

Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward

AGENDA

Wednesday, July 27, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

AGRICULTURAL ENFORCEMENT AGREED ORDERS

- Item 1. **Docket No. 2004-1331-AGR-E.** Consideration of an Agreed Order assessing administrative penalties against **R. J. Smelley Company, Inc. dba R. J. Smelley Dairy in Tarrant County**; Texas Pollutant Discharge Elimination System Permit No. 0002422000, RN101536886; 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, David Van Soest)

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

- Item 2. **Docket No. 2004-1610-AGR-E.** Consideration of an Agreed Order assessing administrative penalties against **Jim Beyer & Edith Beyer Marital Trust dba Erath County Dairy Sales & Livestock Commission in Erath County**; Water Quality Permit No. WQ0003211000, RN102743267; 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 3. **Docket No. 2004-1452-AGR-E.** Consideration of an Agreed Order assessing administrative penalties against **Carolyn Owens in Erath County**; Regulated Entity No. RN104299599; 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. (Edward Moderow, David Van Soest)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 4. **Docket No. 2004-1462-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AHC Western Hatters Limited Liability Company dba American Hat Company in Montgomery County**; Air Account No. MQ0283G, General Operating Permit No. O-01761, RN100210244; 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, David Van Soest)

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

- Item 5. **Docket No. 2004-1484-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Dallas in Dallas County**; TCEQ Air Account No. DB5077A; RN100752146; 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. (Jaime Garza, David Van Soest)

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

- Item 6. **Docket No. 2004-1985-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Frazier & Frazier Industries, Inc. in Limestone County**; Air Account No. LI0010F, RN100835446; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, David Van Soest)

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

- Item 7. **Docket No. 2004-1917-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Circle K Stores Inc dba Circle K Store 2705313 in El Paso County**; Air Account No. EE1746A, RN102767134; 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. (Steven Lopez, David Van Soest)

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

- Item 8. **Docket No. 2004-1884-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Pampa Concrete Co., Inc. in Donley County**; Air Account No. 904647P, RN102196631; 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 9. **Docket No. 2004-1581-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Masters Resources, LLC in Chambers County**; Air Account ID No. CI0175U; RN100209774; 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. (Susan Longenecker, David Van Soest)

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

Item 10. **Docket No. 2004-1981-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Coronado Golf and Country Club in El Paso County**; Air Account No. EE1689K; RN100819820; 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, David Van Soest)

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

Item 11. **Docket No. 2004-0682-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Transcontinental Gas Pipe Line Corporation in Hardin County**; Air Account No. HF0042L; Regulated Entity Reference No. RN100211838; 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, David Van Soest)

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

Item 12. **Docket No. 2004-0572-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Brazoria County**; Air Account No. BL-0082-R; Regulated Entity Reference No. RN100225945; 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 13. **Docket No. 2004-0947-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Teppco Crude Oil, LLC in Galveston County**; Air Account No. GB0006H, RN102560182; 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, David Van Soest)

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

Item 14. **Docket No. 2004-1624-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Sunoco, Inc. (R&M)** in **Harris County**; Air Account No. HG0621B; Air Permit No. 4157A; 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. (Larry King, David Van Soest)

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

Item 15. **Docket No. 2004-1488-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **SemPipe, L.P.** in **Wood and Anderson Counties**; Air Account Nos. WO0038B, AA0055P, RN100216589, RN100223957; 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, David Van Soest)

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

Item 16. **Docket No. 2004-1948-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Pilot Travel Centers LLC dba Pilot Travel Center 435** in **El Paso County**; Air Account No. EE2327R; RN103125605; 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. (Ruben Soto, David Van Soest)

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

Item 17. **Docket No. 2004-1584-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Newell Recycling Company of El Paso, LP dba Newell Recycling** in **El Paso County**; Air Account No. EE-0058-M, RN100581768; 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., David Van Soest)

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

Item 18. **Docket No. 2004-2091-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Farmers Dairies, Ltd. dba Farmers Dairies** in **El Paso County**; Air Account No. EE1311Q, RN100818756; 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 19. **Docket No. 2003-1185-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Harris County**; Air Account No. HG0232Q, 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, David Van Soest)

