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Chairman H.S. Buddy Garcia
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, Ph.D. Wednesday, October 8, 2008

AGENDA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1. [Docket No. 2008-0486-MWD](#). Consideration of the application by **Aqua Utilities, Inc.** for a new wastewater discharge permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014754001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 150,000 gallons per day. The wastewater treatment facility will be located one mile north of Highway 377 on M&M Ranch Road in **Hood 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, Michael Redda)

Grant the hearing requests of Gwendolyn Massey Findley and Mary Massey Props on the issues of: A) whether the discharge satisfies regulatory requirements intended to protect aquatic life, the requesters' health, water quality, and the requesters' existing uses; B) whether use of creek water for lawn irrigation will create a health concern to the requestors and their pets; and C) whether the Applicant adequately and accurately analyzed the costs and benefits associated with tying into the City of Granbury's wastewater system and whether tying into the system is economically feasible. Set a hearing duration of nine months from the preliminary hearing to issuance of the Proposal for Decision. Deny the Requests for Reconsideration and refer the matter to ADR for a period of four to six weeks to be concurrent with the SOAH process. BS/LS; all agree.

Item 2. [Docket No. 2008-0698-AIR](#). Consideration of application by **Waco Composites I, LTD** for New Air Quality Permit 80500 to authorize their fiberglass reinforced plastic (FRP) armor plate

manufacturing operations. The proposed facility is located at 302 South 27th Street, Waco, **McLennan 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. (Steve Akers/Tim Eubank)

Grant all of the hearing requests that were not withdrawn except the requests of Karen and Michael LiBassi on the following three issues: A) whether the air emissions from the proposed facility will adversely affect the health of the requestors, their families, and their employees; B) whether the air emissions from the proposed facility will adversely affect the requestors or their families' normal use and enjoyment of their property; and C) whether the Applicant will use Best Available Control Technology at the proposed facility; Set the maximum duration of the hearing as nine months; and Direct the Executive Director to participate in the hearing. If the ALJ admits Karen and Michael LiBassi as parties at the hearing then Issue A is expanded to include the adverse affect of air emissions on requestors' customers, as the LiBassis are the requestors that raised that concern. BS/LS; all agree.

Item 3. [Docket No. 2008-0747-IHW](#). Consideration of an application by TXU Generation Company, L.P. (now known as Luminant Generation Company LLC) for renewal of Hazardous Waste Permit No. 50356. The renewal permit would authorize the continued operation of one (1) existing container storage area for the storage of mixed waste (low-level radioactive waste mixed with hazardous waste), and continued post-closure care of two (2) landfills in which there was disposal of hazardous wastes and Class 2 and Class 3 industrial solid waste. TXU operates the Comanche Peak Steam Electric Station, a nuclear-fueled electric generation plant. The facility is located on approximately 4,170 acres, approximately five miles north of the intersection of U.S. Highway 67 and Farm-to-Market Road 56, near Glen Rose, Somervell County, Texas. The Commission will also consider requests for hearing or reconsideration and related responses and replies and public comment and the Executive Director's Response to Comments. (Dawn Burton/Mary Talley)

Deny the hearing request of Debbie Harper and issue the renewal of Hazardous Permit No. 50356 and adopt the Executive Director's Amended Response to Comments. BS/LS; all agree.

Item 4. [Docket No. 2008-0785-MWD](#). Consideration of the application by **Julie Ann Thames** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014753001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 10,000 gallons per day. The facility will be located approximately 7 miles west of the City of Burleson, approximately 2 miles south of FM 1187 and approximately 3/8 mile west of FM 1902, in **Johnson County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Scott Shoemaker, Michael Redda)

Grant the hearing request filed by Duval Anglin on the issues of: 1) whether the draft permit is protective of water quality and agricultural uses; 2) whether the Applicant's compliance history raises issues as to whether she can comply with a material term of the draft permit or warrants denial or alteration of the permit; and 3) whether the discharge route has been accurately characterized. Refer the matter to SOAH with a maximum hearing duration of nine months. LS/BS; all agree.

