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Chairman Kathleen White
Commissioner Larry Soward
Commissioner H.S. Buddy Garcia

OLD BUSINESS AGENDA
Wednesday, May 9, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the November 1, 2006 and February 21, 2007 agendas.

- Item 1. [Docket No. 2006-0884-MWD](#). Consideration of the application by **Westlakes Utility Corporation** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014658001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 990,000 gallons per day. The wastewater treatment facility will be located 2,000 feet west of Loop 1604 and approximately 1,000 feet south of Farm-to-Market Road 143 in Southwest **Bexar County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Celia Castro, Bijaya Chalise)

Grant the hearing request of San Antonio Water System (SAWS) on the following issues: 1) whether the Applicant failed to provide adequate public notice as required by 30 TAC § 39.405(g) by failing to make the application documents available at a public site, 2) whether the Applicant has failed to adequately demonstrate that it would be economically unreasonable to use SAWS' existing facilities; and 3) whether a privately owned facility in this location is needed if SAWS operates an adjacent system with capacity to treat the wastewater. Make issue 1 a preliminary issue and if the ALJ finds that the notice was not adequate, then SAWS would be given the opportunity to make additional comments and raise additional issues which would be added for consideration at hearing if the ALJ finds that the new issues are relevant and material pursuant to 30 TAC §80.4(c)(16). Direct the matter be referred to SOAH with a maximum hearing duration of six months; if the parties are willing, refer the matter to ADR; and request the ALJ to

file Findings of Fact, Conclusions of Law, and Ordering Provisions with the Proposal for Decision. KW/BG; all agree.

Item continued from the December 6, 2006 and January 10, 2007 agendas.

- Item 2. [Docket No. 2004-0220-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of West Tawakoni in Hunt County**; RN101423671; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Laurie Eaves, David Van Soest)

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

Item continued from the January 10, 2007 agenda.

- Item 3. [Docket No. 2005-1040-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Charles D. Hodges dba North Western Excavation and Dirt Landfill, LLP in Tarrant County**; TCEQ ID Nos. RN100712983 and RN104574728; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen Decker, Jennifer Cook)

Item remanded to the Executive Director.

Item continued from the April 11, 2007 agenda.

- Item 4. [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 from the June 14, 2006, November 15, 2006, January 10, 2007, and April 25, 2007 agendas.

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

Item continued from the June 14, 2006, November 15, 2006, January 10, 2007, and April 25, 2007 agendas.

- Item 5. [Docket No. 2003-1298-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Lovelady in Houston County**; TCEQ ID Nos. 10734-001 and RN102185543; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Deborah A. Bynum, Jennifer Cook)

Approve the Agreed Order with a total penalty of \$545.00 as justice may require. KW/LS; all agree.

AGENDA

Wednesday, May 9, 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. 2007-0168-AIR.](#) Consideration of application by the **Calhoun County Navigation District** for the amendment of Air Quality Permit 45586 and the issuance of Prevention of Significant Deterioration (PSD) Permit, PSD-TX-1055 to authorize the re-powering and upgrading of the existing E. S. Joslin Power Station. The facility is located at 135 County Road 319, Point Comfort, **Calhoun 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. (Johnny Vermillion/Andrea Casey)

Grant the hearing request filed by the SEED Coalition on the issues of: 1. whether the emission limits contained in the draft permit are protective of human health and livestock, including whether additional modeling or toxicological work is required due to the vanadium and silica ESL exceedances; 2. whether the draft permit is consistent with the State's policy in THSC §382.002(a) regarding the protection of aesthetic enjoyment of air resources and the maintenance of adequate visibility; 3. whether the BACT analysis complies with applicable Commission regulations and is consistent with applicable Commission policies and guidance; 4. whether the modeling considered start-up and shut-down emissions, mercury and heavy metals emissions, and other on-site emission sources, as well as background emissions, in accordance with applicable Commission regulations, policies, and guidance; 5. whether the transport of emissions was evaluated in accordance with applicable Commission regulations, policies, and guidance; 6. whether the Applicant's compliance history was properly determined and considered; and 7. whether the PSD review was conducted in accordance with the requirements of the Texas PSD program, refer the matter to SOAH with a maximum hearing duration of nine months while concurrently referring the matter to the ADR program, direct the Executive Director to participate in the SOAH hearing, direct SOAH to include Findings of Fact, Conclusions of Law, and Ordering Provisions in the Proposal for Decision. KW/BG; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 2. [Docket No. 2006-1541-AGR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R. J. Smelley Company, Inc.** in **Parker and Tarrant Counties**; RN101536886; 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/BG; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 3. [Docket No. 2006-1908-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **Air Liquide Large Industries U.S. LP** in **Harris County**; RN100233998; 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/BG; all agree.

