

Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, February 9, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the January 12 & 26, 2005 agendas.

- Item 1. **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)

Remanded to the Executive Director.

Continued from the January 26, 2005 agenda.

- Item 2. **Docket No. 2002-1118-IWD-E.** Consideration of an Agreed Order assessing administrative penalties against **E.I. Du Pont de Nemours and Company in Harris County**; TCEQ ID Nos. 00474 and RN100225085; 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. (Lindsay Andrus, Lisa Lemanczyk)

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

Continued from the December 15, 2004 agenda.

- Item 3. **Docket No. 2004-1472-MWD.** Consideration of the application by **Rebecca Lake Utility Company** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014151001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 140,000 gallons per day. The wastewater treatment facility is located approximately 28,700 feet west southwest of the intersection of Farm-to-Market Roads 484 and 306; 2,600 feet west of

the confluence of Schultz Creek and Rebecca Creek; and 11,000 feet south of Farm-to-Market Road 306 in **Comal 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. (Kathy Brown/Mary Ann Airey)

Continued to the March 23, 2005 agenda.

Continued from the December 1, 2004 agenda.

- Item 4. **Docket No. 2004-1086-AIR.** Consideration of application by **Holcim Texas, Limited Partnership** for issuance of new Air Quality Flexible Permit No. 8996 and modification of Prevention of Significant Deterioration Permit Air Quality Permit No. PSD-TX-454M3, to authorize changes to their Portland cement manufacturing facility to reflect as-built conditions which differ from the current permit, to increase the allowable plant production rate, and to incorporate by reference additional alternative non-hazardous waste fuels currently authorized under Standard Permit. The plant is located at 1800 Dove Lane, Midlothian, **Ellis 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. (Randy Hamilton/Janis Hudson)

Confirm that Downwinders at Risk & Blue Skies Alliance are affected parties, determine that Mr. & Mrs. Donald Ballard are not an affected party based on the filings showing the Ballards no longer live at the address they listed when the Commission first considered affected party status, confirm that the Ballards may further pursue their interests before a SOAH judge if they choose to appear at a preliminary hearing, refer the matter to SOAH on the following issues: 1. Whether emissions from the facility will adversely impact the requester's health, general welfare, and physical property, 2. Would emissions from the facility adversely effect air quality?, 3. Whether the ED performed a proper Best Available Control Technology (BACT) review and whether the BACT determination was reasonable and supported by evidence in the record, 4. Whether additional BACT is necessary to meet applicable statutory and regulatory provisions, 5. Whether the draft permit properly accounts for ozone impacts on the DFW State Implementation Plan, 6. Whether the Applicant has an acceptable compliance history, and whether compliance history is adequately accounted for in the draft permit, 7. Whether emissions from the facility create nuisance conditions for the requesters, 8. Whether the draft permit has adequate monitoring, recordkeeping, and reporting requirements, and 9. Whether the application and draft permit comply with modeling requirements. Refer first to ADR for a period of 4-6 weeks if all parties agree, then, if necessary, to SOAH for a hearing with a duration of 12 months. KW/RM; all agree.

AGENDA

Wednesday, February 9, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

AIR AGREED ORDER

- Item 1. **Docket No. 2005-0115-AIR.** Consideration of an Agreed Order requiring certain actions, including pilot testing of selective non-catalytic reduction (SNCR) technology, of **Holcim (Texas) Limited Partnership** in **Ellis County**; Air Account No. ED-0099-J, Regulated Entity ID No. 100219286. The Agreed Order would also extend the deadline for submittal of certain information as set forth in the Agreed Order, commission Docket No. 2001-0337-AIR-E, adopted by the commission on August 21, 2002. (Randy Hamilton, Janis Hudson)

Approve the agreed order with amendments that require the ED to: 1) receive comments from Downwinders at Risk and Blue Skies Alliance within 15 days of the filing of the written test plan; 2) receive comments from Downwinders at Risk and Blue Skies Alliance within 30 days of submission of the 12/1/05 report; and 3) to make available records concerning monitoring, recordkeeping, and reporting to Downwinders at Risk and Blue Skies Alliance. Holcim, Downwinders at Risk, and Blue Skies Alliance all agreed to the amendments. KW/LS; all agree.

