

Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, March 23, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the December 15, 2004 and February 9, 2005 agendas.

- Item 1. **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)

Dismiss the application with prejudice. RM/KW; all agree.

AGENDA

Wednesday, March 23, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **Docket No. 2005-0180-SLG.** Consideration of the application by **Synagro of Texas-CDR, Inc.** for a new Permit No. WQ0004671000 to authorize the beneficial land application of sewage sludge on 1134.94 acres distributed among three fields within a 4,800-acre (approximately) site. The facility is located approximately 4.5 miles from the City of Lissie, south/southwest of the intersection of Highway 90 and Farm-to-Market Road 271, and approximately 7 miles southeast of the City of Eagle Lake in **Wharton 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 Bret & Phyllis Hudman, deny all other hearing requests and requests for reconsideration; refer the matter to SOAH for a maximum duration of 4 months on the issue of whether surface water runoff from the facility will impact or affect fishing and wildlife ponds on adjacent property, with a referral to ADR for a maximum duration of 4-6 weeks if all parties agree. KW/RM; all agree.

- Item 2. **Docket No. 2005-0070-SLG.** Consideration of the application by **Synagro of Texas-CDR, Inc.** for a new Permit No. WQ0004672000 to authorize the beneficial land application of sewage sludge on 944.18 acres distributed among thirteen fields within a 2267.195-acre site. The facility is located adjacent to the south side of Calhoun Road and Farm-to-Market Road 102, approximately 3.5 miles south of the intersection of Farm-to-Market Road 102 and Highway 90A in 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 Janet Bauer, Virginia Bauer, Lesley Mathews Carey, Mercy D. Hill, James Jordan, Al Mahalitic on behalf of Arthur Mahalitic & Sons, Inc., Arthur & Clara Mahalitic, Calvin Mahalitic, Raymond Mahalitic, Stephen & Mary Mahalitic, Di Ann Suggs, and LCRA; deny the remaining hearing requests and the requests for reconsideration; refer the matter to SOAH for a maximum duration of 9 months on the issues of: 1. Will operation of the facility under the proposed permit satisfy the nuisance control requirements of Chapter 312; 2. Whether the facility will affect the quality of surface and groundwater, and nearby private water wells, and whether groundwater monitoring is adequate; 3. Whether the proposed permit will adversely impact the

health of the hearing requesters and their families; 4. Whether the facility is located in a floodway; and 5. Whether the sludge applied to the facility will be properly tested and monitored; with a referral to ADR for a maximum duration of 4-6 weeks if all parties agree; hearing duration of nine months. KW/LS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 3. **Docket No. 2004-1375-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Azteca Milling L.P. in Hale County**; Air Account No. HA0106T, Air Operating Permit No. 1038, Regulated Entity Reference No. RN100215086; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jill Reed, Mike Limos)

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

Item 4. **Docket No. 2004-0893-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **El Paso Field Services Management, Inc. in Harris County**; Air Account No. HG0157F, RN102940103; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kensley Greuter, Michael Limos)

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

Item 5. **Docket No. 2004-0486-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Sulphur Services, Ltd., LLLP in Galveston County**; Air Account No. GB-0025-D; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Michael Limos)

Re-posted as Item 59.

Item 6. **Docket No. 2004-0866-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Lyondell-Citgo Refining LP in Harris County**; Air Account No. HG0048L, RN100218130; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kensley Greuter, Michael Limos)

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

Item 7. **Docket No. 2004-1312-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Mission Resources Corporation** in **Harris and Brazoria Counties**; Air Account Nos. BL0789O and HX0918F, RN101948438 and RN100899210; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kensley Greuter, Michael Limos)

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

Item 8. **Docket No. 2004-1172-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Hilcorp Energy Company** in **Brazoria County**; Air Account No. BL0731W, RN102959210; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jill Reed, Michael Limos)

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

Item 9. **Docket No. 2004-1278-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Pioneer Natural Resources USA, Inc.** in **Potter County**; Air Account No. PG0035M, RN100226943; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Chris Friesenhahn, Michael Limos)

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

Item 10. **Docket No. 2004-0974-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ramrod Enterprises LLC** in **Montgomery County**; Air Account No. MQ0043F, RN100921592; 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. (David Van Soest, Michael Limos)

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

Item 11. **Docket No. 2004-0847-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Shredder Company, LLC** in **El Paso County**; New Source Review Permit No. 23499, RN101241180; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mauricio Olaya, Michael Limos)

Re-posted as Item 60.

