

Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, June 29, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the April 27, 2005 agenda.

- Item 1. **Docket No. 2005-0199-SLG.** Consideration of the application by **Magna-Flow International, Inc.** for a new sludge permit, Permit Number WQ0004484000 to authorize the beneficial land application of sewage sludge and water treatment sludge on 127 acres. The permit will not authorize a discharge of pollutants into the water in the State. The land application site is located adjacent to and east of Taylor Lane, approximately one-fourth mile north of the intersection of Farm-to-Market Road 969 and Taylor Lane, 6.5 miles south of the City of Manor in **Travis 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. (Robert Brush, Shanker Tangirala)

Continued to the August 10, 2005 agenda.

AGENDA

Wednesday, June 29, 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. 2005-0770-MWD.** Consideration of the application by **Lennar Homes of Texas Land and Construction, Ltd.** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014532001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 980,000 gallons per day. The facility will be located along Rice Field Road, 3,600 feet southeast of the intersection of Farm-to-Market Road 2977 and Rice Field Road in **Fort Bend 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. (Pinar Dogru/Ron Riggins)

Deny the request for reconsideration because the issues raised are outside the agency's jurisdiction, adopt the Executive Director's Response to Comments, and approve issuance of the permit. KW/RM; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 2. **Docket No. 2004-1401-AGR-E.** Consideration of an Agreed Order assessing administrative penalties against **Bluebonnet Investors dba Bluebonnet Dairy in Erath County**; Texas Pollutant Discharge Elimination System Permit No. 0003286000, Regulated Entity Reference No. RN102073244; 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, David Van Soest)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 3. **Docket No. 2003-1310-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Advantage Asphalt Products, Ltd. in Potter County**; TCEQ ID Nos. 54119L001 and RN102997970; 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 Okpohworho, Jennifer Cook)

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

Item 4. **Docket No. 2004-1025-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Belco Manufacturing Company, Inc. in Bell County**; Air Account No. BF0104B, RN100215524; 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. (Tel Croston, David Van Soest)

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

Item 5. **Docket No. 2004-1646-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Pilot Industries of Texas, Inc. in Harris County**; TCEQ ID Nos. RN100214618, 2427, and HG0569B; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mary Clair Lyons, Jennifer Cook)

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

Item 6. **Docket No. 2004-0227-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Enbridge Pipelines (NE Texas) L.P. in Henderson County**; Air Account No. HR0001N, RN100226653; 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. (Tel Croston, David Van Soest)

Item remanded to the Executive Director. RM/KW; all agree.

Item 7. **Docket No. 2004-0558-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Campbell Concrete & Materials L.P. in Harris County**; Air Account No. 907271R, Regulated Entity ID No. RN100519560; 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. (Tel Croston, David Van Soest)

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

Item 8. **Docket No. 2004-1538-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation in Liberty County**; Air Account No. LH0005J, RN100225721; 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. (Kensley Greuter, Michael Meyer)

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

Item 9. **Docket No. 2004-0733-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Industrial Fab, Inc. in Galveston County**; Air Account No. GB-0630-D, Regulated Entity Reference No. RN100926716; 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. (Lori Thompson, David Van Soest)

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

Item 10. **Docket No. 2004-1629-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **WTG Gas Processing, L.P. dba East Vealmoor Gas Plant in Howard County**; Air Account No. HT0016G, Air Permit No. 20137, Regulated Entity Reference No. RN100211473; 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. (Jill Reed, David Van Soest)

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

Item 11. **Docket No. 2004-1426-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Unocal Pipeline Company in Anderson and Van Zandt Counties**; Air Account Nos. VB0024G and AA0053T; RN100212448 and RN101655256; 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. (Lori Thompson, David Van Soest)

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

Item 12. **Docket No. 2004-1215-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **TXU Gas Company dba TXU Lone Star Pipeline Company in Waller County**; Air Account No. WB0036F, Regulated Entity Reference No. RN102198819; 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. (Tel Croston, David Van Soest)

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

Item 13. **Docket No. 2004-2090-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Tri State Electric, Ltd. in El Paso County**; Air

Account No. EE1700B, Petroleum Storage Tank Registration No. 25113, RN100818558; 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. (Kensley Greuter, David Van Soest)

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

Item 14. **Docket No. 2004-0029-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Transcontinental Gas Pipe Line Corporation in Wharton County**; Air Account No. WF0065A; RN100222728; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Ruble, David Van Soest)

