

Chairman Kathleen White  
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, January 10, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the June 14, 2006 and November 15, 2006 agendas.

- Item 1. **Docket No. 2003-1298-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Lovelady in Houston County**; TCEQ ID Nos. 10734-001 and RN102185543; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Deborah A. Bynum, Jennifer Cook)

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

Item continued from the December 6, 2006 agenda.

- Item 2. **Docket No. 2004-0445-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Yari Enterprises, Inc., dba Git N Go in Brazoria County**; TCEQ ID No. RN102245263; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26, and Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Jennifer Cook)

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

Item continued from the December 6, 2006 agenda.

- Item 3. **Docket No. 2004-0220-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of West Tawakoni in Hunt County**; RN101423671; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Laurie Eaves, David Van Soest)

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

## AGENDA

Wednesday, January 10, 2007

### 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. 2006-0201-MWD.** Consideration of the application by **Canyon Regional Water Authority** for a renewal of TCEQ Permit No. WQ0014126001, which authorizes the disposal of treated filter backwash water at a daily average flow not to exceed 64,000 gallons per day via surface irrigation of 45.1 acres of non-public access land. The permit also authorizes the disposal of water treatment plant sludge on 40 acres of land located at the plant site at an application rate not to exceed 2.1 tons per acre per year. This permit will not authorize a discharge of pollutants into waters in the State. The facility and disposal site and water treatment plant sludge application site are located on the south bank of the Guadalupe River, approximately 1,000 feet southwest of the dam for Lake Dunlap at Dittmar Falls, and approximately 3,000 feet northeast of the Town of Schumansville in **Guadalupe 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. (Katherine Faz, Alicia M. Lee)

Item remanded to the Executive Director.

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

- Item 2. **Docket No. 2005-0539-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Mastercraft Industries Company, L.P.** in **Titus County**; TCEQ ID No. RN100209881; for air quality violations pursuant to the Texas Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Jennifer Cook)

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

- Item 3. **Docket No. 2006-0903-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Air Products, L.P.** in **Harris County**; RN100222215; 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, Steven Lopez)

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

- Item 4. **Docket No. 2006-0835-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Chevron U.S.A. Inc.** in **Sterling County**; RN100217538; 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/LS; all agree.

Item 5. **Docket No. 2006-1048-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KMCO Port Arthur, Inc. dba KMTEX in Jefferson County**; RN100640283; 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/LS; all agree.

Item 6. **Docket No. 2006-0737-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Harris County**; 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. (John Muennink, Steven Lopez)

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

Item 7. **Docket No. 2005-1793-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Pierce Larned in Midland County**; RN104760889; 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/LS; all agree.

Item 8. **Docket No. 2006-1495-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **South Texas Electric Cooperative, Inc. in Victoria County**; RN100222652; 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, Steven Lopez)

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

Item 9. **Docket No. 2006-0906-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Viewpoint Energy, Inc. in Galveston County**; RN104614904; 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, Steven Lopez)

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

Item 10. **Docket No. 2006-1229-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Petro Stopping Centers, L.P. dba Petro Stopping Center 50** in **El Paso County**; RN102418142; 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/LS; all agree.

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

Item 11. **Docket No. 2006-1226-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bark Investments, Inc. dba The Cleaners in Taylor County**; RN104960364; 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. (Rebecca Clausewitz, Steven Lopez)

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

Item 12. **Docket No. 2006-0948-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Crystal Cleaners of Desoto, Inc. in Dallas County**; RN100549096; 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. (Libby Hogue, Steven Lopez)

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

Item 13. **Docket No. 2006-1483-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Ae Cha Floyd dba Floyd's Dry Cleaners in Bell County**; RN104949763; 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/LS; all agree.

