

Chairman Kathleen White
Commissioner Larry Soward

AGENDA

Wednesday, April 26, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUEST(S)/REQUEST(S) FOR RECONSIDERATION

- Item 1. **Docket No. 2005-1094-MWD.** Consideration of the application by **Wynne Jackson, Inc. and West Foundation** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014535001, to authorize a discharge of treated domestic wastewater at an Interim volume not to exceed a daily average flow of 0.04 million gallons per day (MGD) and a Final volume not to exceed a daily average flow of 0.6347 MGD. The facility will be located approximately two miles northeast of the intersection of Highway 740 and Highway 80 in **Kaufman 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, June Ella Martinez)

Item continued to a future agenda to be determined by the General Counsel.

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 2. **Docket No. 2004-0958-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. (Sherronda Martin, David Van Soest)

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

- Item 3. **Docket No. 2005-1821-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Containment Solutions, Inc.** in **Montgomery County**; RN100214378; 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/LS; all agree.

Item 4. **Docket No. 2005-1978-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E. I. du Pont de Nemours and Company in Jefferson County**; Regulated Entity No. RN100216035; 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 5. **Docket No. 2005-1643-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Exxon Mobil Corporation in Kent County**; RN101222602; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jaime Garza, David Van Soest)

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

Item 6. **Docket No. 2005-0766-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Georgia Gulf Chemicals & Vinyls, LLC in Harris County**; RN100213958; 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 7. **Docket No. 2005-1642-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Masters Resources, LLC in Chambers County**; RN100211069; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jaime Garza, David Van Soest)

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

Item 8. **Docket No. 2005-2041-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oil Patch Sandblast & Paint, LTD. in Harris County**; RN101381663; 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. (Scott Barnett, David Van Soest)

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

Item 9. **Docket No. 2005-1421-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Praxair, Inc. dba Praxair BP Refinery in Galveston County**; RN104095435; 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/LS; all agree.

Item 10. **Docket No. 2005-1614-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. (John Muennink, David Van Soest)

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

Item 11. **Docket No. 2004-0196-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Orange Crush Recyclers Management, L.L.C. in Dallas County**; TCEQ ID No. RN103081394; 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. (Amie Dutta Richardson, Jennifer Cook)

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

Item 12. **Docket No. 2002-0951-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **El Paso Field Services, L.P. (now owned by Enterprise Products Operating L.P.) in Nueces County**; TCEQ ID No. RN100210277; 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. (Amie Dutta Richardson, Jennifer Cook)

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

Item 13. **Docket No. 2005-1204-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Union Carbide Corporation in Calhoun County**; RN102181526; 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 14. **Docket No. 2005-1354-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Tyler Holding Company, Inc.** in **Smith County**; 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. (Rebecca Johnson, David Van Soest)

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

Item 15. **Docket No. 2005-0164-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Sunoco Inc. (R&M)** in **Harris County**; RN100524008; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, David Van Soest)

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

Item 16. **Docket No. 2005-1670-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Convenience Stores, LLC** in **El Paso County**; 7-Eleven 57627 (RN102394368), 7-Eleven 57634 (RN100823913), 7-Eleven 57642 (RN102388345), 7-Eleven 57620 (RN102394756), 7-Eleven 57604 (RN102396702), 7-Eleven 57612 (RN102392685), 7-Eleven 57619 (RN102397601), 7-Eleven 57609 (RN102395662), 7-Eleven 57629 (RN102392214), 7-Eleven 57625 (RN102399094), 7-Eleven 57611 (RN102393170), 7-Eleven 57641 (RN102390960), 7-Eleven 57637 (RN102391331), 7-Eleven 57624 (RN102397189), 7-Eleven 57635 (RN102389228); 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. (Craig Fleming, David Van Soest)

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

Item 17. **Docket No. 2005-1629-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southline Metal Products Company** in **Harris County**; RN100214113; 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. (Amy Burgess, David Van Soest)

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

Item 18. **Docket No. 2005-1659-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Flint Hills Resources, LP** in **Nueces County**;