MISCELLANEOUS MATTER

Item 5. [TCEQ Docket No. 2007-1897-MWD-E](#). Discussion of the compliance status of **Monarch Utilities I L.P.** (RN102177458) with an Agreed Order adopted by the Texas Commission on Environmental Quality on July 9, 2008, assessing administrative penalties and requiring certain actions for water quality violations in **Henderson County** 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.

No action taken.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6. [Docket No. 2004-0125-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant (BMCP)** in **Jefferson County**; TCEQ ID No. RN100542844; 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. (Alfred Oloko, Lena Roberts)

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

Item 7. [Docket No. 2004-1364-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwestern Electric Power Company dba SWEPCO** in **Titus County**; TCEQ ID No. RN100213370; 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, Lena Roberts)

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

Item 8. [Docket No. 2008-0663-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Air Liquide Large Industries U.S. LP** in **Harris County**; RN100233998; 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 9. [Docket Nos. 1997-0180-AIR-E, 1997-0222-AIR-E, 1997-0440-IHW-E, 1998-0114-AIR-E, and 2000-0543-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of **South Hampton Resources, Inc. formerly known as South Hampton Refining Company** in **Hardin County**; TCEQ ID Nos. RN101995611 and RN102591955; for air quality and industrial hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Kathleen C. Decker, Lena Roberts)

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

Item 10. [Docket No. 2003-1455-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **ExxonMobil Oil Corporation dba Mobil Chemical Beaumont Chemical Plant in Jefferson County**; TCEQ ID No. RN100542844; 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. (Alfred Oloko, Lena Roberts)

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

Item 11. [Docket No. 2008-0407-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ash Grove Texas, L.P. in Ellis County**; RN100225978; 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, P.E., Bryan Sinclair)

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

Item 12. [Docket No. 2008-0688-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Oiltanking Beaumont Partners, L.P. in Jefferson County**; RN101042885; 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 13. [Docket No. 2008-0552-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **McGuffy Group, Inc. in Harris County**; RN103111571; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Bryan Sinclair)

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

Item 14. [Docket No. 2008-0859-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **LoneStar Fiberglass Pools, LLC in Guadalupe County**; RN104314273; 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. (Jeremy Escobar, Bryan Sinclair)

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

Item 15. [Docket No. 2008-0420-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **J. Cleo Thompson Investment Management, LLC in Crockett County**; RN100224385; 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.

- Item 16. [Docket No. 2008-0894-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Refining LP in Harris County**; RN100218130; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Bryan Sinclair)

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

- Item 17. [Docket No. 2008-0591-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Nueces County**; RN100221662; 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 18. [Docket No. 2008-0499-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E. I. du Pont de Nemours and Company in Orange County**; RN100542711; 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 19. [Docket No. 2008-0513-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Dolphin Petroleum, LP in Refugio County**; RN100216902; 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 20. [Docket No. 2008-0551-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Corporation 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. (Terry Murphy, Bryan Sinclair)

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

- Item 21. [Docket No. 2008-0712-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. (Nadia Hameed, Bryan Sinclair)

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

- Item 22. [Docket No. 2008-0807-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Union Carbide Corporation in Calhoun County**; RN102181526; 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 23. [Docket No. 2007-1427-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC. in Jefferson County**; RN102457520; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Bryan Sinclair)

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

- Item 24. [Docket No. 2008-0451-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Goodyear Tire & Rubber Company in Jefferson County**; RN102561925; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, Bryan Sinclair)

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

- Item 25. [Docket No. 2008-0478-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 26. [Docket No. 2008-0385-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas Petrochemicals LP in Jefferson County**; RN104964267; 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 27. [Docket No. 2008-0190-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sunoco, Inc. (R&M) in Harris County**; RN102888328; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex.

Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Bryan Sinclair)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 28. [Docket No. 2004-0386-AIR-E](#). Consideration of a Default Order assessing administrative penalties against **Roberto Negrete dba Fina Mart No. 18 in Dallas County**; TCEQ ID No. RN103058566; 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. (Anna Cox, Lena Roberts)

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

DRY CLEANER ENFORCEMENT AGREED ORDER

Item 29. [Docket No. 2006-1313-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **New SM, Inc. dba Dry Clean Super Center in Tarrant County**; TCEQ ID No. RN102918992; 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. (Gary K. Shiu, Lena Roberts)

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

FIELD CITATION

Item 30. [Docket No. 2008-0946-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **LA CHIRPA, INC. dba Stadium Mart in Tarrant County**; RN101542470; 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)

Reposted as Item No. 135.

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 31. [Docket No. 2003-1560-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jimmy Kim dba Le Bon Cleaners in Harris County**; TCEQ ID No. RN100652387; for industrial and 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. (Benjamin O. Thompson, Lena Roberts)

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

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT DEFAULT ORDER

Item 32. [Docket No. 2005-0958-IHW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mickey D. Wells dba Together Manufacturing in Kerr County**; TCEQ ID No. RN102963998; for industrial hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 33. [Docket No. 2008-0774-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TXI Operations, LP in Dallas County**; RN100670983; 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. (Lauren Smitherman, Bryan Sinclair)

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

Item 34. [Docket No. 2007-1936-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Veolia ES Technical Solutions, L.L.C. in Jefferson County**; RN103219002; 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, Bryan Sinclair)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 35. [Docket No. 2005-1613-IWD-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Laura Strawbridge dba K&L Carwash in Young County**; TCEQ ID No. RN104580378; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 36. [Docket No. 2005-1114-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joey Sisca in Travis County**; TCEQ ID No. RN104574389; for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 37. [Docket No. 2006-0516-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Multi-Chem Group, LLC in Sutton County**; TCEQ ID No. RN103948733; for industrial and hazardous waste and air quality violations pursuant to Tex. Water Code ch. 7, Texas 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)

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

Item 38. [Docket No. 2008-0731-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PAC-N-SAC STORES, INC. dba Pac N Sac 104 in Hays County**; RN101499515; for petroleum storage tank and 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. (Rajesh Acharya, Bryan Sinclair)

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

Item 39. [Docket No. 2003-1240-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Parker County's Squaw Creek Downs, LP. in Parker County**; TCEQ ID No. RN103005526; for air and water quality 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. (Xavier Guerra , Lena Roberts)

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

Item 40. [Docket No. 2004-0668-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Degussa Engineered Carbons, L.P. in Harris County**; TCEQ ID No. RN100209899; for air quality and water quality violations pursuant to Tex. Water Code chs. 5, 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. (Jim Sallans, Lena Roberts)

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

Item 41. [Docket No. 2004-1135-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E.I. du Pont de Nemours and Company dba Du Pont Sabine River Works in Orange County**; TCEQ ID No. RN100542711; for air, water quality, and public water supply violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 341 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Lena Roberts)

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

Item 42. [Docket No. 2005-0014-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Newell Recycling of San Antonio, L.P., Newell Recycling Co., Inc., Newell Ltd., Newell Enterprises, Inc., Newell Products, Inc., and Newell**

International, Inc. in Bexar County; TCEQ ID Nos. BG-0149-O; 30060; BG-0147-S; 38632; BG-0293-G; BG-1092-L; RN102923976 and RN102601804; for air, water quality, and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

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

Item 43. [Docket No. 2004-0072-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Wolfe City in Hunt County**; TCEQ ID Nos. RN101387579, RN102896255, and RN103016705; for water quality and public drinking water system 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. (Robert Mosley, Lena Roberts)

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

Item 44. [Docket No. 2004-2023-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WHB Cattle, L.P. in Lipscomb County**; TCEQ ID No. RN104393855; for water quality, on-site sewage disposal, and industrial and hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Lena Roberts)

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

Item 45. [Docket No. 2007-1464-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **McCarty Road Landfill TX, LP in Harris County**; RN100213602; for municipal solid waste and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Shelton, Bryan Sinclair)

