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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

## AGENDA

Wednesday, November 7, 2007

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

12100 Park 35 Circle  
Room 201S, Bldg. E

#### **HEARING REQUEST(S)/REQUEST(S) FOR RECONSIDERATION**

Item 1. [Docket No. 2007-1460-AIR](#). Consideration of application by **ExxonMobil Oil Corporation** for amendment of Air Quality Permits 46534 and PSD-TX-992M1 to authorize construction of a selective catalytic reduction (SCR) system to control nitrogen oxide (NO<sub>x</sub>) emissions from the fluidized catalytic cracking unit (FCCU) at their refinery. The refinery is located at at 1795 Burt Street, Beaumont, **Jefferson 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. (Kurt Kind, Erin Selvera)

Grant the requests of Rev. Roy L. Malveaux and "Friends of Roy L. Malveaux" (Shining Star Baptist Church) on the issue of whether the selective catalytic reduction system on the fluidized catalytic cracking unit and any emissions from the installation of the SCR will adversely affect the health of Rev. Roy L. Malveaux and the members of the Shining Star Baptist Church; set the maximum hearing duration for six months, urge the Executive Director to participate in the hearing, and request that the ALJ submit Findings of Fact, Conclusions of Law and Ordering provisions along with the Proposal for Decision. LS/BG; all agree.

Item 2. [Docket No. 2007-0550-MWD](#). Consideration of the application by the **Cape Royale Utility District** for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010997001 which authorizes the discharge of treated domestic wastewater with a daily average flow not to exceed 150,000 gallons per day. The wastewater treatment facility is located approximately 5.5 miles north of the City of Coldspring in the northwest corner of the Cape Royale Subdivision, on the shore of Lake Livingston in **San Jacinto County**, Texas. The Commission

will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Celia Castro; Kent H. Trede)

Deny all requests on the basis there is no right to a hearing under the applicable statute and regulation; adopt the Executive Director's Response to Public Comments; and approve issuance of the renewal permit as prepared by the Executive Director. LS/BG; all agree.

### **AGRICULTURAL ENFORCEMENT AGREED ORDERS**

Item 3. [Docket No. 2007-0527-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gerben Leyendekker dba Leyendekker Dairy Farm in Erath County**; RN102093929; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, David Van Soest)

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

Item 4. [Docket No. 2007-0529-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Randy Earl Wyly dba Randy Wyly Dairy and dba Randy Wyly Dairy 2 in Erath County**; RN102065166 and RN101523090; 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 5. [Docket No. 2007-0544-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jannes Stoker dba Triple S Dairy in Erath County**; RN102065737; 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. (Thomas Jecha, David Van Soest)

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

Item 6. [Docket No. 2007-0505-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Elmer Jack Parks dba Lingleville Dairy in Erath County**; RN102091873; 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. (Thomas Jecha, David Van Soest)

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

Item 7. [Docket No. 2007-0530-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **James Thomas Traweek dba Jam-Dot Dairy in Erath County**; RN101517134; 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 8. [Docket No. 2007-0528-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jimmy Don Pack and Meine Huisman dba Jimmy Don Pack Dairy in Erath County**; RN102743119; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Steven Lopez)

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

Item 9. [Docket No. 2007-0552-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Peter Wilfridus de Ridder dba de Ridder Dairy in Erath County**; RN101522233; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lynley Doyen, David Van Soest)

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

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

Item 10. [Docket No. 2005-1251-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Hutchinson County**; RN102495884; 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. (Jorge Ibarra, David Van Soest)

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

Item 11. [Docket No. 2007-0208-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PD Glycol LP in Jefferson County**; RN100825413; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, David Van Soest)

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

Item 12. [Docket No. 2007-0573-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Brazoria County**; RN100225945; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, David Van Soest)

Item remanded to the Executive Director.

