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

OLD BUSINESS AGENDA
Wednesday, July 25, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the June 27, 2007 agenda.

Item 1. [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)

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

AGENDA

Wednesday, July 25, 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. 2006-1572-MWD](#). Consideration of the application by the **Marlin Atlantis White, Ltd.** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014570001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 500,000 gallons per day. The wastewater treatment facility will be located adjacent to Gum Bayou, approximately 2.14 miles east of State Highway 3 and 600 feet north of Farm-to-Market Road 517, in **Galveston 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. (Kathy Humphreys, Amewusika Clara Dake)

Approve the hearing requests filed by Peggy Wright on the behalf of the Senior Citizens Tropical Gardens and Citizens of Tropical Gardens Groups, the City of Dickinson, Betty Gutierrez, and Bert Schroeder, Co-Trustee, which he filed on the behalf of the B.C. Schroeder Jr., Marital Trust; deny all other hearing requests and all requests for reconsideration; refer to SOAH for a contested case hearing on the issues of: 1. Is the proposed permit protective of aquatic life and the requesters' health; 2. Whether the data provided by the Applicant and used by the Executive Director for modeling was accurate; 3. Whether the dissolved oxygen in the impaired region would be impacted; 4. Whether the information provided in the application caused the Executive Director to perform an improper evaluation; 5. Whether Gum Bayou is tidally influenced at the point of discharge; 6. Whether the Applicant's queries into potential service from wastewater plants contained within the required three-mile survey were adequate; 7. Whether the permitted discharge will negatively impact the waterbody; and 8. Whether fish and wildlife will be negatively impacted by the facility; direct the SOAH hearing have a maximum duration of six months, with the hearing to be held in Galveston County, with an initial referral to ADR for a duration of four to six weeks if all parties are willing to mediate the matter; direct the Executive Director to participate in the hearing; and request the ALJ issue an Order with Findings of Fact, Conclusions of Law, and Ordering Provisions with the Proposal for Decision. KW/LS; all agree.

- Item 2. [Docket No. 2007-0614-MSW](#). Consideration of an application by **Blue Ridge Landfill, TX, LP**, for a permit amendment to authorize a vertical and lateral expansion of the existing Type I municipal solid waste landfill facility (Permit Number 1505A). The expanded facility would be authorized to accept household solid waste, commercial solid waste, yard waste, Class 1 industrial non hazardous waste, Class 2 industrial waste, Class 3 industrial waste, and special waste. The facility is located one half mile south southwest of the intersection of FM 2234 and FM 521, south of the city of Houston and north of the community of Fresno in **Fort Bend County**, Texas. The Commission will also consider the requests for hearing or reconsideration and related responses

and replies, public comment and Executive Director's Response to Comments. (D. A. Chris Ekoh/Steve Odil)

Grant the hearing requests of Rodrigo Carreon, Anita Prinz, KTRK Television, Inc. Fox Television Stations, Inc., KRIV, KHOU, and Coalition Against Blue Ridge Landfill Expansion on the issues of: 1. whether the expansion and operation of the landfill will adversely affect the requesters and their families; 2. whether the proposed landfill expansion is compatible with surrounding land uses; 3. whether the operation of the landfill will adversely interfere with the use and enjoyment of surrounding lands and homes; 4. whether the proposed buffer zone and screening is adequate considering the proposed height of the facility; 5. whether the application includes adequate transportation information (including information regarding the design and location of access to the landfill, increase in traffic, and whether existing roads in the area are adequate to handle such increase in traffic); 6. whether the proposed landfill expansion is compatible with the Regional Solid Waste Management Plan; 7. whether the application adequately identifies all springs, water wells, oil and gas wells, homes, churches, and other site specific issues requiring special consideration under commission rules; 8. whether the expansion application provided adequate geologic and hydrologic information; 9. whether the liner and leachate system are adequate to protect against groundwater contamination, and if the landfill should be evaluated for total hydrocarbon and BTEX contaminants, and the presence of barium; 10. whether the Applicant provided adequate information in the application regarding the proposed surface water controls, flood plains, drainage route runoff from the facility, and off-site storm water contamination, including Mustang Bayou and Clear Creek Bayou; 11. whether the proposed landfill expansion is located in a wetland, or an area with faults and fractures; 12. whether the operation of the proposed landfill expansion will result in water pollution and air quality pollution within the specifics of this proposed permit; 13. whether the Applicant adequately evaluated the presence of, and potential adverse effects of the expansion on endangered species; 14. whether the proposed site operating plan is adequate to control odors (odor nuisance); 15. whether the proposed site operating plan is adequate to control vectors, scavengers, birds, animals and rodents; and 16. whether the Applicant's compliance history at the Blue Ridge Landfill and other facilities warrant a close scrutiny of the instant expansion application. Deny all requests for reconsideration, refer the matter to SOAH with a maximum hearing duration of 12 months, with the hearing to be held in Ft. Bend County, and with an initial referral to ADR if all parties are willing, and request that the ALJ provided Findings of Fact, Conclusions of Law, and Ordering Provisions with the Proposal for Decision. KW/BG; all agree.