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

Item 20. **Docket No. 2004-1527-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Lubrizol Corporation** in **Harris County**; Air Account No. HG0459J, Regulated Entity Reference No. RN100221589; 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 21. **Docket No. 2004-1876-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mini-Mix of El Paso, Inc.** in **El Paso County**; Air Account No. EE2084U, RN102563947; 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, David Van Soest)

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

Item 22. **Docket No. 2004-2002-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. (Terry Murphy, David Van Soest)

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

Item 23. **Docket No. 2004-1166-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Kraft Foods Global, Inc.** in **Harris County**; Air Account No. HG0473P, Regulated Entity Reference No. RN100214931; 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. (Kimberly Morales, David Van Soest)

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

Item 24. **Docket No. 2004-1187-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Kiva Oil Company in El Paso County**; Air Account No. EE0871D, Regulated Entity ID No. RN102643483; 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, David Van Soest)

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

Item 25. **Docket No. 2004-0333-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kinder Morgan Production Company LP in Scurry County**; Air Account No. SG0029C; RN102170966; 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. (J. Craig Fleming, David Van Soest)

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

Item 26. **Docket No. 2004-1186-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Domco Products Texas, L.P. dba Tarkett Texas in Harris County**; Air Account No. HG0772C, RN100896729; 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. (Ruben Soto, David Van Soest)

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

Item 27. **Docket No. 2004-0912-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William Marsh Rice University in Harris County**; Air Account No. HG-1149-U, Regulated Entity Reference No. RN100245968; 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, David Van Soest)

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

Item 28. **Docket No. 2004-1437-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David Wanjura dba Wanjura Feed Lot in Colorado County**; Regulated Entity ID No. RN103018685; 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, David Van Soest)

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

Item 29. **Docket No. 2004-1572-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vopak Terminal Deer Park, Inc. in Harris County**; Air Account No. HG0629I, TCEQ Air Permit No. 466A, RN100225093; 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. (Kimberly Morales, David Van Soest)

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

Item 30. **Docket No. 2004-1271-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **DSM Nutritional Products, Inc. in Brazoria County**; Air Account No. BL0033H, Regulated Entity Reference No. RN101190221; 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, David Van Soest)

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

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 31. **Docket No. 2004-0994-IHW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James Hardie Building Products, Inc. in Johnson County**; Field Operations ID No. F1769; RN100763895; 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, David Van Soest)

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

INDUSTRIAL WASTEWATER DISCHARGE ENFORCEMENT AGREED ORDER

Item 32. **Docket No. 2004-1260-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Troy Brown dba Foam Zone Car Wash in Smith County**; TCEQ Permit No. None; RN102970779; 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, David Van Soest)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 33. **Docket No. 2004-0001-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Michal K. Williams** in

Anderson and Henderson Counties; Licensed Irrigation Installer No. 3392 (Expired), Regulated Entity No. RN103532123; for Licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Chad Blevins, David Van Soest)

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

MULTI-MEDIA ENFORCEMENT AGREED ORDERS

Item 34. **Docket No. 2004-0598-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Petroleum Wholesale, L.P. dba Sunmart 133 and 141** in **Harris County**; Petroleum Storage Tank Facility ID Nos. 66800 and 66802, RN102004850, RN101954907; for petroleum storage tank and 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. (Rebecca Johnson, David Van Soest)

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

Item 35. **Docket No. 2004-1681-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Weir Bros., Inc. in Denton County**; Air Account No. DF0516J, Municipal Solid Waste No. 455040152, Regulated Entity Reference No. RN100755727; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 382 and 361, 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, David Van Soest)

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

Item 36. **Docket No. 2004-1752-MLM-E.** Consideration of an Agreed Order assessing administrative penalties against **Kenneth Keith Goins, Jr. in Hardin County**; Municipal Solid Waste Unauthorized Site No. 455100043, RN104379789; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 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, David Van Soest)

