

Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward

OLD BUSINESS AGENDA

Wednesday, September 14, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the April 27, 2005, June 29, 2005, and August 10, 2005, agendas.

- 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)

Item remanded to the Executive Director.

AGENDA

Wednesday September 14, 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. 2005-1010-MWD.** Consideration of the application by **Tejas Viejo Land Company** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014548001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 950,000 gallons per day. The facility will be located on a 20-acre tract on the south side of Jesse Bohls Road, 7,000 feet east of the Weiss Lane intersection 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. (Michael Northcutt/Ron Riggins)

Grant the hearing requests of Werner Bockholt and Vernagene Mott on the issues of: 1) whether the discharge of wastewater will lead to more algae and bacteria in the creek and negatively affect the wildlife population and health of people near the creek; 2) will pollutants from the effluent impair the water quality of Wilbarber Creek; 3) whether the discharge will damage Mr. Bockholt's livestock; 4) will the proposed facility provide adequate safeguards to prevent raw sewage spills; and 5) whether the facility or discharge will cause nuisance odor conditions. Refer the matter to ADR for a period of 4-6 weeks then, if necessary, to SOAH with a hearing duration of 4 months. KW/LS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 2. **Docket No. 2004-2054-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **BMC Holdings Inc. in Jefferson County**; Air Account JE0343H; RN102559291; 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 3. **Docket No. 2004-1935-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Conner Steel Products, Ltd. in Tom Green County**; Air Account No. TG0253O; RN102602307; 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 Texas Administrative Code ch. 60. (Audra L. Ruble, David Van Soest)

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

- Item 4. **Docket No. 2004-1617-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **ConocoPhillips Company in Brazoria County**; Air Account No. BL0042G, Air Permit No. 5682A, RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ronnie Kramer, David Van Soest)

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

- Item 5. **Docket No. 2004-1905-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Penske Truck Leasing Co., L.P. in El Paso County**; Air Account No. EE13120; RN100562180; 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. (Deana Holland, David Van Soest)

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

- Item 6. **Docket No. 2005-0146-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Total Petrochemicals USA, Inc. in Harris County**; Air Account HG0036S, RN100212109; 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 7. **Docket No. 2002-1393-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Quality Electric Steel Casting, L.P. in Harris County**; Air Account No. HG-0599-P; 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 8. **Docket No. 2005-0170-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Moore Wallace North America, Inc. dba Wetmore & Company in Harris County**; Air Account No. HG7255B, RN100215011, Operating Permit No. O-01684; 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. (Harvey Wilson, David Van Soest)

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

- Item 9. **Docket No. 2005-0175-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **FFP Operating Partners, L.P. dba On The Go Fuel in El Paso County**; Air Account No. EE1961R, RN100814342; 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 10. **Docket No. 2005-0171-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Total Petrochemicals USA, Inc. in Harris County**; Air Account No. HG0036S, RN100212109; 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 11. **Docket No. 2005-0132-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Ofelia Bosquez dba Wencho's Gas and Food Mart in El Paso County**; Air Account No. EE1228E; RN101652691; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Carolyn V. Lind, David Van Soest)

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

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

- Item 12. **Docket No. 2004-1468-IHW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **General Electric Railcar Repair Services Corporation in Eastland County**; Hazardous Waste Permit and Compliance Plan No. 50314, Solid Waste Registration No. 32088, RN102322591; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Mac Vilas, P.G., David Van Soest)

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

Item 13. **Docket No. 2004-1772-IHW-E.** Consideration of an Agreed Order assessing administrative penalties against **Love's Travel Stops & Country Stores, Inc. dba Loves Country Store 270 in Eastland County**; Petroleum Storage Tank Facility ID No. 66875, RN102013240; 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. (Mac Vilas, David Van Soest)

