

Chairman Kathleen White  
Commissioner Larry Soward  
Commissioner Martin Hubert

## AGENDA

Wednesday, November 1, 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. 2006-1257-MWD.** Consideration of the application by **San Antonio Water System** for a major amendment to TPDES Permit No. WQ0010137040 to authorize an increase in the discharge of treated domestic wastewater from an annual average flow not to exceed 8,500,000 gallons per day to an annual average flow not to exceed 23,500,000 gallons per day. The facility is located approximately 1,300 feet north of the point where U.S. Highway 90 crosses Medio Creek and approximately 1.25 miles west of Interstate Highway 410 in **Bexar** 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. (Celia Castro/Kent H. Trede)

Deny the hearing request, adopt the Executive Director's Response to Comments, and approve the major amendment to the permit. KW/MH; all agree.

Item 2. **Docket No. 2006-0884-MWD.** Consideration of the application by **Westlakes Utility Corporation** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014658001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 990,000 gallons per day. The wastewater treatment facility will be located 2,000 feet west of Loop 1604 and approximately 1,000 feet south of Farm-to-Market Road 143 in Southwest **Bexar 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. (Celia Castro, Bijaya Chalise)

Item continued to the February 21, 2007 agenda.

#### **AGRICULTURAL ENFORCEMENT AGREED ORDER**

Item 3. **Docket No. 2006-0353-AGR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Johannes Hermon Degoede dba Johannes Degoede Dairy** in **Wood County**; RN101524049; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental

Quality, including specifically 30 Texas Administrative Code ch. 60. (Carolyn V. Lind, Steven Lopez)

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

#### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4. **Docket No. 2006-0614-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arkema Inc. in Jefferson County**; RN100216373; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, Steven Lopez)

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

Item 5. **Docket No. 2006-0557-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **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. (Miriam Hall, Steven Lopez)

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

Item 6. **Docket No. 2006-0401-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **BP Amoco Chemical Company in Galveston County**; RN102536307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Daniel Siringi, Steven Lopez)

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

Item 7. **Docket No. 2006-0692-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BP Amoco Chemical Company in Galveston County**; RN102536307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jason Kemp, Steven Lopez)

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

Item 8. **Docket No. 2006-0495-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP in Brazoria County**; RN100210574; 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. (Jessica Rhodes, Steven Lopez)

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

Item 9. **Docket No. 2006-0812-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Occidental Permian LTD. in Terrell County**; RN102422334; 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, Steven Lopez)

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

Item 10. **Docket No. 2006-0705-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tekni-Plex, Inc. dba Dolco Packaging in Dallas County**; RN100215508; 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. (Cari-Michel La Caille, Steven Lopez)

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

Item 11. **Docket No. 2006-0888-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas Crude Energy, Inc. in Nueces County**; RN101975571; 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, Steven Lopez)

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

Item 12. **Docket No. 2006-0591-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Owens Corning in Dallas County**; RN100225291; 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. (Edward R. Moderow, Steven Lopez)

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

Item 13. **Docket No. 2006-0625-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Gerdau Ameristeel US Inc. in Orange County**; RN100226059; 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, Steven Lopez)

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

Item 14. **Docket No. 2006-0646-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Hutchinson County**; RN102495884; 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, Steven Lopez)

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

#### **DRY CLEANER ENFORCEMENT AGREED ORDERS**

Item 15. **Docket No. 2006-0717-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aleem Enterprises, Inc. dba A's Cleaners and dba Comet Cleaners** in **Dallas County**; RN104102579, RN100695089; for dry cleaning registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Steven Lopez)

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

Item 16. **Docket No. 2006-0845-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Willie D. Lawson, Sr. dba Evans Ave Cleaners** in **Tarrant County**; RN104171632; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Shontay Wilcher, Steven Lopez)

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

Item 17. **Docket No. 2006-0740-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bontag Koo dba Glenbrook Cleaners** in **Dallas County**; RN104097878; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

Item 18. **Docket No. 2006-0848-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Hyunsuk Park dba Sunshine Cleaners** in **Tarrant County**; RN104950274; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Shontay Wilcher, Steven Lopez)

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

Item 19. **Docket No. 2006-0718-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Summit Fabric Care, Inc. dba Cuff and Collar Cleaners and dba Empire Cleaners** in **Collin County**; RN104186598 and RN104186572; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Steven Lopez)