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

Item 15. **Docket No. 2004-0792-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Plains Pipeline, L.P. in Howard and Winkler Counties**; Air Account Nos. HT-0266-E and WM-0039-V, RN100218718, RN100214253; 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. (Carolyn V. Lind, David Van Soest)

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

Item 16. **Docket No. 2004-0518-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Huntsman Petrochemical Corporation in Jefferson County**; Air Account No. JE0135Q, Air Permit No. 16989, Regulated Entity Reference No. 100217389; 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. (Kent Heath, David Van Soest)

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

Item 17. **Docket No. 2004-1425-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against of **Hobas Pipe USA, LP dba Hobas Pipe USA, Inc. in Harris County**; Air Account No. HG1531T, Federal Operating Permit No. O-01015, Regulated Entity Reference No. RN102540812; 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. (Catherine Albrecht, David Van Soest)

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

Item 18. **Docket No. 2002-0837-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nucor Steel - Texas, a Division of Nucor Corporation in Leon County**; TCEQ ID No. LG-0006-S; for air quality violations pursuant to the 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. (Booker Harrison, Jennifer Cook)

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

Item 19. **Docket No. 2004-1532-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **BP Products North America Inc. in Galveston County**; TCEQ ID No. RN102535077; 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. (Mary Clair Lyons, Jennifer Cook)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 20. **Docket No. 2002-1054-AIR-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ranger Gas Gathering, L.L.C. in Eastland County**; TCEQ ID Nos. EA0042C and RN100219534; 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. (Benjamin de Leon, Jennifer Cook)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 21. **Docket No. 2004-0768-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hausman Road Partners, Ltd. in Bexar County**; Edwards Aquifer Registration No. 13-00081001, Regulated Entity Reference No. RN102745965; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Clausewitz, David Van Soest)

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

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 22. **Docket No. 2004-0421-IHW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Reduction Corporation in Harris County**; TCEQ ID No. RN102547064; for industrial and hazardous waste

violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alfred Okpohworho, Jennifer Cook)

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

- Item 23. **Docket No. 2004-0444-IHW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Leading Edge Aviation Services Amarillo, Inc.** in **Potter County**; Solid Waste Registration No. 83022, RN100611201; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, 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. (Suzanne Walrath, David Van Soest)

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

- Item 24. **Docket No. 2004-1272-IHW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Encycle/Texas, Inc.** in **Nueces County**; Hazardous Waste Permit No. 50221, Regulated Entity ID No. RN101448769; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, David Van Soest)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

- Item 25. **Docket No. 2004-1549-LII-E.** Consideration of an Agreed Order assessing administrative penalties against **Fletcher Fields** in **McCulloch County**; Regulated Entity Reference No. RN104392022; for licensing violations pursuant to Tex. Water Code chs. 7, 34, and 37 and Tex. Occupational Code ch. 1903 and the rules of the Texas Commission on Environmental Quality. (J. Craig Fleming, David Van Soest)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS

- Item 26. **Docket No. 2004-1459-LII-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Erich A. Norton** in **McCulloch County**; TCEQ ID No. RN103984068; for landscape irrigator installer violations pursuant to Tex. Water Code ch. 7, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Mary Clair Lyons, Jennifer Cook)

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

Item 27. **Docket No. 2002-0693-LII-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mark Nash dba Nash Landscaping in El Paso County**; TCEQ ID No. RN103763934; 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. (Rebecca Nash Petty, Jennifer Cook)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 28. **Docket No. 2004-0012-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Buckley Oil Company in Dallas County**; TCEQ ID Nos. 33423 and RN100536481; for industrial and hazardous waste and water quality 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. (James P. Biggins, Jennifer Cook)

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

Item 29. **Docket No. 2001-1170-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rainbow Materials LP in Travis County**; TCEQ ID No.: RN103129920; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Deborah A. Bynum, Jennifer Cook)

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

Item 30. **Docket No. 2001-0901-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lajitas Management, LLC dba Lajitas Utility Co., Inc. in Brewster County**; TCEQ ID Nos. 0220018, 14282-001, 12167-001(exp.), and RN102079365; for water quality and public drinking water violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alfred Okpohworho, Jennifer Cook)

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

Item 31. **Docket No. 2004-1381-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Summit Resort Developments, Inc. dba Summit Estates at Fischer TX Unit 1 in Comal County**; Regulated Entity Reference No. RN104299466; for water quality 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. (Rebecca Clausewitz, David Van Soest)

