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Chairman Kathleen White OLD BUSINESS AGENDA
Commissioner Larry Soward
Commissioner H.S. Buddy Garcia Wednesday, June 13, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the March 7, 2007 and April 25, 2007 agendas.

Item 1. [Docket No. 2006-0391-DIS](#). Consideration of a petition from Mr. Mac McCoy (Petitioner), for Creation of **Ellis County Municipal Utility District No. 1**, Texas, pursuant to Texas Water Code Chapters 49 and 54. The Commission will also consider hearing requests and related responses and replies. (TCEQ Internal Control No. 02212006-D04; Rob Cummins, Christian Siano)

Item remanded to the Executive Director.

Item continued from the May 9, 2007 agenda.

Item 2. [Docket No. 2005-1244-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Erik Howard dba Howard Ranch Subdivision in Hays County**; TCEQ ID No. RN104608732; for Edward's Aquifer 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. (Laurencia Fasoyiro, Jennifer Cook)

Approve the Agreed Order. LS/BG; KW oppose.

AGENDA

Wednesday, June 13, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

- Item 1. [Docket No. 2007-0491-AIR](#). Consideration of application by **Jobe Materials, L.P.** for New Air Quality Permit No. 78295L001 to authorize the construction of a portable rock crushing facility. The proposed facility is located approximately 0.5 miles west of the intersection of State Highway 3255 and the Texas/New Mexico state line in El Paso, **El Paso 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. (Larry Buller, Brad Patterson)

Deny all requests, adopt the Executive Director's Response to Comments and issue the new air quality permit. KW/BG; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 2. [Docket No. 2006-1805-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Range Pipeline Systems, L.P.** in **Sterling County**; RN100212877; 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. (Lindsey Jones, Steven Lopez)

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

- Item 3. [Docket No. 2006-2255-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Energy Transfer Fuel, LP** in **Anderson County**; RN100214501; 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. (Lindsey Jones, Steven Lopez)

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

- Item 4. [Docket No. 2006-1713-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Brazoria County**; RN100210574; 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. (Jason Kemp, Steven Lopez)

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

- Item 5. [Docket No. 2006-1703-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN100542844; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Steven Lopez)

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

- Item 6. [Docket No. 2006-1196-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102579307; 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, Steven Lopez)

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

- Item 7. [Docket No. 2006-1550-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Brazoria County**; RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jessica Rhodes, Steven Lopez)

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

- Item 8. [Docket No. 2005-1671-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Goodyear Tire & Rubber Company in Jefferson County**; TCEQ ID No. RN102561925; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Jennifer Cook)

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

- Item 9. [Docket No. 2005-0586-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Wallach Concrete, Inc. in Gaines County and Andrews County**; TCEQ ID Nos. RN104452560 and RN104452404; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Texas Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

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

Item 10. [Docket No. 2006-1632-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Benedum Gas Partners, LP and Upton Gas GP, Inc. dba Wilshire Treating Facility** in **Upton County**; RN100211846; 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, Steven Lopez)

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

Item 11. [Docket No. 2006-1971-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bobby Sonny Johnson dba Blastmasters** in **Gregg County**; RN104916424; 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, Steven Lopez)

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

Item 12. [Docket No. 2006-1635-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Champion Pet Foods, Inc.** in **McLennan County**; RN104603956; 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, Steven Lopez)

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

Item 13. [Docket No. 2006-1552-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WFC Company Inc. dba Warminster Fiberglass** in **Cherokee County**; RN102191491; 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. (Libby Hogue, Steven Lopez)

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

Item 14. [Docket No. 2006-1969-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rental Service Corporation** in **El Paso County**; RN102382041; 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, Steven Lopez)

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

Item 15. [Docket No. 2006-1532-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eastman Chemical Company** in **Harrison County**;

RN100219815; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bryan Elliott, Steven Lopez)

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

Item 16. [Docket No. 2006-2104-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lucite International, Inc. in Jefferson County**; RN102736089; for air quality violations pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, Steven Lopez)

