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Chairman Kathleen White OLD BUSINESS AGENDA
Commissioner Larry Soward
Commissioner H.S. Buddy Garcia Wednesday, April 11, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the February 7 and 21, 2007 agenda.

- Item 1. [Docket No. 2006-1947-AIR.](#) Consideration of application by **Ryno Materials Inc.** for New Air Quality Standard Permit 76818 to authorize the construction of a permanent concrete batch plant. The proposed plant site is located two miles south of Celina on County Road 53, west of Highway 289, in Celina, **Collin 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. (Shelley Stratmann, Brad Patterson)

Deny all hearing requests and requests for reconsideration, issue the Executive Director's Response to Comments and issue the draft permit. KW/BG; LS oppose.

Item continued from the March 7, 2007 agenda.

- Item 2. [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)

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

Item continued from the March 28, 2007 agenda.

Item 3. [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)

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

Item continued from the March 28, 2007 agenda.

Item 4. [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)

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

AGENDA

Wednesday, April 11, 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. 2006-1992-SLG.** Consideration of the application by **American Water Services Residuals Management, Inc.** for a new permit, proposed Permit No. WQ0004746000, to authorize the land application of wastewater treatment plant sewage sludge and water treatment plant sludge for beneficial use on 285.41 acres. The land application site is located approximately two miles northeast of Thrall, 1.5 miles north of the intersection of U.S. Highway 79 and Farm-to-Market Road 1063, 1/2 mile east of the intersection of County Road 430 and Farm-to-Market Road 1063 in **Williamson 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. (Anthony Tatu, Brian Sierant)

Grant the hearing request of Tony Ray Buzan, extend the time for filing a hearing request to allow and accept the request filed by Hope Ging, deny the request for reconsideration, combine TCEQ Docket Nos. 2006-1992-SLG & 2006-1946-SLG and refer the combined matter to SOAH with a maximum hearing duration of six months on the issues of: 1. whether the land application of sludge at the two sites will negatively impact the health of the surrounding residents; 2. whether the land application of sludge will effect the requesters shallow wells; 3. whether the land application of sludge at the two sites will result in nuisance odors and increase insect problems for the surrounding residents; 4. whether the land application of sludge will unreasonably interfere with the use and enjoyment of the property and residences of surrounding landowners and residence, concurrently refer the matter to ADR if the parties are willing, request the Executive Director take part in the hearing, request the ALJ file Findings of Fact, Conclusions of Law, and Ordering Provisions with the Proposal for Decision and Proposed Order. KW/BG; all agree.

- Item 2. **Docket No. 2006-1946-SLG.** Consideration of the application by **American Water Services Residuals Management, Inc.** for a new permit, proposed Permit No. WQ0004745000, to authorize the land application of wastewater treatment plant sewage sludge and water treatment plant sludge for beneficial use on 232.62 acres. The land application site is located approximately one mile east of the City of Thrall, and northeast of the intersection of U.S. Highway 79 and Farm-to-Market Road 1063 in **Williamson 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. (Anthony Tatu, Brian Sierant)

Grant the hearing request of Tony Ray Buzan, extend the time for filing a hearing request to allow and accept the request filed by Hope Ging, deny the request for reconsideration, combine TCEQ Docket Nos. 2006-1992-SLG & 2006-1946-SLG and refer the combined matter to SOAH with a maximum hearing duration of six months on the issues of: 1. whether the land application of sludge at the two sites will negatively impact the health of the surrounding residents; 2. whether the land application of sludge will

effect the requesters shallow wells; 3. whether the land application of sludge at the two sites will result in nuisance odors and increase insect problems for the surrounding residents; 4. whether the land application of sludge will unreasonably interfere with the use and enjoyment of the property and residences of surrounding landowners and residence, concurrently refer the matter to ADR if the parties are willing, request the Executive Director take part in the hearing, request the ALJ file Findings of Fact, Conclusions of Law, and Ordering Provisions with the Proposal for Decision and Proposed Order. KW/BG; all agree.

