

Chairman Kathleen White
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, August 23, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the August 9, 2006 agenda.

- Item 1. **Docket No. 2006-1016-BGT.** Consideration and Approval of the Agency's FY 2007 Recommended Operating Budget and the Agency's 2008/2009 Legislative Appropriations Request (LAR).

Approve the Agency's 2008/2009 Legislative Appropriations Request as outlined by the Executive Director. KW/LS; all agree.

AGENDA

Wednesday, August 23, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 1. **Docket No. 2006-0526-AGR-E.** Consideration of an Agreed Order assessing administrative penalties against **Fred E. Koricanek** in **De Witt County**; RN104796834; 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.

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 2. **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)

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

- Item 3. **Docket No. 2006-0303-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cemex, Inc.** in **Ector County**; RN100213305; 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 4. **Docket No. 2006-0196-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. (Terry Murphy, David Van Soest)

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

- Item 5. **Docket No. 2006-0448-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enbridge Pipelines (NE Texas) L.P.** in **Upshur County**; RN100209477; 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 6. **Docket No. 2005-0289-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Exxon Mobil Corporation in Harris County**; Air Account No. HG0232Q, New Source Review Flexible Permit 18287 and PSD-TX-730M3, RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, David Van Soest)

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

Item 7. **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)

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

Item 8. **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)

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

Item 9. **Docket No. 2006-0242-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Innovene USA LLC in Brazoria County**; RN100238708; 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 10. **Docket No. 2006-0187-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Harris County**; RN104150123; 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.

Item 11. **Docket No. 2006-0231-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Moss Bluff HUB Partners, L.P. in Liberty County**; RN100217256; 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 12. **Docket No. 2006-0236-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lyondell Chemical Company in Harris County**; RN100633650; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, David Van Soest)

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

Item 13. **Docket No. 2006-0132-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN100542844; 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. (Bryan Elliott, 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)

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

Item 15. **Docket No. 2006-0147-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Harris County**; RN103919817; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, David Van Soest)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 16. **Docket No. 2004-2077-AIR-E.** Consideration of a Default Order assessing administrative penalties against **Blas Compean dba The Wright Stop in El Paso County**; TCEQ ID No. RN100814524; 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. ch. 60. (Justin Lannen, Jennifer Cook)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

- Item 17. **Docket No. 2006-0213-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **The Enclave at Canyon Lake, Ltd. in Comal County**; RN104771928; 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. (Lynley Doyen, David Van Soest)

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

- Item 18. **Docket No. 2006-0237-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **The Optimist Club of Town & Country, Round Rock, Texas in Williamson County**; RN102731007; 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. (Audra L. Ruble, David Van Soest)

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

EDWARDS AQUIFER ENFORCEMENT DEFAULT ORDER

- Item 19. **Docket No. 2005-0882-EAQ-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Vernco Construction, Inc. in Bexar County**; TCEQ ID No. RN104537261; for water 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. (Shawn Slack, Jennifer Cook)

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

FIELD CITATIONS

- Item 20. **Docket No. 2006-0858-OSI-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Curtis Houck in Taylor County**; RN103824405; for onsite sewage facility violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, David Van Soest)

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

- Item 21. **Docket No. 2006-0755-PST-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Patiala Petroleum, LLC dba Cherry Lane Food Mart in Tarrant County**; RN101642791; 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.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT DEFAULT ORDER

Item 22. **Docket No. 2005-1699-IHW-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Imthkn Acquisitions, LLC** in **Dallas County**; TCEQ ID No. RN100595180; for industrial and hazardous waste violations pursuant to Texas Health & Safety Code ch. 361, Texas Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mark Curnutt, Jennifer Cook)

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

LICENSED IRRIGATOR ENFORCEMENT AGREED ORDERS

Item 23. **Docket No. 2006-0204-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dennis O. Brito** in **Dallas County**; RN103543013; 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. (Brent Hurta, David Van Soest)

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

Item 24. **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)

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

Item 25. **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)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 26. **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)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 27. **Docket No. 2005-1743-MLM-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Henk Post dba Henk Post Farm** in **Franklin County**; TCEQ ID No. RN103777298; for municipal solid waste and air quality violations

pursuant to Texas Health & Safety Code chs. 361 and 382, Texas Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shawn Slack, Jennifer Cook)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 28. **Docket No. 2006-0151-MSW-E.** Consideration of an Agreed Order assessing administrative penalties against **Three Lakes Land Co., L.L.C. in Cameron County**; RN104801121; 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. (Jason Kemp, David Van Soest)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 29. **Docket No. 2005-1337-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Benbrook L.L.C. dba Benbrook Village Mobile Home Park Wastewater Treatment Facility in Tarrant County**; TCEQ ID No. RN102963238; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Deanna Sigman, Jennifer Cook)