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

Item 37. **Docket No. 2004-1645-MLM-E.** Consideration of an Agreed Order assessing administrative penalties against **Diamond Shamrock Refining Company, L. P. dba Diamond Shamrock McKee Plant** in **Moore County**; Waste Disposal Well Permit Nos. WDW-020, WDW-225, and WDW-226; RN100210517; for industrial & hazardous waste and underground injection control violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 27, and the rules of the Texas Commission

on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, David Van Soest)

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

- Item 38. **Docket No. 2003-1355-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **La Moderna, Inc. in El Paso County**; TCEQ ID Nos.: 31695, EE1147F, and RN100820703; for petroleum storage tank and air quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mary Clair Lyons, David Van Soest)

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

- Item 39. **Docket No. 2005-0744-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Universal Demolishing & Recycling Company Inc in Angelina County**; Municipal Solid Waste Unauthorized Site Nos. 455100031 and 455100037, Regulated Entity ID Nos. RN102955903 and RN103786679; for municipal solid waste and 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. (Brian Lehmkuhle, David Van Soest)

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

MULTI-MEDIA ENFORCEMENT DEFAULT ORDER

- Item 40. **Docket No. 2004-1432-MLM-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Tassie Bailey, III aka Timothy Bailey dba Bailey Garbage Service in Montgomery County**; TCEQ ID Nos.: MQ0628R and RN100881986; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ann M. Skowronski, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

- Item 41. **Docket No. 2004-1552-MSW-E.** Consideration of an Agreed Order assessing administrative penalties against **Dwain Modisette dba Mobile Tractor Repair in Angelina County**; RN104297957; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 371, 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, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 42. **Docket No. 2004-1273-MSW-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gene Gilley in Anderson County**; TCEQ ID No. RN103948105; 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 Tex. Admin. Code ch. 60. (Ann M. Skowronski, David Van Soest)

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

Item 43. **Docket No. 2004-0564-MSW-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **John Grohman in Runnels County**; TCEQ ID No. RN102920493; 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 Tex. Admin. Code ch. 60. (Ann M. Skowronski, David Van Soest)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 44. **Docket No. 2003-0435-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Woodridge Limited Partnership in Harrison County**; TCEQ ID Nos.: 13474-001 and RN101525129; 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. (Justin Lannen, David Van Soest)

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

Item 45. **Docket No. 2004-0793-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bell County Water Control and Improvement District No. 1 in Bell County**; TCEQ Regulated Entity No. RN103155560; 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. (Michael Limos, David Van Soest)

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

Item 46. **Docket No. 2004-1229-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cushing in Nacogdoches County**; Texas Pollutant Discharge Elimination System Permit No. 0010437001; RN101917151; 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, David Van Soest)

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

Item 47. **Docket No. 2003-1552-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Henrietta in Clay County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 0010454002; RN101701795; 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. (Sandy VanCleave, David Van Soest)

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

Item 48. **Docket No. 2004-1914-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Cedarstone One Investors, Ltd. in Montgomery County**; Texas Pollutant Discharge Elimination System Permit No. 0013697001; RN101611309; 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. (Rebecca Johnson, David Van Soest)

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

Item 49. **Docket No. 2004-1221-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Nixon in Gonzales County**; Texas Pollutant Discharge Elimination System Permit No. 0010234001, Regulated Entity No. RN102181781; 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, David Van Soest)

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

Item 50. **Docket No. 2004-1084-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rusk in Cherokee County**; Texas Pollutant Discharge Elimination System Permit No. 10447-001, Regulated Entity Reference No. RN103000766; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Carolyn V. Lind, David Van Soest)

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

ON SITE SEWAGE FACILITY INSTALLER ENFORCEMENT AGREED ORDER

- Item 51. **Docket No. 2004-1937-OSI-E.** Consideration of an Agreed Order assessing administrative penalties against **Brian Lucherk in Burleson and Waller Counties**; OSSF Installer ID No. OS0004420, RN103183901; for on-site sewage violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch.7, and the rules of the Texas Commission on Environmental Quality. (Jaime Garza, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 52. **Docket No. 2003-0246-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Coastal Transport Co., Inc. in El Paso County**; TCEQ ID No. RN102605284; 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. (Alfred Okpohoworho, David Van Soest)