Item 3. [Docket No. 2006-0200-MWD](#). Consideration of the application by **Hudson Harbor, Ltd.** for a renewal of TCEQ Permit No. WQ0014227001 which authorizes the disposal of treated domestic wastewater with a daily average flow not to exceed 14,000 gallons per day via subsurface drip irrigation of 3.2 acres of public access land. The wastewater treatment facility and disposal site are located on Hudson Shore of Lake Travis, approximately 5.0 miles northwest of the intersection of Ranch-to-Market Road 620 and Ranch-to-Market Road 2222, in **Travis County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Scott Shoemaker, Firoj Vahora, Katherine Faz)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 4. [Docket No. 2004-1982-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sherwin Alumina, L.P.** in **San Patricio County**; Air Account No. SD0037N and RN102318847; 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 5. [Docket No. 2006-1820-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Penreco Partnership** in **Galveston County**; RN100221282; 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 6. [Docket No. 2006-2103-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Western Extrusions Corporation** in **Dallas County**; RN102590700; 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 7. [Docket No. 2006-2092-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Total Petrochemicals USA, Inc.** in **Harris County**; RN100212109; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Steven Lopez)

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

- Item 8. [Docket No. 2006-1752-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company** in **Harris County**; RN102414232; 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 9. [Docket No. 2007-0337-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Goodyear Tire & Rubber Company in Harris County**; RN100870898; 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 10. [Docket No. 2006-2008-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oxy USA WTP, L.P. in Kent County**; RN101222602; 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 11. [Docket No. 2006-1988-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Millennium Petrochemicals Inc. in Harris County**; RN100224450; 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 12. [Docket No. 2007-0440-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Refining LP in Harris County**; RN100218130; 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 13. [Docket No. 2006-2038-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**; RN102394756, RN102403383, RN102006459, RN102056835, RN102038890, RN102017241, RN102011822, RN102396702, RN102395662, RN102393170, RN102384666, RN102395274, RN102389228, RN102388816, and RN102388345; 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 14. [Docket No. 2006-1923-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eastman Chemical Company in Harrison County**; RN100219815; 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 15. [Docket No. 2006-1433-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Delek Refining, Ltd. in Smith County**; RN100222512; 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)

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

Item 16. [Docket No. 2006-2232-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Akzo Nobel Polymer Chemicals LLC in Harris County**; RN102177391; 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 17. [Docket No. 2006-0232-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **EBAA Iron, Inc. in Eastland County**; RN100217306; 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 18. [Docket No. 2006-1932-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Harris County**; RN100210319; 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 19. [Docket No. 2006-2046-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 20. [Docket No. 2006-1232-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Harris County**; TCEQ ID No. RN100210319; 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)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 21. [Docket No. 2006-1613-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trans Future Incorporated dba Dry Clean Super Center of Atascocita in Harris County**; RN104102538; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

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

Item 22. [Docket No. 2006-1248-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bobbie S. Dodd, Bonnie Mitchell and Bobbie M. Cherry dba Splendor Dry Cleaners in Montgomery County**; RN104963616; 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 23. [Docket No. 2006-0787-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Iqbal Sadruddin dba Mr. Clean Cleaners in Dallas County**; RN103953444; 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 24. [Docket No. 2006-0822-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mary Rathmann dba Bastrop Cleaners in Bastrop County**; RN104153580; 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. (Shontay Wilcher, Steven Lopez)

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

Item 25. [Docket No. 2006-1464-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hyon Walk dba Chantz Cleaners in Bell County**; RN105010417; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch.

