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*Backup documents filed with the OCC and distributed to the Commissioners will be added to this document daily until 5:00 p.m. Friday before the given agenda date. Updates to backup documents will be noted by a purple indicator. Documents filed less than five days before the agenda date will not be added to this document. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 11 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).*

Chairman Kathleen White  
Commissioner Larry Soward

## AGENDA

Wednesday, March 7, 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. 2006-1869-MWD.** Consideration of the application by **Grason Volente Investments, Ltd.** for a new permit, proposed Permit No. WQ0014563001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 175,000 gallons per day via non-public access subsurface drip irrigation with a minimum area of 1,742,400 square feet. The facility and disposal site will be located 6 miles west of the intersection of Ranch Road 620 and Farm-to-Market Road 2769 and 1.5 miles north of Farm-to-Market Road 2769 (Volente Road) in **Travis 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. (Michael Northcutt, Jr./Julian Centeno, Jr.)

Deny the hearing request, adopt the draft permit with the Executive Director's Response to Comments. KW/LS; all agree.

Item 2. **Docket No. 2006-1889-MWD.** Consideration of the application by **Rancho Del Lago, Inc.** for a new permit, proposed TCEQ Permit No. WQ0014615001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 400,000 gallons per day via surface irrigation of 100 acres of public access landscape and a golf course. The wastewater treatment facilities will be located approximately 3.9 miles southeast of the intersection of State Highway 281 and Farm-to-Market Road 32 in Blanco County, Texas. The disposal site will be located approximately 3.2 miles southeast of the intersection State Highway 281 and Farm-to-Market

Road 32 in **Blanco 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. (Christiaan Siano/Julian Centeno, Jr.)

Grant the hearing request on the issues of: 1.) whether the spring on Ms. Beck's property is within the required 500 feet buffer zone on the Applicant's proposed irrigation fields and could create a hydrological connectivity to groundwater; 2.) whether the proximity to Mr. Harris' property of the treatment plant and holding pond will subject him to nuisance odors from the facility; 3.) whether the 50 foot buffer zone in Special Provision 18 is an adequate buffer zone between the proposed irrigation site and the Kentucky Branch Creek, which flows directly through the Applicant's proposed irrigation areas, to allow for proper attenuation of effluent from pollution; 4.) whether the irrigation practices proposed in the application and setout in the draft permit are appropriate for the disposal of treated effluent. The hearing requestor raises irrigation issues including soil depth and type, dispersal area, agronomy, adequate monitoring, nitrogen concentrations, and whether distributions will be uniform; and 5.) whether the Applicant submitted an adequate monthly water balance in its application; refer the matter to SOAH for a duration of 9 months with the opportunity to seek ADR through SOAH if parties choose; direct the ALJ to submit Findings of Fact and Conclusions of Law with the Proposal for Decision and Order. KW/LS; all agree.

Item 3. [Docket No. 2006-0391-DIS](#). Consideration of a petition from Mr. Mac McCoy (Petitioner), for Creation of **Ellis County Municipal Utility District No. 1**, Texas, pursuant to Texas Water Code Chapters 49 and 54. The Commission will also consider hearing requests and related responses and replies. (TCEQ Internal Control No. 02212006-D04; Rob Cummins, Christiaan Siano)

Item continued to the April 25, 2007 agenda.

#### **MOTION TO OVERTURN**

Item 4. [Docket No. 2007-0012-MWD](#). Consideration of the Motion to Overturn filed by Jeffrey D. Lochore, Partner in Little Princess's Investment Company, concerning the Executive Director's issuance of TPDES Permit No. WQ0014694001 issued by the Executive Director to **Elan Development, L.P.** The permit authorizes Elan Development, L.P. to discharge an average daily flow of 180,000 gallons per day in Interim Phase I, an average daily flow of 360,000 gallons per day in the Interim Phase II, and an average daily flow of 1.0 million gallons per day in the Final Phase. The facility is to be located about 4,300 feet east and 1,500 feet north of the intersection of Farm-to-Market Road 1314 and Calhoun Road in **Montgomery County**. The Commission will also consider all timely response and reply briefs. (Robert Brush, David Akoma)

Grant the Motion to Overturn, set aside the Permit, and remand the application to the Executive Director so that he can ensure the alternative language notice requirements are satisfied and assess the newly obtained information about the discharge route. KW/LS; all agree.

