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ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Texas Board of Chiropractic Examiners

Notice of Public Hearing to Receive Public Comments on Proposed New §75.21

The Texas Board of Chiropractic Examiners (TBCE) regulates the practice of chiropractic in Texas. The Rules Committee (or staff) of the TBCE will host a public hearing on April 28, 2009 to receive comments from all interested parties concerning the TBCE's proposed new §75.21, relating to acupuncture to set forth the minimal acceptable qualifications and procedures for the practice of acupuncture by licensed doctor of chiropractic. The proposed new section was published in the January 2, 2009, issue of the *Texas Register* (34 TexReg 22).

Acupuncture has long been part of the practice of chiropractic, and the practice of acupuncture by chiropractors has been authorized since the Legislature amended the Acupuncture Act in 1997 to allow chiropractors and other health care practitioners to practice acupuncture when they are acting within the scope of their licenses (See Texas Occupations Code §205.003). Post-graduate training in acupuncture is offered by the chiropractic colleges, and the National Board of Chiropractic Examiners (NBCE) offers a national standardized certification examination in acupuncture, in addition to the 4,500 didactic and clinical hours required for licensure (See <http://www.nbce.org/written/desc-acu.html>). The Board has not received complaints regarding the practice of acupuncture by a chiropractor. However, these training requirements are needed in order to bring the licensing standards in Texas into line with the licensing standards of other states.

The Board has previously determined that acupuncture is within the scope of practice of chiropractic in Texas (See 22 TAC §75.17, relating to scope of practice). The practice of acupuncture by a chiropractor is both authorized and limited by the Chiropractic Act (See Texas Occupations Code §201.002(b)). The Board's existing rule regarding proper diligence and efficient practice of chiropractic, §75.2 of this title, requires that a chiropractor not perform or attempt to perform procedures in which the chiropractor is untrained by education or experience.

The public hearing on proposed new §75.21 will be held at the following date, time and location.

Date: April 28, 2009

Time: 1:00 p.m.

Location: William P. Hobby Building, Tower 2, Room 225

333 Guadalupe, Austin, Texas 78701

To provide written comment, please contact Glenn Parker, Executive Director, Texas Board of Chiropractic Examiners, 333 Guadalupe, Suite 3-825, Austin, Texas 78701; e-mail: glenn.parker@tbce.state.tx.us; telephone: (512) 305-6706.

TRD-200901304

Glenn Parker

Executive Director

Texas Board of Chiropractic Examiners

Filed: April 3, 2009

Comptroller of Public Accounts

Notice to Persons Interested in the 2009 International Energy Conservation Code

Pursuant to 34 TAC §19.52, this notice is provided to interested persons that the State Energy Conservation Office (SECO) is accepting written comments on the International Energy Conservation Code published January, 2009.

To achieve energy conservation in all commercial and industrial construction and in residential construction other than single-family residential construction, Texas Health and Safety Code, §388.003(b), adopted the International Energy Conservation Code as it existed on May 1, 2001, as the energy code for use in this state for all such construction. Texas Health and Safety Code, §388.003(b-1), authorizes SECO to adopt the new or latest published edition of the International Energy Conservation Code if it will result in residential or commercial energy efficiency and air quality that is equivalent to or better than the 2001 Code. SECO will receive a recommendation from the Energy Systems Laboratory at the Texas Engineering Experiment Station of The Texas A&M University System ("Laboratory") on the efficacy of the 2009 International Energy Conservation Code compared to the version of that Code as it existed on May 1, 2001. Texas Health and Safety Code, §388.003(b-3), requires the Laboratory to consider the written comments of interested parties that have been submitted to SECO within 30 days of the publication of this notice.

Comments are encouraged from any persons interested in the International Energy Conservation Code, including without limitation: commercial and residential builders; architects and engineers; municipal, county, and other local government authorities; and environmental groups. Copies of both the International Energy Conservation Code as it existed on May 1, 2001 as well as the International Energy Conservation Code published in January 2009 are available for purchase through International Code Council website <http://www.icc-safe.org/e/category.html?q=x>. Also, copies of these codes are available for viewing during regular business hours at the SECO office located at the Lyndon Baines Johnson (LBJ) State Office Building, 111 E. 17th Street, Suite 1114, Austin, Texas 78774. Written comments may be submitted in person at the SECO office, electronically through the SECO's electronic mail address specified on SECO's website <http://www.seco.cpa.state.tx.us/>, or through the United States Postal Service at the State Energy Conservation Office, Comptroller of Public Accounts, P.O. Box 13528, Austin, Texas 78711-3528.