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

Item 17. [Docket No. 2006-2102-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **PD Glycol LP in Jefferson County**; RN100825413; for air quality violations pursuant to TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Steven Lopez)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 18. [Docket No. 2006-1556-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Premier Cleaners Group, LP dba Premier Cleaners, dba Perry's Cleaners, dba Parkwood Cleaners, and dba Lakeside Cleaners in McLennan and Collin Counties**; RN104102181, RN104102215, RN104102231, RN104102165; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Steven Lopez)

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

Item 19. [Docket No. 2006-1454-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Littlerado, Inc. dba One Hour Pronto Cleaners in Hidalgo County**; RN104094594; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rajesh Acharya, Steven Lopez)

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

Item 20. [Docket No. 2006-1581-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Henry Handy dba Handy's Majestic Cleaners in Limestone, Freestone, and Leon Counties**; RN104090311, RN104090659, and RN104090691;

for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Craig Fleming, Steven Lopez)

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

Item 21. [Docket No. 2006-0654-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bertha Vonderau dba Wharton Steam Laundry DS in Wharton County**; TCEQ ID No. RN104959507; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Robert R. Mosley, Jennifer Cook)

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

Item 22. [Docket No. 2006-1169-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ha Yen dba 1.25 Super Cleaners in Harris County**; RN104964580; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rajesh Acharya, Steven Lopez)

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

Item 23. [Docket No. 2006-1463-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Yong Baek O. dba 2 EZ Cleaners in Bell County**; RN105010383; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rajesh Acharya, Steven Lopez)

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

Item 24. [Docket No. 2006-0995-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Five Star Legacy, Inc. dba Bell Cleaners in Kaufman County**; TCEQ ID No. RN104984927; for a dry cleaner registration violation pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Rachael Gaines, Jennifer Cook)

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

Item 25. [Docket No. 2006-1152-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Asmaou B. Malone dba AM Cleaners in Dallas County**; RN103955282; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Cheryl Thompson, Steven Lopez)

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

Item 26. [Docket No. 2006-1200-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Aly Mohammad, Inc. dba Dapper Dan Cleaners in Harris County**; RN104964390, RN100707470, and RN104990007; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Judy Kluge, Steven Lopez)

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

Item 27. [Docket No. 2006-1618-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kim Oanh T. Nguyen dba US DC Alterations and Shoe Repair in Harris County**; RN104992151; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

Item 28. [Docket No. 2006-1466-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hoon Chin dba Welcome Cleaners in Bell County**; RN105011068; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Shontay Wilcher, Steven Lopez)

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

FIELD CITATIONS

Item 29. [Docket No. 2007-0294-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Kent Distributors, Incorporated dba Kent Kwik 431 in Reagan County**; RN102041233; 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, Steven Lopez)

Approve the Field Citation. KW/BG; all agree.

Item 30. [Docket No. 2007-0357-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Lube Center Management, LTD. dba Jiffy Lube 823 in Dallas County**; RN101566180; 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, Steven Lopez)

Approve the Field Citation. KW/BG; all agree.

Item 31. [Docket No. 2007-0295-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Jefferson County Correctional Facility in Jefferson County**; RN101823490; 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, Steven Lopez)

Approve the Field Citation. KW/BG; all agree.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT DEFAULT ORDER

Item 32. [Docket No. 2005-0913-IHW-E](#). Consideration of a Default Order assessing administrative penalties against **Donald Savage dba Redi-Strip** in **Dallas County**; TCEQ ID No. RN100566280; for hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shannon Strong, Jennifer Cook)

Item remanded to the Executive Director. KW/LS; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 33. [Docket No. 2006-1524-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **A. Schulman, Inc.** in **Orange County**; RN101518553; 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, Steven Lopez)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 34. [Docket No. 2006-2019-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James L. Emmot** in **Bexar County**; RN104222567; 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. (Cari-Michel La Caille, Steven Lopez)

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

Item 35. [Docket No. 2006-2106-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Dechard A. Hulcy** in **Dallas County**; RN103348587; for landscape irrigators occupational license violations pursuant to TEX. OCCUPATIONS CODE ch. 1903, TEX. WATER CODE chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

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

Item 36. [Docket No. 2006-1955-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Larry E. Hutton** in **Harris and Galveston Counties**; RN105001903; for landscape irrigator occupational license violations pursuant to Tex.