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

Item 46. [Docket No. 2004-1344-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Brazoria County**; TCEQ ID No. RN100225945; for air quality and industrial and hazardous waste violations pursuant to Tex. Water Code ch. 7, 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. (Jim Sallans, Lena Roberts)

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

Item 47. [Docket No. 2004-2082-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Pat Inc. dba Action Excavating in Tarrant County**; TCEQ ID No. RN100756097; for industrial and hazardous waste and petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas

Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60.
(Xavier Guerra, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 48. [Docket No. 2002-0714-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Matt Dietz dba Matt Dietz Company in Zapata County**; TCEQ ID No. RN104160635; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 49. [Docket No. 1999-1482-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Brazosport Equipment & Rental, Inc. in Brazoria County**; TCEQ ID No. RN103045860; 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. (Robert Mosley, Lena Roberts)

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

Item 50. [Docket No. 2008-0255-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Friedman Recycling of El Paso, LP in El Paso County**; RN105231880; 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.

Item 51. [Docket No. 2008-0494-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R. J. Whitfield in Falls County**; RN105211775; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Bryan Sinclair)

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

Item 52. [Docket No. 2008-0833-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **JIMI Enterprise Inc in McLennan County**; RN105291314; 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. (Ross Fife, Bryan Sinclair)

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

- Item 53. [Docket No. 2004-0711-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas Mexican Railway Company in Webb County**; TCEQ ID No. RN104192182; 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. (Xavier Guerra, Jennifer Cook)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 54. [Docket No. 2004-0157-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Nacogdoches in Nacogdoches County**; TCEQ ID No. RN101611283; 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. (Ben Thompson, Lena Roberts)

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

- Item 55. [Docket No. 2008-0399-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Corpus Christi in Nueces County**; RN101610079; 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. (Lanae Foard, Bryan Sinclair)

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

- Item 56. [Docket No. 2008-0736-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Oaks Golf Management Company, L.P. in Waller County**; RN102681483; 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 57. [Docket No. 2005-1747-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Joaquin in Shelby County**; RN102095437; 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, Bryan Sinclair)

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

- Item 58. [Docket No. 2007-1915-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pasadena in Harris County**; RN101608693; 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, Bryan Sinclair)

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

Item 59. [Docket No. 2008-0750-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Montgomery County Municipal Utility District No. 83 in Montgomery County**; RN103993531; 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 60. [Docket No. 2008-0511-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Dessau Fountains Estates, L.L.C. in Travis County**; RN102080637; 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, Bryan Sinclair)

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

Item 61. [Docket No. 2008-0324-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mamie Dell Baker dba Country Living Mobile Home Park in Harrison County**; RN101513307; 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. (J. Craig Fleming, Bryan Sinclair)

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

Item 62. [Docket No. 2008-0661-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aero Greensmor, LP in Harris County**; RN102093796; 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 63. [Docket No. 2005-2084-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **American Golf Corporation and Wynnwood Peninsula Golf, LLC in Denton County**; TCEQ ID No. RN104402714; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 64. [Docket No. 2004-1138-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Springtown in Parker County**; TCEQ ID

No. RN101920445; 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. (Tracy Chandler, Lena Roberts)

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

Item 65. [Docket No. 2003-0213-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Robert Perry dba American Camp and Mobile Home Park in Val Verde County**; TCEQ ID No. RN102676715; for a water quality violation 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. (Jim Sallans, Lena Roberts)

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

Item 66. [Docket No. 2001-1422-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwood Estates, Inc. in Brazoria County**; TCEQ ID No. 12780-001; 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. (Xavier Guerra, Lena Roberts)

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

ON SITE SEWAGE FACILITY INSTALLERS ENFORCEMENT AGREED ORDER

Item 67. [Docket No. 2003-1528-OSI-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brad Bolton in Coleman County**; TCEQ ID No. RN103051066; for on-site sewage installer violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 68. [Docket No. 2006-1537-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **New Way Enterprise Inc. dba Time Out Food Mart #2 in Brazoria County**; TCEQ ID No. RN101892982; 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. (Dinniah Chahin, Lena Roberts)

