

Chairman Kathleen White
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, July 12, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the June 28, 2006 agenda.

- Item 1. **Docket No. 2005-0043-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Marvin's Chevron Service Center, Inc. dba Marvin's Chevron** in **Nueces County**; TCEQ ID Nos. 31786 and RN101794097; 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. (Alfred Okpohoworho, Jennifer Cook)

Item remanded to the Executive Director.

AGENDA

Wednesday, July 12, 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. 2006-0380-MWD.** Consideration of the application by the **City of Montgomery** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011521002, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 200,000 gallons per day. The facility will be located approximately 0.15 mile south of Farm-to-Market Road 1097, approximately 0.6 mile east-southeast of the intersection of State Highway 149 and Farm-to-Market Road 1097 in **Montgomery County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Kathy Brown/Julian Centeno, Jr.)

Item remanded to the Executive Director.

Item 2. **Docket No. 2006-0283-MWD.** Consideration of the application by **Fort Bend County Municipal Utility District No. 19** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014579001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 255,000 gallons per day. The facility will be located approximately 2,000 feet north of the intersection of Riverwood Drive and Quebec Boulevard and approximately 100 feet south of the Right-of-Way of the Brazos River in **Fort Bend County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Pinar Dogru/Amewusika Clara Dake)

Grant the hearing request of Brazos River Authority on the issues of: (1) Whether the effluent limits in the Applicant's draft permit meet water quality standards and will be protective of the Brazos River as a public drinking water supply source; and (2) Whether the facility proposed by the Applicant comports with the policy of regionalization; deny all other hearing requests and requests for reconsideration; refer the matter to ADR for a period of six weeks if all parties are willing, then if necessary, refer to SOAH for a hearing duration of six months. KW/LS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 3. **Docket No. 2005-1943-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kaneka Texas Corporation** in **Harris County**; RN100218841; 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/LS; all agree.

Item 4. **Docket No. 2005-2070-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102212925; 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 5. **Docket No. 2006-0189-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Hutchinson County**; 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. (Suzanne Walrath, David Van Soest)

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

Item 6. **Docket No. 2005-1816-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Laredo Paving, Inc. in Webb County**; TCEQ ID No. RN104712401; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health and Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rachael Gaines, Jennifer Cook)

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

Item 7. **Docket No. 2005-1373-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Frontera Materials, Inc. in Hidalgo County**; TCEQ ID No. RN102734779; 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. (Shannon Strong, Jennifer Cook)

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

Item 8. **Docket No. 2006-0212-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Akzo Nobel Polymer Chemicals LLC in Harris County**; RN104262704; 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. 2006-0148-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BMB Wood Recycling, Ltd. in Dallas County**; RN104408497; 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/LS; all agree.

Item 10. **Docket No. 2005-1027-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **BP Products North America Inc. in Galveston County**; RN102535077; 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 11. **Docket No. 2006-0375-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **D & J Enterprise in Jefferson and Orange Counties**; RN104806666; 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 12. **Docket No. 2006-0013-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Dal-Tile Corporation in El Paso County**; RN100542976; 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 13. **Docket No. 2006-0126-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Dallas in Dallas County**; RN100752146; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jason Kemp, David Van Soest)

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

Item 14. **Docket No. 2006-0092-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Enbridge Pipelines East Texas L.P. in Freestone County**; RN100224914; 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)

Item remanded to the Executive Director. KW/LS; all agree.

Item 15. **Docket No. 2006-0057-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN102450756; 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 16. **Docket No. 2006-0149-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Innovene USA LLC in Galveston County**; RN104579487; 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 17. **Docket No. 2005-2017-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Intercontinental Terminals Company in Harris County**; RN100210806; 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 18. **Docket No. 2006-0309-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LBC Houston, L.P. in Harris County**; RN101041598; 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/LS; all agree.

