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Chairman Kathleen White OLD BUSINESS AGENDA
Commissioner Larry Soward
Commissioner H.S. Buddy Garcia Wednesday, March 28, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the January 24, 2007 agenda.

- Item 1. [Docket No. 2005-1917-IWD-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ray Long dba Ray Long Washout and Truck Service** in **Montague County**; TCEQ ID No. RN104712609; for water quality violations pursuant to Texas Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically Tex. Admin. Code ch. 60. (Shawn Slack, Jennifer Cook)

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

Item continued from the January 10, 2007 agenda.

- Item 2. [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)

Approve the application from the city of Hardin and grant the City of Hardin's Motion to Compel and issue the order prepared by the Executive Director. KW/LS; all agree.

AGENDA

Wednesday, March 28, 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. 2006-1762-AIR.** Consideration of the application by **Dalvant Corporation** for the renewal of Air Quality Permit No. 674 to authorize the continued operation of a flare used to burn residual gas from a well that has not been capped. The facility is located on County Road 330, 1/8 mile from FM 429 near Terrell, **Kaufman 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. (Guillermo Reyes/Andrea Casey)

Deny the hearing request, approve the renewal and issuance of Permit No. 674, and adopt the Executive Director's Response to Comments. KW/LS; all agree.

- Item 2. **Docket No. 2006-2167-IWD.** Consideration of the application by the **JOCO Holding Corporation**, which operates a motel and restaurant complex, for a major amendment to TCEQ Permit No. WQ0002730000 to authorize the discharge of domestic wastewater and food wastewaters to a series of ditches, thence to Quil Miller Creek, thence to Village Creek, thence to Lake Arlington at a volume not to exceed a daily average flow of 10,000 gallons per day via Outfall 001. The current permit does not authorize a discharge, but authorizes the disposal of domestic wastewater by evaporation and irrigation of 152 acres of coastal bermuda grass at an application rate not to exceed 3.85 acre-feet per year per acre irrigated. The facility is located on the east side of Interstate Highway 35 West, approximately 2000 feet southeast of the Bethesda Road Overpass and approximately 5.1 miles southeast of the City of Burleson, in **Johnson 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. (Paul Tough / Charles Sheppard)

Item remanded to the Executive Director.

- Item 3. **Docket No. 2006-2027-MWD.** Consideration of the application by **Southwest Festivals, Inc. and Richard Korsh** for a new wastewater permit, proposed Texas Commission on Environmental Quality (TCEQ) Permit No. WQ0014665001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 17,700 gallons per day during seasonal operation via surface irrigation of two acres of non-public access land. The facility and disposal site is located on Farm-to-Market Road 66, approximately 1.6 miles southwest of Interstate Highway 35 East in **Ellis 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. (Scott Shoemaker, June Ella Martinez)

Grant the hearing request, refer the matter to SOAH with a hearing duration of 6 months on the issues of: 1. whether there is adequate control of odor from the disposal area and 2. whether the disposal activities will result in contamination of the creek behind Ms. Hollingsworth's home; direct the Executive Director to participate in the hearing; request the ALJ to provide Findings of Facts, Conclusions of Law, and Ordering Provisions with the Proposal for Decisions; and in concurrency with the SOAH referral, direct ADR to hold mediation if the parties are willing. KW/BG; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4. [Docket No. 2006-1656-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 5. [Docket No. 2005-0257-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LP** in **Harris County**; TCEQ ID Nos. HG0562P and RN100219526; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James P. Biggins, Jennifer Cook)

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

Item 6. [Docket No. 2006-1655-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **Arkema Inc.** in **Harris County**; RN100209444; 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 7. [Docket No. 2006-1522-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Crown Cork & Seal USA, Inc.** in **Montgomery County**; RN100711118; 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. (Sherronda Martin, Steven Lopez)

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

Item 8. [Docket No. 2006-1222-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Nueces County**;

RN100221662; 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 9. [Docket No. 2006-1004-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Citation Corporation in Angelina County**; RN100218288; 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. (Sherronda Martin, Steven Lopez)

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

Item 10. [Docket No. 2006-1968-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **David Romo dba Chevron USA 74340 in El Paso County**; RN101633717; 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. (Jorge Ibarra, P.E., Steven Lopez)

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

Item 11. [Docket No. 2006-1519-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102212925; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Steven Lopez)

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

Item 12. [Docket No. 2006-1717-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ponderosa Pine Energy Partners, Ltd. in Johnson County**; RN100223312; 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. (Laurie Eaves, Steven Lopez)

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

Item 13. [Docket No. 2006-1715-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tony Lama Company in El Paso County**; RN100217710; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Steven Lopez)

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

Item 14. [Docket No. 2006-1372-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Methodist Hospital in Harris County**;

RN102962446; 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 15. [Docket No. 2007-0073-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LP in Harris County**; RN100219526; 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)

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

Item 16. [Docket No. 2006-1311-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwestern Industrial Contractors and Riggers, Inc. in El Paso County**; RN100818863; 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 17. [Docket No. 2006-1551-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Plains Pipeline, L.P. in Upton County**; RN101973782; 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.

