

Chairman Kathleen White  
Commissioner Ralph Marquez  
Commissioner Larry

## AGENDA

Wednesday, June 15, 2005

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

- Item 1. **Docket No. 2005-0600-IWD.** Consideration of the application by **Donohue Industries Incorporated** for a major amendment to TPDES Permit No. WQ0000368000, to authorize removal of the monitoring and reporting requirements for total zinc at Outfall 001; removal of the effluent limitations for 2,3,7,8-TCDD Equivalents at Outfall 001; removal of the 2,3,7,8-TCDD Equivalents testing requirements for the sludge; removal of the fish tissue sampling requirements; an increase in the biochemical oxygen demand (5-day) effluent limitation at Outfall 001; adding landfill leachate to the authorized wastestreams at Outfall 001; removal of Outfall 003; and clarification of the existing authorized wastestreams at Outfall 004 to include boiler blowdown, discharges from the fire water system, and cooling water. The current permit authorizes the discharge of process wastewater, utility wastewater, washdown water, domestic wastewater, and storm water at a daily average dry weather flow not to exceed 20,000,000 gallons per day via Outfall 001; and the discharge of storm water runoff on an intermittent and flow variable basis via Outfalls 002, 003, 004, and 005. The application also includes a request for a temporary variance extension to the existing water quality standards for the water quality based criteria for aluminum for the Angelina River/Sam Rayburn Reservoir in Segment No. 0615 of the Neches River Basin. The permittee operates the Lufkin Mill, an integrated pulp and paper mill. The facility is located on the north side of State Highway 103, approximately 0.25 miles east of the intersection of State Highway 103 and Farm-to-Market Road 842 northeast of the City of Lufkin, in **Angelina 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 Brown/Kelly Holligan)

Grant the hearing request for Jo Ellen Atkinson on the issues of whether the proposed permit will negatively impact contact and non-contact recreational uses throughout the course of Paper Mill Creek and the National Forests, and whether the amendment will result in a violation of specific water quality criteria; refer this matter to SOAH with a maximum hearing duration of 9 months; deny all other hearing requests; deny all requests for reconsideration; and deny all remaining issues. The Commission stated that the requesters who were denied a hearing and/or reconsideration may

still seek to be admitted as a party by appearing at the State Office of Administrative Hearings (SOAH) preliminary hearing. RM/LS; KW abstain.

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

Item 2. **Docket No. 2004-1298-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Enedina Garza dba G & S Mart in Hidalgo County**; TCEQ ID Nos. 31104 and RN102424827; 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 Tex. Admin. Code ch. 60. (Barbara J. Watson, David Van Soest)

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

Item 3. **Docket No. 2004-0590-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Tri-Star Aviation, Inc. in Harris County**; TCEQ ID Nos. 57063 and RN101832699; 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. (Barbara J. Watson, David Van Soest)

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

Item 4. **Docket No. 2004-0922-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Naurin, Inc. dba Shell III in Dallas County**; TCEQ ID Nos. 13710 and RN101563476; 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. (Justin Lannen, David Van Soest)

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

Item 5. **Docket No. 2004-1921-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Bodin Concrete L.P. dba Bodin Concrete Co. in Dallas County**; Petroleum Storage Tank Facility ID No. 63336; RN102070687; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, David Van Soest)

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

Item 6. **Docket No. 2004-1480-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Judy Davis dba Judy's Kountry Kitchen in Henderson County**; TCEQ ID Nos. 62890 and RN102260767; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the

rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey J. Huhn, David Van Soest)

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

Item 7. **Docket No. 2004-2004-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Gainesville in Cooke County**; Petroleum Storage Tank Facility ID No. 32626; RN102433901; 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. (Brent Hurta, David Van Soest)

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

Item 8. **Docket No. 2004-0375-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Muhammad S. Javaid in Jefferson County**; Petroleum Storage Tank Facility ID No. 38823; 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. (Merrilee Hupp, Edward Moderow)

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

Item 9. **Docket No. 2004-1841-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Maso, Inc. dba Chill City Conoco in Collin County**; Petroleum Storage Tank Facility ID No. 26319; RN100529528; 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. (Jill McNew, Edward Moderow)