Item 19. **Docket No. 2004-1496-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marshall Pottery Inc. in Harrison County**; RN102303369; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Carolyn V. Lind, David Van Soest)

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

Item 20. **Docket No. 2006-0158-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Milwhite, Inc. in Culberson County**; RN100826361; 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)

Item remanded to the Executive Director. KW/LS; all agree.

Item 21. **Docket No. 2005-1865-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oiltanking Beaumont Partners, L.P. in Jefferson County**; RN101042885; 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 22. **Docket No. 2006-0251-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Sunoco Pipeline L.P. in Orange County**; RN100214972; 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 23. **Docket No. 2006-0203-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Parker-Hannifin Corporation in Nacogdoches County**; RN100218726; 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)

Item remanded to the Executive Director. KW/LS; all agree.

Item 24. **Docket No. 2006-0532-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Harris County**; RN100219310; 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. (Melissa Keller, David Van Soest)

Item remanded to the Executive Director.

Item 25. **Docket No. 2005-1949-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Total Petrochemicals USA, Inc. in Harris County**; RN100909373; 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.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

- Item 26. **Docket No. 2003-1564-IWD-E.** Consideration of an Agreed Order assessing administrative penalties against **USS Tubular Processing, Inc. dba Delta Tubular Processing, L.P.** in **Harris County**; Texas Pollutant Discharge Elimination System Permit No. 0003540-000; Regulated Entity ID No. RN102180395; 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. (Tel Croston, David Van Soest)

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

LICENSED IRRIGATOR ENFORCEMENT AGREED ORDERS

- Item 27. **Docket No. 2006-0234-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marjorie Powell** in **Dallas County**; RN104479316; for licensing violations pursuant to Tex. Water Code ch. 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Carolyn V. Lind, David Van Soest)

Item remanded to the Executive Director. KW/LS; all agree.

- Item 28. **Docket No. 2006-0159-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Roger Rutledge** in **Eastland County**; RN104858907; for licensing/certification violations pursuant to Tex. Water Code ch. 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., David Van Soest)

Item remanded to the Executive Director. KW/LS; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

- Item 29. **Docket No. 2006-0404-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Alvarado** in **Johnson County**; RN101394385; 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)

Item remanded to the Executive Director. KW/LS; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

- Item 30. **Docket No. 2004-1291-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jackie W. Davis, Individually, and Jackie W. Davis, Executor, Estate of Ola Faye Davis, Deceased** in **Denton County**; TCEQ ID Nos. RN104256136 and RN104619101; for municipal solid waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the

Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Jennifer Cook)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 31. **Docket No. 2006-0223-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Iredell in Bosque County**; RN101607752; 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/LS; all agree.

Item 32. **Docket No. 2004-2115-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Kosse in Limestone County**; Texas Pollutant Discharge Elimination System Permit No. 11405001, RN101919702; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Joseph Daley, David Van Soest)

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

Item 33. **Docket No. 2004-0156-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Munday in Knox County**; Texas Pollutant Discharge Elimination System Permit No. 10228-002, Regulated Entity ID No. RN103016192; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, David Van soest)

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

Item 34. **Docket No. 2005-1874-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cotulla in La Salle County**; RN101920148; 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 35. **Docket No. 2004-0970-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District No. 8 in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 11727-001; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on

Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Amy Burgess, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 36. **Docket No. 2005-1464-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brownsville Val-Marts, L.L.C. dba Val-Mart No. 2** in **Cameron County**; TCEQ ID No. RN102470168; 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. (Robert R. Mosley, Jennifer Cook)

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

Item 37. **Docket No. 2006-0235-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Altaf Food Store, Inc. dba Pennysaver Foodstore** in **Dallas County**; RN101447209; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, David Van Soest)

Item remanded to the Executive Director. KW/LS; all agree.