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

Item 32. **Docket No. 2004-1469-MLM-E.** Consideration of an Agreed Order assessing administrative penalties against **C & R Distributing, Inc.** in **El Paso County**; Air Account Nos. EE1512E, EE1272B, EE0911Q, RN102598109, RN102479557, RN102477627, RN102493673; for air quality and 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. (Lori Thompson, David Van Soest)

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

Item 33. **Docket No. 2003-0618-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tyler Pipe Company, a division of McWane, Inc.** in **Smith County**; TCEQ ID Nos. SK-0041-T, 01793, TXR05P127, and RN102679867; for air quality and water quality 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. (James P. Biggins, Jennifer Cook)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 34. **Docket No. 2003-0492-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Javier Ulloa dba J.E.A. Used Tires** in **Hidalgo County**; Scrap Tire Transporter Registration No. 25494, RN102803970; 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. (Tel Croston, David Van Soest)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 35. **Docket No. 2004-0374-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **CMH Parks, Inc. dba Raintree Acres Mobile Home Park** in **Brazoria County**; TCEQ ID Nos.: 12849001 and RN101613321; 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. (Barbara L. Klein, Jennifer Cook)

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

- Item 36. **Docket No. 2004-0919-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William Briley and Darlene Briley dba Country Meadows Mobile Home Park in Somervell County**; Regulated Entity Reference No. RN102476157; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

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

- Item 37. **Docket No. 2003-1420-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **East Cedar Creek Fresh Water Supply District in Henderson County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11858-001; Regulated Entity ID No. RN102185352; 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 Greimel, David Van Soest)

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

- Item 38. **Docket No. 2003-0377-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **City of Pearsall in Frio County**; Texas Pollutant Discharge Elimination System Permit No. 10360-001; 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. (Pamela Campbell, David Van Soest)

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

- Item 39. **Docket No. 2004-1203-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas Department of Transportation in Walker County**; Texas Pollutant Discharge Elimination System Permit No. 11325-001, Regulated Entity ID No. RN102186368; 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. (Jaime Garza, David Van Soest)

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

Item 40. **Docket No. 2003-1459-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Milford in Ellis County**; Texas Pollutant Discharge Elimination System Permit No. 13937-001, RN102080934; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, David Van Soest)

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

Item 41. **Docket No. 2004-0997-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Edward Ned Smith, Jr., Melissa Smith, Edward Smith, Sr., and Dorothy Smith dba Bayou Pines Park in Orange County**; Texas Pollutant Discharge Elimination System Permit No. 0011315001; RN101513828; 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. (John Barry, David Van Soest)

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

Item 42. **Docket No. 2004-1611-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Presbyterian Children's Homes and Services in Hill County**; Texas Pollutant Discharge Elimination System Permit No. 11276001, Regulated Entity Reference No. RN101518124; 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. (Kent Heath, David Van Soest)

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

Item 43. **Docket No. 2003-1295-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Magnolia in Montgomery County**; Texas Pollutant Discharge Elimination System Permit No. 11871-001; RN101919769; 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. (Michael Meyer, David Van Soest)

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

Item 44. **Docket No. 2005-0165-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Hughes Springs in Cass County**; Texas Pollutant Discharge Elimination System Permit No. 10415001, RN101919686; 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. (Carolyn V. Lind, David Van Soest)

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

- Item 45. **Docket No. 2003-1153-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Azle in Tarrant County**; National Pollutant Discharge Elimination System Permit No. TX0023116, Water Quality Permit No. 11183-003, and RN101609873; 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. (Brian Lehmkuhle, David Van Soest)

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

ON SITE SEWAGE FACILITY INSTALLER ENFORCEMENT DEFAULT ORDERS

- Item 46. **Docket No. 2003-0612-OSI-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Silas Frank Clark dba Clark's Backhoe Service in McCulloch County**; TCEQ ID No. RN102792587; for on-site sewage installer violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jeffrey J. Huhn, Jennifer Cook)

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

- Item 47. **Docket No. 2003-1574-OSI-E.** Consideration of a Default Order assessing administrative penalties against **Leroy Kirbie, Jr. in Tarrant and Wise Counties**; TCEQ ID Nos. OS 8528 and RN103387023; for on-site sewage disposal violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Barbara L. Klein, Jennifer Cook)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 48. **Docket No. 2004-0447-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Coastal King LTD in Nueces County**; Petroleum Storage Tank Facility ID No. 73780, Regulated Entity ID No. RN102833662; 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. KW/RM; all agree.