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

Item 69. [Docket No. 2002-0779-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mohammad Elhommoud dba Sam's Grocery Mart in Harris County**; TCEQ ID No. RN101870673; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

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

- Item 70. [Docket No. 2004-0402-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Esperanza Carrasco dba El Pabellon in Presidio County**; TCEQ ID No. RN102429362; 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. (Kari L. Gilbreth, Lena Roberts)

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

- Item 71. [Docket No. 2004-0821-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ayers' Companies, Inc. dba County Line Truck Stop in Dallas County**; TCEQ ID No. RN102430907; 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. (Benjamin O. Thompson, Lena Roberts)

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

- Item 72. [Docket No. 2004-0716-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cruz Mendez dba New Way in Gregg County**; TCEQ ID No. RN102345097; 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 Mosley, Lena Roberts)

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

- Item 73. [Docket No. 2008-0415-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Grady W. Mosley in Smith County**; RN101892875; 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 Texas Administrative Code ch. 60. (Steven Lopez, Bryan Sinclair)

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

- Item 74. [Docket No. 2008-0193-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **J.C. CONOCO, INC. in Harris County**; RN101836518; 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 75. [Docket No. 2008-0382-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kenneth Haddad and Maynard Haddad dba H & H Car Wash in El Paso County**; RN100961473; 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 76. [Docket No. 2008-0404-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DONALD C. MOORE & SONS, INC. dba Handi Stop 1 and Handi Stop 3** in **Live Oak County**; RN102653029 and RN102653326; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Bryan Sinclair)

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

- Item 77. [Docket No. 2008-0810-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ADVANCE PETROLEUM DISTRIBUTING COMPANY, INC. dba Automated Fueling 82** in **Tarrant County**; RN102485877; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Bryan Sinclair)

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

- Item 78. [Docket No. 2008-0577-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **AAMIR ENTERPRISES, INC dba Star Stop** in **Harris County**; RN101446771; 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 79. [Docket No. 2005-0133-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cedar Park E & J, Ltd.** in **Williamson County**; TCEQ ID No. RN101495539; 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. (Kari L. Gilbreth, Lena Roberts)

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

- Item 80. [Docket No. 2004-1583-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Barton Good Oil Company, Inc. dba Flying L Fastmart** in **Hunt County**; TCEQ ID No. RN101552297; 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. (Xavier Guerra, Lena Roberts)

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

- Item 81. [Docket No. 2004-0535-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jaspal Singh dba RK Mart** in **Hunt County**; TCEQ

ID No. RN102957636; 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. (Jim Sallans, Lena Roberts)

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

Item 82. [Docket No. 2008-0394-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chris Trout dba CTS C Store 1 in Collin County**; RN101433456; 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. (Wallace Myers, Bryan Sinclair)

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

Item 83. [Docket No. 2007-1880-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Best Mart, Inc. dba Kold Spot 32 and Kold Spot 37 in Tarrant County**; RN101544252 and RN101564433; 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 84. [Docket No. 2008-0418-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ALIAHSAN ENTERPRISES, INC. dba Super Stop 8 in Jefferson County**; RN101877223; 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 85. [Docket No. 2003-1163-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **D & P Management Services, L.L.C. dba Airport Shell in Harris County**; TCEQ ID No. RN102469491; 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 Mosley, Lena Roberts)

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

Item 86. [Docket No. 2008-0314-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ramiro Carrillo dba Bob's Corner Store and Bob's Corner Store 2 in Kleberg and Nueces Counties**; RN102358942 and RN102457561; 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 87. [Docket No. 2008-0508-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Khaved Ali dba Speedy Food Market in Harris County**; RN101900637; 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 88. [Docket No. 2008-0279-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SIRAJUDDIN CORPORATION dba Highland Food Store in Collin County**; RN102031853; 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 89. [Docket No. 2004-0380-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kas Investments, Ltd. dba Convenience Plus in Brazoria County**; TCEQ ID No. RN101761039; 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. (Jim Sallans, Lena Roberts)

