

Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward

AGENDA

Wednesday, February 8, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

- Item 1. **Docket No. 2005-1966-MWD.** Consideration of the application by **Aqua Water Supply Corporation** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014607001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day in the interim I phase, 500,000 gallons per day in the interim II phase, and 750,000 gallons per day in the final phase. The facility will be located on an access road off Fagerquist Road, approximately 0.8 mile south of the intersection of Wolf Lane and Pearce Lane in **Bastrop County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (John Williams, Phillip Urbany)

Deny the hearing requests, adopt the Executive Director's Response to Comments and issue the permit. KW/RM, LS opposed.

- Item 2. **Docket No. 2005-1666-MWD.** Consideration of the application by **Coastal Flats, Ltd.** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014562001, to authorize a discharge of treated domestic wastewater at an interim I volume not to exceed a daily average flow of 10,000 gallons per day, an interim II volume not to exceed a daily average flow of 30,000 gallons per day, and a final volume not to exceed a daily average flow of 70,000 gallons per day. The facility will be located approximately 1.7 miles north and 1.2 miles east of the intersection of State Highway 87 and Broadway Avenue (Loop 108) in **Galveston 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. (Pinar Dogru, June Ella Martinez)

Item remanded to the Executive Director.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 3. **Docket No. 2004-0894-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Surepak, L.P.** in **Dallas County**; TCEQ ID Nos. DB20350, 19425 and RN101964849; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Jennifer Cook)

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

Item 4. **Docket No. 2005-1499-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Atlas Roofing Corporation** in **Morris County**; RN101633287; 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. (Samuel Short, David Van Soest)

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

Item 5. **Docket No. 2005-1307-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **BP Amoco Chemical Company** in **Harris County**; RN102528197; 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 6. **Docket No. 2005-1151-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **BP Amoco Chemical Company** in **Galveston County**; RN102536307; 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 7. **Docket No. 2005-1597-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Boral Material Technologies Inc.** in **Freestone County**; RN102598406; 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. (Samuel Short, David Van Soest)

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

Item 8. **Docket No. 2005-1185-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Carbon Silica Partners, L.P. dba Diamond Fiberglass Fabricators** in **Victoria County**; RN100219443; 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. (Daniel Siringi, David Van Soest)

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

Item 9. **Docket No. 2005-0406-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Chevron Phillips Chemical Company, LP** in **Jefferson County**; Air Account No. JE0508W, RN100209857; 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 10. **Docket No. 2005-1598-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chaparral Energy, L.L.C.** in **Nueces County**; RN103051967; 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. (Samuel Short, David Van Soest)

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

Item 11. **Docket No. 2005-1473-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Dome Hydrocarbons, L.C.** in **Chambers County**; RN100214352; 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 Muennink, David Van Soest)

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

Item 12. **Docket No. 2005-0359-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Lyondell-Citgo Refining LP** in **Harris County**; 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 13. **Docket No. 2005-0094-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Hutchinson County**; Air Account No. HW0013C; RN102320850; 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 Muennink, David Van Soest)

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

Item 14. **Docket No. 2005-1722-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Barjan Products, L.L.C. dba Par Products** in **Collin County**; RN100214295; 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. (Samuel Short, David Van Soest)

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

Item 15. **Docket No. 2005-1579-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Azteca Milling, L.P.** in **Hale County**; RN100215086; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, David Van Soest)

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

Item 16. **Docket No. 2004-0818-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Exxon Mobil Corporation dba ExxonMobil Refining & Supply Company** in **Harris County**; TCEQ ID Nos. HG-0232-Q and 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 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Jennifer Cook)

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

Item 17. **Docket No. 2005-1687-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wholearth Organic Composting, LLC** in **Bexar County**; RN101478071; 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 18. **Docket No. 2005-0734-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Shell Chemical LP** in **Harris County**; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, David Van Soest)

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

Item 19. **Docket No. 2005-0633-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PD Glycol in Jefferson County**; Air Account No. JE0049K, RN100825413; 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/RM; all agree.

Item 20. **Docket No. 2005-1595-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Kaspar Wire Works Inc. in Lavaca County**; RN102338803; 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. (Samuel Short, David Van Soest)

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

Item 21. **Docket No. 2005-0555-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Solutia Inc. in Brazoria County**; Air Account No. BL0038U, RN100238682; 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 22. **Docket No. 2005-0765-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Shell Oil Company in Harris County**; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, David Van Soest)

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

Item 23. **Docket No. 2005-0071-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E. I. du Pont de Nemours and Company in San Patricio County**; RN101623254; 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. (Audra L. Ruble, David Van Soest)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 24. **Docket No. 2005-1734-IWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Dixie Chemical Company, Inc.** in **Harris County**; RN103151445; 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. (Lynley Doyen, David Van Soest)