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 18. [Docket No. 2006-0933-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sang Hill dba Chaus Drop Off & Dry Cleaners in Williamson County**; TCEQ ID No. RN103954962; 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 19. [Docket No. 2006-1027-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Felipe Avila, Samuel Avila, and Sandra E. Tamez dba 1.50 Cleaners in Hidalgo County**; RN104085543, RN104094404, RN104085568, RN104085709, RN104980115 and RN104094453; 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. (Rajesh Acharya, Steven Lopez)

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

- Item 20. [Docket No. 2006-1453-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Robert P. Checkeye dba Adrian's Cleaners 2 and Adrian's Cleaners 3 in Parker County**; RN104066030 and RN104066014; 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. (Jorge Ibarra, P.E., Steven Lopez)

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

- Item 21. [Docket No. 2006-0771-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **All Seasons Dry Cleaning & Laundry, Inc. in Travis County**; RN104963913; 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 22. [Docket No. 2006-1560-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **ANJUL, Inc. dba Le Grand Cleaners in Collin County**; RN104950878; 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 23. [Docket No. 2006-0819-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **W L & L, Inc. dba Capitol Cleaners in Travis and Caldwell Counties**; RN103956884, RN103956751; 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. (Deana Holland, David Van Soest)

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

- Item 24. [Docket No. 2006-1360-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dry Clean Express, Inc. dba Cache Cleaners, dba One Hour Cleaners and dba Professional Cleaners in Harris County**; RN104966726, RN104987516, RN103994331, and RN104992516; 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. (Libby Hogue, Steven Lopez)

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

- Item 25. [Docket No. 2006-0935-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Taekyu Kim dba Crescent Point Cleaner in Dallas County**; RN104094727; 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. (Audra L. Ruble, Steven Lopez)

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

- Item 26. [Docket No. 2006-1356-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Corporate Cleaners & Laundry, LLC and Gerald Grimes dba Corporate Cleaners & Laundry in Dallas County**; RN104247861; 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. (J. Craig Fleming, Steven Lopez)

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

- Item 27. [Docket No. 2006-1336-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jackie Rainey and Mark J. Rainey dba Classic Cleaners in Hidalgo County**; RN104408190 and RN101870996; 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. (Libby Hogue, Steven Lopez)

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

- Item 28. [Docket No. 2006-1353-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **B & D Kim Corporation dba Ace Cleaners in Dallas County**; RN103970588; 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 29. [Docket No. 2006-1614-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Azam Enterprises, Inc. dba Bluebonnet Cleaners in Harris County**; RN104104294; 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 30. [Docket No. 2006-0653-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Amarillo Village Cleaners, Inc. in Randall County**; RN104154034; 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. (Thomas Greimel, Steven Lopez)

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

- Item 31. [Docket No. 2006-1523-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ahad Business, Inc. dba 1.45 Cleaners and dba**

Budget Cleaners in Fort Bend County; RN104988399 and RN104988407; 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 32. [Docket No. 2006-0850-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chul Woong Lee dba Silver Dry Cleaners in Tarrant County**; RN104967948; 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 33. [Docket No. 2006-1119-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Q.R.N. Enterprises, Inc. dba Your Valet Cleaners and dba Liberty Cleaners in Harris County**; RN103960928, RN103960860 and RN102178969; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Cari-Michel La Caille, Steven Lopez)

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

Item 34. [Docket No. 2006-1583-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Nalika, Inc. dba Dry Clean Super Center in Collin County**; RN104152541; 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 35. [Docket No. 2006-0821-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Brenda A. Mann dba Mann Cleaners in Tarrant County**; RN104086574; 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. 2006-1418-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chun H. Pae dba Ace Cleaners, Park Pavillion Cleaners, and Legacy Ranch Cleaners in Collin County**; RN102152014, RN103993382, and RN105002612; 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.

