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

AGENDA

Wednesday, June 27, 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. 2006-1890-WR](#). Consideration of the application of **Boot Ranch Development, L.P.** for amendment of Certificate of Adjudication No. 14-1441 to increase the storage capacity of its reservoir on Upper Palo Alto Creek, tributary of the Pedernales River, tributary to the Colorado River, Colorado River Basin, in **Gillespie County** from 6 acre-feet to 93 acre-feet. Applicant also asks to increase the annual diversion amount from that reservoir from 34 to 232 acre-feet per year, increase the diversion rate from 1.89 cfs to 5.79 cfs, add an existing 56 acre-foot off-channel reservoir, add recreation use to both reservoirs, and increase the land to be irrigated from 29 acres to a maximum of 100 acres out of a larger tract of land in Gillespie County. This authorization would be subject to a contract with the Lower Colorado River Authority (LCRA) in which LCRA accounts for the water taken upstream by the applicant with water from LCRA's system. The commission will also consider any hearing requests or filings. (Iliana Delgado, Robin Smith)

Grant the hearing requests of Laura Bailey, Charles A. & Meta Kathleen Bendele, Archie D. Crenwelge, Cecil J. Crenwelge, Sidney E. Crenwelge, Stanley E. Crenwelge, Mary Jane Henrich, Eugenia A. Jenschke, Darlyn Jung, Patrick H. Klein, Donna Oehler, Gregory Oehler, Shirley A. Preece, Judge Carter T. Schildknect, and Dora Lee Weirich Sewell; refer the matter to SOAH with a maximum hearing duration of six months with the hearing to be held in Gillespie County. KW/LS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 2. [Docket No. 2006-2006-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Brazoria County**; RN100225945; 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 3. [Docket No. 2006-1261-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Convenience Stores, LLC dba 7-Eleven in El Paso County**; RN102388345, RN102397189, RN102394756, RN100826239, RN102383627, RN102394368, RN102392214, RN102391331, RN102390960, RN102393170, and RN102399094; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jason Kemp, Steven Lopez)

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

- Item 4. [Docket No. 2006-1979-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ultra Fuel & Oil, L.L.C. dba Rio Grande Supermarket in El Paso County**; RN100815133; 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 5. [Docket No. 2007-0161-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Harris County**; RN100219310; 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. (Kimberly Morales, Steven Lopez)

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

- Item 6. [Docket No. 2007-0079-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wingate Gin Corporation dba Big Spring Gin in Howard County**; RN101973618; 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 7. [Docket No. 2006-2105-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Wise County Power Company, LP** in **Wise County**; RN102584844; 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 8. [Docket No. 2006-1989-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Commercial Metals Company** in **El Paso County**; RN102412376; 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. (Suzanne Walrath, Steven Lopez)

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

Item 9. [Docket No. 2006-2229-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rushing Paving Company, Ltd.** in **Grayson County**; RN102165974; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jessica Rhodes, Steven Lopez)

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

Item 10. [Docket No. 2006-1442-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Chambers County**; RN102501020; 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 11. [Docket No. 2006-0736-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Harris County**; RN102212925; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Steven Lopez)

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

Item 12. [Docket No. 2006-2032-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Glasscock County Co-Op** in **Glasscock County**; RN102547494; 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. (Cheryl Thompson, Steven Lopez)

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

- Item 13. [Docket No. 2006-1970-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sabine Valley Pipeline, Inc.** in **Gregg County**; RN102608775; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Steven Lopez)

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

- Item 14. [Docket No. 2004-1786-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Saint-Gobain Vetrotex America, Inc.** in **Wichita County**; Air Account No. WH0014S and RN100218601; 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 15. [Docket No. 2006-2041-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Love's Travel Stops & Country Stores, Inc. dba Love's Country Store 214** in **El Paso County**; RN102879442; 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. (Harvey Wilson, Steven Lopez)

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

- Item 16. [Docket No. 2006-2018-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Crown Cork & Seal Company (USA), Inc.** in **Montgomery County**; RN100711118; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Daniel Siringi, Steven Lopez)

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

- Item 17. [Docket No. 2006-2234-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cotton Center Producers, Inc. dba United Gin Company** in **Dawson County**; RN101921989; 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 18. [Docket No. 2006-2030-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. (Audra L. Ruble, Steven Lopez)

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

Item 19. [Docket No. 2006-1910-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Arkema Inc. in Harris County**; RN100210301; 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 L. Ruble, Steven Lopez)

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

Item 20. [Docket No. 2006-2002-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **C & R Distributing, Inc. in El Paso County**; RN102477627; 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 21. [Docket No. 2006-1397-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chambers County in Chambers County**; RN100922392; 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 22. [Docket No. 2005-0350-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alcoa World Alumina LLC in Calhoun County**; TCEQ ID Nos. RN100242577 and CB0003M; 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. (Laurencia N. Fasoyiro, Jennifer Cook)

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

Item 23. [Docket No. 2006-2218-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Harris County**; TCEQ ID No. RN100219310; 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. (Robert R. Mosley, Jennifer Cook)

Item continued to the July 25, 2007 agenda. KW/LS; all agree.

