

Item continued from the May 21, 2008 agenda.

- Item 3. [Docket No. 2008-0334-RUL](#). Consideration for publication of, and hearing on, proposed amended sections 101.502, 101.504, 101.506 and 101.508 of **30 TAC Chapter 101**, General Air Quality rules; and corresponding revisions to the state implementation plan. The proposed rulemaking would implement revisions to the Texas Health and Safety Code, Section 382.0173 as required by Senate Bill (SB) 1672 from the 80th Legislature, 2007, Regular Session, which revises the methodology for allocation of CAIR nitrogen oxides allowances. The proposed revisions also incorporate Federal changes to CAIR and make non-substantive administrative changes. (Jay Tonne, Terry Salem) (Rule Project No. 2007-053-101-EN)

Approve for publication of, and hearing on, proposed amended sections 101.502, 101.504, 101.506 and 101.508 of 30 TAC Chapter 101 and corresponding revisions to the state implementation plan with the modifications proposed by Commissioner Soward at the dais. LS/BS; all agree.

AGENDA

Wednesday, June 4, 2008

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. 2008-0142-MWD](#). Consideration of the application by **Turner Crest Village Waste Water Company, LLC** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014831001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 300,000 gallons per day. The facility will be located approximately 3.77 miles northeast of the intersection of Highway 80 and Highway 142 and approximately 3,400 feet southeast of Highway 142 in **Caldwell County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Kathy Humphreys, Larry Diamond)

Deny the hearing request, adopt the Executive Director's Response to Comments, and issue the draft permit. BS/LS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 2. [Docket No. 2007-1962-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Amerrock Products, LP** in **Bell County**; RN100215243; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Bryan Sinclair)

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

- Item 3. [Docket No. 2007-1925-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Avis Rent A Car System, LLC** in **El Paso County**; RN100814912; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lindsey Jones, Bryan Sinclair)

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

- Item 4. [Docket No. 2007-1861-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Brazoria County**; RN100825249; 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, Bryan Sinclair)

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

- Item 5. [Docket No. 2007-1730-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Brazoria County**; RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Ruble, Bryan Sinclair)

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

- Item 6. [Docket No. 2007-1917-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **El Paso County in El Paso County**; RN100819192 and RN105016646; 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, Bryan Sinclair)

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

- Item 7. [Docket No. 2007-1606-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN102450756; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Aaron Houston, Bryan Sinclair)

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

- Item 8. [Docket No. 2007-0493-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Harris County**; RN100542281; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Bryan Sinclair)

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

- Item 9. [Docket No. 2007-1866-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lyondell Chemical Company in Harris County**; RN100633650; 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, Bryan Sinclair)

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

- Item 10. [Docket No. 2006-1513-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Motiva Enterprises, LLC in Jefferson County**; RN100209451; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Daniel Siringi, Bryan Sinclair)

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

- Item 11. [Docket No. 2007-0960-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Shredder Company, LLC** in **El Paso County**; TCEQ ID No. RN101241180; for an air quality violation 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. BS/LS; all agree.

- Item 12. [Docket No. 2007-1937-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Wylar Industrial Works, Inc.** in **El Paso County**; RN100817147; 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. (Libby Hogue, Bryan Sinclair)

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

- Item 13. [Docket No. 2007-1277-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ofelia Bosquez dba Wencho's Gas and Food Mart** in **El Paso County**; RN101652691; 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. (Libby Hogue, Bryan Sinclair)

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

- Item 14. [Docket No. 2007-1475-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Viridis Energy (Texas), LP** in **Harris County**; RN102495421; 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, Bryan Sinclair)

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

- Item 15. [Docket No. 2007-1512-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P.** in **Galveston County**; RN100238385; 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, Bryan Sinclair)

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

- Item 16. [Docket No. 2008-0014-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P.** in **Harris County**; RN100219310; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Bryan Sinclair)