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

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT DEFAULT ORDER

Item 14. **Docket No. 2004-0906-IHW-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gabriel Vigil dba Mr Press in Hidalgo County**; TCEQ ID Nos. 86173, RN100564202 and EPA ID No. TXR000032656; 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. (Kathleen C. Decker, Jennifer Cook)

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

LICENSED IRRIGATOR ENFORCEMENT AGREED ORDERS

Item 15. **Docket No. 2005-0385-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Richard Deckelman in Wilbarger County**; RN104455571; for violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Chad N. Blevins, David Van Soest)

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

Item 16. **Docket No. 2003-0515-LII-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pete Gallegos Paving, Inc. in Webb County**; Regulated Entity No. RN103126017; for licensing violations pursuant to Tex. Water Code ch. 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Joseph Daley, David Van Soest)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 17. **Docket No. 2004-0378-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Coast Waste Disposal Authority in Harris County**; Air Account No. HG02500, Texas Pollutant Discharge Elimination System Permit No. 01054; for air and water quality 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. (Lawrence King, David Van Soest)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 18. **Docket No. 2004-1633-MSW-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Rodney Fincher in Van Zandt County**; TCEQ ID No. RN104322318; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361 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 Default Order. KW/RM; all agree.

Item 19. **Docket No. 2004-0678-MSW-E.** Consideration of a Default Order assessing administrative penalties against **Norma Garza and Julian Hinojosa dba Garza Trucking in Hidalgo and Willacy Counties**; TCEQ ID No. RN104098165; 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. (Xavier Guerra, Jennifer Cook)

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

Item 20. **Docket No. 2004-0622-MSW-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Frankie Mae Hamilton in Anderson County**; TCEQ ID No. RN103944872; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361 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 Default Order. KW/RM; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21. **Docket No. 2003-0339-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Boling Municipal Water District in Wharton County**; Texas Pollutant Discharge Elimination System Permit No. 10843-001, RN102806056; 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. (Kimberly Morales, David Van Soest)

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

Item 22. **Docket No. 2004-1859-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District No. 217 in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 0014275001, RN102935186; 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. (Catherine Albrecht, David Van Soest)

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

Item 23. **Docket No. 2004-1481-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against **Sarabecca, GP LLC in Travis County**; Texas Pollutant Discharge Elimination System Permit No. 13019001, Regulated Entity Reference No. RN100878602; 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 24. **Docket No. 2004-1526-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Pearland in Brazoria County**; Texas Pollutant Discharge Elimination System Permit No. 10134008, Regulated Entity Reference No. RN101920007 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 25. **Docket No. 2004-1523-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Carlisle Independent School District in Rusk County**; Texas Pollutant Discharge Elimination System Permit No. 14292001; RN103014890; 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 26. **Docket No. 2004-0963-MWD-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Galena Park in Harris County**; Texas Pollutant Discharge Elimination System Permit No. 10831002, RN101608842; 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. (Brian Lehmkuhle, David Van Soest)

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

ON SITE SEWAGE FACILITY INSTALLER ENFORCEMENT AGREED ORDER

- Item 27. **Docket No. 2005-0022-OSI-E.** Consideration of an Agreed Order assessing administrative penalties against **Mark A. Mouton** in **Tyler and Jasper Counties**; On-Site Sewage Facility Installer License No. OS0005735, RN103748133; for licensing violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, David Van Soest)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 28. **Docket No. 2005-0207-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arechiga Petroleum, Inc. dba Arechiga Shell** in **Webb County**; Petroleum Storage Tank Facility ID No. 28596; RN101744043; 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 29. **Docket No. 2004-1783-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **B - 5 Bar, Inc. dba The Store Exxon** in **Zavala County**; Petroleum Storage Tank Facility No. 49905; RN102233475; 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. (David Flores, David Van Soest)

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

- Item 30. **Docket No. 2004-1704-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Naemuddin Mohammad dba Big Deli Food Mart** in **Navarro County**; Petroleum Storage Tank Facility ID No. 4273, RN101543726; 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, David Van Soest)