Item 13. [Docket No. 2007-1033-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, David Van Soest)

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

- Item 14. [Docket No. 2007-0369-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Pipeline Company, LP** in **Jefferson County**; RN102027174; 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. 2007-0605-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trinity Industries, Inc.** in **Orange County**; RN100225523; 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)

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

- Item 16. [Docket No. 2005-1906-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation** in **Jefferson County**; TCEQ ID No. RN102450756; for an air quality violation 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. (Shawn A. Slack, Jennifer Cook)

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

- Item 17. [Docket No. 2005-0166-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Solutia Inc.** in **Brazoria County**; TCEQ ID No. RN100238682; 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. LS/BG; all agree.

- Item 18. [Docket No. 2007-0191-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Scott Newland dba North Crete Services** in **Harrison County**; RN105147524; 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, David Van Soest)

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

- Item 19. [Docket No. 2004-0891-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Innovene USA LLC f/k/a BP Amoco Chemical Company d/b/a BP Amoco Chemical Chocolate Bayou Plant** in **Brazoria County**; TCEQ ID No. RN100238708; 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. (Jim Sallans, Jennifer Cook)

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

#### **DRY CLEANER ENFORCEMENT AGREED ORDERS**

Item 20. [Docket No. 2006-1486-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rouqaiya Jawaid dba Texas Cleaners in Denton County**; RN104968722; 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. (Judy Kluge, Bryan Sinclair)

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

Item 21. [Docket No. 2006-0894-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Doyle Reid dba Doyle Reid's Cleaners & Laundry in Burnet, Bexar, and Llano Counties**; RN104979851, RN105019293, and RN104981337; 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. (Cynthia McKaughan, Bryan Sinclair)

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

Item 22. [Docket No. 2006-0823-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Zucker Enterprises, Inc. dba Sparkle Cleaners in El Paso County**; RN104957873 and RN104962618; 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. (Shontay Wilcher, David Van Soest)

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

#### **DRY CLEANER ENFORCEMENT DEFAULT ORDER**

Item 23. [Docket No. 2006-1272-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Carol D. Shumaker dba Annex Cleaners 2 in Dallas County**; TCEQ ID No. RN102913936; 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. (Jacquelyn Boutwell, Jennifer Cook)

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

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

Item 24. [Docket No. 2007-0472-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bulverde Area Rural Library District in Comal County**; RN105161939; 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. (Deana Holland, David Van Soest)

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

Item 25. [Docket No. 2007-0531-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fairway Leasing, L.L.C.** in **Comal County**; RN105186456; 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. (J. Craig Fleming, David Van Soest)

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

### FIELD CITATIONS

Item 26. [Docket No. 2007-1290-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Hale County** in **Hale County**; RN101767416; 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. LS/BG; all agree.

Item 27. [Docket No. 2007-1340-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **City of Grand Prairie** in **Dallas County**; RN101386092; 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, Steve Lopez)

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

Item 28. [Docket No. 2007-1320-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Davis and Wardlaw Oil Co., Inc. dba Ron Laney Oil Co. Inc.** in **Baylor County**; RN101875086; 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. LS/BG; all agree.

Item 29. [Docket No. 2007-1343-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **City of Levelland** in **Hockley County**; RN102996238; 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. LS/BG; all agree.



Item 30. [Docket No. 2007-0843-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Knapp Chevrolet, Inc.** in **Harris County**; RN100546597; 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 31. [Docket No. 2007-1286-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Indian Petro Corp. dba Champion Travel Plaza** in **San Jacinto County**; RN102080744; 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. LS/BG; all agree.

Item 32. [Docket No. 2006-0943-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Rall Management Inc. dba Sunmart 435** in **Montgomery County**; RN102060092; 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. LS/BG; all agree.

Item 33. [Docket No. 2007-1321-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Yvonne Longoria dba Palm View Quick Lube** in **Hidalgo County**; RN101693091; 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. LS/BG; all agree.

Item 34. [Docket No. 2007-1127-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Paul's Oil Station, Ltd. dba Paul's Oil Station** in **Dallas County**; RN101538239; 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. LS/BG; all agree.