374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rajesh Acharya, Steven Lopez)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDERS

Item 26. [Docket No. 2006-0940-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Rodrigo Salas dba Sams Cleaners in Dallas County**; TCEQ ID No. RN104987888; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Mary Hammer, Jennifer Cook)

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

Item 27. [Docket No. 2006-1159-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Hong Nguyen dba Lee Dry Cleaners and dba Lee Dry Cleaners III in Harris County**; TCEQ ID Nos. RN104085550 and RN104096680; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Mary Hammer, Jennifer Cook)

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

Item 28. [Docket No. 2006-1041-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Shamima Sharif dba Super Cleaners in Tarrant County**; TCEQ ID No. RN102150471; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Mary Hammer, Jennifer Cook)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 29. [Docket No. 2006-0110-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Winston Construction, Inc. in Hays County**; TCEQ ID No. RN102734126; 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. (Kathleen C. Decker, Jennifer Cook)

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

FIELD CITATIONS

Item 30. [Docket No. 2007-0462-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions against **Fort Bend Independent School District in Fort Bend County**; RN102469665; 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, David Van Soest)

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

Item 31. [Docket No. 2007-0460-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Baptist St. Anthony's Hospital Corporation in Potter County**; RN102888443; 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 32. [Docket No. 2007-0461-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Bohica Investment, Ltd. dba Amigos 10 in Sutton County**; RN101793594; 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 HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 33. [Docket No. 2006-1588-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flower Grove Cooperative Gin in Martin County**; RN102448024; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Colin Barth, Steven Lopez)

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

LICENSED IRRIGATOR ENFORCEMENT AGREED ORDER

Item 34. [Docket No. 2006-1973-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dave Fisk in Travis County**; RN105030894; 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. (J. Craig Fleming, Steven Lopez)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 35. [Docket No. 2006-1594-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Aledo in Parker County**; RN101283075 and RN101720738; for water quality and drinking water quality violations pursuant to Tex. Health &

Safety Code ch. 341, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Anita Keese, Steven Lopez)

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

Item 36. [Docket No. 2007-0011-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Penco, Inc. in San Patricio County**; RN101629970; for water quality and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Limos, Steven Lopez)

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

Item 37. [Docket No. 2006-1737-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sabine Mud-Logging, Inc. in Panola County**; RN105005607; for air quality and used oil violations pursuant to Tex. Health & Safety Code chs. 361, 371 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Steven Lopez)

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

Item 38. [Docket No. 2006-0942-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sunoco Partners Marketing & Terminals L.P. in Jefferson County**; RN100214626; for water quality and industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Laurie Eaves, Steven Lopez)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 39. [Docket No. 2005-0700-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **David Priess and Randy Priess in Mason County**; TCEQ ID No. RN104474374; for air and industrial hazardous waste violations pursuant to Tex. Health & Safety Code ch. 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. (Mark Curnutt, Jennifer Cook)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 40. [Docket No. 2006-2023-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Stratford in Sherman County**; RN102328374; 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. (Dana Shuler, Steven Lopez)

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

Item 41. [Docket No. 2005-0543-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jesus Sanchez Acosta in Hidalgo County**; TCEQ ID Nos. 455150104 and RN104361936; 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. (Rebecca M. Combs, Jennifer Cook)

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

Item 42. [Docket No. 2006-1963-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William Bell dba JFK Home Moving in San Patricio County**; RN105071765; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Alison Echlin, Steven Lopez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 43. [Docket No. 2006-2157-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hood County Utilities, Inc. in Hood County**; RN102957024; 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 44. [Docket No. 2007-0007-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **West Harris County Municipal Utility District No. 17 in Harris County**; RN102956422; 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. (J. Craig Fleming, Steven Lopez)

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

Item 45. [Docket No. 2005-0549-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Penelope in Hill County**; Texas Pollutant

Discharge Elimination System Permit No. WQ0013621001 and RN101523066; 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. (Sandy VanCleave, Steven Lopez)

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

Item 46. [Docket No. 2005-0795-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Electra in Wichita County**; RN101212611; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Steven Lopez)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 47. [Docket No. 2005-0365-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Salim Aziz Dossani dba Short Trip Food Mart in Harris County**; TCEQ ID No. RN100860626; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rachael R. Gaines, Jennifer Cook)

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

Item 48. [Docket No. 2005-1850-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert McAdams dba MCs Country Store & Cafe in Henderson County**; TCEQ ID No. RN102488780; 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. (Rachael Gaines, Jennifer Cook)

