

Chairman Kathleen White
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, October 26, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the October 12, 2005 agenda.

- Item 1. **Docket No. 2005-1234-RUL.** Consideration for publication of, and hearing on, proposed amended Sections 335.2 and 335.41 of **30 TAC Chapter 335**, Industrial Solid Waste and Municipal Hazardous Waste.

The proposed amendments would implement Senate Bill 1281, 79th Legislature, 2005, Regular Session, and require commercial industrial solid waste management facilities that receive waste for discharge to a publicly owned treatment works to obtain an individual permit issued under Chapter 335 or a general permit issued under 30 TAC Chapter 205. (Lynn Bell, Anthony Tatu) (Rule Project No. 2005-045-335-PR)

Approve publication of, and hearing on, proposed amendments to 30 TAC Chapter 335 with the additional language provided by the staff. KW/LS; all agree.

AGENDA

Wednesday, October 26, 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. 2005-1280-MWD.** Consideration of the application by the **City of Castroville** for a renewal of TCEQ Permit No. WQ0010952001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 350,000 gallons per day via surface irrigation of 26.6 acres of public access park and 166.8 acres of non-public access pastureland. The wastewater treatment facility and disposal site are located approximately 0.9 mile southeast of the intersection of U.S. Highway 90 and Farm-to-Market Road 1343 in **Medina 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. (Scott Shoemaker, Brian Sierant)

Item remanded to the Executive Director.

Item 2. **Docket No. 2005-0976-MWD.** Consideration of the application by **AUC Group, L.P.** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014554001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 180,000 gallons per day. The facility will be located approximately one mile southeast of the intersection of Interstate 10 and Sjolander Road in **Harris 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. (Scott Shoemaker, Amewusika Clara Dake)

Item remanded to the Executive Director.

Item 3. **Docket No. 2005-0783-MWD.** Consideration of the application by **Dessau Fountains Estates, LLC** for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0012733001 which authorizes the discharge of treated domestic wastewater with a daily average flow not to exceed 150,000 gallons per day. The facility is located on the north side of and adjacent to Dessau Lane, at a point approximately 1.3 miles east of Interstate Highway 35 in **Travis 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. (Michael Northcutt, Firoj Vahora, Katherine Faz)

Grant the hearing request of North Town MUD; refer the matter to ADR for up to 90 days and if no resolution, refer to SOAH for a duration of six months on the corresponding issues agreed to by the Applicant and the Protestants with the exception of the issue relating to noise. KW/LS; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 4. **Docket No. 2005-0015-AGR-E.** Consideration of an Agreed Order assessing administrative penalties against **Feather Crest Farms, Inc. dba Pineywoods Farm in Shelby County**; RN101989572; 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, David Van Soest)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5. **Docket No. 2005-0630-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Bollinger Houston, L.P. in Harris County**; Air Account No. HG3214U; RN100219088; 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, David Van Soest)

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

Item 6. **Docket No. 2005-0567-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Cal-Tex Lumber Company, Inc. in Nacogdoches County**; Air Account No. NA0055O; RN101611325; 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. (Merrilee Hupp, David Van Soest)

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

Item 7. **Docket No. 2005-0037-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kinder Morgan Production Company LP in Scurry County**; Air Account No. SG0006O, RN100226455; 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. (Chad N. Blevins, David Van Soest)

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

Item 8. **Docket No. 2005-0016-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rudolph Foods Company, Inc.** in **Dallas County**; Air New Source Registration No. 53816; RN104373402; 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, David Van Soest)

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

Item 9. **Docket No. 2005-0121-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. HGA005E; RN104150123; 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. (Chris Friesenhahn, David Van Soest)

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

Item 10. **Docket No. 2005-0335-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **American Rockwool, Inc. d.b.a. Thermafiber, Inc.** in **Bell County**; Air Permit No. 9397; RN100215243; 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, David Van Soest)

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

Item 11. **Docket No. 2004-2128-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **BP Products North America Inc. dba BP Products North America Texas City** in **Galveston County**; Air Account No. GB0004L, RN102535077; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, David Van Soest)

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

Item 12. **Docket No. 2004-0231-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Hutchinson County**; RN102320850; 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, David Van Soest)