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

Item 25. **Docket No. 2005-1163-IWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Ergon Asphalt & Emulsions, Inc.** in **McLennan County**; RN102286267; 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. (Suzanne Walrath, David Van Soest)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 26. **Docket No. 2004-0314-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The City of La Feria** in **Cameron County**; TCEQ ID Nos. RN101612646 and RN102449063; for water quality, municipal solid waste, and petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari Gilbreth, Jennifer Cook)

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

Item 27. **Docket No. 2000-0711-MLM-E.** Consideration of an Agreed Order assessing administrative penalties against **American Chrome & Chemicals L.P.** in **Nueces County**; TCEQ ID No. RN100210814; for air and water quality violations pursuant to Texas 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. (Amie Dutta Richardson, Jennifer Cook)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 28. **Docket No. 2005-1033-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enviroclean Management Services, Inc.** in **Harris County**; RN101478782; 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. (Jaime Garza, David Van Soest)

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

Item 29. **Docket No. 2005-1453-MSW-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Taft in San Patricio County**; RN104617352; 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. (Howard G. Willoughby, David Van Soest)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 30. **Docket No. 2005-0533-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Air Liquide America L.P. in Jefferson County**; Texas Pollutant Discharge Elimination System Permit No. 01595000, RN101059335; 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. (Cheryl Thompson, David Van Soest)

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

Item 31. **Docket No. 2005-1625-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **D & M Water Supply Corporation in Nacogdoches County**; RN102287604; 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. (Lynley Doyen, David Van Soest)

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

Item 32. **Docket No. 2005-0010-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mount Enterprise in Rusk County**; Texas Pollutant Discharge Elimination System Permit No. 14283-001, RN102739851; 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/RM; all agree.

Item 33. **Docket No. 2004-1847-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Beaumont in Jefferson County**; RN101612224; 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 34. **Docket No. 2005-1399-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Alto in Cherokee County**; RN101721363; 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.

Item 35. **Docket No. 2005-0672-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Zavalla in Angelina County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13871001; RN100530583; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

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

Item 36. **Docket No. 2005-0596-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Muenster in Cooke County**; RN102065448; 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. (Tel Croston, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 37. **Docket No. 2004-1408-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Daniel S. Boschert, Inc. dba Motor Street Mobil in Dallas County**; TCEQ ID Nos. 17523 and RN101537751; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Jennifer Cook)

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

Item 38. **Docket No. 2005-1400-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DSI Transports, Inc. in Jefferson County**; RN100805035; 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. (Shontay Wilcher, David Van Soest)

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

Item 39. **Docket No. 2005-1364-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M & D Jacobson Properties, Ltd. dba McFadden & Miller in Dallas County**; RN101353605; 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 40. **Docket No. 2005-1413-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rukas Enterprises, Inc. dba Mini Mart in Wharton County**; RN103788618; 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 41. **Docket No. 2005-1194-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hasan Abdullalif dba Texas Pride in Harris County**; RN102475985; 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 42. **Docket No. 2005-0511-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Trimac Transportation, Inc. in Dallas County**; RN103142667; 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/RM; all agree.

Item 43. **Docket No. 2005-1544-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TLT Const. Co., Inc. in Grayson County**; RN101637718; 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 44. **Docket No. 2005-1407-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Han Yeol Bae dba Times Market 97** in **San Patricio County**; RN102464500; 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 45. **Docket No. 2005-1569-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Lucky Lady Oil Company dba Western Lucky Lady** in **Tarrant County**; RN100539691; 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. (Colin Barth, David Van Soest)

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

Item 46. **Docket No. 2004-1392-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Llano ISD** in **Llano County**; RN102050838; 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 47. **Docket No. 2005-1537-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Hill Country Stop, Inc.** in **Mason County**; RN102050853; 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 48. **Docket No. 2005-1437-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Thomas J. Green dba Detroit 7-11** in **Red River County**; RN102051471; 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. (Colin Barth, David Van Soest)

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

Item 49. **Docket No. 2005-0184-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Al Barkaat Enterprises, Inc. dba Amans Grocery Store** in **Wharton County**; TCEQ ID Nos. 36861 and RN102719895; 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.
(Amie Dutta Richardson, Jennifer Cook)

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

Item 50. **Docket No. 2005-1098-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tristar Convenience Stores, Inc. dba Handi Plus 11** in **Harris County**; RN104529490; 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. (Chad N. Blevins, David Van Soest)

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

Item 51. **Docket No. 2005-0279-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Dan Kwang Kim dba Times Market 121** in **Nueces County**; Petroleum Storage Tank Facility ID No. 32920, RN102379021; 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. (John Muennink, David Van Soest)

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

Item 52. **Docket No. 2005-1126-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **S & J Oil Company Inc. dba Moss Lake Community Store** in **Cooke County**; RN101279982; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, David Van Soest)