Item 12. **Docket No. 2004-0076-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Convenience Stores, LLC dba 7 Eleven Nos. 57629, 57611, 57642, 57627, 57640, 57603, 57604, 57609, and 57634** in **El Paso County**; Air Account Nos. EE1177T, EE1162J, EE1186S, EE1176V, EE1006B, EE0979F, EE1157C, EE1160N, and EE1007W; 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. (Mauricio Olaya, Michael Limos)

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

Item 13. **Docket No. 2004-0752-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Nacogdoches** in **Nacogdoches County**; Regulated Entity Reference No. RN102217395; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Carolyn V. Lind, Michael Limos)

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

Item 14. **Docket No. 2003-0176-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Duke Energy Field Services, L.P.** in **Pecos County**; Air Account Number PE-0051-N; 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. (Tel Croston, Mike Limos)

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

Item 15. **Docket No. 2003-1317-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring corrective action of **BASF Fina Petrochemicals LP** in **Jefferson County**; TCEQ ID No. JE-0843-F; for air quality violations pursuant to the Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Paul Sarahan, Barbara Klein, Benjamin de Leon)

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

Item 16. **Docket No. 2004-0073-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Corsicana** in **Navarro County**; Municipal Solid Waste Permit No. 2190, Regulated Entity Reference No. RN102091998; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas

Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sheila Smith, Michael Limos)

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

- Item 17. **Docket No. 2004-0661-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Praxair, Inc. in Galveston County**; Air Account No. GB-0325-L, RN100220599; 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, Michael Limos)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDERS

- Item 18. **Docket No. 2004-0301-AIR-E.** Consideration of a Default Order assessing administrative penalties against **Kouros Khabazian and Millennium Car Care and Sales, Inc. in Collin County**; TCEQ ID No. RN103188389; 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. (Barbara L. Klein, Benjamin de Leon)

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

- Item 19. **Docket No. 2002-0403-AIR-E.** Consideration of a Default Order assessing administrative penalties against **Fleet Star Service Center, Inc. in Dallas County**; TCEQ ID Nos. DB-5255-A and RN100763465; for air quality violations pursuant to the Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Wendy Cooper, Benjamin de Leon)

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

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

- Item 20. **Docket No. 2004-1034-IHW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Western Cabinets, Inc. in Dallas County**; Solid Waste Registration No. 84291; 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. (J. Mac Vilas, P.G., Michael Limos)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 21. **Docket No. 2004-1048-IWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Freestone Power Generation LP in Freestone County**; Texas Pollutant Discharge elimination System Permit No. 0004298000, RN102333853; 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, Michael Limos)

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

- Item 22. **Docket No. 2004-0256-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Village Farms, L.P. dba Village Farms of Texas in Jeff Davis County**; Public Water Supply ID No. 1220012; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Mauricio Olaya, Michael Limos)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

- Item 23. **Docket No. 2003-0215-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Marlin, in Falls County**; TCEQ ID Nos.: 0730002, 10042, and RN101415073 for public water supply violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 11 and 13, and the rules of the Texas Commission on Environmental Quality. (Barbara L. Klein, Benjamin de Leon)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

- Item 24. **Docket No. 2004-0785-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joey Claybar and Ambrose Claybar dba Claybar Construction and the City of West Orange in Newton County**; Unauthorized Municipal Waste Disposal Site No. 455100040; 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. (John Barry, Michael Limos)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 25. **Docket No. 2003-1342-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mary and Rick Hooper dba Seven Oaks Motel Complex Sewage Treatment Plant in Polk County**; Texas Pollutant Discharge Elimination System Permit No. 12839-001; 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. (Laurie Eaves, Michael Limos)

Approve the agreed order. KW/RM; LS opposed.