Item 35. [Docket No. 2007-1319-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Texas Renaissance Festivals, Inc.** in **Grimes County**; RN102860368; 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, Steve Lopez)

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

Item 36. [Docket No. 2007-1338-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Wal-Mart Stores East, L.P. dba Wal-Mart Distribution Center 7010 in Montgomery County**; RN104362777; 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 Texas Administrative Code ch. 60. (Melissa Keller, Steve Lopez)

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

Item 37. [Docket No. 2007-1395-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Billy Miller dba Miller Station in Mills County**; RN102453479; 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 Texas Administrative Code ch. 60. (Melissa Keller, Steve Lopez)

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

Item 38. [Docket No. 2007-0847-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Ahmad Fayyaz dba Mr. Carshine in Dallas County**; RN102784519; 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. LS/BG; all agree.

Item 39. [Docket No. 2007-1318-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Baylor University in McLennan County**; RN101485662; 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. LS/BG; all agree.

Item 40. [Docket No. 2007-1158-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Fred E. Kubitz, Jr. in McLennan County**; RN103518668; for licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, David Van Soest)

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

Item 41. [Docket No. 2007-1111-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Darryl C. Winstead in Travis County**; RN103719506; for licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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



Item 42. [Docket No. 2007-0632-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Linda Jarrel** in **Randall County**; RN105148845; for licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 43. [Docket No. 2007-0459-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Benny D. Horn** in **Navarro County**; RN103313250; for occupational license violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 44. [Docket No. 2007-0636-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Steven Benke** in **Medina County**; RN105128516; for licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

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

Item 45. [Docket No. 2007-0844-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Steven Mims** in **Panola County**; RN103471181; for licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Steven Lopez)

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

Item 46. [Docket No. 2007-1317-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Andrew Moore** in **Gregg and Harrison Counties**; RN105171508; for occupational Licensing violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, David Van Soest)

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

Item 47. [Docket No. 2007-1342-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Bowles Construction Co.** in **Erath County**; RN105278147; 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. (Melissa Keller, David Van Soest)

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

Item 48. [Docket No. 2007-1287-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **I-CORP, INC.** in **Jefferson County**; RN100635390; for stormwater 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. LS/BG; all agree.

Item 49. [Docket No. 2007-1341-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **J. H. Strain & Sons, Inc.** in **Taylor County**; RN105234736; 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. (Melissa Keller, Bryan Sinclair)

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

Item 50. [Docket No. 2007-1322-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Cholla Petroleum, Inc.** in **Kent County**; RN105242820; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Steve Lopez)

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

#### **INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS**

Item 51. [Docket No. 2007-0595-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Poly-America GP, LLC** in **Dallas County**; RN100641752; for 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. (Clinton Sims, Steven Lopez)

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

Item 52. [Docket No. 2007-0455-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PSC Recovery Systems, Inc.** in **Dallas County**; RN100785195; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, David Van Soest)

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

#### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 53. [Docket No. 2007-0616-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Coast Machine & Supply Company dba Gulfco** in **Jefferson County**; RN101517779; 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. (Thomas Jecha, David Van Soest)

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

Item 54. [Docket No. 2007-0332-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MeadWestvaco Texas, L.P.** in **Jasper County**; RN102157609; 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.

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

Item 55. [Docket No. 2007-0397-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Louis C. Petrik Jr.** in **Travis and Williamson Counties**; RN105052120; 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. (Marlin Bullard, David Van Soest)

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

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

Item 56. [Docket No. 2003-1372-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Carl's Corner** in **Hill County**; TCEQ ID No. RN101391852; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Jennifer Cook)

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

Item 57. [Docket No. 2006-0468-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P.** in **Galveston and Nueces Counties**; RN100211663 and RN100238385; for air quality, water quality, and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 382 and 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. (Jessica Rhodes, David Van Soest)

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

Item 58. [Docket No. 2003-0116-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The City of Winfield** in **Titus County**; TCEQ ID No. RN102075397; for public water supply and 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 Tex. Admin. Code ch. 60. (Jim Sallans, Jennifer Cook)

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

Item 59. [Docket No. 2007-0354-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Lacy Lakeview in McLennan County**; RN101388650; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, David Van Soest)