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

Item 13. **Docket No. 2005-0315-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **ISP Synthetic Elastomers LP in Jefferson County**; Air Account No. JE0017A; RN100224799; 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, David Van Soest)

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

Item 14. **Docket No. 2005-0486-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Intercontinental Terminals Company in Harris County**; Air Account No. HG0403N; RN100210806; 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, David Van Soest)

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

Item 15. **Docket No. 2005-0773-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Grinding and Sizing Company, Inc. in Angelina County**; RN101953388; 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. (Harvey Wilson, David Van Soest)

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

Item 16. **Docket No. 2004-1845-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **El Paso Materials, L.L.C. in El Paso County**; RN104064241; 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. (Daniel Siringi, David Van Soest)

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

Item 17. **Docket No. 2005-0584-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Dynegy Midstream Services, Limited Partnership in Chambers County**; Air Account No. CI0022A, RN100222900; 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, David Van Soest)

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

Item 18. **Docket No. 2005-0126-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Dixie Chemical Company, Inc.** in **Harris County**; Air Account No. HG0199M, Air Permit No. 18658, RN100218486; 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. (Catherine Albrecht, David Van Soest)

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

Item 19. **Docket No. 2005-0704-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Chevron Phillips Chemical Company LP** in **Hutchinson County**; Air Account No. HW0013C, RN102320850; 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, David Van Soest)

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

Item 20. **Docket No. 2003-1343-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Burlington Northern & Santa Fe Railway Company** in **Tarrant County**; Air Account No. TA2556W, Permit No. 22914, and RN102705019; 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. (Elvia Maske, David Van Soest)

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

Item 21. **Docket No. 2005-0368-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Atlas Roofing Corporation** in **Angelina County**; Air Account No. AC0055Q; RN102582673; for air quality violations pursuant to Tex. Health & Safety Code chs. 370 and 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, David Van Soest)

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

Item 22. **Docket No. 2005-0250-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Price Construction, Ltd.** in **Webb County**; RN104485503; 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 McNew, David Van Soest)

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

Item 23. **Docket No. 2005-0541-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Permian Tank & Manufacturing, Inc.** in **Rusk County**; RN103898771; 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. (Carolyn V. Lind, David Van Soest)

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

Item 24. **Docket No. 2003-1589-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Overwraps Packaging, L.P.** in **Dallas County**; Air Account No. DB-1740-Q, Regulated Entity ID No. RN100804657; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, David Van Soest)

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

Item 25. **Docket No. 2005-0446-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Odessa-Ector Power Partners, L.P.** in **Ector County**; RN100223882; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, David Van Soest)

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

Item 26. **Docket No. 2005-0347-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Motiva Enterprises LLC** in **Jefferson County**; Air Account No. JE0095D, RN100209451; 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. (Edward R. Moderow, David Van Soest)

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

Item 27. **Docket No. 2005-0169-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Marathon Ashland Petroleum LLC** in **Galveston County**; RN100210608; 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. (Judy Kluge, David Van Soest)

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

Item 28. **Docket No. 2004-0973-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **La Porte Methanol Company, LP in Harris County**; RN102830866; 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. (Lawrence King, David Van Soest)

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

Item 29. **Docket No. 2005-0626-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **L.F. Manufacturing, Inc. in Lee County**; Air Account No. LF0053U; RN100214642; 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. (Merrilee Hupp, David Van Soest)

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

Item 30. **Docket No. 2005-0667-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Kinder Morgan Production Company LP in Scurry County**; RN102170966; 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. (Steven Lopez, David Van Soest)

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

Item 31. **Docket No. 2005-0445-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Kinder Morgan Production Company LP in Pecos County**; Air Account No. PE0021W, RN102540093; 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. (Craig Fleming, David Van Soest)

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

Item 32. **Docket No. 2005-0542-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KM Aviation, Inc. in Dallas County**; RN104372990; 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. (Steven Lopez, David Van Soest)

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

Item 33. **Docket No. 2005-0468-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **ISP Technologies, Inc.** in **Galveston County**; Air Account No. GB0028U, RN100825272; 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. (Steven Lopez, David Van Soest)