Occupations Code ch. 1903, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 37. [Docket No. 2006-0311-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Demecio Chavez** in **Shelby County**; TCEQ ID No. RN103929485; for landscape irrigator installer violations pursuant to Tex. Water Code ch. 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

Approve the Default Order. KW/BG; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 38. [Docket No. 2006-0756-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RM Walsdorf, Inc.** in **Cameron County**; RN104807987; for industrial & hazardous waste and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Steven Lopez)

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

Item 39. [Docket No. 2006-1595-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lonzo Gale dba Lass Utility Service Company** in **Harris and Waller Counties**; RN102694130 and RN102691995; for drinking water quality and water utilities violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 5 and 13, and the rules of the Texas Commission on Environmental Quality. (Amy Martin, Steven Lopez)

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

Item 40. [Docket No. 2005-0609-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Transit Mix Concrete & Materials Company** in **Bell County**; TCEQ ID No. RN104352869; for water quality and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Texas 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 Decker, Jennifer Cook)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 41. [Docket No. 2005-1314-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wood Processing Services, Inc.** in **Johnson County**; TCEQ ID No. RN104606801; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mark Curnutt, Jennifer Cook)

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

Item 42. [Docket No. 2006-1812-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Maverick County** in **Maverick County**; RN102459690; 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. (Alison Echlin, Steven Lopez)

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

Item 43. [Docket No. 2006-0435-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David Paul Smith and Stacy Wershing dba R&J Recycling Center and Construction Services, LLC** in **Nacogdoches and Shelby Counties**; RN104558564, RN104751326, and RN104591938; 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. (Michael Meyer, Steven Lopez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 44. [Docket No. 2006-1935-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monarch Utilities I L.P.** in **Trinity County**; RN102286259; 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. , Steven Lopez)

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

Item 45. [Docket No. 2006-2000-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pflugerville** in **Travis County**; RN100878602; for water quality violations pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Steven Lopez)

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

Item 46. [Docket No. 2006-1436-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of West in McLennan County**; RN102079282; 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. (Lynley Doyen, Steven Lopez)

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

Item 47. [Docket No. 2006-1836-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Oglesby in Coryell County**; RN101918704; 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, Steven Lopez)

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

Item 48. [Docket No. 2006-1956-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chapel Hill Independent School District in Titus County**; RN101521557; 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-Michel La Caille, Steven Lopez)

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

Item 49. [Docket No. 2006-1720-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jatra International, Inc. in Freestone County**; RN101516037; 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, Steven Lopez)

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

Item 50. [Docket No. 2005-0441-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Goree in Knox County**; RN102187150; 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, Steven Lopez)

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

Item 51. [Docket No. 2006-1878-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Coolidge in Limestone County**; RN101919025; 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, Steven Lopez)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 52. [Docket No. 2006-0299-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **AGA Enterprises, Inc. dba Chevron Food Mart 2 in Orange County**; TCEQ ID No. RN102043023; 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. (Kari L. Gilbreth, Jennifer Cook)

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

Item 53. [Docket No. 2005-1477-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Alishan, Inc. dba Super Stop 16 in Jefferson County**; TCEQ ID No. RN101923399; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Shawn Slack)

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

Item 54. [Docket No. 2004-1091-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Duininck Brothers, Inc. dba Duininck Brothers Construction Company in Denton County**; TCEQ ID Nos. RN102265972 and 65411; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Jennifer Cook)

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

Item 55. [Docket No. 2005-1562-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Naide Enterprises, Inc. dba Big Star Mart in Bexar County**; TCEQ ID No. RN102352788; 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. (Lena Roberts, Jennifer Cook)