#### **DISTRICTS MATTERS**

Item 5. [Docket No. 2005-2027-DIS](#). Consideration of a resolution by the Board of Directors of Harris County Fresh Water Supply District No. 47, for conversion of **Harris County Fresh Water**

**Supply District No. 47** in **Harris County** Texas to a Municipal Utility District. The Applicant requests that the Commission convert the District pursuant to Texas Water Code, Chapter 49 and 54. (TCEQ Internal Control No. 11042005-D01; Rob Cummins, Shana Horton)

Approve the request for a conversion to a Municipal Utility District. KW/LS; all agree.

Item 6. [Docket No. 2006-1849-DIS](#). Consideration of a petition from Terrabrook Cinco Ranch Southwest, L.P., a Delaware limited partnership (Applicant) for dissolution of **Fort Bend County Municipal Utility District No. 93** (District) in **Fort Bend County** Texas. The Applicant requests that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. 08222006-D02; Rob Cummins, Spencer Marks)

Approve the petition for dissolution of the Municipal Utility District. KW/LS; all agree.

#### **CERTIFICATES OF ADJUDICATION**

Item 7. [TCEQ Docket No. 1996-0209-WR; SOAH Docket No. 582-96-0144](#). Consideration of the certificates of adjudication for the **Upper Rio Grande Segment of the Rio Grande Basin**, which is located above Fort Quitman, Texas, in **El Paso and Hudspeth Counties**. The certificates of adjudication reflect the Final Determination in this matter which was affirmed by the 327<sup>th</sup> Judicial District Court in El Paso County on October 30, 2006. (Robin Smith, Herman Settemeyer)

Approve the certificates of adjudication with the additional changes requested by the Executive Director's staff during the public meeting. KW/LS; all agree.

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

Item 8. [Docket No. 2006-1574-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Anne Cornelius Tamminga dba Indian Creek Dairy** in **Comanche County**; RN102670031; 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.

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

Item 9. [Docket No. 2006-0522-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Price Construction, Ltd.** in **Maverick County**; TCEQ ID No. RN102746278; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rachael Gaines, Jennifer Cook)

Item continued to the April 11, 2007 agenda. LS/KW; all agree.

Item 10. [Docket No. 2006-1751-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **Acme Brick Company in Parker County**; RN100225184; 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 11. [Docket No. 2006-1714-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **Austin White Lime Company in Travis County**; RN100214337; 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/LS; all agree.

Item 12. [Docket No. 2006-1396-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ameron Fiberglass Composite Pipe Division USA in Wichita County**; RN100678440; 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/LS; all agree.

Item 13. [Docket No. 2006-1597-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **Brazos Electric Power Cooperative, Inc. in Palo Pinto County**; RN102033891; 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 14. [Docket No. 2006-1066-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. (Jason Kemp, Steven Lopez)

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

Item 15. [Docket No. 2006-1600-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **International Paper Company in Polk County**; RN100543073; 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. (Elvia Maske, Steven Lopez)

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

Item 16. [Docket No. 2006-1018-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sam's East, Inc.** in **El Paso County**; RN102190907; 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.

Item 17. [Docket No. 2006-1779-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Wharton County Power Partners, L.P.** in **Wharton County**; RN101527943; 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.

Item 18. [Docket No. 2006-1040-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Total Petrochemicals USA, Inc.** in **Harris County**; RN100212109; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Steven Lopez)

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

Item 19. [Docket No. 2006-1130-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. (Roshondra Lowe, Steven Lopez)

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

Item 20. [Docket No. 2006-1079-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Red Ewald, Inc.** in **Karnes County**; RN100212612; 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 21. [Docket No. 2006-1017-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Intercontinental Terminals Company** in **Harris County**; RN100210806; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Steven Lopez)

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

Item 22. [Docket No. 2006-1308-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Firestone Polymers, LLC** in **Orange County**; RN100224468; 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 23. [Docket No. 2006-1601-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Copano Processing, L.P.** in **Colorado County**; RN101271419; 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 24. [Docket No. 2006-0727-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mohammad Samjoo dba Civic Cleaners & Tailor** in **Dallas County**; TCEQ ID No. RN103958393; 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. (Mary Hammer, Jennifer Cook)