RN100235266; 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/LS; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 19. **Docket No. 2004-0880-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Trammell Crow Residential Company dba Silverado Apartments** in **Williamson County**; Edwards Aquifer Registration No. 11-01092401, Regulated Entity ID No. RN102929908; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cari-Michel LaCaille, David Van Soest)

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

Item 20. **Docket No. 2006-0052-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Triple J & L Construction Co., Inc.** in **Bexar County**; RN102751377; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Edward R. Moderow, David Van Soest)

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

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 21. **Docket No. 2005-1639-IHW-E.** Consideration of an Agreed Order assessing administrative penalties against **Van Der Horst USA Corporation** in **Kaufman County**; RN100574235; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, David Van Soest)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 22. **Docket No. 2005-1662-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Carotex, Inc.** in **Jefferson County**; RN100213727; 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/LS; all agree.

LANDSCAPE IRRIGATOR INSTALLER ENFORCEMENT AGREED ORDER

- Item 23. **Docket No. 2005-1673-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rick Hamilton** in **Parmer County**, Texas and Curry County, New Mexico; RN104095153; 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. (Brent Hurta, David Van Soest)

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

LANDSCAPE IRRIGATOR INSTALLER ENFORCEMENT DEFAULT ORDERS

- Item 24. **Docket No. 2005-1386-LII-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Garry Hardin** in **Tarrant County**; TCEQ ID No. RN103428488; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Shawn Slack, Jennifer Cook)

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

- Item 25. **Docket No. 2003-0578-LII-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mike Strozdas dba Best Landscape & Sprinkler** in **Bexar County**; TCEQ ID No. RN103492039; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7, 34, and 37 and the rules of the Texas Commission on Environmental Quality. (Shana L. Horton, Jennifer Cook)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 26. **Docket No. 2005-1488-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cheyenne Hills/Glen Rose 618 Limited Partnership** in **Somervell County**; RN101233526; for drinking water quality and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, David Van Soest)

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

- Item 27. **Docket No. 2005-1995-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Loadcraft Industries, Ltd.** in **McCulloch County**; RN101620748; for industrial & hazardous waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 28. **Docket No. 2005-1313-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Roofing Recycle Center, Inc.** in **Dallas County**; RN103049755; 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/LS; all agree.

Item 29. **Docket No. 2005-1786-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Waste Systems, Inc.** in **Bexar County**; RN102506821; 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. (Michael Meyer, David Van Soest)

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

Item 30. **Docket No. 2005-1893-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Seven Sanders Companies, Inc.** in **Lubbock County**; RN104784137; 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. (Marlin Bullard, David Van Soest)

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

Item 31. **Docket No. 2005-1936-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mastec North America, Inc.** in **McCulloch County**; RN104733563; 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. (Thomas Greimel, David Van Soest)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 32. **Docket No. 2005-1844-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Hood County Utilities, Inc.** in **Hood County**; RN102957024; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Sandy VanCleave, David Van Soest)

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

Item 33. **Docket No. 2005-1676-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Valley Mills in Bosque County**; RN101916542; 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. (Brian Lehmkuhle, David Van Soest)

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

Item 34. **Docket No. 2005-0674-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Ridge Utilities, Inc. in Hood County**; RN102079605; 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/LS; all agree.

Item 35. **Docket No. 2002-1324-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The City of Gustine in Comanche County**; TCEQ ID Nos. 10841-001 and RN102178654; 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. (Deborah Bynum, Jennifer Cook)

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

Item 36. **Docket No. 2005-1266-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Orange Water and Sewer, LLC in Orange County**; RN102075058; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Catherine Albrecht, David Van Soest)

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

Item 37. **Docket No. 2005-2043-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Pflugerville in Travis County**; RN101611440; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 38. **Docket No. 2005-1951-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mehak & Michelle, Inc. dba Six Pack Express in Tarrant County**; RN101539542; 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. (Deana Holland, David Van Soest)

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

Item 39. **Docket No. 2005-0806-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Lamb County Hospital dba Lamb Healthcare Center in Lamb County**; RN101839488; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cari-Michel LaCaille, David Van Soest)

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

Item 40. **Docket No. 2005-1376-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Energy Mart, Inc. dba James Food Mart in Jackson County**; RN101822898; 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/LS; all agree.

