

Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, January 12, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the October 13, 2004 agenda.

- Item 1. **Docket No. 2004-1178-WR.** Consideration of Application No.08-4976C by the **Tarrant Regional Water District (TRWD)** to amend Certificate of Adjudication No. 08-4976 to authorize the diversion of historic and future return flows of water from the Trinity River in **Kaufman and Henderson Counties**. The return flows which will be reused will be those which are attributable to water first stored in TRWD reservoirs pursuant to its existing water rights. The return flows will be diverted from the Trinity River into an off-channel wetland impoundment to be constructed in Henderson County to be constructed and used for water quality treatment purposes. This wetland impoundment will have a surface area of approximately 1,800 acres with an average depth of 1.5 feet (2,700 acre-feet storage capacity) when completed, and will have an estimated evaporative loss of 6,705 acre-feet of water per year. The water would then be delivered into Cedar Creek Reservoir in Kaufman and Henderson Counties in an amount sufficient to increase the water supply-yield of Cedar Creek Reservoir by 52,500 acre-feet per annum to be diverted and used for any of the purposes authorized by Certificate of Adjudication No. 08-4976. The Executive Director has recommended special conditions in the amendment to protect in-stream uses and aquatic habitat. The commission will consider any hearing requests and replies and responses. (Robin Smith and David Koinm)

Since all hearing requests have been withdrawn, the application is remanded to the Executive Director as uncontested and for issuance. KW/RM; all agree.

Continued from the October 13, 2004 agenda.

- Item 2. **Docket No. 2004-1561-WR.** Consideration of Application No.08-5035C by the **Tarrant Regional Water District (TRWD)** to amend Certificate of Adjudication No. 08-5035 to authorize the diversion of historic and future return flows of water from the Trinity River in **Navarro and Freestone Counties**. The return flows which will be reused will be those which are attributable to water first stored in TRWD reservoirs pursuant to its

existing water rights. The return flows will be diverted from the Trinity River into an off-channel wetland impoundment in Navarro County to be constructed and used for water quality treatment purposes. This wetland impoundment will have a surface area of approximately 2,000 acres with an average depth of 1.5 feet (3,000 acre-feet storage capacity) when completed, and will have an estimated evaporative loss of 7,449 acre-feet of water per year. The water would then be delivered into Richland-Chambers Reservoir in Navarro and Freestone Counties in an amount sufficient to increase the water supply-yield of Richland-Chambers Reservoir by 63,000 acre-feet per annum to be diverted and used for any of the purposes authorized by Certificate of Adjudication No. 08-5035. Applicant also requests authorization to use a two-mile segment of the bed and banks of Alligator Creek to convey water from the constructed wetland impoundment in an amount not to exceed 11,398 acre-feet per month in any given month and not to exceed 100,465 acre-feet per year at a discharge rate not to exceed 192 cubic-feet-per-second (86,170 gallons-per-minute) for storage in Richland-Chambers Reservoir. The Executive Director has recommended special conditions in the amendment to protect in-stream uses and aquatic habitat. The commission will consider any hearing requests and replies and responses. (Robin Smith and David Koinm)

Since all hearing requests have been withdrawn, the application is remanded to the Executive Director as uncontested and for issuance. KW/RM; all agree.

Continued from the October 13, 2004 and November 10, 2004 agendas.

- Item 3. **Docket No. 2004-1197-MWD.** Consideration of the application by **Lake Whitney RV Community** for a renewal of TCEQ Permit No. WQ0013891001, which authorizes the subsurface disposal of treated domestic wastewater at a daily average flow not to exceed 5,000 gallons per day in the Interim phase and the discharge of treated domestic wastewater at a daily average flow not to exceed 15,000 gallons per day in the final phase. The facility and disposal site are located 4 miles west of the intersection of Farm-to-Market Road 933 and Farm-to-Market Road 1713 in **Hill County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (John Williams; Kent Trede)

Deny all hearing requests as a matter of law and deny all requests for reconsideration, adopt the Executive Director's Response to Comments and approve the permit renewal. KW/RM; all agree.

Continued from the September 29, 2004 and October 27, 2004 agendas.

- Item 4. **Docket No. 2004-1198-MWD.** Consideration of the application by **Falcon/Westminster - 2 Partnership, L.L.P.** for a major amendment of Texas Commission on Environmental Quality (TCEQ) Permit No. WQ0013880001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 20,460 gallons per day to a daily average flow not to exceed 29,260 gallons per day via subsurface drip irrigation and to increase the acreage irrigated from 4.7 acres to 6.84 acres. The facility and disposal site are located approximately 0.25 mile

north of the intersection of U.S. Highway 183 and State Highway 29 in **Williamson County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Matt Beeter/Julian Centeno, Jr.)

