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*Backup documents filed with the OCC and distributed to the Commissioners will be added to this document daily until 5:00 p.m. Friday before the given agenda date. Updates to backup documents will be noted by a purple indicator. Documents filed less than five days before the agenda date will not be added to this document. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 11 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).*

Chairman H.S. Buddy Garcia  
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, September 5, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

12100 Park 35 Circle

Room 201S, Bldg. E

Item continued from the July 25, 2007 agenda.

- Item 1. [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)

Approve for publication of, and hearing on, proposed revisions to the maintenance plan for the El Paso County nonattainment area state implementation plan, with a new hearing date scheduled for October 16, 2007, and an inclusion in the preamble to solicit public comment on whether the oxygenated fuels program should remain in the active plan. LS/BG; all agree.

## AGENDA

Wednesday, September 5, 2007

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 1. [Docket No. 2006-2168-AIR](#). Consideration of application by **Vulcan Construction Materials, LP** for the renewal of Air Quality Permit No. 337M to authorize the continued operation of its hot mix asphalt plant. The plant site is located at 12354 FM 1560 North in Helotes, **Bexar County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (David Trujillo, Alicia Lee)

Deny the hearing requests, approve the permit renewal and adopt the Executive Director's Response to Comments. LS/BG; all agree.

Item 2. [Docket No. 2007-0014-WR](#). Consideration of an application by **Alvin, Pamela, and Nathan Starr** to divert and use, at a maximum rate of 2.01 cfs (900 gpm), an amount not to exceed 320 acre feet of water per year from the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin to irrigate 200 acres out of a 576.283 acre tract in **Kaufman County**, Texas. The Commission will consider hearing requests, responses to the requests, and replies thereto. (Ross Henderson, David Koinm)

Grant the hearing requests and refer the matter to the State Office of Administrative Hearings. LS/BG; all agree.

#### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 3. [Docket No. 2006-0738-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Premcor Refining Group Inc.** in **Jefferson County**; TCEQ ID No. RN102584026; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, 40 Code of Federal Regulations ch. 60, 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. LS/BG; all agree.

Item 4. [Docket No. 2003-1544-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shintech Incorporated** in **Brazoria County**; TCEQ ID No. RN100637909; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Justin Lannen, Jennifer Cook)

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

- Item 5. [Docket No. 2007-0128-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BMB Wood Recycling, Ltd.** in **Dallas County**; RN104408497; 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. (Elvia Maske, Steven Lopez)

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

- Item 6. [Docket No. 2007-0077-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Harris County**; RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, Steven Lopez)

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

- Item 7. [Docket No. 2007-0132-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Brazoria County**; RN100210574; 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, David Van Soest)

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

- Item 8. [Docket No. 2007-0013-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **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. (Bryan Elliott, David Van Soest)

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

- Item 9. [Docket No. 2007-0034-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, David Van Soest)

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

- Item 10. [Docket No. 2007-0089-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Garland** in **Dallas County**; RN100221225; 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, David Van Soest)

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

- Item 11. [Docket No. 2006-2194-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Donny Lloyd dba Lloyd's Electric Motor Repair in Cooke County**; RN100798701; 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. LS/BG; all agree.

- Item 12. [Docket No. 2005-1973-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **University of Texas Medical Branch at Galveston in Galveston County**; RN101921138; 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. (J. Craig Fleming, David Van Soest)

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

- Item 13. [Docket No. 2007-0023-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Goodyear Tire & Rubber Company in Jefferson County**; RN102561925; 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, David Van Soest)

Item remanded to the Executive Director.

- Item 14. [Docket No. 2007-0306-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nalco Company in Fort Bend County**; RN102895745; 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, David Van Soest)

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

- Item 15. [Docket No. 2006-2192-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Koral Industries, Inc. in Ellis County**; RN102539145; 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. LS/BG; all agree.

- Item 16. [Docket No. 2007-0029-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Flint Hills Resources, LP in Nueces County**; RN100235266; 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, David Van Soest)

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

#### **DRY CLEANER ENFORCEMENT AGREED ORDER**

Item 17. [Docket No. 2006-1363-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rifat Jaffri dba Pioneer Cleaners in Dallas County**; RN105008536; 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, David Van Soest)

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

#### **DRY CLEANER ENFORCEMENT DEFAULT ORDERS**

Item 18. [Docket No. 2006-1154-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Bruce Paek dba Little Star Cleaners in Dallas County**; TCEQ ID No. RN103962320; 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. (Lena Roberts, Jennifer Cook)

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

Item 19. [Docket No. 2006-1293-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Hilda Quiros dba Hildas Causeway Cleaners in Cameron County**; TCEQ ID No. RN104974654; 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. (Kathleen C. Decker, Jennifer Cook)