- Item 4. [Docket No. 2005-1212-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company** in **Brazoria County**; RN101619179; 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/BG; all agree.

- Item 5. [Docket No. 2006-1922-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E. R. Carpenter, L.P.** in **Bell County**; RN100211242; 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 6. [Docket No. 2006-1704-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation** in **Jefferson County**; RN102450756; 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 7. [Docket No. 2006-1547-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lyondell Chemical Company** in **Harris County**; RN102523107; 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/BG; all agree.

- Item 8. [Docket No. 2006-0975-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **LBC Houston, L.P.** in **Harris County**; RN101041598; 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/BG; all agree.

Item 9. [Docket No. 2006-0902-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation in Jefferson County**; RN100219252; 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 10. [Docket No. 2006-1692-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation in Montgomery County**; RN100219740; 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/BG; all agree.

Item 11. [Docket No. 2006-1841-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Haldor Topsoe, Inc. in Harris County**; RN101211498; 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/BG; all agree.

Item 12. [Docket No. 2005-1791-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flex Tank Systems, LLC in Harris County**; RN100542489; 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 13. [Docket No. 2006-1743-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN100542844; 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. (Audra Ruble, Steven Lopez)

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

Item 14. [Docket No. 2006-1398-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Steven Lopez)

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

Item 15. [Docket No. 2006-0887-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Coletto Creek Power, LP in Goliad County**; RN100226919; 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. (Lindsey Jones, Steven Lopez)

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

Item 16. [Docket No. 2006-1834-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The BOC Group, Inc. in Harris County**; RN103080487; 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. (Samuel Short, Steven Lopez)

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

Item 17. [Docket No. 2006-1665-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **Texaco Exploration and Production Inc. in Ector County**; RN100218890; 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. (Terry Murphy, Steven Lopez)

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

Item 18. [Docket No. 2006-1816-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stonewater Pipeline Company, L.P. in Sutton County**; RN100215607; 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. (Lindsey Jones, Steven Lopez)

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

Item 19. [Docket No. 2006-1954-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwestern Bell Telephone, L.P. in El Paso County**; RN102387826; 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 20. [Docket No. 2006-1718-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shintech Incorporated in Brazoria County**; RN100637909; 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/BG; all agree.

- Item 21. [Docket No. 2006-1438-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sequa Corporation in Harris County**; RN100217926; 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 22. [Docket No. 2005-1967-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **South-Tex Concrete, Inc. in Cameron County**; TCEQ ID No. RN102764867; 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. (Robert R. Mosley, Jennifer Cook)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

- Item 23. [Docket No. 2006-0836-AIR-E.](#) Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Houston Precast, Inc. in Montgomery County**; TCEQ ID No. RN104960497; 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. KW/LS; all agree.

DRY CLEANER ENFORCEMENT AGREED ORDERS

- Item 24. [Docket No. 2006-1451-DCL-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thomas N. Thomas and Kyung A.E. Thomas dba East Lake Cleaners and dba East Gate Cleaners in Bell County**; RN103992244 and RN103992251; 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/BG; all agree.