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

- Item 53. **Docket No. 2004-1553-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Charles Engle dba Fabens Oil Company dba Freeway Exxon in El Paso County**; TCEQ ID Nos. 22318 and RN100819259; 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. (Courtney St. Julian, David Van Soest)

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

- Item 54. **Docket No. 2003-1224-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Triangle Business, Inc. dba Honey Stop 22 in Jefferson County**; TCEQ ID Nos. 37328 and RN101876936; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Texas Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey J. Huhn, David Van Soest)

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

- Item 55. **Docket No. 2004-0172-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **M and Y Corporation dba Texaco Metro Mart in Denton County**; TCEQ ID Nos. 43429 and RN101557270; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch.

382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barbara J. Watson, David Van Soest)

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

Item 56. **Docket No. 2004-1822-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lake Whitney Development Company, L.L.C. dba Jac's One Stop in Hill County**; TCEQ ID Nos. 34483 and RN101664803; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barbara J. Watson, David Van Soest)

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

Item 57. **Docket No. 2003-0912-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jenkins Management L.L.C. dba Dr. Gleem Car Wash in Harris County**; TCEQ ID Nos. 6962 and RN100918259; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mary Clair Lyons, David Van Soest)

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

Item 58. **Docket No. 2004-2018-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Charter Roofing Co., Inc. in Harris County**; Region 12 Temporary ID No. T002561; RN104302864; 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, David Van Soest)

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

Item 59. **Docket No. 2004-1113-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Ashfaque & Saiqa, Inc dba Rylie One Stop in Dallas County**; Petroleum Storage Tank Facility ID No. 29353; 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. (Chad N. Blevins, David Van Soest)

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

Item 60. **Docket No. 2005-0161-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Monirul Islam dba Woodforest Texaco in Harris County**; Petroleum Storage Tank Facility ID No. 34836, RN103941951; 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, David Van Soest)

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

Item 61. **Docket No. 2004-1849-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Waterside Corporation dba Bayview Marina in Dallas County**; Petroleum Storage Tank Facility ID No. 64729, RN102434081; 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, David Van Soest)

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

Item 62. **Docket No. 2004-1680-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **UMIA Corporation dba Westside Grocery in Wise County**; Petroleum Storage Tank Facility ID No. 36016, RN103024840; 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. (Rebecca Johnson, David Van Soest)

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

Item 63. **Docket No. 2004-0653-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **The Hertz Corporation in Travis County**; Petroleum Storage Tank Facility ID No. 31389; for petroleum storage tank 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. (Mauricio Olaya, David Van Soest)

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

Item 64. **Docket No. 2004-1478-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Younis Khan Khail dba Super Stop 5 in Jefferson County**; Petroleum Storage Tank Facility ID No. 0006519, Regulated Entity No. RN102224938; 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, David Van Soest)

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

Item 65. **Docket No. 2004-1765-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sultan Momin dba Star Trac in Harris County**; Petroleum Storage Tank Facility ID No. 45705; RN102243227; 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, David Van Soest)

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

Item 66. **Docket No. 2004-0899-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gilberto Rodriguez and Apolonia Rodriguez dba Rods Quick Stop in Cameron County**; Petroleum Storage Tank Facility ID No. 71412, RN103026654; 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. (Joseph Daley, David Van Soest)

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

Item 67. **Docket No. 2005-0107-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Midway Independent School District in McLennan County**; Petroleum Storage Tank Facility ID No. 47276, RN102006301; 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, David Van Soest)

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

Item 68. **Docket No. 2004-1723-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **CHS Inc. in Potter and Lamb Counties**; RN100529015; 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, David Van Soest)

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

Item 69. **Docket No. 2004-1831-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brownsville Val-Marts, L.L.C. dba Brownsville Val-Mart 6 in Cameron County**; Petroleum Storage Tank Facility ID No. 56810, RN103025938; 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. (Melissa Keller, David Van Soest)