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

Item 10. **Docket No. 2004-1174-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mex-Pak-U.S.A., Inc. dba Shop and Save Food Store in Webb County**; Petroleum Storage Tank Facility ID No. 57107; RN101790319; 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. (Chris Friesenhahn, Kent Heath)

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

Item 11. **Docket No. 2004-1687-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Talley Trucking Company, Inc. in Harris County**; Petroleum Storage Tank Facility ID No. 20503, Regulated Entity Reference No. RN101812626; 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. (Erika Fair, Kent Heath)

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

Item 12. **Docket No. 2004-1923-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Tab Lonestar Holding Inc dba Super Stop 14 in Jefferson County**; Petroleum Storage Tank Facility ID No. 40091; RN102383064; 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. (Daniel Siringi, David Van Soest)

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

Item 13. **Docket No. 2004-1782-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Shbaita, Inc. dba Super Stop 4 in Montgomery County**; Petroleum Storage Tank Facility ID No. 30065, RN101882769; 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. (Lynley Doyen, Kent Heath)

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

Item 14. **Docket No. 2004-1108-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Sampri Investments, LLC dba Sammys 3 in Harris County**; Petroleum Storage Tank Facility ID No. 69277; 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. (Chad N. Blevins, Michael Meyer)

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

Item 15. **Docket No. 2004-1913-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Roger Beasley Imports, Inc. dba Mazda South in Travis County**; Petroleum Storage Tank Facility ID No. 51500; RN100676451; 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. (Howard Willoughby, Kent Heath)

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

Item 16. **Docket No. 2004-1767-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **R. D. Wallace Oil Co., Inc. dba Wallace Oil Co. in Lubbock and Cochran Counties**; Petroleum Storage Tank Facility ID No. 64900, RN101854594; 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. (Brian Lehmkuhle, David Van Soest)

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

Item 17. **Docket No. 2004-1630-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Nooruddin Dhanani dba Nice N Easy Food Store in Harris County**; Petroleum Storage Tank Facility ID No. 72415, RN101833184; 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. (Sandy VanCleave, David Van Soest)

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

Item 18. **Docket No. 2004-0432-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Naurin, Inc. dba Shell III in Dallas County**; Petroleum Storage Tank Facility ID No. 13710, RN101563476; 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. (Chris Friesenhahn, Elvia Maske)

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

Item 19. **Docket No. 2004-1299-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Canh M. Nguyen dba Mobil Mart Inc. in Bexar County**; Petroleum Storage Tank Facility ID No. 71405, Regulated Entity Reference No. RN102778644; 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. (Ruben Soto, Edward Moderow)

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

Item 20. **Docket No. 2004-1614-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jaime Ramirez dba A's Food Store in Hidalgo County**; Petroleum Storage Tank Facility ID No. 45799; Regulated Entity ID No. RN101680494; 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. (Harvey Wilson, David Van Soest)

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

Item 21. **Docket No. 2004-0707-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Bishnu Shiwakoti dba Shiwakoti's Grocery in Denton County**; Petroleum Storage Tank Facility ID No. 7926; 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. (Brent Hurta, David Van Soest)

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

Item 22. **Docket No. 2004-1761-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rogelio Ramirez dba Pepe's Drive In No. 2 in Hidalgo County**; Petroleum Storage Tank Facility ID No. 48945; RN101685071; 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. (Jill McNew, David Van Soest)

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

Item 23. **Docket No. 2004-1658-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Momin & Sons Incorporated dba Hearne Food Store in Robertson County**; Petroleum Storage Tank Facility ID No. 14909; RN101665388; 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. (Suzanne Walrath, David Van Soest)

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

Item 24. **Docket No. 2005-0140-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Metro Business, Inc. dba Metro Mart 9 in Williamson County**; Petroleum Storage Tank Facility ID No. 43676; RN101650984; 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. (Jill McNew, David Van Soest)

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

Item 25. **Docket No. 2004-1242-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Herbert E. Brite dba K Q General Store in Caldwell County**; Petroleum Storage Tank Facility ID No. 73787; Regulated Entity Reference Number RN102652674; for petroleum storage 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. (Lawrence King, David Van Soest)