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

Item 20. **Docket No. 2006-0715-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Namma Corporation dba Park Cleaners, dba Reino Cleaners, dba Rochelle Cleaners and dba Kim Cooper Cleaners in Tarrant and Dallas Counties;** RN103953642, RN103987954, RN103987913, RN103987889, RN103953626; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Cari-Michel La Caille, Steven Lopez)

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

Item 21. **Docket No. 2006-0849-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Betty Porter dba Overton Mustang Cleaners Copies and More in Rusk County;** RN104957196; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Shontay Wilcher, Steven Lopez)

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

Item 22. **Docket No. 2006-0990-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Momin, Inc. dba Hardys Laundromat & Discount Cleaners in Walker County;** RN103956108; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Thomas Greimel, Steven Lopez)

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

#### **EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 23. **Docket No. 2006-0434-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **KB Home Lone Star LP in Williamson County;** RN104760707; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ruben Soto, Steven Lopez)

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

#### **INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS**

Item 24. **Docket No. 2005-1829-IHW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf West Landfill TX, LP in Chambers County;** RN102151099; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Edward R. Moderow, David Van Soest)

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

Item 25. **Docket No. 2006-0424-IHW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tyler Dirty Dozen, Inc.** in **Smith County**; RN104191853; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Steven Lopez)

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

#### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 26. **Docket No. 2006-0420-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ozark Bottled Water, Inc. dba Hill Country Springs** in **Travis County**; RN101179521; for water quality and drinking water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Epi Villareal, Steven Lopez)

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

Item 27. **Docket No. 2006-0394-MLM-E.** Consideration of an Agreed Order assessing administrative penalties against **YFZ Land, LLC** in **Schleicher County**; TCEQ ID No. RN104250626; for municipal solid waste, occupational safety and water quality violations pursuant to Texas Health & Safety Code ch. 361, Texas Water Code chs. 7, 26, and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Jennifer Cook)

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

#### **MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 28. **Docket No. 2005-1584-MLM-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Milton Doss** in **Bowie County**; TCEQ ID No. RN104601877; for municipal solid waste, water quality, and air violations pursuant to Tex. Health & Safety Code chs. 361 and 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. (Deanna Sigman, Jennifer Cook)

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

#### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 29. **Docket No. 2006-0857-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Coffman Tank Trucks, Inc.** in **Wise County**; RN101556108; 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. (Dana Shuler, Steven Lopez)

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

Item 30. **Docket No. 2006-0281-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rosa Maria Ramon in Webb County**; RN104406079; for municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Steven Lopez)

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

#### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 31. **Docket No. 2006-0678-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Center in Shelby County**; RN101613891; 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. (Daniel Siringi, Steven Lopez)

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

Item 32. **Docket No. 2006-1012-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Giddings in Lee County**; RN101468817; 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. (Brent Hurta, Steven Lopez)

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

Item 33. **Docket No. 2006-0127-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mission in Hidalgo County**; RN102097383; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Carolyn V. Lind, Steven Lopez)

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

Item 34. **Docket No. 2006-0551-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rhome in Wise County**; RN102181815; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Laurie Eaves, Steven Lopez)

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

Item 35. **Docket No. 2005-0604-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Winona in Smith County**; Texas Pollutant Discharge Elimination System Permit No. 10922001, RN101919447; 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 Martin, Steven Lopez)

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

Item 36. **Docket No. 2006-0636-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **San Antonio Water System in Bexar County**; RN100851518; 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, Steven Lopez)

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

Item 37. **Docket No. 2006-0572-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Texas District Council Assemblies of God in Ellis County**; RN101513554; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Steven Lopez)

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

#### **ON SITE SEWAGE FACILITY INSTALLERS ENFORCEMENT DEFAULT ORDER**

Item 38. **Docket No. 2006-0024-OSI-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Larry Don Howard, R.S. in Rockwall and Collin Counties**; TCEQ ID No. RN103574877; for on-site sewage installer violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rachael Gaines, Jennifer Cook)

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

#### **PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 39. **Docket No. 2004-1652-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fillibusters, LLC dba Southwest Café and Market in Bexar County**; TCEQ ID No. RN103711164; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Jennifer Cook)

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



Item 40. **Docket No. 2004-2010-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **CWB Tire Repair & Automotive, Inc. dba CWB Tire Repair & Automotive** in **San Saba County**; TCEQ ID Nos. 3096 and RN101674588; 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/MH; all agree.

