

Chairman Kathleen White
Commissioner Larry Soward

AGENDA

Wednesday, October 12, 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. 2005-1183-MWD.** Consideration of the application by **Fort Bend County Municipal Utility District 116** for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013976001 which authorizes the discharge of treated domestic wastewater with a daily average flow not to exceed 500,000 gallons per day. The wastewater treatment facility is located along the west side of Crabb River Road approximately 4,200 feet south of U.S. Highway 59 in **Fort Bend 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. (Michael Northcutt/Firoj Vahora/Katherine Faz)

Deny the hearing request; approve the Executive Director's Response to Comments; and issue the permit renewal. KW/LS; all agree.

- Item 2. **Docket No. 2005-1184-MWD.** Consideration of the application by **UA HOLDINGS 1994-5**, for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014468001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 180,000 gallons per day in the interim phase and a daily average flow not to exceed 360,000 gallons per day in the final phase. The facility will be located approximately 1,500 feet southwest of the intersection of State Highway 105 and Blue Heron Drive in **Montgomery 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. (Anthony Tatu, David Akoma)

Grant the hearing requests of Phil Berthelot, Doug Joslyn, and Michael & Wendy Thornton on the issues of: 1. whether the effluent limitations in the draft permit are designed to maintain and protect the existing instream uses and are they consistent with Texas Surface Water Quality Standards, 2. will the permitted discharge adversely impact the use of Mr. Joslyn's property, and 3. whether the issued permit is consistent with the Commissioners' regionalization policy; deny the remaining issues; deny the request of the Blue Heron Bay Property Owners Association; and refer the matter

to SOAH for a duration of nine months from the preliminary hearing to PFD issuance with 4-6 weeks for ADR if the parties are willing. KW/LS; all agree

- Item 3. **Docket No. 2005-1085-MSW.** Consideration of an application by **Wholearth Organic Composting** for Municipal Solid Waste Permit No. 2317 to authorize a Type V-RC municipal solid waste composting facility to compost grease trap waste and positively sorted organic material (yard trimmings, vegetable food matter, and wood). The facility is located at 20805 Lamm Road, Elmendorf, **Bexar County**, Texas 78112. The commission will also consider requests for reconsideration and requests for hearing and related responses and replies, public comment and the Executive Director's Response to Comments. (Jeff Davis/Lesley Nicholes)

Grant the hearing request of Matthew & Sara Ramirez on the issues of: 1. whether the facility will cause groundwater contamination, 2. whether the Applicant can adequately prevent pesticides prohibited by 30 TAC § 332.45(10) from being applied to or incorporated into feedstocks, in-process materials, or processed materials, and 3. whether the facility will cause nuisance odor conditions that interfere with the requesters' use and enjoyment of their property; deny the remaining hearing requests and issues; and refer the matter to SOAH for a duration of six months from the preliminary hearing to PFD issuance with first a 4 to 6 week ADR referral. KW/LS; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 4. **Docket No. 2004-0903-AGR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Woodward Trading, Inc. dba Woodward Trading in Tom Green County**; TCEQ ID No. RN104282892; for dairy operation 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. (Jeffrey Huhn, Jennifer Cook)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 5. **Docket No. 2005-0356-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Arkema, Inc. in Jefferson County**; Air Account No. JE0074L, RN100216373; 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, David Van Soest)

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

- Item 6. **Docket No. 2005-0438-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Enbridge Pipelines (NE Texas) L.P. in Cass County**; RN102166964; 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/LS; all agree.

Item 7. **Docket No. 2005-0342-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **La Gloria Oil and Gas Company in Smith County**; Air Account ID No. SK0022A, RN100222512; 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, David Van Soest)

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

Item 8. **Docket No. 2004-0021-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kingsville Material Corporation in Duval County**; Permit No. 56801L001, Regulated Entity ID No. RN103157202; 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/LS; all agree.

Item 9. **Docket No. 2004-2062-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Maxwell Lumber Company in Cherokee County**; Air Account No. CJ0018I, RN103057493; 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/LS; all agree.

Item 10. **Docket No. 2005-0095-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Saint-Gobain Ceramics & Plastics, Inc. dba Saint-Gobain NorPro in Brazos County**; Air Account No. BM0026Q; RN100213859; 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/LS; all agree.

Item 11. **Docket No. 2005-0188-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Sunoco, Inc. (R&M) in Harris County**; Air Account No. HG0825G, RN102888328; 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/LS; all agree.