Item 14. **Docket No. 2006-1125-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Edwin Pak dba J C Cleaners in Tarrant County**; RN103971586; 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. (Libby Hogue, Steven Lopez)

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

Item 15. **Docket No. 2006-0862-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Jims Inc. dba Snow White Cleaners in Dallas County**; RN104000682; 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. (Cheryl Thompson, Steven Lopez)

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

Item 16. **Docket No. 2006-0960-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Seong D. Roh dba Valley Ranch Cleaners in Dallas County**; RN102918414; 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. (Cari-Michel La Caille, Steven Lopez)

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

Item 17. **Docket No. 2006-1332-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **The Choy Corporation dba Your Valet Cleaners in Harris County**; RN104086020 and RN102519832; 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. (Michael Limos, Steven Lopez)

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

Item 18. **Docket No. 2006-1109-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Phu Nguyen dba TC Cleaners in Harris County**; RN104986880; for a dry cleaner registration violation 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/LS; all agree.

Item 19. **Docket No. 2006-0971-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Sam Yong Corporation dba Diamond Cleaners in Dallas County**; RN100572429 and RN104967021; 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. (J. Craig Fleming, Steven Lopez)

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

Item 20. **Docket No. 2006-1137-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Saipullai Imtiaz dba Polo Press Cleaners and dba Polo Press II in Denton County**; RN103986352 and RN104094321; 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. (Suzanne Walrath, Steven Lopez)

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

Item 21. **Docket No. 2006-1467-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alvin Gunkel dba Plaza Cleaners in Cass County**; RN105018824; 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. (Deana Holland, Steven Lopez)

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

Item 22. **Docket No. 2006-0767-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Mohan & Mohan Enterprises Inc. dba Fossil Creek Cleaners and Vogue Cleaners in Tarrant County**; RN104094461, RN104094446; 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. (Suzanne Walrath, Steven Lopez)

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

Item 23. **Docket No. 2006-1278-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Lee Van Cleaners, Inc. dba City Cleaners in Dallas County**; RN104000864; 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. (Libby Hogue, Steven Lopez)

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

Item 24. **Docket No. 2006-0765-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KNRK, Inc. dba RK Cleaners in Collin County**; RN104066097; 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. (Cari-Michel La Caille, Steven Lopez)

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

Item 25. **Docket No. 2006-1637-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Uy Eang Chou dba Town Park Cleaners in Harris County**; RN100690437; 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. (Samuel Short, Steven Lopez)

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

Item 26. **Docket No. 2006-1349-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Scott D. Nguyen dba One Hour Champion Dry Cleaning in Harris County**; RN102157245; 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/LS; all agree.

Item 27. **Docket No. 2006-1498-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bok I. Kim dba Heritage Dry Cleaners in Bell County**; RN103992343; 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. (Jason Godeaux, Steven Lopez)

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

Item 28. **Docket No. 2006-1420-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Helen Ja Yang dba Dryclean Planet 3 in Harris County**; RN103951356; 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/LS; all agree.

Item 29. **Docket No. 2006-1294-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chong O. Murtuza dba Cuff & Collar in Dallas County**; RN104983846; 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/LS; all agree.

Item 30. **Docket No. 2006-1010-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Paul C. Nguyen dba C K Cleaners in Walker County**; RN104958251; 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. (Deana Holland, Steven Lopez)

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

Item 31. **Docket No. 2006-1168-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Phuong Duy Nguyen dba 1.25 Antoine Cleaner in Harris County**; RN104963079; 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. (Rajesh Acharya, Steven Lopez)

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

Item 32. **Docket No. 2006-1459-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Yong Sun Mahony dba Yong's Cleaners in Bexar County**; RN104962311; 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/LS; all agree.

Item 33. **Docket No. 2006-0993-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Jaymauma Incorporated dba Image Cleaners in Williamson County**; RN104543905; 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/LS; all agree.

Item 34. **Docket No. 2006-0949-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Hereford-Custom Cleaners, L.C. in Deaf Smith County**; RN103979753; 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. (Harvey Wilson, Steven Lopez)

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

Item 35. **Docket No. 2006-0825-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Musheer Qureshi dba Esteem Cleaners in Dallas County**; RN104968086; 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. (Deana Holland, Steven Lopez)

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

Item 36. **Docket No. 2006-1177-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Don Adams & Associates Inc. dba Burleson Cleaners, dba Kens Kleaners, and dba Olde Towne Cleaners in Johnson and Tarrant Counties**; RN101569978, RN104027842, and RN105007405; 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/LS; all agree.