Item 41. **Docket No. 2006-0519-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **S.S.P. C-Store, Inc. dba Speedy Food Mart** in **Dallas County**; RN104762737; 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, Steven Lopez)

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

Item 42. **Docket No. 2006-0387-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Orange County** in **Orange County**; RN102051398; 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, Steven Lopez)

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

Item 43. **Docket No. 2006-0690-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mansehra, Inc. dba Super Stop 10** in **Jefferson County**; RN102399342; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Steven Lopez)

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

Item 44. **Docket No. 2005-0209-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tulon Murphy, Jr. dba L & J Grocery Store and Leticia Maria Murphy dba L & J Grocery Store** in **Pecos County**; TCEQ ID No. RN102267234; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Jennifer Cook)

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

#### **PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER**

Item 45. **Docket No. 2006-0123-PST-E.** Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring **Inara Convenience, Inc. dba Rosedale Texaco**

to cease operations of its Underground Storage Tanks in **Tarrant County**; TCEQ ID No. RN101534790; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen Decker, Jennifer Cook)

Item remanded to the Executive Director.

### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 46. **Docket No. 2006-0859-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Center in Shelby County**; RN101390409; 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, Steven Lopez)

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

Item 47. **Docket No. 2006-0481-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Freer Water Conservation and Improvement District in Duval County**; RN101440204; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sandy VanCleave, Steven Lopez)

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

Item 48. **Docket No. 2006-0684-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Knippa Water Supply Corporation in Uvalde County**; RN101456671; 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, Steven Lopez)

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

Item 49. **Docket No. 2004-1458-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Port Lavaca in Calhoun County**; RN103098992; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Audra L. Ruble, Steven Lopez)

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

Item 50. **Docket No. 2004-1750-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **New Horizons Ranch and Center, Inc.** in **Mills County**; Public Water Supply ID No. 1670009, RN101278471; 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, Steven Lopez)

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

Item 51. **Docket No. 2006-0610-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monarch Utilities I L.P.** in **Bandera County**; RN101251403; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Steven Lopez)

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

#### **UNDERGROUND INJECTION CONTROL ENFORCEMENT AGREED ORDER**

Item 52. **Docket No. 2005-1794-UIC-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jay Leslie, Inc. dba Marks Crane & Rigging Co.** in **Ector County**; TCEQ ID No. RN102868999; for underground injection control violations pursuant to Tex. Water Code chs. 7 and 27 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

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

#### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 53. **Docket No. 2006-0723-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Chasco Constructors, Ltd., LLP** in **Williamson County**; RN104910930; 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. (Brent Hurta, Steven Lopez)

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

Item 54. **Docket No. 2006-0521-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Craton Taylor dba Taylor Trucking Sand & Gravel** in **Tarrant County**; RN103719787; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Steven Lopez)

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

#### **WATER RIGHT ENFORCEMENT AGREED ORDER**

Item 55. **Docket No. 2006-0697-WR-E.** Consideration of an Agreed Order assessing administrative penalties against **XTO Energy Inc.** in **Ellis County**; RN104726088; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Pamela Campbell, Steven Lopez)

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

## WATERMASTER MATTERS

Item 56. **Docket No. 2006-1797-BGT. CONSIDERATION OF FISCAL YEAR 2007 ASSESSMENT OF ANNUAL COSTS OF OPERATION FOR WATERMASTER OPERATIONS IN THE SOUTH TEXAS WATER DIVISION.** Pursuant to Texas Water Code Section 11.329; and TAC Section 12.1; 12.3; 12.5 and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster costs of administration for the fiscal year beginning September 1, 2006, and ending August 31, 2007, for appropriators in the South Texas Water Division, which consists of the Nueces, San Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in **Hidalgo, Cameron, Willacy, and Starr counties**. The Executive Director requests approval of an assessment amount of Five Hundred Forty Thousand Two Hundred Fifty Four Dollars, with the assessment per account to consist of a \$50.00 base charge plus a use fee and/or storage fee calculated from the authorized acre-feet, and a penalty of 5.0% of any delinquent fee due imposed on a person who fails to pay the required fee when due and if the person fails to pay the fee within 30 days after the day which the fee is due, an additional 5.0% penalty shall be imposed. (Tracy Callen/Al Segovia/Robin Smith)

Item continued to a future agenda to be determined by the General Counsel. KW/LS; all agree.

