

Chairman Kathleen White
Commissioner Ralph Marquee
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, August 24, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the August 10, 2005 agenda.

- Item 1. **Docket No. 2001-0080-WOC-E.** Consideration of an Agreed Order revoking Wastewater Operator License No. WW0004406 and Wastewater Operations Company Certificate No. OC20019, and requiring certain actions of **Larry Anderson and Andtech Pollution Control, Inc. in Denton, Collin, Ellis, and Tarrant Counties;** TCEQ ID Nos. WW0004406, OC20019, RN103318127, and RN103740684; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (James P. Biggins, Jennifer Cook)

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

AGENDA

Wednesday, August 24, 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. 2005-0771-IWD.** Consideration of the application by **BP AMOCO CHEMICAL COMPANY** for a water quality permit, TPDES Permit No. WQ0000452000 which authorizes the discharge of storm water on an intermittent and flow variable basis via Outfalls 001, 002, 003 and 004. The facility is located on the north bank of the Texas City Barge Canal, approximately 3200 feet east of the termination of the barge canal along Docks 50 through 53, in the City of Texas City, in **Galveston 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. (Valerie Williams, Scott Shoemaker)

Deny the hearing request, adopt the Executive Director's Response to Comments and approve the permit application. KW/RM; all agree.

Item 2. **Docket No. 2005-0999-MWD.** Consideration of the application by **BARTON CREEK WEST WATER SUPPLY CORPORATION** for a renewal of TCEQ Permit No. WQ0012786001 which authorizes the disposal of treated domestic wastewater with a daily average flow not to exceed 126,000 gallons per day via surface irrigation. The wastewater treatment facility and disposal site are located adjacent to and south of Farm-to-Market Road 2244, approximately two (2) miles east of the intersection of Farm-to-Market Road 2244 and State Highway 71, 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. (Pinar Dogru/Brian Sierant)

Item remanded to the Executive Director.

Item 3. **Docket No. 2004-0773-WR.** Consideration of an application filed by **Ruben Ruebsahm** for an amendment to existing Certificate of Adjudication 14-1459 for an additional diversion point on the East Fork of Williams Creek, tributary of the Pedernales River, tributary of the Colorado River, Colorado River Basin, and to divert and use not to exceed 12.75 acre-feet of water, a portion of the 25.5 acre-feet of water authorized, for agricultural purposes to irrigate up to 32 acres of land in the Otto Wilke Survey No. 1062, in Gillespie County, Texas. J.B. Ruebsahm and Katherine Klein Ruebsahm are the owners of the additional

land to be irrigated as evidenced by a Gift Deed as recorded in Vol.155, Page 224 in the official records of **Gillespie County**. Certificate of Adjudication 14-1459 authorizes the diversion and use of not more than 25.5 acre-feet of water per year from the Pedernales River to irrigate a maximum of 34 acres of land out of a 260 acre tract in the Epaphras W. Bull Survey No. 11, Abstract 46, at a combined maximum rate not to exceed 4.01 cfs (1,800 gallons per minute) from two diversion points: diversion point (1) is located at a point on the north bank of the Pedernales River, being N70 degrees E, 2,210 feet from the southwest corner of the Epaphras W. Bull Survey 11, Abstract 46; and diversion point (2) is located at a point on the north bank of the Pedernales River being N 59 degrees 15' E, 3,415 feet from the southwest corner of the Epaphras W. Bull Survey 11, Abstract 46. The applicant did not request an additional appropriation of water. The Commission will also consider the hearing request, responses, and replies. (Iliana Delgado, Robin Smith)

Item continued to the September 28, 2005 agenda.

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 4. **Docket No. 2004-2085-AGR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Producers Livestock Auction Company in Tom Green County**; RN101964781; 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. (Laurie Eaves, David Van Soest)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 5. **Docket No. 2004-1685-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Sunoco, Inc. (R&M) in Harris County**; TCEQ ID Nos. HG1996R, 3126A, and RN100524008 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. (Laurencia Fasoyiro, David Van Soest)

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

- Item 6. **Docket No. 2004-1218-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Sun Valley Distribution, Inc. in El Paso County**; TCEQ ID Nos. EE11170 and RN100813229; 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. (Sarah Jane Utley, David Van Soest)

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

Item 7. **Docket No. 2004-1642-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Azteca Milling, L.P. dba Dawn Corn Milling Facility in Deaf Smith County**; Air Account No. DD0067Q, Regulated Entity Reference No. RN102166758; 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. (Ronnie Kramer, David Van Soest)