Remanded to the Executive Director.

Continued from the December 1, 2004 agenda.

- Item 5. **Docket No. 2004-1466-MWD-E.** Consideration of whether to Affirm, Modify, or Set Aside an Emergency Order issued September 21, 2004 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 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 No. 13853-001; to ensure continued operation of the Utility; and to provide continuous and adequate service to the customers. The Emergency Order renews the appointment of Lake Fork Wastewater, LLC as temporary manager of the Utility. (Rebecca Nash Petty)

Adopt the revised Order which affirms and modifies the renewal emergency order as proposed with Lake Fork Wastewater, LLC, as temporary manager expiring 1/12/2005 and the Sabine River Authority commencing as the temporary manager for the remainder of the term; and adopt the changes suggested by General Counsel to Ordering Provision 6 by deleting the phrase, "is a long standing and esteemed member of the community" and deleting Ordering Provision 8. KW/LS; all agree.

Continued from the December 15, 2004 agenda.

- Item 6. **Docket No. 2003-1094-AIR-E.** Consideration of an Agreed Order assessing administrative penalties of **Duke Energy Field Services, L.P.** in **Ward County**; Air Account No. WC0111F; 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. (Judy Fox, Craig Fleming)

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

AGENDA

Wednesday, January 12, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 1. **Docket No. 2004-0339-AGR-E.** Consideration of an Agreed Order assessing administrative penalties against **Centex Dairy, L.L.C.** in **Erath County**; Texas Pollutant Discharge Elimination System Permit No. 03132; 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, Tom Greimel)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 2. **Docket No. 2004-0137-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Texas Municipal Water District** in **Collin County**; Air Account No. CP-0481-H, Regulated Entity Reference Nos. RN100733773 and RN102289980; 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. (Sheila Smith, Tom Greimel)

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

- Item 3. **Docket No. 2004-0683-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **The George R. Brown Partnership, L.P.** in **Freestone County**; Air Account No. FI-0013-T, Regulated Entity Reference No. RN100214873; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ronnie Kramer, Thomas Greimel)

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

- Item 4. **Docket No. 2004-0559-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Sabre Communications Corporation** in **Tarrant County**; Air Account No. TA-0496-G, Regulated Entity Reference No. RN100222124;

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. (Lori Thompson, Tom Greimel)

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

- Item 5. **Docket No. 2004-0393-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **The Goodyear Tire and Rubber Company in Jefferson County**; Air Account No. JE-0039-N, Regulated Entity Reference No. 102561925; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, Tom Greimel)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 6. **Docket No. 2004-0218-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Murphy Oil USA, Inc. in Williamson County**; Edwards Aquifer Registration 11-03071501, Regulated Entity ID No. RN103771986; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Joseph Daley, Tom Greimel)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 7. **Docket No. 2004-0190-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PWT Enterprises, Inc. dba King Kleen Car Wash in Montgomery County**; Texas Pollutant Discharge Elimination System Permit No. 02642-000; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Catherine Albrecht, Tom Greimel)

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

- Item 8. **Docket No. 2003-1548-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SET Environmental, Inc. in Harris County**; Texas Pollutant Discharge Elimination System Permit 04123; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ruben Soto, Tom Greimel)

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

LICENSED IRRIGATOR ENFORCEMENT AGREED ORDER

- Item 9. **Docket No. 2003-0515-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pete Gallegos Paving, Inc.** in **Webb County**; Regulated Entity No. RN103126017; for licensing violations pursuant to Tex. Water Code chs. 7 and 34 and the rules of the Texas Commission on Environmental Quality. (Joseph Daley, Tom Greimel)

Remanded to the Executive Director.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 10. **Docket No. 2003-0312-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bonham** in **Fannin County**; Public Water Supply No. 0740001, Regulated Entity No. RN102546108; for water rights and drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Kent Heath, Tom Greimel)

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

- Item 11. **Docket No. 2003-1253-MLM-E.** Consideration of an Agreed Order assessing administrative penalties against **Martindale Water Supply Corporation** in **Caldwell County**; TCEQ ID Nos. 0280013 and RN101214369; for water quality violations pursuant to Tex. Water Code chs. 7, 26, and 27, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sarah Jane Utley, Tom Greimel)

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

- Item 12. **Docket No. 2004-0384-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Waste Management of Texas, Inc.** in **Travis and Jefferson Counties**; Sludge Transporter Registration No. 21453, Petroleum Storage Tank Registration No. 62394; for petroleum storage tank and sludge disposal violations pursuant to Tex. Health & Safety Code ch. 361, 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. (Cari Bing, Tom Greimel)

Continued to the January 26, 2005 agenda.