Item 12. **Docket No. 2005-0124-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **The Goodyear Tire & Rubber Company in Jefferson County**; Air Account No. JE0039N, RN102561925; 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. (Sandy VanCleave, David Van Soest)

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

Item 13. **Docket No. 2005-0325-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wilsonart International, Inc. in Bell County**; Air Account No. BF0110G, RN100215631; 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/LS; all agree.

Item 14. **Docket No. 2004-1143-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **BP Pipelines (North America) Inc. in Harris County**; Regulated Entity Reference No. 103047833; 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/LS; all agree.

Item 15. **Docket No. 2005-0193-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **StanTrans, Inc. in Galveston County**; Air Account No. GB0005J; RN100218767; 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/LS; all agree.

Item 16. **Docket No. 2005-0053-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Millennium Petrochemicals, Inc. in Harris County**; Air Account No. HX1726J; RN100224450; 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. (Joseph Daley, David Van Soest)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 17. **Docket No. 2003-0025-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **City of Austin in Williamson County**; Edwards Aquifer Protection Program File No. 11-99061402; 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. (Lawrence King, David Van Soest)

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

IRRIGATOR ENFORCEMENT AGREED ORDERS

Item 18. **Docket No. 2005-0137-IRR-E.** Consideration of an Agreed Order assessing administrative penalties against **Miguel Hernandez, Sr. in Ellis County**; Permit No. None; RN104466537; for violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Laurie Eaves, David Van Soest)

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

Item 19. **Docket No. 2003-1538-IRR-E.** Consideration of an Agreed Order assessing administrative penalties against **Wiltshire Brothers, Inc. dba Perfect Lawns of Austin in Travis County**; TCEQ ID Nos. 11163 and RN104067129; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 34 and the rules of the Texas Commission on Environmental Quality. (Kathleen C. Decker, Jennifer Cook)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 20. **Docket No. 2003-1098-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Municipal Power Agency in Grimes County**; TPDES Permit No. 02120, Regulated Entity ID No. RN102739547; 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. (Tom Greimel, Brian Lehmkuhle)

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

LICENSED IRRIGATOR ENFORCEMENT AGREED ORDERS

- Item 21. **Docket No. 2005-0839-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William G. Fittro** in **Harris County**; RN104573993; for licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Kent Heath, David Van Soest)

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

- Item 22. **Docket No. 2005-0098-LII-E.** Consideration of an Agreed Order assessing administrative penalties against **Layne Bales** in **Medina County**; TCEQ ID Nos. 0011247 and RN103987061; for landscape irrigator installer violations pursuant to Tex. Occ. Code ch. 1903, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Kathleen Decker, Jennifer Cook)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 23. **Docket No. 2003-0723-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **EMAG Solutions, LLC** in **Young County**; Air Account No. YB0006D and Solid Waste Registration No. 30962; for air quality and industrial & hazardous 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. (Edward Moderow, David Van Soest)

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

- Item 24. **Docket No. 2004-1332-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mike Campo** in **Blanco County**; TCEQ ID Nos. BH-0016-A and RN102568581; for air and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Texas 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. (Becky Combs, Jennifer Cook)

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

- Item 25. **Docket No. 2004-2044-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ray C. Luna dba Ray's Plumbing & Pump** in **Frio and LaSalle Counties**; On Site Sewage License No. OS0001591(Expired), RN103485652; for water quality and licensing violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code chs. 7, 26, and 37, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Clausewitz, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

- Item 26. **Docket No. 2005-0452-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jaime Vasquez** in **Cameron County**; Municipal Solid Waste Unauthorized Site No. 455150106; RN104349121; 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. (Brian Lehmkuhle, David Van Soest)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 27. **Docket No. 2004-0939-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Eagle Lake** in **Colorado County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 0010505001, RN102181195; 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/LS; all agree.

- Item 28. **Docket No. 2004-0238-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Merkel** in **Taylor County**; RN103184800; 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/LS; all agree.

- Item 29. **Docket No. 2005-0622-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Hawkins** in **Wood County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10439-001, RN101611986; 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. (Steven Lopez, David Van Soest)

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

- Item 30. **Docket No. 2004-1860-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Sabine Valley Center dba Oak Haven Recovery Center** in **Harrison County**; Texas Pollutant Discharge Elimination System Permit No. 11361001, RN101525608; for water quality violations pursuant to Tex. Water Code chs.