Item 38. **Docket No. 2005-1380-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Zaval-Tex Construction Company** in **Jefferson County**; RN102778651; 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. (Edward R. Moderow, David Van Soest)

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

Item 39. **Docket No. 2005-1340-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Eshetu Teklu dba Niyala Fina** in **Tarrant County**; RN101535250; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Deana Holland, David Van Soest)

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

Item 40. **Docket No. 2006-0245-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Malik Enterprises, Inc. dba KC2 Grocery Store** in **Tarrant County**; RN101634889; 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. (Joseph Daley, David Van Soest)

Item remanded to the Executive Director. KW/LS; all agree.

Item 41. **Docket No. 2006-0156-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Star Investments, Inc. dba Texas Star 169** in **Nueces County**; RN102356201; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Joseph Daley, David Van Soest)

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

Item 42. **Docket No. 2006-0182-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Adeel, Inc. dba Carson Food Market in Tarrant County**; RN101535953; 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. (Judy Kluge, David Van Soest)

Item remanded to the Executive Director. KW/LS; all agree.

Item 43. **Docket No. 2006-0135-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ABF Freight System, Inc. in El Paso County**; RN101628394; 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)

Item remanded to the Executive Director. KW/LS; all agree.

Item 44. **Docket No. 2004-2053-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Abed Brothers Corporation dba Texas Meat Market in Bexar County**; Petroleum Storage Tank Registration No. 74363, RN101849701; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Joseph Daley, David Van Soest)

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

Item 45. **Docket No. 2006-0181-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jarrell Texaco, Inc. in Williamson County**; RN101310316; 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. (Rajesh Acharya, David Van Soest)

Item remanded to the Executive Director. KW/LS; all agree.

Item 46. **Docket No. 2006-0256-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jerry, Jr., Inc. dba Country Store in La Salle County**; RN101444677; 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. (Christina J. Martinez, David Van Soest)

Item remanded to the Executive Director. KW/LS; all agree.

Item 47. **Docket No. 2003-1035-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert McAdams dba Crossroads Mercantile in Henderson County**; TCEQ ID No. RN102488780; 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 Gilbreth, Jennifer Cook)

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

Item 48. **Docket No. 2006-0274-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Choice Petroleum, Inc. dba Gators 2 in Jefferson County**; RN102049053; 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. (Rajesh Acharya, David Van Soest)

Item remanded to the Executive Director. KW/LS; all agree.

Item 49. **Docket No. 2006-0226-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Cibolo Grocery Store Inc. in Bexar County**; RN104568753; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steven Mahr, David Van Soest)

Item remanded to the Executive Director. KW/LS; all agree.

Item 50. **Docket No. 2005-0138-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lisanti Realty Corporation dba Lisanti Food Service in Dallas County**; TCEQ ID No. RN102047289; 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 L. Gilbreth, Jennifer Cook)

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

Item 51. **Docket No. 2005-0084-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jacinto Enterprises, Inc. dba Siesta Grocery in Maverick County**; TCEQ ID No. RN102957941; 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 L. Gilbreth, Jennifer Cook)

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

Item 52. **Docket No. 2006-0134-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Auxiliary of Sierra Medical Center in El Paso County**; RN100641729; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Shontay Wilcher, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 53. **Docket No. 2005-0437-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **SESE LLC dba Pic N Go in Dallas County**; TCEQ ID No. RN102428505; 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. (Robert R. Mosley, Jennifer Cook)

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

Item 54. **Docket No. 2005-0950-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **BASN Corporation dba Swif T Store 21 in Dallas County**; TCEQ ID No. RN102044344; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health and Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Jennifer Cook)

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

Item 55. **Docket No. 2005-1513-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Candido Amaya dba La Hacienda Station and Consuelo Amaya dba La Hacienda Station in Cameron County**; TCEQ ID No. RN102957610; 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. (Robert Mosley, Jennifer Cook)

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

Item 56. **Docket No. 2005-1469-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Centergas, Inc. dba Dean's One Stop in Potter County**; TCEQ ID Nos. 109171 and RN102450384; 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. (Rebecca Davis, Jennifer Cook)

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

FIELD CITATIONS

Item 57. **2006-0491-PST-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **American OGD Corporation dba Galloway Food Mart in Dallas County**; RN102255510; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

Approve the Field Citation. KW/LS; all agree.