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

Item 53. **Docket No. 2004-1760-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Padre Isles Management Corp. dba Padre Isles Country Club, Inc.** in **Nueces County**; Petroleum Storage Tank Facility ID No. 51405, RN101749299; 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 54. **Docket No. 2005-0323-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Hans Hansen dba Hansen Construction** in **Wood County**; RN104509294; 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 55. **Docket No. 2005-1155-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Sunshine Stores, Inc. dba Sunshine Grocery Silsbee in Hardin County**; RN102442209; 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 56. **Docket No. 2004-2079-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Ali Hamid Corp. dba Quick Stop 21 in Harris County**; RN102225430; 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. (Tel Croston, David Van Soest)

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

Item 57. **Docket No. 2004-1779-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Foremost Holdings, Inc. dba Dyno-Mart of Mexia in Limestone County**; RN104217856; 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. (Howard G. Willoughby, David Van Soest)

Approve the Agreed Order. KW/RM, LS opposed.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 58. **Docket No. 2004-1817-PST-E.** Consideration of a Default Order assessing administrative penalties against **Brenda Ledbetter dba Potters Creek Store in Comal County**; TCEQ ID Nos. 39903 and RN102456985; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Jennifer Cook)

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

Item 59. **Docket No. 2004-1667-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Daley C. Russell Jr. dba Russell's Corner Food Mart in Bell County**; TCEQ ID Nos. 71095 and RN102227139; 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. (Kari Gilbreth, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 60. **Docket No. 2004-0319-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Steven and Sheila Agnew dba Heritage Oaks Subdivision in Montgomery County**; TCEQ ID Nos. 1700121 and RN101248938; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

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

Item 61. **Docket No. 2005-1432-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paul Alan Boskind dba Oasis Water System in Medina County**; RN101652113; 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 62. **Docket No. 2005-1227-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Waterco, Inc. dba Deep Water Plantation Water Co. in Walker County**; RN101260669; 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/RM; all agree.

Item 63. **Docket No. 2005-1424-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Albany in Shackelford County**; RN101392272; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, David Van Soest)

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

Item 64. **Docket No. 2005-0480-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bosqueville Green Acres Water Supply Corporation in McLennan County**; Public Water Supply No. 1550080; RN101217008; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sandy VanCleave, David Van Soest)

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

Item 65. **Docket No. 2005-1072-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rayburn Country Municipal Utility District in Jasper County**; RN101213890; for drinking water quality violations

pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Trina Grieco, David Van Soest)

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

Item 66. **Docket No. 2005-0625-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Robert Lee in Coke County**; RN101198174; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, David Van Soest)

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

Item 67. **Docket No. 2005-1439-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Mullin Independent School District in Mills County**; RN101256550; 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, David Van Soest)

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

Item 68. **Docket No. 2005-1200-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bridgeport in Wise County**; RN101404846; 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/RM; all agree.

Item 69. **Docket No. 2005-1392-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Development, Inc. in Travis County**; RN101410405; 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. (Tel Croston, David Van Soest)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 70. **Docket No. 2004-0585-PWS-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Don English dba English Acres in Jim Wells County**; TCEQ ID Nos. 1250033 and RN102670783; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Davis, Jennifer Cook)

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

SLUDGE ENFORCEMENT AGREED ORDERS

Item 71. **Docket No. 2005-1351-SLG-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ernest Cooper dba County Company Septic Tank and Grease Trap Service in Lavaca County**; RN103162939; for water quality 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. (Tel Croston, David Van Soest)

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

Item 72. **Docket No. 2005-1635-SLG-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Teresa Gail Allums dba T&A Septic Service in Houston County**; RN104710546; for sewage sludge 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. (Colin Barth, David Van Soest)

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

RULE MATTERS

Item 73. **Docket No. 2005-1993-RUL.** Consideration for publication of the proposed amendments to Sections 285.2, 285.7, 285.33, 285.50, 285.61, 285.70, 285.71, and 285.90; proposed repeal of Section 285.64; and proposed new Sections 285.64 and 285.65 of **30 TAC Chapter 285**, On-Site Sewage Facilities.

The proposed rulemaking would implement requirements of House Bill 2510, 79th Legislature, 2005, Regular Session, relating to Texas Health and Safety Code, Chapter 366, and Texas Water Code, Chapter 7, Subchapter E.