7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ruben Soto, David Van Soest)

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

Item 31. **Docket No. 2004-1544-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Via Bayou Inc. dba Via Bayou RV Resort in Galveston County**; Texas Pollutant Discharge Elimination System Permit No. 14326-001; RN102887312; 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. (Pamela Campbell, David Van Soest)

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

Item 32. **Docket No. 2003-0014-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Newark in Wise County**; TCEQ ID Nos. 11626-001 and RN102287984; 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. (Alfred Okpohworho, Jennifer Cook)

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

Item 33. **Docket No. 2004-2117-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Wills Point in Van Zandt County**; Texas Pollutant Discharge Elimination System Permit No. 0010623001, RN102852514; 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/LS; all agree.

Item 34. **Docket No. 2005-0522-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Union Water Supply Corporation in Starr County**; RN102915501; 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. (Ruben Soto, David Van Soest)

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

Item 35. **Docket No. 2005-0400-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **North Park Public Utility District in Harris County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11855001; RN102185808; 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, David Van Soest)

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

ON SITE SEWAGE FACILITY INSTALLER ENFORCEMENT AGREED ORDER

Item 36. **Docket No. 2005-0727-OSI-E.** Consideration of an Agreed Order assessing administrative penalties against **Jimmy Keith Socia** in **Angelina and Jasper Counties**; On-Site Sewage Facility Installer License No. OS0005563, RN103535761; for on-site sewage disposal violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Chris Friesenhahn, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 37. **Docket No. 2005-0144-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Adams Resources & Energy, Inc.** in **Harris and Galveston Counties**; Petroleum Storage Tank Facility ID No. 27005, RN100525641; 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/LS; all agree.

Item 38. **Docket No. 2005-0497-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Barton Good Oil Company, Inc.** in **Grayson County**; RN101553600; 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/LS; all agree.

Item 39. **Docket No. 2005-0921-PST-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Brownfield** in **Terry County**; RN101382182; 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/LS; all agree.

Item 40. **Docket No. 2005-0580-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **C. A. Popp dba C. A. Popp Texaco** in **Harris County**;

Petroleum Storage Tank Facility ID No. 12320, RN102271079; 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/LS; all agree.

Item 41. **Docket No. 2005-0737-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Circle Bar Truck Corral, Inc. in Crockett County;** Petroleum Storage Tank Facility ID No. 64553, RN102010519; 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 Clausewitz, David Van Soest)

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

Item 42. **Docket No. 2005-0582-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Pleasant Oil Company, Inc. in Hunt County;** RN102061991; 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. (Elvia Maske, David Van Soest)

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

Item 43. **Docket No. 2005-0028-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Palai, LLC dba Lone Star Foods in Harris County;** Petroleum Storage Tank Facility ID No. 68228, RN101748283; 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/LS; all agree.

Item 44. **Docket No. 2005-0723-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **PNI Transportation, Inc. in Dallas County;** RN103081055; 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. (Deana Holland, David Van Soest)

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

Item 45. **Docket No. 2005-0357-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **PNI Transportation, Inc. in Dallas County;** RN103081055; 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/LS; all agree.

Item 46. **Docket No. 2005-0281-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **P.M. Fuel Service, Incorporated in Dallas County**; RN102868551; 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/LS; all agree.

Item 47. **Docket No. 2005-0722-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Floyd Overall dba Overall Grocery in Montgomery County**; Petroleum Storage Tank Facility ID No. 38958, RN102277308; 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. (Dana Shuler, David Van Soest)

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

Item 48. **Docket No. 2005-0202-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vilas Kumar dba New Road Texaco in McLennan County**; RN102655446; 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/LS; all agree.

Item 49. **Docket No. 2004-0297-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NSA Investments Inc in Tarrant County**; Petroleum Storage Tank Facility ID Nos. 39673 and 17911, RN102820875, RN101381648; 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 Limos, David Van Soest)

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

Item 50. **Docket No. 2005-0663-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kirby & Kirby Oil Company, Inc. dba Front Street Shamrock in Smith County**; Petroleum Storage Tank Facility ID No. 24648; RN102008570; 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. (Collin Barth, David Van Soest)

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

Item 51. **Docket No. 2004-0671-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Sardinia, Inc. dba Market Ace 4 in Jefferson County**;

TCEQ ID Nos. 8065 and RN102979986; 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.(Amie Dutta Richardson, Jennifer Cook)

Item continued to the November 9, 2005 agenda.