Item 58. **Docket No. 2006-0444-PST-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Randy L. Gardner dba Handy Randy's in Tyler County**; RN101800530; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

Approve the Field Citation. KW/LS; all agree.

Item 59. **Docket No. 2006-0464-PST-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Wanda Morgan in Tom Green County**; RN104093596; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

Approve the Field Citation. KW/LS; all agree.

Item 60. **Docket No. 2006-0489-PST-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Three Rivers Flying Service in Tom Green County**; RN100672690; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

Approve the Field Citation. KW/LS; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 61. **Docket No. 2005-1070-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Donald Dragoo dba Union Hill Water Corporation in Johnson County**; TCEQ ID No. RN102683711; for public drinking water

violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Rachael Gaines, Jennifer Cook)

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

Item 62. **Docket No. 2005-0931-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Center Point Supply, Inc. dba Children's Depot** in **Bandera County**; TCEQ ID No. RN101179091; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Shana L. Horton, Jennifer Cook)

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

Item 63. **Docket No. 2006-0352-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **S.J.G. Corp. dba Salt Lick Bar B Q** in **Hays County**; RN101280873; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kent Heath, David Van Soest)

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

Item 64. **Docket No. 2005-2023-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **South Tawakoni Water Supply Corporation** in **Van Zandt County**; RN101459337; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Cheryl Thompson, David Van Soest)

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

Item 65. **Docket No. 2006-0172-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Mansoor Khawaja dba CJ's One Stop 2** in **Montgomery County**; RN101797504; 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)

Item remanded to the Executive Director. KW/LS; all agree.

Item 66. **Docket No. 2006-0113-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flo Community Water Supply Corporation** in **Leon County**; RN101440949; 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/LS; all agree.

Item 67. **Docket No. 2006-0194-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Lott** in **Falls County**; RN102697786; for

drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, David Van Soest)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 68. **Docket No. 2005-1603-PWS-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Carol Watson dba Cobblestone Smokehouse in Bexar County**; TCEQ ID No. RN102321163; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Deanna Sigman, Jennifer Cook)

Item remanded to the Executive Director.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 69. **Docket No. 2004-1062-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Osburn Sand Co. in Bexar County**; TCEQ ID Nos. RN100846443 and TXR05R718; 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. (Courtney St. Julian, Jennifer Cook)

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

Item 70. **Docket No. 2006-0390-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Buda in Hays County**; RN104917109; 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)

Item remanded to the Executive Director. KW/LS; all agree.

Item 71. **Docket No. 2004-0911-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Prater Equipment Co., Inc. dba PEC Materials Reid Pit in Stephens County**; Regulated Entity Reference No. RN104285267; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, David Van Soest)

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

Item 72. **Docket No. 2006-0238-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Site Concrete, Inc. in Tarrant County**; RN104888425; 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.

GIFTS AND DONATIONS

Item 73. **Docket No. 2006-0699-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 B](#), which contains the names of the donors and descriptions and statements of the purposes of the gifts, which is attached to and incorporated in these minutes. KW/LS; all agree.

RULE MATTERS

Item 74. **Docket No. 2005-1871-SIP.** Consideration for adoption of the state implementation plan to implement the **Federal Clean Air Interstate Rule (CAIR)** and House Bill 2481 of the 79th Texas Legislature, Regular Session. The revision incorporates the CAIR by reference and prescribes the statewide emissions budgets for nitrogen oxide (NO_x) and sulfur dioxide (SO₂) for electric generating units (EGUs) established in the CAIR by requiring EGUs to participate in a United States Environmental Protection Agency (EPA)- administered interstate cap and trade system that caps emissions in two stages. These revisions would also fulfill the State's obligation for control of interstate transport of PM_{2.5} under section 110(a)(2)(D) of the Federal Clean Air Act (FCAA), as determined by the EPA in the CAIR.(Kim Herndon, Terry Salem) (Project No. 2005-048-SIP-NR)

Adopt the state implementation plan to implement the Federal Clean Air Interstate Rule (CAIR) and House Bill 2481 of the 79th Texas Legislature, Regular Session. KW/LS; all agree.