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

- Item 31. **Docket No. 2005-0299-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Avis Rent A Car System, Inc.** in **Lubbock County**; Petroleum Storage Tank Facility ID No. 152, RN101765329; 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. 2005-0156-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Orlando Cavazos dba Bryan Park Exxon in Hidalgo County**; Petroleum Storage Tank Facility ID No. 26098; RN101678605; 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 33. **Docket No. 2004-1820-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Chapman's Grocery, Inc. dba Jiffy Mart #7 in Williamson County**; Petroleum Storage Tank Facility No. 70055, RN101498913; 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. (David Flores, David Van Soest)

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

Item 34. **Docket No. 2005-0532-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Imad Abdelgader dba Express Lane Grocery in Bexar County**; Petroleum Storage Tank Facility ID No. 14890, RN102226537; 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 35. **Docket No. 2005-0565-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Dupre' Transport, Inc. in Dallas and Tarrant Counties**; RN104420419; 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 36. **Docket No. 2005-0761-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Davidson Oil Company dba Flying Star Transport LLC in Potter and Lynn Counties**; RN104517180; 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 37. **Docket No. 2004-2027-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **DGPS Enterprises, Inc. dba Kountry Kwik in Harris County**; Petroleum Storage Tank Facility ID No. 47895; RN100927888; 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 38. **Docket No. 2004-1794-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jerry Bell dba Crossroads Country Store in Marion County**; Petroleum Storage Tank Facility ID No. 44509, RN101800142; 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 39. **Docket No. 2005-0619-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Crockett Farm & Fuel Center, Inc. in Houston County**; RN102280377; 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 40. **Docket No. 2005-0455-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nancy Carter dba Crockett Conoco in Gray County**; Petroleum Storage Tank Facility ID No. 27605, RN102480282; 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 41. **Docket No. 2005-0305-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Tuan Tran dba Crabb River Exxon in Fort Bend County**; Petroleum Storage Tank Facility ID No. 74104; RN101847101; 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 Barry, David Van Soest)

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

Item 42. **Docket No. 2005-0696-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Jivanji Burhani dba Corner Spot in Galveston County**; Petroleum Storage Tank Registration ID No. 75038, RN102719036; 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 43. **Docket No. 2003-1190-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Burnet County in Burnet County**; TCEQ ID Nos. 11912 and RN101488815; 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. (Kathleen C. Decker, Jennifer Cook)

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

Item 44. **Docket No. 2004-1870-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **West Texas Gas, Inc. in Hockley and Lubbock Counties**; Petroleum Storage Tank Facility ID No. 27656; RN102277266; for petroleum storage 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. (Thomas Greimel, David Van Soest)