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

Item 26. **Docket No. 2004-1682-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **J&L Automotive, Inc. dba Midway Shamrock in McLennan County**; Petroleum Storage Tank Registration No. 0018803, RN101663177; 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. (Joseph Daley, David Van Soest)

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

Item 27. **Docket No. 2004-1551-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Highway Travel Centers, Inc. dba Highway Travel Center in Nueces County**; Petroleum Storage Tank Facility ID No. 15474, Regulated Entity Reference No. RN102485794; 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. (Steven Lopez, David Van Soest)

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

Item 28. **Docket No. 2004-1922-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **HSY Inc. dba Beltline Mobil in Dallas County**; Petroleum Storage Tank Facility ID No. 17470; RN100536671; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

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

Item 29. **Docket No. 2004-1802-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Ram Diversified, Inc. dba Copperfield Texaco in Harris County**; Petroleum Storage Tank Facility ID No. 66810, RN102390234; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Shontay Wilcher, David Van Soest)

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

Item 30. **Docket No. 2004-1851-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Usama Siddiqui dba Qavis in Wood County**; Petroleum Storage Tank Facility ID No. 39219, RN102284031; 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. (Lynley Doyen, David Van Soest)

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

Item 31. **Docket No. 2004-1735-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mona Enterprises, Inc. dba Shop In Market in Harris County**; Petroleum Storage Tank Facility ID No. 27339, RN101782282; 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. (Trina Grieco, David Van Soest)

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

Item 32. **Docket No. 2004-1546-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **In Sook Jung dba Highland Mobil in Denton County**; Petroleum Storage Tank Registration No. 70040, RN102040490; 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. (Michael Meyer, David Van Soest)

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

Item 33. **Docket No. 2004-1665-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Byron Harris dba Fast Stop Grocery in Howard County**; Petroleum Storage Tank Facility ID No. 21075, RN102902228; 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. (Carolyn V. Lind, David Van Soest)

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

Item 34. **Docket No. 2004-1747-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Sidheshwar Singh dba Fairmont Food Mart in Harris County**; Petroleum Storage Tank Facility ID No. 73660, RN101848232; 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. (Lynley Doyen, David Van Soest)

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

Item 35. **Docket No. 2004-1892-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Ali Mohammad Munaf dba Brownies Mini Mart in Harris County**; Petroleum Storage Tank Facility ID No. 47423, RN102371580; 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. (Lynley Doyen, David Van Soest)

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

Item 36. **Docket No. 2004-1231-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Edcouch-Elsa Independent School District Public Facility Corporation in Hidalgo County**; Petroleum Storage Tank Facility ID No. 46213, RN102221686; 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. (Susan Longenecker, Merrilee Hupp)

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

Item 37. **Docket No. 2004-1623-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Benavides ISD in Duval County**; Petroleum Storage Tank Facility No. 18779, RN101781839; 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. (Cari Bing, David Van Soest)

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

Item 38. **Docket No. 2004-1788-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Harold McGehee dba Harold's Foods in Tarrant County**; Petroleum Storage Tank Facility ID No. 38202, RN101444990; 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. (Harvey Wilson, David Van Soest)

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

Item 39. **Docket No. 2004-1388-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mehindi Fatehal Ajani dba Circle A Food Store in Tarrant County**; Petroleum Storage Tank Registration No. 39369; Regulated Entity Reference No. RN102238409; 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. (Deana Holland, David Van Soest)

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

Item 40. **Docket No. 2005-0243-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tash, Inc. dba In-N-Out Mini Mart in Tarrant County**; Petroleum Storage Tank Facility ID No. 60716, RN101633048; 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. (Deana Holland, David Van Soest)

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

Item 41. **Docket No. 2004-1837-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **TammyMalik Enterprises Inc. dba Poolville One Stop in Parker County**; Petroleum Storage Tank Facility ID No. 69150, RN101557841; 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. (Jill McNew, David Van Soest)

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

Item 42. **Docket No. 2004-1656-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jayesh I. Patel dba Spring Creek Trading Post in Harris County**; Petroleum Storage Tank Facility ID No. 16768, RN102493285; 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. (Rebecca Clausewitz, David Van Soest)