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

Item 30. **Docket No. 2006-0287-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Springtown Independent School District in Parker County**; RN101524866; 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 31. **Docket No. 2006-0205-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Prairie View in Waller County**; RN103769865; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, David Van Soest)

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

ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT AGREED ORDER

Item 32. **Docket No. 2005-2061-OSS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gary Stahlheber dba Oakridge Mobile Home Park in Brazoria County**; RN104609250; for water quality violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality. (Catherine Albrecht, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 33. **Docket No. 2005-0271-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Golden Horn Corporation dba Cat Corner in Galveston County**; TCEQ ID No. RN101765188; 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. (Rachael Gaines, Jennifer Cook)

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

Item 34. **Docket No. 2005-1403-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **N.T. Petroleum - Bedford, LLC dba Bedford Chevron in Tarrant County**; TCEQ ID Nos. 69212 and RN101545705; 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. (Shawn Slack, Jennifer Cook)

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

Item 35. **Docket No. 2005-1646-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Plain-O-Gas, Inc. dba FINA in Collin County**; TCEQ ID No. RN101542512; 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. (Deanna Sigman, Jennifer Cook)

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

Item 36. **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)

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

Item 37. **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)

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

Item 38. **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)

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

- Item 39. **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)

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

- Item 40. **Docket No. 2006-0259-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Baba Sadiq Investments, Inc. dba Rite Track 5 in Cherokee County**; RN102242187; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Shontay Wilcher, David Van Soest)

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

- Item 41. **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)

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)

Approve the Agreed Order. 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)

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

- Item 44. **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. (Judy Kluge, David Van Soest)

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

- Item 45. **Docket No. 2004-0381-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Larry Beakey dba BBT Investments in Cameron County**; TCEQ ID No. RN102821758; 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 46. **Docket No. 2005-0403-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bluff Springs Food Mart, Inc. dba Mr. MC's Grocery & Market in Travis County**; TCEQ ID Nos. 24730 and RN101492379; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Justin Lannen, Jennifer Cook)

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

- Item 47. **Docket No. 2005-1664-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shawn & Sameer, Inc. dba Lawn Minit Mart in Taylor County**; TCEQ ID No. RN102382827; 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. (Mark Curnutt, Jennifer Cook)

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

- Item 48. **Docket No. 2005-1374-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Hazrat Syed Ahmed dba Ezy Stop in Harris County**; TCEQ ID No. RN101377984; 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 Tex. Admin. Code ch. 60. (Rachael Gaines, Jennifer Cook)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

- Item 49. **Docket No. 2005-1493-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Tajammal Incorporated dba Super Stop 18 in Jefferson County**; TCEQ ID No. RN102382058; 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. (Shana L. Horton, Jennifer Cook)

The Commission approved a Motion to Reconsider its original vote approving the Default Order and thereafter set aside its vote and remanded the Default Order to the Executive Director. KW/LS; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 50. **Docket No. 2005-1092-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Point in Rains County**; TCEQ ID Nos. 1900004 and RN101391407; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Davis, Jennifer Cook)

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

Item 51. **Docket No. 2006-0217-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Weldon W. Alders dba Southampton Subdivision and dba Meadow Glen Crystal Springs Water in Liberty County**; RN101239887, RN101220580; 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 52. **Docket No. 2005-1931-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of New Summerfield in Cherokee County**; RN102692621; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samuel Short, David Van Soest)

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

Item 53. **Docket No. 2006-0137-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of McGregor in McLennan County**; RN101387199, RN101458420; 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 54. **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)

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

Item 55. **Docket No. 2006-0318-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arthur Thompson Post No. 8905, Veterans of Foreign Wars of the United States, Cypress, Texas in Harris County**; RN101652147; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Tel Croston, David Van Soest)

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

Item 56. **Docket No. 2005-1682-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Silverlake Church in Brazoria County**; TCEQ ID No. RN101244986; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 57. **Docket No. 2005-1383-PWS-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **James R. Maib dba Coletto Water Company, Inc. and dba H2O Systems Plus, Inc.** in **Victoria County**; TCEQ ID No. RN102683562; 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. (Shana L. Horton, Jennifer Cook)

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

Item 58. **Docket No. 2005-1766-PWS-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Poalson Investments, L.L.C.,** in **Travis County**; TCEQ ID No. RN101232056; 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. (Shawn Slack, Jennifer Cook)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 59. **Docket No. 2004-1152-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Adrian Astello dba Astello Stone** in **Palo Pinto County**; TCEQ ID No. RN102409596; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alfred Okpohworho, Jennifer Cook)

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

Item 60. **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)

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

MOTION TO VACATE

Item 61. **TCEQ Docket No. 2000-1254-PWS-E.** Consideration of the Executive Director's Motion to Vacate Default Order against **Mary Fielder dba End of the Trail** in **Brazoria County, Texas**; PWS ID No. 200425; regarding public drinking water supply violations pursuant to

Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality.