Item 52. **Docket No. 2004-1167-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hang Thi Nguyen dba Richmond Food Mart in Fort Bend County**; TCEQ ID Nos. 59297 and RN102230133; 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/LS; all agree.

Item 53. **Docket No. 2004-1756-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Bar-G-Store, Inc. in Fayette County**; TCEQ ID Nos. 58800 and RN101698355; 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, Jennifer Cook)

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

Item 54. **Docket No. 2004-1119-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Ricardo Guerra aka Richard Guerra dba AC Drive In in Hidalgo County**; TCEQ ID Nos. 000659 and RN102282183; 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, Jennifer Cook)

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

Item 55. **Docket No. 2005-0324-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Wood County Airport Board in Wood County**; Petroleum Storage Tank Facility ID No. 59521; RN101901379; 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. (Judy Kluge, David Van Soest)

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

Item 56. **Docket No. 2005-0526-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wm. G. Johnson Oil Co. dba Tiger Tote 102 in Navarro County**; Petroleum Storage Tank Facility ID No. 44722; 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/LS; all agree.

Item 57. **Docket No. 2005-0669-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas United Capital, Inc. dba J C Market Deli in Harris County**; Petroleum Storage Tank Facility ID No. 69920; RN101862621; 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. (Rebecca Johnson, David Van Soest)

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

Item 58. **Docket No. 2004-1587-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Terry L. Leatherwood dba T Woods Grocery & Gas in Ector County**; PST Facility ID No. 55629, TCEQ Regulated Entity No. RN101880540; 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 Limos, David Van Soest)

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

Item 59. **Docket No. 2005-0231-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mohammad Iftikhar Ashraf dba Super Food Mart 28 in Van Zandt County**; Petroleum Storage Tank Facility ID No. 47238, RN101892032; 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. (Dana Shuler, David Van Soest)

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

Item 60. **Docket No. 2005-0681-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Ron Wood dba South Lakewood Grocery in Cass County**; Petroleum Storage Tank Facility ID No. 16005; RN102714029; 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. (Howard G. Willoughby, David Van Soest)

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

Item 61. **Docket No. 2004-1517-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Somoye Inc. dba Metro Stop in Kendall County**; Petroleum Storage Tank Facility ID No. 52819, RN101868974; 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/LS; all agree.

Item 62. **Docket No. 2004-1769-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Randall's Food and Drugs LP dba Tom Thumb 3560 in Dallas County**; Petroleum Storage Tank Facility ID No. 75212, RN103036059; 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. (Deana Holland, David Van Soest)

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

Item 63. **Docket No. 2005-0518-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Amado Ramirez dba Ramirez Drive Inn in Zapata County**; Petroleum Storage Tank Facility No. 76468, RN104469523; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brian Lehmkuhle, David Van Soest)

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

Item 64. **Docket No. 2004-1210-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Dung Huynh dba Quik Food Store 20 in Harris County**; RN101758001; 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/LS; all agree.

Item 65. **Docket No. 2004-1338-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jivanji Burhani dba Quick & Easy 10 in Montgomery County**; Petroleum Storage Tank Registration No. 71700, Regulated Entity Reference No. RN102052404; 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. (Dana Shuler, David Van Soest)

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

Item 66. **Docket No. 2004-1531-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mohammad Jamshidi dba**

Super Stop in Navarro County; Petroleum Storage Tank Facility ID No. 35470, RN102264702; 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/LS; all agree.

Item 67. **Docket No. 2003-1536-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Harris Methodist Hospital in Tarrant County;** Petroleum Storage Tank Facility ID No. 34067, RN101541951; 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, David Van Soest)

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

Item 68. **Docket No. 2005-0808-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **James Hall dba White's Chevron in Morris County;** Petroleum Storage Tank Facility ID No. 11499, RN102363298; 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. (Howard G. Willoughby, David Van Soest)

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

Item 69. **Docket No. 2005-0679-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **KBR Investment Inc. dba Super Stop 22 in Newton County;** Petroleum Storage Tank Registration ID No. 74243; RN102361938; 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. (Dana Shuler, David Van Soest)

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

Item 70. **Docket No. 2005-0029-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Johnson Roofing, Inc. in McLennan County;** Petroleum Storage Tank Facility ID No. 70275; RN100645613; 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, David Van Soest)

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

Item 71. **Docket No. 2004-1276-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Karim Sunesara dba Jacks Grocery 4 in Harris**

County; Petroleum Storage Tank Facility ID No. 44903; Regulated Entity No. RN102250719; 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/LS; all agree.

