Security Inc. in Dallas County**; Petroleum Storage Tank Registration No. 46549; RN101532521; 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 Texas Administrative Code ch. 60. (Cheryl Thompson, Steven Lopez)

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

Item 59. **Docket No. 2004-1417-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Akber Ali dba Best Stop Food Mart in Travis County**; Petroleum Storage Tank Facility Registration No. 58253, RN101497113; 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. (Cari Bing)

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

Item 60. **Docket No. 2004-1616-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Kaye Weeks dba Bert & Kayes Exxon in Anderson County**; Petroleum Storage Tank Facility ID No. 16583, Regulated Entity Reference No. RN102978392; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steven Lopez, Cari Bing)

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

Item 61. **Docket No. 2004-0404-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Choice Oil & Development, Inc. dba Oak Grove Food Mart in Tarrant County**; Petroleum Storage Tank Facility ID No. 14931; 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. (Jorge Ibarra, P.E., Erika Fair)

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

Item 62. **Docket No. 2004-1501-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Arif Jindani dba Alvin Food Mart in Brazoria County**; Petroleum Storage Tank Facility No. 54839, RN101909968; 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. (Cari Bing, Kent Heath)

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

Item 63. **Docket No. 2004-0786-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Johnny Bailey dba Bailey's Pump Service in Montague, Clay, and Wilbarger Counties**; Contractor CRP No. 000656, ILP No. 000883; 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. (Brandon Smith, Michael Meyer)

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

Item 64. **Docket No. 2004-1924-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dana Marley dba Antoine Grocery in Travis County**; Petroleum Storage Tank Facility ID No. 65829,

RN101489110; 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. (Jill McNew, Kent Heath)

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

- Item 65. **Docket No. 2004-1207-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jose Galarza dba Laureles Grocery in Cameron County**; Petroleum Storage Tank Facility ID No. 26899, Regulated Entity ID No. RN101684223; 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. (Harvey Wilson, Elvia Maske)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 66. **Docket No. 2004-1100-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kirvin in Freestone County**; Public Water Supply ID No. 0810019, RN101408953; 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, Cari Bing)

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

- Item 67. **Docket No. 2004-1354-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Red River Authority of Texas in Grayson County**; Public Water Supply ID No. 0910037; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Brandon Smith, Michael Meyer)

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

- Item 68. **Docket No. 2004-1101-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tecon Water Company, L.P. dba Cherokee Shores Water Supply and Granbury Acres Water System in Henderson and Hood Counties**; Public Water Supply Nos. 1070206 and 1110109, RN101380889, RN101380509; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Cari Bing)

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

Item 69. **Docket No. 2004-1023-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against of **Sheridan Water Supply Corporation in Colorado County**; Public Water Supply No. 0450016; RN102677010; 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, David Van Soest)

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

UNDERGROUND INJECTION CONTROL ENFORCEMENT AGREED ORDER

Item 70. **Docket No. 2004-1254-UIC-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Asarco Incorporated in Potter County**; Underground Injection Control Permit Nos. WDW 129, WDW 324, WDW 273; for underground injection control violations pursuant to Tex. Water Code chs. 7 and 27 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, David Van Soest)

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

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER

Item 71. **Docket No. 2004-1104-WOC-E.** Consideration of an Agreed Order assessing administrative penalties against **Russell S. Robinson, Jr. in Orange County**; Wastewater License No. WW0012745, RN103653424; for licensing/certification violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (John Barry, Michael Meyer)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 72. **Docket No. 2004-1078-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Apache Stone Quarry, Inc. in Bell County**; RN104327697; 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, Cari Bing)

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

Item 73. **Docket No. 2004-0758-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Military Highway Water Supply Corporation in Cameron County**; Water Quality Permit No. 13462-005, Regulated Entity ID No. RN101512879; 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. (Chris Friesenhahn, Elvia Maske)

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

RULE MATTERS

- Item 74. **Docket No. 2005-0321-RUL.** Consideration for publication of, and hearings on, proposed amended Sections 115.167, 115.169, 115.219, 115.427, and 115.429 of **30 TAC Chapter 115**, Control of Air Pollution from Volatile Organic Compounds, and corresponding revisions to the state implementation plan.