Item 37. **Docket No. 2006-0817-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Chy Lee, Corporation dba Jiffy Cleaners 1, Jiffy Cleaners 2 and Comet Cleaners in Dallas County**; RN100730332, RN104093802, and RN100691377; 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/LS; all agree.

Item 38. **Docket No. 2006-0844-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Chriserin, Inc. dba Mclendon Cleaners 3 in Gregg County**; RN104098702; 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. (Deana Holland, Steven Lopez)

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



Item 39. **Docket No. 2006-0937-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Velia M. Martinez dba C Martinez Cleaners** in **Tarrant County**; RN104960083; 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. (Marlin Bullard, Steven Lopez)

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

#### **FIELD CITATION**

Item 40. **Docket No. 2006-0643-WOC-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Lawrence Kindel** in **Travis County**; RN104916770; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, David Van Soest)

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

#### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 41. **Docket No. 2002-0742-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Agrifos Fertilizer Inc., formerly, Agrifos Fertilizer L.P.** in **Harris County**; National Pollutant Discharge Elimination System Permit No. TX0007285, Water Quality Permit No. 00649, RN101621944; 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, Steven Lopez)

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

Item 42. **Docket No. 2006-1030-IWD-E.** Consideration of an Agreed Order assessing administrative penalties against **NRG Texas LP** in **Limestone County**; RN100542927; 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/LS; all agree.

#### **LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER**

Item 43. **Docket No. 2005-0929-LII-E.** Consideration of an Agreed Order assessing administrative penalties against **Ricky Jon Penick** in **Brazos County**; TCEQ ID No. RN103405221; for landscape irrigator occupational license violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

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

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

Item 44. **Docket No. 2006-0635-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Richard Davis dba Sundance Enterprises in Fannin County**; RN102934767; for air quality and municipal solid waste 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 Texas Administrative Code ch. 60. (Marlin Bullard, Steven Lopez)

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

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

Item 45. **Docket No. 2002-0075-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Western Waste of Texas, L.L.C. dba New Boston Landfill in Bowie County**; TCEQ ID No. RN102594892; 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. (Robert R. Mosley, Jennifer Cook)

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

Item 46. **Docket No. 2006-1112-MSW-E.** Consideration of an Agreed Order assessing administrative penalties against **Hockley County in Hockley County**; RN104996392; 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. (Alison Echlin, Steven Lopez)

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

Item 47. **Docket No. 2006-0559-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alford Barron, Jr. dba Red Barron Sand & Gravel in Grayson County**; RN104897798; 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/LS; all agree.

#### **MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS**

Item 48. **Docket No. 2005-1040-MSW-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Charles D. Hodges dba North Western Excavation and Dirt Landfill, LLP in Tarrant County**; TCEQ ID Nos. RN100712983 and RN104574728; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen Decker, Jennifer Cook)

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

Item 49. **Docket No. 2006-0083-MSW-E.** Consideration of a Default Order assessing administrative penalties against **Rogelio De La Paz dba De La Paz Trucking in Kleberg and San Patricio Counties**; TCEQ ID No. RN104812599; for municipal solid waste violations pursuant to Texas Water Code ch. 7, Tex. Health & Safety Code ch. 361, 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/LS; all agree.

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

Item 50. **Docket No. 2006-0746-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Benton City Water Supply Corporation in Atascosa County**; RN102816733; 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, Steven Lopez)

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

Item 51. **Docket No. 2005-1534-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tommy Joe Thomas dba Deer Trail Mobile Home Park in Harris County**; RN101237923; 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 Texas Administrative Code ch. 60. (Catherine Albrecht, Steven Lopez)

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

Item 52. **Docket No. 2006-0747-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harris County Municipal Utility District No. 221 in Harris County**; RN102944360; 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, Steven Lopez)

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

Item 53. **Docket No. 2006-0503-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Textech Environmental, Inc. and Ronnie Bowyer in Johnson County**; RN104927835; 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/LS; all agree.

Item 54. **Docket No. 2004-0525-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of New Boston in Bowie County**; RN101920916; 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. (Michael Limos, Steven Lopez)

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

Item 55. **Docket No. 2006-0955-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Chillicothe in Hardeman County;** RN102985355; 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/LS; all agree.