Item 75. **Docket No. 2005-1872-SIP.** Consideration for adoption of revisions to the state plan for designated facilities and pollutants, to implement the **Federal Clean Air Mercury Rule (CAMR)** and House Bill 2481 of the 79th Texas Legislature, 2005, Regular Session. The revisions incorporate the CAMR by reference and prescribe mercury emissions standards for coal-fired electric generating units (EGUs) statewide. The revisions also require EGUs to participate in a United States Environmental Protection Agency (EPA)- administered interstate cap and trade system that provides each state a mercury emissions budget and caps total nationwide emissions in two stages. These revisions, once adopted, would fulfill the State's obligation to establish standards of performance for new and existing stationary sources under section 111 of the Federal Clean Air Act, as determined by the EPA in the CAMR. (Kim Herndon, Laura Pfefferle) (Project No. 2005-049-SIP-NR)

Adopt the revisions to the state plan for designated facilities and pollutants, to implement the Federal Clean Air Mercury Rule (CAMR) and House Bill 2481 of the 79th Texas Legislature, 2005, Regular Session. KW/LS; all agree.

Item 76. **Docket No. 2005-1869-RUL.** Consideration of the adoption of new Sections 101.501, 101.502, 101.503, 101.504, 101.506, and 101.508 of **30 TAC Chapter 101**, General Air Quality Rules; and corresponding revisions to the state implementation plan. Consideration of the adoption of amended Sections 122.10, 122.12, 122.120, 122.410; and new Sections 122.420, 122.422, 122.424, 122.426, 122.428, 122.440, 122.442, 122.444, 122.446, and 122.448 of **30 TAC Chapter 122**, Federal Operating Permits Program.

The adoption amends Chapter 101 to incorporate by reference the model trading rule requirements of the Clean Air Interstate Rule (CAIR). CAIR is a federal program promulgated to reduce the interstate transport of fine particulate matter through the control of NO_x and SO₂ emissions. House Bill 2481, 79th Legislature, 2005, Regular Session, directed the commission to meet the CAIR reduction requirements by incorporating the CAIR model trading rules by reference and participating in an EPA-administered cap-and-trade program for annual NO_x and annual SO₂ emissions. The bill also provided specific direction for the methodology to be used in allocating the NO_x trading budget provided to Texas, identified an amount of CAIR NO_x allowances to be set-aside for new sources, and specified that reductions associated with CAIR would only be required from new and existing electric generating units.

The adoption also amends Chapter 122 to incorporate the permitting requirements for CAIR and the Clean Air Mercury Rule (CAMR) by reference. The CAIR and CAMR permits will establish federal enforceability of the CAIR and CAMR trading programs by listing all applicable requirements of the trading programs applicable to each CAIR and CAMR unit at the source. The proposed rules were published in the March 17, 2006, issue of the *Texas Register* (31 TexReg 1872). (Cory Chism, Terry Salem) (Rule Project No. 2005-046-101-EN)

Adopt new Sections 101.501, 101.502, 101.503, 101.504, 101.506, and 101.508 of 30 TAC Chapter 101, and corresponding revisions to the state implementation plan; as well as amended Sections 122.10, 122.12, 122.120, 122.410; and new Sections 122.420, 122.422, 122.424, 122.426, 122.428, 122.440, 122.442, 122.444, 122.446, and 122.448 of 30 TAC Chapter 122. KW/LS; all agree.

Item 77. **Docket No. 2005-1870-RUL.** Consideration of the adoption of new Sections 101.601 and 101.602 of **30 TAC Chapter 101**, General Air Quality Rules, and corresponding revisions to the state plan for designated facilities and pollutants.