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

Item 8. **Docket No. 2004-1595-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Chemcentral Southwest, L.P. in Harris County**; Air Account No. HG0979B, RN102341880; 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. (Michael Limos, David Van Soest)

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

Item 9. **Docket No. 2005-0122-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Noltex L.L.C. in Harris County**; Air Account No. HG7698J; RN101049518; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, David Van Soest)

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

Item 10. **Docket No. 2005-0066-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **U.S. Denro Steels, Inc. in Chambers County**; Air Account No. CI0170H, RN100217421; for air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Limos, David Van Soest)

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

Item 11. **Docket No. 2004-1967-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Commercial Metals Company in El Paso County**; Air Account No. EE0068J, RN102412376; 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. (Mauricio Olaya, David Van Soest)

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

Item 12. **Docket No. 2004-2035-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Good Time Stores, Inc. dba Good Time Store 48** in **El Paso County**; Air Account No. EE0809I; RN102057593; 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. (Chad N. Blevins, David Van Soest)

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

Item 13. **Docket No. 2005-1103-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Weatherford Aerospace, Inc.** in **Parker County**; Air Account No. PC0008N, RN100218734; 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. (Merrilee Hupp, David Van Soest)

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

Item 14. **Docket No. 2005-0008-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Lyondell Chemical Company** in **Harris County**; Air Account No. HG0537O, RN102523107; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, David Van Soest)

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

Item 15. **Docket No. 2005-0284-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. (Ann Skowronski, David Van Soest)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 16. **Docket No. 2004-1995-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **K & N Management, Inc. dba Rudy's Country Store and Bar-B-Q** in **Travis County**; Edwards Aquifer Protection Plan File No. 1104092101; RN102138823; 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. (Lawrence King, David Van Soest)

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

Item 17. **Docket No. 2004-1313-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Tradesman, L.L.C. in Bexar County**; Edwards Aquifer Site Registration No. 13-04021801, RN102565314; 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.

Item 18. **Docket No. 2004-2076-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Fair Oaks Club Corp. in Bexar County**; Edwards Aquifer Site Registration No. 13-93011301; RN103771861; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Clausewitz, David Van Soest)

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

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AMENDED AGREED ORDER

Item 19. **Docket No. 2005-0354-IHW-E.** Consideration of an Amended Agreed Order requiring certain actions of **Marathon Ashland Petroleum LLC and BP Amoco Chemical Company in Galveston County**; TCEQ ID No. RN102953379; for industrial and hazardous waste violations pursuant to Tex. Water Code chs 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality. (Jeffrey J. Huhn, David Van Soest)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 20. **Docket No. 2004-0860-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wyman-Gordon Forgings LP in Harris County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 01402; Regulated Entity Reference No. RN100217413; 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. (Laurie Eaves, David Van Soest)

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

LICENSED IRRIGATOR ENFORCEMENT AGREED ORDER

Item 21. **Docket No. 2003-0534-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Adam Keller dba Adam's Irrigation Co. dba Adams Landscape in Bexar County**; TCEQ ID No. RN103142311;

for landscape irrigator installer violations pursuant to Tex. Water Code chs. 7 and 34 and the rules of the Texas Commission on Environmental Quality. (Kathleen C. Decker, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 22. **Docket No. 2004-1126-MSW-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Norberto Reyes in Cameron County**; TCEQ ID Nos. 455150090 and RN103915344; 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 Tex. Admin. Code ch. 60. (Justin Lannen, David Van Soest)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 23. **Docket No. 2004-0688-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cuney in Cherokee County**; Texas Pollutant Discharge Elimination System Permit No. 13728-001, Regulated Entity No. RN101609469; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brian Lehmkuhle, David Van Soest)

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

Item 24. **Docket No. 2004-1406-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Fry Road Municipal Utility District in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 11989-001, RN102333762; 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 25. **Docket No. 2003-0077-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Trinity in Trinity County**; Texas Pollutant Discharge Elimination System Permit No. 0010617-001; 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 Texas Administrative Code ch. 60. (A. Sunday Udoetok, David Van Soest)

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

Item 26. **Docket No. 2003-0185-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Parks and Wildlife Department in Taylor County**; Texas Pollutant Discharge Elimination System Permit No. 11234-001; 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 Texas Administrative Code ch. 60. (Michael Meyer, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 27. **Docket No. 2004-2075-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Paul Kim dba Southpark Super Stop in Smith County**; TCEQ ID Nos. 7348 and RN102447901; 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. (Justin Lannen, David Van Soest)

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

Item 28. **Docket No. 2005-0217-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Abeida Inc. dba Quik Serv in Frio County**; Petroleum Storage Tank Facility ID No. 5371; RN101909323; 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 29. **Docket No. 2004-2084-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **B4Gibson Plumbing Company, LLC dba Gibson Plumbing in Bexar County**; Petroleum Storage Tank Facility ID No. 19796; RN103732483; 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. KW/RM; all agree.