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

Item 56. [Docket No. 2006-1768-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Airline Conoco, Inc. in Harris County**; RN101740918; 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. (Rajesh Acharya, Steven Lopez)

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

Item 57. [Docket No. 2006-2034-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ASA Management, Inc. dba ASA Brownsville** in **Cameron County**; RN102373586; 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, Steven Lopez)

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

Item 58. [Docket No. 2006-1367-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **BK Services Inc. dba US 59 Fuel Mart** in **Fort Bend County**; RN102356409; 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. (Deana Holland, Steven Lopez)

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

Item 59. [Docket No. 2006-1089-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cowtown Petroleum Limited dba Cowtown Plaza** in **Tarrant County**; RN104473434; 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. (Shontay Wilcher, Steven Lopez)

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

Item 60. [Docket No. 2006-1976-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Econo Lube N' Tune, Inc.** in **Dallas County**; RN100703420; 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. (Philip DeFrancesco, Steven Lopez)

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

Item 61. [Docket No. 2006-1909-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fas Mart Inc.** in **Harris County**; RN101784411; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Steven Lopez)

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

Item 62. [Docket No. 2006-1977-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **IBM, Inc. dba Stop & Save** in **Tarrant County**; RN102858974; 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. (Philip DeFrancesco, Steven Lopez)

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

- Item 63. [Docket No. 2006-1803-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Linh Nguyen dba P&H Food 2** in **Harris County**; RN101434199; 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. (Philip DeFrancesco, Steven Lopez)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

- Item 64. [Docket No. 2004-1424-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Mohammad Arshad dba The Eagle Stop** in **Hill County**; TCEQ ID No. RN102239456; 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. (Jim Sallans, Jennifer Cook)

Approve the Default Order. KW/BG; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 65. [Docket No. 2005-1506-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Winters** in **Runnels County**; RN101387850; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (J. Craig Fleming, Steven Lopez)

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

- Item 66. [Docket No. 2006-1509-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Eddie & Manal, LLC dba Café Natalie** in **Fort Bend County**; RN101198067; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Steven Lopez)

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

- Item 67. [Docket No. 2006-0445-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **B-F Utilities, Inc.** in **Cooke County**; RN101277499; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Chris Miller, Steven Lopez)

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

Item 68. [Docket No. 2006-0381-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AMK Enterprises, LLC dba The Olde Tymer** in **Bexar County**; TCEQ ID No. RN102404399; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Texas Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Rachael Gaines, Jennifer Cook)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 69. [Docket No. 2006-1944-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Santos Construction, Inc.** in **Denton and Dallas Counties**; RN105044887; 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, Steven Lopez)

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

Item 70. [Docket No. 2006-1848-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mercer Construction Company** in **Brazoria County**; RN105061360; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ruben Soto, Steven Lopez)

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

TMDL MATTERS

Item 71. [Docket No. 2006-1967-TML](#) Consideration to adopt one final TMDL for bacteria in **Upper Oyster Creek** (Segment 1245) of the Brazos River Basin, in **Fort Bend County**, as a certified update to the State of Texas Water Quality Management Plan to satisfy federal water quality management planning requirements. (Faith Hambleton, Marc Friberg)

Item continued to the August 8, 2007 agenda. KW/BG; all agree.

Item 72. [Docket No. 2006-1921-TML](#) Consideration to adopt one final TMDL for bacteria in **Gilleland Creek** (Segment 1428C) of the Colorado River Basin, in **Travis County**, as a certified update to the State of Texas Water Quality Management Plan to satisfy federal water quality management planning requirements. (Faith Hambleton, Marc Friberg)

Item continued to the August 8, 2007 agenda. KW/BG; all agree.

Item 73. [Docket No. 2006-2230-TML](#). Consideration to adopt seventeen final TMDLs for bacteria, dissolved oxygen, and pH in **Adams Bayou, Cow Bayou, and their tributaries** (Segments 0508, 0508A, 0508B, 0508C, 0511, 0511A, 0511B, 0511C, and 0511E) of the Sabine River Basin, in **Jasper, Newton and Orange Counties**, as certified updates to the State of Texas

Water Quality Management Plan to satisfy federal water quality management planning requirements.