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

Item 70. **Docket No. 2005-0192-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Bond Enterprises, Inc. dba Bond's First Stop in Freestone County**; Petroleum Storage Tank Facility ID No. 23775, RN102278785; for

petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

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

Item 71. **Docket No. 2004-1317-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **BRG Enterprises, Inc. dba Chevron 7-4757 in El Paso County**; Petroleum Storage Tank Facility ID No. 17845; RN101632503; 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. (Mauricio Olaya, David Van Soest)

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

Item 72. **Docket No. 2004-1419-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Sandra Phelps dba Avery 7-11 in Red River County**; Petroleum Storage Tank Facility ID No. 5133, RN102956828; 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, David Van Soest)

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

Item 73. **Docket No. 2004-1956-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Allina Business, Inc. dba Five Star Food Mart in Harris County**; Petroleum Storage Tank Facility ID No. 35649; RN101778272; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Shontay Wilcher, David Van Soest)

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

Item 74. **Docket No. 2004-1428-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **APG & Z Inc. dba McKinney Food Store in Denton County**; Petroleum Storage Tank Registration No. 49369, RN102049228; 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, David Van Soest)

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

Item 75. **Docket No. 2004-2087-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Imad Abdelgader dba Express Lane Grocery in Bexar County**; Petroleum Storage Tank Registration No. 14890, RN102226537; 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, David Van Soest)

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

Item 76. **Docket No. 2004-1896-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **De La Fuente Enterprises, LLC dba De La Fuente Inc** in **Maverick County**; Petroleum Storage Tank Facility ID No. 75818; RN103767984; for petroleum storage 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. (John Barry, David Van Soest)

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

Item 77. **Docket No. 2004-1585-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dung Phat, Inc. dba D P Seafood** in **Harris County**; Petroleum Storage Tank Facility ID No. 67176, RN101882603; 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. (Judy Kluge, David Van Soest)

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

Item 78. **Docket No. 2004-2129-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Schmidt & Sons, Inc.** in **Gonzales and Fayette Counties**; Petroleum Storage Facility ID No. 62915; RN102015567; 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, David Van Soest)

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

Item 79. **Docket No. 2004-0692-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Sari M. Yousef dba Savannah Food & Deli** in **Jefferson County**; Petroleum Storage Tank Facility ID No. 12656; 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. (Jorge Ibarra, P.E., David Van Soest)

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

Item 80. **Docket No. 2004-2015-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Joe Adams dba Rolling Hills Convenience Store** in

Waller County; Petroleum Storage Tank Facility ID No. 75592; RN103048757; 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, David Van Soest)

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

Item 81. **Docket No. 2004-1952-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Paradise Business Inc. dba Handi Plus 37 in Brazoria County**; Petroleum Storage Tank Facility ID No. 63679, RN102838729; 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, David Van Soest)

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

Item 82. **Docket No. 2004-1339-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Pak America, Inc. dba Best Food 5 in Harris County**; Petroleum Storage Tank Registration No. 30576, Regulated Entity Reference No. RN102789203; 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, David Van Soest)

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

Item 83. **Docket No. 2004-0808-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Livingston Texaco L.L.C. dba Livingston Texaco in Polk County**; Petroleum Storage Tank Facility ID No. 67127; 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, Michael Meyer)

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

Item 84. **Docket No. 2005-0214-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lamb County Hospital dba Lamb Healthcare Center in Lamb County**; Petroleum Storage Tank Facility ID No. 56992, RN101839488; 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 Baldwin, David Van Soest)

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

Item 85. **Docket No. 2004-2060-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hirani Enterprises Inc. dba Korner Food Store in Tarrant County**; Petroleum Storage Tank Facility ID No. 7318, RN102366812; 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. (Melissa Keller, David Van Soest)

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

Item 86. **Docket No. 2004-2046-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Dupre' Transport, Inc. in Dallas, Tarrant, and Denton Counties**; RN104420419; 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, David Van Soest)

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

Item 87. **Docket No. 2004-1357-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Dupre' Transport, Inc. in Bexar and Burnet Counties**; RN104358718; 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. (Sunday Udoetok, David Van Soest)

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

Item 88. **Docket No. 2004-1938-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Dauglas Enterprises, Inc. dba New K & T Quick Stop in Tarrant County**; Petroleum Storage Tank Facility ID No. 25165; RN102439932; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jill McNew, David Van Soest)