DRY CLEANER ENFORCEMENT DEFAULT ORDERS

- Item 37. [Docket No. 2006-0791-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Kenneth Hart dba 1.99 Dry Cleaners in Tarrant County**; TCEQ ID No. RN104247598; 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. (Rachael Gaines, Jennifer Cook)

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

- Item 38. [Docket No. 2006-0998-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Elvi Lorena Hilton dba Mockingbird Cleaners in Dallas County**; TCEQ ID No. RN104992896; 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. (Deanna Sigman, Jennifer Cook)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 39. [Docket No. 2005-1698-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **River Chase Subdivision II, Ltd. in Williamson County**; RN102791662; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Steven Lopez)

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

FIELD CITATIONS

- Item 40. [Docket No. 2006-2185-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Tom E. Miller, Sr. dba Millers Corner in Ector County**; RN101734432; 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 41. [Docket No. 2007-0162-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **LB Foster Company in Hill County**; RN102775780; 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. (Melissa Keller, Steven Lopez)

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

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 42. [Docket No. 2005-1886-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bulk Services Transportation, Inc.** in **Bosque and Ellis Counties**; RN104712591; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Limos, David Van Soest)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 43. [Docket No. 2005-0143-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sea Lion Technology, Inc.** in **Galveston County**; TCEQ ID No. RN100870179; 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.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 44. [Docket No. 2006-1253-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alberto Bello Sanchez** in **Harris County**; RN104487186; for licensing violations pursuant to Tex. Occupations Code ch. 1903, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Catherine Albrecht, Steven Lopez)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 45. [Docket No. 2005-0097-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Shipyard, L.P.** in **Harris County**; TCEQ ID No. RN100248749; for air and water quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Jennifer Cook)

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

Item 46. [Docket No. 2006-1305-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Northeast Service, Inc. dba Horton Tree Service** in **Tarrant County**; RN101463990; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cari-Michel La Caille, Steven Lopez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 47. [Docket No. 2005-1764-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wayne Bagley** in **Panola County**; TCEQ ID No. RN104713078; 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 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Jennifer Cook)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 48. [Docket No. 2004-0610-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Aubrey** in **Denton County**; RN102336666; 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. (Heather Brister, Steven Lopez)

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

Item 49. [Docket No. 2005-0482-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Ector** in **Fannin County**; Texas Pollutant Discharge Elimination System Permit No. 10552-001, RN101920718; 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 Meyer, Steven Lopez)

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

Item 50. [Docket No. 2006-1507-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Criminal Justice** in **Houston County**; RN102314465; 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 51. [Docket No. 2006-0594-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Preston Club Utility Corporation and Robert J. Tate** in **Grayson County**; RN102340486; 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.

Item 52. [Docket No. 2006-1545-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Florence in Williamson County**; RN101920502; 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. (Ruben Soto, Steven Lopez)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 53. [Docket No. 2001-0185-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **TXG Properties of Texas, LLC in Hockley and Lubbock Counties**; TCEQ ID Nos. 8427, 8520, 8527, 8528, 8516 and RN101870012; 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. (Lena Roberts, Jennifer Cook)

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

Item 54. [Docket No. 2004-1284-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rama Rao Mugili dba Oak Island Ice House in Bexar County**; TCEQ ID No. RN101197309; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shawn Slack, Jennifer Cook)

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

Item 55. [Docket No. 2006-1742-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mom Ratan Corporation, Inc. dba Plantation Food Store in Harris County**; RN102785052; 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. (Philip DeFrancesco, Steven Lopez)

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

Item 56. [Docket No. 2006-1653-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Good Mountain Inc. dba Dennis Mobil Service Center in Harris County**; RN103942371; 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 57. [Docket No. 2006-1684-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Danish Business, Inc. dba Power Fuel Express in Harris County**; RN101844603; 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. (Alison Echlin, Steven Lopez)

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

Item 58. [Docket No. 2006-0061-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aliahsan Nadia Enterprises, Inc. dba Diadem Food Mart** in **Bexar County**; TCEQ ID Nos. 48994 and RN102014404; 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. (Alfred Oloko, Jennifer Cook)

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

Item 59. [Docket No. 2004-1181-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hall Grapevine Corporation dba Hall Johnson Chevron** in **Tarrant County**; TCEQ ID No. RN101570794; 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. (Shannon Strong, Jennifer Cook)

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

Item 60. [Docket No. 2005-1989-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Akram Rihani dba Oakland Shell** in **Tarrant County**; TCEQ ID No. RN102780855; 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. (Jacquelyn Boutwell, Jennifer Cook)