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

Item 34. **Docket No. 2004-0127-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas Department of Public Safety** in **El Paso County**; Air Account No. EE0168E, Regulated Entity Reference No. RN102385556; 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. (Melissa Keller, David Van Soest)

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

Item 35. **Docket No. 2004-1477-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Barge & Boat, Inc.** in **Brazoria County**; Air Account No. BL0423N, RN102037959; 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. (Ruben Soto, David Van Soest)

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

Item 36. **Docket No. 2004-1220-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tenet Hospitals Limited dba Providence Memorial Hospital** in **El Paso County**; Air Account No. EE0188V, RN100223858; 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. (Ruben Soto, David Van Soest)

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

Item 37. **Docket No. 2005-0247-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Rushing Paving Company, Ltd.** in **Grayson County**; Air Account No. GI0144J; RN102165974; 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., David Van Soest)

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

Item 38. **Docket No. 2005-0052-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Rip Griffin Truck Service Center, LP dba Rip Griffin Oil Company** in **Lubbock and El Paso Counties**; RN102822616; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, David Van Soest)

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

Item 39. **Docket No. 2004-2099-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **FFP Operating Partners, L.P. dba Super Fresh Foods FFP 818** in **El Paso County**; Air Account No. EE1993E, RN102345634; 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. (Harvey Wilson, David Van Soest)

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

Item 40. **Docket No. 2005-0832-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Devon Gas Services L.P.** in **Grimes County**; RN100222579; 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. (Steven Lopez, David Van Soest)

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

Item 41. **Docket No. 2005-0149-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Kraft Foods Global, Inc.** in **Harris County**; Air Account No. HG0473P; RN100214931; 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. (Kimberly Morales, David Van Soest)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 42. **Docket No. 2005-0561-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Comal Independent School District** in **Comal County**; Edwards Aquifer Site Registration No. 13-04101101; RN104421649; 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. (Rebecca Clausewitz, David Van Soest)

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

IRRIGATOR ENFORCEMENT AGREED ORDER

- Item 43. **Docket No. 2005-0743-IRR-E.** Consideration of an Agreed Order assessing administrative penalties against **Hal Kilpatrick, II** in **Harris County**; RN104530878; for water quality violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (A. Sunday Udoetok, David Van Soest)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 44. **Docket No. 2005-0096-IWD-E.** Consideration of an Agreed Order assessing administrative penalties against **ELG Metals, Inc.** in **Harris County**; Texas Pollutant Discharge Elimination System Permit No. 0003324000, RN102185733; 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, David Van Soest)

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

- Item 45. **Docket No. 2005-0317-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **National-Oilwell, L.P.** in **Harris County**; Texas Pollutant Discharge Elimination System Permit No. 12314001, RN103886057; for water quality violations pursuant to Tex. Health & Safety Code ch. 370, 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. (Howard Willoughby, David Van Soest)

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

LICENSED IRRIGATOR ENFORCEMENT AGREED ORDER

- Item 46. **Docket No. 2005-0266-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stephen Allison** in **Ellis County**; RN104466933; for licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., David Van Soest)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

- Item 47. **Docket No. 2004-0609-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Dell City** in

Hudspeth County; Water Quality Permit No. 0014256001, Public Water Supply ID No. 1150001; for water quality and drinking water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

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

Item 48. **Docket No. 2005-0150-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mostafa A. Soliman dba Willowbrook Subdivision dba Willowbrook Water Supply in Waller County**; Public Water Supply No. 2370049, CCN 12568, RN101256121; for drinking water quality and public water utilities violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (J. Craig Fleming, David Van Soest)

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

Item 49. **Docket No. 2005-0898-MLM-E.** Consideration of an Agreed Order assessing administrative penalties against **John Bannworth dba B & J Onion & Melon Company in Zapata County**; RN102700846; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Tel Croston, David Van Soest)

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

Item 50. **Docket No. 2003-0610-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rohm and Haas Texas, Incorporated in Harris County**; Air Account No. HG-0632-T and Industrial Solid Waste Registration No. 30041, RN100223205; for air quality and industrial & hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 51. **Docket No. 2005-0560-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Eldorado in Schleicher County**; RN102142999; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the

Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, David Van Soest)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 52. **Docket No. 2004-0303-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Jourdanton in Atascosa County**; Texas Pollutant Discharge Elimination System Permit No. 10418-001, Regulated Entity No. RN101919900; 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, David Van Soest)

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

Item 53. **Docket No. 2004-1856-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Gunter in Grayson County**; Texas Pollutant Discharge Elimination System Permit No. 10569001, RN101917904; 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., David Van Soest)

Continued to the November 9, 2005 agenda. LS/KW; all agree.