All written comments submitted no later than 30 days following the publication date of this notice will be forwarded to the Laboratory by SECO.

TRD-200901305

Martin Cherry

General Counsel

Comptroller of Public Accounts

Filed: April 3, 2009

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.005, and 303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 04/13/09 - 04/19/09 is 18% for Consumer ¹/Agricultural/Commercial ²/credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 04/13/09 - 04/19/09 is 18% for Commercial over \$250,000.

The monthly ceiling as prescribed by §303.005³ for the period of 04/01/09 - 04/30/09 is 18% for Consumer/Agricultural/Commercial/credit through \$250,000.

The monthly ceiling as prescribed by §303.005 for the period of 04/01/09 - 04/30/09 is 18% for Commercial over \$250,000.

¹Credit for business, commercial, investment or other similar purpose

²Credit for business, commercial, investment or other similar purpose.

³For variable rate commercial transactions only.

TRD-200901363

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: April 7, 2009

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (the Code), §7.075. Section 7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. Section 7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 18, 2009**. Section 7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on May 18, 2009**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment

procedure at the listed phone numbers; however, §7.075 provides that comments on the AOs shall be submitted to the commission in **writing**.

(1) COMPANY: Air Liquide LI GP, LLC; DOCKET NUMBER: 2009-0425-WQ-E; IDENTIFIER: RN100670744; LOCATION: Ector County; TYPE OF FACILITY: industrial gas manufacturing; RULE VIOLATED: 30 Texas Administrative Code (TAC) §281.25(a)(4), by failing to obtain a multi-sector general permit; PENALTY: \$700; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 3300 North A Street, Building 4-107, Midland, Texas 79705-5406, (432) 570-1359.

(2) COMPANY: Mr. Bill Nichols dba Bills Double Six Mini Mart; DOCKET NUMBER: 2009-0379-PST-E; IDENTIFIER: RN102283181; LOCATION: Breckenridge, Stephens County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.8(c)(5)(A)(i), by failing to possess a valid TCEQ delivery certificate prior to receiving fuel; PENALTY: \$875; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(3) COMPANY: Bobby Johnson dba Blastmasters; DOCKET NUMBER: 2008-1054-AIR-E; IDENTIFIER: RN104916424; LOCATION: Kilgore, Gregg County; TYPE OF FACILITY: painting and sand blasting plant; RULE VIOLATED: 30 TAC §116.110(a), Agreed Order Number 2006-1971-AIR-E, Ordering Provision Number 2.c., and Texas Health and Safety Code (THSC), §382.0518(a) and §382.085(b), by failing to obtain air permit authorization; PENALTY: \$16,200; ENFORCEMENT COORDINATOR: Suzanne Walrath, (512) 239-2134; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(4) COMPANY: City of Bonham; DOCKET NUMBER: 2008-1512-MWD-E; IDENTIFIER: RN101919850; LOCATION: Fannin County; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §30.350(d) and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010070001, Other Requirements Number 1, by failing to employ an operator with the required license level to perform regulated activity at the facility; 30 TAC §305.125(1) and TPDES Permit Number WQ0010070001, Monitoring and Reporting Requirements Number 7.c., by failing to submit the noncompliance notification when any effluent violation deviates by more than 40% of the permitted limit; 30 TAC §319.11(b), by failing to utilize the proper sampling and laboratory testing methods; and 30 TAC §305.125(1) and TPDES Permit Number WQ0010070001, Effluent Limitations and Monitoring Requirements Numbers 1 and 6, by failing to comply with permit effluent limits; PENALTY: \$26,125; Supplemental Environmental Project (SEP) offset amount of \$26,125 applied to providing first time wastewater service to two low income homes currently utilizing failing or inadequately designed septic systems; ENFORCEMENT COORDINATOR: Jorge Ibarra, (817) 588-5800; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5700.

(5) COMPANY: Citgo Refining and Chemicals Company L.P.; DOCKET NUMBER: 2008-1793-AIR-E; IDENTIFIER: RN102555166; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: petroleum refining plant; RULE VIOLATED: 30 TAC §101.201(c) and §122.143(4), Federal Operating Permit (FOP) Number O-01423, Special Condition (SC) Number 2.F., and THSC, §382.085(b), by failing to submit a final emissions event report within two weeks after the end of the event; 30 TAC §§101.20(3), 111.111(a)(1)(B), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review (NSR) Permit Numbers 9604A/PSD-TX-653 and 3390A, SC Number 1, FOP Number O-01423, SC Numbers 1.A. and 31, and THSC, §382.085(b), by failing to prevent unauthorized