- Item 25. [Docket No. 2006-1706-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Khanh C. Nguyen and K. Nguyen and Sons Ltd. dba H P Cleaners** in **Collin County**; RN101314714; 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 26. [Docket No. 2006-1374-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Polynesian, Inc. dba Image Cleaners** in **Harris County**; RN100863091 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 Griemel, Steven Lopez)

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

- Item 27. [Docket No. 2006-1582-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Super Heimer View, Inc. dba Exclusive Cleaners** in **Harris County**; RN104130927; 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 LaCaille, Steven Lopez)

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

- Item 28. [Docket No. 2006-1423-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Protex - Care, L.P. dba Wall Street Cleaners and Saint James Cleaners** in **Collin County**; RN104098561 and RN105002836; 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, Steven Lopez)

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

- Item 29. [Docket No. 2006-1245-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sherali Haiderali dba Regency Cleaners** in **Harris County**; RN100708304; 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. (Tel Croston, Steven Lopez)

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

- Item 30. [Docket No. 2006-1267-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Preston Tiptop Cleaners Inc. dba Tip Top Cleaners 2** in **Dallas County**;

RN101460020; 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/BG; all agree.

- Item 31. [Docket No. 2006-1462-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mizmez, Inc. dba Coppel Cleaners in Denton County**; RN104998802; 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 32. [Docket No. 2006-1358-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tuan Nguyen dba Key Dry Cleaner in Harris County**; RN104952049, 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/BG; all agree.

DRY CLEANER ENFORCEMENT DEFAULT ORDER

- Item 33. [Docket No. 2006-0851-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Anh Ma dba 1.25 One Price Cleaners in Tarrant County**; TCEQ ID No. RN104968128; 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. (Rachael Gaines, Jennifer Cook)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 34. [Docket No. 2005-1244-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Erik Howard dba Howard Ranch Subdivision in Hays County**; TCEQ ID No. RN104608732; for Edward's Aquifer 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. (Laurencia Fasoyiro, Jennifer Cook)

Item continued to the June 13, 2007 agenda. LS/BG; all agree.

FIELD CITATIONS

- Item 35. [Docket No. 2007-0292-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Hi Five Auto Care, Inc. dba High Five Auto Care in**

Dallas County; RN102453685; 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 36. [Docket No. 2007-0293-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Jai Kapish Corporation dba Stop and Shop 1 in Denton County**; RN102031960; 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. 2007-0364-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **James Oran Bone in Collin County**; RN103097259; 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.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 38. [Docket No. 2006-1411-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **United Recyclers Services of Texas, Inc. in Dallas County**; RN102415429; for industrial & hazardous waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Steven Lopez)

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

Item 39. [Docket No. 2006-1015-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paul H. Krebs dba K Estates Water System in Harris County**; RN101257806; for drinking water quality and public water utilities violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Steven Lopez)

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

Item 40. [Docket No. 2006-0075-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bosque Basin Water Supply Corporation in McLennan County**; TCEQ ID No. RN101213544; for public water system and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 11, and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Jennifer Cook)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

- Item 41. [Docket No. 2006-0508-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jose Cisneros and Edgar Cisneros in Jim Wells County**; TCEQ ID No. RN104549118; for municipal solid waste and air quality 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 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

- Item 42. [Docket No. 2005-0919-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Michael Conlin in Hardin County**; TCEQ ID No. RN104523063; for municipal solid waste and used oil violations pursuant to Tex. Health & Safety Code ch. 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Jennifer Cook)

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

- Item 43. [Docket No. 2006-1111-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Ralls in Crosby County**; RN104984240; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Steven Lopez)

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

- Item 44. [Docket No. 2006-1766-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pleasanton in Atascosa County**; RN105025555; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Steven Lopez)

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

- Item 45. [Docket No. 2006-1747-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Juan Martin Villarreal dba El Chore Pit, Inc in Hidalgo County**; RN100842251; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Sandy VanCleave, Steven Lopez)

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

- Item 46. [Docket No. 2005-1735-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Charles C. Crawford** in **Tarrant County**; RN104623061; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Alison Echlin, Steven Lopez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 47. [Docket No. 2005-1586-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Anson** in **Jones County**; TCEQ ID No. RN103137998; 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. (Mark Curnutt, Jennifer Cook)

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

- Item 48. [Docket No. 2006-1808-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **Lower Colorado River Authority** in **Bastrop County**; RN101992691; 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 49. [Docket No. 2004-1696-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hubbard** in **Hill County**; Texas Pollutant Discharge Elimination System Permit No. 10534001 and RN101918480; 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/BG; all agree.

- Item 50. [Docket No. 2006-1650-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Acton Municipal Utility District** in **Hood County**; RN102898459; 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/BG; all agree.