The proposed rulemaking would lower exemption levels for batch process operations and shipbuilding and ship repair operations in the Beaumont/Port Arthur (BPA) area from 100 tons per year to 50 tons per year to reflect the redesignation of the BPA area from moderate to serious for the one-hour ozone standard. The proposed rulemaking would also delete the contingency measure for control of volatile organic compound emissions from marine terminals in the BPA area. (Teresa Hurley, Rebecca Davis) (Rule Project No. 2005-017-115-AI)

Approve publication of, and hearings on, proposed amended Sections 115.167, 115.169, 115.219, 115.427, and 115.429 of 30 TAC Chapter 115 and corresponding revisions to the state implementation plan. KW/RM; all agree.

- Item 75. **Docket No. 2005-0235-SIP.** Consideration for publication of, and hearings on, a proposed revision to the **Beaumont-Port Arthur State Implementation Plan (SIP)**.

This proposed SIP revision would include a reasonably available control technology (RACT) determination, a discussion of clean fleet requirements, a discussion of the marine vessel loading contingency measure, a reasonably available control measure (RACM) analysis, and a new motor vehicle emissions budget (MVEB). (Kelly Keel, Rebecca Davis) (Project Number 2005-020-SIP-NR)

Approve publication of, and hearings on, the proposed revision to the Beaumont-Port Arthur State Implementation Plan (SIP) with additional language as recommended by staff during their presentation. KW/RM; all agree.

- Item 76. **Docket No. 2004-1196-RUL.** Consideration of the adoption of **30 TAC Chapter 39**, Public Notice, new Section 39.510 and **30 TAC Chapter 305**, Consolidated Permits, new Sections 305.130 and 305.131.

The adoption would require notification to the public by municipal solid waste permittees when a facility has not accepted waste within two years of permit issuance or has stopped accepting waste for two consecutive years. The rulemaking would also

give the commission the discretion to revoke municipal solid waste permits if periodic notification actions do not commence as required. The proposed rules were published in the December 17, 2004, issue of the *Texas Register* (29 TexReg 11549). (Wayne Lee, Anthony Tatu) (Rule Project No. 2004-036-305-WS)

Approve adoption of 30 TAC Chapter 39 new Section 39.510 and 30 TAC Chapter 305 new Sections 305.130 and 305.131. KW/RM; all agree.

EXECUTIVE SESSION

Item 77. **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 78. **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 79. **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, May 11, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

Continued from the March 9, 2005 agenda.

- Item 1. **TCEQ Docket No. 1997-0036-IHW-E; SOAH Docket No. 582-03-3024.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Rhimco Industries, Inc.** on the border of **Ellis & Tarrant Counties**, Texas; TCEQ Solid Waste Registration No. 32341; regarding industrial and/or hazardous waste violations pursuant to Tex. Water Code ch. 26; Tex. Health & Safety Code ch. 361, 40 Code of Federal Regulations parts 262, 265, and 270, and the rules of the Texas Commission on Environmental Quality.

Item continued to the July 27, 2005 agenda to allow completion and publication of an agreement between the parties. KW/RM; all agree.

AGENDA

Wednesday, May 11, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. **TCEQ Docket No. 2003-1432-OSI-E; SOAH Docket No. 582-04-8213.** Consideration of the Administrative Law Judge's Proposal for Decision and Order revoking the On-Site Sewage Facility (OSSF) Installer II License and requiring certain actions of **Gary R. Reeves** in **Leon County**, Texas; TCEQ ID Installer II License No. OS00004489; regarding violations pursuant to Tex. Health & Safety Code §§ 366.051(c) and 366.004, and 30 Tex. Admin. Code § 285.61(4) and (6) and the rules of the Texas Commission on Environmental Quality.

Item continued to the August 10, 2005 agenda.

/s/ Celeste Baker
Assistant General Counsel,
Celeste Baker

5/19/2005
Date