The adoption amends Chapter 101 to incorporate by reference the model trading rule requirements of the Clean Air Mercury Rule (CAMR). CAMR is a federal program promulgated to permanently cap and reduce mercury emissions from new and existing coal-fired electric generating units nationwide. House Bill 2481, 79th Legislature, 2005, Regular Session, directed the commission to meet the CAMR reduction requirements by incorporating the CAMR model trading rules by reference and participating in an EPA-administered cap-and-trade program for annual mercury emissions. The proposed rules were published in the March 17, 2006, issue of the *Texas Register* (31 TexReg 1884). (Cory Chism, Laura Pfefferle) (Rule Project No. 2005-047-101-EN)

Adopt new Sections 101.601 and 101.602 of 30 TAC Chapter 101 and corresponding revisions to the state plan for designated facilities and pollutants. KW/LS; all agree.

Item 78. **Docket No. 2005-1993-RUL.** Consideration for adoption of amendments to Sections 285.2, 285.7, 285.33, 285.50, 285.61, 285.70, 285.71, and 285.90; repeal of Section 285.64; and new Sections 285.64 and 285.65 of **30 TAC Chapter 285**, On-Site Sewage Facilities.

The adopted rulemaking implements 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 adopted rulemaking amends the definitions for Edwards Aquifer recharge zone, maintenance company and subdivision; amends requirements for maintaining aerobic on-site sewage facilities; addresses new requirements for manufacturer and maintenance provider training and responsibilities; provides a two-year "phase out" period for maintenance providers with a wastewater Class D license; addresses homeowner training, responsibilities, and timing for training homeowners; provides detailed direction for mound and soil substitution disposal design options; provides direction for registration of maintenance providers and duties and responsibilities for installers; repeals Section 285.64 and creates new Section 285.64 to describe duties and responsibilities of maintenance companies; creates new Section 285.65 to describe suspension or revocation of license or registration for maintenance providers which will be used in enforcement proceedings; amends requirements for homeowners who perform their own maintenance; provides permitting authorities additional requirements for violation enforcement against maintenance companies and homeowners; amends the model deed and affidavit language for homeowners to change the reference from TNRCC to TCEQ; amends the sampling, testing and reporting record to include language for homeowners who will be performing and reporting maintenance of their own aerobic systems; and amends the typical drain field sectional view to correspond with changes in soil substitution drain field design. The proposed rules were published in the February 24, 2006, issue of the *Texas Register* (31 TexReg 1173). (Joseph Strouse, Claudia Russell) (Rule Project No. 2005-040-285-CE)

Adopt amendments to Sections 285.2, 285.7, 285.33, 285.50, 285.61, 285.70, 285.71, and 285.90; repeal of Section 285.64; and new Sections 285.64 and 285.65 of 30 TAC Chapter 285 as amended by the Commissioners at the dais. KW/LS; all agree.

Item 79. **Docket No. 2005-2068-RUL.** Consideration of the adoption of new Subchapter H, Quarry Discharges to the John Graves Scenic Riverway, Sections 311.71 - 311.82 of **30 TAC Chapter 311**, Watershed Protection; and new Subchapter W, Financial Assurance for Quarries, Sections 37.9160, 37.9165, 37.9170, 37.9175, 37.9180, 37.9185, 37.9190, 37.9195, 37.9200, 37.9205, 37.9210, 37.9215, 37.9220, 37.9225, 37.9230, 37.9235, and 37.9240 of **30 TAC Chapter 37**, Financial Assurance.