Item 51. [Docket No. 2006-1980-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shelbyville Independent School District in Shelby County**; RN101527224; 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/BG; all agree.

ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT DEFAULT ORDER

Item 52. [Docket No. 2005-1999-OSS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jose Hurtado and Maria Franco in Dallas County**; TCEQ ID No. RN103003257 for on-site sewage disposal violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality. (Robert R. Mosley, Jennifer Cook)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 53. [Docket No. 2004-1162-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Luis M. Trevino dba Wolf Car Care in Frio County**; TCEQ ID No. RN102452109; 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. (Laurencia Fasoyiro, Jennifer Cook)

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

Item 54. [Docket No. 2006-1651-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Simon Stephen dba KK Food Store in Harris County**; RN101930873; 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 55. [Docket No. 2006-2238-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jayvik Auto Systems, Inc. dba Speedee Oil Change & Tune Up in Denton County**; RN100539923; 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 56. [Docket No. 2006-1697-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gessner Investments, LLC dba Chevron 108064** in **Harris County**; RN101625143; 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/BG; all agree.

Item 57. [Docket No. 2006-0450-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gas Mart U.S.A., Inc.** in **El Paso County**; RN100812510; 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/BG; all agree.

Item 58. [Docket No. 2006-1790-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Fred Garrison Oil Company dba Chucks Grocery & Grill** in **Tarrant County**; RN102030681; 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. 2006-1896-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cougar Stop, Inc. dba Normandy Truckstop** in **Harris County**; RN102777646; 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 60. [Docket No. 2006-1826-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Angel Brothers Enterprises, Ltd. dba Angels Gas & Grocery** in **Chambers County**; RN102443355; 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. (Thomas Greimel, Steven Lopez)

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

Item 61. [Docket No. 2006-1918-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **New Everest Group Corporation dba Lils General Food Store** in **Tarrant County**; RN101552966; for petroleum storage tank violations pursuant to Tex. Health & Safety

Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip DeFrancesco, Steven Lopez)

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

Item 62. [Docket No. 2005-1366-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Amal Dana dba Rivercrest Service Station in Tarrant County**; RN102370582; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Steven Lopez)

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

Item 63. [Docket No. 2005-1109-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Reddy Energy, Inc. dba Bachman Lake Mobil in Dallas County**; RN102368040; 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.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 64. [Docket No. 2004-0885-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Claude Conner dba Conner Texaco Service Station in Jefferson County**; TCEQ ID Nos. 40735 and RN101722809; 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. (Justin Lannen, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 65. [Docket No. 2006-1978-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dialville Oakland Water Supply Corporation in Cherokee County**; RN101441285; 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/BG; all agree.

Item 66. [Docket No. 2004-1342-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Steve Janssen dba Country Convenience in Montgomery County**;

RN101251593; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Merrilee Hupp, David Van Soest)

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

Item 67. [Docket No. 2006-2237-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Community Water Company dba Rolling Hills Water System in Hunt County**; RN102690310; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Steven Lopez)

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

Item 68. [Docket No. 2007-0022-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kaufman in Kaufman County**; RN101392728; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Miller, Steven Lopez)

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

Item 69. [Docket No. 2004-0900-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas H2O, Inc. dba Canyon Creek Addition in Hood County**; TCEQ ID No. RN101213411; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Justin Lannen, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 70. [Docket No. 2005-1197-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Kyle Hickam dba Cartwright Bar B Que in Travis County**; TCEQ ID No. RN101245280; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Shawn A. Slack, Jennifer Cook)

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

Item 71. [Docket No. 2006-0290-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **George W. Jackson dba Fort Jackson Mobile Estates in Lubbock County**; TCEQ ID No. RN102698545; 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. (Shawn A. Slack, Jennifer Cook)

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

PETITION TO SUSPEND AND REVOKE

Item 72. [Docket No. 2006-0324-SLG.](#) Consideration of a petition to suspend and revoke TCEQ Permit Number WQ0004674000 issued to **Synagro of Texas-CDR, Inc.**, filed by Barbara Hoffman, Alfred and Belita Hoffman, and Kenneth Witte, and related filings. The beneficial land application site for wastewater treatment plant sewage sludge is located adjacent to the west side of Farm-to-Market Road 194 and Highway 90, approximately 4.5 miles west of the City of Eagle Lake in Colorado County, Texas. (John Williams, Brian Sierant)

Deny the Petition to Suspend and Revoke because the specific requirements for suspension and revocation were not met and direct the Executive Director to comply with the House Bill 801 notice and hearing requirements, including the NORI and NAPD requirements, as required by Texas Health and Safety Code Section 361.121, with regard to the pending minor permit amendment application for Permit Number WQ0004674000. KW/LS; all agree.