Item 30. **Docket No. 2005-0423-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **S R Burzynski, MD in Harris County**; Petroleum Storage Tank Facility ID No. 73905; RN101895977; 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. (Dana Shuler, David Van Soest)

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

Item 31. **Docket No. 2004-2033-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Bahadur Alibhai dba Hub Food Store** in **Dallas County**; Petroleum Storage Tank Facility ID No. 6246; RN101547677; 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 32. **Docket No. 2004-1577-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Amirali Ladhani dba Henry's Quick Stop** in **Atascosa County**; Petroleum Storage Tank Registration No. 36490; RN101737575; 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 Meyers, David Van Soest)

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

Item 33. **Docket No. 2005-0275-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Glass Texaco Distributors, Inc. dba Essex Texaco** in **Cherokee County**; Petroleum Storage Tank Facility ID No. 42586; RN102911161; 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 Lind, David Van Soest)

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

Item 34. **Docket No. 2005-0312-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **G.M. Brothers, Inc. dba Golden Grocery** in **Harris County**; Petroleum Storage Tank Facility ID No. 75068, RN102220688; 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. KW/RM; all agree.

Item 35. **Docket No. 2004-0869-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Piyar Ali dba Crossroad Market** in **Fort Bend County**; Petroleum Storage Tank Facility ID No. 43430, RN101223212; 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. (Trina Grieco, David Van Soest)

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

Item 36. **Docket No. 2005-0159-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Cox Texas Partners, Inc. dba Waco Tribune-Herald**

in **McLennan County**; Petroleum Storage Tank Facility ID No. 25088; RN100577527; 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. (Laurie Eaves, David Van Soest)

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

Item 37. **Docket No. 2004-1564-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Raheem Emiola dba Come & Go Food Store** in **Harris County**; Petroleum Storage Tank Facility ID No. 19599; RN101811917; 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. KW/RM; all agree.

Item 38. **Docket No. 2005-0366-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Coastal Transport Co., Inc.** in **Travis and Williamson Counties**; Petroleum Storage Tank Facility ID No. 29449, RN101700599; 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, David Van Soest)

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

Item 39. **Docket No. 2005-0061-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Cynthia Brown dba Cindy's** in **Coke County**; Petroleum Storage Tank Registration No. 40726; RN102719192; 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 40. **Docket No. 2005-0589-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Charlie Hong dba Coastal Mart** in **Harris County**; Petroleum Storage Tank Facility ID No. 74195, RN101728111; 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 Baldwin, David Van Soest)

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

Item 41. **Docket No. 2005-0090-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Zuma International, Inc. dba Manchaca Food Mart** in **Travis County**; Petroleum Storage Tank Facility ID No. 11316; RN102356607; 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. KW/RM; all agree.

Item 42. **Docket No. 2005-0483-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Western Transportation, Inc. in Travis County;** RN104516927; 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 43. **Docket No. 2005-0160-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **John Rumfolo dba Walter's Quik Stop in Harris County;** Petroleum Storage Tank Facility ID No. 73770; RN102716461; 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. (Mauricio Olaya, David Van Soest)

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

Item 44. **Docket No. 2004-2047-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **VeriCenter, Inc. in Harris County;** Petroleum Storage Tank Facility ID No. 46284; RN104403696; 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. KW/RM; all agree.

Item 45. **Docket No. 2004-1840-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Gary C. Becker dba University Exxon in Hays County;** Petroleum Storage Tank Facility ID No. 26013; RN100536960; 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 46. **Docket No. 2005-0274-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Universal Transport, Inc. in Dallas and Hardin Counties;** RN103142667; 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, David Van Soest)

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

Item 47. **Docket No. 2005-0244-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Three Vision II, Inc. dba Park Place Foods in Travis County**; Petroleum Storage Tank Facility ID No. 73844, RN103051918; 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. KW/RM; all agree.