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

- Item 17. [Docket No. 2007-1756-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Brazoria County**; RN100225945; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Bryan Sinclair)

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

- Item 18. [Docket No. 2007-1015-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sport Auto Enterprise, Inc. in Bexar County**; RN105229538; 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, Bryan Sinclair)

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

- Item 19. [Docket No. 2007-1899-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest-Tex Leasing Co., Inc. in El Paso County**; RN100967777; 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. (Sidney Wheeler, Bryan Sinclair)

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

- Item 20. [Docket No. 2007-1063-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sand Express, L.P. in Colorado County**; RN100918671; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Bryan Sinclair)

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

- Item 21. [Docket No. 2007-1294-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert Lerma, Jr. and Marta Villarreal dba G S I II in Jim Wells County**; RN104707633; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Bryan Sinclair)

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

- Item 22. [Docket No. 2007-1621-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Merisol USA LLC in Harris County**; RN100214576; 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, Bryan Sinclair)

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

- Item 23. [Docket No. 2007-1787-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eastman Chemical Company in Harrison County**; RN100219815; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Bryan Sinclair)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

- Item 24. [Docket No. 2007-1780-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Patrick Y. Shin dba Douglas Cleaners in Dallas County**; RN102192267; 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. (John Shelton, Bryan Sinclair)

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

- Item 25. [Docket No. 2006-0938-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **Taufiq H. Ahmed dba Comet Cleaners in Tarrant County**; TCEQ ID No. RN104963939; 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. (Rebecca Combs, Jennifer Cook)

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

- Item 26. [Docket No. 2006-1408-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **K. B. Master Cleaners, Inc. dba KB Master Cleaners in Harris County**; TCEQ ID No. RN104995139; 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. (Dinniah M. Chahin, Jennifer Cook)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDERS

- Item 27. [Docket No. 2006-1271-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Tuan Ngoc Nguyen dba Memorial Cleaners in Harris County**; TCEQ ID No. RN102897246; for a dry cleaner violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Patrick Jackson, Jennifer Cook)

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

Item 28. [Docket No. 2006-1251-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Mubeen Enterprise, Inc. dba Spotless Cleaners in Fort Bend County**; TCEQ ID No. RN104996459; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Mary E. Coleman, Jennifer Cook)

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

FIELD CITATIONS

Item 29. [Docket No. 2006-0927-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Manuel Garcia III dba Last Chance Drive In in Zapata County**; RN102370806; 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, Bryan Sinclair)

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

Item 30. [Docket No. 2008-0027-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Signature Flight Support Corporation in Nueces County**; RN103062071; 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. BS/LS; all agree.

Item 31. [Docket No. 2008-0032-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Granite Construction Company in Lubbock County**; RN104645205; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 32. [Docket No. 2007-1631-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Chemical & Metallurgical Corporation in Brazoria County**; RN100210129; 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, Bryan Sinclair)

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

Item 33. [Docket No. 2007-1554-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thomas M. Thorp dba Thorp's Laun-Dry in Sutton County**; RN104029350; 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. (Colin Barth, Bryan Sinclair)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 34. [Docket No. 2007-1840-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation dba Mobil Chemical Company** in **Jefferson County**; RN100542844; 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, Bryan Sinclair)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 35. [Docket No. 2007-2003-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dale M. Sommerfeld** in **Tarrant County**; RN103480398; for landscape irrigator installer 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. (Elvia Maske, Bryan Sinclair)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 36. [Docket No. 2006-2258-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Aguado Stone Incorporated** in **Williamson County**; TCEQ ID No. RN105086110; for air quality, water quality, municipal solid waste, and petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

Item remanded to the Executive Director.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 37. [Docket No. 2007-0858-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CCRS-Consolidated Construction Recycling Services, Ltd.** in **Dallas County**; RN104809595; 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. (Marlin Bullard, Bryan Sinclair)

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

Item 38. [Docket No. 2005-1274-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John Tamez dba Plastics International North in El Paso County**; RN102854478; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Ruble, Steven Lopez)