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

Item 43. **Docket No. 2004-0857-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Southwestern Industrial Contractors and Riggers, Inc. in El Paso County**; Petroleum Storage Tank Facility ID No. 12052; 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. (Ronnie Kramer, David Van Soest)

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

Item 44. **Docket No. 2004-2066-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shreehari Krupa Corporation dba BP Foodmart in McLennan County**; Petroleum Storage Tank Facility No. 47417, RN102265451; 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. (Cari Bing, David Van Soest)

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

Item 45. **Docket No. 2003-0991-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Shani Corporation in Harris County**; Petroleum Storage Tank Facility ID No. 12807, RN101837151; 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. (Steven Lopez, Edward Moderow)

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

Item 46. **Docket No. 2004-1413-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **SR-KRUPA, Inc. dba SR Food & Gas in Lubbock County**; Petroleum Storage Tank Facility ID No. 12215, RN102887320; 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. (Susan Longenecker, David Van Soest)

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

Item 47. **Docket No. 2004-1576-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Namj.C, Inc. dba M & S Express** in **Bexar County**; Petroleum Storage Tank Facility ID No. 39544; RN102029527; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

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

Item 48. **Docket No. 2004-1826-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hong & Taft, Inc. dba H & T Texaco** in **Harris County**; Petroleum Storage Tank Facility ID No. 69145, RN101827616; 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. (Brent Hurta, David Van Soest)

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

Item 49. **Docket No. 2004-2008-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Domingo Escobedo dba Escobedo Exxon** in **Crane County**; Petroleum Storage Tank Facility ID No. 32186; RN102245271; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

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

Item 50. **Docket No. 2004-1545-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Dong Shin dba Coastal Gas Mart Richey Road** in **Harris County**; Petroleum Storage Tank Facility ID No. 49866; RN102271681; 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. (Brent Hurta, David Van Soest)

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

Item 51. **Docket No. 2005-0102-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Balques Inc. dba Sunshine Food 2** in **Grayson County**; Petroleum Storage Tank Facility ID No. 38643, RN102130770; 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. (Howard G. Willoughby, David Van Soest)

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

Item 52. **Docket No. 2004-1382-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Andrew Enterprise, Inc. dba Audrey Chevron** in **Harris County**; Petroleum Storage Tank Facility ID No. 73201, Regulated Entity Reference No. RN101435238; 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. (Steven Lopez, Edward Moderow)

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

Item 53. **Docket No. 2004-1541-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Lighthouse Electric Cooperative, Inc.** in **Floyd County**; Petroleum Storage Tank Facility ID No. 2149, Regulated Entity Reference No. RN102425162; 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. (Suzanne Walrath, David Van Soest)

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

Item 54. **Docket No. 2004-1910-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Joey Sulak dba Riverside Drive In** in **Fort Bend County**; Petroleum Storage Tank Facility ID No. 33310, RN102271590; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

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

Item 55. **Docket No. 2004-1777-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Akber Ali Virani dba Airwood Grocery** in **Harris County**; Petroleum Storage Tank Facility ID No. 53750, RN101853711; 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. (Lynley Doyen, David Van Soest)

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

Item 56. **Docket No. 2004-2051-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Pravina Solanki dba Redland Grocery FFP 559** in **Angelina County**; Petroleum Storage Tank Facility ID No. 18495, RN102354552; 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. (Daniel Siringi, David Van Soest)

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

Item 57. **Docket No. 2004-1632-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **LC Franklin, Inc. dba Hitching Post in Tarrant County**; Petroleum Storage Tank Facility ID No. 18564; RN102358629; 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. (Sandy VanCleave, David Van Soest)

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

Item 58. **Docket No. 2004-1676-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jeffy's, Inc. dba Jeffys Exxon Mobil 2 in Harris County**; Petroleum Storage Tank Facility ID No. 26683; RN100564327; for petroleum storage 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. (Edward R. Moderow, David Van Soest)

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

Item 59. **Docket No. 2004-1838-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Liem T. Quan dba Happy 7 11 in Harris County**; Petroleum Storage Tank Facility ID No. 39652; RN101447449; 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. (Jill McNew, David Van Soest)