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

- Item 2. **Docket No. 2004-1931-MWD.** Consideration of the application by **Bastrop County Water Control & Improvement District No. 3** for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0012963001, to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 55,000 gallons per day to a daily average flow not to exceed 210,000 gallons per day and to re-rate the existing facility from a daily average flow not to exceed 55,000 gallons per day to a daily average flow not to exceed 85,000 gallons per day. The facility is located approximately 400 feet north of Pearce Lane, 6 miles north of the intersection of Pearce Lane and State Highway 21 and 18 miles west of the City of Bastrop in **Bastrop 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. (Jacquelyn Boutwell/Julian Centeno, Jr.)

Grant the hearing requests of the Carr Family Partnership and Robert Carr; refer to SOAH the issues of: 1) whether the amendment and the facility are needed, 2) whether the Applicant's compliance history is acceptable, and 3) whether the draft permit complies with applicable TCEQ rules and state

laws relating to water quality of the effluent; refer this matter to ADR for a period of 4-6 weeks then, if necessary, to SOAH with a hearing duration of 4 months. Deny the request for reconsideration. KW/RM; all agree.

Item 3. **Docket No. 2004-1774-AIR.** Consideration of application by **KBDJ, L.P.** for new Air Quality Permit No. 55480 to authorize construction and operation of a rock crushing facility. The proposed facility is located at 6025 FM 967, Buda, **Hays 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. (Alex Berksan/John Minter)

Grant the hearing requests for Aglaia and Mumtaz Ahmed, Albert Ainsworth, Charles Anderson, Catherine Ardrey, Rebecca and David Berry, Sarah Berry, Charles Berry, Jed and Marla Brickley, Bill and Wanda Cox, Eric and Robin Dean, John and Rhonda Drake, David Eiland, Mark and Charlotte Erwin, Jeff and Laura Ferguson, Lon and Melba Ferguson, Katherine Ferguson, William and Deborah Fetech, James Froehlich, Shirley Froehlich, Claude and Eddie Green, Kathryn Gross, James D. Hilton and Kathleen Holder, Lewis and Judith Jones, Charles and Janie Kay, Randall Meek, Scott and Gini Nester, Kurt and Barbara Neumann, Mario and Anita Perez, Lee and Gail Raines, William and Kay Read, Gerald Risovi, John Sikoski and Patricia de la Pena, Clifton and Mary Sorrell, Earl Sparks, IV, Abbie, Walker and Mary Stone, Jack and Cynthia Weynandt, Neighbors Organized to Protect the Environment, and Ruby Ranch Homeowners Association; defer determination and allow the following parties to seek party status from the SOAH ALJ: Matthew and Shelley Adam, Mike and Jean Arias, Matthew and Stacy Britton, Dr. Sid and Rose Cunningham, Albert and Jacquelyn Foster, Betty Lou Isemenger, Kevin and Beverly Oberle, Paul and Kimberly Payton, Richard and Carolyn Schneider, Susan and David Stamy, and Elaine and Grayden Meyer; deny the remaining hearing requests; deny all requests for reconsideration and refer this matter to SOAH for a duration of 9 months on the issues of: 1. Whether the proposed Facility's emissions will adversely impact the requesters' health, welfare or physical property; cause nuisance conditions; or adversely impact plants and wildlife, 2. Whether the air dispersion modeling of proposed PM emissions was accurate and appropriate, 3. Whether the proposed Facility will use proper Best Available Control Technology (BACT) for PM suppression, 4. Whether the draft permit's terms and conditions require adequate air pollution controls to protect the requesters' public health, general welfare and use and enjoyment of their property, 5. Whether the drafts permit's monitoring requirements are adequate to ensure permit compliance, 6. Whether the draft permit's allowable emission rates are enforceable, 7. Whether KBDJ's application was complete and accurate, 8. Whether KBDJ met the applicable notice requirements for the application, 9. Whether KBDJ's compliance history warrants denial of or special conditions in the draft permit, 10. Whether the proper Effect Screening Levels have been applied to the application, and 11. Whether the draft permit includes adequate recordkeeping requirements. RM/KW; all agree.