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

Item 45. **Docket No. 2004-1833-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **UBuck, LLC dba Sage Foods in Bexar County**; Petroleum Storage Tank Facility ID No. 28610; RN102821931; 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 46. **Docket No. 2005-0246-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Milton Galoob Company dba Tiger Grocery in Morris County**; Petroleum Storage Tank ID No. 73931, RN101435220; 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 47. **Docket No. 2004-1852-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Sandra Hun dba Sunshine Grocery in Henderson County**; Petroleum Storage Tank Facility ID No. 56433, RN101856342; 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 48. **Docket No. 2005-0698-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Nga Hong and Tien Tu dba Sunmart 151 in Harris County**; Petroleum Storage Tank Registration ID No. 63886, RN103020020; 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 49. **Docket No. 2005-0333-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Stephens Fuel Company dba Dwaynes Auto Center in Erath County**; Petroleum Storage Tank Facility ID No. 34110; RN101540284; 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 50. **Docket No. 2005-0245-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Juan R. Trevino dba Rangerville Drive In in Cameron County**; Petroleum Storage Tank Facility ID No. 73860; RN101681971; 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 51. **Docket No. 2005-0615-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Petroleum Transport, Inc. in Lubbock and Lynn Counties**; RN104565056; 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 52. **Docket No. 2005-0093-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Pearsall in Frio County**; Petroleum Storage Tank Facility ID No. 12456; RN102022563; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 341, 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 53. **Docket No. 2004-1861-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **PNI Distribution Incorporated in Dallas County**; RN103081055; for petroleum storage tank violations pursuant to Tex. Water Code ch. 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 54. **Docket No. 2005-0241-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Yousef Hakemy dba One Stop Food Store in Dallas County**; Petroleum Storage Tank Facility ID No. 62794; RN101631117; 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 55. **Docket No. 2005-0232-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Mazen Inc. dba Truck N Travel in Parker County**; Petroleum Storage Tank Facility ID No. 47792; RN101559672; 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 56. **Docket No. 2005-0119-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **M.A.D. Property Mgt., L.P. dba J&H Stop & Shop in Tarrant County**; Petroleum Storage Tank Facility ID No. 00971, RN102358660; 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 57. **Docket No. 2004-1855-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lisa Motor Lines, Inc.** in **Tarrant County**; Petroleum Storage Tank Facility ID No. 46730; RN100638527; 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. 2005-0219-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joelsingh, Inc. dba J & S All Season** in **Harris County**; Petroleum Storage Tank Facility ID No. 74534, RN101741403; 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 59. **Docket No. 2005-0429-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jefferson County** in **Jefferson County**; Petroleum Storage Tank Facility ID No. 74420; RN102036860; 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 60. **Docket No. 2005-0206-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Hixson Lumber Sales of Texas, Inc.** in **Hunt County**; Petroleum Storage Tank Facility ID No. 63446, RN101544617; 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 61. **Docket No. 2005-0662-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Himaloy, Inc. dba Papa Keith's Market & Deli** in **Walker County**; Petroleum Storage Tank Facility ID No. 60256, RN101839926; 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 Y. Anaya, David Van Soest)

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

Item 62. **Docket No. 2005-0303-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Grecoair, Inc. in El Paso County**; Petroleum Storage Tank Facility ID No. 72171, RN102827920; 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 63. **Docket No. 2005-0249-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Granite Construction Company in Lubbock County**; Petroleum Storage Tank Facility ID No. 18579, RN102235587; 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. (Collin Barth, David Van Soest)

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

Item 64. **Docket No. 2004-2111-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Baptist Hospitals of Southeast Texas dba Memorial Hermann Baptist Beaumont Hospital in Jefferson County**; Petroleum Storage Tank Facility ID No. 48639; RN102920220; 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 65. **Docket No. 2004-0852-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Antonio Morales dba Tony's Gas for Less in Hudspeth County**; Petroleum Storage Tank Facility ID No. 5524; Regulated Entity ID No. RN102008760; 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; LS opposed.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

- Item 66. **Docket No. 2003-0388-PST-E.** Consideration of a Default Order assessing administrative penalties against **Colonial Distribution, Inc. dba Wez Mart 1 in Bexar County**; TCEQ ID Nos. 15051 and RN101377950; 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. (Sarah J. Utley, Jennifer Cook)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDER

- Item 67. **Docket No. 2004-0809-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cahill Country Water Supply Corporation in Johnson County**; Public Water Supply Registration No. 1260073, Regulated Entity ID No. RN101183960; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Joseph Daley, David Van Soest)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

- Item 68. **Docket No. 2005-0128-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **HJG Trucking Company in Tarrant County**; RN102377371; 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 69. **Docket No. 2004-1037-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **J. H. Strain & Sons, Inc. dba JH Strain & Sons Bean Pit in Haskell County**; Regulated Entity No. RN102747862; 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. (Audra L. Ruble, David Van Soest)

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

- Item 70. **Docket No. 2004-1844-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Energy Services, L. P. in Jim Wells County**; RN104159751; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental

Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, David Van Soest)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 71. **Docket No. 2004-0719-WQ-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Alkusari Texas Limestone Corporation** in **Burnet County**; TCEQ ID No. RN103777272; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Jennifer Cook)

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

EMERGENCY ORDER

Item 72. **Docket No. 2005-0876-UCR.** Consideration of Kingsland Water Supply Corporation's (WSC) petition pursuant to Section 13.041(d)(1) of the Texas Water Code for an emergency order to compel **Kingsland Municipal Utility District** (CCN No. 20173) to provide continuous and adequate sewer service in **Llano County**, and Kingsland WSC's petition for a commission investigation of action by Kingsland Municipal Utility District (MUD) in Llano County pursuant to section 12.081 of the Texas Water Code. (Brian MacLeod, Prabin Basnet)

Deny the petition for an Emergency Order, motion for a hearing, and deny the initiation of an investigation. KW/LS; all agree.

DISTRICT MATTERS

Item 73. **Docket No. 2005-0638-DIS.** Consideration of a petition by LGI Land, LLC, as landowner; Woodforest National Bank, as first lienholder; and Vision Mortgage, Inc., as second lienholder (Applicants), for dissolution of **Montgomery County Municipal Utility District No. 69** (District) in **Montgomery County**. The Applicant requests that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. 03082005-D02; Rob Cummins, Christie Walters)

Approve the petition for dissolution of Montgomery County Municipal Utility District No. 69. KW/LS; all agree.

Item 74. **Docket No. 2005-0639-DIS.** Consideration of a petition by LGI Land, LLC, as landowner; Woodforest National Bank, as first lienholder; and Vision Mortgage, Inc., as second lienholder (Applicants), for dissolution of **Montgomery County Municipal Utility District No. 73** (District) in **Montgomery County**. The Applicant requests that

the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. 03082005-D03; Rob Cummins, Christie Walters)

Approve the petition for dissolution of Montgomery County Municipal Utility District No. 73. KW/LS; all agree.

Item 75. **Docket No. 2005-0640-DIS.** Consideration of a petition by LGI Land, LLC, as landowner; Woodforest National Bank; as first lienholder; and Vision Mortgage, Inc., as second lienholder (Applicants), for dissolution of **Montgomery County Municipal Utility District No. 74** (District) in **Montgomery County**. The Applicant requests that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. 03082005-D04; Rob Cummins, Christie Walters)

Approve the petition for dissolution of Montgomery County Municipal Utility District No. 74. KW/LS; all agree.

RULE MATTERS

Item 76. **Docket No. 2005-1232-RUL.** Consideration for publication of proposed amended Sections 290.251 - 290.253, and 290.256 of **30 TAC, Chapter 290**, Public Drinking Water.

The proposed revisions to Chapter 290 implement Texas Health and Safety Code (THSC), Sections 372.001 and 372.005, as amended by House Bill 2428, 79th Legislature, 2005, Regular Session, and the exemption of provisions of HB 2428. These sections define 'Commercial pre-rinse spray valve' and establish the performance standards for commercial pre-rinse spray valves, which require manufacturers or importers of plumbing fixtures sold in Texas to comply with the environmental performance standards for plumbing fixtures, which requires all plumbing fixtures such as showerheads, toilets, and faucets sold in Texas to conform with specific water use efficiency standards. THSC, Section 372.005, also requires that the commission create and maintain a current list of commercial pre-rinse spray valve models that are certified to the commission by the manufacturer or importer to meet the performance standards. The initial listing fee for each model is \$50 and each annual renewal fee is \$25. HB 2428 exempts certain commercial pre-rinse spray valves that are sold before September 1, 2006, from the requirements of amended THSC, Section 372.005. (Scott Swanson, David Klein) (Rule Project No. 2005-037-290-PR)

Approve the publication of proposed amended Sections 290.251 - 290.253 and 290.256 of 30 TAC, Chapter 290. RM/KW; all agree.

