

Chairman Kathleen White  
Commissioner Ralph Marquez  
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, May 25, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the April 27, 2005 agenda.

- Item 1. **Docket No. 2004-0888-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Acme Brick Company dba Featherlite Building Products Swenson Hoggy Lease** in **Shackelford County**; Regulated Entity Reference No. RN104285325; 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, Elvia Maske)

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

## AGENDA

Wednesday, May 25, 2005

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

- Item 1. **Docket No. 2004-1930-AIR.** Consideration of application by **Safety-Kleen Systems Denton Recycling Center** for renewal of Air Quality Permit No. 2613 to authorize the continued operation of its recycling center. The facility is located at 1722 Cooper Creek Road, Denton, **Denton 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. (Rich Carpenter/Les Trobman)

Deny all hearing requests as a matter of law, adopt the Executive Director's Response to Comments and approve the permit renewal. No action taken on late filed request for reconsideration. KW/RM; all agree.

- Item 2. **Docket No. 2005-0477-IWD.** Consideration of the application by **Double Diamond Utilities Co.** for a renewal of TPDES Permit Number WQ0002789000 to authorize the discharge of reverse osmosis reject water and treated domestic wastewater on an intermittent and flow variable basis via Outfall 001 (reverse osmosis reject water via internal Outfall 101 at a daily average flow not to exceed 60,000 gallons per day, and treated domestic wastewater via internal Outfall 201 at a daily average flow not to exceed 25,000 gallons per day). The facility is located adjacent to Possum Kingdom Lake immediately west of State Highway 16 and south of the Brazos River, **Palo Pinto 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, Deborah Helstrom)

The Commission determined there is a right to a hearing on this application. The Commission then granted the hearing request of the Brazos River Conservation Coalition on the issues of: 1. whether use of the river will be affected by the discharge from the plant; 2. whether the discharge from the facility will impair the water quality of the river; 3. whether the monitoring locations identified in the permit are adequate; 4. whether the self-monitoring provisions and monitoring frequencies required in the draft permit are adequate; 5. whether discharges from the Applicant's facility will adversely effect health, safety, and use of the river by residents; 6. whether high nutrient levels from the Applicant's effluent will cause excessive vegetative growth and nuisance odors; and 7. whether the Applicant's compliance history justifies modification or denial of the application; denied all remaining issues and referred the matter to ADR for a period of 4-6 weeks then, if necessary, to SOAH for a hearing with a duration of 6 months. KW/RM; all agree.

- Item 3. **Docket No. 2005-0461-MWD.** Consideration of the application by **Christian Tabernacle of Houston, Inc.** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014513001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 19,000 gallons per day. The wastewater treatment facility will be located on the north side of Garrett Road, approximately 0.262 mile west of the intersection of Beltway 8 and Garrett Road, in **Harris County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Robert Brush/Joel Klumpp)

The Commissioners granted the hearing requests of Thomas H. Cobb, A.D. Cochran, Thomas E. Draper, Jim and Quetta Gamel, Lottie Hubbard, James and Rita Jeardoe, Ronald S. Lord, Stephen P. Madden, John Platham, Effie and Lloyd B. Race, Lorenzo L. Ramirez, Bruce G. and Cindy A. Reilly, Raj and Norma Shafaii, Cora M. Shirey, John R. Stromsky, Woodrow L. Theeck, Sr., and Irma D. Whitely; denied all other requests for hearing and all requests for reconsideration; referred the matter first to ADR staff for a period of four to six weeks for mediation; and if mediation is not successful, the Commissioners referred the matter to the SOAH on the following issues for a contested case hearing with a duration of six months: (1) Whether the proposed discharge will contaminate groundwater, resulting in contamination of nearby water wells; (2) Whether it is feasible for the Applicant to connect to an existing wastewater collection system; (3) Whether the facility will discharge wastewater compliant with the terms of the permit; (4) Whether the permit application accurately shows the proposed discharge route and whether a discrepancy would affect water quality; (5) Whether the Applicant's permit application accurately reflects the number and location of water wells in the area; and (6) Whether the permit application relating to the physical characteristics of the receiving waters is accurate. KW/LS; all agree.