- Item 26. **Docket No. 2004-0299-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Angleton in Brazoria County**; Texas Pollutant Discharge Elimination System Permit No. 10548004, RN102179785; 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. (Audra L. Ruble, Michael Limos)

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

- Item 27. **Docket No. 2004-1124-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Bell County Water Control and Improvement District No. 1 in Bell County**; Texas Pollutant Discharge Elimination System Permit No. 10351003, RN101610236; 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, Michael Limos)

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

ON SITE SEWAGE FACILITY INSTALLER ENFORCEMENT DEFAULT ORDER

- Item 28. **Docket No. 2003-1574-OSI-E.** Consideration of a Default Order assessing administrative penalties against **Leroy Kirbie, Jr., Tarrant County**; TCEQ ID Nos. OS 8528 and RN103387023 for failure to possess a current site evaluator's license pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barbara L. Klein, Benjamin de Leon)

Item remanded to the Executive Director.

ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT AGREED ORDER

- Item 29. **Docket No. 2004-0779-OSS-E.** Consideration of an Agreed Order assessing administrative penalties against **Gregorio Gaytan in Hill County**; On-Site Sewage Facility No. 1090956, RN103176913; for on-site sewage disposal violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Michael Limos)

Continued to the April 13, 2005 agenda.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 30. **Docket No. 2004-1165-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cal Farleys Girlstown USA in Cochran County**; Petroleum Storage Tank Registration No. 69624, RN102343191; 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. (David Van Soest, Michael Limos)

Remand the item to the Executive Director for the purpose of conducting discussions with the Respondent regarding a possible SEP. LS/KW; all agree.

- Item 31. **Docket No. 2004-0479-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Davis Iron Works Operations, LTD. in McLennan County**; Petroleum Storage Tank Facility ID No. 37848; Regulated Entity Reference No. RN102370046; 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. (Lori Thompson, Michael Limos)

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

- Item 32. **Docket No. 2004-1346-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Do's Investment Inc. dba Galveston Gas & Food Store in Galveston County**; Petroleum Storage Tank Facility ID No. 35239; RN102439452; 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. (Catherine Sherman, Michael Limos)

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

- Item 33. **Docket No. 2004-1158-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Federal Express Corporation in Tarrant County**; Petroleum Storage Tank Facility ID No. 0069848, RN100651314; 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. (Suzanne Walrath, Michael Limos)

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

Item 34. **Docket No. 2004-1041-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Randy C. Matocha dba Star Express Lube in Wharton County**; Regulated Entity No. RN101894467, Petroleum Storage Tank Registration No. 58244; 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. (Daniel Siringi, Michael Limos)

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

Item 35. **Docket No. 2003-1194-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Petro-Chemical Transport Inc. in Burnet County**; TCEQ Facility ID No. None, RN103950572; 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. (Pamela Campbell, Michael Limos)

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

Item 36. **Docket No. 2004-0540-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Harriet McDaniel dba Break Away Airport in Williamson County**; Petroleum Storage Tank ID No. 29822, RN101444875; 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, Michael Limos)

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

Item 37. **Docket No. 2003-0322-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **2 M Vest, Inc. dba Mason Fast Stop in Fort Bend County**; TCEQ ID Nos. 0075313 and RN102821535; 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. (Rebecca Nash Petty, Benjamin de Leon)

Approve the agreed order. KW/RM; LS opposed.

Item 38. **Docket No. 2003-0229-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Frank Pokluda dba Time Mart No. 17 in Waller County**; TCEQ ID Nos. 0005872 and RN101251379; 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. (Lindsay Andrus, Benjamin de Leon)

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

Item 39. **Docket No. 2004-1115-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Robbins Chevrolet Company in Harris County**; Petroleum Storage Tank Facility ID No. 2957, Regulated Entity No. RN100586817; 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. (Kimberly Morales, Michael Limos)

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

Item 40. **Docket No. 2004-1302-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Leroy Purser dba Purser Car Care & Grocery in Collin County**; Petroleum Storage Tank Facility ID No. 23688, Regulated Entity Reference ID No. RN101541589; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Mike Limos)