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

Item 90. [Docket No. 2004-0407-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Virginia Enterprises, Inc. dba Super Food Store in Jefferson County**; TCEQ ID No. RN102404985; 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. (Anna Cox, Lena Roberts)

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

Item 91. [Docket No. 2004-1314-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Asuda Holdings LLC dba Shell at Rosemeade in Dallas County**; TCEQ ID No. RN101532281; 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. (Dinniah M. Chahin, Lena Roberts)

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

Item 92. [Docket No. 2004-0672-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thatta Corporation Inc. dba Stop-N-Drive #26 in Jefferson County**; TCEQ ID No. RN102782851; 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. (Xavier Guerra, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 93. [Docket No. 2004-0089-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Mohammad K. Aroud dba Jones Mart Shell** in **Harris County**; TCEQ ID No. RN102834223; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 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, Lena Roberts)

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

Item 94. [Docket No. 2005-0970-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Frank Lewis dba Lewis Service and Sales** in **Jefferson County**; TCEQ ID No. RN101804144; 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. (Dinniah M. Chahin, Lena Roberts)

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

Item 95. [Docket No. 2004-0423-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Deer Park Business, Inc. dba Fuel Expo** in **Harris County**; TCEQ ID No. RN102369162; 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. (Jim Sallans, Lena Roberts)

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

Item 96. [Docket No. 2005-0614-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Irma M. Saldivar dba Saldivar Food Store 2** in **Cameron County**; TCEQ ID No. RN102717543; 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. (Alfred Oloko, Lena Roberts)

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

Item 97. [Docket No. 2003-1120-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Sammy's Groceries, Inc. dba Sammy's Groceries No. 1, Sammy's Groceries No. 2, and Young's Drive In Grocery** in **Harris County**; TCEQ ID Nos. RN101736866, RN101382919, and RN101433837; 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, Lena Roberts)

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

Item 98. [Docket No. 2003-1116-PST-E](#). Consideration of a Default Order assessing an administrative penalty against **IZR Corporation dba Garland Fina** in **Dallas County**; TCEQ ID No. RN101551299; 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, Lena Roberts)

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

Item 99. [Docket No. 2004-1799-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Yaman, Inc. dba 7 AM Food Store** in **Galveston County**; TCEQ ID No. RN101793479; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Lena Roberts)

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

Item 100. [Docket No. 2004-1858-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Leo Johnson dba Connally Center** in **McClennan County**; TCEQ ID No. RN101662930; 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. (Xavier Guerra, Lena Roberts)

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

Item 101. [Docket No. 2004-1655-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mohammad Rafiul Habib dba South Buckner Food Mart** in **Dallas County**; TCEQ ID No. RN101543494; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 102. [Docket No. 2004-0740-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Bipin Patel dba M and B Food Store** in **Angelina County**; TCEQ ID No. RN101838902; 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. (Jim Sallans, Lena Roberts)

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

Item 103. [Docket No. 2004-1991-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Asad Enterprises, Inc. dba Davis Food Mart** in **Tyler County**; TCEQ ID No. RN102437779; 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, Lena Roberts)

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

Item 104. [Docket No. 2004-0515-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Maria E. Warren dba Peppers Pit Stop in Montague County**; TCEQ ID No. RN101435410; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 105. [Docket No. 2004-1008-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Bountheung Noymany dba Boat Club Grocery in Tarrant County**; TCEQ ID No. RN100737493; 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, Lena Roberts)

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

Item 106. [Docket No. 2004-1775-PST-E](#). Consideration of a Default Order assessing administrative penalties of **IZR Corporation dba Garland Fina in Dallas County**; TCEQ ID No. RN101551299; 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, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 107. [Docket No. 2003-0346-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Friends International, Inc. dba Super Deli & Grocery in Harris County**; TCEQ ID No. RN101765709; 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. (Dinniah M. Chahin, Lena Roberts)

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

Item 108. [Docket No. 2003-1045-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Friend Enterprises, Inc. dba Friendly Mart in Travis County**; TCEQ ID No. RN100825090; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Lena Roberts)