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

Item 20. [Docket No. 2006-1139-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Pia-Linda Vantho dba VT Cleaners in Harris County**; TCEQ ID No. RN104959853; for a dry cleaner registration violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Mark Curnutt, Jennifer Cook)

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

Item 21. [Docket No. 2006-1399-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **P & N Star Enterprises, Inc. dba Dry Clean City in Dallas County**; TCEQ ID No. RN103961074; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Kathleen C. Decker, Jennifer Cook)

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

Item 22. [Docket No. 2006-1579-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Paul Anthony Pasillas dba Eldorado Cleaners in Bexar County**; TCEQ ID No. RN102918547; 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. (Benjamin O. Thompson, Jennifer Cook)

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

#### **EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS**

Item 23. [Docket No. 2007-0299-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pulte Homes of Texas, L.P. in Bexar County**; RN104206438; for Edwards Aquifer 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. (Lynley Doyen, David Van Soest)

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

Item 24. [Docket No. 2007-0042-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **The Park at Hardy Oak Homeowners Association, Inc. in Bexar County**; RN104953203; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Libby Hogue, Steven Lopez)

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

#### **FIELD CITATIONS**

Item 25. [Docket No. 2007-0855-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Zeam, Incorporated dba Shell Food Mart in Tarrant County**; RN102425808; 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. LS/BG; all agree.

Item 26. [Docket No. 2007-0846-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Dharani Amirali dba Star Food Mart in Fort Bend County**; RN101743995; 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. LS/BG; all agree.

Item 27. [Docket No. 2006-0443-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Mike Hweidi dba Hicks Country Store in Tarrant County**; RN101433712; 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. LS/BG; all agree.

#### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 28. [Docket No. 2007-0227-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ameri-Forge Limited** in **Harris County**; RN102075686; 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. LS/BG; all agree.

#### **LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER**

Item 29. [Docket No. 2007-0263-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stanley Burse** in **Williamson and Travis Counties**; RN105068274; 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. (Libby Hogue, David Van Soest)

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

#### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 30. [Docket No. 2006-1681-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BASF Corporation** in **Harris County**; RN100225689; for air quality and industrial & hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, David Van Soest)

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

Item 31. [Docket No. 2007-0033-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Randle D. Howard dba Howard Construction Fill Site and D&KW Family, L.P.** in **Tarrant County**; RN105076251; for municipal solid waste and industrial and 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. (Michael Meyer, David Van Soest)

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

Item 32. [Docket No. 2006-1962-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cody B. Lewis and Anita Lewis dba Deer Springs Water Company** in **Burnet County**; RN100824937; for public drinking water 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. (Rebecca Clausewitz, Steven Lopez)

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

- Item 33. [Docket No. 2007-0083-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PDLA Partners, LP** in **Tarrant County**; RN104567961; for municipal solid waste and 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. (Michael Meyer, David Van Soest)

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

- Item 34. [Docket No. 2006-1788-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Viridis Energy (Texas), LP** in **Harris County**; RN102495421; for municipal solid waste and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Dana Shuler, David Van Soest)

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

#### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

- Item 35. [Docket No. 2006-2044-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rod Packard dba Packard Tire Service** in **Nueces County**; RN103178372; 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. (Michael Limos, Steven Lopez)

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

- Item 36. [Docket No. 2007-0125-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Greg Edward Stovall** in **Bexar County**; RN105137327; 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. (Libby Hogue, David Van Soest)

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

#### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

- Item 37. [Docket No. 2004-0623-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain action of **City of Kerens** in **Navarro County**; TCEQ ID No. RN101919553; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the



rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mark Curnutt, Jennifer Cook)

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

Item 38. [Docket No. 2006-2001-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Gregory in San Patricio County**; RN101917623; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

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

Item 39. [Docket No. 2007-0213-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Johnson County Fresh Water Supply District No. 1 in Johnson County**; RN101992089; 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. LS/BG; all agree.

Item 40. [Docket No. 2007-0256-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kemp in Kaufman County**; RN102218435; 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, David Van Soest)

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

Item 41. [Docket No. 2006-2196-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Via Bayou, Inc. in Galveston County**; RN101246601; 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, David Van Soest)

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

Item 42. [Docket No. 2007-0110-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Texas Parks & Wildlife Department in Smith County**; RN102455045; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Steven Lopez)

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

Item 43. [Docket No. 2007-0144-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Stephen F. Austin State University in San Augustine County**; RN102341468; 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. LS/BG; all agree.