- Item 4. **Docket No. 2005-0002-DIS.** Consideration of a petition from **Wylie Northeast Water Supply Corporation** (Applicant), for its conversion to Wylie Northeast Special Utility District in **Collin County**, Texas pursuant to Texas Water Code Chapters 49 and 54. The Commission will also consider hearing requests and related responses and replies. (TCEQ Internal Control No. 07022004-D01; Rob Cummins, Ross Henderson)

Item remanded to the Executive Director for issuance of the proposed conversion to a special utility district. KW/RM; all agree.

#### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

- Item 5. **Docket No. 2004-1145-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Abitibi-Consolidated Corporation** in **Angelina County**; Air Account No. AC0017B, Regulated Entity No. RN100220110; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Barry, Elvia Maske)

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

Item 6. **Docket No. 2004-1297-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Advanced Aromatics, L.P. in Harris County**; Air Account No. HG0132V, Regulated Entity Reference No. RN100214832; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Chad N. Blevins, Elvia Maske)

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

Item 7. **Docket No. 2004-1202-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **AROC (Texas), Inc. in Brazoria County**; Air Account Nos. BL0216U and BL0026E, RN100912302, RN100893437; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Elvia Maske)

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

Item 8. **Docket No. 2004-0975-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Celanese Ltd. in Harris County**; Air Account No. HG-0126-Q, Regulated Entity Reference No. RN100227016; 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 Meyer)

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

Item 9. **Docket No. 2004-1257-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Caldwell/VSR Inc. in Hidalgo County**; Air Account Nos. HN0496A and HN0371V, RN101379923, RN100215458; 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, Cari Bing)

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

Item 10. **Docket No. 2004-1144-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Blassingame, Inc. dba Superior Fiberglass in Wise County**; Air Account No. WN-0164-G; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Michael Meyer)

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

Item 11. **Docket No. 2004-0592-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Chevron Pipe Line Company in Scurry County**; General Operating Permit No. 515; Air Permit No. 49038; Air Account No. SG-0033-L; RN100215128; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brian Lehmkuhle, Thomas Greimel)

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

Item 12. **Docket No. 2004-0499-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron USA, Inc. in Harris County**; Air Account No. HG0312R, RN100706811; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Chad Blevins, Cari Bing)

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

Item 13. **Docket No. 2004-1289-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Devon Louisiana Corporation in Galveston County**; Regulated Entity ID No. RN104303565; 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. (Cari Bing)

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

Item 14. **Docket No. 2004-1363-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tige Boats, Inc. in Taylor County**; Air Account No. JI0080S; Regulated Entity Reference No. RN100675222; 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, David Van Soest)

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

Item 15. **Docket No. 2004-1596-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **OGRE, Inc. dba The Mur-Tex Company in Randall County**; Air Account No. RB0091A, RN100216340; 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, Edward Moderow)

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

Item 16. **Docket No. 2004-1485-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **McCommas LFG Processing Partners, LP dba McCommas LFG Processing Facility in Dallas County**; Air Account No. DB4707Q, RN100218569; 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. (Jaime Garza, Edward Moderow)

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

Item 17. **Docket No. 2004-1530-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **El Paso Field Services, L. P. dba Almeda Refined Products Terminal in Harris County**; Air Account No. HG0157F, New Source Review Permit No. 1234, 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. (Suzanne Walrath, David Van Soest)

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

Item 18. **Docket No. 2004-1506-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Varco, L.P. dba Varco Shaffer in Harris County**; Air Account No. HG0509T, Regulated Entity Reference No. RN100211457, Operating Permit No. O-02144; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Catherine Albrecht, Cari Bing)

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

Item 19. **Docket No. 2004-1374-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Tony Lama Company in El Paso County**; Air Account No. EE0444D, Regulated Entity Reference No. RN100217710; 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, Elvia Maske)

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

Item 20. **Docket No. 2004-1380-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas State University - San Marcos in Hays County**; Air Account No. HK0036C; RN100221480; 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, Mike Meyer)