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

Item 61. [Docket No. 2006-0543-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SKA Ventures, Inc. dba Lucky Food Mart** in **Nueces County**; RN102016219; 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 62. [Docket No. 2006-0897-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dinh Ly Chia and Sung Kung Chia dba Billy Mart** in **Red River County**; TCEQ ID No. RN101820017; 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. (Mary Hammer, Jennifer Cook)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 63. [Docket No. 2005-0042-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Javed Iqbal dba Ledbetter Chevron** in **Dallas County**; TCEQ ID No. RN102281953; 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. (Laurencia Fasoyiro, Jennifer Cook)

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

Item 64. [Docket No. 2005-0505-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Hardin Food Mart Inc. dba Short Stop** in **Hardin County**; TCEQ ID No. RN103046363; for petroleum storage tank 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. (Shawn A. Slack, Jennifer Cook)

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

Item 65. [Docket No. 2004-1805-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mohammad Salman dba Shop N Save** in **Montgomery County**; TCEQ ID No. RN101651263; 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. (Laurencia Fasoyiro, Jennifer Cook)

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

Item 66. [Docket No. 2005-0293-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Mike's Groceries & Feed, Inc. dba Mike's Grocery & Feed 21** in **Montgomery County**; TCEQ ID No. RN102494408; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rachael Gaines, Jennifer Cook)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 67. [Docket No. 2005-1154-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Pak Convenience Store, Inc. dba One Stop #15** in **Dallas County**; TCEQ ID No. RN102402179; 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. (Lena Roberts, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 68. [Docket No. 2006-1024-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Meadow in Terry County**; RN101453884; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Steven Lopez)

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

Item 69. [Docket No. 2006-1592-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ocean Mobile Home Park, LLC in Chambers County**; RN100928282; 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 70. [Docket No. 2006-1687-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Travis County Water Control and Improvement District 20 in Travis County**; RN102677705; 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 71. [Docket No. 2006-0831-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Texarkana in Cass County**; RN100543115; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Steven Lopez)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 72. [Docket No. 2004-1862-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Classic Marble Company in Travis County**; RN101205383; 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. (Kimberly Morales, Steven Lopez)

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

Item 73. [Docket No. 2006-1838-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **K. Hovnanian of Houston II, L.P. dba Brighton Homes in Chambers**

County; RN105025936; 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.

RULE MATTERS

Item 74. **Docket No. 2006-1699-RUL.** Consideration for publication of the proposed repeal of **30 TAC Chapter 30** Occupational Licenses and Registrations Sections 30.28, 30.125, 30.210, 30.246, 30.318, 30.319, 30.349 and 30.399; new Sections 30.28, 30.210, 30.213, 30.214, 30.319; and 30.500 - 30.508; and amendments to Sections 30.3, 30.5, 30.7, 30.10, 30.14, 30.18, 30.20, 30.24, 30.30, 30.33, 30.51, 30.60, 30.81, 30.90, 30.92, 30.111, 30.120, 30.122, 30.129, 30.171, 30.180, 30.185, 30.190, 30.192, 30.201, 30.212, 30.231, 30.240, 30.242, 30.244, 30.245, 30.247, 30.261, 30.270, 30.272, 30.274, 30.301, 30.307, 30.310, 30.312, 30.315, 30.317, 30.337, 30.340, 30.342, 30.350, 30.355, 30.381, 30.387, 30.390, 30.392, and 30.400.

The proposed rulemaking would ensure consistency between the rules and their applicable statutes, make grammatical and punctuation corrections, as well as consolidate the administrative requirements and establish uniform procedures for the occupational licensing and registration programs prescribed by Texas Water Code, Chapter 37. (Terry Thompson, Alicia Lee) (Rule Project No. 2006-041-030-CE)

Approve for publication of the proposed repeal of 30 TAC Chapter 30 Occupational Licenses and Registrations Sections 30.28, 30.125, 30.210, 30.246, 30.318, 30.319, 30.349 and 30.399; new Sections 30.28, 30.210, 30.213, 30.214, 30.319; and 30.500 - 30.508; and amendments to Sections 30.3, 30.5, 30.7, 30.10, 30.14, 30.18, 30.20, 30.24, 30.30, 30.33, 30.51, 30.60, 30.81, 30.90, 30.92, 30.111, 30.120, 30.122, 30.129, 30.171, 30.180, 30.185, 30.190, 30.192, 30.201, 30.212, 30.231, 30.240, 30.242, 30.244, 30.245, 30.247, 30.261, 30.270, 30.272, 30.274, 30.301, 30.307, 30.310, 30.312, 30.315, 30.317, 30.337, 30.340, 30.342, 30.350, 30.355, 30.381, 30.387, 30.390, 30.392, and 30.400; direct staff to hold a public meeting during the comment period. KW/LS; all agree.