Item 4. **Docket No. 2004-2038-SLG.** Consideration of the application by **Synagro of Texas-CDR, Inc.** for a new Permit No. WQ0004674000 to authorize the beneficial land application of sewage sludge on 277.66 acres distributed among four fields within a 484-acre site. The facility is located adjacent to the west side of Farm-to-Market Road 194, approximately 1/2 mile north of the intersection of Farm-to-Market Road 194 and Highway 90, approximately 4.5 miles west of the City of Eagle Lake in **Colorado**

County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (John Williams/Tassie Fish)

Grant the hearing requests of Betty & James H. Hoffman, James W. Hoffman, Danny Novak, and Sharon Whitte, deny the hearing request of James & Lillie Brune and all requests for reconsideration, refer to ADR for a period of 4-6 weeks, and then, if necessary, refer to SOAH for a hearing duration of 6 months on the following issues: 1. Will the proposed permit adversely impact health; 2. Will the proposed permit adversely impact surface water or groundwater quality; and 3. Whether the permit will satisfy the applicable requirement to not cause or contribute to the harm of a threatened or endangered species or their critical habitat? KW/RM/; all agree except that Commissioner Larry Soward voted in opposition to the denial of the request of James & Lillie Brune.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5. **Docket No. 2004-0065-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Atofina Petrochemicals, Inc.** in **Jefferson County**; Air Account No. JE-0005-H, Regulated Entity ID No. RN102457520; 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, Terry Murphy)

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

Item 6. **Docket No. 2003-1324-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Dominion Exploration and Production, Inc.** in **Harris County**; Air Account No. HGA001A; 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. (Brent Hurta, Terry Murphy)

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

Item 7. **Docket No. 2004-0413-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Enbridge Pipelines (Texas Gathering) Inc.** in **Hemphill County**; Air Account No. HL0076C, Regulated Entity ID No. RN100224872; 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. (Tel Croston, Terry Murphy)

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

Item 8. **Docket No. 2004-0458-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP** in **Harris County**; Regulated

Entity No. RN103773206; 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, Terry Murphy)

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

Item 9. **Docket No. 2004-0701-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Masters Resources, LLC** in **Galveston and Chambers Counties**; Air Account Nos. GB-0044-W and CI-0177-Q, Regulated Entity Reference Nos. RN102198058 and RN100211069; 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, Terry Murphy)

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

Item 10. **Docket No. 2002-1353-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Garland** in **Dallas County**; TCEQ ID No. DB-4394-P; 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. (Wendy Cooper, Kent Heath)

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

Item 11. **Docket No. 2004-0291-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **La Gloria Oil and Gas Company** in **Smith County**; TCEQ ID Nos. SK0022A and RN100222512; for air quality violations pursuant to the Texas Clean Air Act, 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. (Alfred Okpohworho, Kent Heath)

Approve the agreed order with the provision that there will be an additional \$1,900.00 fine assessed to La Gloria Oil and Gas Company. The Order will be final upon receipt of payment. KW/LS; all agree.