Item 54. **Docket No. 2005-0552-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District No. 344 in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 0013483001, RN103017224; 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. (Kimberly Morales, David Van Soest)

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

Item 55. **Docket No. 2004-1949-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Laguna Madre Water District in Cameron County**; Texas Pollutant Discharge Elimination System Permit No. 10350001, RN102079852; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Mac Vilas, David Van Soest)

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

Item 56. **Docket No. 2003-1258-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Pecan Gap in Delta**

County; TCEQ ID Nos. 0010744-001 and RN101608990; 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. (Alfred Okpohworho, David Van Soest)

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

Item 57. **Docket No. 2003-1392-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain cations of **Tiki Leasing Company, LTD. dba Cedar Grove Mobile Home Park in Brazoria County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 0013865-001; 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. (Sandy Van Cleave, David Van Soest)

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

Item 58. **Docket No. 2005-0537-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rivercrest Independent School District in Red River County**; Texas Pollutant Discharge Elimination System Permit No. 11204-001, RN101701100; 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, David Van Soest)

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

Item 59. **Docket No. 2005-0599-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Joe D. Havens, Inc. dba Havens Landing Wastewater Treatment Plant in Montgomery County**; Texas Pollutant Discharge Elimination System (TPDES) Permit No. 14210001; RN103015517; 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. (Rebecca Johnson, David Van Soest)

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

Item 60. **Docket No. 2004-1360-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **H-M-W Special Utility District of Harris and Montgomery Counties in Montgomery County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 0014266001; RN101919470; 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, David Van Soest)

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

Item 61. **Docket No. 2004-0337-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Calvert in Robertson County**; Texas Pollutant Discharge Elimination System Permit No. 10095001, RN102185972; 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, David Van Soest)

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

Item 62. **Docket No. 2005-0550-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Luling in Caldwell County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10582002, RN101610798; 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, David Van Soest)

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

ON SITE SEWAGE FACILITY INSTALLER ENFORCEMENT AGREED ORDER

Item 63. **Docket No. 2005-0386-OSI-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Frank J. Simons in Concho County**; RN104410352; for licensing violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Pamela Campbell, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER

Item 64. **Docket No. 2005-0807-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **FFP Operating Partners, L. P. dba Kwik Pantry 356 in Liberty County**; RN102343118; 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. (J. Craig Fleming, David Van Soest)

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

Item 65. **Docket No. 2005-0453-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Abubaker Yusuf dba Texaco Service Station in Dallas County**; Petroleum Storage Tank No. 13575; RN102339405; 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. (Cheryl Thompson, David Van Soest)

Continue this item to the November 9, 2005 agenda with a directive to staff to revise the Agreed Order to reduce the penalty amount associated with the fuel drops by 50% under as justice may require. KW/LW; all agree.

Item 66. **Docket No. 2002-0561-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William Head dba Bill Head Enterprise and dba Silver Spur Truck Stop in Hidalgo County**; TCEQ ID Nos. 20001 and RN101687978; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (James P. Biggins, Jennifer Cook)

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

Item 67. **Docket No. 2004-1912-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Residual Fuels, Inc. in Young County**; Petroleum Storage Tank Facility ID No. 10730, RN101823300; 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. (Sandy VanCleave, David Van Soest)

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

Item 68. **Docket No. 2004-1694-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mack Massey Motors, L.P. dba Mack Massey Motors in El Paso County**; Petroleum Storage Tank Facility ID No. 18758; RN102476041; 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, David Van Soest)

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

Item 69. **Docket No. 2005-0421-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KAV Corporation Inc. dba Shop N Go Neighborhood Store in Tarrant County**; Petroleum Storage Tank Facility ID No. 25182, RN101446748; 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. (Kent Heath, David Van Soest)