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

Item 60. [Docket No. 2006-0087-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Hutchinson County**; RN102495884; for air quality and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, David Van Soest)

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

#### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 61. [Docket No. 2006-0478-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Crockett in Houston County**; RN102143054; for municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Colin Barth, David Van Soest)

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

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

Item 62. [Docket No. 2007-0366-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Colorado City in Mitchell County**; RN102182557; 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 63. [Docket No. 2007-0637-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **East Central Independent School District in Bexar County**; RN101525178; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Steven Lopez)

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

Item 64. [Docket No. 2007-0405-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District No. 360 in Harris County**; RN103887923; 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 65. [Docket No. 2007-0638-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Madisonville in Madison County**; RN101719821; 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 66. [Docket No. 2007-0445-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mallard Point WWTP, LLC in Hunt County**; RN102342722; 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.

Item 67. [Docket No. 2007-0496-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marine Quest-Hidden Cove, L.P. in Denton County**; RN102094950; 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. (Cheryl Thompson, David Van Soest)

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

Item 68. [Docket No. 2005-1025-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Point in Rains County**; RN101612984; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Steven Lopez)

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

Item 69. [Docket No. 2005-0924-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Presbyterian Mo-Ranch Assembly in Kerr County**; RN101528446; 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. (Rebecca Clausewitz, David Van Soest)

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

Item 70. [Docket No. 2007-0353-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rockdale in Milam County**; RN101388288; 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, David Van Soest)

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

Item 71. [Docket No. 2007-0481-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rocky Point Estates Land Trust dba Rocky Point MHP Flower Mound in Denton County**; RN101609972; 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., David Van Soest)

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

Item 72. [Docket No. 2007-0572-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Falls Municipal Utility District in Colorado County**; RN102080249; 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., David Van Soest)

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

Item 73. [Docket No. 2007-0601-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wildwood Property Owners Association in Hardin County**; RN101609758; 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 74. [Docket No. 2007-0744-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Willow Park in Parker County**; RN101920585; 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., David Van Soest)

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

#### **ON-SITE SEWAGE INSTALLER ENFORCEMENT DEFAULT ORDER**

Item 75. [Docket No. 2005-1846-OSI-E](#). Consideration of a Default Order assessing an administrative penalty against **Ricky D. Crawford in McCulloch County**; TCEQ ID No. RN103544268; for on-site sewage installer violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Dinniah M. Chahin, Jennifer Cook)

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

#### **ON-SITE SEWAGE SYSTEM ENFORCEMENT DEFAULT ORDER**



Item 76. [Docket No. 2004-1738-OSS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Timothy Allen Townley in Orange and Jasper Counties**; TCEQ ID No. RN103423273; for on-site sewage installer violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rebecca M. Combs, Jennifer Cook)

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

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

Item 77. [Docket No. 2007-0457-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kotexan, Inc. dba U.S. One Stop Food Mart in Dallas County**; RN102230992; 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, David Van Soest)

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

Item 78. [Docket No. 2007-0375-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Naz Stores Inc. dba Tully Food Mart in Harris County**; RN101892768; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, David Van Soest)

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

Item 79. [Docket No. 2007-0272-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nu-Way Energy Corporation dba NWE 10 in Comanche County**; RN102353919; 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, David Van Soest)

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

Item 80. [Docket No. 2007-0217-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Wilcrest Associate, Inc. dba Sunrise Super Stop 7 in Harris County**; RN101801553; 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, David Van Soest)

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

Item 81. [Docket No. 2005-0118-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Guru Rakha, Inc. dba Speedy Mart in Harris County**; TCEQ ID No. RN101835825; 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. LS/BG; all agree.