Item 3. [Docket No. 2006-2247-MWD.](#) Consideration of the application by the **Houston Intercontinental Trade Center, L.P.** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014671001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 100,000 gallons per day in the interim I phase, an interim II phase with a daily average flow not to exceed 250,000 gallons per day and, a daily average flow not to exceed 500,000 gallons per day in the final phase. The wastewater treatment facility will be located at 4,400 feet north of Farm-to-Market Road 1488 and 10,100 feet west of Interstate Highway 45 in **Montgomery County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Celia Castro, David Akoma)

Grant the hearing requests of Russell Banning, Dick & Gay Baskin, Jeanne Bonnette, Matthew J. & Margie A. Godar, Christian & Kristina Hansen, Douglas & Deeanna Heermann, Bob Henderson, Gary & Mercedes Jones, Charlie Kaiser & Family, Kara Lee Kern, M.D. & Robert Morgan, H.D. Lowery, and James G. Ryan on the issues of: 1. whether nearby homes will be exposed to nuisance odors from the proposed facility; and 2. whether there are potential health hazards to the requesters and their families including hazards from increased vectors, refer the matter to SOAH with a maximum hearing duration of six months, request the Executive Director participate in the hearing, request the ALJ provide Findings of Fact, Conclusions of Law, and Ordering Provisions with the Proposal for Decision. KW/LS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4. [Docket No. 2005-1672-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **General Dynamics OTS (Garland), L.P.** in **Dallas County**; TCEQ ID No. RN102660909; 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. (Kathleen C. Decker, Jennifer Cook)

Item remanded to the Executive Director.

Item 5. [Docket No. 2006-1893-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **INEOS USA LLC** in **Brazoria County**; RN100238708; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Steven Lopez)

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

Item 6. [Docket No. 2006-1811-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jetta Operating Company, Inc. in Fort Bend County**; RN100227560; 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/BG; all agree.

Item 7. [Docket No. 2006-1133-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PD Glycol in Jefferson County**; RN100825413; 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/BG; all agree.

Item 8. [Docket No. 2006-1773-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **United States Gypsum Company in Nolan County**; RN100209618; 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. (Colin Barth, Steven Lopez)

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

Item 9. [Docket No. 2006-1080-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **Union Carbide Corporation in Galveston County**; RN100219351; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Steven Lopez)

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

Item 10. [Docket No. 2006-1095-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL Petrochemicals USA, Inc. in Jefferson County**; RN102457520; 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)

Item continued to the May 9, 2007 agenda. LS/KW; all agree.

Item 11. [Docket No. 2006-1549-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lone Star Industries, Inc. in Nolan County**; RN100220847; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cari-Michel La Caille, Steven Lopez)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

- Item 12. [Docket No. 2006-1291-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulamali Bandali dba Afton Oaks Cleaners in Harris County**; RN104966288; 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/BG; all agree.

- Item 13. [Docket No. 2006-1503-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Michael O. Keiffer and Kristen M. Keiffer dba Candy Cleaners in Tyler County**; RN104959622; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rajesh Acharya, Steven Lopez)

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

- Item 14. [Docket No. 2006-1359-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Nicolas T. Ponce dba Bryan CS Cleaners in Brazos County**; RN104964135 and RN104964317; 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. (Libby Hogue, Steven Lopez)

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

- Item 15. [Docket No. 2006-0728-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Vien T. Le dba Classy Cleaners & Alterations in Tarrant County**; RN104963111; 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/BG; all agree.

- Item 16. [Docket No. 2006-1584-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ann Van Nguyen dba Comet Cleaners in Denton County**; RN104317573; 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/BG; all agree.

- Item 17. [Docket No. 2006-1555-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bok Hee Kim dba Elite Professional Cleaners in Harris County**; RN102201365; 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. (J. Craig Fleming, Steven Lopez)

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

- Item 18. [Docket No. 2006-1381-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sultan, Inc. dba Superior Cleaners in Harris County**; RN104084926; 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. (Rajesh Acharya, Steven Lopez)

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

- Item 19. [Docket No. 2006-1287-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rahim Ali dba Sierra Cleaners in Harris County**; RN104309729; 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. (Trina Grieco, Steven Lopez)

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

- Item 20. [Docket No. 2006-1646-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sandy's Cleaners and Alterations, Inc. dba Carol's Tailoring and Alterations in Harris County**; RN104990080; 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/BG; all agree.