Item 57. **Docket No. 2006-1799-BGT. CONSIDERATION OF FISCAL YEAR 2007 ASSESSMENT OF ANNUAL COSTS OF OPERATION FOR WATERMASTER OPERATIONS IN THE CONCHO RIVER WATERMASTER PROGRAM.** Pursuant to Texas Water Code Section 11.329; and TAC Section 12.1; 12.3; 12.5 and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster costs of administration for the fiscal year beginning September 1, 2006, and ending August 31, 2007, for appropriators in the Concho River Watermaster Program, which consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in **Concho County**. The Executive Director requests approval of an assessment amount of One Hundred Sixty Four Thousand One Hundred Thirty Nine Dollars, with the assessment per account to consist of a \$50.00 base charge plus a use fee and/or storage fee calculated from the authorized acre-feet, and a penalty of 5.0% of any delinquent fee due imposed on a person who fails to pay the required fee when due and if the person fails to pay the fee within 30 days after the day which the fee is due, an additional 5.0% penalty shall be imposed (Tracy Callen/Al Segovia/Robin Smith)

Item continued to a future agenda to be determined by the General Counsel. KW/LS; all agree.

Item 58. **Docket No. 2006-1798-BGT. CONSIDERATION OF FISCAL YEAR 2007 ASSESSMENT OF ANNUAL COSTS OF OPERATION FOR WATERMASTER OPERATIONS IN THE RIO GRANDE WATER DIVISION.** Pursuant to Texas Water Code Section 11.329; and TAC Section 12.1; 12.3; 12.5 and 303.71 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster costs of administration for the fiscal year beginning September 1, 2006, and ending August 31, 2007,

for appropriators in the Rio Grande Water Division, which extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers; and includes that portion of the Nueces-Rio Grande Coastal Basin lying in **Hidalgo, Cameron, Willacy and Starr counties**. The Executive Director requests approval of an assessment amount of Six Hundred Thirty Two Thousand Dollars, with the assessment per account to consist of a \$50.00 base charge plus a use fee and/or storage fee calculated from the authorized acre-feet, and a penalty of 5.0% of any delinquent fee due imposed on a person who fails to pay the required fee when due and if the person fails to pay the fee within 30 days after the day which the fee is due, an additional 5.0% penalty shall be imposed. (Tracy Callen/Carlos Rubinstein/Robin Smith)

Item continued to a future agenda to be determined by the General Counsel. KW/LS; all agree.

### MISCELLANEOUS

Item 59. **Docket No. 2006-1722-RES.** Consideration of a Resolution to extend the existence of the **Water Utility Operator Licensing Advisory Committee** until August 31, 2010, and to appoint three members to the Water Utility Operator Licensing Advisory Committee of the Texas Commission on Environmental Quality. The Water Utility Operator Licensing Advisory Committee is an advisory committee that advises the Commission on matters related to the training and licensing of water and wastewater operators. These new members would replace three members whose terms expired on August 31, 2006. (Noreen Helmle, Jessica Luparello)

Approve the Executive Director's Resolution to extend the existence of the Water Utility Operator Licensing Advisory Committee until August 31, 2010, and to appoint three members to the Water Utility Operator Licensing Advisory Committee of the Texas Commission on Environmental Quality. KW/MH; all agree.

Item 60. **Docket No. 2006-1540-RES.** Consideration of a Resolution to appoint three members to the **Pollution Prevention Advisory Committee** of the Texas Commission on Environmental Quality. The Pollution Prevention Advisory Committee is an advisory committee that advises the Commission on matters involving the state's pollution prevention policies (Section 361.502 of the Solid Waste Disposal Act), and assists in developing strategies for promoting public awareness of pollution prevention strategies. The new members would fill the remainder of three terms vacated prior to the end of the term. (James Voelker, Pinar Dogru)

Approve the Executive Director's Resolution to appoint three members to the Pollution Prevention Advisory Committee of the Texas Commission on Environmental Quality. KW/MH; all agree.