Item 49. **Docket No. 2004-1941-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Wallie Jean Wilson dba Wilsons Corner** in **Nacogdoches County**; Petroleum Storage Tank Facility ID No. 59183; RN102267671; 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. KW/RM; all agree.

Item 50. **Docket No. 2004-1668-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Valor Telecommunications of Texas, LP** in **Terry, Lamb, and Lubbock Counties**; Petroleum Storage Tank Facility ID Nos. 33489, 33496, 50145, RN101910990, RN101895522, RN101794477; 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, Kent Heath)

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

Item 51. **Docket No. 2004-1699-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Tri-Con, Inc. in Jefferson County**; RN102282027; 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. (John Muennink, David Van Soest)

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

Item 52. **Docket No. 2004-1194-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Ali Hamoudeh Ahmad dba Trading Post Food Store** in **Travis County**; Petroleum Storage Tank Registration No. 43328, Regulated Entity ID No. RN101489581; 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. KW/RM; all agree.

Item 53. **Docket No. 2004-1898-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Three Stars Aviation, L.L.C. dba Town & Country Airpark** in **Lubbock County**; Petroleum Storage Tank Facility ID No. 56859; RN102277076; 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. KW/RM; all agree.

Item 54. **Docket No. 2004-2025-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bobby Joe Williams dba Sparky's Quick Stop** in **Harris County**; Petroleum Storage Tank Facility ID No. 74071; RN101435568; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, 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. (Kimberly Morales, David Van Soest)

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

Item 55. **Docket No. 2004-1749-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Metro Petroleum Inc.** in **Denton County**; RN104420500; 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. KW/RM; all agree.

Item 56. **Docket No. 2004-1675-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **FM 78 Enterprises Inc. dba Capital Food Mart** in **Bexar County**; Petroleum Storage Tank Facility ID No. 14312, RN101443646; 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. KW/RM; all agree.

Item 57. **Docket No. 2004-1420-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arcelia Garcia dba Garcia's Food Store** in **Harris County**; Petroleum Storage Tank Facility ID No. 10661, RN101431476; 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. (Jaime Garza, David Van Soest)

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

Item 58. **Docket No. 2004-1445-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Allauddin Momin dba 6-M Grocery** in **Travis County**; TCEQ ID Nos. 47979 and RN101183937; 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. (Ashley Keever, Jennifer Cook)

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

Item 59. **Docket No. 2004-1708-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City Wide Properties Windfern, Inc. dba Quik N Easy 3** in **Harris County**; TCEQ ID Nos. 44588 and RN102358603; 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. (Courtney Hill, Jennifer Cook)

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

Item 60. **Docket No. 2004-1325-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sayed R. Ali dba Texas Super Stop Market** in **Harris County**; TCEQ ID Nos. 30066 and RN100889708; 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. (Jeffrey J. Huhn, Jennifer Cook)

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

Item 61. **Docket No. 2004-1371-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Benneth Okongwu dba Mesa Drive Pharmacy** in **Harris County**; Petroleum Storage Tank Facility ID No. 67529; Regulated Entity Reference No. RN100876093; 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. KW/RM; all agree.

Item 62. **Docket No. 2003-1140-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Anwar Dayani dba Sid's Food Store** in **Dallas County**; TCEQ ID Nos. 0015149 and RN101562643; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alfred Okpohworho, Jennifer Cook)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 63. **Docket No. 2003-1458-PST-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Travel Mart, Inc.** in **San Patricio County**; TCEQ ID Nos. 0010748 and RN101851723; 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 Nash Petty, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 64. **Docket No. 2004-0969-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rebecca Creek Municipal Utility District in Comal County**; Public Water Supply No. 0460164; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Chad N. Blevins, David Van Soest)

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

Item 65. **Docket No. 2003-1513-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Goldthwaite in Mills County**; Public Water Supply No. 1670001, Regulated Entity Reference No. RN101409134; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kent Heath, David Van Soest)

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

Item 66. **Docket No. 2004-1131-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Village of Briarcliff in Travis County**; Public Water Supply ID No. 2270007, Regulated Entity No. RN101214526; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michael Limos, David Van Soest)

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

Item 67. **Docket No. 2004-1308-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Nederland in Jefferson County**; Public Water Supply ID No. 1230006, Regulated Entity Reference No. RN103098778; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (John Barry, David Van Soest)