- Item 13. **Docket No. 2004-0819-MLM-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Pharr** in **Hidalgo County**; Sludge Transporter Registration No. 22831, Regulated Entity ID No. RN103165171; for water quality and 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. (Jaime Garza, Tom Greimel)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

- Item 14. **Docket No. 2004-0649-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of San Saba in San Saba County**; Municipal Solid Waste No. 40160, Regulated Entity Reference No. RN101289759; 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. (Harvey Wilson, Tom Greimel)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 15. **Docket No. 2003-0332-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Detroit in Red River County**; Texas Pollutant Discharge Elimination System Permit No. 10724-001, Regulated Entity Reference No. RN101917920; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Carolyn V. Lind, Tom Greimel)

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

- Item 16. **Docket No. 2003-1382-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Malone in Hill County**; Texas Pollutant Discharge Elimination System Permit No. 10514-001, Regulated Entity Reference No. RN102075660; 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. (Erika Fair, Tom Greimel)

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

- Item 17. **Docket No. 2003-1370-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Ellis County**; Texas Pollutant Discharge Elimination System Permit No. WQ0011959-001; 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. (Harvey Wilson, Tom Greimel)

Remanded to the Executive Director.

Item 18. **Docket No. 2002-0221-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Brownsville Navigation District in Cameron County**; TCEQ ID No. 10332-005; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Lindsay Andrus, Lisa Lemanczyk)

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

Item 19. **Docket No. 2004-0783-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Douglas Utility Company in Harris County**; Texas Pollutant Discharge Elimination System Permit No. WQ0011200001, Regulated Entity No. RN101608586; 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, Tom Greimel)

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

ON SITE SEWAGE FACILITY INSTALLER ENFORCEMENT AGREED ORDERS

Item 20. **Docket No. 2004-0851-OSI-E.** Consideration of an Agreed Order assessing administrative penalties against **William C. Miller in Rockwall County**; On-Site Sewage Facility Installer No. 8649, Regulated Entity ID No. RN103638946; for certification violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Brent Hurta, Tom Greimel)

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

Item 21. **Docket No. 2003-0480-OSI-E.** Consideration of an Agreed Order assessing administrative penalties against **James Patrick Kral in Medina County**; TCEQ ID Nos. OS5890(expired), OS8586, and RN103484341; for on-site sewage installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health and Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Sarah Jane Utley, Tom Greimel)

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

Item 22. **Docket No. 2004-0260-OSI-E.** Consideration of an Agreed Order assessing administrative penalties against **Steve Eugene Fontenot, Sr. in Hardin County**; TCEQ ID Nos. OS0008910 and RN103630505; for on-site sewage installation violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Barbara J. Watson, Tom Greimel)

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

Item 23. **Docket No. 2004-0261-OSI-E.** Consideration of an Agreed Order assessing administrative penalties against **Cliff Jackson Chambers in Hardin County**; TCEQ ID Nos. OS0008906 and RN103749859; for on-site sewage installation violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Barbara J. Watson, Tom Greimel)

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

ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT DEFAULT ORDER

Item 24. **Docket No. 2003-1534-OSS-E.** Consideration of a Default Order assessing administrative penalties against and requiring certain actions of **Gerald Mayfield in Caldwell County**; TCEQ ID Nos. 028-037 and RN102560240; for on-site sewage facility violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Barbara J. Watson, Tom Greimel)

Continued to the January 26, 2005 agenda.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 25. **Docket No. 2004-0366-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **C & I Oil Company, Inc. in Jefferson County**; Regulated Entity ID No. 100533868; 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. (Leila Pezeshki, Tom Greimel)

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

Item 26. **Docket No. 2003-0551-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jeff Green in Liberty County**; TCEQ ID Nos. 2921 and RN102858313; for petroleum storage tank violations pursuant to the 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. (Sarah Jane Utley, Tom Greimel)

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

Item 27. **Docket No. 2003-0163-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Tideport Petroleum, Inc. in Hidalgo County**; TCEQ ID No. RN102485349; 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. (Benjamin de Leon, Tom Greimel)

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

Item 28. **Docket No. 2002-1154-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mohammed Adil Aqil dba Two Way Quick Stop in Harris County**; TCEQ ID No. 0060018; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Benjamin J. de Leon, Tom Greimel)