Item 77. **Docket No. 2005-1050-RUL.** Consideration for publication of, and hearing on, proposed amended Sections 116.12, 116.150, 116.151, 116.160, and 116.610; proposed repealed Sections 116.180 - 116.183, 116.410, and 116.617; and proposed new Sections 116.121, 116.180, 116.182, 116.184, 116.186, 116.188, 116.190, 116.192, 116.194, 116.196, 116.198, 116.400, 116.402, 116.404, 116.406, 116.617, and 116.1200 of **30**

TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification; and corresponding revisions to the state implementation plan.

The proposed rulemaking would amend Chapter 116 to implement federal new source review reform. The specific areas addressed are plant-wide applicability limits, actual to projected actual emission test, emission baseline determination, and the pollution control project standard permit. The proposal would also re-organize portions of Chapter 116 to allow the inclusion of the proposed new sections. (Beecher Cameron, Janis Hudson) (Rule Project No. 2005-010-116-PR)

Approve the publication of, and hearing on, proposed amended Sections 116.12, 116.150, 116.151, 116.160, and 116.610; proposed repealed Sections 116.180 - 116.183, 116.410, and 116.617; and proposed new Sections 116.121, 116.180, 116.182, 116.184, 116.186, 116.188, 116.190, 116.192, 116.194, 116.196, 116.198, 116.400, 116.402, 116.404, 116.406, 116.617, and 116.1200 of 30 TAC Chapter 116, and corresponding revisions to the state implementation plan; with the inclusion of amendments presented at agenda. KW/RM; all agree.

Item 78. **Docket No. 2005-1233-RUL.** Consideration for publication of proposed amended Sections 30.3, 30.5, 30.7, 30.33, 30.231, and 30.244 and new Section 30.247 of **30 TAC Chapter 30**, Occupational Licenses and Registrations.

The proposed rulemaking would implement requirements of House Bill 2510, 79th Legislature, 2005, Regular Session, relating to the regulation of on-site sewage disposal systems using aerobic treatment and the maintenance of those systems, by creating a registration program for maintenance providers. (Terry Thompson, Jacquelyn Boutwell) (Rule Project No. 2005-039-030-CE)

Approve the publication of proposed amended Sections 30.3, 30.5, 30.7, 30.33, 30.231, and 30.244 and new Section 30.247 of 30 TAC Chapter 30, with the deletion of the phrase "in which they reside" from the definition of Aerobic Treatment System. KW/RM; all agree.

Item 79. **Docket No. 2005-1231-RUL.** Consideration for publication of, and hearing on, proposed amended Sections 291.3, 291.5, 291.7, 291.101, 291.102, 291.104 - 291.106, 291.109, 291.113, 291.115, 291.117, and 291.119 and proposed new Section 291.120 of **30 TAC Chapter 291**, Utility Regulations.

The proposed rulemaking would amend Chapter 291 to implement House Bill (HB) 2876, 79th Legislature, 2005, Regular Session. HB 2876 amended Texas Water Code (TWC), Sections 13.002, 13.241, 13.242, 13.244, 13.246, 13.247, 13.254, 13.255, and 13.257. HB 2876 also added new Sections 13.245, 13.2451, and 13.2551 to the TWC and repealed Sections 13.254(h) and 13.2541 from the TWC. The changes to the TWC and amendments to Chapter 291 relate to the criteria for obtaining, amending, transferring, and decertifying certificates of convenience and necessity for water and sewer service. HB 2876 requires the commission to promulgate rules to implement these changes by January 1, 2006.

In addition, this rulemaking would amend the definition of 'Affected county' to be consistent with the revision to 'affected county' in Senate Bill 425, 79th Legislature. (Michelle Abrams, Ross Henderson) (Rule Project No. 2005-036-291-PR)

Approve the publication of, and hearing on, proposed amended Sections 291.3, 291.5, 291.7, 291.101, 291.102, 291.104 - 291.106, 291.109, 291.113, 291.115, 291.117, and 291.119 and proposed new Section 291.120 of 30 TAC Chapter 291, with the proposed amendments to the Rule and Preamble provided to the Commissioners by staff at agenda. KW/RM; all agree.