Item 41. **Docket No. 2005-0490-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Carl W. Wright dba Rayburn Tackle in Sabine County**; TCEQ ID Nos. 26827 and RN101869360; 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/LS; all agree.

Item 42. **Docket No. 2005-1375-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **USA Travel Center Inc. dba USA Travel Plaza in Potter County**; TCEQ ID Nos. RN101789519 and 49190; 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. (Shana L. Horton, Jennifer Cook)

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

Item 43. **Docket No. 2004-1510-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pearl's LLC dba Angels Gas & Grocery in Harris County**; TCEQ ID Nos. 62344 and RN102345139; 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. (Shannon Strong, Jennifer Cook)

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

Item 44. **Docket No. 2004-1709-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Salim M. Jaffer dba Market Shamrock in Aransas County**; TCEQ ID Nos. 66266 and RN102237336; 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 Hill, Jennifer Cook)

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

Item 45. **Docket No. 2005-0564-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Lubbock County**; RN103143053; 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. (Sam Short, David Van Soest)

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

Item 46. **Docket No. 2005-1462-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jesamin, Inc. dba Davis Quick Stop in Tarrant County**; RN101538692; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, 30 Tex. Admin. Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cari-Michel LaCaille, David Van Soest)

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

Item 47. **Docket No. 2005-1712-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **IGA Foodliner of Jacksboro, TX., Inc. in Jack County**; RN101857605; 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. (Tel Croston, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 48. **Docket No. 2005-0314-PST-E.** Consideration of a Default Order assessing administrative penalties against **Tor Tenax, Inc. dba Amigos 2 in Bexar County**; TCEQ ID No. RN102345741; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, specifically 30 Tex. Admin. Code ch. 60. (Amie Dutta Richardson, Jennifer Cook)

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

Item 49. **Docket No. 2003-1195-PST-E.** Consideration of a Default Order assessing administrative penalties against **Haafiz & Aman, Inc. in Orange County**; TCEQ ID Nos. 0000630 and

RN101794758; 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)

Item continued to the May 31, 2006 agenda. KW/LS; all agree.

Item 50. **Docket No. 2005-0824-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **F. K. Corporation dba Mr. Jr's Grocery in Harris County**; TCEQ ID Nos. 25383 and RN103134680; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Jennifer Cook)

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

Item 51. **Docket No. 2004-1368-PST-E.** Consideration of a Default Order assessing administrative penalties against **Robert Burk dba Graham Fuel Mart in Young County**; TCEQ ID Nos. 49696 and RN101859908; 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. (Deborah A. Bynum, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 52. **Docket No. 2004-2124-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Anahuac in Chambers County**; Public Water Supply ID No. 0360001, RN101188761; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Edward R. Moderow, David Van Soest)

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

Item 53. **Docket No. 2005-1940-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Era Water Supply Corporation in Cooke County**; RN101438992; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Laurie Eaves, David Van Soest)

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

Item 54. **Docket No. 2005-2045-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Flat Fork Water Supply Corporation in Shelby County**; RN101441848; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, David Van Soest)

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

Item 55. **Docket No. 2005-1962-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Liberty City Water Supply Corporation in Gregg County**; RN101458719; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, David Van Soest)

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

Item 56. **Docket No. 2005-1920-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Harrison Water Supply Corporation in Harrison County**; RN101181592; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, David Van Soest)

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

Item 57. **Docket No. 2005-1946-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Sandy Creek Yacht Club, Ltd. in Travis County**; RN101189355; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elvia Maske, David Van Soest)

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

Item 58. **Docket No. 2005-1787-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SIMI Investment Company, LTD. in Fort Bend County**; RN101180081; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Anita Keese, David Van Soest)

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

Item 59. **Docket No. 2004-0557-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shiloh Ridge Property Owners Association in Polk County**; TCEQ ID Nos. 1870082 and RN101215549; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Xavier Guerra, Jennifer Cook)

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

Item 60. **Docket No. 2005-1088-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Cowtown Enterprises, Inc. dba Cowtown RV Park in Parker County**; TCEQ ID Nos. 1840123 and RN101222792; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Deanna Sigman, Jennifer Cook)

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

Item 61. **Docket No. 2005-1910-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trent Water Works, Inc. dba Jones Creek Terrace in Brazoria County**; RN101202752; 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/LS; all agree.