Item 82. [Docket No. 2006-0128-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harlow Stores, Inc. dba Harlows 121 in Collin County**; TCEQ ID No. RN104805270; 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 83. [Docket No. 2004-1771-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trang Dai Nguyen dba T & T Grocery and Tung An Pham dba T & T Grocery in Waller County**; TCEQ ID No. RN102250800; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rebecca M. Combs, Jennifer Cook)

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

Item 84. [Docket No. 2007-0695-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **B & Z LLC dba B & B Mini Mart in Jefferson County**; RN101741957; 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. (Shontay Wilcher, Bryan Sinclair)

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

Item 85. [Docket No. 2007-0576-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **El Paso Water Utilities Public Service Board in El Paso County**; RN100816651; 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, Bryan Sinclair)

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

### **PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**

Item 86. [Docket No. 2004-1286-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Azman Incorporated dba Shoppers Mart 1 in Harris County**; TCEQ ID No. RN102795689; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Jennifer Cook)

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

Item 87. [Docket No. 2004-1281-PST-E](#). Consideration of a Default Order assessing administrative penalties against **SSMA Corporation, Inc. dba Stop N Drive 30** in **Jefferson County**; TCEQ ID No. RN101818201; 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 Default Order. LS/BG; all agree.

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

Item 88. [Docket No. 2007-0389-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Brackettville** in **Kinney County**; RN101387363; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Thomas Barnett, David Van Soest)

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

Item 89. [Docket No. 2007-0555-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Godley** in **Johnson County**; RN101183135; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Thomas Barnett, David Van Soest)

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

Item 90. [Docket No. 2007-0880-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Iola Water Company, Inc.** in **Grimes County**; RN102816345; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, David Van Soest)

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

Item 91. [Docket No. 2007-0480-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lilbert-Looneyville Water Supply Corporation** in **Nacogdoches County**; RN101187433; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, David Van Soest)

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

Item 92. [Docket No. 2003-0385-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rising Star** in **Eastland County**; Public Water Supply Identificaton No. 0670005, RN101205573; 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.

## **WATER QUALITY ENFORCEMENT AGREED ORDER**

- Item 93. [Docket No. 2007-0714-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Blakelee Builders, Inc.** in **Taylor County**; RN105197800; 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. (Deana Holland, David Van Soest)

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

## **WATER QUALITY ENFORCEMENT DEFAULT ORDER**

- Item 94. [Docket No. 2006-0427-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Benavides Custom Homes, LLC** in **Maverick County**; TCEQ ID No. RN104014964; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Jennifer Cook)

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

## **STATE IMPLEMENTATION PLAN**

- Item 95. [Docket No. 2007-1244-SIP](#). Consideration for publication of, and hearing on, the proposed revisions to the state implementation plan to meet the requirements of the Federal Clean Air Act (FCAA), § 110(a)(2)(D)(i) relating to the **interstate transport of Eight-Hour Ozone and Fine Particulate Matter** (PM2.5). The proposed revisions reference existing nitrogen oxides control strategies to reduce the concentration of eight-hour ozone in Texas, as well as reference the state's participation in the Federal Clean Air Interstate Rule (CAIR) to reduce transport of PM2.5. Additionally, the proposed revisions verify that the Prevention of Significant Deterioration and Nonattainment New Source Review permitting programs and Visibility programs are being implemented in Texas. The proposed revisions, once adopted, would fulfill Texas' obligation regarding interstate transport of eight-hour ozone and PM2.5 under section 110(a)(2)(D)(i) of the Federal Clean Air Act. (Kim Herndon, Terry Salem) (Project No. 2007-057-SIP-NR)

Approve for publication of, and hearing on, the proposed revisions to the state implementation plan to meet the requirements of the Federal Clean Air Act relating to the interstate transport of Eight-Hour Ozone and Fine Particulate Matter. LS/BG; all agree.