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

Item 49. [Docket No. 2004-1416-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rafael Padilla dba Ralphs Auto Service in El Paso County**; TCEQ ID No. RN101654739; 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. (Jacquelyn Boutwell, Jennifer Cook)

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

Item 50. [Docket No. 2003-1010-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Amin Business, Inc. in Galveston County**; TCEQ ID No. RN102894110; 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 51. [Docket No. 2006-2014-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Alia Enterprises, Inc. dba Shaver 66** in **Harris County**; RN102432697; 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 52. [Docket No. 2006-2013-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Amtul Enterprises, Inc. dba EZ Way** in **Smith County**; RN102350337; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Steven Lopez)

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

Item 53. [Docket No. 2006-1414-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Aransas Pass** in **San Patricio County**; RN100533371; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Steven Lopez)

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

Item 54. [Docket No. 2006-2096-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **East Business, Inc. dba Shop N Go** in **Montgomery County**; RN102238243; 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. (Judy Kluge, Steven Lopez)

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

Item 55. [Docket No. 2007-0174-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **George West Independent School District** in **Live Oak County**; RN101766160; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip DeFrancesco, Steven Lopez)

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

Item 56. [Docket No. 2007-0060-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hyatt Corporation dba Hyatt Regency Dallas** in **Dallas County**; RN101564961; 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 57. [Docket No. 2006-2012-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jalisco, Ltd. dba Fiesta in Hidalgo County**; RN102349396; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Steven Lopez)

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

Item 58. [Docket No. 2006-2215-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Aziz Chandwani dba Prince Food Mart in Tarrant County**; RN101560076; 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. (Rajesh Acharya, Steven Lopez)

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

Item 59. [Docket No. 2006-1814-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Speedee Oil Change, Inc. 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. (Shontay Wilcher, Steven Lopez)

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

Item 60. [Docket No. 2006-2235-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **John Goodson dba The Oasis in San Patricio County**; RN103019998; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Steven Lopez)

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

Item 61. [Docket No. 2006-1912-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tuan Ngoc Do dba Xpress Mart in Tarrant County**; RN102236551; 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 62. [Docket No. 2006-1938-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hi Five Auto Care, Inc.** 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. (Philip DeFrancesco, Steven Lopez)

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

Item 63. [Docket No. 2006-2219-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Country Club** in **Harris County**; RN102013802; 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.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 64. [Docket No. 2006-0216-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **J.C. Conoco, Inc.** in **Harris County**; TCEQ ID No. RN101836518; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

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

Item 65. [Docket No. 2006-0419-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Derek Wasson dba Corner Mart Grocery & Station** in **Cass County**; TCEQ ID No. RN101447092; 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. (Kathleen Decker, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 66. [Docket No. 2006-1101-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Crowell** in **Foard County**; TCEQ ID No. RN101383636; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Dinniah M. Chahin, Jennifer Cook)

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

Item 67. [Docket No. 2006-1986-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of La Joya** in **Hidalgo County**; RN101276863;

for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Anita Keese, Steven Lopez)

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

Item 68. [Docket No. 2007-0049-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tim O'Brien dba O'Brien's Restaurant in Kendall County**; RN104189303; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Steven Lopez)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 69. [Docket No. 2006-2097-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Perry Lemmons dba American Waste Water in Tarrant County**; RN105076707; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Steven Lopez)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 70. [Docket No. 2007-0157-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Electra Custom Homes, Inc. in Wise County**; RN104587464; 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. (Andrea Linson-Mgbeoduru, Steven Lopez)

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

Item 71. [Docket No. 2006-2058-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Insteel Wire Products Company in Liberty County**; RN103179339; 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. (Dana Shuler, Steven Lopez)

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

Item 72. [Docket No. 2006-2098-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **USA Five Star Homes, LP in Kaufman County**; RN105113666; 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. (Andrea Linson-Mgbeoduru, Steven Lopez)

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

Item 73. [Docket No. 2007-0005-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Robinson in McLennan County**; RN105066609; 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.

PETITION FOR CONVERSION TO A MUNICIPAL UTILITY DISTRICT

Item 74. [Docket No. 2006-1783-DIS](#). Consideration of an application from **Mauriceville Special Utility District of Orange, Jasper, and Newton counties** for conversion into a municipal utility district. The board of the directors of the District requests that the Commission convert the District pursuant to Texas Water Code Chapters 49 and 54 (TCEQ Internal Control No. 09192006-D10; Rob Cummins, Christian Siano)

Grant the Applicant's request for conversion to a municipal utility district, adopt the ED's proposed order attaching the ED's technical memorandum, and add a provision to transfer the Applicant's existing CCNs to the newly created MUD. KW/BG; all agree.