Remanded to the Executive Director. BS/LS; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 109. [Docket No. 2005-1708-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **The Texas Latin American Conference of the International Pentecostal Holiness Church in Cherokee County**; TCEQ ID No. RN101218493; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

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

Item 110. [Docket No. 2004-0043-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SNI Corporation dba Broadway Food Mart in Colorado County**; TCEQ ID No. RN101252732; 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, Lena Roberts)

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

Item 111. [Docket No. 2005-0546-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thunderbird Bay Water Services, Inc. dba Thunderbird Point Water System in Camp County**; TCEQ ID No. RN102686185; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Combs, Lena Roberts)

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

Item 112. [Docket No. 2008-0710-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Axtell Water Supply Corporation in McLennan County**; RN101442648; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Bryan Sinclair)

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

Item 113. [Docket No. 2008-0606-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Gordon in Palo Pinto County**; RN101406957; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Bryan Sinclair)

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

Item 114. [Docket No. 2008-0373-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **The Reinforced Earth Company in McLennan County**; RN101237972; 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 115. [Docket No. 2008-0463-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gray Utility Service L.L.C. in Jefferson County**; RN102682358; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Bryan Sinclair)

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

Item 116. [Docket No. 2008-0489-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fayette County Water Control and Improvement District Monument Hill in Fayette County**; RN101389054; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Bryan Sinclair)

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

Item 117. [Docket No. 2005-1395-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kent J. Miguez dba Miguez Trailer Park in Jefferson County**; TCEQ ID No. RN104574470; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Dinniah M. Chahin, Lena Roberts)

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

Item 118. [Docket No. 2005-0201-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trudy J. Gillem dba Country Villa Mobile Home Park in Bee County**; TCEQ ID No. RN101441764; for public water supply violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Barham A. Richard, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 119. [Docket No. 2006-1430-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Kmali Enterprises, Inc. dba Friendly Mart in Harris County**; TCEQ ID No. RN101438802; 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, Lena Roberts)

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

Item 120. [Docket No. 2005-2046-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Guss Lines dba Lines Cactus Grove Mobile Home Park in Brewster County**; TCEQ ID No. RN104103247; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Robert Mosley, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 121. [Docket No. 2004-1318-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fort Worth Excavating, Inc.** in **Tarrant County**; RN100733138; 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. (Lena Roberts)

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

Item 122. [Docket No. 2004-1716-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Haskell dba City of Haskell Airport** in **Haskell County**; RN103887006; 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. (Tracy Chandler, Lena Roberts)

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

Item 123. [Docket No. 2008-0457-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Melrose Construction, Inc.** in **Somervell County**; RN105464515; 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 124. [Docket No. 2008-0349-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mammoet USA, Inc.** in **Brazoria County**; RN104484340; 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, Bryan Sinclair)

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

Item 125. [Docket No. 2008-0514-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **CastleRock Communities, L.P.** in **Montgomery County**; RN105470256; 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. (Roshondra Lowe, Bryan Sinclair)

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

Item 126. [Docket No. 2008-0754-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **American Commodities, Inc.** in **Webb County**; RN105490361; 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. (Steve Villatoro, Bryan Sinclair)

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

Item 127. [Docket No. 2005-0779-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mason Ready Mix, Inc. in Mason County**; RN103138731; 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 Shiu, Lena Roberts)

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

Item 128. [Docket No. 2004-1989-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Fincher Bros., Inc. in Tarrant County**; RN104319249; 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. (Jim Sallans, Lena Roberts)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 129. [Docket No. 2008-0290-WR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Golf Club at Circle C, LP in Travis County**; RN104337746; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Pamela Campbell, Bryan Sinclair)

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

MISCELLANEOUS MATTER

Item 130. [Docket No. 2008-1365-MIS](#). Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Texas Government Code, concerning acceptance of gifts by certain state agencies. (David Timberger)