Item 48. **Docket No. 2005-0204-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thomas Petroleum Ltd. dba 77 Quick Stop in Nueces County**; Petroleum Storage Tank Facility ID No. 65484, RN102275062; 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. KW/RM; all agree.

Item 49. **Docket No. 2005-0661-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Abbasi Holdings, Inc. dba Friend Food Mart in Bell County**; Petroleum Storage Tank Facility ID No. 10990, RN101664514; 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. (Sandra Anaya, David Van Soest)

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

Item 50. **Docket No. 2004-1800-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **M.Y.M. Investment Inc. dba Kwik & Save Food Store in Harris County**; Petroleum Storage Tank Facility ID No. 45095, RN102394160; 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. KW/RM; all agree.

Item 51. **Docket No. 2005-0690-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Halbert L P G, Inc. in Schleicher County**; Petroleum Storage Tank Facility ID No. 42986, RN101842169; 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. (Brent Hurta, David Van Soest)

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

- Item 52. **Docket No. 2005-0371-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Amanie, Corp. dba Kwik Pantry Food Mart in Dallas County**; Petroleum Storage Tank Facility ID No. 34652, RN102357043; 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. KW/RM; all agree.

- Item 53. **Docket No. 2004-1953-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Bohica Investment, Ltd. dba Amigos 1 in Brewster County**; Petroleum Storage Tank Facility ID No. 30147; RN102399896; 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. (Kent Heath, David Van Soest)

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

- Item 54. **Docket No. 2004-1367-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Texas Youth Commission in Hidalgo County**; Petroleum Storage Tank Facility ID No. 55834; RN101683241; 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. (Jaime Garza, David Van Soest)

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

- Item 55. **Docket No. 2004-2126-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Texas H&M Inc. dba FM Deli Beer & Wine in Denton County**; Petroleum Storage Tank Facility ID 16028, RN101751824; 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. (Cari Bing, David Van Soest)

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

Item 56. **Docket No. 2004-1940-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Loan Nguyen dba Super Stop Foodmart** in **Jefferson County**; Petroleum Storage Tank Facility ID No. 8062, RN101443729; 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. (Jorge Ibarra, P.E., David Van Soest)

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

Item 57. **Docket No. 2005-0026-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mohammad Ghorashi dba Super Quick Market** in **Travis County**; Petroleum Storage Tank Facility ID No. 18875, RN101495026; 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. KW/RM; all agree.

Item 58. **Docket No. 2005-0047-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Sun Coast Resources, Inc.** in **Harris County**; RN100529452; 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. KW/RM; all agree.

Item 59. **Docket No. 2004-2064-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Steinhagen Oil Company Inc. dba Fastlane No. 3** in **Jefferson County**; Petroleum Storage Tank Registration No. 9307, RN101739035; 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. (Cheryl Thompson, David Van Soest)

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

Item 60. **Docket No. 2004-1961-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **S. N. V. Business Inc. dba Bellaire Food Mart** in **Harris County**; Petroleum Storage Tank Facility ID No. 35333; RN101724409; 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. KW/RM; all agree.

Item 61. **Docket No. 2004-2096-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Proton PRC, LTD. dba Oasis Car Wash in Collin County**; Petroleum Storage Tank Facility ID No. 70148; RN102378874; 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, Davis Van Soest)

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

Item 62. **Docket No. 2004-2116-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oscar Food Corp. dba Circle A Grocery Store in Harris County**; Petroleum Storage Tank Facility ID No. 8919, RN102409034; 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. (Miriam Hall, David Van Soest)

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

Item 63. **Docket No. 2004-1055-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mexia Independent School District in Limestone County**; Petroleum Storage Tank Facility ID No. 66394; 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, David Van Soest)

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

Item 64. **Docket No. 2005-0330-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Walid ak Husein dba McClains Food Store in Ellis County**; Petroleum Storage Tank Facility ID No. 4718, RN102031150; 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. KW/RM; all agree.