Item 44. [Docket No. 2006-1877-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Shepherd in San Jacinto County**; RN101916666; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Steven Lopez)

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

Item 45. [Docket No. 2005-0797-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Peaster Independent School District Public Facility Corporation in Parker County**; RN102078045; 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. (Tel Croston, Steven Lopez)

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

Item 46. [Docket No. 2006-1412-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Navasota in Grimes County**; RN101608131; 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, David Van Soest)

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

Item 47. [Docket No. 2005-0447-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Miami in Roberts County**; RN101916708; 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, David Van Soest)

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

Item 48. [Docket No. 2006-1802-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Junction in Kimble County**; RN101920288; 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, David Van Soest)

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

Item 49. [Docket No. 2006-2011-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hudson in Angelina County**; RN101517878; 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. LS/BG; all agree.

Item 50. [Docket No. 2006-0480-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Coast Trades Center in Walker County**; RN102956364; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Catherine Albrecht, Steven Lopez)

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

Item 51. [Docket No. 2007-0195-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Eden in Concho County**; RN101920924; 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. LS/BG; all agree.

Item 52. [Docket No. 2007-0303-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Crockett in Houston County**; RN101609741; 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. (Libby Hogue, David Van Soest)

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

Item 53. [Docket No. 2006-1924-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Utilities, Inc. dba Aqua Texas, Inc. in Harris County**; RN101525061; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Catherine Albrecht, David Van Soest)

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

Item 54. [Docket No. 2007-0015-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Utilities, Inc. in Harris County**; RN101612406; 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, David Van Soest)

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

## **PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 55. [Docket No. 2006-0621-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sharnah Corporation dba Sadlers Food Mart** in **Dallas County**; TCEQ ID No. RN101543015; 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. (Shawn A. Slack, Jennifer Cook)

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

Item 56. [Docket No. 2007-0194-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **T.A.B. Lone Star Holdings, Inc. dba Super Stop 20** in **Jefferson County**; RN102408614; 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. LS/BG; all agree.

Item 57. [Docket No. 2007-0120-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **La Marque Independent School District** in **Galveston County**; RN102827458; 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. (Elvia Maske, David Van Soest)

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

Item 58. [Docket No. 2007-0107-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mohammad Saeed Akhtar dba K & P 1 Food Store** in **Bexar County**; RN101888543; 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. LS/BG; all agree.

Item 59. [Docket No. 2006-1813-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flying J Inc. dba Flying J C Store** in **El Paso County**; RN100814458; 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, David Van Soest)

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

Item 60. [Docket No. 2006-1902-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Javier B. Armendariz** in **Ector County**; RN101835726; 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. LS/BG; all agree.

Item 61. [Docket No. 2005-1852-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **4A Investments, Ltd. dba 4A Food Mart Citgo** in **Tarrant County**; TCEQ ID No. RN103995916; 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. (Kathleen C. Decker, Jennifer Cook)

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

#### **PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 62. [Docket No. 2006-0063-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Judy Davis dba Judy's Kountry Kitchen** in **Henderson County**; TCEQ ID No. RN102260767; 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. (Kathleen C. Decker, Jennifer Cook)

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

#### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 63. [Docket No. 2005-0521-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ramming Land, LLC** in **Bexar County**; TCEQ ID No. RN101197101; for public drinking water 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. LS/BG; all agree.

Item 64. [Docket No. 2006-1884-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Wilmer** in **Dallas County**; RN101414332; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michael Meyer, Steven Lopez)

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

Item 65. [Docket No. 2007-0390-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Palo Duro Service Company, Inc.** in **Parker County**; RN101185684; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villareal, David Van Soest)

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

Item 66. [Docket No. 2007-0151-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Church Hill Water Supply Corporation** in **Rusk County**; RN101205136; for public water supply violations pursuant to Tex. Health & Safety

Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Steven Lopez)

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

Item 67. [Docket No. 2007-0006-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Country Place\Northwest Home Owners' Association, Inc.** in **Washington County**; RN101198976; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, David Van Soest)

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

### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 68. [Docket No. 2006-1345-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jerrico General Contractor, Inc.** in **Montgomery County**; TCEQ ID No. RN104987219; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Dinniah M. Chahin, Jennifer Cook)

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

Item 69. [Docket No. 2006-0342-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rafael Ramon dba Lil Bitty Trucking** in **Uvalde and Milam Counties**; TCEQ ID No. RN104745609; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Jennifer Cook)

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

Item 70. [Docket No. 2007-0265-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ezequiel Tapia dba Tapia Dairy 1** in **Runnels County**; RN102078649; 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, David Van Soest)

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

Item 71. [Docket No. 2007-0218-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Martinek Construction, Inc.** in **Ellis County**; RN105150668; 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, David Van Soest)

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



- Item 72. [Docket No. 2007-0117-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Erath County in Erath County**; RN104549969; 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. (Tel Croston, David Van Soest)