Approve the Motion to Vacate Default Order. KW/LS; all agree.

DISTRICT MATTER

Item 62. **Docket No. 2006-0453-DIS.** Consideration of a petition from William H. Frey, President of Frey Development Companies, Inc., a general partner in Saltgrass 300, Ltd (Applicant), for dissolution of **Galveston County Municipal Utility District No. 20** (District) in **Galveston County**. The Applicant requests that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. 03242006-D02; Rob Cummins, Christiaan Siano)

Approve the petition for dissolution of Galveston County Municipal Utility District No. 20. KW/LS; all agree.

TMDL MATTERS

Item 63. **Docket No. 2006-0575-TML.** Consideration for approval of a final TMDL Implementation Plan for total dissolved solids and chloride in Clear Creek Above Tidal (Segment 1102) of the **San Jacinto-Brazos Coastal Basin in Fort Bend, Harris, Brazoria, and Galveston Counties**. (Tom Weber, Marc Friberg)

Approve the final TMDL Implementation Plan for total dissolved solids and chloride in Clear Creek Above Tidal of the San Jacinto-Brazos Coastal Basin. KW/LS; all agree.

Item 64. **Docket No. 2006-0623-TML.** Consideration for approval of a final TMDL Implementation Plan for polychlorinated biphenyls (PCBs) in fish tissue in Lake Worth (Segment 0807) of the **Trinity River Basin in Tarrant County**. (Tom Weber, Marc Friberg)

Approve the final TMDL Implementation Plan for polychlorinated biphenyls in fish tissue, in Lake Worth of the Trinity River Basin. KW/LS; all agree.

Item 65. **Docket No. 2006-0886-TML.** Consideration for approval to publish and solicit public comment on three draft TMDLs for chloride, sulfate, and total dissolved solids in Petronila Creek Above Tidal (Segment 2204) of the **Nueces-Rio Grande Coastal Basin, in Nueces and Kleberg Counties**. (Tom Weber, Marc Friberg)

Approve the publication and solicitation of public comment on three draft TMDLs for chloride, sulfate, and total dissolved solids in Petronila Creek Above Tidal of the Nueces-Rio Grande Coastal Basin. KW/LS; all agree.

Item 66. **Docket No. 2006-0596-TML.** Consideration for approval of a final TMDL Implementation Plan for nitrate-nitrogen in Lower Sabinal River (Segment 2110) of the **Nueces River Basin in Uvalde County**. (Tom Weber, Marc Friberg)

Approve the final TMDL Implementation Plan for nitrate-nitrogen in Lower Sabinal River of the Nueces River Basin. KW/LS; all agree.

RULE MATTERS

- Item 67. **Docket No. 2006-0525-RUL.** Consideration for publication of, and hearing on, proposed new Sections 19.1, 19.3, 19.10, 19.12, and 19.14 in **30 TAC new Chapter 19**, Electronic Reporting.

The proposed rulemaking would outline the electronic reporting requirements for agency programs. The United States Environmental Protection Agency (EPA) promulgated its Cross Media Electronic Reporting Rule (CROMERR) on October 13, 2005, which impacts the Texas Commission on Environmental Quality's federally authorized programs by requiring specific regulatory changes in those programs in order for the commission to accept reports and applications electronically. Adding a chapter for electronic reporting will minimize the need to open multiple rule sections now or in the future in the event EPA amends CROMERR. This rule also will establish that a person who fails to comply with electronic reporting procedures will be subject to the same level of enforcement as for failure to report as required. (Ellette Vinyard, James Sallans) (Rule Project No. 2006-018-019-PR)

Approve the publication of, and hearing on, proposed new Sections 19.1, 19.3, 19.10, 19.12, and 19.14 in 30 TAC new Chapter 19. KW/LS; all agree.

- Item 68. **Docket No. 2006-0673-RUL.** Consideration for publication of proposed amendments to **30 TAC Chapter 90**, Innovative Programs, Subchapter A, Section 90.2; and Subchapter C, Sections 90.30, 90.36, 90.40, 90.42, and 90.44. The proposed rules would modify the compliance requirements for participation in innovative programs, streamline the assessment of entities' environmental management systems for participation in TCEQ innovative programs, and make other changes to harmonize the rules with Texas Water Code, Sections 5.127 and 5.131. (Brian Christian, Pinar Dogru) (Rule Project No. 2006-028-090-AD)

Approve publication of proposed amendments to 30 TAC Chapter 90. KW/LS; all agree.