- Item 21. [Docket No. 2006-1557-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SABAH Corporation, Inc. dba VIP Cleaners and dba Liberty Cleaners in Liberty County**; RN104103031, RN104103023 and RN104103007; 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. (Harvey Wilson, Steven Lopez)

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

- Item 22. [Docket No. 2006-1693-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Barkat Aly dba Reveille Cleaners in Harris County**; RN100652700; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch.7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

- Item 23. [Docket No. 2006-1424-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Navico Corp dba Dixie Cleaners and dba Hi Tech Cleaners in Brazoria and Galveston Counties**; RN104102587 and RN103996351; 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/BG; all agree.

- Item 24. [Docket No. 2006-0707-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Lin Song dba Midcity Cleaners in Tarrant County**; RN100711258; 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/BG; all agree.

- Item 25. [Docket No. 2006-1292-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Marina G. Reyes dba Marina's Cleaners in Cameron County**; RN104974548; 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. (Alison Echlin, Steven Lopez)

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

- Item 26. [Docket No. 2006-1504-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Matthew John Reino dba Lucy's Cleaners in Tarrant County**; RN104998182; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jason Godeaux, Steven Lopez)

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

- Item 27. [Docket No. 2006-1461-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Zucker Enterprises, Inc. dba Sparkle Cleaners in El Paso County**; RN104968946, RN104968896; 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. (Shontay Wilcher, Steven Lopez)

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

- Item 28. [Docket No. 2006-1173-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Van & Jacqui, Inc. dba 1.35 Cleaners in Harris County**; RN104967146; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rajesh Acharya, Steven Lopez)

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

- Item 29. [Docket No. 2006-1642-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valet Express Dry Cleaning Services Company Inc. dba Valet Express in Bexar County**; RN103962569; for dry cleaner registration violations

pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

- Item 30. [Docket No. 2006-1615-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Soo Jin Chung dba Livingstone Cleaners in Collin County**; RN104282835; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

- Item 31. [Docket No. 2006-1350-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kyu Enterprise, Inc. dba K's Cleaners in Denton County**; RN103955639; 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/BG; all agree.

- Item 32. [Docket No. 2006-1269-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **JJ & JM Enterprise, Inc. dba Five Star in Harris County**; RN101951085; 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. (Dana Shuler, Steven Lopez)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDERS

- Item 33. [Docket No. 2006-0768-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Kyo M. Chung dba VIP Cleaner in Dallas County**; TCEQ ID No. RN104097753; 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. (Lena Roberts, Jennifer Cook)

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

- Item 34. [Docket No. 2006-0908-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Alex, Inc. dba Brothers II Cleaners in Tarrant County**; TCEQ ID No. RN100687896; 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 Default Order. KW/BG; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 35. [Docket No. 2006-1758-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Triad Hospitals, Inc.** in **Williamson County**; RN104993456; 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. (Ruben Soto, Steven Lopez)

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

FIELD CITATIONS

- Item 36. [Docket No. 2007-0164-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Presidio ISD** in **Presidio County**; RN101815017; 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/BG; all agree.

- Item 37. [Docket No. 2007-0166-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Premier Golf Management Inc. dba Lakeridge County Club** in **Lubbock County**; RN101728343; 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/BG; all agree.

- Item 38. [Docket No. 2007-0051-PWS-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Kimberly F. Miller** in **Victoria County**; RN104340286; for drinking water quality violations pursuant to TEX. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Steven Lopez)

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

- Item 39. [Docket No. 2007-0163-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **George West ISD** in **Live Oak County**; RN101766160; 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/BG; all agree.

- Item 40. [Docket No. 2006-2091-PWS-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Terry L. Babb, Sr.** in **Henderson County**; RN105025811; for drinking water quality violations pursuant to Tex. Health & Safety Code ch.