Item 75. **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)

Adopt amendments to Sections 11.1 - 11.3, and 11.200 of 30 TAC Chapter 11. KW/LS; all agree.

EXECUTIVE SESSION

Item 76. **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.

No action taken.

Item 77. **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.

No action taken.

Item 78. **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.

No action taken.

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

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: [HTTP://WWW.TEXASADMIN.COM/cgi-bin/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)

OLD BUSINESS AGENDA

Wednesday, March 28, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the January 24, 2007 and February 21, 2007 agendas.

- Item 1. [TCEQ Docket No. 2005-1582-IHW-E; SOAH Docket No. 582-06-2407.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Joe Boy Johnson** in **McCulloch County**, Texas; TCEQ Enforcement ID 26818, violations pursuant to 30 Texas Admin Code §§ 335.2(a) and 335.4, 40 Code of Federal Regulations § 270.1, and Tex. Water Code ch. 7. (Mark Curnutt)

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

AGENDA

Wednesday, March 28, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [Docket No. 2006-1830-MSW](#). Consideration of an application by **McCarty Road Landfill TX, LP** for a permit amendment for a vertical expansion of a Type I municipal solid waste (MSW) facility, Permit No. 261B in **Harris County**. The facility is located at 5757 A Oates Road, Houston, Texas. The commission will also consider the requests for hearing or reconsideration and related responses and replies, public comment and Executive Director's Response to Comments. (Diane Goss/Johnnie Williamson)

Grant all hearing requests and refer the matter to SOAH with a maximum hearing duration of 11 months on the issues of: 1. whether drainage patterns will be significantly altered; 2. whether the facility will be protective of groundwater; 3. whether the application provides for managing landfill gas; 4. whether the application provides for slope stability; 5. whether the application proposes appropriate measures so that vehicles hauling waste will avoid spillage and access roads will be adequately maintained; 6. whether the application provides for the protection of surface waters; 7. whether the application provides for adequate control of vectors; 8. whether the Applicant provided a calculation of the estimated rate of solid waste deposition and operating life of the site; 9. whether the application provides for adequate closure and post-closure; 10. whether the application complies with requirements for disposal of special waste; 11. whether training, documentation, and notification procedures are adequate; 12. whether the application provides adequate procedures to prevent unauthorized wastes from entering the landfill; 13. whether the application provides adequate provisions for fire protection; 14. whether the facility will be designed, operated, and managed in a manner that controls windblown waste; 15. whether the application complies with provisions related to unloading of wastes; 16. whether the application complies with transportation requirements; 17. whether the application complies with odor management provisions and dust control provisions; 18. whether the application considers/avoids impacts to endangered and threatened species; 19. whether the application provides for adequate cover; 20. whether the permit should be denied based on the Applicant's compliance history; 21. whether the proposed expansion will negatively impact the health of the requesters and their families; 22. whether operation of the facility will be conducted in such a manner so as to cause the creation and maintenance of a nuisance; and 23. whether the application adequately considers the impacts of the proposed vertical expansion on the pre-Subtitle D landfill cells and liner system; deny the request for reconsideration; encourage the Executive Director to participate in the hearing; direct that the preliminary hearing be held in Houston; encourage the parties to utilize the Commission's ADR staff; and direct the ALJ to file a proposed order with Findings of Facts, Conclusions of Law, and Ordering Provisions with the Proposal for Decision. KW/BG; all agree.

- Item 2. [TCEQ Docket No. 2005-1516-UCR; SOAH Docket No. 582-06-0425](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Tapatio Springs Service Company, Inc.**, seeking to amend its Certificates of Convenience

and Necessity Nos. 12122 and 20698, pursuant to Chapter 13 of the Texas Water Code, in order to extend its water and sewer utility service area in **Kendall County**, Texas. The Commission will also consider the application, the parties' exceptions, the parties' replies and related filings. (Kathy Brown)

Adopt the ALJ's Order. KW/BG; LS oppose.

(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.

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/s/ Tracy Gross
Assistant General Counsel,
Tracy Gross

5-7-2007
Date