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

Item 29. **Docket No. 2003-0375-PST-E.** Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of **Mohammad Ali Kheraj dba Value Food Store in Collin County**; TCEQ ID Nos. 7401 and RN101376796; 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. (Barbara J. Watson, Tom Greimel)

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

Item 30. **Docket No. 2003-1395-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Go-Crete in Dallas County**; TCEQ ID Nos. 1238 and RN102176120; 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. (Gitanjali Yadav, Tom Greimel)

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

Item 31. **Docket No. 2002-0492-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Brazoria County**; Petroleum Storage Tank Facility ID No. 0008723; 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. 334. (Trina Grieco, Tom Greimel)

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

Item 32. **Docket No. 2004-0737-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Rio Grande Regional Hospital, Inc. in Hidalgo County**; Petroleum Storage Tank Facility ID No. 44597, Regulated Entity ID No. RN100680529; 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. (Michael Meyer, Tom Greimel)

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

Item 33. **Docket No. 2004-0232-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **East Texas Petroleum Company, Inc. in Taylor**

County; Petroleum Storage Tank Facility ID No. 21156, Regulated Entity Reference No. RN103914180; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jill Reed, Tom Greimel)

Remanded to the Executive Director.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 34. **Docket No. 2003-0856-PST-E.** Consideration of a Default Order assessing administrative penalties against **Shanil-Tex, Inc. dba Alex's Mobil in Dallas County**; TCEQ ID Nos. 0017534 and RN102493814; for a petroleum storage tank violation 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. (James P. Biggins, Thomas Greimel)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 35. **Docket No. 2004-0264-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Charles Donaldson in Harris County**; Public Water Supply ID No. 1012607, Regulated Entity ID No. RN101232213; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (David Van Soest, Tom Greimel)

Remanded to the Executive Director.

Item 36. **Docket No. 2004-0666-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Meridian in Bosque County**; Public Water Supply No. 0180002, Regulated Entity ID No. RN101402543; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Cari Bing, Thomas Greimel)

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

Item 37. **Docket No. 2004-0368-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William R. Coffey dba Moody Water System in Freestone County**; Public Water Supply No. 0810038, RN101222453; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sherry Smith, Tom Greimel)

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

- Item 38. **Docket No. 2004-0650-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Los Fresnos in Cameron County**; Public Water Supply No. 0310004, Regulated Entity Reference ID No. RN102392009; 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, Tom Greimel)

Remanded to the Executive Director.

RULE MATTER

- Item 39. **Docket No. 2004-1288-RUL.** Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 39**, Public Notice, Sections 39.703, 39.707, and 39.709, and **30 TAC Chapter 336**, Radioactive Substance Rules, Sections 336.1, 336.105, 336.211, 336.501, 336.601, and new Subchapter K, Sections 336.1001, 336.1003, 336.1005, 336.1007, 336.1009, 336.1011, 336.1013, 336.1015, 336.1017, and 336.1019.

The proposed rulemaking would allow the licensing of commercial disposal of naturally occurring radioactive material (NORM) waste streams from public water systems. The proposed license program would only apply to NORM waste disposal into Class I injection wells. The proposed rulemaking would also add new application and annual fees for commercial NORM disposal licenses and amend existing fees for licenses authorizing alternate methods of radioactive material disposal. (Devane Clarke, Don Redmond, Debi Dyer) (Rule Project No. 2004-030-336-WS)

Approve publication of the proposed amendments to 30 TAC Chapter 39 and 30 TAC Chapter 336. KW/RM; all agree.

EXECUTIVE SESSION

- Item 40. **Docket No. 1998-1154-EXE.** The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

- Item 41. **Docket No. 1999-0024-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matters considered

in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 42. **Docket No. 1999-0025-EXE.** The Commission will conduct a closed session to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

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

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

AGENDA

Wednesday, January 12, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. **TCEQ Docket No. 2003-1328-PWS-E; SOAH Docket No. 582-04-8249.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Terry L. Babb, Sr., dba Twin Oaks Mobile Home Park** in **Henderson County**, Texas; TCEQ PWS ID No. 1070024; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality.

Adopt the ALJ's Order with the Executive Director's exceptions. RM/KW; all agree.

- Item 2. **TCEQ Docket No. 2002-0193-UCR; SOAH Docket No. 582-02-3006.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of the **City of Carrollton** to cancel its Water Certificate of Convenience and Necessity No.11044 in **Dallas and Denton Counties**, Texas. The Commission will also consider related filings, exceptions and replies.

Adopt the ALJ's Order with the revision accepted by the ALJ. RM/KW; all agree.

/s/ Celeste Baker
Assistant General Counsel,
Celeste Baker

02/04/2005
Date