341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Steven Lopez)

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

- Item 41. [Docket No. 2007-0165-PWS-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Billy Askins** in **Shelby County**; RN103306254; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, David Van Soest)

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

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

- Item 42. [Docket No. 2006-1029-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BFI Waste Services of Texas, LP** in **Harris County**; RN101859445; 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. (Alison Echlin, Steven Lopez)

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

- Item 43. [Docket No. 2006-0941-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Questech Services Corporation** in **Dallas County**; RN100684034; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, Steven Lopez)

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

- Item 44. [Docket No. 2006-1299-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nova Chemicals Inc.** in **Harris County**; RN100542224; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Dana Shuler, Steven Lopez)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

- Item 45. [Docket No. 2002-0695-LII-E](#). Consideration of a Default Order assessing administrative penalties requiring certain actions of **Robert (Bobby) Barton McCanns, Jr. dba Aaron Irrigation and Landscaping Co.** in **Tarrant County**; TCEQ ID Nos. 5376 and RN103457198; for landscape irrigation violations pursuant to Tex. Water Code chs. 7, 34, and 37, Tex. Occ.

Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Alfred Oloko, Jennifer Cook)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 46. [Docket No. 2004-0142-MLM-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **South Texas Chlorine, Inc. in Cameron County**; TCEQ ID No. RN100843044; for industrial hazardous waste, water quality, and air quality violations pursuant to Texas Health & Safety Code chs. 361 and 382, Texas Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Jennifer Cook)

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

Item 47. [Docket No. 2006-0797-MLM-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN101975746; for air quality and industrial & hazardous 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. (Jessica Rhodes, Steven Lopez)

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

Item 48. [Docket No. 2006-1506-MLM-E.](#) Consideration of an Agreed Order assessing administrative penalties against **INVISTA S.a.r.l. in Orange County**; RN104392626; for air quality and industrial & hazardous 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. (Colin Barth, Steven Lopez)

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

Item 49. [Docket No. 2006-1413-MLM-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Edinburg in Hidalgo County**; RN102080603 and RN101203560; for water quality and drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, 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/BG; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 50. [Docket No. 2006-1546-MWD-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Development, Inc. dba Aqua Texas, Inc. in Harris County**; RN102343720; 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/BG; all agree.

- Item 51. [Docket No. 2006-1709-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stowaway Bay Property Owners Association in Polk County**; RN102077179; 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/BG; all agree.

- Item 52. [Docket No. 2006-1492-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of La Ward in Jackson County**; RN102287562; 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/BG; all agree.

- Item 53. [Docket No. 2006-1073-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hidalgo in Hidalgo County**; RN101919975; 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/BG; all agree.

ON SITE SEWAGE FACILITY INSTALLERS ENFORCEMENT DEFAULT ORDER

- Item 54. [Docket No. 2006-0470-OSI-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jim B. Clemons in Navarro County**; TCEQ ID No. RN103390274; for on-site sewage facility installer violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Shawn A. Slack, Jennifer Cook)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

- Item 55. [Docket No. 2005-1634-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Light Business, Inc. dba Farmco 202 in Guadalupe County**; TCEQ ID No. RN102817558; 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. (Rebecca M. Combs, Jennifer Cook)

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

Item 56. [Docket No. 2006-1566-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sharp Investment, Inc. dba Little Buddy 2** in **Harris County**; RN101822310; 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. (Rajesh Acharya, Steven Lopez)

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

Item 57. [Docket No. 2006-1847-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hugh Howard dba Rio Grande Distributors Inc** in **Presidio County**; RN102484326; 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/BG; all agree.

Item 58. [Docket No. 2006-1516-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fuad Azar dba Pik Kwick 1** in **Harris County**; RN100859156; 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. (Rajesh Acharya, Steven Lopez)

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

Item 59. [Docket No. 2006-1782-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Multiple Concepts, Inc. dba Step N Go Food Store** in **Harris County**; RN102450210; 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/BG; all agree.