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

Item 60. **Docket No. 2004-1834-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Peter S. Kim dba EZ Stop N Go in Harris County**; Petroleum Storage Tank Facility ID No. 35153; RN102251006; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

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

Item 61. **Docket No. 2004-1973-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Lazaro Juarez dba Downtown Fuel Service Car Wash in Bexar County**; Petroleum Storage Tank Facility ID No. 74194, RN102716289; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the

rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Shontay Wilcher, David Van Soest)

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

Item 62. **Docket No. 2004-1349-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **James A. Ince dba Diamond Jims in Lubbock County**; Petroleum Storage Tank Registration No. 44351; 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. (Chad N. Blevins, Michael Meyer)

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

Item 63. **Docket No. 2004-1058-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Choice Petroleum, Inc. dba DJ's Country Store #2 in Jefferson County**; Petroleum Storage Tank Registration No. 66384; RN102049053; 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. (Ronnie Kramer, David Van Soest)

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

Item 64. **Docket No. 2004-1602-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Balch Oil Company Inc. in Lubbock County**; Petroleum Storage Tank Facility ID No. 65280, RN103065835; 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. (Sandy VanCleave, Edward Moderow)

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

Item 65. **Docket No. 2004-1618-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Angleton ISD in Brazoria County**; Petroleum Storage Tank Facility ID No. 18696; RN101805513; 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. (Thomas Greimel, David Van Soest)

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

Item 66. **Docket No. 2002-1035-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **FKD Enterprises Inc. dba Lucky Seven Food Mart in Bexar County**; TCEQ ID Nos. 44882 and RN101765089; 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. (Barbara L. Klein, David Van Soest)

Approve the Agreed Order. RM/KW; LS oppose.

Item 67. **Docket No. 2004-1340-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in King County**; Petroleum Storage Tank Facility ID No. 15071, RN102832292; 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. (Brent Hurta, Edward Moderow)

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

Item 68. **Docket No. 2004-1434-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Texarkana Water Utilities dba Texarkana Wastewater Treatment Facility in Bowie County**; Petroleum Storage Tank Facility ID No. 46473, Regulated Entity ID No. RN102458296; 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. (Carolyn V. Lind, Kent Heath)

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

Item 69. **Docket No. 2004-1568-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Cecil Wayne Meadlin dba Meadlin Service Center in Tarrant County**; Petroleum Storage Tank Facility ID No. 54169, Regulated Entity Reference No. RN102644978; 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. (Rebecca Clausewitz, Edward Moderow)

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

Item 70. **Docket No. 2004-1148-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Maknojia & Maknojia Inc. dba Sam's Drive Inn #3 in Harris County**; Petroleum Storage Tank Facility ID No. 65434; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, David Van Soest)

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

Item 71. **Docket No. 2004-0162-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nadir Ali dba Get & Go Food Mart 4 in De Witt County**; Petroleum Storage Tank Facility ID No. 28367; 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. (Audra L. Ruble, Elvia Maske)

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

### **PETITIONS TO AMEND AGREED ORDERS ESTABLISHING OPERATIONAL PROCEDURES**

Item 72. **Docket No. 2005-0167-WR.** Consideration of a petition from the **City of Corpus Christi** to further amend the Texas Commission on Environmental Quality's April 5, 2001 Agreed Order establishing operational procedures related to Special Condition 5.B., Certificate of Adjudication No. 21-3214, held by the City of Corpus Christi, Nueces River Authority, and the City of Three Rivers, in **McMullen and Live Oak Counties**. The City of Corpus Christi proposes to amend Section 2.c. of the Agreed Order to reflect the most recent bathymetric survey of Lake Corpus Christi and increase the calculated capacity of the Lake from 241,241 acre-feet to 257,260 acre-feet at conservation pool 94.0' above mean sea level. (Bruce Moulton, David Klein)

Approve the petition from the City of Corpus Christi to further amend the Texas Commission on Environmental Quality's April 5, 2001 Agreed Order. RM/LS; all agree.