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

Item 21. **Docket No. 2004-1270-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lide Industries, Inc. and Lide Industries, Inc. dba Ultrafab Incorporated in Freestone County**; Air Account Nos. FI0066V and FI0159N, Regulated Entity Reference Nos. RN101698439 and RN100836147; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Michael Meyer)

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

Item 22. **Docket No. 2004-0959-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ISP Synthetic Elastomers, LP in Jefferson County**; Air Account No. JE0017A, Regulated Entity Reference No. RN100224799; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lawrence King, Elvia Maske)

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

Item 23. **Docket No. 2004-1521-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Hanlon Gas Processing, Ltd. in Stephens County**; Air Account No. SN0012Q, Regulated Entity Reference No. RN102929619; 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, Cari Bing)

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

Item 24. **Docket No. 2004-1046-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Good Time Stores, Inc. dba Good Time Store No. 61 in El Paso County**; Air Account No. EE0914K; RN101695427; 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 Meyer)

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

Item 25. **Docket No. 2003-0446-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **ConocoPhillips Company in Brazoria County**; Air Account No. BL-0042-G, RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas

Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ronnie Kramer, Elvia Maske)

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

Item 26. **Docket No. 2004-1343-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Western Gas Resources, Inc.** in **Pecos County**; Air Account No. PE0195L, Regulated Entity Reference No. RN100213644; 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, Michael Meyer)

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

### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 27. **Docket No. 2004-1448-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **L.S.F., Inc. dba Lone Star Fabrication** in **Montgomery County**; Texas Pollutant Discharge Elimination System Permit: None, Regulated Entity Reference No. RN102509601; for water quality and industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Catherine Albrecht, Michael Meyer)

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

Item 28. **Docket No. 2004-1049-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sunbelt Rentals, Inc.** in **Jefferson County**; Regulated Entity ID No. RN103010476; for water quality and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Mac Vilas, P.G., Michael Meyer)

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

Item 29. **Docket No. 2004-1157-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mo-Vac Environmental, Inc.** in **Hidalgo County**; Solid Waste Registration No. 23036, Regulated Entity ID No. RN100671940; for water quality and industrial solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Mac Vilas, P.G., Michael Meyer)

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



## MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

- Item 30. **Docket No. 2004-1106-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Delma Perry Jr. dba Lone Star Tire Disposal in Lubbock County**; Tire Registration 6200088; Regulated Entity ID No. RN103005617; 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. (J. Mac Vilas, P.G., Steven Lopez)

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

## MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 31. **Docket No. 2004-0663-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Clifton in Bosque County**; TPDES Permit No. 10043-001; 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. (Chad N. Blevins, Steven Lopez)

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

- Item 32. **Docket No. 2004-0502-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Edinburg in Hidalgo County**; Texas Pollutant Discharge Elimination System Permit No. 10503-002, RN102080603; 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, Cari Bing)

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

- Item 33. **Docket No. 2004-0929-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hidalgo County Municipal Utility District No. 1 in Hidalgo County**; TPDES Permit No. 12854-001; RN101917037; 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, Steven Lopez)

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

## PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 34. **Docket No. 2004-0379-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **New Crossing Katy, Inc. in Fort Bend County**; TCEQ ID Nos. 70133 and RN101880078; 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. (Justin Lannen, Jennifer Cook)

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

- Item 35. **Docket No. 2004-1461-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jasbir Singh dba Rolands Kwik Stop in Harris County**; TCEQ ID Nos. 24933 and RN100928555; 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. (Xavier Guerra, Jennifer Cook)

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

- Item 36. **Docket No. 2004-1033-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Amruddin K Budri dba 3 Amigos Food Mart in Dallas County**; Petroleum Storage Tank Facility ID No. 71634, RN102051091; 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, Elvia Maske)

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

- Item 37. **Docket No. 2004-1159-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **A. B. Marathon Gas and Go Coastal, Inc. dba Gulfway Quick Mart Citgo in Harris County**; Petroleum Storage Tank Facility ID No. 69204, Regulated Entity Reference No. RN101793032; 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. (Catherine Albrecht, Michael Meyer)