Item 60. [Docket No. 2006-0462-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rick Lumbley dba Lum's Country Store** in **Kimble County**; RN101782605; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Steven Lopez)

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

Item 61. [Docket No. 2006-1628-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kempwood Enterprises, LLC dba Chevron Mini Mart 3** in **Harris County**; RN102441094; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5, 7, and 26, and the rules of the

Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Steven Lopez)

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

Item 62. [Docket No. 2006-1415-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Food Mart Inc. dba Neighborhood Chevron** in **Dallas County**; RN102322989; 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/BG; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 63. [Docket No. 2006-1508-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dale Water Supply Corporation** in **Caldwell County**; RN100824960; 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/BG; all agree.

Item 64. [Docket No. 2006-1712-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Eagle Pass Water Works System** in **Maverick County**; RN101387710 and RN101182285; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Steven Lopez)

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

Item 65. [Docket No. 2006-1711-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas H2O, Inc.** in **Johnson County**; RN101244291; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lynley Doyen, Steven Lopez)

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

Item 66. [Docket No. 2006-1063-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Conference Association of Seventh-Day Adventists dba The Oaks Adventist Christian School** in **Harris County**; RN104387543; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Anita Keese, Steven Lopez)

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

Item 67. [Docket No. 2006-1494-PWS-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monarch Utilities I L.P.** in **Grayson and Henderson Counties**; RN101450286 and RN104359526; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elvia Maske, Steven Lopez)

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

Item 68. [Docket No. 2006-1731-PWS-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Lancaster** in **Dallas County**; RN101387306; 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/BG; all agree.

Item 69. [Docket No. 2006-1429-PWS-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gaylord Willett dba Essman Warehouse Complex** in **Harris County**; RN101202240; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sandy VanCleave, Steven Lopez)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 70. [Docket No. 2005-1683-PWS-E.](#) Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Marti M. Carder dba Pier 57** in **Matagorda County**; TCEQ ID No. RN104393004; 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. (Lena Roberts, Jennifer Cook)

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

Item 71. [Docket No. 2005-0075-PWS-E.](#) Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Horace Findley dba Bosque Brazos Valley Water Systems, Inc.** in **Bosque County**; TCEQ ID No. RN101215275; 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/BG; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 72. [Docket No. 2006-1721-WQ-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Buda Economic Development Corporation** in **Hays County**; RN105023907; 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/BG; all agree.

- Item 73. [Docket No. 2006-1837-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Imperial Homes Texas, Ltd.** in **Harris County**; RN105025308; 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/BG; all agree.

GENERAL PERMITS

- Item 74. [Docket No. 2007-0032-IWD](#). Consideration of issuance of a renewed **General Permit No. TXG340000**, which authorizes on a state-wide basis, the discharge of facility wastewater, contact storm water, and storm water associated with industrial activities resulting from petroleum bulk stations and terminals into or adjacent to water in the state subject to specific effluent limitations. This permit specifies which facilities may be covered under this general permit. The Commission will also consider public comment and the Executive Director's response to comments. (Yvonna Pierce/Michael Northcut)

Approve issuance of the renewed General Permit and Commission Resolution as revised by Executive Director staff during the public meeting. KW/LS; all agree.

TMDL MATTERS

- Item 75. [Docket No. 2007-0160-TML](#). Consideration for approval to publish and solicit public comment on a draft **TMDL Implementation Plan for zinc in oyster tissue in Nueces Bay** (Segment 2482) in **Nueces and San Patricio Counties**. Nueces Bay drains the Nueces River Basin, along with portions of the San Antonio-Nueces and Nueces-Rio Grande Coastal Basins. (Faith Hambleton, Marc Friberg)

Approve publication and solicitation of public comment on a draft TMDL Implementation Plan for zinc in oyster tissue in Nueces Bay. KW/BG; all agree.

- Item 76. [Docket No. 2007-0026-TML](#). Consideration for approval to publish and solicit public comment on a draft Implementation Plan for three **TMDLs for chloride, sulfate and total dissolved solids in Petronila Creek** above Tidal (Segment 2204) of the Nueces-Rio Grande Coastal Basin, in **Nueces and Kleberg Counties**. (Faith Hambleton, Marc Friberg)

Approve publication and solicitation of public comment on a draft Implementation Plan for three TMDLs for chloride, sulfate and total dissolved solids in Petronila Creek. KW/LS; all agree.