Item 62. **Docket No. 2005-2052-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Timpson in Shelby County**; RN101387686; 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/LS; all agree.

Item 63. **Docket No. 2005-2054-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Seadrift Coke L.P. in Calhoun County**; RN102147055; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Dana Shuler, David Van Soest)

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

Item 64. **Docket No. 2004-1303-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rose City in Orange County**; Public Water Supply ID No. 1810139, Regulated Entity Reference No. RN102676269; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Cari-Michel LaCaille, David Van Soest)

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

Item 65. **Docket No. 2005-0291-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Petty Water Supply and Sewer Service Corporation in Lamar County**; Public Water Supply ID No. 1390012, RN101179703; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michael Limos, David Van Soest)

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

Item 66. **Docket No. 2005-0488-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Newark in Wise County**; Public Water Supply ID No. 2490008, RN101388536; for drinking water quality

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

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

Item 67. **Docket No. 2005-1136-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Lawn in Taylor County**; RN101406916; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Craig Fleming, David Van Soest)

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

SLUDGE ENFORCEMENT AGREED ORDERS

Item 68. **Docket No. 2005-1819-SLG-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kenny Palmer dba Jetta Septic Hauling in Eastland and Stephens Counties**; RN103150827; for water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brent Hurta, David Van Soest)

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

Item 69. **Docket No. 2005-1249-SLG-E.** Consideration of an Agreed Order assessing administrative penalties against **Rittiman Plumbing, Inc. in Kendall County**; RN100566462, RN102984234; for water quality 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 Texas Administrative Code ch. 60. (Thomas Greimel, David Van Soest)

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

WATER QUALITY ENFORCEMENT ORDERS

Item 70. **Docket No. 2005-2077-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gardner Telecommunications Inc in Dallas County**; RN104803028; 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 71. **Docket No. 2005-1757-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Jaeger Homes, Inc. in Harris County**; RN104745633; 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.

GIFTS AND DONATIONS

Item 72. **Docket No. 2006-0249-MIS.** Consideration of **gifts and donations** of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

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

GENERAL PERMITS

Item 73. **Docket No. 2006-0313-IWD.** Consideration of amendment to **General Permit No. TXG920000**, which authorizes on a state-wide basis, the discharge of manure, litter, and wastewater associated with the operation of a concentrated animal feeding operation (CAFO) into or adjacent to water in the state. The amendments will allow dry litter poultry CAFOs located in the protection zone of a sole-source surface drinking water supply the ability to obtain coverage under this general permit and extend the deadline by which existing CAFOs must develop and implement a nutrient management plan. This permit specifies which facilities may be covered under this general permit. The Commission will also consider public comment and the Executive Director's response to comments. (Beth Helms/Bob Brush)

Approve amendments to General Permit No. TXG920000 with the Executive Director's response to comments. KW/LS; all agree.

Item 74. **Docket No. 2006-0307-IWD.** Consideration of issuance of a new **General Permit No. WQG600000**, which authorizes on a state-wide basis, the operation of industrial solid waste facilities which receive waste for treatment or storage on a commercial basis for discharge to a publicly owned treatment works, subject to specific permit requirements. This permit specifies which facilities may be covered under this general permit. The Commission will also consider public comment and the Executive Director's Response to Comments. (Yvonna Pierce/Anthony Tatu)

Approve issuance of new General Permit No. WQG600000 with the change of the expiration date from the date of issuance from 5 years to 27 months; and the Executive Director's response to comments with necessary modifications to comply with the change to the expiration date. LS/KW; all agree.

RESOLUTION

- Item 75. **Docket No. 2006-0327-RES.** A resolution authorizing the Executive Director to enter and manage all contracts (including grant agreements) and to delegate authority to the staff. (Katharine Marvin and Charles Stokes)

Approve the proposed resolution with the added language showing the resolution will expire August 31, 2007 and specific language that this resolution will supersede and replace the current resolution. KW/LS; all agree.