emissions and to limit opacity to 20%; 30 TAC §101.211(b)(1)(H) and (I) and §122.143(4), FOP Number O-01423, SC Number 2.G., and THSC, §382.085(b), by failing to list all compounds and total quantities associated with a startup activity; and 30 TAC §101.20(3) and §116.115(c), NSR Permit Number 9604A/PSD-TX-653, SC Number 1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$20,459; ENFORCEMENT COORDINATOR: Trina Grieco, (210) 490-3096; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(6) COMPANY: Conner Steel Products, Inc.; DOCKET NUMBER: 2008-1679-AIR-E; IDENTIFIER: RN102602307; LOCATION: San Angelo, Tom Green County; TYPE OF FACILITY: tank manufacturing plant; RULE VIOLATED: 30 TAC §122.143(4) and §122.146(1) and (2), FOP Number O-2820, Special Terms and Conditions (STC) Number 7, and THSC, §382.085(b), by failing to submit an annual compliance certification report; and 30 TAC §113.960 and §116.115(c), 40 Code of Federal Regulations (CFR) §63.3890(b)(1), NSR Permit Number 74024, SC Number 4, and THSC, §382.085(b), by failing to limit hazardous air pollutant emissions; PENALTY: \$32,600; SEP offset amount of \$13,040 applied to San Angelo Friends of the Environment; ENFORCEMENT COORDINATOR: James Nolan, (512) 239-6634; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(7) COMPANY: ConocoPhillips Company; DOCKET NUMBER: 2008-1890-AIR-E; IDENTIFIER: RN101619179; LOCATION: Old Ocean, Brazoria County; TYPE OF FACILITY: petroleum refinery; RULE VIOLATED: 30 TAC §116.115(c), Air Permit Number 5920A, SC Number 1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$10,000; ENFORCEMENT COORDINATOR: Roshondra Lowe, (713) 767-3500; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: Cooper Medical Buildings, Inc.; DOCKET NUMBER: 2009-0426-WQ-E; IDENTIFIER: RN105694814; LOCATION: Hereford, Deaf Smith County; TYPE OF FACILITY: medical center; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a construction general permit; PENALTY: \$700; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(9) COMPANY: DJL Ventures, Inc. and Bulverde-Spring Branch Emergency Medical Services; DOCKET NUMBER: 2009-0212-MLM-E; IDENTIFIER: RN105674766; LOCATION: Comal County; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §281.25(a)(4) and 40 CFR §122.26(c), by failing to obtain authorization to discharge storm water associated with construction activities; and 30 TAC §213.23(a)(1), by failing to obtain approval of an Edwards Aquifer contributing zone plan; PENALTY: \$1,900; ENFORCEMENT COORDINATOR: Tom Jecha, (512) 239-2576; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(10) COMPANY: Eberle Materials, Inc.; DOCKET NUMBER: 2009-0424-WR-E; IDENTIFIER: RN105682470; LOCATION: Hidalgo County; TYPE OF FACILITY: highway and street construction; RULE VIOLATED: the Code, §11.081 and §11.121, by impounding, diverting, or using state water without a required permit; PENALTY: \$350; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 1804 West Jefferson Avenue, Hidalgo, Texas 78550-5247, (956) 425-6010.

(11) COMPANY: E. I. du Pont de Nemours and Company; DOCKET NUMBER: 2008-1167-AIR-E; IDENTIFIER: RN100542711; LO-