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

Item 25. [Docket No. 2006-1623-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Arfa & Shifa Business, Inc. dba Oaks Cleaners** in **Liberty County**; RN105015911; 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. (Jorge Ibarra, P.E., Steven Lopez)

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

Item 26. [Docket No. 2006-1315-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cathy Tran dba Texas Laundry & Cleaners** in **Galveston County**; RN104027966; 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. (Clinton Sims, Steven Lopez)

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

Item 27. [Docket No. 2006-1209-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Seymour Inn dba Kingwood Cleaners** in **Harris County**; RN104087283 and RN104087291; 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 28. [Docket No. 2006-1343-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ruben N. McNeely dba Freshen Clean in Dallas County**; RN104964093; 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. (Alison Echlin, Steven Lopez)

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

- Item 29. [Docket No. 2006-1208-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Diva Business Management Group, LLC dba Stephen's Cleaners in Collin County**; RN103987830; 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 30. [Docket No. 2006-1145-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wendy R. Morgan dba Classic Cleaners in Jack County**; RN100709013; 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 31. [Docket No. 2006-1487-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brazos Valley Enterprises, Inc. dba Dry Clean Super Center in Hamilton County**; RN105008593; 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 32. [Docket No. 2006-1649-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chun Son Birdsong dba Birdsong Cleaners in Coryell County**; RN105020176; 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 33. [Docket No. 2006-0892-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hirani Abdul dba First Choice Cleaners in Denton County**; TCEQ ID No. RN104065701; 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. (Mary Hammer, Jennifer Cook)

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

- Item 34. [Docket No. 2006-1708-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pauline Pham dba A-T Cleaners in Harris County**; RN104964598; 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 35. [Docket No. 2006-1401-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Smile Cleaners Incorporated dba Happy Cleaners in Fort Bend County**; RN104103585; 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 36. [Docket No. 2006-1488-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hyo Sun Wonsick dba Sam's Cleaners in Bell County**; RN105010474; 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. (Judy Kluge, Steven Lopez)

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

- Item 37. [Docket No. 2006-1405-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bennie Taylor dba Reo Cleaners in Harris County**; RN104991617; 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. (Philip DeFrancesco, Steven Lopez)

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

- Item 38. [Docket No. 2006-1009-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Preston Tiptop Cleaners Inc. dba Hackberry Cleaners II in Dallas County**; RN104957949; 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.

- Item 39. [Docket No. 2006-1138-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Suk K. Yi dba Polo Cleaners in Tarrant County**; RN104393905 and RN104393897; 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 40. [Docket No. 2006-1608-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Patec Enterprise, Inc. dba Prestonwood Cleaners in Collin County**; RN104019310; 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. (Jorge Ibarra, P.E., Steven Lopez)

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

- Item 41. [Docket No. 2006-1286-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kyung Mi Jeon dba Pace Cleaners in Dallas County**; RN104210158; 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.

#### **DRY CLEANER ENFORCEMENT DEFAULT ORDERS**

- Item 42. [Docket No. 2006-0741-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Hiep Q. Lam dba Custom Cleaners & Alterations, in Tarrant County**; TCEQ ID No. RN104963525; for a dry cleaner registration violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Deanna Sigman, Jennifer Cook)

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

- Item 43. [Docket No. 2006-1210-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Thelma E. Gardner dba Wheeler Street Cleaners in Harris County**; TCEQ ID No. RN 104090683; for a dry cleaner registration violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Deanna Sigman, Jennifer Cook)

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

#### **FIELD CITATIONS**

- Item 44. [Docket No. 2006-2182-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Larry Hodge dba Larry's Discount Smokes in Midland County**; RN101773547; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Steven Lopez)

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

Item 45. [Docket No. 2006-1254-PST-E.](#) Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Laredo Regional Medical Center L.P. dba Doctor's Hospital of Laredo in Webb County**; RN101867703; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Steven Lopez)

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

Item 46. [Docket No. 2007-0052-PST-E.](#) Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Katy ISD in Harris County**; RN101879344; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Steven Lopez)

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

Item 47. [Docket No. 2006-2184-PST-E.](#) Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **U.S. Customs and Border Protection in El Paso County**; RN102388204; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Steven Lopez)