## **RULE MATTERS**

- Item 96. [Docket No. 2007-0804-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Sections 305.62 and 305.70 of **30 TAC Chapter 305**, Consolidated Permits and amendments to Sections 330.57 and 330.59 of **30 TAC Chapter 330**, Municipal Solid Waste. The proposed rulemaking would allow the submittal of a limited application for some changes to permits that currently meet the definition of a major amendment for a municipal solid waste (MSW) facility; specify that the means of transferring MSW permits is a permit modification; clarify that MSW Temporary Authorizations could apply to either major or minor changes to a permit or registration; require public notice for some MSW permit modifications not currently

requiring a public notice; require some currently classified MSW permit modifications to be processed as major amendments; revise MSW notice requirements by expanding the distance for mailed notice for new permits and major amendments; and require signs to be posted at MSW facilities submitting applications for new permits and permit amendments. (Jeff Davis, Anthony Tatu) (Rule Project No. 2007-001-305-PR)

Approve publication of, and hearing on, proposed amendments to 30 TAC Chapter 305, Consolidated Permits and 30 TAC Chapter 330, Municipal Solid Waste, with three modifications outlined by Commissioner Soward to 30 TAC Section 330.57(i)(3) and with a modification to the preamble to solicit comments on clarifying the appropriate entity to be the permit applicant/permittee. LS/BG; all agree.

Item 97. [Docket No. 2007-1264-RUL](#). Consideration for publication of proposed amendments to **30 TAC Chapter 213**, Edwards Aquifer, Sections 213.9, 213.13, 213.14, and 213.26-213.28. The proposed rulemaking would implement House Bill 3098, Section 26.0461, 80th Legislature, Regular Session, 2007. The proposed rulemaking would increase fee caps and initiate new fee structures for all Edwards Aquifer plans, including contributing zone plans, submitted to the TCEQ's Edwards Aquifer Protection Program for review. (Tracy Miller, Chris Ekoh) (Rule Project No. 2007-032-213-CE)

Approve publication of proposed amendments to 30 TAC Chapter 213. LS/BG; all agree.

Item 98. [Docket No. 2007-1421-RUL](#). Consideration for publication of, and hearing on, proposed amendment to **30 TAC Chapter 350**, Texas Risk Reduction Program, Subchapter A, General Information, Section 350.2, Applicability. The proposed rulemaking would incorporate into agency rule, changes to statute which are effective September 1, 2007, based on language in House Bill 3354, 80th Legislature, Regular Session, 2007. (Anton E. Rozsypal, Jr., P.E., Cullen McMorrow) (Rule Project No. 2007-059-350-PR)

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

Item 99. [Docket No. 2007-0747-RUL](#). Consideration for adoption of amendments to **30 TAC Chapter 113**, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, Subchapter C: National Emission Standards for Hazardous Air Pollutants for Source Categories (FCAA, §112, 40 CFR Part 63). Amendments include updates to existing maximum achievable control technology (MACT) standards currently in Subchapter C and the addition of new sections 113.870, 113.1390, 113.1400, 113.1410, and 113.1420. Consideration of the withdrawal of the proposal of section 113.1130. The adoption will revise those sections of 30 TAC Chapter 113 containing the federal MACT standards, which are incorporated by reference, with the latest version of the MACT and add new MACT standards that have been recently promulgated. The MACT standards are technology-based standards specific to various source categories that regulate hazardous air pollutants. The proposed rules were published in the August 24, 2007 issue of the *Texas Register* (32 TexReg 5296). (Beryl Thatcher/Terry Salem) (Rule Project No. 2007-012-113-PR)

Item continued to the December 5, 2007 agenda.

## **EXECUTIVE MEETING**

Item 100. **Docket No. 2007-0001-EXE.** The Commission will conduct a closed meeting 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 meeting 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 for an Executive Meeting.

Item 101. **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 meeting to take action on 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 for an Executive Meeting.

Item 102. **Docket No. 2007-0003-EXE.** The Commission will conduct a closed meeting 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 meeting 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 for an Executive Meeting.

**(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/tmrcc.cgi](http://www.texasadmin.com/cgi-bin/tmrcc.cgi)**



OLD BUSINESS AGENDA

Wednesday, November 7, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the September 19, 2007 agenda.

- Item 1. [TCEQ Docket No. 2007-1128-IWD](#). Consideration of a "Motion to Overturn and Motion to Determine the Sufficiency of Necessary Technical Data" concerning the Executive Director's return of an application to amend Permit No. WQ000359000 held by **Elmer Jack Parks dba Jack Parks Dairy** concerning the operation of a concentrated animal feeding operation in **Erath County, Texas**. The Commission will also consider responses and replies to the motion.