Item 65. **Docket No. 2005-0013-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Lone Star Corrugated Container Corporation in Dallas County**; Petroleum Storage Tank Facility ID No. 16698; RN100857358; 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. (Shontay Wilcher, David Van Soest)

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

Item 66. **Docket No. 2004-1795-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lamb County Electric Cooperative, Inc. in Lamb County**; Petroleum Storage Tank Facility ID No. 18582; RN100695329; 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, David Van Soest)

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

Item 67. **Docket No. 2005-0116-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Janu Enterprises, Inc. dba Broncos Country Corner in Liberty County**; Petroleum Storage Tank Registration No. 50129; RN101733780; 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 68. **Docket No. 2005-0215-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lolly Malhotra dba J A M Food Store in Palo Pinto County**; Petroleum Storage Tank Facility ID No. 6226, RN101545069; 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. (Melissa Keller, David Van Soest)

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

Item 69. **Docket No. 2004-2006-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Budget Rent A Car System, Inc. in Dallas County**; Petroleum Storage Tank Facility ID Nos. 31048 and 73218; RN102887098 and RN102887049; 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. KW/RM; all agree.

Item 70. **Docket No. 2004-1535-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aelina Enterprises, Inc. dba Leander Grocery in Williamson County**; Petroleum Storage Tank Facility No. 14319, RN101496420; 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. KW/RM; all agree.

Item 71. **Docket No. 2004-1815-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ngoc Tran dba 5 Star Mart Inc.** in **Harris County**; Petroleum Storage Tank ID No. 49953, RN102488616; 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. KW/RM; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 72. **Docket No. 2005-0033-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **John P. Brinkman dba Brinkman Homes** in **Tom Green County**; RN104458484; 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. (Tel Croston, David Van Soest)

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

Item 73. **Docket No. 2004-2078-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Lone Star Properties LP dba Trinity Builders** in **Taylor County**; Texas Pollutant Discharge Elimination System ("TPDES") Permit No. TXR15N061; RN104403001; 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. (Laurie Eaves, David Van Soest)

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

RULE MATTERS

Item 74. **Docket No. 2005-1083-RUL.** Consideration for publication of, and hearing on, proposed amended, new, and repealed sections of **30 TAC Chapter 330**, Municipal Solid Waste.

The proposed rulemaking would: 1) provide an overall topic reorganization; 2) streamline low-risk waste activities to lower agency authorizations, including allowing permits by rule and registrations by rule for certain low-impact waste management activities; 3) decrease regulatory requirements for small rural transfer stations; 4) increase ease or desirability for counties to license certain municipal solid waste (MSW) activities, within statutory constraints (see Texas Health and Safety Code, Sections 361.154 - 361.160); 5) streamline and clarifying MSW transporter requirements; 6) allow a permit by rule for persons that compact or transport waste in enclosed containers or enclosed vehicles to Type IV landfills; 7) decrease regulatory requirements for medical waste management between hospitals and associated clinics; 8) revise the requirements for detecting and measuring landfill gas to establish more enforceable language; 9)

establish basic levels of quality assurance and quality control reporting to be included in sampling and laboratory analysis reports submitted to the TCEQ; 10) harmonize with the commercial industrial nonhazardous waste landfill rules; 11) clarify construction activities that are allowed prior to authorization; 12) remove the ban on trench burners at MSW facilities and establish requirements for trench burners (Air Curtain Incinerators) at MSW facilities, consistent with the TCEQ permit by rule allowed by 30 TAC Section 106.496; 13) add appropriate professional geoscientist language; 14) revise the MSW permit and registration application format to ease the council of governments application reviews of MSW facility siting and compatibility with surrounding land use; 15) revise the annual/quarterly maintenance fee for transporters with a special collection route permit for enclosed containers or enclosed vehicles transported to Type IV landfills so that municipal and other transporters are required to pay the same fee; 16) add new buffer zone requirements for landfills; 17) add new groundwater monitoring well spacing requirements for landfills; 18) harmonize the MSW landfill operational requirements for claiming the standard air permit under 30 TAC Section 116.621; 19) establish an MSW standard air permit for landfills and transfer stations; 20) incorporate changes from House Bills 1053 and 1609, 79th Legislature, Regular Session, 2005; and 21) improve readability, correct citations and cross-references, delete obsolete requirements, make other changes as specified in the preamble, and update the agency name. (Richard Carmichael, Todd Galiga) (Rule Project No. 2004-031-330-PR)

Approve the publication of, and hearing on, proposed amended, new, and repealed sections of 30 TAC Chapter 330 with the following amendments: (1) extend the comment period to the close of business on 10/31/05, (2) add back in the struck out language in proposed Section 330.57(d) (current rule Section 330.51(b)(2)); (3) add language to proposed Section 330.69 regarding sign posting, as proposed by Chairman White; (4) strike and replace preamble language regarding proposed Section 330.985(d)(1) regarding NSR/FPCP, as proposed by the ED at agenda; (5) add preamble language to the Section by Section discussion for proposed Section 330.15 soliciting comments on electronic waste disposal, as proposed by Commissioner Soward; (6) add language to proposed Section 330.57 requiring the applicant to post the application on the Web, as proposed by Commissioner Soward; (7) make the three modifications recommended by the ED in its agenda presentation; and (8) add language to proposed Section 330.59(c)(3) concerning mineral interest ownership identification and additions to the landowner list, as proposed by Commissioner Soward. KW/RM; all agree, except RM votes no on amendment (8) regarding mineral interests.