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

Item 70. **Docket No. 2005-0694-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Insight Equity Acquisition**

Partners, LP in Dallas County; Petroleum Storage Tank Facility ID No. 57213; RN102345410; 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, David Van Soest)

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

Item 71. **Docket No. 2005-0805-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Econo Lube N'Tune, Inc. in Bexar County**; RN101825347; 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. (Melissa Keller, David Van Soest)

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

Item 72. **Docket No. 2005-0360-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Crosby County Fuel Association in Crosby County**; Petroleum Storage Tank Facility ID No. 74022; RN102831427; 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, David Van Soest)

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

Item 73. **Docket No. 2005-0259-PST-E.** Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of **Maricela Trevino dba Guerrero's Grocery in Hidalgo County**; TCEQ ID Nos. 45826 and RN102716297; 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. (Kathleen C. Decker, David Van Soest)

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

Item 74. **Docket No. 2003-1021-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shaheen Retail Company, Inc. dba Capital Food Mart 2 in Travis County**; TCEQ ID Nos. 0004057 and RN101499283; 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. (Deborah A. Bynum, David Van Soest)

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

Item 75. **Docket No. 2005-0665-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Trans Health Management, Inc. dba Southwest Regional Medical Complex in Lubbock County**; Petroleum Storage Tank Registration No. 34487, RN102048923; 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, David Van Soest)

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

- Item 76. **Docket No. 2005-1047-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Three Stars Aviation, L.L.C. dba Town & Country Airpark** in **Lubbock County**; RN102277076; 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. (Shontay Wilcher, David Van Soest)

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

- Item 77. **Docket No. 2004-1487-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **St. Stephens Episcopal School** in **Travis County**; Petroleum Storage Tank Facility ID No. 72630, Regulated Entity Reference No. RN102888690; 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. (Anita Keese, David Van Soest)

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

- Item 78. **Docket No. 2005-0493-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Shady Valley Management Corp. dba Shady Valley Golf Club** in **Tarrant County**; Petroleum Storage Tank Facility ID No. 59028; RN101560050; 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, David Van Soest)

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

- Item 79. **Docket No. 2005-0601-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Uvalde County Farmers' Cooperative** in **Uvalde County**; Petroleum Storage Tank Facility ID Nos. 20072 and 77166, RN102609690 and RN104496336; 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, David Van Soest)

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

- Item 80. **Docket No. 2005-0508-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Zuber Group, Inc. dba Convenience King 107** in

McLennan County; Petroleum Storage Tank Facility ID No. 70297; RN102265022; 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. (Ruben Soto, David Van Soest)

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

Item 81. **Docket No. 2004-1421-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in San Patricio County**; Petroleum Storage Tank Facility ID No. 45823; RN102831773; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, David Van Soest)

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

Item 82. **Docket No. 2005-0579-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sadruddin & Sons, Inc. dba Churchill Grocery in Brazoria County**; Petroleum Storage Tank Facility ID No. 14125, RN101906204; 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. (John Muennink, David Van Soest)

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

Item 83. **Docket No. 2004-1679-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Pritul Investment Inc. dba Citgo Cedar Hill in Dallas County**; Petroleum Storage Tank Facility ID No. 64485; RN100531805; 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. (Trina Grieco, David Van Soest)

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

Item 84. **Docket No. 2004-1734-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Karim Sunesara dba Jack Grocery 4 in Harris County**; Petroleum Storage Tank Facility ID No. 44903, RN102250719; 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. (Trina Grieco, David Van Soest)

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

Item 85. **Docket No. 2005-0787-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **J H & Son, Inc. dba Holton Oil Company in Collingsworth County**; Petroleum Storage Tank Facility ID No. 27598, RN102060688; 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. (Howard G. Willoughby, David Van Soest)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 86. **Docket No. 2004-0931-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Atlanta in Cass County**; Public Water Supply ID No. 0340001, RN101386399; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michael Limos, David Van Soest)

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

Item 87. **Docket No. 2005-0726-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Winkler Water Supply Corporation in Navarro County**; Public Water Supply No. 1750023; RN101212017; 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, David Van Soest)

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

Item 88. **Docket No. 2005-0751-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas Parks & Wildlife Department in Burleson County**; RN101236016; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lynley Doyen, David Van Soest)