Item 12. **Docket No. 2004-0296-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Exxon Mobil Corporation** in **Harris County**; Air Account No. HG-0232-Q, Regulated Entity ID No. 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. (Tel Croston, Terry Murphy)

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

- Item 13. **Docket No. 2004-0439-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Enbridge Pipelines (East Texas) L.P. in Freestone County**; Air Account No. FI0082A, Regulated Entity ID No. RN100224914; 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. (Tel Croston, Terry Murphy)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 14. **Docket No. 2003-1236-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sam's East, Inc. in Williamson County**; Edwards Aquifer Protection Program File No. 11-00103101; 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. (Carolyn V. Lind, Terry Murphy)

Continued to the February 23, 2005 agenda.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

- Item 15. **Docket No. 2004-0621-IHW-E.** Consideration of an Agreed Order assessing administrative penalties against **Clean Harbors Deer Park, LP in Harris County**; Industrial Hazardous Waste Permit No. 50089, Regulated Entity ID No. RN102184173; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Terry Murphy)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

- Item 16. **Docket No. 2004-0425-IWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Chevron U.S.A. Inc. dba Chevron Products Company in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 01745; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy)

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

LANDSCAPE IRRIGATORS INSTALLERS ENFORCEMENT DEFAULT ORDER

- Item 17. **Docket No. 2003-1553-LII-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Albert E. Ellis dba Houston**

Land Designers in Fort Bend County; TCEQ ID No. RN103862447 for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7, 34, and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Deborah A. Bynum, Kent Heath)

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

MULTI-MEDIA ENFORCEMENT AGREED ORDER

- Item 18. **Docket No. 2004-0761-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fleetpride, Inc. in Hidalgo County;** Solid Waste Registration No. 68863, Regulated Entity No. RN101514008; for industrial & hazardous waste and the management of used oil 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. (Chad N. Blevins, Terry Murphy)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

- Item 19. **Docket No. 2004-0327-MSW-E.** Consideration of an Agreed Order assessing administrative penalties against **Rod Packard dba Packard Tire Service in Nueces County;** Municipal Solid Waste (MSW) Tire Transporter ID No. 25032, MSW Generator No. 0002; 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, Terry Murphy)

Item remanded to the Executive Director.

- Item 20. **Docket No. 2003-1539-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sharon Washington dba S & J Tire Service in Cass County;** Tire Transporter Registration No. 6200052, Regulated Entity Reference No. RN104065800; 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. (Carolyn V. Lind, Terry Murphy)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

- Item 21. **Docket No. 2003-1476-MSW-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Antonio Garcia dba Garcia Junk Yard in Hidalgo County;** TCEQ ID No. RN102494366; for municipal solid waste violations pursuant to the Texas Solid Waste Disposal Act, Tex. Health & Safety

Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Lindsay Andrus, Kent Heath)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 22. **Docket No. 2004-0804-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Bissonnet Municipal Utility District in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 11461-001, Regulated Entity Reference No. RN102177516; 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, Terry Murphy)

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

Item 23. **Docket No. 2003-1285-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Laredo in Webb County**; Texas Pollutant Discharge Elimination System Permit No. 10681-002; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brian Lehmkuhle, Terry Murphy)

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

Item 24. **Docket No. 2003-0377-MWD-E.** Consideration of an Agreed Order assessing administrative penalties of **City of Pearsall in Frio County**; Texas Pollutant Discharge Elimination System Permit No. 10360-001; 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 Tex. Admin. Code ch. 60. (Erika Fair, Terry Murphy)

Item remanded to the Executive Director.

Item 25. **Docket No. 2004-0749-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against the **Town of Prosper in Collin County**; Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10915-001, RN100604321; 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, Terry Murphy)

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

Item 26. **Docket No. 2004-0920-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Cooper Cameron Corporation in Harris County**; Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0118583, Regulated Entity Reference No. RN102670882; 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. (Jill Reed, Terry Murphy)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 27. **Docket No. 2004-0174-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Babaji & Company, Inc. dba Phillips 66** in **Harris County**; Petroleum Storage Tank Facility ID No. 5506; 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. (Audra L. Ruble, Terry Murphy)

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

Item 28. **Docket No. 2004-0343-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Car Spa Inc. dba Car Spa Car Wash** in **Collin County**; Petroleum Storage Tank Facility ID No. 72494; 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. (Judy Kluge, Terry Murphy)

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

Item 29. **Docket No. 2004-0447-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Coastal King LTD** in **Nueces County**; Petroleum Storage Tank Facility ID No. 73780, Regulated Entity ID No. RN102833662; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steven Lopez, Terry Murphy)

Item remanded to the Executive Director.