RULE MATTERS

- Item 76. **Docket No. 2006-0185-RUL.** Consideration for publication of, and hearing on, proposed amended Section 116.603 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification; and corresponding revisions to the state implementation plan.

The proposed rulemaking would amend Chapter 116 to require newspaper notice of proposed standard permits with statewide applicability in Austin, Dallas, Houston, and any other regional newspapers designated by the commission on a case-by-case basis. Also, the commission would use press releases and notify select state and local officials by electronic means for public notice of standard permits. (Phil Harwell, Brad Patterson) (Rule Project No. 2005-038-116-PR)

Approve publication of, and hearing on, proposed amended Section 116.603 of 30 TAC Chapter 116 with added language provided by the Commission at the dais. KW/LS; all agree.

- Item 77. **Docket No. 2005-1606-RUL.** Consideration of the adoption of the repeal of Section 111.155 of **30 TAC Chapter 111**, Control of Air Pollution from Visible Emissions and Particulate Matter; and corresponding revisions to the state implementation plan (SIP) and approval to withdraw Section 111.155 from consideration as a SIP revision.

The proposed repeal was published in the November 25, 2005, issue of the *Texas Register* (30 TexReg 7821). (Kathy Singleton, Alicia Lee) (Rule Project Number 2005-013-111-EN)

Item continued to the May 17, 2006 agenda.

- Item 78. **Docket No. 2005-1442-RUL.** Consideration of the adoption of amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Sections 114.6, 114.312, 114.313, and 114.315 - 114.318. The changes to Chapter 114 will be submitted as revisions to the state implementation plan.

The adopted rulemaking amends the definition of additive; specifies that the executive director must consult with the United States Environmental Protection Agency (EPA) before approving an alternative test method; revises the documentation requirements for the alternative diesel formulation approval procedures; revises the minimum requirements for candidate fuel formulations used for testing purposes; specifies requirements for the test engine used for alternative diesel fuel formulation testing; adds clarifying language to the

alternative test sequences; revises the emission comparison requirements to be more consistent with similar California Air Resource Board regulations; clarifies demonstration methods for alternative diesel formulation approval; clarifies records requirements relating to sampling; revises reporting requirements for producers with alternative emission reduction plans; establishes procedures that require producers to submit alternative emission reduction plans that are either developed in accordance with the EPA's Unified Model or use diesel credits from early introduction of low-sulfur gasoline in affected counties; and corrects citations and cross-references. The proposed rules were published in the December 16, 2005, issue of the *Texas Register* (30 TexReg 8407). (Morris Brown, John Minter) (Rule Project No. 2005-063-114-EN)

Adopt amendments to 30 TAC Chapter 114, Sections 114.6, 114.312, 114.313, and 114.315 - 114.318. KW/LS; all agree.

Item 79. **Docket No. 2005-1444-RUL.** Consideration of the adoption of the repeal of **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Sections 114.3 and 114.150 - 114.157. The repeal to Chapter 114 will be submitted as revisions to the state implementation plan.

The adoption repeals the state regulations implementing the Texas Clean Fleet Program in its entirety, in accordance with Senate Bill 1032, 79th Texas Legislature, Regular Session, 2005. The proposed rules were published in the November 25, 2005 issue of the *Texas Register* (30 TexReg 7824). (Santos Olivarez, Les Trobman) (Rule Project No. 2005-067-114-EN)

Adopt the repeal of 30 TAC Chapter 114, Sections 114.3 and 114.150 - 114.157. KW/LS; all agree.

Item 80. **Docket No. 2005-1443-RUL.** Consideration of the adoption of amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Subchapter J, Operational Controls for Motor Vehicles, Section 114.512 and Section 114.517; and corresponding revisions to the state implementation plan.

The adoption would implement House Bill 1540, 79th Legislature, 2005, Regular Session, as well as add language that the Austin Early Action Compact members have requested be added so as to more greatly protect public health and safety. The proposed rules were published in the November 25, 2005, issue of the *Texas Register* (30 TexReg 7828). (Santos Olivarez, Les Trobman) (Rule Project No. 2005-064-114-EN)

Adopt amendments to 30 TAC Chapter 114, Section 114.512 and Section 114.517; and corresponding revisions to the state implementation plan. KW/LS; all agree.