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

Item 39. [Docket No. 2006-2059-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wilke Tire Service, Inc. in Nueces County**; TCEQ ID No. RN104150289; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tracy Chandler, Jennifer Cook)

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

Item 40. [Docket No. 2007-1654-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mason in Mason County**; RN102002185; 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. (Clinton Sims, Bryan Sinclair)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 41. [Docket No. 2008-0012-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Alba in Wood County**; RN101721405; 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. (Andrew Hunt, Bryan Sinclair)

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

Item 42. [Docket No. 2007-1622-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of The Colony in Denton County**; RN102080157; 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, Bryan Sinclair)

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

Item 43. [Docket No. 2007-1729-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Streetman in Freestone County**; RN101919991; 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, Bryan Sinclair)

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

- Item 44. [Docket No. 2007-1955-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Needville in Fort Bend County**; RN103016408; 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, Bryan Sinclair)

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

- Item 45. [Docket No. 2007-2020-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hooks Mobile Home Park, Ltd. in Harris County**; RN102177698; 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. (Andrew Hunt, Bryan Sinclair)

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

- Item 46. [Docket No. 2007-1624-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Graham in Young County**; RN101916880; 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, Bryan Sinclair)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 47. [Docket No. 2007-1870-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Amy Investments, Inc. dba Corner Stop in Jefferson County**; RN102278793; 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. (Wallace Myers, Bryan Sinclair)

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

- Item 48. [Docket No. 2006-1928-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Haider A., Inc. dba Stop In Food Mart in Harris County**; TCEQ ID No. RN102867678; 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. (Patrick Jackson, Jennifer Cook)

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

- Item 49. [Docket No. 2005-1378-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ron Edwards dba Tawakoni Stop II in Rains County**; TCEQ ID Nos. RN102228111 and 55512; 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 Combs, Jennifer Cook)

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

Item 50. [Docket No. 2005-1476-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Prince A, Inc. in Tarrant County**; TCEQ ID No. RN101550713; 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. (Jacquelyn Boutwell, Jennifer Cook)

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

Item 51. [Docket No. 2007-1887-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ZZQ Enterprises, Inc. dba Mini Mart Food Store FFP 3840 in Dallas County**; RN102356078; 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, Bryan Sinclair)

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

Item 52. [Docket No. 2007-1759-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jimmy Doan in Jones County**; RN101820694; 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. BS/LS; all agree.

Item 53. [Docket No. 2007-1846-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Zam, Inc. dba Circle A Grocery in Brazoria County**; RN102446713; 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, Bryan Sinclair)

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

Item 54. [Docket No. 2007-1446-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stripes LLC dba Stripes 2167 in Nueces County**; RN101625655; 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, Bryan Sinclair)

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

Item 55. [Docket No. 2007-1757-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Anjum Investments L.P. dba Star Travel Plaza in Denton County**; RN101435584; 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, Bryan Sinclair)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 56. [Docket No. 2006-1683-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Tootsie S. Farris dba E & A Energy in Hudspeth County**; TCEQ ID No. RN101655074; 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. (Mary Hammer, Jennifer Cook)

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

Item 57. [Docket No. 2007-0094-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Naseer Ahmad dba Super Stop 3 in Orange County**; TCEQ ID No. RN101444081; 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. (Tracy Chandler, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 58. [Docket No. 2007-1834-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Katy Sun Parks, Ltd. in Harris County**; RN101229748; 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, Bryan Sinclair)

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

Item 59. [Docket No. 2005-1044-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **West Jefferson County Municipal Water District in Jefferson County**; RN101400315; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Dana Shuler, Bryan Sinclair)

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

Item 60. [Docket No. 2007-1758-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Waco in McLennan County**; RN101384212; for public drinking water violations pursuant to Tex. Health & Safety Code ch.