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

- Item 38. **Docket No. 2004-1237-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Austin S & S Inc. dba Super Mart in Bastrop County**; Petroleum Storage Tank Registration No. 843, RN102273810; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Kent Heath)

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

- Item 39. **Docket No. 2004-1449-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Balch Oil Company, Inc. dba 66 Truck & Auto Plaza in Lubbock County, Texas**; Petroleum Storage Tank Facility

ID No. 27024; RN103045977; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ruben Soto, Mike Meyer)

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

Item 40. **Docket No. 2004-1493-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **George Mashni dba Skywood Food Market in Harris County**; Petroleum Storage Tank Facility No. 60519, RN101888733; 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. (Cari Bing, Kent Heath)

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

Item 41. **Docket No. 2004-1865-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **North Dallas Moving & Storage Co., Inc. in Dallas County**; Petroleum Storage Tank Facility ID No. 2405, RN101544781; 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, Kent Heath)

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

Item 42. **Docket No. 2004-1489-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **H. Richards Oil Co. in Travis County**; RN101493724; 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, Kent Heath)

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

Item 43. **Docket No. 2004-1057-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **GHNA Corporation dba Franky's Exxon in Brazos County**; Petroleum Storage Tank Facility ID No. 37514, Regulated Entity Reference No. RN102712825; 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. (Erika Fair, Edward Moderow)

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

Item 44. **Docket No. 2003-1225-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **John Henry Crosby dba Crosby Exxon in Hardin County**; Petroleum Storage Tank Facility ID No. 26845, Regulated Entity ID No. RN102255999; 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, Terry Murphy)

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

Item 45. **Docket No. 2004-1520-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Corpora Aerial Service, Inc. in Robertson County;** Petroleum Storage Tank Facility ID No. 15226, RN101634848; 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, Edward Moderow)

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

Item 46. **Docket No. 2004-0715-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nhan Pham dba Joels Sandy Beach Mart in Tarrant County;** Petroleum Storage Tank Facility ID No. 32987; Regulated Entity ID No. RN101910933; 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. (Steven Lopez, Mike Meyer)

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

Item 47. **Docket No. 2004-1422-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lone Star Petroleum L P dba Hidden Meadows Shell in Bexar County;** Petroleum Storage Tank Facility ID No. 72589, RN101732311; 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, Cari Bing)

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

Item 48. **Docket No. 2004-1454-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Universal Enterprises, Inc. dba Handi Stop 39 in Harris County;** Petroleum Storage Tank Facility ID No. 74468; RN102433349; 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. (Rebecca Johnson, Steven Lopez)

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

Item 49. **Docket No. 2004-1451-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas and Kansas City Cable Partners, L.P. dba Time Warner Cable in Harris County;** Petroleum Storage Tank

Facility ID No. 60119, Regulated Entity Reference No. RN101052975; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Cari Bing)

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

Item 50. **Docket No. 2004-1275-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Southmost Aviation, Inc. in Cameron County;** Petroleum Storage Tank Facility ID No. 18715, RN101678613; 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, Cari Bing)

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

Item 51. **Docket No. 2004-1329-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hedar Elatassi dba South Braeswood Texaco in Harris County;** Petroleum Storage Tank Facility ID No. 23096, RN102598828; 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. (Suzanne Walrath, Elvia Maske)

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

Item 52. **Docket No. 2004-1443-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Smith's Texas Quick Stop, Inc. in Oldham County;** Petroleum Storage Tank Registration No. 62113, RN101886026; 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, Cari Bing)

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

Item 53. **Docket No. 2004-1150-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jay and Kishan, LLC dba Shell Food Mart in Wichita County;** Petroleum Storage Tank Facility ID No. 73145, RN101733046; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (A. Sunday Udoetok, Cari Bing)

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

Item 54. **Docket No. 2004-1226-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SNV Corporation dba E Z Convenience Shop in McLennan County;** Petroleum Storage Tank Facility ID No.