- Item 77. [Docket No. 2007-0190-TML](#). Consideration for approval to publish and solicit public comment on a draft **TMDL Implementation Plan for two total maximum daily loads for chloride and total dissolved solids in the Colorado River Below E. V. Spence Reservoir**

(Segment 1426) in **Coke and Runnels Counties** of the Colorado River Basin. (Faith Hambleton, Marc Friberg)

Approve publication and solicitation of public comment on a draft TMDL Implementation Plan for two total maximum daily loads for chloride and total dissolved solids in the Colorado River Below E. V. Spence Reservoir. KW/BG; all agree.

EXECUTIVE SESSION

Item 78. **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 79. **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 80. **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, April 11, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

Item continued from the June 14, 2006 agenda.

- Item 1. [Docket No. 2004-1315-PST-E; SOAH Docket No. 582-05-8335.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing certain actions of **Manuel Manriquez dba M&A Oil Co.** in **Presidio County**, Texas; TCEQ PST Registration No. 15928; regarding 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.

Adopt the ALJ's proposed Order with the Executive Director's two minor exceptions and the two corrective action compliance date extensions made by the Chairman at the dais. KW/BG; all agree.

AGENDA

Wednesday, April 11, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [Docket No. 2006-0860-UCR.](#) Consideration of a final water rate order following a remand from the State Office of Administrative Hearings (SOAH) on February 13, 2007. The representative for the Executive Director and the Office of Public Interest Counsel, along with a representative appearing on behalf of the utility receiver reached a final settlement agreeing to the emergency rate increase order issued by the Commission and agreed to the following additional terms: 1) the establishment of an escrow account by the utility as prescribed by Title 30 Texas Administrative Code 291.30; 2) the segregation and deposit of all emergency surcharge funds beginning at the time of the SOAH Agreement into an interest bearing account; and 3) the submittal to the TCEQ requests to use allocated escrow funds. The application was filed by **Bret Fenner, Receiver for William A. Swinney d.b.a. High Sierra Water System and P.K.C.C., L.P.** Certificate of Convenience and Necessity No. 12855, for an emergency water rate increase. The Executive Director issued an Emergency Order without a hearing on July 11, 2006. The Commission considered the matter at the September 6, 2006, and October 4, 2006 Agendas and issued an Order dated October 13, 2006, which affirmed and modified the Executive Director's Emergency Order. The establishment of a final rate pursuant to the emergency rate increase order was considered pursuant to Sections 5.508 and 13.4133, Texas Water Code, and 30 Texas Administrative Code Section 35.202. The utility serves approximately 33 connections in **Burnet County, Texas.**

Adopt the ED's proposed order establishing the final rate for the emergency rate request, attach the Commission order and the SOAH order, and modify the ordering provision with the language made by the Chairman at the dais. KW/LS; all agree.

- Item 2. [Docket No. 2006-0780-UCR.](#) Consideration of a final sewer rate order following a remand from the State Office of Administrative Hearings (SOAH) on January 10, 2007. The attorneys for the Executive Director, the Office of Public Interest Counsel, the receiver, and the participating ratepayers reached a final settlement agreeing to set the final rate pursuant to emergency rate increase order issued by the Commission. The application was filed by **Patrick C. King, as receiver for Lamar Water Supply Corporation,** Certificate of Convenience and Necessity No. 20607, for an emergency sewer rate increase. The Executive Director issued an Emergency Order without a hearing on July 13, 2006. The Commission considered the matter at the September 6, 2006 Agenda and issued an Order dated September 15, 2006, which affirmed and modified the Executive Director's Emergency Order. The establishment of a final rate pursuant to the emergency rate increase order was considered pursuant to Sections 5.508 and 13.4133, Texas Water Code, and 30 Texas Administrative Code Section 35.202. The utility serves approximately 36 connections in **Aransas County, Texas.**

Adopt the ED's proposed order establishing the final rate for the emergency rate request and attach the parties' settlement agreement, the Commission order and the Executive Director's Emergency Order. KW/BG; all agree.