RULE MATTERS

Item 73. [Docket No. 2006-2163-RUL.](#) Consideration of the adoption of amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Subchapter H, Low Emission Fuels, Division 2, Low Emission Diesel, Section 114.318 and corresponding revisions to the state implementation plan (SIP). The adoption would amend Chapter 114 to extend the December 31, 2006, expiration date of all alternative emission reduction plans approved by the executive director prior to December 16, 2005, by one year to December 31, 2007, and would apply the new expiration date to all alternative emission reduction plans approved by the executive director prior to May 17, 2006. The proposed rules were published in January 26, 2007, issue of the *Texas Register* (32 TexReg 279). (Morris Brown, John Minter) (Rule Project No. 2007-007-114-EN)

Continue this matter to the 1:00 P.M. May 9, 2007 agenda.

Item 74. [Docket No. 2007-0234-RUL.](#) Consideration for publication of a repeal of **30 TAC Chapter 321** Control of Certain Activities by Rule, Subchapter G, Hydrostatic Test Dischargers; Subchapter H, Discharge to Surface Water from Treatment of Petroleum Substance Contaminated Waters; Subchapter J, Discharges to Surface Waters from Ready-Mixed Concrete Facilities; Subchapter K, Concentrated Animal Feeding Operations; Subchapter M, Discharges to Surface Waters from Petroleum Bulk Stations and Terminals; Subchapter O, Discharges from Aquaculture Production Facilities and amendments to Chapter 305, Consolidated Permits, Section 305.539 and Chapter 50, Action on Applications and Other Authorizations, Sections 50.31 and 50.131. The proposed rulemaking would repeal certain subchapters of Chapter 321 which have been replaced by general permits. The rulemaking will also amend sections of Chapters 305 and 50 to remove obsolete references to Chapter 321. (Yvonna Pierce, Celia Castro) (Rule Project No. 2006-051-321-PR)

Continue this matter to the 1:00 P.M. May 9, 2007 agenda.

EXECUTIVE SESSION

Item 75. **Docket No. 2007-0001-EXE.** The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in Executive Session.

Item 76. **Docket No. 2007-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in Executive Session.

Item 77. **Docket No. 2007-0003-EXE.** The Commission will conduct a closed session to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in Executive Session.

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

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

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

OLD BUSINESS AGENDA

Wednesday, May 9, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle
Room 201S, Bldg. E

Item continued from the 9:30 A.M. May 9, 2007 agenda.

- Item 1. [Docket No. 2006-2163-RUL.](#) Consideration of the adoption of amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Subchapter H, Low Emission Fuels, Division 2, Low Emission Diesel, Section 114.318 and corresponding revisions to the state implementation plan (SIP). The adoption would amend Chapter 114 to extend the December 31, 2006, expiration date of all alternative emission reduction plans approved by the executive director prior to December 16, 2005, by one year to December 31, 2007, and would apply the new expiration date to all alternative emission reduction plans approved by the executive director prior to May 17, 2006. The proposed rules were published in January 26, 2007, issue of the *Texas Register* (32 TexReg 279). (Morris Brown, John Minter) (Rule Project No. 2007-007-114-EN)

Adopt the amendments to 30 TAC Section 114.318, with corresponding revisions to the state implementation plan. KW/BG; all agree.

Item continued from the 9:30 A.M. May 9, 2007 agenda.