MISCELLANEOUS

Item 75. [Docket No. 2007 - 0955 - MIS](#). Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (David Timberger)

Approve staff recommendations as reflected in the adopted Resolution including Exhibit A, which contains the names of the donors and descriptions and statements of the purposes of the gifts and which is attached to and incorporated in these minutes. KW/LS; all agree.

TMDL MATTERS

Item 76. [Docket No. 2007-0075-TML](#). Consideration to adopt one final TMDL for bacteria in **Guadalupe River Above Canyon Lake** (Segment 1806) of the Guadalupe River Basin, in **Kerr, Kendall, and Comal Counties**, as certified updates to the State of Texas Water Quality Management Plan to satisfy federal water quality management planning requirements. (Faith Hambleton, Marc Friberg)

Adopt the proposed TMDL. KW/BG; all agree.

Item 77. [Docket No. 2007-0076-TML](#). Consideration to adopt three final TMDLs for bacteria in **Salado Creek** (1910), **Walzem Creek** (1910A), and **Upper San Antonio River** (1911) of the San Antonio River Basin, in **Bexar, Wilson, and Karnes Counties**, as certified updates to the State of Texas Water Quality Management Plan to satisfy federal water quality management planning requirements. (Faith Hambleton, Marc Friberg)

Adopt the proposed TMDLs. KW/LS; all agree.

Item 78. [Docket No. 2007-0066-TML](#). Consideration to adopt one final TMDL for dissolved oxygen in **Mid Cibolo Creek** (Segment 1913) of the San Antonio River Basin, in **Bexar, Guadalupe, and Comal Counties**, as a certified update to the State of Texas Water Quality Management Plan to satisfy federal water quality management planning requirements. (Faith Hambleton, Marc Friberg)

Item remanded to the Executive Director.

RULE MATTERS

Item 79. [Docket No. 2007-0692-SIP](#). Consideration for publication of, and hearing on, proposed revisions to the maintenance plan for the **El Paso County nonattainment area state implementation plan** for the control of carbon monoxide (CO) air pollution. On January 11, 2006, the Commission adopted a SIP revision that included a request for redesignation from CO nonattainment to attainment and included a full maintenance plan. The proposed revisions adjust the term of the maintenance plan from a horizon year of 2015 to 2020, add a safety margin, and revise the motor vehicle emissions budget and emissions projections. (Ita Ufot, Terry Salem) (Project No. 2007-014-SIP-NR)

Item continued to the September 5, 2007 agenda. KW/LS; all agree.

Item 80. [Docket No. 2006-2026-RUL](#). Consideration for adoption of amendments to Sections 101.1, 101.302, 101.306, 101.350, 101.351, 101.353, 101.354, 101.360, 101.372, 101.376, 101.383, and 101.385 and the repeal of Section 101.22 of **30 TAC Chapter 101**, General Air Quality Rules, and corresponding revisions to the state implementation plan. Consideration of the withdrawal of the proposal of Section 101.23. The adoption would correct references to sections of **30 TAC Chapter 117**, Control of Air Pollution from Nitrogen Compounds, which have changed due to the reorganization of Chapter 117. This rulemaking would also include revisions identified during the last review of Chapter 101 including changes to the definitions of cold solvent cleaning, conveyorized degreasing, high-volume, low-pressure spray guns, open-top vapor degreasing, standard conditions, and visible emissions. A definition for nitrogen oxides would be added, the definitions of hazardous waste management facility and hazardous waste management unit would be deleted, and an obsolete effective date section would be removed. The proposed rules were published in the February 23, 2007 issue of the *Texas Register*. (Becky Southard/Tim Eubank) (Rule Project No. 2006-053-101-PR)

Adopt amendments to Sections 101.1, 101.302, 101.306, 101.350, 101.351, 101.353, 101.354, 101.360, 101.372, 101.376, 101.383, and 101.385 and the repeal of Section 101.22 of 30 TAC Chapter 101 and corresponding revisions to the state implementation plan. KW/BG; all agree.