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

Item 89. **Docket No. 2005-0885-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas Parks and Wildlife Department in Comal County**; RN101218329; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda King-Zrubek, David Van Soest)

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

Item 90. **Docket No. 2005-0623-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **South Bosque Water Supply**

Corporation in McLennan County; Public Water Supply No. 1550081; RN101190791; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Brian Lehmkuhle, David Van Soest)

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

Item 91. **Docket No. 2005-0558-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Girl Scouts of Tejas Council Endowment Foundation dba Whispering Cedars Camp in Dallas County;** RN101209013; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Judy Kluge, David Van Soest)

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

Item 92. **Docket No. 2004-1534-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cripple Creek Restaurant, Inc. dba Cripple Creek Restaurant in Val Verde County;** Public Water Supply ID No. 2330044, Regulated Entity Reference No. RN101657872; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Michael Meyer, David Van Soest)

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

Item 93. **Docket No. 2005-0851-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mission in Hidalgo County;** RN101394153; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sam Short, David Van Soest)

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

Item 94. **Docket No. 2005-0499-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Joaquin in Shelby County;** Public Water Supply ID No. 2100010, RN101226686; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Terry Murphy, David Van Soest)

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

Item 95. **Docket No. 2005-0725-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Goldthwaite in Mills County;** Public Water Supply ID No. 1670001; RN101409134; for drinking water

quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michael Limos, David Van Soest)

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

Item 96. **Docket No. 2005-0683-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Henrietta in Clay County**; Public Water Supply ID No. 0390001, RN101258978; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Brent Hurta, David Van Soest)

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

Item 97. **Docket No. 2005-0820-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Goodrich in Polk County**; RN101193266; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Daniel Siringi, David Van Soest)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 98. **Docket No. 2005-0239-SLG-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **JPO Enterprises, Inc. dba EZ Clean Car Wash in Hidalgo County**; Sludge Transporter Registration No. 23325; RN103161949; for sewage sludge 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. (Jaime Garza, David Van Soest)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 99. **Docket No. 2005-0210-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **HCS Holding Company L. P. dba The Shops at the Galleria in Travis County**; Storm Water General Permit TXR15B367, RN104006754; 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, David Van Soest)

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

Item 100. **Docket No. 2005-0933-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Alamo Concrete Products, Ltd. in Victoria County**;

RN100248954; 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, David Van Soest)

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

Item 101. **Docket No. 2005-0174-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Goff Homes, Ltd. in Tarrant County**; Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR150000; RN104384730; 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, David Van Soest)

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

Item 102. **Docket No. 2004-1942-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Alamo Concrete Products, Ltd. in Nueces County**; Texas Pollutant Discharge Elimination System ("TPDES") General Permit TXG110100, RN100250604; 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, David Van Soest)

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

Item 103. **Docket No. 2005-0724-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rock Solid Crushed Stone, Inc. in Kaufman County**; RN102482874; 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, David Van Soest)

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

MISCELLANEOUS

Item 104. **Docket No. 2005-1243-MIS.** Consideration of **gifts and donations** of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. [Elizabeth West]

Approve staff recommendations as reflected in the adopted [Resolution including Exhibit A](#), which contains the names of the donors and descriptions and statements of the purposes of the gifts and which is attached to and incorporated in these minutes. KW/LS; all agree.

Item 105. **Docket No. 2005-1653-MIS.** Consideration for approval of the **2005 Texas Nonpoint Source Management Program** document. This document is required to be submitted

through the Governor's Office to EPA for continued eligibility for Section 319 NPS Grant funds under the federal Clean Water Act. This document represents the joint submission of both the TCEQ and the Texas State Soil and Water Conservation Board. (Laurie Curra, Scott Shoemaker)

Approve the 2005 Texas Nonpoint Source Management Program document and its submission through the Governor's Office to EPA. KS/LS; all agree.