Item 30. **Docket No. 2004-0493-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Dalton Oil, Inc.** in **Tarrant County**; Regulated Entity Reference No. 102367240; 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. (Brent Hurta, Terry Murphy)

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

Item 31. **Docket No. 2003-1005-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Inayat Enterprises, Inc. dba Mini Max Food Mart**

in **Travis County**; TCEQ ID Nos. 11329 and RN101491496; for petroleum storage tank violations pursuant to chs. 7 and 26 of the Texas Water Code and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Wendy Cooper, Kent Heath)

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

Item 32. **Docket No. 2003-0855-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mohammad N. Qureshi dba HAH Gas Mart in Galveston County**; TCEQ ID Nos. 40144 and RN101808251; 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. (Barbara J. Watson, Kent Heath)

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

Item 33. **Docket No. 2004-0432-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ZALI, Inc. dba Kwality Food Mart in Dallas County**; Petroleum Storage Tank Facility ID No. 13710, RN101563476; 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. (Chris Friesenhahn, Terry Murphy)

Item remanded to the Executive Director.

Item 34. **Docket No. 2004-0588-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ZSA Investment Inc. dba J's Shoppers Mart in Guadalupe County**; PST Registration No. 24373, RN102259504; 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. (Laurie Eaves, Terry Murphy)

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

Item 35. **Docket No. 2004-0943-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Son & Chi Corporation dba Buckingham Chevron in Dallas County**; Petroleum Storage Tank ID No. 9119, Regulated Entity No. RN101548972; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kent Heath, Terry Murphy)

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

Item 36. **Docket No. 2004-0514-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Signature Stores, Inc. dba**

One Stop Fina in Dallas County; Petroleum Storage Tank Facility ID No. 38759, Regulated Entity ID No. RN101542611; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, 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. (Steven Lopez, Terry Murphy)

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

Item 37. **Docket No. 2004-0575-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Red Star Truck Terminal, Inc. dba Texaco Gas & Go 3 in Taylor County**; Petroleum Storage Tank Registration No. 953, Regulated Entity Reference No. RN101790038; 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. (Susan Longenecker, Terry Murphy)

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

Item 38. **Docket No. 2004-0693-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pay and Save, Inc. in Lamb County**; Petroleum Storage Tank Registration No. 73850, Regulated Entity No. RN102487246; 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. (Brian Lehmkuhle, Terry Murphy)

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

Item 39. **Docket No. 2004-0208-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Nizamani, Inc. dba Delta Food Store in Harris County**; Petroleum Storage Tank Facility ID No. 65684; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Terry Murphy)

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

Item 40. **Docket No. 2004-1107-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mass Marketing Ltd. dba Super S Foods 327 in Bexar County**; Petroleum Storage Tank ID No. 0027501, Regulated Entity Reference No. RN104298575; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kent Heath, Terry Murphy)

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

Item 41. **Docket No. 2004-1042-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Yoon K. Suh and Gregory T. Adams dba Griffis Corner in Denton County**; Petroleum Storage Tank Facility ID No. 47943, Regulated Entity ID No. RN101566990; 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, Terry Murphy)

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

Item 42. **Docket No. 2004-1053-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Collinsworth and Watson, Inc. in Dallas County**; Petroleum Storage Tank Facility ID No. 73670; 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. (Brent Hurta, Terry Murphy)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDER

Item 43. **Docket No. 2003-0259-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **DBW Enterprises, Ltd. dba Scotty Mint Grocery in Hamilton County**; TCEQ ID Nos. 0024871 and RN103077939; 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. (Barbara L. Klein, Kent Heath)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 44. **Docket No. 2004-0516-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Caney Creek Haven Club Civic Committee, Inc. dba Caney Creek Haven Club Water System in Matagorda County**; Public Water Supply No. 1610049; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kimberly Morales, Terry Murphy)