Item 81. [Docket No. 2006-1256-RUL](#). Consideration for publication of, and hearing on, proposed amended Sections 290.38, 290.39, 290.41, 290.42, 290.44 - 290.47, 290.101, 290.102 - 290.104, 290.106 - 290.110, 290.112 - 290.114, 290.117 - 290.119, 290.121, 290.122, 290.272, 290.273, and 290.275 of **30 TAC Chapter 290**, Public Drinking Water. The commission also proposes the repeal of Section 290.111. In addition, the commission proposes new Sections 290.111, 290.115, and 290.116. The proposed rulemaking would implement changes in Chapter 290, Public Drinking Water, to be consistent with changes in the federal rules adopted by the United States Environmental Protection Agency, including the Public Notification Rule, the Stage 2 Disinfectants and Disinfection Byproducts Rule, the Long Term 2 Enhanced Surface Water Treatment Rule, and the Ground Water Rule. This rulemaking would also propose amendments to Chapter 290 to reflect changes to Texas Health and Safety Code, Section 341.033(i). In addition, this rulemaking would propose changes to Chapter 290 to ensure consistency with the federal Total Coliforms (including fecal coliforms and E. coli) rule and the Disinfectants and Disinfection Byproducts rule. Finally, this proposed rulemaking would add to Section 290.38 the definition of "process control duties" which is proposed to be deleted from 30 TAC Section 30.387 in another commission rulemaking, Rule Project Number 2006-041-030-CE. (Alicia Diehl, Shana Horton) (Rule Project No. 2006-045-290-PR)

Grant the publication of, and hearing on, proposed amended Sections 290.38, 290.39, 290.41, 290.42, 290.44 - 290.47, 290.101, 290.102 - 290.104, 290.106 - 290.110, 290.112 - 290.114, 290.117 - 290.119, 290.121, 290.122, 290.272, 290.273, 290.275 of 30 TAC Chapter 290, the repeal of Section 290.111, and proposed new Sections 290.111, 290.115, and 290.116. KW/BG; all agree.

Item 82. [Docket No. 2006-1785-RUL](#). Consideration for adoption of amended Sections 305.69, 305.175, 305.571, and 305.572 of **30 TAC Chapter 305**, Consolidated Permits; and amended Sections 335.1, 335.29, 335.31, 335.152, 335.221, 335.431, and 335.504 of **30 TAC Chapter 335**, Industrial Solid Waste and Municipal Hazardous Waste. The adoption would update Chapter 305 and Chapter 335 to include federal rule changes in RCRA Clusters XI, XII, XIII, and XV. The adoption would amend hazardous air pollutant standards for combustors; amend permitting standards for corrective action management units (CAMUs); amend the definition of a solid waste, which excludes some wastes from being characteristically hazardous; amend standards for fertilizers that contain K061 wastes; amend Resource Conservation and Recovery Act (RCRA) air emission standards for owners and operators of treatment, storage, and disposal facilities to exempt air emissions from certain activities that are covered by the final national emission standards for hazardous air pollutants (NESHAP); finalize NESHAPs for hazardous waste combustors; add new constituents to the list of hazardous wastes (K174, K175, K176, K177, and K178) and one nonwastewater (K181); and amend land disposal restrictions for three inorganic chemical manufacturing wastes (K176, K177, and K178) and hazardous non-wastewaters generated from the production of certain dyes, pigments and food, and drug and cosmetic colorants (K181). The proposed rules were published in the March 9, 2007, issue of the *Texas Register* (32 TexReg 1203). (Cynthia Palomares, Dawn Burton) (Rule Project No. 2006-032-335-PR)

Adopt the amended Sections 305.69, 305.175, 305.571, and 305.572 of 30 TAC Chapter 305 and amended Sections 335.1, 335.29, 335.31, 335.152, 335.221, 335.431, and 335.504 of 30 TAC Chapter 335. KW/Ls; all agree.

Item 83. [Docket No. 2007-0852-RUL](#). Consideration of a petition for rulemaking under 30 TAC Section 20.15. The petitioner requests that the commission initiate rulemaking in **Chapter 321** to create a new Subchapter P to authorize the construction and operation of reclaimed water production facilities. (Sherry Smith, Celia Castro) (Rule Project No. 2007-021-PET-NR)

The Commission directed the Executive Director to initiate rulemaking and provide notice to all interested persons, including the broad water quality and water quantity community so that they may participate in the rulemaking, including the stakeholder meetings. KW/BG; all agree.

EXECUTIVE SESSION

Item 84. **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 85. **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 86. **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, July 25, 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, April 25, 2007, and June 27, 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.