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

### **RULE MATTER**

- Item 73. [Docket No. 2006-1699-RUL](#). Consideration of the adoption of the repeal of **30 TAC Chapter 30 Occupational Licenses and Registrations Sections 30.28, 30.125, 30.210, 30.246, 30.318, 30.319, 30.349 and 30.399**; new Sections 30.28, 30.210, 30.213, 30.214, 30.319; and 30.500 - 30.508; and amendments to Sections 30.3, 30.5, 30.7, 30.10, 30.14, 30.18, 30.20, 30.24, 30.30, 30.33, 30.51, 30.60, 30.81, 30.90, 30.92, 30.111, 30.120, 30.122, 30.129, 30.171, 30.180, 30.185, 30.190, 30.192, 30.201, 30.212, 30.231, 30.240, 30.242, 30.244, 30.245, 30.247, 30.261, 30.270, 30.272, 30.274, 30.301, 30.307, 30.310, 30.312, 30.315, 30.317, 30.337, 30.340, 30.342, 30.350, 30.355, 30.381, 30.387, 30.390, 30.392, and 30.400. The adoption would ensure consistency between the rules and their applicable statutes, make grammatical and punctuation corrections, as well as consolidate the administrative requirements and establish uniform procedures for the occupational licensing and registration programs prescribed by Texas Water Code, Chapter 37. The adoption would address the licensing and registration fees that need to be adjusted to recover the TxOnline subscription cost that the agency is currently paying from appropriated funds. The adoption would also incorporate into rule, key components for training provider and training material approval currently contained in the agency's Regulatory Guidance document RG-373 and would establish fees for approval of training. Additionally, the adopted rules will increase those licenses and registrations that are currently two years to three years and modify fees accordingly. The proposed rules were published in the April 13, 2007 issue of the *Texas Register* (32 TexReg 2093). (Terry Thompson, Alicia Lee) (Rule Project No. 2006-041-030-CE)

Adoption of the repeal of certain sections, the addition of new sections to, and the amendment of existing sections of 30 TAC Chapter 30, Occupational Licenses and Registrations, with the changes to the preamble and the rule text recommended by Executive Director staff during the public meeting. LS/BG; all agree.

### **EXECUTIVE SESSION**

- Item 74. **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 75. **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 76. **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)**

## AGENDA

Wednesday, September 5, 2007

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. [TCEQ Docket No. 2007-0275-UCR.](#) Consideration of a request for a Commission order approving an agreement designating service areas between the **City of Frisco** (Frisco), water certificate of convenience and necessity (CCN) No. 11772, and **Terra Southwest, Inc.** (Terra Southwest), water CCN No. 11608, in **Denton County**, Texas, pursuant to section 13.248 of the Texas Water Code. Terra Southwest currently holds a water CCN that includes the area that is the subject of the agreement, but does not currently provide retail water service to any customers in the area. Under the agreement, Terra Southwest will transfer the portion of its CCN that covers this area to Frisco and the parties will seek Commission approval to incorporate this transfer of service area in the parties' respective CCNs. No facilities are proposed to be transferred between the parties. (Shana Horton, Tammy Holguin-Benter)

Approve the contract designating water service areas between the City of Frisco and Terra Southwest, Inc., adopt the Executive Director's revised Order with the three minor language changes made by the Commission at the dais. LS/BG; all agree.

- Item 2. [TCEQ Docket No. 2007-0334-UCR.](#) Consideration of a request for a Commission Order approving a contract designating service areas between the **City of Conroe**, water certificate of convenience and necessity (CCN) No. 10339, and **Teas Estates Homeowners Association** (HOA), Inc., water CCN No. 12117, in **Montgomery County**, Texas pursuant to section 13.248 of the Texas Water Code. Currently, Teas Estates HOA holds a CCN for the area in question. The City of Conroe has annexed the area and is already providing service to the customers in the area. Under the Contract, Teas Estates HOA will transfer its entire CCN to the City of Conroe. No facilities are proposed to be transferred. (Stefanie Skogen, Lisa Fuentes)

Item remanded to the Executive Director.

- Item 3. [TCEQ Docket No. 2004-0085-PST-E; SOAH Docket No. 582-07-0268.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Millenium Gasoline Corporation dba Amos Shell** in **Denton County**, Texas; TCEQ Registration ID No. 32130; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code §§ 115.246(7)(A), 334.7(d)(3), 334.10(b), and 334.50(b)(1), Tex. Water Code Ann. § 26.3475(c)(1), and Tex. Health & Safety Code Ann. § 382.085(b). (Laurencia N. Fasoyiro)

Adopt the ALJ's Order with the Executive Director's exceptions as well as the proposed modifications presented at the agenda. LS/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/ Shannon Strong  
Assistant General Counsel,  
Shannon Strong

10-2-2007  
Date