341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Bryan Sinclair)

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

Item 61. [Docket No. 2007-1824-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mae Dell Tondre dba Tondre Water System in Fort Bend County**; RN101227361; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Bryan Sinclair)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 62. [Docket No. 2006-1698-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Felipe Posada dba Key Road Subdivision Water Supply in Victoria County**; TCEQ ID No. RN104814447; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tracy Chandler, Jennifer Cook)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 63. [Docket No. 2008-0137-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties against **AAA Sanitation, Inc. in Smith County**; RN100632249; 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, Bryan Sinclair)

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

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDERS

Item 64. [Docket No. 2007-0271-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties against **John L. Moore in McLennan County**; RN103747317; for occupational 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. (Tel Croston, Bryan Sinclair)

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

Item 65. [Docket No. 2007-1557-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert L. Weaver in Navarro County**; RN103865747; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Thomas Jecha, Bryan Sinclair)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 66. [Docket No. 2007-1667-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aguado Stone Incorporated in Williamson County**; RN105334353; 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, Bryan Sinclair)

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

Item 67. [Docket No. 2007-1859-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Primarily Primates in Bexar County**; RN104507074; 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., Bryan Sinclair)

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

Item 68. [Docket No. 2007-1728-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rising Star in Eastland County**; RN103138137; 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, Bryan Sinclair)

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

Item 69. [Docket No. 2007-1754-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joe Johnson dba B & J Sand and Gravel in Llano County**; RN105136311; 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, Bryan Sinclair)

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

Item 70. [Docket No. 2007-1732-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **American Plant Food Corporation in Freestone County**; RN102564333; 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, Bryan Sinclair)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 71. [Docket No. 2007-0600-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Canyon Vista Custom Homes, LLC in Travis County**; TCEQ ID No. RN105008510; 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. (Gary K. Shiu, Jennifer Cook)

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

RULE MATTERS

Item 72. [Docket No. 2008-0538-RUL](#). Consideration for publication of, and hearing on proposal of **30 TAC Chapter 321**, Control of Certain Activities by Rule, new Subchapter P, Reclaimed Water Production Facilities. The proposed rulemaking would provide a streamlined process to authorize the construction and operation of reclaimed water production facilities at a location other than a permitted wastewater treatment facility. (Mary Ann Dimakos Airey, P.E., Kathy Humphreys) (Rule Project No. 2008-002-321-PR)

Approve for publication of, and hearing on proposal of 30 TAC Chapter 321 with modifications to the preamble and rule as proposed by Commissioner Soward at the dais. LS/BS; all agree.

Item 73. [Docket No. 2008-0483-RUL](#). Consideration for publication of, and hearing on, a proposed amendment to **30 TAC Chapter 330**, Municipal Solid Waste, Section 330.165, Landfill Cover. The proposed rulemaking would allow contaminated soils and wastes generated from activities regulated by the Railroad Commission of Texas having concentrations greater than 1,500 milligrams per kilogram total petroleum hydrocarbons to be used as an alternative daily cover in a municipal solid waste landfill if contaminant concentrations are below protective concentration levels; and allow wastes approved as an alternative daily cover to exceed waste constituent limitations on wastes authorized for disposal at a municipal solid waste landfill if permit applicants demonstrate that the wastes will be used in a protective manner. (Wayne Harry, Steve Shepherd) (Rule Project No. 2008-013-330-PR)

Approve for publication of, and hearing on, a proposed amendment to 30 TAC Chapter 330 with an addition to the preamble to solicit comments on the appropriateness of the 1,500 mg/kg TPH limit in the rule. BS/LS; all agree.