Item 3. [TCEQ Docket No. 2005-1607-SLG; SOAH Docket No. 582-06-1212.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Beneficial Land Management, L.L.C.** for a permit authorizing the land application of wastewater treatment plant sewage sludge for beneficial use and the permit, as amended, which, if issued, will authorize a sludge application rate not to exceed eight dry tons per acre per year. The sewage sludge land application fields of about 793.4 acres are part of the Arenosa Creek Ranch, which is located 10 miles northwest of the City of Inez, on Farm-to-Market Road 444, and 2.5 miles northeast of the intersection of Karnes Road and Farm-to Market Road 444 in **Victoria County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies.

The Commission adopted the ALJ's proposed Order with the additional recommendations of the Administrative Law Judge presented at agenda and the amendments made by the Chairman at the dais during the public meeting, adopted the Executive Director's 2005 Response to Comments, and directed the Executive Director to file a revised permit in the Chief Clerk's Office in accordance with the Commission's adoption of the ALJ's recommendations and serve a copy of the revised permit on all parties. KW/BG; all agree.

Item 4. [Docket No. 2006-1746-AIR.](#) Consideration of application by **Lonestar Prestress MFG, Inc.** for Air Quality Permit 76688L001 to authorize the operation of a Specialty Concrete Batch Plant located at 9316 Reid Lake Drive, Houston, **Harris 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. (Helga Chatelle/Douglas Brown)

Grant the hearing requests of Kenneth Bengle, Paul and Annisa Blanchard, Maurice and Ann Bonefas, Zoe Bradstreet, Octavio Cabrera, Marciela Cano, Henry and Dolores Castillo, Johnnie and Gladys Chaloupka, Gilbert Charros, James and Dorris Chesser, Sukudev Cheema, Zsuzsanna Cohen, Jay Conlin, Mary Craft, Dennis Culberson, William and Sharmon Deas, Pedro Deleon, Rajinder Dhillon, Stever Donn, Robert Elliot, Robert Ellis, (Dennis and) Barbara F(H)arley, Glen Fornerette, Elena Gomez, Rod Jackson, Angel Juarez, Melba La Mountain, Alyssa, Mireca, and Patricia Lengyel, Johnny Lott, Billie Jo Malone, Gerald Malone, Michael Malone, Tommy and Jeanette Malone, Ken Mathews, J. Meyer, Angelina Mireles, Mary Moral, Garciela Mosqueda, Leticia Mosqueda, Chris and Kim Murray, James Murray, Melba Jo Murray, Gertrude Nowak, Gail Prasek, Harvey Prasek, Susana Puga, Juan and Maria Razo, Elsie Rhea, Cipriano Ruvalcaba, Kathi Schatz, Donna Stanley, Ted and Karon Tank, Floyd Telschow, Tim Tipton, Calvin and Nguyen Vu, Ernest Wallingford, Art Weathers, Mark Wilde, Sukudev Cheema, Robert Willis on the issues of: 1. whether the air emissions from the proposed facility will adversely affect the health of the residents, animals, and vegetation in the area; 2. whether the air emissions from the proposed facility will adversely affect air quality in the area; 3. whether the air emissions from the proposed facility will adversely affect the environment; 4. whether the air emissions from the proposed facility will adversely affect the requester's welfare or damage the requester's property; 5. whether operation of the proposed facility will create nuisance conditions in the area; 6. whether the Applicant's compliance history justifies denial of the registration; and 7. whether Hans Boone, Donald and Judy Christian, Pablo and Flore Garza, Wray Lilly,

Kenneth and Alma Mongonia, Sara Nugent, Carlos and Maria Reyes, Rhjinder Singh, Asa Weathers, Jim and Glenda Deveau, Tim Sandusky, and Rick and Rita Ashby reside within 440 yards of the plant, deny all other hearing requests and requests for reconsideration, set a maximum hearing duration of four months, request the ALJ provide Findings of Fact, Conclusions of Law, and Ordering Provisions with the Proposal for Decision. KW/LS; all agree.

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

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

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/s/ Anne Rowland
Assistant General Counsel,
Anne Rowland

5-9-2007
Date