The adoption would implement Senate Bill (SB) 1354, 79th Legislature, 2005, Regular Session. SB 1354 amended the Texas Water Code by adding Chapter 26, Subchapter M, Water Quality Protection Areas. The rulemaking under Chapter 311, Subchapter H, addresses permitting and financial responsibility for quarries located within a water quality protection area in the John Graves Scenic Riverway. The rulemaking under Chapter 37, Subchapter W, establishes additional financial assurance requirements for quarries located within a water quality protection area in the John Graves Scenic Riverway. The proposed rules were published in the March 24, 2006, issue of the *Texas Register* (31 TexReg 2395, 2411). (Kimberly Wilson, Michael Northcutt) (Rule Project No. 2005-051-037-PR)

Adopt new Subchapter H, Sections 311.71 - 311.82 of 30 TAC Chapter 311 and new Subchapter W, Sections 37.9160, 37.9165, 37.9170, 37.9175, 37.9180, 37.9185, 37.9190, 37.9195, 37.9200, 37.9205, 37.9210, 37.9215, 37.9220, 37.9225, 37.9230, 37.9235, and 37.9240 of 30 TAC Chapter 37. KW/LS; all agree.

Item 80. **Docket No. 2005-1914-RUL.** Consideration of the adoption of an amendment to **30 TAC Chapter 335**, Industrial Solid Waste and Municipal Hazardous Waste, Subchapter H, Standards for the Management of Specific Wastes and Specific Types of Facilities, Division 5, Universal Waste Rule, Section 335.261, Universal Waste Rule.

The adoption would incorporate, by reference, the federal rule designating mercury-containing devices as universal waste. This would entail adding "mercury-containing equipment," which includes "convenience switches," to the Texas Commission on Environmental Quality's list of universal wastes. In addition to convenience switches, examples of mercury-containing equipment include thermostats, barometers, and manometers. The proposed rules were published in the February 10, 2006, issue of the *Texas Register* (31 TexReg 823) (G. Michael Lindner, Susan White) (Rule Project No. 2005-072-335-AS)

Adopt amendment to 30 TAC Chapter 335. KW/LS; all agree.

Item 81. **Docket No. 2006-0607-RUL.** Consideration of a petition for rulemaking under **30 TAC Section 20.15**.

The petition was filed with the Texas Commission on Environmental Quality on May 23, 2006 by Paul J. Pearce, Ph.D. The petitioner requests changes to Sections 290.41, 290.42, and 290.44 in 30 TAC Chapter 290, Public Drinking Water, to increase security measures at public water systems. (Kathy Ramirez, Jessica Luparello) (Rule Project No. 2006-033-PET-NR)

Deny the petition for rulemaking. 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.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: <http://www.texasadmin.com/cgi-bin/tnrcc.cgi>

AGENDA

Wednesday, July 12, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2005-0318-PST-E; SOAH Docket No. 582-06-1501.** Consideration of the Administrative Law Judge's Proposal for Decision (PFD), Exceptions to the PFD, and Order assessing administrative penalties and requiring certain actions of **Mohammad Reza Samadi dba Express Auto Service in Dallas County**; RN101534832; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Xavier Guerra)

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

- Item 2. **TCEQ Docket No. 2002-0970-PST-E; SOAH Docket No. 582-06-1639.** Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties against **Mohammed N. Qureshi dba HAH Gas Mart in Galveston County**; RN101808251; regarding 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. (Lena Roberts)

Adopt the ALJ's Order with the following exceptions: (1) include an additional Ordering Provision to provide that any prior payments made under TCEQ Docket No. 2002-0970-PST-E shall be credited against the total administrative penalty of \$3,750; and (2) change the word "imposition" in Ordering Provision No. 2 to "payment". KW/LS; all agree.

- Item 3. **TCEQ Docket No. 2000-0396-IHW-E; SOAH Docket No. 582-04-0251.** Consideration of the Administrative Law Judge's Proposal for Decision, Exceptions and Replies to Exceptions, and Order assessing administrative penalties and requiring certain actions of **Chester L. Slay, Jr., individually; Union Texas Limited Partnership; and Chester L. Slay Jr., Trustee of Peckham Family Trust in Jefferson County**; RN102503786; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 26, Tex Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality. (James Sallans)

Item continued to a future agenda.

(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.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: <http://www.texasadmin.com/cgi-bin/tnrcc.cgi>

/s/ Anne Rowland
Assistant General Counsel,
Anne Rowland

10-31-2006
Date