CATION: Orange, Orange County; TYPE OF FACILITY: chemical plant; RULE VIOLATED: 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 9629, SC Number 12, FOP Number O-02331, General Terms and Conditions (GTC), STC Number 6, and THSC, §382.085(b), by failing to operate the cogeneration train at or below the nitrogen oxide (NO_x) concentration point of 96 parts per million; 30 TAC §§101.20(1), 116.115(c), 117.140(c)(1) and (e), 117.340(c)(1) and (f)(1), 117.8100(a)(1)(B)(i), and 122.143(4), FOP Number O-02331, GTC, STC Numbers 1A, 1D, 4B, 4F, and 6, NSR Permit Number 9629, SC Number 3, 40 CFR §§60.8, 60.13, 60.46b(c) and (f)(1), and 60.48b(b)(1), and THSC, §382.085(b), by failing to conduct a relative accuracy test (RAT) and a seven-day calibration drift (CD) test on a NO_x analyzer; 30 TAC §§101.20(1), 116.115(c), 117.140(e) and (d), 117.8100(a)(1)(B)(iii), 117.340(f)(1) and (e), 117.8120(1)(A), and 122.143(4), FOP Number O-02331, GTC, STC Numbers 1A, 1D, 4B, 4F, and 6, NSR Permit Number 9629, SC Number 3, 40 CFR §§60.8, 60.13, 60.46b(c) and (f)(1), and THSC, §382.085(b), by failing to conduct a RAT and a seven-day CD test on a carbon monoxide analyzer; 30 TAC §116.115(b)(2)(F) and §122.143(4), FOP Number O-02001, GTC, NSR Permit Number 9176, SC Number 1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; and 30 TAC §101.211(b) and §122.143(4), FOP Number O-02001, GTC, STC Number 2G, and THSC, §382.085(b), by failing to submit a final record for an emissions event; PENALTY: \$31,408; ENFORCEMENT COORDINATOR: Trina Grieco, (210) 490-3096; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(12) COMPANY: Gregory Power Partners, L.P.; DOCKET NUMBER: 2009-0060-AIR-E; IDENTIFIER: RN102547957; LOCATION: Gregory, San Patricio County; TYPE OF FACILITY: natural gas-fired electric generating, cogeneration plant; RULE VIOLATED: 30 TAC §116.110(a) and §116.315(a) and THSC, §382.0518(a) and §382.085(b), by failing to submit an application for renewal; PENALTY: \$15,250; ENFORCEMENT COORDINATOR: Kirk Schoppe, (512) 239-0489; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(13) COMPANY: City of Groesbeck; DOCKET NUMBER: 2009-0108-PWS-E; IDENTIFIER: RN101384741; LOCATION: Limestone County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.42(e)(4)(C), by failing to provide adequate ventilation; 30 TAC §290.42(f)(1)(C), by failing to provide day tanks and bulk storage tanks with a label that identifies the tanks contents and a device that indicates the amount of chemical remaining in the tank; 30 TAC §290.43(c)(2), by failing to provide a gasket that forms a positive seal on the hatch of the roof access opening; 30 TAC §290.43(e), by failing to provide an intruder-resistant fence; 30 TAC §290.43(c)(4), by failing to provide the water storage tank with a liquid level indicator; 30 TAC §290.46(s)(2)(B)(i) and (C)(ii), by failing to calibrate the benchtop turbidimeters with primary standards; and 30 TAC §290.44(h)(1)(A), by failing to install a backflow prevention assembly or an air gap at all residences and establishments; PENALTY: \$3,378; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3100; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(14) COMPANY: H.O.T. Transport, Limited; DOCKET NUMBER: 2007-0465-IHW-E; IDENTIFIER: RN102906534; LOCATION: Lufkin, Angelina County; TYPE OF FACILITY: chemical transporter; RULE VIOLATED: 30 TAC §335.4, by failing to prevent the unauthorized discharge of industrial solid waste; 30 TAC §335.62 and 40 CFR §262.11, by failing to conduct a hazardous waste determination; 30 TAC §335.6(c), by failing to notify the executive director of waste regulated activities; 30 TAC §335.11, by failing to properly dispose of industrial solid waste at an authorized facility; and 30

TAC §335.10(a)(1), by failing to manifest industrial solid waste; PENALTY: \$15,000; ENFORCEMENT COORDINATOR: Michael Meyer, (512) 239-4492; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(15) COMPANY: INEOS USA LLC; DOCKET NUMBER: 2008-1816-AIR-E; IDENTIFIER: RN100238708; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; RULE VIOLATED: 30 TAC §117.340(a) and §122.143(4), FOP Number O-02327, STC Number 1A, and THSC, §382.085(b), by failing to install totalizing fuel flow meters with an accuracy of ±5% on all applicable combustion engines; 30 TAC §§101.20(3), 116.715(a), and 122.143(4), NSR Permit Number 95/PSD-TX-854, SC Number 37A, FOP Number O-02327, STC Number 18, and THSC, §382.085(b), by failing to conduct fugitive monitoring on 11,782 flanges and connectors in volatile organic compound service; and 30 TAC §§101.20(3), 116.715(a), and 122.143(4), NSR Permit Number 95/PSD-TX-854, SC Number 1, FOP Number O-02327, STC Number 18, and THSC, §382.085(b), by failing to maintain the emissions limit within the maximum allowable emission rate table; PENALTY: \$180,951; SEP offset amount of \$72,380 applied to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program; ENFORCEMENT COORDINATOR: James Nolan, (512) 239-6634; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(16) COMPANY: Joseph Realty Group, LLC; DOCKET NUMBER: 2009-0049-EAQ-E; IDENTIFIER: RN105641864; LOCATION: Round Rock, Williamson County; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §213.4(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Pamela Campbell, (512) 239-4493; REGIONAL OFFICE: 2800 South IH 35, Suite 100, Austin, Texas 78704-5700, (512) 339-2929.