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

Item 56. **Docket No. 2005-1999-OSS-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jose Hurtado and Maria Franco in Dallas County;** TCEQ ID No. RN103003257 for on-site sewage disposal 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. (Robert R. Mosley, Jennifer Cook)

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

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

Item 57. **Docket No. 2004-0255-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **F.K.R. Enterprises, Inc. dba Yellow Jacket Grocery in Brazoria County;** TCEQ ID No. RN101443950; 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 58. **Docket No. 2006-0878-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Breenz Enterprises, Inc. dba Wichita Fuel City in Tarrant County;** RN101532547; 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. (Libby Hogue, Steven Lopez)

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

Item 59. **Docket No. 2006-0171-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Safeway Inc. dba Randalls Store in Williamson County;** TCEQ ID No. RN104275201; 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 60. **Docket No. 2004-2049-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CIC Construction, Inc. dba CIC Construction in Wharton County**; RN104092887, Petroleum Storage Tank Facility ID No. 76065; 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. (Daniel Siringi, Steven Lopez)

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

Item 61. **Docket No. 2006-1013-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gurnak, Inc. dba Sunmart 435 in Montgomery County**; RN102060092; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Deana Holland, Steven Lopez)

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

Item 62. **Docket No. 2006-1327-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eddins-Walcher Company dba Eddins Walcher Security Fuel System in Lubbock County**; RN102267846; 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. (Jason Godeaux, Steven Lopez)

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

Item 63. **Docket No. 2006-0865-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Patiala Petroleum, LLC dba Cherry Lane Food Stop 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. (Cari-Michel La Caille, Steven Lopez)

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

Item 64. **Docket No. 2005-2044-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Business Networks Inc. dba Country Store II in Nueces County**; RN102716875; 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, Steven Lopez)

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

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

Item 65. **Docket No. 2006-0370-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Shanil-Tex, Inc. dba Alex's Mobil in Dallas County**; TCEQ ID No. RN102493814; 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. (Deanna Sigman, Jennifer Cook)

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

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

Item 66. **Docket No. 2006-0945-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Neal, Inc. dba Neal, Inc. 15 in Val Verde County**; RN104244843; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amy Martin, Steven Lopez)

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

Item 67. **Docket No. 2006-1255-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Poth in Wilson County**; RN101390367; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Merrilee Hupp, Steven Lopez)

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

Item 68. **Docket No. 2006-0118-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Edward Leiber and Janet Leiber dba Shady Oaks Mobile Home Park in Grimes County**; RN102683109; 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/LS; all agree.

## **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 69. **Docket No. 2005-1069-PWS-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Windwood Water System, Inc. in Harris County**; TCEQ ID No. RN101456168; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Shawn Slack, Jennifer Cook)

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

Item 70. **Docket No. 2005-1827-PWS-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Bob Perry dba Amistad American Camp Ground in Val Verde County**; TCEQ ID No. RN102676715; 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)

Item remanded to the Executive Director.

### **WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 71. **Docket No. 2004-1111-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **D & M Excavating, Inc.** in **Wise County**; TCEQ ID No. RN104319884; 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. (Jim Sallans, Jennifer Cook)

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

### **MISCELLANEOUS**

Item 72. **Docket No. 2006-0595-UCR.** Consideration of an application from **City of Hardin** (City) for an order requiring the disconnection of water service for nonpayment of sewer service charges in accordance with the requirements of Title 30, Section 291.88(e) of the Texas Administrative Code. Many of the City's sewer customers are separately provided water service by Hardin Water Supply Corporation (WSC). The City requests an order from TCEQ that would require the WSC to terminate water service under specified conditions to certain customers for nonpayment of undisputed bills for sewer service provided by the City in **Liberty County**. The ED recommends granting this application because the City is a retail public utility that has obtained funding through the Federal government for the provision, expansion or upgrade of sewer service and such an order is necessary to effectuate the purposes of the Texas Water Code. (Christiaan Siano, Brian Dickey)

Item continued to the February 7, 2007 agenda with a referral to ADR in the interim. KW/LS; all agree.