- Item 69. **Docket No. 2006-0781-RUL.** Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification, Sections 116.110, 116.116, 116.615, 116.710, 116.721, 116.787, 116.805, 116.820, 116.930, 116.1020, 116.1021, and 116.1424; and a proposed amendment to **30 TAC Chapter 321**, Control of Certain Activities by Rule, Section 321.43. The proposed amendments to Chapter 116 will be submitted as a revision to the state implementation plan.

The proposed rulemaking would implement statutory requirements of Senate Bill 1740, 79th Legislature, 2005, Regular Session, concerning construction of facilities prior to the issuance of a permit, and concerning distance limits, setbacks, and buffer zones specified in air quality standard permits. (Mike Wilhoit, John Minter) (Rule Project No. 2005-052-116-PR)

Approve publication of, and hearing on, proposed amendments to 30 TAC Chapter 116 and a proposed amendment to 30 TAC Chapter 321 with modification to the preamble as outlined by the Commissioners at agenda. KW/LS; all agree.

- Item 70. **Docket No. 2006-0802-RUL.** Consideration for publication of amended Sections 350.2 - 350.4, 350.33, 350.34, 350.37, 350.51, 350.54, 350.71, 350.73 - 350.77, 350.79, 350.91 - 350.96, 350.111, and 350.134, and new Section 350.90 of **30 TAC Chapter 350**, Texas Risk Reduction Program.

The proposed rulemaking would amend various provisions in the existing rules to update, clarify, correct errors, and reflect policy changes. (Maria Lebron, Courtney Sprague, and Les Trobman) (Rule Project No. 2005-033-350-PR)

Approve publication of amended Sections 350.2 - 350.4, 350.33, 350.34, 350.37, 350.51, 350.54, 350.71, 350.73 - 350.77, 350.79, 350.91 - 350.96, 350.111, and 350.134, and new Section 350.90 of 30 TAC Chapter 350. KW/LS; all agree.

Item 71. **Docket No. 2005-2016-RUL.** Consideration for adoption of amendments to **30 TAC Chapter 37**, Financial Assurance, Subchapter C, Financial Assurance Mechanisms for Closure, Post Closure, and Corrective Action, Section 37.271, Local Government Financial Test; Subchapter D, Wording of the Mechanisms for Closure, Post Closure, and Corrective Action, Section 37.371, Local Government Financial Test; and Subchapter R, Financial Assurance for Municipal Solid Waste Facilities, Section 37.8011, Definitions.

The adoption would implement House Bill 2131, 79th Legislature, 2005, Regular Session. The adopted rulemaking would expand the definition of local government to include local government corporations as well as conservation and reclamation districts and expand the type of bonds that may be used as part of the local government financial test. The proposed rules were published in the March 24, 2006, issue of the *Texas Register* (31 TexReg 2391). (Rob Norris, Susan White) (Rule Project No. 2005-075-037-AS)

Adopt amendments to 30 TAC Chapter 37. KW/LS; all agree.

EXECUTIVE SESSION

Item 72. **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 and the Commission's General Counsel, 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 73. **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 74. **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](http://www.texasadmin.com/cgi-bin/tnrcc.cgi).

AGENDA

Wednesday, August 23, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. **TCEQ Docket No. 2006-1091-WR.** Consideration of the application of the **Lower Colorado River Authority (LCRA)** for emergency suspension of a Special Condition in Water Right Permit No. 5715 under Texas Water Code Sections 5.506 and 11.148 or Section 11.139. LCRA's Permit No. 5715 allows it to divert water from the Colorado River into Lometa Reservoir, and then use that water for municipal and domestic water supply in **Lampasas, Burnet, Mills, and San Saba Counties**. Special Condition No. 5(b) of Permit No. 5715 establishes minimum instream flow requirements below which LCRA is not allowed to divert water. LCRA is requesting that the Special Condition be suspended to allow LCRA to divert water for 120 days so the Lometa Reservoir may be filled. LCRA states that it needs the requested emergency authorization because it is running out of water in the reservoir, a condition which presents an imminent threat to the public health, safety and welfare, and that it has no feasible, practicable alternatives to this emergency authorization.

In accordance with the General Counsel's letter dated August 16, 2006, this item has been removed from this agenda pursuant to the General Counsel's authority to manage the Commission's public meetings under the General Counsel Resolution, Docket No. 2006-0973-RES, issued on August 14, 2006.

(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](http://www.texasadmin.com/cgi-bin/tnrcc.cgi).

/s/ Greg Merrell
Assistant General Counsel,
Greg Merrell

12-11-2006
Date