Item 74. [Docket No. 2007-1058-RUL](#). Consideration of the adoption of the repeal of **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Subchapter L, On-Road Engines, Division 1, Heavy-Duty Diesel Engines, Sections 114.700 - 114.702, 114.706, 114.707, and 114.709, and request to withdraw these sections from EPA consideration for approval in the State Implementation Plan (SIP). The adoption would repeal the state regulations that require all new heavy-duty diesel engines (HDDE) produced for sale or other use in Texas for the 2005 and newer model years to be certified to meet the California emission control standards specified under California Code of Regulations, Title 13, Section 1956.8 that was revised by the California Air Resources Board on December 8, 2000, and effective on July 25, 2001. The proposed rules were published in the February 29, 2008, issue of the *Texas Register* (33 TexReg 1741). (Morris Brown, John Minter) (Rule Project No. 2007-056-114-EN).

Adopt the repeal of 30 TAC Chapter 114. BS/LS; all agree.

Item 75. [Docket No. 2007-1285-RUL](#). Consideration of the adoption of repeal of Sections 344.1, 344.4, 344.10, 344.49, 344.58 - 344.63, 344.70 -344.73, 344.75, 344.77, 344.90 - 344.96 and adoption of

new Sections 344.1, 344.20 - 344.24, 344.30 - 344.38, 344.40 - 344.43, 344.50 - 344.52, 344.60 - 344.65, 344.70 - 344.72 and 344.80 of **30 TAC Chapter 344**, Landscape Irrigation. The adopted rulemaking would implement: Sections 13 and 19 of House Bill 4; Sections 2.34 and 2.42 of Senate Bill 3; and House Bill 1656, 80th Legislature, 2007, Regular Session. The adopted rules establish standards for landscape irrigation system design, installation, operation, and water conservation, and establish the duties and responsibilities of licensed irrigators. Some irrigation systems are exempted from local permitting requirements. The adopted rules establish the roles and responsibilities of a new license type, an irrigation inspector. The proposed rules were published in the February 1, 2008 issue of the *Texas Register* (33 TexReg 899). (Candy Garrett, Project Manager; Alicia Lee, Lead Attorney) (Rule Project No. 2007-027-344-CE.)

Item continued to the 1:00 P.M. agenda

Approve the repeal of Sections 344.1, 344.4, 344.10, 344.49, 344.58 - 344.63, 344.70 -344.73, 344.75, 344.77, 344.90 - 344.96 and adoption of new Sections 344.1, 344.20 - 344.24, 344.30 - 344.38, 344.40 - 344.43, 344.50 - 344.52, 344.60 - 344.65, 344.70 - 344.72 and 344.80 of 30 TAC Chapter 344 with modifications as outlined by Commissioner Soward at the dais. LS/BS; all agree.

Item 76. [Docket No. 2007-1671-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 30**, Occupational Licenses and Registrations, Sections 30.3, 30.111, 30.120 and 30.122. The adoption of this rulemaking would implement House Bill (HB) 4, Sections 13, 19, and 20, HB 1656, Section 1 and Senate Bill 3, Section 2.34, 80th Legislature, 2007. The amendments would create two new license classifications, irrigation technician and irrigation inspector, to be consistent with 30 TAC Chapter 344, Landscape Irrigation, Texas Occupations Code, Section 1903.251 and Texas Water Code, Section 49.238, and Texas Local Government Code, Section 401.006 as added by HB 1656, Section 3, 80th Legislature 2007, Regular Session. The proposed rules were published in the February 1, 2008 issue of the *Texas Register* (33 TexReg 866). (Terry Thompson, Alicia Lee) (Rule Project No. 2007-031-030-CE).

Item continued to the 1:00 P.M. agenda.

Adopt amendments to 30 TAC Chapter 30, Sections 30.3, 30.111, 30.120 and 30.122. LS/BS; all agree.