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 24. [Docket No. 2006-1097-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Nara Management, Inc. dba Nara Cleaners** in **Harris County**; TCEQ ID No. RN104992128 for dry cleaner violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Mark Curnutt, Jennifer Cook)

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

Item 25. [Docket No. 2006-0854-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chet N Inc. dba Lakeside Cleaners** in **Dallas County**; RN104984950 and RN104988191; 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. (Judy Kluge, Steven Lopez)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDER

Item 26. [Docket No. 2006-0871-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Lin Song dba A Plus Cleaners** in **Tarrant County**; TCEQ ID No. RN104148283; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374 and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

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

FIELD CITATIONS

Item 27. [Docket No. 2007-0635-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Irwin Co., Inc. dba I & I Plumbing Inc.** in **Harris County**; RN101732246; 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 28. [Docket No. 2007-0628-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **reddy&family inc. dba Turbo Gas** in **Hale County**; RN102859345; 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 29. [Docket No. 2007-0629-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **reddy&family inc. dba Kwick Food Mart/Turbo Gas in Lubbock County**; RN101831071; 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.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 30. [Docket No. 2006-1972-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Calabrian Corporation in Jefferson County**; RN101645018; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Laurie Eaves, Steven Lopez)

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

- Item 31. [Docket No. 2006-1943-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cooper Concrete Co. in Dallas County**; RN102457082; 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. (Harvey Wilson, Steven Lopez)

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

- Item 32. [Docket No. 2007-0028-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Nueces County**; RN100214386; 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 G. Hupp, Steven Lopez)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

- Item 33. [Docket No. 2006-1991-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gregory D. Fox in Dallas and Kaufman Counties**; RN103382958; for landscape irrigator occupational license violations pursuant to Tex. Water

Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Michael Limos, Steven Lopez)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

- Item 34. [Docket No. 2006-0593-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HMW Special Utility District in Harris and Montgomery Counties**; RN101253557, RN102687472, RN102688322 and RN101453660; for drinking water quality and 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. (Epifanio Villarreal, Steven Lopez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

- Item 35. [Docket No. 2005-1934-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Daniel Lopez and Mariciela Carrillo a/k/a Marisela Lopez in Hidalgo County**; TCEQ ID No. RN104567508; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mark Curnutt, Jennifer Cook)

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

- Item 36. [Docket No. 2005-0388-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nathaniel Energy Corporation in Dallas County**; TCEQ ID Nos. 6044115 and RN100750645; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shannon Strong, Jennifer Cook)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

- Item 37. [Docket No. 2006-0078-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jesus Garcia in Jim Wells County**; TCEQ ID No. RN104688874; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 38. [Docket No. 2006-2101-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Keith Blair dba Lake Fork Marina WWTP in Wood County**; RN101179299; 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. (Samuel Short, Steven Lopez)

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

- Item 39. [Docket No. 2006-2100-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Xiu Hui Li McCulloch dba Hartwick Green Mobile Home Park in Harris County**; RN103015418; 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. (Samuel Short, Steven Lopez)

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

- Item 40. [Docket No. 2006-2158-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Childress in Childress County**; RN101612604; 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. (Jorge Ibarra, P.E., Steven Lopez)

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

- Item 41. [Docket No. 2006-1965-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Aqua Development, Inc. dba Wilson Road Properties, Ltd. in Harris County**; RN102343126; 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. (Suzanne Walrath, Steven Lopez)

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

- Item 42. [Docket No. 2007-0031-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Union Water Supply Corporation in Starr County**; RN102915501; 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. (Jorge Ibarra, P.E., Steven Lopez)

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

- Item 43. [Docket No. 2006-1981-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **White Oak Utilities, Inc. in Montgomery County**; RN102335825; 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. (Samuel Short, Steven Lopez)

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

Item 44. [Docket No. 2006-2090-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Tenaha in Shelby County**; RN102844560; 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.