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

Item 89. **Docket No. 2003-1108-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Monte Cole dba Coles One Stop in Freestone County**; TCEQ ID Nos. 28211 and RN101382190; 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. (Alfred Okpohoworho, David Van Soest)

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

Item 90. **Docket No. 2004-1866-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joe Pratt dba Harbor Light Marina** in **Kaufman County**; Petroleum Storage Tank Facility ID No. 47523, RN101541399; 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, David Van Soest)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 91. **Docket No. 2004-0934-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hamlin** in **Jones County**; Public Water Supply ID No. 1270002, RN101392504; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Audra L. Ruble, Kent Heath)

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

Item 92. **Docket No. 2004-0542-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thomas Minaldi dba Timberlane Water System, Inc.** in **Sabine County**; Public Water Supply Registration No. 2020054, Regulated Entity ID No. RN101182624; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Joseph Daley, David Van Soest)

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

Item 93. **Docket No. 2004-1693-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rio Hondo** in **Cameron County**; Public Water Supply No. 0310006, RN101209195; for 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 94. **Docket No. 2004-0612-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Santa Anna** in **Coleman County**; Public Water Supply No. 0420002, Regulated Entity ID No. RN101388684; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Pamela Campbell, David Van Soest)

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

Item 95. **Docket No. 2004-1703-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Travis Richardson as Executor of the Estate of Carrell Richardson dba River Oaks Water System in Chambers County**; Public Water Supply ID No. 0360090; RN101195519; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Laurie Eaves, David Van Soest)

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

Item 96. **Docket No. 2005-0057-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Millersview-Doole Water Supply Corporation in Runnels, Tom Green, Concho and McCulloch Counties**; Public Water Supply ID No. 0480015; RN101457786; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elvia Maske, David Van Soest)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 97. **Docket No. 2004-1403-SLG-E.** Consideration of an Agreed Order assessing administrative penalties against **William A. Spry dba Knob Hill Pumping in Parker County**; Sludge Transporter Registration No. 20344, RN102546447; for water quality 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. (Judy Kluge, David Van Soest)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 98. **Docket No. 2004-1045-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Conroe Crown Oaks, Ltd in Montgomery County**; Texas Pollutant Discharge Elimination System General Permit No. TXR158397; 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. (Kimberly Morales, David Van Soest)

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

Item 99. **Docket No. 2004-1070-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rock Crushers, Inc. in Washington County**; Regulated Entity Reference No. RN101942761; 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. (Edward Moderow, David Van Soest)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 100. **Docket No. 2004-1134-WQ-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Osborn Stone Company, Inc. dba A & A Stone Company** in **Hood County**; TCEQ ID No. RN104317904; 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. (Ann M. Skowronski, David Van Soest)

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

SUPERFUND MATTER

Item 101. **Docket No. 2005-0643-SPF.** Consideration of a proposed Administrative Order regarding the **State Highway 123 PCE Plume State Superfund Site** (RN 104569512), San Marcos, **Hays County**, which includes the listing of the Site on the state registry of superfund sites and a description of the selected remedial action. (Courtney Hill/Luda Voskov)

Approve the proposed Administrative Order regarding the State Highway 123 PCE Plume State Superfund Site. RM/LS; all agree.

DISTRICT MATTER

Item 102. **Docket No. 2004-1590-DIS.** Consideration of an application of C. Travis Traylor, Jr., landowner (Applicant), for dissolution of **North Harris County Municipal Utility District No. 1** (District) located in **Harris County**. The Applicant requests that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. 09132004-D01; Rob Cummins, Kathy Brown)

Approve the application for dissolution of North Harris County Municipal Utility District No. 1. KW/LS; all agree.

AUTHORIZATION TO CONSTRUCT MATTER

Item 103. **Docket No. 2005-0934-MWD.** Consideration of a Request by **Guadalupe-Blanco River Authority for an Order Authorizing Construction** of a wastewater treatment plant, under Sections 26.019 and 26.027(c) of the Texas Water Code, in **Guadalupe County**, Texas, before Commission consideration of its application for a wastewater permit. The proposed authorization to construct would not permit the use of the newly constructed wastewater treatment system. (Michael F. Northcutt, Jr., Kent H. Trede)

Approve the Order Authorizing Construction. KW/RM; all agree.