Item 73. **Docket No. 2006-1917-UCR.** Consideration of a request for a Commission order approving a contract designating service areas between the **City of Savoy** ("Savoy"), water Certificate of Convenience and Necessity ("CCN") No. 10174, and **Southwest Fannin County Special Utility District** ("District"), water CCN No. 12406, in **Fannin County**, Texas, pursuant to Texas Water Code Section 13.248. Savoy received a water service request from an area currently within the District's CCN No. 12406, but not within proximity to the District's current water facilities. Savoy and the District have entered into an agreement that proposes to re-designate a section of the District's existing water service area to Savoy. The agreement does not propose to transfer any of the District's facilities. (Kathy Humphreys-Brown, Tammy Holguin-Benter)

Approve the revised Order filed on January 9, 2007 as modified by the Chairman at the dais. KW/LS; all agree.

Item 74. **Docket No. 2006-1998-UCR.** Consideration of a request for a Commission order approving a contract designating service areas between the **City of Hackberry** ("Hackberry"), water Certificate of Convenience and Necessity ("CCN") No. 12015, and the **City of Frisco**

("Frisco"), water CCN No. 11772, in **Collin and Denton Counties**, Texas, pursuant to Texas Water Code Section 13.248. Hackberry and Frisco have entered into an agreement that proposes to re-designate a section of the Hackberry's existing water service area in Denton County to Frisco. The area proposed to be re-designated from Hackberry to Frisco is currently either certificated under Hackberry's CCN No. 12015 or dually certificated under Hackberry's CCN and water CCN No. 11608 held by Terra Southwest Inc. (Kathy Humphreys-Brown, Tammy Holguin-Benter)

Approve the revised Order filed on January 9, 2007 as modified by the Chariman at the dais. KW/LS; all agree.

### **TMDL MATTER**

Item 75. **Docket No. 2006-0886-TML.** Consideration to adopt three final 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, as certified updates to the State of Texas Water Quality Management Plan to satisfy federal water quality management planning requirements. (Tom Weber, Marc Friberg)

Adopt the three TMDLs. KW/LS; all agree.

### **RULE MATTERS**

Item 76. **Docket No. 2006-1994-SIP.** Consideration for publication of, and hearing on, the proposed limited maintenance plan option revising the state implementation plan for the control of carbon monoxide (CO) air pollution in the **El Paso CO nonattainment area**. On January 11, 2006, the Commission adopted a SIP revision that included a request for redesignation from CO nonattainment to attainment and included a full maintenance plan.

The proposed revision would modify the full maintenance plan, which would relieve El Paso of the transportation conformity requirements to prepare a motor vehicle emissions budget, travel demand modeling and regional emissions analysis. (Ita Ufot, Laura Pfefferle) (Project No. 2006-048-SIP-NR)

Approve for publication of, and hearing on, the proposed limited maintenance plan option revising the state implementation plan for the control of carbon monoxide (CO) air pollution in the El Paso CO nonattainment area. KW/LS; all agree.

Item 77. **Docket No. 2006-1995-RUL.** Consideration for approval of the substitution of certain transportation control measures originally adopted in the state implementation plan (SIP) for the **Dallas-Fort Worth area**.

Approval would substitute certain transportation control measures originally adopted in the DFW SIP. The proposed substituted measures would achieve a net emission reduction of 8.18 tons/day of volatile organic compounds in the 15% Rate of Progress SIP; .9 tons/day of volatile organic compounds in the 9% Rate of Progress SIP; and 1.2 tons/day of volatile organic compounds and .9 tons/day of Nitrogen Oxides in the Attainment Demonstration SIP.



These will be achieved in the following categories: 1) Alternative Fuel Vehicles; 2) Bicycle/Pedestrian Projects; 3) Grade Separations; 4) HOV Facilities; 5) Motorist Assistance; 6) Intersection Improvements; 7) Park and Ride Lots; 8) Rail; 9) Traffic Signals; 10) Arterial Street Widening; 11) Freeway Corridor Management; 12) Travel Demand Management; 13) Traffic Signals/Intersection Improvements; and 14) Vanpools. Approval of the substituted measures would allow the Dallas-Fort Worth region to update its transportation plan and demonstrate conformity with the SIP. (Koy Howard, Terry Salem)

Approve the substitution of certain transportation control measures originally adopted in the state implementation plan (SIP) for the Dallas-Fort Worth area. KW/LS; all agree.