Item 72. **Docket No. 2005-0458-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jack Ray & Sons Oil Co., Inc. in Dallas and Tarrant Counties**; RN101563039; 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/LS; all agree.

Item 73. **Docket No. 2005-0476-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Omar Alzubi dba JR 2 Food Mart and Abdallah R. Alzubi dba JR 2 Food Mart in Cooke County**; Petroleum Storage Tank Facility ID No. 20904; RN102856028; 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/LS; all agree.

Item 74. **Docket No. 2005-0327-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Groendyke Transport, Inc. in Tarrant and Dallas Counties**; RN102407947; for petroleum storage 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 Meyer, David Van Soest)

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

Item 75. **Docket No. 2005-0720-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Expert Enterprises, Inc. dba Metro Mart 7 in Travis County**; Petroleum Storage Tank Facility ID No. 36618, RN101634293; 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. (Howard Willoughby, David Van Soest)

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

Item 76. **Docket No. 2005-0380-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Coastal Transport Co., Inc.** in **Dallas County**; RN103870770; 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. (Howard Willoughby, David Van Soest)

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

Item 77. **Docket No. 2005-0894-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mehrin Investments, Inc. dba Shop and Go 3** in **Hardin County**; RN101870863; 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/LS; all agree.

Item 78. **Docket No. 2005-0826-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Bill McCoy dba McCoy's Bargin Barn** in **McLennan County**; RN102038312; 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/LS; all agree.

Item 79. **Docket No. 2005-0611-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **McCormick Marketing, Inc.** in **Scurry and Lynn Counties**; Petroleum Storage Tank Facility ID No. 51989, RN101832681; 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/LS; all agree.

Item 80. **Docket No. 2004-1700-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **MFP Gas Service Company, L.C. dba Highway Oil** in **Tarrant County**; Petroleum Storage Tank Facility ID No. 1274, Regulated Entity Reference No. RN101565356; 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. (Merrilee Hupp, David Van Soest)

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

Item 81. **Docket No. 2005-0248-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Lee County Petroleum, Inc.** in **Lee and Travis Counties**; Petroleum Storage Tank Facility ID No. 44440, RN102472347; 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. (Dana Shuler, David Van Soest)

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

Item 82. **Docket No. 2004-2019-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Josefina Estrella dba La Bodega Quick Stop 2 in Ector County**; Petroleum Storage Tank Facility ID No. 14468, RN101858462; 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/LS; all agree.

Item 83. **Docket No. 2005-0352-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **City Meat Market, Inc.** in **Austin County**; RN102235199, Petroleum Storage Tank Facility ID No. 48206; 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/LS; all agree.

Item 84. **Docket No. 2005-0688-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **CHS Inc.** in **Crosby and Randall 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. (Melissa Keller, David Van Soest)

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

Item 85. **Docket No. 2004-1636-PST-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Brownfield** in **Terry County**; Petroleum Storage Tank Facility ID No. 68300; RN102851748; 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. (Lawrence King, David Van Soest)

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

Item 86. **Docket No. 2005-0296-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aegon Direct Marketing Services, Inc.** in **Collin County**; Petroleum Storage Tank Facility ID No. 071356; RN101566941; 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 Limos, Miriam Hall)

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

Item 87. **Docket No. 2005-0183-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Al Sadaka, Inc. dba Hopper Food Mart** in **Harris County**; Petroleum Storage Tank Facility ID No. 30096; RN102718905; 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/LS; all agree.

Item 88. **Docket No. 2003-0194-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Navi Food and Fuel L.L.C. dba Navi Food & Fuel** in **Chambers County**; Petroleum Storage Tank Facility ID No. 0047142, RN102374907; 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. (Trina Grieco, David Van Soest)

Item continued to the November 9, 2005 agenda. KW/LS; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 89. **Docket No. 2004-1261-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mohammed Hossain dba Food Plus 2** in **Dallas County**; TCEQ ID Nos. 39434 and RN102245586; 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 default order. KW/LS; all agree.