Adopt the ALJ's proposed Order as outlined by the Chairman at the dais. KW/LS; all agree.

Item continued from the April 25, 2007 and June 27, 2007 agendas.

- 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)

Adopt the ALJ's proposed Order. KW/BG; all agree.

AGENDA

Wednesday, July 25, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [TCEQ Docket No. 2007-1019-IHW](#). Consideration of **Texas Disposal Systems Landfill, Inc.'s** (TDSL) "Petition to Review the Executive Director's Action and Order Proper Disposal of Hazardous Waste." The Commission will also consider responses to the Petition. This matter concerns waste from a traffic accident which occurred on October 9, 1997 on Interstate Highway 35, south of Austin, in **Hays County**, involving a **Penske Truck Leasing Co., L.P.** truck transporting cathode ray tubes owned by **Zenith Electronics Corporation**. This matter also concerns 99 roll-off bins of waste currently located at a Type I Municipal Solid Waste landfill owned by TDSL near Creedmoor, **Travis County**.

Pursuant to the Commission's authority under Water Code §§ 5.012, 5.102, 5.221, 7.002 and Health & Safety Code § 361.017, the Commission exercises jurisdiction over this matter. As necessary clarification of the Commission's Order of September 16, 2004 granting TDSL's Motion to Overturn, the Commission reiterates that the CRT waste in the 99 roll-off boxes at TDSL is D008 characteristically hazardous waste for reasons of toxicity. The Commission also reiterates that because the D008 CRT characteristically hazardous waste has been commingled with other MSW and landfill cover soil wastes, the entire volume of the waste in the 99 roll-off boxes must be legally treated as hazardous waste and thus, subject to the EPA's RCRA Land Disposal Restrictions for purposes of management, treatment, and disposal. The Commission further reiterates that because the D008 CRT waste was hazardous at the point of generation at the October 1997 accident scene, federal law and rule preclude further testing of the D008 commingled waste for the purposes of reclassification of the waste and determination of disposal alternatives.

Moreover, because the Commission finds that the Executive Director, in part, erred in his September 24, 2004 letter to implement the 9/16/2004 Commission Order by allowing that testing could be utilized to "conclusively determine that no D008 waste at the level that is characteristically hazardous" remains in the commingled CRT waste, the Commission concludes to adopt this TDSL petition before us, including the arguments therein. The Commission now issues a clarifying, supplemental Order specifying the following corrective actions understood as required by the September 16th Commission Order: 1) Within 30 days from the date of issuance, the Commission orders Penske to remove all waste contained in the 99 roll-off boxes at the TDSL landfill under an unconditional, standard, unaltered hazardous waste manifest that designates Penske as the generator of the commingled D008 hazardous CRT waste and identifies the 1997 accident scene on IH-35 in Hays County as the point of generation; 2) The hazardous waste manifest shall designate the destination of the waste as a facility that is authorized to treat and dispose of D008 hazardous waste; 3) Penske shall arrange for, and actually dispose of all D008 hazardous waste contained in the 99 roll-off boxes in one of the two following ways a) By transport of the entire contents of the 99 roll-off boxes to a landfill that is authorized to receive and dispose of such hazardous waste. At such facility, Penske is responsible for the management, treatment, and actual disposal of this waste according to the RCRA Land Disposal

Restrictions for hazardous waste; or b) By “negative sort” separation of all nonhazardous municipal solid waste from the D008 CRT component debris and D008 contaminated soil in the roll-off boxes, followed by disposal of the remaining D008 CRT debris, D008 contaminated soil, and any MSW unsegregated from the mix, in a landfill that is authorized to receive and dispose of hazardous waste; 4) Any MSW separated from the hazardous CRT debris and contaminated soil by negative sort may be tested for the presence of any hazardous characteristic and, if there is none, disposed of in a municipal solid waste landfill; 5) All commingled waste and solids that have not been removed as part of a negative sorting process shall be disposed of as “D008 hazardous waste contained within MSW and clay soils” with Penske designated as the generator; and 6) The Commission directs the Executive Director to take all necessary and appropriate action, including oversight and inspections, as necessary, to expeditiously implement this Order. KW/BG; 2-1, LS strenuously opposed, as the clarification and action taken is not posted and therefore, violates the Open Meeting Act and the order against Penske violates Penske’s due process rights.

(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.

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)

/s/ Celeste Baker
Assistant General Counsel,
Celeste Baker

10-8-2007
Date