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

Item 48. [Docket No. 2007-0058-PST-E.](#) Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Salco Investments Inc dba Cardon Chevron in El Paso County**; RN101655918; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Steven Lopez)

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

Item 49. [Docket No. 2006-2224-WQ-E.](#) Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Price Construction Ltd. in Howard County**; RN102743747; for stormwater violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Steven Lopez)

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

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

Item 50. [Docket No. 2006-1823-LII-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Andy Chavez in Bexar County**; RN105071377; for a landscape irrigator occupational license violation pursuant to Tex. Occupations Code ch. 1903, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Cari-Michel La Caille, Steven Lopez)

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

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

- Item 51. [Docket No. 2006-0105-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Simons Petroleum, Inc.** in **Sutton County**; TCEQ ID No. RN104799986; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shannon Strong, Jennifer Cook)

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

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

- Item 52. [Docket No. 2005-2067-MLM-E](#). Consideration of a Default Order assessing administrative penalties against **Sentinel Refuse, LLC** in **Bexar County**; TCEQ ID No. RN104789235; for water quality and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shawn Slack, Jennifer Cook)

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

#### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

- Item 53. [Docket No. 2006-0965-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Juan Bermudez** in **Harris County**; RN104904255; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Dana Shuler, Steven Lopez)

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

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

- Item 54. [Docket No. 2006-1627-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Eastland** in **Eastland County**; RN101919314; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Steven Lopez)

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

- Item 55. [Docket No. 2006-1072-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SEC Energy Products & Services, L.P.** in **Harris County**; RN100869957; 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 56. [Docket No. 2004-1746-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Georgetown in Williamson County**; Texas Pollutant Discharge Elimination System Permit No. 10489-003 and RN102917242; 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.

- Item 57. [Docket No. 2006-1114-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MHC TT, Inc. dba Thousand Trails Lake Tawakoni in Rains County**; RN101714897; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Steven Lopez)

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

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

- Item 58. [Docket No. 2005-1812-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Saks Enterprise Inc. dba Saks Texaco in Denton County**; TCEQ ID No. RN101375921; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mary Hammer, Jennifer Cook)

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

- Item 59. [Docket No. 2006-0538-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Three Rivers Flying Service Co., Inc. in Tom Green County**; RN100672690; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Steven Lopez)

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

- Item 60. [Docket No. 2006-0609-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Overseas Enterprises USA, Inc. dba Gateway Travel Plaza in Orange County**; RN101743730; 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 61. [Docket No. 2006-0628-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MK Family Limited Partnership dba Jiffy Mart 5** in **Williamson County**; RN101378248; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Steven Lopez)

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

Item 62. [Docket No. 2006-1303-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Feroz Panjwani dba Handi Plus 44** in **Harris County**; RN102793577; 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. (Philip DeFrancesco, Steven Lopez)

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

Item 63. [Docket No. 2004-0409-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Georgetown** in **Williamson County**; Petroleum Storage Tank Facility ID No. 10024 and Regulated Entity ID No. RN102403946; 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. (Pamela Campbell, Steven Lopez)

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

Item 64. [Docket No. 2006-1045-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Echo Bluff, Co. dba C S Fastrac Food Mart** in **Tarrant County**; RN101544765; 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. (Shontay Wilcher, Steven Lopez)

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

Item 65. [Docket No. 2006-0197-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Arthur M. Gonzalez dba David's Superette** in **Harris County**; RN101752947; 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 66. [Docket No. 2006-0170-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Sandra Cooper** in **Jefferson County**; TCEQ ID No. RN104190855; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shawn Slack, Jennifer Cook)

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

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

Item 67. [Docket No. 2004-1929-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flynn WSC in Leon County**; RN101240844; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Shawn A. Slack, Jennifer Cook)

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

Item 68. [Docket No. 2006-1219-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Springtown in Parker County**; RN101392397; 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/LS; all agree.