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

Item 41. **Docket No. 2004-1301-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thuy T Nguyen dba Mr N Market in Tarrant County**; Petroleum Storage Tank Facility ID No. 44568, Regulated Entity Reference ID No. RN102385325; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Mike Limos)

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

Item 42. **Docket No. 2004-0822-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arshad Mahmood dba Kwik Stop in McLennan County**; Petroleum Storage Tank Facility ID No. 43848, Regulated Entity ID No. RN101664415; 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, Michael Limos)

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

Item 43. **Docket No. 2004-0807-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Fidai Investment Corporation dba Oates Mobil in**

Dallas County; Petroleum Storage Tank Facility Registration No. 17680, Regulated Entity ID No. RN100532852; 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. (Cari Bing, Michael Limos)

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

Item 44. **Docket No. 2004-0980-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Noemi Salinas dba El Alto Country Store** in **Starr County**; Petroleum Storage Tank Facility ID No. 66882, RN101678548; 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. (Jaime Garza, Michael Limos)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 45. **Docket No. 2004-1015-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cypress Springs WSC South Plant** in **Franklin County**; Public Water Supply ID No. 0800016; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Mauricio Olaya, Michael Limos)

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

Item 46. **Docket No. 2004-0831-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of La Joya** in **Hidalgo County**; Public Water Supply No. 1080213, RN101276863; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Rebecca Johnson, Michael Limos)

Re-posted as Item 61.

Item 47. **Docket No. 2004-1011-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Emory** in **Rains County**; Public Water Supply ID No. 1900001, RN101221406; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Mauricio Olaya, Michael Limos)

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

Item 48. **Docket No. 2003-0566-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Garrett Creek Ranch, Inc.** in

Wise County; Public Water Supply No. 2490055; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Brian Lehmkuhle, Michael Limos)

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

- Item 49. **Docket No. 2002-0773-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Deer Creek Ranch, Inc. dba Deer Creek Water Co. in Travis County**; TCEQ ID Nos. 2270049 and RN 100822527; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, 30 Tex. Admin. Code ch. 290, and the rules of the Texas Commission on Environmental Quality. (Lindsay Andrus, Benjamin De Leon)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

- Item 50. **Docket No. 2004-1074-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Best Materials Inc. in Robertson County**; Regulated Entity Reference No. RN104329735; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Erika Fair, Mike Limos)

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

- Item 51. **Docket No. 2004-1017-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Steve Wilson in Eastland County**; TCEQ Storm Water Permit No. TXR05R598, RN102213998; 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. (Jaime Garza, Michael Limos)

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

GENERAL PERMIT

- Item 52. **Docket No. 2003-0694-WQ.** Consideration of issuance of a new **General Permit No. TXG670000**, which authorizes on a state-wide basis the discharge of water resulting from hydrostatic testing of vessels into or adjacent to water in the state subject to specific effluent limitations. This permit specifies which vessels, based on previous contents, may be covered under this general permit. The Commission will also consider public comment and the Executive Director's response to comments. (Chris Linendoll/Darrell Williams/Robert Brush)

Approve the issuance of General Permit No. TXG670000 and adopt the Executive Director's Response to Comments. KW/LS; all agree.

RULE MATTERS

- Item 53. **Docket No. 2005-0339-RUL.** Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 101**, General Air Quality Rules; Subchapter F, Emissions Events and Scheduled Maintenance, Startup, and Shutdown Activities; Division 3, Operational Requirements, Demonstrations, and Actions to Reduce Excessive Emissions; Sections 101.221 - 101.223; and corresponding revisions to the Texas state implementation plan.

The proposed rulemaking would extend the expiration date of June 30, 2005 to January 15, 2006, unless the commission submits a revised version of Sections 101.221 - 101.223 to the Environmental Protection Agency (EPA) for review and approval. If the commission submits these revisions to the EPA, these sections would expire on June 30, 2006. (Steve Ligon, Janis Hudson) (Rule Project Number 2005-023-101-AI)

Approve publication of, and hearing on, proposed amendments to 30 TAC Chapter 101 and corresponding revisions to the Texas state implementation plan. KW/RM; all agree.