Item 45. [Docket No. 2006-1058-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Savoy in Fannin County**; RN102921988; 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 46. [Docket No. 2006-2057-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Panorama Village in Montgomery County**; RN102178183; 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. (Samuel Short, Steven Lopez)

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

Item 47. [Docket No. 2005-0451-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Parks and Wildlife Department in Austin County**; Texas Pollutant Discharge Elimination System Permit No. 0010896001 and RN102805025; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Laurie Eaves, Steven Lopez)

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

ON SITE SEWAGE FACILITY INSTALLERS ENFORCEMENT AGREED ORDERS

Item 48. [Docket No. 2006-1982-OSI-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tracy L. Baccus in Johnson and Hill Counties**; RN103393310; for on-site sewage installer violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Steven Lopez)

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

- Item 49. [Docket No. 2006-2242-OSI-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David Gonzales in Deaf Smith County**; RN105081517; for on-site sewage installer violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Pamela Campbell, Steven Lopez)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 50. [Docket No. 2006-0288-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Market Truck Stop Inc. dba Texas Truck Stop in Harris County**; TCEQ ID No. RN102375094; 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. (Mark Curnutt, Jennifer Cook)

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

- Item 51. [Docket No. 2006-1868-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hagg, Inc. dba Speedy Mart in Harris County**; RN101832533; 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. (Colin Barth, Steven Lopez)

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

- Item 52. [Docket No. 2006-1906-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jong Oh dba J. C. Phillips in Harris County**; RN102369261; 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 53. [Docket No. 2006-1936-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Nazir N. Chandani dba River Run Texaco in Johnson County**; RN101560134; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip DeFrancesco, Steven Lopez) .

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

- Item 54. [Docket No. 2006-1950-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rosamond Corporation dba JRS Mart in Harris**

County; RN101885911; 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 55. [Docket No. 2006-1916-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ullah Brothers, Incorporated dba Sinton Travel Center** in **San Patricio County**; RN101815546; 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. (Deana Holland, Steven Lopez)

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

Item 56. [Docket No. 2004-1578-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Nuraj Enterprises, Inc. dba West End Grocery** in **Grimes County**; Petroleum Storage Tank Registration No. 20385 and RN101676096; 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. (Marlin Bullard, Steven Lopez)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 57. [Docket No. 2006-0411-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Westex Capital, Ltd. dba Corner Store** in **Dewitt County**; TCEQ ID No. RN102781952; 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. (Robert R. Mosley, Jennifer Cook)

Item remanded to the Executive Director.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT SHUTDOWN ORDERS

Item 58. [Docket No. 2003-1045-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Friend Enterprises, Inc. dba Friendly Mart** in **Travis County**; TCEQ ID No. RN100825090; 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. (Robert R. Mosley, Jennifer Cook)

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

Item 59. [Docket No. 2006-0300-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Abdullah Ahmedi dba Country Boy Store 2** in **Dallas County**; TCEQ ID No. RN102231214; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 60. [Docket No. 2005-0702-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The City of Cockrell Hill** in **Dallas County**; TCEQ ID No. RN101185320; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

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

Item 61. [Docket No. 2005-1657-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SAK Diamond Petroleum, LLC** in **Van Zandt County**; TCEQ ID No. RN101446698; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Robert R. Mosley, Jennifer Cook)

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

Item 62. [Docket No. 2006-1394-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Clarksville** in **Red River County**; RN102929734; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Steven Lopez)

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

Item 63. [Docket No. 2006-1829-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Crims Chapel Water Supply Corporation** in **Rusk County**; RN101440576; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Steven Lopez)

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

Item 64. [Docket No. 2006-2028-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **River Acres Water Supply Corporation** in **Nueces County**; RN101222966; for public drinking water 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 65. [Docket No. 2006-1993-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Hill Country Arts Foundation in Kerr County**; RN101275485; for drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Steven Lopez)

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

- Item 66. [Docket No. 2006-1883-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Somerville in Burleson County**; RN101397008; for drinking water quality 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 67. [Docket No. 2007-0098-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Starrville Water Supply Corporation in Smith County**; RN101450237; for drinking water quality 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. 2006-1888-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Tehuacana in Limestone County**; RN101250843; 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. 2006-1772-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Windwood Water System, Inc. in Harris County**; RN101456168; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Catherine Albrecht, Steven Lopez)