The proposed rulemaking would amend the definitions for Edwards Aquifer recharge zone, maintenance company and subdivision; amend requirements for maintaining aerobic on-site sewage facilities; address new requirements for manufacturer and maintenance provider training and responsibilities; provide a two-year "phase out" period for maintenance providers with a wastewater Class D license; address homeowner training, responsibilities, and timing for training homeowners; provide detailed direction for mound and soil substitution disposal design options; provide direction for registration of maintenance providers and duties and responsibilities for installers; repeal Section 285.64 and create new Section 285.64 to describe duties and responsibilities of maintenance companies; create new Section 285.65 to describe suspension or revocation of license or registration for maintenance providers which will be used in enforcement proceedings; amend requirements for homeowners who perform their own maintenance; provide permitting authorities additional requirements for violation enforcement against maintenance companies and homeowners; amend the model deed and affidavit language for homeowners to change the reference from TNRCC to TCEQ; amend the sampling testing and reporting record to include language for homeowners who will be performing and reporting maintenance of

their own aerobic systems; and amend the typical drainfield sectional view to correspond with changes in soil substitution drainfield design. (Joseph Strouse, Claudia Russell) (Rule Project No. 2005-040-285-CE)

Approve publication of proposed amendments to Sections 285.2, 285.7, 285.33, 285.50, 285.61, 285.70, 285.71, and 285.90; proposed repeal of Section 285.64; and proposed new Sections 285.64 and 285.65 of 30 TAC Chapter 285. KW/LS; all agree.

Item 74. **Docket No. 2005-1233-RUL.** Consideration of the adoption of amended Sections 30.3, 30.5, 30.7, 30.33, 30.231, and 30.244 and new Section 30.247 of **30 TAC Chapter 30**, Occupational Licenses and Registrations.

The adopted rulemaking would implement requirements of House Bill 2510, 79th Legislature, 2005, Regular Session, relating to the regulation of on-site sewage disposal systems using aerobic treatment and the maintenance of those systems, by creating a registration program for maintenance providers. The proposed rules were published in the September 30, 2005, issue of the *Texas Register* (30 TexReg 6178). (Terry Thompson, Kathy Brown) (Rule Project No. 2005-039-030-CE)

Approve the adoption of amended Sections 30.3, 30.5, 30.7, 30.33, 30.231, and 30.244 and new Section 30.247 of 30 TAC Chapter 30. KW/LS; all agree.

Item 75. **Docket No. 2006-0090-RUL.** Consideration for publication of, and hearing on, proposed amendments to 30 TAC Chapter 321, Control of Certain Activities by Rule, Subchapter B, Concentrated Animal Feeding Operations, Section 321.33, Applicability and Required Authorizations, and Section 321.36, Texas Pollutant Discharge Elimination System General Requirements for Concentrated Animal Feeding Operations (CAFOs).

The proposed rulemaking would harmonize state requirements with federal requirements concerning the date that existing dry litter poultry operations must obtain authorization and the date that all CAFOs must develop and implement a nutrient management plan. There is currently a proposed federal rulemaking that would extend the existing deadlines in the federal rules. (Beth Helms, Bob Brush) (Rule Project No. 2006-021-321-PR)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Chapter 321. KW/RM; all agree.

EXECUTIVE SESSION

Item 76. **Docket No. 2006-0001-EXE.** The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in Executive Session.

Item 77. **Docket No. 2006-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in Executive Session.

Item 78. **Docket No. 2006-0003-EXE.** The Commission will conduct a closed session to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in Executive Session.

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

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

AGENDA

Wednesday, February 8, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle
Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2004-0049-AIR; SOAH Docket No. 582-05-0593.** Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of **Asarco, Incorporated** for a renewal of Air Quality permit No. 20345. The copper smelting plant is located at 2301 West Paisano Road, El Paso, **El Paso County**, Texas. The Commission will also consider related filings, exceptions, and replies.

The Commission determined that ASARCO had not met the statutory requirements for renewal of its permit as provided in Section 382.055(d)(2) of the TCAA. The Commission also by interim order remanded the permit application to the Executive Director, and by that interim order established specific time frames for certain actions by the Applicant, ASARCO, and by the Executive Director. The Commission in its interim order directed ASARCO to submit additional information regarding all emissions from and related to the El Paso Plant and their impacts on surrounding areas, including impacts in New Mexico and Mexico to the extent of emissions from Texas, and directed the Executive Director to conduct a vigorous investigation of the El Paso Plant's air quality control equipment and related practices and to prepare his recommended Report and any Schedule as required under TCAA Section 382.055. The Commission also by interim order directed the Applicant's modeling analyses and summary and the Executive Director's recommended Report and any related Schedule be made available to all parties for comment, instructed the Executive Director to issue a response to all comments, required the recommended Report and any related Schedule and the comments be set for Commission consideration, directed ASARCO in accordance with its agreement during the February 8, 2006 public meeting not to restart operations at the El Paso Plant before conclusion of the Report and Schedule process, and allocated the entire transcript costs to ASARCO which it directed ASARCO to pay. KW/RM; all agree.

/s/ Elaine Lucas
Assistant General Counsel,
Elaine Lucas

3/29/2006
Date