Item 78. **Docket No. 2006-2163-RUL.** Consideration for publication of, and hearings on, a proposed amendment to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Subchapter H, Low Emission Fuels, Division 2, Low Emission Diesel, Section 114.318 and corresponding revisions to the state implementation plan (SIP).

The proposed rulemaking would amend Chapter 114 to extend the December 31, 2006, expiration date of all alternative emission reduction plans approved by the executive director prior to December 16, 2005, by one year to December 31, 2007, and would apply the new expiration date to all alternative emission reduction plans approved by the executive director prior to May 17, 2006. (Morris Brown, John Minter) (Rule Project No. 2007-007-114-EN)

Approve for publication of, and hearings on, a proposed amendment to 30 TAC Chapter 114 and corresponding revisions to the state implementation plan. KW/LS; all agree.

Item 79. **Docket No. 2006-1996-RUL.** Consideration for publication of, and hearings on, a proposed amendment to Section 115.247 of 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds.

The proposed rulemaking would exempt facilities used exclusively for the initial fueling and/or re-fueling of vehicles equipped with onboard refueling vapor recover (ORVR) equipment from Stage II requirements in Chapter 115. (Koy Howard, Daniel Long) (Rule Project No.2006-049-115-EN)

Approve publication of, and hearings on, a proposed amendment to Section 115.247 of 30 TAC Chapter 115. KW/LS; all agree.

Item 80. **Docket No. 2006-2004-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 November 17, 2006, by Winstead Sechrest & Minick P.C. on behalf of Westerra Stonebridge, L.P. The petitioner requests changes to 30 TAC Section 297.21, Domestic and Livestock and Wildlife Permit Exemptions, to create an exemption to the definition of "commercial operation." The change would create an exemption from the requirement to obtain a water right for housing developments that had a dam or reservoir that preexisted the housing development and that have a Clean Water Act Section 404 permit. (Todd Chenoweth, Ross Henderson) (Rule Project No. 2007-006-PET-NR)

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

Item 81. **Docket No. 2006-0228-RUL.** Consideration of the adoption of new Sections 116.1500, 116.1510, 116.1520, 116.1530, and 116.1540 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification, and corresponding revisions to the state implementation plan.

The adoption would implement federal requirements concerning the use of best available retrofit technology (BART) at certain sources. The proposed rules were published in the August 25, 2006, issue of the *Texas Register* (31 TexReg 6616). (Margaret Earnest, John Minter) (Rule Project No. 2006-022-116-EN)

Adopt new Sections 116.1500, 116.1510, 116.1520, 116.1530, and 116.1540 of 30 TAC Chapter 116 and corresponding revisions to the state implementation plan. KW/LS; all agree.

### **EXECUTIVE SESSION**

Item 82. **Docket No. 2007-0001-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.

The Commission did not meet in Executive Session.

Item 83. **Docket No. 2007-0002-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. 2007-0003-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, January 10, 2007

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2004-1692-PST-E; SOAH Docket No. 582-05-7608.** Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties of **Mario A. Cardenas dba Cashway Food Store in Willacy County, Texas**; TCEQ ID No. 67048; regarding petroleum storage tank violations pursuant to the Texas Commission on Environmental Quality's rules regarding maintenance of financial assurance and the payment of fees for the store's underground petroleum storage tanks, and Tex. Water Code chs. 5, 7, and 26. (Shawn A. Slack)

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

- Item 2. **TCEQ Docket No. 2002-0332-PST-E; SOAH Docket No. 582-05-3166.** Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Billy G. Hall in Lubbock County, Texas**; TCEQ ID No. 67740; regarding petroleum storage tank violations pursuant to Tex. Water Code Chapters 5, 7, and 26, and the rules of the Texas Commission on Environmental Quality. (James Sallans)

Adopt the ALJ's Order with corrections to Finding of Fact Nos. 10, 32, 37, and 38. KW/LS; all agree.

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

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

**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/ Tracy Gross  
Assistant General Counsel,  
Tracy Gross

2/7/2007  
Date