Item 90. **Docket No. 2004-1264-PST-E.** Consideration of a Default Order assessing administrative penalties against **DeGar Fuel Systems, Inc.** in **Harris and Montgomery Counties**; TCEQ ID Nos. 1146 and RN104188198; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7, 26, and 37 and the rules of the Texas Commission on Environmental Quality. (Amie Dutta Richardson, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 91. **Docket No. 2005-0415-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Brandon-Irene Water Supply Corporation in Hill County**; Public Water Supply No. 1090018; RN101437325; 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, David Van Soest)

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

Item 92. **Docket No. 2005-0791-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Santa Anna in Coleman County**; RN101388684; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jill McNew, David Van Soest)

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

Item 93. **Docket No. 2005-0311-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James M. Boswell dba Texas Water Supply in Polk County**; Public Water Supply No. 1870131, RN101259679; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Catherine Albrecht, David Van Soest)

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

Item 94. **Docket No. 2005-0905-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Union Water Supply Corporation in Starr County**; RN101275329; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Mac Vilas, David Van Soest)

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

Item 95. **Docket No. 2005-0402-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Lake Livingston Water Supply & Sewer Service Corporation dba Paradise Acres Water System in Polk County**; Public Water Supply No. 1870076, RN101201960; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Daniel Siringi, David Van Soest)

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

Item 96. **Docket No. 2004-0741-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bettye Singletary dba**

Longhorn Ranch Motel in Brewster County; TCEQ ID Nos. 0220032 and RN101276442; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Texas Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Jeffrey J. Huhn, Jennifer Cook)

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

Item 97. **Docket No. 2002-0827-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Camp Wood in Real County;** Public Water Supply No. 1930001; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 26, and the rules of the Texas Commission on Environmental Quality. (Michael Meyer, David Van Soest)

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

Item 98. **Docket No. 2005-0920-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Steubner-Airline CVS, L.P. in Harris County;** RN102878139; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Catherine Albrecht, David Van Soest)

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

Item 99. **Docket No. 2004-1508-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sam Rayburn Water, Inc. dba Lakewood Water System in San Augustine County;** Public Water Supply No. 2030006, RN101189736; 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/LS; all agree.

Item 100. **Docket No. 2005-0479-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Fresno C-Store, Inc. dba Crossroad Market in Fort Bend County;** Public Water Supply ID No. 0790235; RN101223212; for drinking water quality violations pursuant to Tex. Health & Safety Code chs. 341 and the rules of the Texas Commission on Environmental Quality. (Judy Kluge, David Van Soest)

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

Item 101. **Docket No. 2005-0703-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Barbara Repka dba Repkas Grocery in Waller County;** Public Water Supply ID No. 2370079; RN101211670; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, David Van Soest)

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

Item 102. **Docket No. 2005-0654-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of River Oaks in Tarrant County**; Public Water Supply ID No. 2200069, RN101203842; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (John Muennink, David Van Soest)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 103. **Docket No. 2004-0606-PWS-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Pleasure Point Water Supply Corporation in Angelina County**; TCEQ ID Nos. 0030007 and RN101281749; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

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

RESOLUTION

Item 104. **Docket No. 2005-1619-RES.** Consideration of a resolution that continues, for another four years, the existence of certain Commission advisory committees. The resolution would continue the existence of the **Pollution Prevention Advisory Committee, Municipal Solid Waste Management and Resource Recovery Advisory Council, Small Business Compliance Assistance Advisory Panel, Rio Grande Watermaster Advisory Committee, and South Texas Watermaster Advisory Committee.** (Todd Galiga)

Adopt the proposed resolution continuing, for another four years, the existence of the Pollution Prevention Advisory Committee, Municipal Solid Waste Management and Resource Recovery Advisory Council, Small Business Compliance Assistance Advisory Panel, Rio Grande Watermaster Advisory Committee, and South Texas Watermaster Advisory Committee. KW/LS; all agree.

RULE MATTERS

Item 105. **Docket No. 2005-1234-RUL.** Consideration for publication of, and hearing on, proposed amended Sections 335.2 and 335.41 of **30 TAC Chapter 335**, Industrial Solid Waste and Municipal Hazardous Waste.

The proposed amendments would implement Senate Bill 1281, 79th Legislature, 2005, Regular Session, and require commercial industrial solid waste management facilities that receive waste for discharge to a publicly owned treatment works to obtain an individual permit issued under Chapter 335 or a general permit issued under 30 TAC Chapter 205. (Lynn Bell, Anthony Tatu) (Rule Project No. 2005-045-335-PR)

Item continued to the October 26, 2005 agenda.