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

Item 45. **Docket No. 2004-0406-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Munisha, Inc. dba Grab All Drive In Grocery in Galveston County**; TCEQ ID Nos. 840136 and RN101823995; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and

the rules of the Texas Commission on Environmental Quality. (Ashley Keever, Kent Heath)

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

- Item 46. **Docket No. 2004-0464-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Water Association of North Lake, Inc. in Denton County**; Public Water Supply No. 0610171; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Catherine Albrecht, Terry Murphy)

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

- Item 47. **Docket No. 2004-0933-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Three Rivers in Live Oak County**; Public Water Supply No. 1490002; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Edward R. Moderow, Terry Murphy)

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

- Item 48. **Docket No. 2004-0750-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thomas Newman dba T J & N Water Utility dba Cedar Oaks Mobile Home Community and Homestead Oaks Mobile Home Community in Harris County**; Public Water Supply Nos. 1011556 and 1011734, Certificate of Convenience and Necessity No. 12937, Regulated Entity Nos. 101203297 and 101251858; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Rebecca Johnson, Terry Murphy)

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

- Item 49. **Docket No. 2004-0925-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fort Gates WSC in Coryell County**; Public Water Supply ID No. 0500017, RN101216257; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Terry Murphy)

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

SLUDGE ENFORCEMENT AGREED ORDERS

- Item 50. **Docket No. 2004-0778-SLG-E.** Consideration of an Agreed Order assessing administrative penalties against **Holder Management and Construction, Inc.** in

Dallas County; Transporter Registration No. 22744, RN 103164745; for water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee G. Hupp, Terry Murphy)

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

Item 51. **Docket No. 2004-0936-SLG-E.** Consideration of an Agreed Order assessing administrative penalties against **D & D Investments Partners, L.P. in Harris County**; TCEQ ID No. NONE, Regulated Entity No. 104187919; 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, Terry Murphy)

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

RULE MATTERS

Item 52. **Docket No. 2003-1593-RUL.** Consideration for publication of amended Sections 25.2, 25.6, and 25.9 of **30 TAC Chapter 25**, Environmental Testing Laboratory Accreditation and Certification.

The proposed rulemaking would implement Senate Bill 934, 78th Legislature, 2003, Regular Session, and update laboratory accreditation standards. (Steve Stubbs, Kathy Brown, Michael Bame) (Rule Project No. 2004-018-025-AD)

Approve publication of amended Sections 25.2, 25.6, and 25.9 of 30 TAC Chapter 25. RM/LS; all agree.

Item 53. **Docket No. 2004-1877-RUL.** Consideration for publication of, and hearing on, proposed amended Section 101.1 of **30 TAC Chapter 101**, General Air Quality Rules; amended Sections 116.12 and 116.150 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification; and corresponding revisions to the state implementation plan.

The proposed rulemaking would amend the definitions of nonattainment area and volatile organic compound in Section 101.1. The proposed amendments to Chapter 116 would amend the definitions of contemporaneous period, major modification, and net emissions increase and change new source review netting triggers and periods for areas classified under the eight-hour ozone standard. The amendments would also make a variety of changes to correct typographical errors, to update cross-references, and to be consistent with other commission rules and applicable drafting standards. (Beecher Cameron, Daniel Long, Michael Bame) (Rule Project No. 2005-009-116-AI)

Approve publication of, and hearing on, proposed amended Section 101.1 of 30 TAC Chapter 101; amended Sections 116.12 and 116.150 of 30 TAC Chapter 116; and corresponding revisions to the state implementation plan. RM/KW; all agree

EXECUTIVE SESSION

Item 54. **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 actions taken.

Item 55. **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 actions taken.

Item 56. **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 actions 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.

/s/ Greg Merrell
Assistant General Counsel,
Greg Merrell

03/28/2005
Date