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

RULE MATTER

Item 131. [Docket No. 2008-0307-RUL](#). Consideration of the adoption of amendments to Sections 334.2, 334.8, 334.21, 334.42, 334.45, 334.47, 334.49, 334.50, 334.54, 334.71, 334.84, 334.128, 334.301, 334.302, and 334.303 of 30 TAC Chapter 334, Underground and Aboveground Storage Tanks. The adoption would implement House Bill (HB) 3554 and HB 1956, 80th Legislature, 2007, Regular Session. The rulemaking would extend the Petroleum Storage Tank reimbursement program (and related remediation and reimbursement deadlines) for eligible Leaking Petroleum

Storage Tank (LPST) sites; eliminate annual registration fees for underground and aboveground storage tanks; address financial assurance requirements for underground storage tanks (USTs); incorporate UST Secondary Containment requirements for new UST systems in Federal law (The Energy Policy Act of 2005); amend certain technical standards for UST systems related to Federal requirements; and remove LPST sites from Texas Risk Reduction Program requirements. The proposed rules were published in the May 2, 2008 issue of the Texas Register (33 TexReg 3556). (Anton Rozsypal, Cullen McMorrow) (Rule Project No. 2007-037-334-PR)

Adopt proposed amendments to Chapter 334, as recommend by the Executive Director, excluding the proposed rule language set forth in 334.71(a) regarding leaking petroleum storage tanks. In addition, the ED is directed to make any corresponding preamble changes to address the removal of the proposed 334.71(a) language. LS/BG; BS voting no.

EXECUTIVE MEETING

Item 132. **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.

The commission did not meet in an executive meeting.

Item 133. **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.

The commission did not meet in an executive meeting.

Item 134. **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.

The commission did not meet in 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. 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)

ADDENDUM AGENDA

Wednesday, October 8, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

FIELD CITATION

- Item 135. [Docket No. 2008-0946-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **LA CHIRIPA, INC. dba Stadium Mart in Tarrant County**; RN101542470; 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.

AGENDA

Wednesday, October 8, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [TCEQ Docket No. 2008-1145-AIR](#). Consideration of Motions to Overturn filed by Willie Jean and Aaron Hartsfield and Dallas Pierre DDS regarding the Executive Director's July 25, 2008 issuance of Permit Nos. 81706, PSD-TX-1089, and HAP12 regarding the application of **Aspen Power LLC** authorizing the construction and operation of the Lufkin Generating Plant in **Angelina County**. The Commission will also consider timely filed responses and replies to the Motions to Overturn.

Grant the Motion to Overturn of Aaron and Willie Jean Hartsfield and set aside the issuance of Permit Nos. 81706, PSD-TX-1089, and HAP12 to Aspen Power LLC and remand application to the Executive Director with instructions to the Executive Director to directly refer Aspen Power LLC's application to SOAH to evaluate any and all persons appearing at the preliminary hearing to determine whether they are affected persons. Further, direct the ALJ to expedite the hearing process and instruct the Executive Director to work with the Applicant to evaluate potential enforcement findings that would facilitate their continued construction on the site at the Applicant's own risk. Instruct the Executive Director to participate. BS/LS; all agree.

- Item 2. [Docket No. 2008-0928-SPF](#). Consideration of a Final Administrative Order, pursuant to Tex. Health & Safety Code Section 361.188, regarding the **Pioneer Oil & Refining State Superfund Site** (City of Somerset, **Bexar County**), which provides for listing the Site on the registry of state superfund sites and selection of a remedial action. The site is located approximately 1/4 mile south of Somerset city limits at 20280 South Payne Road. (Cullen McMorrow, Subhash C. Pal)

Adopt the Executive Director's revised 188 Order, but replace the first sentence of the Order Provision No. 4 with the following sentence: "The Commission selects the following remedial actions for the Site, as described in detail in the RSD: 1) Consolidation of the sludge from the West Impoundment and contaminated soil into the Stabilized East impoundment followed by covering the impacted materials by engineered caps plus deed recordation for the remediation of the soils and sludge; and 2) Plume Management Zone with monitored natural attenuation for the remediation of the groundwater." BS/LS; 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/ Anne Rowland
Assistant General Counsel,
Anne Rowland

11/6/2008
Date