- Item 106. **Docket No. 2005-0227-RUL.** Consideration of the adoption of amendments to **30 TAC Chapter 39**, Public Notice, Subchapter H, Applicability and General Provisions, Sections 39.405, 39.418, and 39.419; Subchapter I, Public Notice of Solid Waste Applications, Section 39.503; Subchapter K, Public Notice of Air Quality Applications, Sections 39.603 and 39.604; and Subchapter L, Public Notice of Injection Well and Other Specific Authorizations, Section 39.651.

The adopted amendments will extend alternative language notice requirements in the air quality program to waste and water quality authorizations, which publish Notices of Receipt of Application and Intent to Obtain a Permit (NORI) and Notices of Application and Preliminary Decision (NAPD) under Chapter 39. Specifically, when the applicant is required to publish a NORI or NAPD, publication will also be required in the applicable alternative language if either the elementary or middle school nearest to the facility provides a bilingual education program under the applicable provision of the Texas Education Code and certain criteria are met. The proposed rules were published in the May 13, 2005, issue of the *Texas Register* (30 TexReg 2834). (Les Trobman, Kerrie Qualtrough) (Rule Project No. 2005-014-039-LS)

Item continued to the November 9, 2005 agenda.

EXECUTIVE SESSION

- Item 107. **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.

The Commission did not meet in closed session.

- Item 108. **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.

The Commission did not meet in closed session.

- Item 109. **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.

The Commission did not meet in closed 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.

AGENDA

Wednesday, October 12, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. **TCEQ Docket No. 2004-0241-PST-E; SOAH Docket No. 582-05-1529.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **JNS & Samir Corporation in Williamson County, Texas**; TCEQ ID Petroleum Storage Tank Registration No. 36538; regarding violations of failing to conduct proper inventory control, failure to properly monitor underground storage tanks (USTs) for potential releases, received fuel into the USTs when unauthorized to do so, failure to test certain UST components, and failure to timely register as a UST operator in 2003, under Tex. Water Code Chapters 7 and 26 and the rules of the Texas Commission on Environmental Quality.

Remand to SOAH for additional consideration of the following two issues identified in the ALJ's PFD: Violation No. 1 (Failure to conduct inventory control for all USTs involved in retail sale of the petroleum substances used as a motor fuel); and Violation No. 6 (Failing to monitor the UST system for releases at a frequency of at least once every month). KW/LS; all agree.

- Item 2. **TCEQ Docket No. 2003-1269-WQ-E; SOAH Docket No. 582-05-4488.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Jose Garza, Sr., dba Rancho Potrero Used Auto Parts in Cameron County, Texas**; TCEQ Storm Water ID No. R15SW0009; RN103033015; regarding water quality violations of 30 Tex. Admin. Code § 281.25 (a)(4), 40 Code of Federal Regulations § 122.26 (a)(ii), the Multi-Sector Industrial General Permit No. TXR050000 issued under the Texas Pollutant Discharge Elimination System, and the Texas Water Code, including § 26.121, and the rules of the Texas Commission on Environmental Quality.

Adopt the ALJ's Order with the exceptions provided by the Executive Director as modified by the ALJ. KW/LS; all agree.

- Item 3. **TCEQ Docket No. 2002-0234-AIR-E; SOAH Docket No. 582-05-0481.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Gary Lynn Wallace dba Wallace Hog Farm in Montgomery County, Texas**; TCEQ AIRNSR ID MQ0665L; regarding violations pursuant to Tex. Health & Safety Code § 382.085 (a) and (b) and 30 Tex. Admin. Code § 101.4 by discharging one or more air contaminants in such concentration and for such duration as to interfere with the normal use and enjoyment

of animal life, vegetation, or property, and the rules of the Texas Commission on Environmental Quality.

Adopt the ALJ's Order. KW/LS; all agree.

Item 4. **Docket No. 2005-1518-UCR.** Consideration of a Motion to Overturn filed by the City of Hudson Oaks and the Town of Annetta North regarding the Executive Director's July 26, 2005 Order approving Application No. 34749-S from the **City of Willow Park**, Certificate of Convenience and Necessity (CCN) No. 11814, to purchase facilities and to transfer and cancel CCN No. 12747 from Dyegard Water Company, Inc., in **Parker County**, Texas. The Commission will also consider timely-filed briefs and replies to the Motion to Overturn.

Deny the Motion to Overturn. KW/LS; all agree.

/s/ Elaine Lucas
Assistant General Counsel,
Elaine Lucas

11-16-2005
Date