Item continued to the December 19, 2007 agenda. LS/BG; all agree.

Item continued from the September 19, 2007 agenda.

- Item 2. [TCEQ Docket No. 2005-1177-PWS-E; SOAH Docket No. 582-06-2366](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties of **Al Jabour dba Rivers Country Villas and RV Park** in **Brazoria County, Texas**; TCEQ Registration ID No. 0200585; regarding public water system violations pursuant to 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i), (c)(2)(F), (c)(3)(A)(ii), and (f)(2), and 290.122(c)(2)(B), and Tex. Health & Safety Code § 341.033(d). (Robert R. Mosley)

Adopt the ALJ's Proposal for Decision and Order as amended by the exceptions filed by the Executive Director as well as a reduction of the penalty amount by 50% as justice may require. LS/BG; all agree.

Item continued from the January 24, 2007, February 21, 2007, and March 28, 2007 agendas.

- Item 3. [TCEQ Docket No. 2005-1582-IHW-E; SOAH Docket No. 582-06-2407](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Joe Boy Johnson** in **McCulloch County, Texas**; TCEQ Enforcement ID 26818, violations pursuant to 30 Texas Admin Code §§ 335.2(a) and 335.4, 40 Code of Federal Regulations § 270.1, and Tex. Water Code ch. 7. (Mark Curnutt)

Set aside the ALJ's Proposal for Decision and Order. LS/BG; all agree.

## AGENDA

Wednesday, November 7, 2007

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [Docket No. 2005-1582-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joe Boy Johnson** in **McCulloch County**; TCEQ ID No. RN104674262; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)\

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

- Item 2. [Docket No. 2007-0865-UCR](#). Consideration of a request for a Commission order approving a contract designating service areas between the **City of Austin** ("Austin"), water certificate of convenience and necessity ("CCN") No. 11322, and **Marsha Water Supply Corporation** ("Marsha WSC"), water CCN No.12166, in **Travis County**, Texas pursuant to Section 13.248 of the Texas Water Code. Under the Agreement, Marsha WSC would transfer to Austin approximately 5 acres, including 10 land parcels, of service area that are within Austin's extraterritorial jurisdiction. (Pinar Dogru, Lisa Fuentes)

Approve the contract designating service areas between the City of Austin and Marsha Water Supply Corporation and issue the ED's proposed order as modified by the Commission at the public meeting. LS/BG; all agree.

- Item 3. [Docket No. 2007-0864-UCR](#). Consideration of a request for a Commission order approving a contract designating service areas between the **City of Austin** ("Austin"), water certificate of convenience and necessity ("CCN") No. 11322 and the **City of Manor** ("Manor"), water CCN No. 10947, in **Travis County**, Texas pursuant to Section 13.248 of the Texas Water Code. Under the Agreement, Manor will transfer approximately 1,040 acres of service area to Austin. (Pinar Dogru, Lisa Fuentes)

Approve the contract designating service areas between the City of Austin and the City of Manor and issue the ED's proposed order as modified by the Commission at the public meeting. LS/BG; all agree.

- Item 4. [Docket No. 2006-1763-UCR](#). Consideration of a request for a Commission order approving contracts designating service areas between the **City of Austin** ("Austin"), water certificate of convenience and necessity ("CCN") No. 11322, and **Manville Water Supply Corporation** ("Manville WSC"), water CCN No. 11144, in **Travis County**, pursuant to Section 13.248 of the Texas Water Code. Under the Agreement, Austin will transfer approximately 151 acres of service area to Manville WSC and Manville WSC will transfer approximately 1,668 of service area to Austin. No facilities are proposed to be transferred. (Pinar Dogru, Lisa Fuentes)

Item continued to the December 5, 2007 agenda.

**(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/tmrcc.cgi](http://www.texasadmin.com/cgi-bin/tmrcc.cgi)**

/s/ Elaine Lucas  
Assistant General Counsel,  
Elaine Lucas

11-19-2007  
Date