### TMDL MATTER

Item 61. **Docket No. 2006-0485-TML.** Consideration to adopt a final TMDL for zinc in oyster tissue in **Nueces Bay** (Segment 2482), in **Nueces and San Patricio Counties**, as a certified update to the State of Texas Water Quality Management Plan to satisfy federal water quality management planning requirements. Nueces Bay drains the Nueces River Basin, along with

portions of the San Antonio-Nueces and Nueces-Rio Grande Coastal Basins. (Tom Weber, Marc Friberg)

Adopt the proposed TMDL for zinc in oyster tissue in Nueces Bay. KW/MH; all agree.

#### **STATE IMPLEMENTATION PLAN**

Item 62. **Docket No. 2006-1548-SIP.** Consideration for publication of the **El Paso Natural Events Action Plan** (NEAP) and public hearing on December 11, 2006.

The proposed El Paso NEAP is a plan for managing exceedances of the PM10 and PM2.5 standards that can be attributed to uncontrollable natural events such as unusually high winds that result in dust storms. The plan protects public health by providing strategies to educate the public about the harmful effects of high concentrations of PM and by requiring implementation of the best available control measures for emissions from anthropogenic sources. (Project Manager: Ita Ufot, Lead Attorney: Laura Pfefferle) (Project No. 2006-040-SIP-NR)

Approve publication of the El Paso Natural Events Action Plan and public hearing on December 11, 2006. KW/LS; all agree.

#### **EXECUTIVE SESSION**

Item 63. **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 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.

No action taken.

Item 64. **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.

No action taken.

Item 65. **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.

No action taken.

**(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, November 1, 2006

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **Docket No. 2006-1346-MWD.** Consideration of the application by **Lake Conroe Hills Municipal Utility District** for a major amendment to TPDES Permit No. WQ0011569001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 150,000 gallons per day to a daily average flow not to exceed 320,000 gallons per day. The facility is located near the shore of Lake Conroe at the intersection of Shoreline Drive and Lake Breeze Lane, 0.5 mile south of Farm-to-Market Road 1097 and approximately five miles west of the City of Willis 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. (Alicia Lee, David Akoma)

Deny remaining request, adopt the Executive Director's Response to Comments, and issue the major amendment to the TPDES permit. KW/MH; all agree.

- Item 2. **Docket No. 2004-1384-UCR; SOAH Docket No. 582-05-1005.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the request of **Bexar Metropolitan Water District** to withdraw without prejudice its previously filed petition to compel raw water commitment from Guadalupe-Blanco River Authority in **Bexar and Comal Counties**, Texas. The Commission will also consider timely public comments, the petition, related filings, exceptions and replies. (Todd Galiga)

Item continued to the November 15, 2006 agenda. KW/LS; all agree.

- Item 3. **Docket No. 2006-1700-MIS.** Consideration of the issuance of a new air quality standard permit for boilers under **30 TAC Chapter 116**, Subchapter F, Standard Permits. The new standard permit would provide a new authorization for gas-fired boilers with a heat input greater than 40 MMBtu and would be effective November 3, 2006. Notice of the proposed standard permit was published in the April 14, 2006 issue of the Texas Register. (Blake Stewart, Brad Patterson)

Approve the issuance of a new air quality standard permit for boilers under 30 TAC Chapter 116, Subchapter F, Standard Permits. KW/MH; all agree.

- Item 4. **Docket No. 2006-1520-IWD.** Consideration of issuance of a renewed **General Permit No. TXG110000**, which authorizes on a state wide basis, the discharge of facility wastewater and



storm water associated with industrial activities resulting from ready-mixed concrete plants, concrete products plants, and their associated facilities into or adjacent to water in the state subject to specific effluent limitations. This permit specifies which facilities may be covered under this general permit. The Commission will also consider public comment and the Executive Director's response to comments. (Yvonna Pierce, Michael Northcut)

Approve General Permit No. TXG110000. KW/MH; all agree.

Item 5. **TCEQ Docket No. 2006-1662-IHW. Consideration of the request by US Ecology Texas (USET) pursuant to 30 Texas Administrative Code § 305.69(f) for issuance of a 180-day temporary authorization to construct and use the first phase of a landfill under Hazardous Waste Permit No. 50052. If authorized, the types of waste to be disposed of into the landfill are hazardous and Class 1 industrial nonhazardous. The facility is located in Robstown, Texas, in Nueces County.** (Susan White, Guy Henry, Katherine Nelson, Sonny Rayos)

Application withdrawn prior to the agenda, this item was not considered by the Commission.

**(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/ Matt Beeter  
Assistant General Counsel,  
Matt Beeter

11/15/2006  
Date