GIFTS AND DONATIONS

Item 104. **Docket No. 2005-1038-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/RM; all agree.

RULE MATTERS

Item 105. **Docket No. 2005-0877-SIP.** Consideration for publication of, and hearing on, proposed revisions to the state implementation plan (SIP) to incorporate a plan for maintenance of the **eight-hour ozone national ambient air quality standards** (NAAQS) in **El Paso County** as required by 40 Code of Federal Regulations Section 51.905(a)(3). The proposal contains results of an updated attainment emissions inventory and technical analyses in support of the projections demonstrating maintenance of the eight-hour ozone standard through 2014; a discussion of monitoring data demonstrating attainment of the one-hour and eight-hour ozone NAAQS; and a discussion of the contingency plan and possible control strategies. (Erik Gribbin, Laura Pfefferle)(Project No. 2005-027-SIP-NR)

Approve the publication of, and hearing on, proposed revisions to the state implementation plan to incorporate a plan for maintenance of the eight-hour ozone national ambient air quality standards in El Paso County with changes recommended by the Executive Director at agenda. KW/RM; all agree.

Item 106. **Docket No. 2005-0878-SIP.** Consideration for publication of, and hearing on, proposed revisions to the state implementation plan (SIP) supporting the request for **redesignation of the El Paso carbon monoxide nonattainment area to attainment**. The proposed revisions incorporate a plan for the maintenance of the carbon monoxide national ambient air quality standards in El Paso. The proposal updates the emissions inventory and provides motor vehicle emissions budget projections through 2015. The proposal includes a discussion of data collection, modeling, monitoring, and technical analyses underlying the components of the redesignation request. (Erik Gribbin, Laura Pfefferle) (Project No. 2005-028-SIP-NR)

Approve the publication of, and hearing on, proposed revisions to the state implementation plan supporting the request for redesignation of the El Paso carbon monoxide nonattainment area to attainment with changes recommended by the Executive Director at agenda. KW/RM; all agree.

Item 107. **Docket No. 2003-1593-RUL.** Consideration of the adoption of amended Sections 25.2, 25.6, and 25.9 of **30 TAC Chapter 25**, Environmental Testing Laboratory Accreditation and Certification.

The adoption would modify the existing rules to conform with statutory changes made by Senate Bill 934, 78th Legislature, 2003, and refer to more recent laboratory accreditation standards adopted by the National Environmental Laboratory Accreditation Conference. The proposed rules were published in the February 25, 2005, issue of the

Texas Register (30 TexReg 1006). (Steve Stubbs, Kathy Brown) (Rule Project No. 2004-018-025-AD)

Adopt the amended Sections 25.2, 25.6, and 25.9 of 30 TAC Chapter 25. KW/RM; all agree.

EXECUTIVE SESSION

Item 108. **Docket No. 2005-1137-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 109. **Docket No. 2005-1138-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 110. **Docket No. 2005-1139-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.

OLD BUSINESS AGENDA

Wednesday, July 27, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

Continued from the March 9, 2005 & May 11, 2005 agendas.

- Item 1. **TCEQ Docket No. 1997-0036-IHW-E; SOAH Docket No. 582-03-3024.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Rhimco Industries, Inc.** on the border of **Ellis & Tarrant Counties**, Texas; TCEQ Solid Waste Registration No. 32341; regarding industrial and/or hazardous waste violations pursuant to Tex. Water Code ch. 26; Tex. Health & Safety Code ch. 361, 40 Code of Federal Regulations parts 262, 265, and 270, and the rules of the Texas Commission on Environmental Quality.

Item continued to the September 28, 2005 agenda.

AGENDA

Wednesday, July 27, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

Item 1. **TCEQ Docket No. 2003-1182-PWS-E; SOAH Docket No. 582-04-5439.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Rudd Country, Inc. dba Rudd's Country Store 2 in Lubbock County**, Texas; TCEQ Registration No. 1520103; regarding public water supply violations pursuant to Tex. Health and Safety Code Chapter 341 and the rules of the Texas Commission on Environmental Quality.