Item 73. **Docket No. 2005-0566-WR.** Consideration of a request from the **City of Corpus Christi** to amend the Texas Natural Resources Agreed Order establishing operational procedures related to Special Condition 5.B., Certificate of Adjudication No. 21-3214, held by the City of Corpus Christi, Nueces River Authority, and the City of Three Rivers, **San Patricio County**. The City of Corpus Christi proposes to amend Section 2.f.4. of the Agreed Order to extend the time to complete work necessary for the Rincon Bayou Diversion Project in Section 2.f. of the Agreed Order to January 31, 2006. (Bruce Moulton, David Klein)

Approve the petition filed by the City of Corpus Christi to further amend the the Texas Commission on Environmental Quality's April 5, 2001 Agreed Order. KW/RM; all agree.

### **RULE MATTER**

Item 74. **Docket No. 2005-0707-RUL.** Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Sections 114.2, 114.50, 114.51, and 114.53; and corresponding revisions to the Texas Inspection and Maintenance State Implementation Plan.

The proposed amendments would revise the existing Inspection and Maintenance (I/M) Program for all gasoline-powered motor vehicles 2 through 24 years old registered and primarily operated in El Paso County. The amendments would implement on-board diagnostic (OBD) testing of all OBD-equipped 1996 and newer model year vehicles beginning on May 1, 2006, and continue two-speed idle (TSI) testing of pre-1996 model year vehicles. The amendments would require all emissions test stations in the El Paso program area to offer both TSI testing and OBD testing to the public. Additionally, the



amendments would update the vehicle emissions testing equipment specifications used in all Texas I/M program areas to include a United States Environmental Protection Agency communications component, known as controller area network (CAN). (Bob Wierzowiecki, Ray Schubert, Laura Pfefferle) (Rule Project Number 2005-026-114-EN)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Chapter 114 with the change to the time period for public comments to be received with an extension of two weeks after the public meeting. RM/KW; all agree.

### **EXECUTIVE SESSION**

Item 75. **Docket No. 1998-1154-EXE.** The Commission will meet in closed session to deliberate the appointment, employment, evaluation or duties of the Commission's Executive Director and/or General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

Appoint Derek Seal as the General Counsel effective July 1, 2005. KW/RM; all agree.

Item 76. **Docket No. 1999-0024-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 77. **Docket No. 1999-0025-EXE.** The Commission will conduct a closed session to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

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. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.**

AGENDA

Wednesday, June 15, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **TCEQ Docket No. 2003-0686-PWS-E; SOAH Docket No. 582-05-2743.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **C.R. Ashmore Family Partnership dba Opies Barbeque** in **Burnet County**, Texas; TCEQ PWS ID No. 0270123; regarding the violation of various environmental laws and regulations and the rules of the Texas Commission on Environmental Quality.

Re-posted as Item 4.

- Item 2. **TCEQ Docket No. 2004-0468-MWD; SOAH Docket No. 582-04-8098.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Gerald Calvert** for a new Texas Pollutant Discharge Elimination System permit, WQ0014270001, to discharge treated domestic wastewater from a mobile home park in **Brazoria County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments and related filings, exceptions and replies.

Adopt the ALJ's PFD and Order dismissing the application with prejudice. KW/LS; all agree.

- Item 3. **TCEQ Docket No. 2003-0153-UCR; SOAH Docket No. 582-03-2283.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the appeal of **Tall Timbers Utility Company, Inc.** of the rate-making action of the City of Tyler on Tall Timbers' application for a sewer/tariff rate increase for its customers in Tyler's corporate limits, in **Smith County**, Texas.

Adopt the ALJ's PFD and Order. KW/LS; all agree.

ADDENDUM TO THE AGENDA

Wednesday, June 15, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 4. **TCEQ Docket No. 2003-0686-PWS-E; SOAH Docket No. 582-05-2743.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **C.R. Ashmore Family Partnership dba Opies Barbeque** in **Burnet County**, Texas; TCEQ PWS ID No. 0270123; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality.

Adopt the ALJ's PFD and Order with the exceptions proposed by the Executive Director and a correction to the Respondent's name throughout the Order to read "C.R. Ashmore Family Partnership, Ltd. d/b/a Opies Barbeque." KW/RM; all agree.

/s/ Tracy Gross  
Assistant General Counsel,  
Tracy Gross

07/06/2005  
Date