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

Item 70. [Docket No. 2006-2037-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Texas Parks and Wildlife Department** in **Bosque County**; RN101248524; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Steven Lopez)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 71. [Docket No. 2006-1100-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Richard R. Goody dba Rockin Texas Lounge** in **Galveston County**; TCEQ ID No. RN101197325; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kathleen C. Decker, Jennifer Cook)

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

MISCELLANEOUS

Item 72. [Docket No. 2006-0056-MIS](#). Consideration of a Petition for Review filed by **Gem Seal of Texas, Inc.** pursuant to Texas Water Code §26.177(d) and 30 TAC §86.53 *et seq.*, requesting review of the City of Austin Ordinance No. 20051117-070 prohibiting the use of coal tar pavement products within the City's planning jurisdiction with specified exemptions.

Dismiss the petition for review. KW/LS; all agree.

SURFACE WATER QUALITY MONITORING

Item 73. [Docket No. 2007-0853-MIS](#). Consideration of the Submission to the U.S. Environmental Protection Agency (EPA) of the 2006 Texas Water Quality Assessment and List of Impaired Waters as Required by the Federal Clean Water Act Sections 305(b) and 303(d)

Approve the Executive Director's 2006 Texas Water Quality Assessment and List of Impaired Waters as Required by the Federal Clean Water Act Sections 305(b) and 303(d) with the amendment of Caddo Lake from 4C to 5C. KW/BG; LS oppose.

RULE MATTERS

Item 74. [Docket No. 2007-0753-RUL](#). Consideration of a petition for rulemaking under **30 TAC Section 20.15**. The petition by the Engine Manufacturers Association is seeking the repeal of 30 Texas Administrative Code (TAC) Sections 114.700 - 114.709; or alternatively, revisions to 30 TAC Section 114.707 to add a new subparagraph (5) to allow for the sale or other use in Texas of "any 2008 or later model year heavy-duty diesel engines (HDDE) certified by the United States Environmental Protection Agency (EPA) as compliant with all applicable EPA

emission control regulations." (Morris Brown, John Minter) (Rule Project No. 2007-019-PET-NR)

Grant the petition and instruct the Executive Director to initiate rulemaking. KW/BG; all agree.

- Item 75. [Docket No. 2007-0717-RUL](#). Consideration of a petition for rulemaking under **30 TAC Chapter 285**. The petition generally describes the appearance of and potential for conflicts of interest for Designated Representatives (DRs) who perform On-Site Sewage Facility-related work beyond the boundaries of their supervisory jurisdiction and requests that rules be amended to prohibit DRs from working privately within the same industry they regulate. (Joseph Strouse, Alicia Lee) (Rule Project No. 2007-015-PET-NR)

Grant the petition and instruct the Executive Director to initiate rulemaking based on the issues raised in the petition in conjunction with the Executive Director's planned rulemaking on 30 TAC Chapter 285. KW/LS; all agree.

- Item 76. [Docket No. 2006-1997-RUL](#). Consideration of the adoption of amendments to Section 80.108 of **30 TAC Chapter 80**, Contested Case Hearings. The adopted rulemaking would provide the commission with the express authority to direct the executive director to participate in certain contested case hearings. The proposed rules were published in the February 23, 2007 issue of the *Texas Register* (32 Tex Reg 711). (Janis Hudson) (Rule Project No. 2007-003-080-LS)

Adopt amendments to Section 80.108 of 30 TAC Chapter 80. KW/LS; all agree.

- Item 77. [Docket No. 2006-1996-RUL](#). Consideration of the adoption of an Amendment to Section 115.247 of **30 TAC Chapter 115**, Control of Air Pollution from Volatile Organic Compounds. The adoption would exempt facilities used exclusively for the initial fueling and/or re-fueling of vehicles equipped with onboard refueling vapor recovery (ORVR) equipment from Stage II requirements in Chapter 115. The amendment will be submitted to the United States Environmental Protection Agency as a revision to the state implementation plan. The proposed rule was published in the January 26, 2007, issue of the *Texas Register* (32 Tex Reg 282). (Koy Howard, Andrea Casey) (Rule Project No. 2006-049-115-EN)

Adopt the amendment to Section 115.247 of 30 TAC Chapter 115. KW/BG; all agree.