Item 81. **Docket No. 2005-2093-RUL.** Consideration for publication of, and hearing on, an amendment to **30 TAC Chapter 321**, Control of Certain Activities by Rule, Subchapter B, Concentrated Animal Feeding Operations, Section 321.33, Applicability and Required Authorizations.

The proposed rulemaking would implement Senate Bill (SB) 1707, 79th Legislature, 2005, Regular Session, which changed the permitting requirements under Texas Water Code,

Chapter 26 for dry litter poultry concentrated animal feeding operations (CAFOs) in sole-source surface drinking water protection zones. SB 1707 removes the requirement for dry litter poultry CAFOs located in a protection zone of a sole-source surface drinking water supply to obtain an individual permit. This allows these facilities the ability to apply for coverage under the CAFO general permit. The proposed rulemaking would also modify the permitting requirements for new source dry litter poultry CAFOs and expanding dry litter poultry animal feeding operations (AFOs) for consistency with TCEQ regulations regarding existing dry litter poultry CAFOs. (Beth Helms, Bob Brush) (Rule Project No. 2005-062-321-PR)

Approve publication of, and hearing on, an amendment to 30 TAC Chapter 321 with the added following sentence to 30 TAC Chapter 321.33(f): Prior to July 31, 2007, a dry litter poultry CAFO is authorized to be constructed and operated if the operation has a certified water quality management plan approved by the State Soil and Water Conservation Board. KW/LS; all agree.

EXECUTIVE SESSION

Item 82. **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 83. **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 84. **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, April 26, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2004-0709-WQ-E; SOAH Docket No. 582-06-0101.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Temple Hall Silica, Inc. in Hood County, Texas**; regarding storm water associated with industrial activity violations pursuant to 30 Tex. Admin. Code § 281.25(a)(4), Tex. Water Code § 26.121(a)(3), and 40 C.F.R. § 122.26(c), and the rules of the Texas Commission on Environmental Quality.

Adopt the ALJ's Order with the Executive Director's exceptions and modifications offered by the Commission at the dais. KW/LS; all agree.

- Item 2. **TCEQ Docket No. 2004-0979-UCR; SOAH Docket No. 582-05-0003.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the petition of the Ratepayers appealing a water rate increase by **Chisholm Trail Special Utility District in Williamson, Bell and Burnet Counties, Texas**. The Commission will also consider timely public comments, the application, related filings, exceptions and replies.

Adopt the ALJ's proposed Order with the following changes: 1) increase the rate case expenses allocated to the District by \$340, and allowing the \$50,340 total rate case expenses to be recovered through a \$1 surcharge per month per connection until expenses are recovered; 2) remove Conclusion of Law 6 and incorporate into Ordering Provision 2 the established rates plus specifying a May 18, 2004 effective date of the rates that as established by the District; and 3) delete Conclusions of Law 7 & 8. KW/LS; all agree.

- Item 3. **TCEQ Docket No. 2005-0867-MSW; SOAH Docket No. 582-06-0234.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **City of Port Arthur** for a permit to authorize vertical and lateral expansions at an existing Type I municipal solid waste landfill (MSW Permit No. 1815) and to an adjacent landfill site (MSW Permit No. 0009) in **Jefferson County, Texas**. The Commission will also consider timely public comments, the Executive Director's Response to Public Comments, the application, related filings, exceptions and replies.

Adopt the ALJ's Order as amended on March 29, 2006 with the following modifications: correct Finding of Fact 16 to reference total site acreage of 266.816 acres; strike the word "monitored" from Finding of Fact 26; include a new Conclusion of Law to reference the appropriate regulatory references to the statutes and rules in effect on the date the application was declared administrative complete, which is January 12, 2004; include a new Ordering Provision which directs the Applicant to

submit within 60 days of the effective date of the Commissions' Order a demonstration of compliance with 30 TAC Section 330.545 and direct the Executive Director to perform a timely review of this submission; and adopt the Executive Director's Response to Comments. KW/LS; all agree.

(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 12:30 P.M. UNTIL 1:00 P.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

/s/ Anne Rowland
Assistant General Counsel,
Anne Rowland

8-8-2006
Date