EMERGENCY ORDER

Item 106. **Docket No. 2004-1466-MWD-E.** Consideration of whether to affirm, modify or set aside an Emergency Order issued September 13, 2005 by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code Sections 5.501, 5.507, and 13.4132 to address the abandonment of a retail public utility (Utility) by **Bailey Ray Hawley, Bob Hawley Jr. and Sherrie Hawley, all dba Hawley's Wastewater Treatment Facility**, which is located 200 feet east of Farm-to-Market Road 2946 and State Highway 514, and 7.5 miles east-northeast of the City of Emory in **Rains County**; TPDES Nos. 13853-001 and RN102283308; to ensure continued operation of the Utility, and to provide continuous and adequate service to the customers. The Emergency Order appoints the Sabine River Authority as temporary manager of the Utility. (Kathleen C. Decker, David Van Soest)

Approve the Emergency Order with the Executive Director's proposed modifications. KW/LS; all agree.

TMDL MATTER

Item 107. **Docket No. 2005-1594-TML.** Consideration for approval to publish and to solicit public comment on a draft TMDL for dissolved oxygen in **Lake O' the Pines** (Segment 0403) of the Cypress Creek Basin in **Marion, Morris and Upshur Counties**. (Tom Weber, Marc Friberg)

Approve the Executive Director's request to publish and solicit public comment on the draft TMDL for dissolved oxygen in Lake O' the Pines. KW/LS; all agree.

RULE MATTERS

Item 108. **Docket No. 2005-1540-RUL.** Consideration of a petition for rulemaking under **30 TAC Section 20.15**.

The petition was filed on August 26, 2005, by Cleancut, LLC. The petitioner requests that the commission initiate rulemaking to remove setback distance and material use requirements for abrasive blasting operations using a micro-containment category of

blasting material. (Beecher Cameron, Erin Selvera) (Rule Project No. 2005-074-PET-NR)

Deny the petition for failure to submit sufficient supporting technical data and justification. KW/LS; all agree.

Item 109. **Docket No. 2005-1093-RUL.** Consideration for publication of proposed amendments to **30 TAC Chapter 304**, Watermaster Operations, Sections 304.1 - 304.3, 304.11 - 304.13, 304.15, 304.16, 304.21, 304.31 - 304.34, 304.42, 304.44, 304.62, and 304.63.

The proposed rulemaking would clarify that Chapter 304 applies to all watermaster programs created in accordance with Texas Water Code (TWC), Chapter 11, and includes all watermasters appointed by the executive director under TWC, Chapter 11. The proposed rulemaking would also delete requirements regarding the repealed Wagstaff Act; make changes for corrective and administrative purposes and provide clarity; change watermaster reporting from quarterly to annually; establish specific rates for currently permitted general uses; and provide consistency in the language used in the rules and conform to the standards set out in the Texas Legislative Council Drafting Manual, November 2004. (Patricia Hooper, Kerrie Qualtrough) (Rule Project No. 2005-031-304-CE)

Approve publication of proposed amendments to 30 TAC Chapter 304. KW/LS; all agree.

Item 110. **Docket No. 2005-0707-RUL.** Consideration of the adoption of amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Sections 114.2, 114.50, 114.51, and 114.53; and corresponding revisions to the Texas Inspection and Maintenance State Implementation Plan.

These amendments to Chapter 114 and corresponding revisions to the Texas inspection and maintenance (I/M) SIP would revise the existing I/M program for all gasoline-powered motor vehicles 2 through 24 years old registered and primarily operated in El Paso County. The amendments would implement on-board diagnostic (OBD) testing of all OBD-equipped 1996 and newer model year vehicles and continue two-speed idle (TSI) testing of pre-1996 model year vehicles. The amendments would require all emissions test stations in the El Paso program area to offer both TSI testing and OBD testing to the public beginning January 1, 2007. Additionally, the amendments would update the vehicle emissions testing equipment specifications used in all Texas I/M program areas to include a United States Environmental Protection Agency OBD communications component, known as controller area network (CAN). The proposed rules were published in the July 1, 2005, issue of the *Texas Register* (30 TexReg 3817). (Bob Wierzowiecki, Ray Schubert, Laura Pfefferle) (Rule Project Number 2005-026-114-EN)

Approve the adoption of amendments to 30 TAC Chapter 114 and corresponding revisions to the Texas Inspection and Maintenance State Implementation Plan. KW/LS; all agree.