Item 77. [Docket No. 2007-1029-RUL](#). Consideration of the adoption of amended sections 337.3, 337.4, 337.11, 337.13, 337.14, 337.31, 337.32 and 337.51; and new sections 337.16, 337.17, 337.18, 337.52, 337.53 and 337.64 of **30 TAC Chapter 337**, Dry Cleaner Environmental Response. The adoption would implement House Bill 3220, 80th Legislature, 2007, Regular Session. The adopted rules would establish new registration requirements for owners and preceding owners of real property on which a dry cleaning facility or drop station is or was located who wish to obtain eligibility for Dry Cleaning Facility Release Fund (Fund) benefits; would establish procedures for an owner of a non-participating drop station to move the business to another location and retain the drop station's non-participating status; and would prohibit the use of perchloroethylene at a site once corrective action under the Fund had begun at that site, also providing for a written notice of the prohibition to be placed in county deed records. In addition, certain rule amendments are being adopted to facilitate more efficient administration and enforcement of Texas Health and Safety Code Chapter 374. The proposed rules were published in the February 15, 2008 issue of the *Texas Register* (33 TexReg 1260). (Don Kennedy, Barbara Watson) (Rule Project No. 2007-035-337-PR)

Adopt amended sections 337.3, 337.4, 337.11, 337.13, 337.14, 337.31, 337.32 and 337.51; and new sections 337.16, 337.17, 337.18, 337.52, 337.53 and 337.64 of 30 TAC Chapter 337. BS/LS; all agree.

EXECUTIVE MEETING

Item 78. **Docket No. 2008-0001-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.

Appoint Mark Vickery as the Executive Director effective June 17, 2008. BS/LS; all agree.

Item 79. **Docket No. 2008-0002-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.

No action taken.

Item 80. **Docket No. 2008-0003-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.

No action taken.

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

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE 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, June 4, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. [TCEQ Docket No. 2005-1052-MSW-E; SOAH Docket No. 582-08-0859](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Gregg Dentler & Hugh Doug Dentler dba Dentlers Tire Shop** in **Nueces County**, Texas; TCEQ Registration No. RN104596226; regarding waste minimization and recycling and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361 and the rules of the Commission. The Commission will also consider timely filed exceptions and replies. (Lena Roberts)

Adopt the ALJ's Order with the Executive Director's exceptions 1-9 and 11-12. LS/BS; all agree.

- Item 2. [TCEQ Docket No. 2006-0560-PST-E; SOAH Docket No. 582-07-3620](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Murmur Corporation** in **Dallas County**, Texas; TCEQ ID No. RN102013679 regarding petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Lena Roberts)

Item continued to the August 6, 2008 agenda.

- Item 3. [TCEQ Docket No. 2006-1163-DCL-E; SOAH Docket No. 582-08-1217](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Twin Lakes Enterprises, Inc., dba Houston Discount Cleaners and dba 1.25 Dry Clean Super Center** in **Harris County**, Texas; TCEQ Registration Nos. RN104186945 and RN104188693; regarding violations pursuant to 30 Tex. Admin. Code § 337.10(a), Tex. Health & Safety Code ch. 374, and Tex. Water Code ch. 7. The Commission will also consider timely filed exceptions and replies. (Patrick Jackson)

Adopt the ALJ's Order with the Executive Director's exceptions as modified by the ALJ. BS/LS; all agree.

- Item 4. [TCEQ Docket No. 2004-0507-PST-E; SOAH Docket No. 582-08-1241](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Armaan Enterprises Inc. dba Stop N to Go** in **Tarrant County**, Texas; RN102385887; regarding petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider any timely filed exceptions and replies. (Xavier Guerra)

Item continued to the July 9, 2008 agenda.

Item 5. [TCEQ Docket No. 2005-1300-PST-E; SOAH Docket No. 582-06-2152](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **SNW Enterprises, Inc. dba Super Stop 12 and Super Stop 13** in **Jefferson County**, Texas; RN102407459 and RN102409851; regarding violations pursuant to provisions of the Tex. Water Code ch. 7 and 26 and Tex. Health & Safety Code ch. 382 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Robert Mosley)

Adopt the ALJ's Order and correct the numbering of Findings of Fact starting with No. 28. LS/BS; 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. AND WILL CONTINUE 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/ Elaine Lucas
Assistant General Counsel,
Elaine Lucas

7/9/2008
Date