Item 75. **Docket No. 2005-1084-RUL.** Consideration for publication of, and hearing on, the proposed repeal of Section 116.621 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification and the amendment of Section 106.534 of 30 TAC Chapter 106, Permits by Rule.

The proposed rulemaking would repeal the current standard permit authorizing air emissions from municipal solid waste landfills in conjunction with the proposal of a new standard permit in 30 TAC Chapter 330, Municipal Solid Waste. The proposal would withdraw the September 11, 2000, submittal of Section 116.621 to the United States Environmental Protection Agency as a revision to the state implementation plan. This action would also amend the permit by rule applicable to air emissions from municipal solid waste landfills to limit the authorization of air emissions to small landfills and solid

waste transfer stations. (Beecher Cameron, John Minter) (Rule Project No. 2003-066-116-PR)

Approve the publication of, and hearing on, the proposed repeal of Section 116.621 of 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification and the amendment of Section 106.534 of 30 TAC Chapter 106, Permits by Rule. KW/RM; all agree..

EXECUTIVE SESSION

Item 76. **Docket No. 2005-1137-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 77. **Docket No. 2005-1138-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 78. **Docket No. 2005-1139-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, August 24, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. **TCEQ Docket No. 2003-0866-PST-E; SOAH Docket No. 582-05-3394.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Naseer Ahmad dba Super Stop 3** in **Orange County**, Texas; TCEQ Petroleum Storage Tank Facility ID No. 27472; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code § 37.815(a) and (b) and the rules of the Texas Commission on Environmental Quality.

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

- Item 2. **TCEQ Docket No. 2004-2032-DIS; SOAH Docket No. 582-05-3128.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Polk County Fresh Water Supply District No. 2** for approval to levy uniform operation and maintenance standby fees on undeveloped property within the District, pursuant to Tex. Water Code Ann. § 49.231, **Polk County**, Texas. The Commission will also consider related filings, exceptions and replies.

Adopt the ALJ's PFD and Order, deny all exceptions to the PFD. KW/RM; all agree

- Item 3. **TCEQ Docket Nos. 2004-1120-UCR, 2004-1671-UCR, 2004-2122-UCR, 2005-0113-UCR, 2005-0114-UCR, and 2005-0112-UCR; SOAH Docket Nos. 582-05-2770, 582-05-2771, 582-05-3745, 582-05-4181, 582-05-4182, and 582-05-4184.** Consideration of the Administrative Law Judges' Certified Questions regarding the application of Aqua Utilities, Inc., d/b/a Aqua Texas, Inc., to change its water and sewer tariffs and rates in various counties throughout Texas pursuant to Texas Water Code Chapter 13 and the Commission's rules, including 30 TAC Chapters 80 and 291. The Commission will also consider the briefs and the reply briefs timely filed by the parties in these matters. (**Anderson, Bandera, Bastrop, Bexar, Bosque, Brazoria, Burnet, Camp, Chambers, Cherokee, Comal, Cooke, Denton, Erath, Fort Bend, Grayson, Gregg, Grimes, Harris, Hays, Henderson, Hood, Hunt, Jefferson, Johnson, Kendall, Kerr, Llano, Liberty, Live Oak, Marion, McLennan, Medina, Montgomery, Nueces, Orange, Parker, Polk, Rockwall, San Jacinto, Smith, Somervell, Tarrant, Taylor, Travis, Trinity, Victoria, Wharton, Williamson, Wilson, Wise, and Wood Counties**)

Answers to the consideration of the Administrative Law Judges' Certified Questions regarding the application of Aqua Utilities, Inc., d/b/a Aqua Texas, Inc.: Question No. 1 - Yes, Question No. 2 - No, and Question No. 3 - Set Aside. KW/RM; all agree.

\s\ Tracy Gross
Tracy Gross,
Assistant General Counsel

9/30/2005
Date