- Item 54. **Docket No. 2004-2039-RUL.** Consideration for publication of, and hearing on, proposed new sections to **30 TAC Chapter 37**, Financial Assurance, Sections 37.9090, 37.9095, 37.9100, 37.9105, 37.9110, 37.9115, 37.9120, 37.9125, 37.9130, 37.9135, 37.9140, 37.9145, 37.9150, and 37.9155; and amendments to **30 TAC Chapter 312**, Sludge Use, Disposal, and Transportation, Sections 312.4, 312.8 - 312.13, 312.44, 312.48, 312.82, 312.122, and 312.145. The proposed rulemaking implements House Bill 2546, 78th Legislature, Regular Session, 2003.

The proposed rulemaking would provide additional restrictions and requirements for persons who land apply Class B sewage sludge to help ensure more protection for citizens, land, and water. (Beth Fraser, Anthony Tatu) (Rule Project No. 2003-055-312-WT)

Approve publication of, and hearing on, proposed new sections to 30 TAC Chapter 37. KW/RM; all agree.

- Item 55. **Docket No. 2004-1471-RUL.** Consideration of the adoption of amendments to **30 TAC Chapter 115**, Control of Air Pollution from Volatile Organic Compounds, Subchapter C, Volatile Organic Compound Transfer Operations, Division 2, Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities, Sections 115.222 and 115.223, and Division 4, Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities, Sections 115.240, 115.242, 115.243, 115.245, 115.248, and 115.249, and corresponding revisions to the state implementation plan.

This adoption would further strengthen the third-party certification of vapor recovery equipment approved for use by the executive director outside of the California Air Resources Board certification program, make the approval of alternate Stage I equipment more commensurate with Stage II requirements, expand the types of equipment deemed

"onboard refueling vapor recovery compatible" to include new technologies, require that test times be included in notifications of testing for equipment, require that testing requirements be included in the curriculum of approved Stage II training courses, and make other minor stylistic and grammatical changes. (Jason Harris, John Minter, Joseph Thomas) (Rule Project No. 2005-001-115-AI)

Approve the adoption of amendments to 30 TAC Chapter 115 and corresponding revisions to the state implementation plan. KW/RM; all agree.

EXECUTIVE SESSION

Item 56. **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 57. **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 58. **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.

ADDENDUM AGENDA

Wednesday, March 23, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

12100 Park 35 Circle

Room 201S, Bldg. E

Item 59. **Docket No. 2004-0486-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Sulphur Services, Ltd., LLLP** in **Galveston County**; Air Account No. GB-0025-D; for air quality 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. (Trina Grieco, Michael Limos)

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

Item 60. **Docket No. 2004-0847-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Shredder Company, LLC** in **El Paso County**; New Source Review Permit No. 23499, RN101241180; for air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mauricio Olaya, Michael Limos)

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

Item 61. **Docket No. 2004-0831-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of La Joya** in **Hidalgo County**; Public Water Supply No. 1080213, RN101276863; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 5 and 26, and the rules of the Texas Commission on Environmental Quality. (Rebecca Johnson, Michael Limos)

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

AGENDA

Wednesday, March 23, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. **TCEQ Docket No. 1999-1048-PST-E; SOAH Docket No. 582-01-2912.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Wendell Reeder, Clarksville Oil & Gas Company, Midway Armadillo Corporation, Harry M. Fox dba H&F Realty, and Feroz Abdul Sattar dba Key Food Truck Stop** in Upshur County, Texas; regarding underground 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.

Adopt the ALJ's Revised Order; change all references from Harry M. Fox to H&F Realty, amend the penalty for H&F Realty to \$126,875.00, amend the penalty for Midway Armadillo Corporation to \$122,500.00, assess transcription costs equally between H&F Realty and Midway Armadillo Corporation, and adopt the Executive Director's Correction Nos. 1, 2, 3, 5, 7, & 8. KW/RM; all agree.

/s/ Elaine Lucas
Assistant General Counsel,
Elaine Lucas

05/19/2005
Date