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

Item 68. **Docket No. 2004-0657-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Burleson County MUD 1 in Burleson County**; Public Water Supply ID No. 0260005, Regulated Entity ID No. RN101397131; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michael Meyer, David Van Soest)

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

Item 69. **Docket No. 2003-1210-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cass County dba Moore's Landing County Park in Cass County**; Public Water Supply ID No. 0340034; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lawrence King, David Van Soest)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 70. **Docket No. 2002-0867-PWS-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Shawn Horvath dba Aero Valley Water Service in Denton County**; TCEQ ID Nos. 0610243, 11401, and RN101198331; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Gitanjali Yadav, Jennifer Cook)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 71. **Docket No. 2004-1105-WQ-E.** Consideration of a Default Order assessing administrative penalties against **Panama Materials, LLC dba Panama Materials Quarry in Palo Pinto County**; TCEQ ID No. RN104220793; 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. (Mary Clair Lyons, Jennifer Cook)

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

AMENDED AIR QUALITY STANDARD PERMIT

Item 72. **Docket No. 2005-0769-AIR.** Consideration of issuance of an **amended air quality standard permit for temporary rock and temporary concrete crushers** under 30 Texas Administrative Code, Chapter 116, Subchapter F, Standard Permits. The amendments implement changes associated with House Bill 1287 passed in the 78th Session of the Texas Legislature, which modified provisions of the Texas Clean Air Act (Health and Safety Code, Chapter 382) relating to distance limitations for concrete crushers. The amendments also include several technical and administrative improvements and corrections. The amended air quality standard permit will be effective July 5, 2005. Notice of the proposed amended standard permit was published in the July 16, 2004 issue of the *Texas Register* (29 TexReg 6977). (Michael Wilhoit, John Minter)

Approve issuance of the amended air quality standard permit for temporary rock and temporary concrete crushers. RM/KW; all agree.

AUDIT MATTER

- Item 73. **Docket No. 2004-0547-AUD.** Consideration of the Executive Director's First Amended Petition In the Matter of **Applied Geology and Environmental Science, Inc.**, pursuant to Tex. Water Code ch. 26 and the rules of the Commission, requesting that the commission issue an order requiring the Respondent to pay to the TCEQ the amount of \$300,740.89 as a refund to the Texas Petroleum Storage Tank Fund. (Booker Harrison)

Approve issuance of the Order Granting the Executive Director's Petition with the following amendments: (1) insert a sentence at the conclusion of the first paragraph to read "Since the Executive Director has documented receipt of the Notices of Overpayment and the Original and First Amended Petitions on the Respondent as required by law and has also documented the failure of the recipient to pay the amount stated in the petitions or file a petition for hearing to contest the Notices of Overpayment, all objections are waived pursuant to 30 Tex. Admin. Code § 334.535. The Commission therefore accepts as true the allegations and other statements in the First Amended Petition and its attachments.", (2) add the issue date to the Order; (3) insert a comma after the word "Inc." in the second sentence in the ordering paragraph; (4) in the third line of the first paragraph substitute the phrase "Applied Geology and Environmental Science, Inc., 'the Respondent'". KW/LS; all agree.

EMERGENCY ORDER

- Item 74. **Docket No. 2005-0935-AIR.** Consideration of whether to Modify, Affirm, or Set Aside an Emergency Order issued on June 9, 2005 by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code Sections 5.501(c)(1) and 5.515 and 30 Tex. Admin. Code Section 35.801 to authorize **West Gulf Marine, Inc.**, to operate outdoor surface coating and abrasive blasting facilities and to reconstruct a canopy system and associated fabric filtering system including all associated duct work at the company facility located at 6000 Harborside Drive, in Galveston, **Galveston County**. (Les Trobman, Eddie Mack)

Affirm the Emergency Order issued by the Executive Director. RM/KW; all agree.

RULE MATTERS

- Item 75. **Docket No. 2005-0955-RUL.** Consideration of a petition for rulemaking under 30 TAC Section 20.15.

The petition was filed on May 10, 2005, by Baker Botts L.L.P., on behalf of the Texas Industry Project. The petitioner requests that the commission initiate rulemaking to amend **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification, in order to limit compliance certification requirements under the federal operating permit program to only those items that are incorporated into the new source review permit or permits associated with an individual federal operating permit. (Beecher Cameron, Terry Salem) (Rule Project No. 2005-034-PET-NR)

Approve the Executive Director's recommendation to initiate rulemaking. KW/RM; all agree.