Item remanded to the Executive Director.

Item 2. **TCEQ Docket No. 2003-1205-PST-E; SOAH Docket No. 582-04-6612.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Coastal Transport Co., Inc.** in **Bexar County**, Texas; TCEQ Enforcement No. 9667; regarding alleged violations of delivering gasoline or diesel to fuel stations for which it did not observe the delivery certificates, 30 Tex. Admin. Code § 334.5(b)(1)(A) and the rules of the Texas Commission on Environmental Quality.

Re-posted as Item 5.

Item 3. **TCEQ Docket No. 2004-0046-MWD; SOAH Docket No. 582-04-3106.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Uhland 405 Partners, L.P.** for a new Texas Pollutant Discharge Elimination System, Permit No. WQ0014439001, to authorize the discharge of treated domestic wastewater from a wastewater treatment facility in **Caldwell County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Public Comment, the permit application, related filings, exceptions, and replies.

Item continued to the August 10, 2005 afternoon 1:00 P.M. agenda. KW/RM; all agree.

Item 4. **TCEQ Docket Nos. 2005-0925-SLG and 2005-0936-SLG.** Consideration of the five following Motions to Overturn filed with regard to the issuance by the Executive Director of Domestic Septage Registration No. 710890 and/or Domestic Septage Registration No. 710891 to **Austin Lin Brickey and Mary Rogers** for the beneficial land application of domestic septage on two sites located near the City of Quitman in **Wood County**, Texas : 1) Motion to Overturn filed by Dolores Dunlap on Registration

No. 710890, TCEQ Docket No. 2005-0925-SLG; 2) Motion to Overturn filed by Jim and Lori Shipman, *et al*, on Registration No. 710890, TCEQ Docket No. 2005-0925-SLG; 3) Motion to Overturn filed by Jim and Lori Shipman, *et al*, on Registration No. 710891, TCEQ Docket No. 2005-0936-SLG; 4) Supplemental Motion to Overturn filed by Helen S. Gilbert, on the behalf of Jim and Lori Shipman, *et al*, on Registration Nos. 710890 and 710891, TCEQ Docket Nos. 2005-0925-SLG and 2005-0936-SLG; and 5) Motion to Overturn filed by Robert M. Clark, Jr., on the behalf of Richard M. Clark on Registration Nos. 710890 and 710891, TQEQ Docket Nos. 2005-0925-SLG and 2005-0936-SLG. Domestic Septage Registration No. 710890 authorizes the beneficial land application of domestic septage on 19 acres located within an approximate 93.374-acre site near the City of Quitman in Wood County, Texas, while Domestic Septage Registration No. 710891 authorizes the beneficial land application of domestic septage on 49 acres located within an approximate 91.08-acre site near the City of Quitman in Wood County, Texas. The Commission will also consider timely-filed responses and replies to the Motions to Overturn.

Grant the Motions to Overturn on Registration No. 710890, set the registration aside, and remand the matter to the Executive Director to allow the Applicant to apply for an individual permit. KW/LS; all agree.

Grant the Motions to Overturn on Registration No. 710891, set the registration aside, and remand the matter to the Executive Director to allow the Applicant to apply for an individual permit. KW/LS; all agree.

ADDENDUM TO THE AGENDA

Wednesday, July 27, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 5. **TCEQ Docket No. 2003-1205-PST-E; SOAH Docket No. 582-04-6612.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Coastal Transport Co., Inc.**, in **Bexar County**, Texas; TCEQ Enforcement No. 9667; regarding alleged violations in **Hidalgo, Fort Bend and Harris Counties** for delivering gasoline or diesel to fuel stations for which it did not observe the delivery certificates pursuant to 30 Tex. Admin. Code § 334.5(b)(1)(A) and the rules of the Texas Commission on Environmental Quality.

Adopt the ALJ's PFD and Order with the typographical exception proposed by the Executive Director. KW/LS; all agree.

Assistant General Counsel,
Greg Merrell

Date