- Item 78. [Docket No. 2006-1864-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 114**, Subchapter G, Section 114.260, Transportation Conformity, and corresponding revisions to the state implementation plan (SIP). The adoption would incorporate recent federal transportation conformity revisions into the state's SIP and rule, including those from the six-year surface transportation reauthorization act of 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). In addition to addressing the SAFETEA-LU revisions, the adoption would also incorporate previous federal transportation conformity revisions and guidance that include: requesting states to incorporate into SIPs when a regionally significant, non-federal project is considered, adopted, or approved by a non-federal entity; adding transportation-related PM2.5 precursors to the transportation conformity regulations; and deleting a previous quantitative PM10 and PM2.5 hot-spot

analysis. The proposed rules were published in the February 9, 2007, issue of the *Texas Register* (32 Tex Reg 499). (Marivel Rodriguez, Terry Salem) (Rule Project No. 2006-046-114-EN)

Adopt amendments to 30 TAC Chapter 114, Subchapter G, Section 114.260, and corresponding revisions to the state implementation plan. KW/LS; all agree.

Item 79. **Docket No. 2006-2162-RUL**. Consideration of the adoption of amendments to **30 TAC Chapter 114**, Sections 114.1 and 114.270, and the repeal of 30 TAC Chapter 114, Sections 114.4, 114.201, 114.202, and 114.618 and corresponding revisions to the state implementation plan. The adoption would revise certain transportation and air quality rules and definitions through the repeal of certain Texas Clean Fleet program elements, specifically mobile source emissions credits; the repeal of the transportation control measure substitution process, which was superseded by federal requirements; and the repeal of a requirement that vehicle manufacturers publish a brochure listing eligible new light-duty motor vehicles on an annual basis. The proposed rules were published in the March 9, 2007, issue of the *Texas Register* (32 TexReg 1197). (Santos Olivarez, John Minter) (Rule Project No. 2006-050-114-EN)

Adopt amendments to 30 TAC Chapter 114, Sections 114.1 and 114.270, the repeal of 30 TAC Chapter 114, and corresponding revisions to the state implementation plan.. KW/BG; all agree.

EXECUTIVE SESSION

Item 80. **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 81. **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 82. **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, June 27, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the July 12, 2006, December 12, 2006, and April 25, 2007 agendas.

- Item 1. [TCEQ Docket No. 2000-0396-IHW-E; SOAH Docket No. 582-04-0251](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Chester L. Slay, Jr., individually; Union Texas Limited Partnership; and Chester L. Slay, Jr., Trustee of Peckham Family Trust in Jefferson County, Texas**; TCEQ Solid Waste Registration No. 34799; regarding solid waste violations pursuant to 30 Tex. Admin. Code §§ 335.112(a)(9), 335.8(b), 335.62, 335.6(c), 335.2, 40 CFR §§ 265(J), 262.11, 270.1, Tex. Water Code § 26.121(a), and the rules of the Texas Commission on Environmental Quality.

Item continued to the July 25, 2007 agenda; extend the time period to file exceptions to the ALJ's proposal for decision to July 11, 2007 and replies to the exceptions to July 18, 2007. KW/LS; all agree.

Item continued from the April 25, 2007 agenda.

- Item 2. [TCEQ Docket No. 2005-1184-MWD; SOAH Docket No. 582-06-0393](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **UA Holdings, 1994-95, Inc.** for a new TPDES permit, seeking authorization to discharge treated domestic wastewater at a daily average flow not to exceed 180,000 gallons per day in the interim phase and a daily average not to exceed 360,000 gallons per day in the final phase. The facility would be located in **Montgomery 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. (Anthony Tatu)

Item continued to the July 25, 2007 agenda.

AGENDA

Wednesday, June 27, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. [TCEQ Docket No. 2004-1649-MSW-E; SOAH Docket No. 582-05-9439](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order revoking Scrap Tire Registration Nos 27079 and 79557, assessing administrative penalties and requiring certain actions of **Touche International, Inc.**, in **Grayson County**, Texas; TCEQ Registration ID Nos. 27079 and 79557; regarding violations of TNRCC Default Order, Docket No. 2000-1311-MSW-E, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code § 328.55. (James Sallans)

Adopt the ALJ's Default Order. KW/LS; all agree.

- Item 2. [TCEQ Docket No. 2005-1744-PST-E; SOAH Docket No. 582-07-0102](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **GB's Self Serve, Inc.**, in **Van Zandt County**, Texas; TCEQ Registration ID No. 27375; regarding violations pursuant to 30 Tex. Admin. Code §§ 334.22(a), 334.78 and 334.80 and Tex. Water Code §§ 5.702 and 26.121(a). (Kathleen C. Decker)

Adopt the ALJ's Default Order with the exceptions filed by the Executive Director. KW/BG; 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

10-2-2007
Date