EXECUTIVE SESSION

Item 111. **Docket No. 2005-1137-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 112. **Docket No. 2005-1138-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 113. **Docket No. 2005-1139-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.

AGENDA

Wednesday, October 26, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2003-0342-IHW-E; SOAH Docket No. 582-05-2071.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Western Oil Tools, Inc.** in **Montgomery County**, Texas; RN103019949; regarding industrial solid waste violations pursuant to Tex. Water Code § 26.121 and the rules of the Texas Commission on Environmental Quality including 30 Tex. Admin. Code § 335.4(1).

Adopt the ALJ's Default Order and exceptions provided by the Executive Director with the modifications to the Order and exceptions as specified by the Commission at the dias. KW/LS; all agree.

- Item 2. **TCEQ Docket No. 2004-0689-MSW-E; SOAH Docket No. 582-05-3122.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Melvin Williams dba Shelby Trash Service** in **Shelby County**, Texas; regarding municipal solid waste violations pursuant to the rules of the Texas Commission on Environmental Quality including 30 Tex. Admin. Code §§ 330.4(a) and 330.5(a).

Adopt the ALJ's Default Order with modifications to Finding of Fact No. 1 to correct a legal citation and to Ordering Provision No. 2.e. to correct the mailing list. KW/LS; all agree.

- Item 3. **TCEQ Docket No. 2002-0332-PST-E; SOAH Docket No. 582-05-3166.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Billy G. Hall** in **Lubbock County**, Texas; TCEQ Petroleum Storage Tank Facility ID No. 0067740, RN102374485; regarding petroleum storage tank violations pursuant to Tex. Water Code Ann. § 26.3475 and the rules of the Texas Commission on Environmental Quality including 30 Tex. Admin. Code §§ 37.815(a) and (b), 334.49(a), 334.50(b)(1)(A), and 334.21.

Remand the matter to SOAH on the issue of Mr. Hall's ownership of the property. KW/LS; all agree.

- Item 4. **TCEQ Docket No. 2003-1022-PST-E; SOAH Docket No. 582-05-3167.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Enviro-Tech Engineers, Inc., dba Roadies** in **Denton**

County, Texas; TCEQ Petroleum Storage Tank Facility ID No. 57931, RN101432193; regarding petroleum storage tank violations pursuant to the rules of the Texas Commission on Environmental Quality including 30 Tex. Admin. Code § 37.815(a) and (b).

Adopt the ALJ's Default Order and exceptions provided by the Executive Director with the modifications to the Order as specified by the Commission at the dias. KW/LS; all agree.

Item 5. **TCEQ Docket No. 2004-0094-UCR; SOAH Docket No. 582-04-4188.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Wilkins Contracting, Inc. dba Woodmark Utilities, Inc.** for a sewer rate/tariff change for CCN No. 20679 in **Smith County**, Texas. The Commission will also consider related filings, exceptions and replies.

Adopt the ALJ's proposed Order with the following changes to implement the proposed interim rate as the flat rate and other changes: 1) delete Conclusion of law #7; 2) amend Conclusion of Law # 8 by deleting the initial phrase "Until an effluent meter is installed,"; 3) delete Findings of Fact # 26, 27, and 30; 4) amend Finding of Fact # 31 by deleting the initial phrase "Until a new meter is installed, an interim" and replace it with "A"; 5) modify Findings of Fact # 4 by replacing "May" with "February"; 6) modify Findings of Fact #12 to state: "Individual Protestants that appeared at the hearing included Charles Frye, who withdrew his party status, Rhonda Herman, who signed a settlement agreement, and David DeMaio. No other individual participated in the evidentiary hearing."; 7) delete Finding of Fact #13; 8) add an Ordering Provision stating "Woodmark Utilities, Inc., must refund or credit any amounts collected from AOK that are in excess of the approved rate established in this Order over a period of the same number of months since February 1, 2004. To the extent that AOK has not paid the higher rates since February 1, 2004, Woodmark Utilities, Inc., must adjust the past amounts due from AOK to reflect the approved rate in this Order."; 9) add an Ordering Provision stating "Woodmark's other proposed rates contained in the Settlement Agreement are approved." KW/LS; all agree.

/s/ Tracy Gross
Assistant General Counsel,
Tracy Gross

1/26/2006
Date