- Item 2. [Docket No. 2007-0234-RUL.](#) Consideration for publication of a repeal of **30 TAC Chapter 321** Control of Certain Activities by Rule, Subchapter G, Hydrostatic Test Dischargers; Subchapter H, Discharge to Surface Water from Treatment of Petroleum Substance Contaminated Waters; Subchapter J, Discharges to Surface Waters from Ready-Mixed Concrete Facilities; Subchapter K, Concentrated Animal Feeding Operations; Subchapter M, Discharges to Surface Waters from Petroleum Bulk Stations and Terminals; Subchapter O, Discharges from Aquaculture Production Facilities and amendments to Chapter 305, Consolidated Permits, Section 305.539 and Chapter 50, Action on Applications and Other Authorizations, Sections 50.31 and 50.131. The proposed rulemaking would repeal certain subchapters of Chapter 321 which have been replaced by general permits. The rulemaking will also amend sections of Chapters 305 and 50 to remove obsolete references to Chapter 321. (Yvonna Pierce, Celia Castro) (Rule Project No. 2006-051-321-PR)

Approve the publication for public comment of the repeal of 30 TAC Chapter 321, Subchapter G, Hydrostatic Test Dischargers; Subchapter H, Discharge to Surface Water from Treatment of Petroleum Substance Contaminated Waters; Subchapter J, Discharges to Surface Waters from Ready-Mixed Concrete Facilities; Subchapter K, Concentrated Animal Feeding Operations; Subchapter M, Discharges to Surface Waters from Petroleum Bulk Stations and Terminals; Subchapter O, Discharges from Aquaculture

Production Facilities and the publication of amendments to Chapter 305, Section 305.539 and Chapter 50, Sections 50.31. KW/LS; all agree.

AGENDA

Wednesday, May 9, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle
Room 201S, Bldg. E

- Item 1. [Docket No. 2007-0379-TML](#). Consideration for approval to publish and solicit public comment on one draft TMDL for bacteria in Oso Bay (Segment 2485) of the Nueces-Rio Grande Coastal Basin, in Nueces County. (Faith Hambleton, Marc Friberg)

Approve the publication and solicitation of public comment on one draft TMDL for bacteria in Oso Bay. KW/LS; all agree.

- Item 2. [TCEQ Docket No. 2007-0395-SLG](#). Consideration of numerous Motions to Overturn filed concerning the Executive Director's approval of Registration No. 710896 to **Gustavo Hernandez Ortega** to authorize the land application of domestic septage at a site located on a private road south of County Road 3209, approximately 3,500 feet southeast of the intersection of Farm-to-Market Road 513 and County Road 3209, and approximately 5.2 miles north of the intersection of Farm-to-Market Road 513 and U.S. Highway 69 in **Hunt County**, Texas. The Commission will also consider timely responses and replies to the Motions to Overturn. (Robert Brush)

Grant CORD's Motion to Overturn, set the registration aside, and remand the matter to the Executive Director to allow the Applicant an opportunity to file an application for an individual permit for the site. KW/BG; all agree.

- Item 3. [TCEQ Docket No. 2004-1663-PST-E; SOAH Docket No. 582-06-3270](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties of **Mohammad Adil Aqil** in **Harris County**, Texas; TCEQ ID Registration No. 60355; 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 (Justin Lannen)

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

- Item 4. [Docket No. 2007-0335-AIR](#). Consideration of the issuance of amendments to the air quality standard permit for electric generating units (EGU) under **30 TAC Chapter 116**, Subchapter F, Standard Permits. The amendments would modify the permit emission limits for nitrogen oxides, allow more flexible use of liquid and gaseous renewable fuels, clarify the non-applicability of the EGU standard permit to boilers, clarify that fugitive emissions and ancillary equipment such as fuel tanks are authorized, and provide more flexibility during periods of reduced load, periods of planned maintenance, startup, and shutdown, and periods of exceptionally low temperatures. The amended standard permit would be effective May 16, 2007. Notice of the proposed

amendments to the standard permit was published in the April 7, 2006 issue of the *Texas Register*. (Mike Wilhoit, John Minter)

Approve the issuance of the amended air quality standard permit for electric generating units under 30 TAC Chapter 116, with the deletion of the three amendments proposed for adoption by the Executive Director after the close of the comment period. 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/ Tracy Gross
Assistant General Counsel,
Tracy Gross

5-22-2007
Date