Item 80. **Docket No. 2005-1224-RUL.** Consideration for publication of a proposed amendment to **30 TAC Chapter 328**, Waste Minimization and Recycling, Subchapter A, Purpose and General Information, Section 328.2.

The proposed amendment implements Senate Bill 1298, 79th Legislature, 2005, Regular Session, and would provide definitions for the terms 'Completely drained' and 'Unusable' in regard to the recycling of fuel tanks as allowed in Texas Occupations Code, Section 1956.103. (David Murry, John Williams) (Rule Project No. 2005-044-328-PR)

Approve the for publication of a proposed amendment to 30 TAC Chapter 328 Subchapter A. KW/RM; all agree.

EXECUTIVE SESSION

Item 81. **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.

The Commissioners did not meet in executive session.

Item 82. **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.

The Commissioners did not meet in executive session.

Item 83. **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.

The Commissioners did not meet in executive session.

(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 September 14, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle
Room 201S, Bldg. E

- Item 1. **Docket No. 2004-1086-AIR.** Consideration of application by **Holcim Texas, Limited Partnership** for issuance of new Air Quality Flexible Permit No. 8996 and modification of Prevention of Significant Deterioration Permit Air Quality Permit No. PSD-TX-454M3, to authorize changes to their Portland cement manufacturing facility to reflect as-built conditions which differ from the current permit, to increase the allowable plant production rate, and to incorporate by reference additional alternative non-hazardous waste fuels currently authorized under Standard Permit. The plant is located at 1800 Dove Lane, Midlothian, **Ellis County**, Texas. The Commission will also consider the Executive Director's Response to Comments. (Randy Hamilton/Janis Hudson)

Approve the issuance of the permit and adopt the Executive Director's Response to Comments. KW/RM; all agree.

- Item 2. **TCEQ Docket No. 2003-0956-PST-E; SOAH Docket No. 582-05-2957.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Best Enterprises, Inc. dba Best Food Store** in **Harris County**, Texas; TCEQ Petroleum Storage Tank ID No.35207; 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/RM; all agree.

- Item 3. **TCEQ Docket No. 2001-0831-MWD-E; SOAH Docket No. 582-04-0442.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Sublight Enterprises, Inc.** in **San Patricio County**, Texas; TCEQ WQ Permit No. 11096-001; regarding wastewater discharge violations pursuant to Tex. Water Code § 26.121; 30 Tex. Admin. Code §§ 305.125(1) and (5), 319.7(c), 319.11, and 30.350(j); TPDES Permit No. 11096-001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 7c, Operational Requirements Nos. 1 and 9, Permit Conditions 2a and 2b, and Monitoring and Reporting Requirements Nos. 2 and 3; by failing to comply with requirements relating to record-keeping, effluent limitations, and operation and maintenance and the rules of the Texas Commission on Environmental Quality.

Item continued to the September 28, 2005 agenda.

Item 4. **TCEQ Docket No. 1995-1318-WR; SOAH Docket No. 582-95-1162.** Consideration of the Application of **Trinity River Authority and City of Houston** for Extension of time to complete construction of the Wallisville Project and the ALJ's Recommendation to dismiss as moot both the application and the Executive Director's Motion for amendment of the Applicants' related certificates of adjudication and consideration of all related filings and briefs. (**Chambers County**)

Dismiss the application for an extension of time to complete construction as well as the initial and First Amended motion to amend certificates to reduce impoundment and re-open record filed by the Executive Director. KW/RM; all agree.

/s/ Greg Merrell
Assistant General Counsel,
Greg Merrell

11-21-2005
Date