Adopt seventeen final TMDLs for bacteria, dissolved oxygen, and pH in Adams Bayou, Cow Bayou, and their tributaries of the Sabine River Basin with the changes provided by the Executive Director. KW/BG; all agree.

MISCELLANEOUS

Item 74. [Docket No. 2007-0613-MIS](#). Consideration for commission approval of the **Corpus Christi Eight-Hour Ozone Flex Plan Memorandum of Agreement** (MOA). The MOA would encourage the continuation of voluntary air emission reduction measures to assist in maintaining attainment of the eight-hour ozone national ambient air quality standard in **Nueces and San Patricio Counties**. Emission reduction measures include, but are not limited to, the Stage I Vapor Recovery Program, the Pollution Prevention Partnership Program, the Ozone Action Day Program, and voluntary actions by local industries and/or the TCEQ to deploy infra-red cameras to detect excess emissions. These reduction measures and projects will be implemented through a voluntary intergovernmental agreement (MOA) between the Texas Commission on Environmental Quality, the City of Corpus Christi, Nueces County, San Patricio County, the Port of Corpus Christi Authority, the Corpus Christi Metropolitan Planning Organization, the Corpus Christi Regional Transportation Authority, and the U.S. Environmental Protection Agency. (Kathy Singleton, Erin Selvera) (Project No. 2007-008-MIS-NR)

Approve the Corpus Christi Eight-Hour Ozone Flex Plan Memorandum of Agreement. KW/LS; all agree.

MOTION TO OVERTURN

Item 75. [TCEQ Docket No. 2007-0598-AIR](#). Consideration of the Motion to Overturn filed by the Sierra Club and Public Citizen concerning the Executive Director's issuance on March 20, 2007, of an alteration which authorizes changes to Air Quality Permit Nos. 4381 and PSD-TX-3 for **Southwestern Electric Power Company's** (SWEPCO) Welsh Power Plant in **Titus County**, Texas, and related responses and replies. SWEPCO is a wholly owned separately incorporated subsidiary of American Electric Power. (Titus County)

Deny the Motion to Overturn. KW/BG; LS oppose.

EXECUTIVE SESSION

Item 76. **Docket No. 2007-0001-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 and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open 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.

The Commission did not meet in Executive Session.

Item 77. **Docket No. 2007-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open 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.

The Commission did not meet in Executive Session.

Item 78. **Docket No. 2007-0003-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.

The Commission did not meet in Executive Session.

(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.

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

AGENDA

Wednesday, June 13, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2006-0195-AIR; SOAH Docket No. 582-06-1502.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Oak Grove Management Company, L.L.C.** for State Air Quality Permit No. 76474 and PSD-TX-1056 authorizing the construction and operation of two lignite-fired, each a 860 megawatt electric generating unit, and associated support equipment located in **Robertson County, Texas.** The Commission will also consider timely public comments and the Executive Director's Response to such comments; the proposed permit, and related filings, exceptions and replies.

Re-posted as Item 2.

(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 12:30 P.M. UNTIL 1:00 P.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

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

ADDENDUM TO THE AGENDA

Wednesday, June 13, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle
Room 201S, Bldg. E

- Item 2. [TCEQ Docket No. 2006-0195-AIR; SOAH Docket No. 582-06-1502](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Oak Grove Management Company, L.L.C.** for State Air Quality Permit No. 76474 and PSD-TX-1056 authorizing the construction and operation of two lignite-fired, 860 megawatt electric generating units and associated support equipment located in **Robertson County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the proposed permit, and related filings, exceptions and replies.

Set the ALJs' Proposal for Decision and Order aside, grant the permit application, adopt the Applicant's Proposed Order and issue the Permit with the revisions to the Order and Permit as described in the Chairman's motion made at the dais and approved by the Commission. KW/BG; LS oppose.

Anne Rowland
Assistant General Counsel,
Anne Rowland

8-30-2007
Date