Item 76. **Docket No. 2005-0792-RUL.** Consideration for publication of, and hearings on, proposed amendments to **30 TAC Chapter 101**, General Air Quality Rules; Sections 101.1, 101.201, 101.211, 101.221 - 101.223; and corresponding revisions to the Texas state implementation plan.

The proposed rulemaking would revise and add definitions, and revise notification and reporting requirements, and demonstration criteria for emissions events, scheduled maintenance, startup, and shutdown activities. It would also provide for an affirmative defense for certain emissions from scheduled maintenance, startup, and shutdown activities. It would also implement House Bill 2129, Section 1, 79th Legislature, 2005. (Steve Ligon, Janis Hudson) (Rule Project Number 2005-024-101-CE)

Approve publication and hearings on proposed amendments to 30 TAC Chapter 101 and corresponding revisions to the Texas state implementation plan.. KW/RM; all agree.

Item 77. **Docket No. 2004-1288-RUL.** Consideration for the adoption of amendments to **30 TAC Chapter 39**, Public Notice, Sections 39.703, 39.707, and 39.709, and **30 TAC Chapter 336**, Radioactive Substance Rules, Sections 336.1, 336.105, 336.211, 336.501, 336.601, and new Subchapter K, Sections 336.1001, 336.1003, 336.1005, 336.1007, 336.1009, 336.1011, 336.1013, 336.1015, 336.1017, and 336.1019.

The rulemaking would allow the licensing of commercial disposal of naturally occurring radioactive material (NORM) waste streams from public water systems. The license program would only apply to NORM waste disposal into Class I injection wells. The rulemaking would add public notice requirements for license applications for commercial disposal of NORM waste. The rulemaking would also add new application and annual fees for commercial NORM disposal licenses and amend existing fees for licenses authorizing alternate methods of radioactive material disposal. The proposed rules were published for comment in the January 28, 2005 issue of the *Texas Register* (30 TexReg 360). (Devane Clarke, Don Redmond) (Rule Project No. 2004-030-336-WS)

Approve adoption of amendments to 30 TAC Chapter 39, Public Notice, Sections 39.703, 39.707, and 39.709, and 30 TAC Chapter 336, Radioactive Substance Rules, Sections 336.1, 336.105, 336.211, 336.501, 336.601, and new Subchapter K, Sections 336.1001, 336.1003, 336.1005, 336.1007, 336.1009, 336.1011, 336.1013, 336.1015, 336.1017, and 336.1019 with two modifications: 1. move the land use compatibility language currently under "Performance Objectives" in Subsection 336.1011(g) to the "Standards for Issuance" under Section 336.1009, and 2. eliminate Subsection 336.1013(e)(2). KW/LS; all agree.

EXECUTIVE SESSION

Item 78. **Docket No. 1998-1154-EXE.** The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, 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.

No action taken.

Item 79. **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.

Approve resolution delegating certain duties and authority to the General Counsel. KW/RM; all agree.

Item 80. **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.

ADDENDUM TO THE AGENDA

Wednesday, June 29, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item 81. Consideration of certain employee service.

The Commission adopted a resolution in honor of Duncan Norton under Docket No. 2005-1079-RES.

AGENDA

Wednesday, June 29, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. **TCEQ Docket No. 2005-0866-WR.** Consideration of a Motion to Overturn filed by the Country Club of Meadowlakes, Inc., concerning the Executive Director's approval of Certificate of Adjudication No. 14-2632B, issued to **Meadowlakes Municipal Utility District**, authorizing amendments to Certificate of Adjudication No. 14-2632. (**Burnet County**)

Movant withdrew Motion to Overturn; no action taken.

- Item 2. **TCEQ Docket No. 2003-0481-MSW-E; SOAH Docket No. 582-04-5440.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Lee Bell in Midland County**, Texas; regarding violations pursuant to 30 Tex. Admin. Code § 330.5(c) and the rules of the Texas Commission on Environmental Quality.

Approve the ALJ's Order with modifications to defer \$5,000.00 of the penalty as justice may require and contingent upon the required corrective action in the Order being completed within 180 days of issuance of the Order, allow Respondent to work out a payment plan with the Executive Director, and with changes to the Order by the Executive Director and the General Counsel as outlined on the dais. KW/LS; all agree.

/s/ Celeste Baker
Assistant General Counsel,
Celeste Baker

8/18/2005
Date