7192, Regulated Entity ID No. RN101442804; 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)

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

Item 55. **Docket No. 2004-1304-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Martin Eagle Oil Company, Inc. in Denton and Dallas Counties**; Regulated Entity Reference No. RN102790649; 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. (Chris Friesenhahn, Cari Bing)

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

Item 56. **Docket No. 2004-0913-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sajjad Z. Bhayani dba EZ Mart in McLennan County**; Petroleum Storage Tank Facility ID No. 6642; Regulated Entity Reference No. RN101659456; 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. (J. Craig Fleming, Mike Meyer)

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

Item 57. **Docket No. 2004-0589-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Department of Veterans Affairs in McLennan County**; Petroleum Storage Tank Facility ID Nos. 8642 and 9274; Regulated Entity Reference No. RN100589316; 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. (Erika Fair, Mike Meyer)

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

Item 58. **Docket No. 2004-1009-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Teresa Salinas dba Tex Mart 3 in Bexar County**; TCEQ ID Nos. 14707 and RN101851111; 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. (Justin Lannen, Jennifer Cook)

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

Item 59. **Docket No. 2004-0825-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bowie-Sims-Prange, Inc.** in **Dallas County**; Petroleum Storage Tank Facility ID No. 20845, RN100856707; 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, Elvia Maske)

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

Item 60. **Docket No. 2004-1441-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Angel Brothers Enterprises, Ltd.** in **Harris County**; Petroleum Storage Tank Facility ID No. 0031928, Regulated Entity ID No. RN102359023; 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. (J. Craig Fleming, Cari Bing)

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

Item 61. **Docket No. 2004-0966-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas Transeastern, Inc.** in **Harris and Jefferson Counties**; TCEQ ID No. RN100928571; 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. (Justin Lannen, Jennifer Cook)

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

Item 62. **Docket No. 2002-0698-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Prince Texas Group, Inc. dba Super Stop No. 11; dba Super Stop No. 12; dba Super Stop No. 13; dba Super Stop No. 16; dba Super Stop No. 18; dba Super Stop No. 19;** in **Jefferson County**; TCEQ ID Nos. 0040084, 0040079, 0040085, 0040077, 0040089, and 0040090; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 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. (Laurencia Fasoyiro, Jennifer Cook)

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

#### **PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDERS**

Item 63. **Docket No. 2004-1415-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Village of Surfside Beach** in **Brazoria County**; Public Water Supply ID No. 0200037; Regulated Entity ID No. RN101175859; for public drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michael Meyer, David Van Soest)

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

Item 64. **Docket No. 2004-0637-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Cliff Cummings dba Mid Lake Kamp Ground** in **Sabine County**; Public Water Supply 2020027; Regulated Entity No. RN101227213; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Chris Friesenhahn, David Van Soest)

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

Item 65. **Docket No. 2004-0757-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hico** in **Hamilton County**; Public Water Supply No. 0970002, Regulated Entity Reference No. RN102677911; 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 Meyer)

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

Item 66. **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, Steven Lopez)

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

Item 67. **Docket No. 2004-0695-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bartlett** in **Williamson County**; Public Water Supply No. 2460006, RN101375590; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kent Heath, Elvia Maske)

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

#### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 68. **Docket No. 2004-1153-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Alamo Concrete Products, Ltd.** in **Williamson County**; Texas Pollutant Discharge Elimination System Stormwater General Permit Registration No. TXR05L526, RN102523123; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (A. Sunday Udoetok, Elvia Maske)

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



Item 69. **Docket No. 2004-1068-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Frost Crushed Stone Company, Inc. in Falls County**; Regulated Entity Reference Number RN104329776; 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, Elvia Maske)

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

Item 70. **Docket No. 2004-1393-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Hoot Johnson Construction, Inc. in Travis County**; Regulated Entity Reference No. RN104355847; 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, Cari Bing)

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

Item 71. **Docket No. 2004-1065-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Q & K Construction Co., Inc. in Kendall County**; Regulated Entity ID No. RN104311725; 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. (Joseph Daley, Elvia Maske)

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

Item 72. **Docket No. 2004-1061-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Weir Bros., Inc. in Denton County**; Regulated Entity Reference No. RN104317920; 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. (Kent Heath, David Van Soest)