Item 69. [Docket No. 2006-0800-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Don French dba Riviera Mobile Home Park in Denton County**; RN101256667; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lindsey Jones, Steven Lopez)

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

Item 70. [Docket No. 2006-1116-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marie Braden dba Nana's Kitchen in Llano County**; RN101283109; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Anita Keese, Steven Lopez)

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

Item 71. [Docket No. 2006-1761-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James Kim dba Casey Ridge Grocery in Montgomery County**; RN102225372; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

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

### **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 72. [Docket No. 2006-0505-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Carolyn Hilgen dba Carolyns Country Café in**

**Waller County**; TCEQ ID No. RN103105557; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Deanna Sigman, Jennifer Cook)

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

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

Item 73. [Docket No. 2004-1141-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mansfield Sand & Select, a Partnership in Tarrant County**; TCEQ ID No. RN104318316; 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. (Lena Roberts, Jennifer Cook)

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

Item 74. [Docket No. 2006-0968-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Payne Homes, Inc. in Midland County**; RN104938436; 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. (Shontay Wilcher, Steven Lopez)

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

#### **WATER QUALITY ENFORCEMENT DEFAULT ORDER**

Item 75. [Docket No. 2006-0427-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Benavides Custom Homes, LLC in Maverick County**; TCEQ ID No. RN 104014964; for water quality violations pursuant to Tex. Water Code chs. 5, 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Jennifer Cook)

Item remanded to the Executive Director.

#### **TMDL MATTERS**

Item 76. [Docket No. 2007-0066-TML](#). Consideration for approval to publish and solicit public comment on one draft TMDL for dissolved oxygen in **Mid Cibolo Creek** (Segment 1913) of the San Antonio River Basin, in **Bexar, Guadalupe, and Comal Counties**. (Faith Hambleton, Marc Friberg)

Approve for publication and solicitation of public comment. KW/LS; all agree.

Item 77. [Docket No. 2007-0075-TML](#). Consideration for approval to publish and solicit public comment on one draft TMDL for bacteria in **Guadalupe River Above Canyon Lake** (Segment 1806) of the Guadalupe River Basin, in **Kerr, Kendall, and Comal Counties**. (Faith Hambleton, Marc Friberg)

Approve for publication and solicitation of public comment. KW/LS; all agree.

- Item 78. **Docket No. 2007-0076-TML**. Consideration for approval to publish and solicit public comment on three draft TMDLs for bacteria in **Salado Creek** (Segment 1910), **Walzem Creek** (Segment 1910A), and **Upper San Antonio River** (1911) of the San Antonio River Basin, in **Bexar, Wilson, and Karnes Counties**. (Faith Hambleton, Marc Friberg)

Approve for publication and solicitation of public comment. KW/LS; all agree.

#### **STATE IMPLEMENTATION PLAN**

- Item 79. **Docket No. 2006-0229-SIP**. Consideration of the adoption of a revision to the state implementation plan (SIP) to incorporate a plan for maintenance of the eight-hour ozone **National Ambient Air Quality Standards** (NAAQS) in **Victoria County** as required by 40 Code of Federal Regulations Section 51.905(a)(3). The revision contains results of an updated attainment emissions inventory and technical analysis in support of the projections demonstrating maintenance of the eight-hour ozone standard through 2014; a discussion of monitoring data demonstrating attainment of the eight-hour ozone NAAQS; and a discussion of the contingency plan. (Kathy Singleton, John Minter) (Project No. 2006-023-SIP-NR)

Adopt the revision to the state implementation plan to incorporate a plan for maintenance of the eight-hour ozone National Ambient Air Quality Standards. KW/LS; all agree.

#### **RULE MATTER**

- Item 80. **Docket No. 2006-1663-RUL**. Consideration of the adoption of amendments to Sections 11.1, 11.3, and 11.200 of **30 TAC Chapter 11**, Contracts. The adoption would amend Chapter 11 to update agency names and references to rules and statutes, provide for more logical sequencing of phrases and subsections in the rules, and clarify who the rules apply to and the contents of a letter from the Manager of Procurements and Contracts. The proposed rules were published in the December 1, 2006 issue of the *Texas Register* (31 TexReg 9681). (Joe McGill, Angela Burnett) (Rule Project No. 2006-042-011-AD)

Item remanded to the Executive Director.

#### **EXECUTIVE SESSION**

- Item 81. **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 82. **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 83. **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/tmrcc.cgi](http://www.texasadmin.com/cgi-bin/tmrcc.cgi)**

/s/ Derek Seal  
General Counsel,  
Derek Seal

5-7-2007  
Date