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

Item 73. **Docket No. 2004-1067-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texcon Materials, Ltd. dba Texcon Materials Pettibone Plant and S & S Sand Pit in Robertson and Milam Counties**; Regulated Entity Nos. RN104333539 and RN104319678; 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, Elvia Maske)

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

## **WATER RIGHTS ENFORCEMENT AGREED ORDER**

- Item 74. **Docket No. 2004-0826-WR-E.** Consideration of an Agreed Order assessing administrative penalties against **BT Sikes Water Wells Inc.** in **San Patricio County**; RN103941506; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Merrilee Hupp, Brian Lehmkuhle)

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

## **EMERGENCY ORDERS**

- Item 75. **Docket No. 2002-0831-PWS-E.** Consideration of whether to Affirm, Modify, or Set Aside an Emergency Order issued on May 3, 2005 by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code sections 5.501, 5.507, and 13.4132 to address the abandonment of a retail public utility (Utility) by **Oakstar Development, Inc., dba Starview Estates Water System**, which is located at 132 Spanish Pass Road, Boerne in **Kendall County**; TCEQ ID Nos. 1300040 and RN101254027; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order appoints Water Services, Inc. as temporary manager of the Utility. (Sarah Jane Utley)

Item remanded to the Executive Director.

- Item 76. **Docket No. 2005-0641-UCR.** Consideration of an application from **Chilton Water Supply and Sewer** (Chilton) for an order requiring the disconnection of water service for nonpayment of sewer service charges in accordance with the requirements of Title 30, Section 291.88(e) of the Texas Administrative Code. All of Chilton's sewer customers are separately provided water service by West Brazos Water Supply Corporation (West Brazos). Chilton requests an order from TCEQ that would require West Brazos to terminate water service under specified conditions to certain customers for nonpayment of undisputed bills for sewer service provided by Chilton in **Falls County**. Contact: Ross Henderson, Elsie Pascua

Approve the Emergency Order requiring the disconnection of water service for nonpayment of sewer service charges with changes to the Order made by the Commissioners at the dias. Specifically, the Commissioners added the following language, "This Order automatically expires twelve (12) months from the date of issuance, unless extended by the Commission in subsequent action." KW/RM; LS opposed.

## **GIFTS AND DONATIONS**

- Item 77. **Docket No. 2005-0575-MIS.** Consideration of **gifts and donations** of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of

the Government Code, concerning acceptance of gifts by certain state agencies.  
[Elizabeth West]

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

## **RULE MATTERS**

Item 78. **Docket No. 2004-1877-RUL.** Consideration for adoption of 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 adoption would amend the definitions of nonattainment area and volatile organic compound in Section 101.1. The 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. The proposed rules were published in the February 25, 2005, issue of the *Texas Register* (30 TexReg 1009 and 1016). (Beecher Cameron, Daniel Long) (Rule Project No. 2005-009-116-AI)

Grant the adoption of 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, with Chapter 101 preamble language acknowledging the supportive comments of PVI Industries, LLC. RM/KW; all agree.

Item 79. **Docket No. 2004-1398-RUL.** Consideration of the adoption of new and amended sections of **30 TAC Chapter 113**, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, Subchapter C, National Emission Standards for Hazardous Air Pollutants for Source Categories.

The adoption would adopt by reference 50 amended and 31 new federal maximum achievable control technology standards and general provisions into Chapter 113. The proposed rules were published in the December 31, 2004, issue of the *Texas Register* (29 TexReg 12080). (Michael Wilhoit, Rebecca Davis) (Rule Project No. 2002-036c-113-AI)

Grant the adoption of new and amended sections of 30 TAC Chapter 113. KW/RM; all agree.

## **EXECUTIVE SESSION**

Item 80. **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.

The Commission did not meet in executive session.

Item 81. **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.

The Commission did not meet in executive session.

Item 82. **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.

The Commission did not meet in executive session.

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

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

/s/ Elaine Lucas  
Assistant General Counsel,  
Elaine Lucas

6/07/2005  
Date