(17) COMPANY: Lake Whitney Resorts, LLC; DOCKET NUMBER: 2008-1942-MLM-E; IDENTIFIER: RN105215651; LOCATION: Whitney, Hill County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.46(e)(3)(A) and THSC, §341.033(a), by failing to operate the facility under the direct supervision of a water works operator who holds a minimum of a Class "D" license; 30 TAC §290.45(f)(1), (4), and (5), by failing to provide a purchase water contract in order to properly evaluate the facility's production, storage, service pump, or pressure maintenance capacity; 30 TAC §290.46(n)(2), by failing to provide an up-to-date map of the distribution system; 30 TAC §290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations throughout the distribution system; 30 TAC §290.46(f)(2) and (3)(A)(iv), by failing to provide facility records to commission personnel at the time of the investigation; 30 TAC §290.46(h), by failing to maintain a supply of calcium hypochlorite disinfectant on hand for use when making repairs, setting meters, and disinfecting new mains; 30 TAC §290.121(a) and (b)(1), by failing to make available for commission review a complete up-to-date chemical and microbiological monitoring plan; 30 TAC §290.42(1), by failing to compile and maintain a plant operations manual for operator review and reference; and 30 TAC §288.20(a) and §288.30(5)(B), by failing to submit a drought contingency plan; PENALTY: \$5,094; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3100; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(18) COMPANY: Maximus Coffee Group, LP; DOCKET NUMBER: 2008-1619-AIR-E; IDENTIFIER: RN100214931; LOCATION: Houston, Harris County; TYPE OF FACILITY: coffee processing plant; RULE VIOLATED: 30 TAC §122.143(4) and §122.145(2)(C), Air Operating Permit Number O-01018, GTC, and THSC, §382.085(b),

by failing to timely submit the deviation report; PENALTY: \$3,500; ENFORCEMENT COORDINATOR: Ross Fife, (512) 239-2541; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(19) COMPANY: M. J. Boyle General Contractor, Inc.; DOCKET NUMBER: 2009-0382-WQ-E; IDENTIFIER: RN105681712; LOCATION: Comal County; TYPE OF FACILITY: individual and family social services; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a construction general permit; PENALTY: \$700; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(20) COMPANY: O'DONNELL OIL & BUTANE COMPANY, INC. dba Borden County Key Pumps; DOCKET NUMBER: 2009-0187-PST-E; IDENTIFIER: RN101879286; LOCATION: near O'Donnell, Borden County; TYPE OF FACILITY: aboveground storage tank (AST) with key-operated fuel pumps for retail sales of gasoline and diesel; RULE VIOLATED: 30 TAC §334.126(a)(1), by failing to file a written notification with the TCEQ at least 30 days prior to installing an AST; and 30 TAC §334.127(c) and the Code, §26.346, by failing to submit an AST registration; PENALTY: \$1,855; ENFORCEMENT COORDINATOR: Steven Lopez, (512) 239-1896; REGIONAL OFFICE: 3300 North A Street, Building 4-107, Midland, Texas 79705-5406, (432) 570-1359.

(21) COMPANY: OHM SAI, INC. dba Docs One Stop; DOCKET NUMBER: 2009-0248-PST-E; IDENTIFIER: RN101491660; LOCATION: Jarrell, Williamson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §115.222(3) and THSC, §382.085(b), by failing to ensure that no gasoline leaks exist anywhere in the liquid transfer or vapor balance system; 30 TAC §115.222(6) and THSC, §382.085(b), by failing to ensure that each underground storage tank (UST) vent line is equipped with a pressure-vacuum relief valve; 30 TAC §334.7(d)(3), by failing to notify the agency of any change or additional information regarding the USTs; 30 TAC §334.50(b)(2) and the Code, §26.3475(a), by failing to provide proper release detection for the pressurized piping associated with the USTs; 30 TAC §334.50(b)(2)(A)(i)(III) and the Code, §26.3475(a), by failing to test the line leak detectors at least once per year for performance and operational reliability; and 30 TAC §334.10(b) and §334.49(e), by failing to maintain UST records and make them immediately available upon request; PENALTY: \$5,728; ENFORCEMENT COORDINATOR: Wallace Myers, (512) 239-6580; REGIONAL OFFICE: 2800 South IH 35, Suite 100, Austin, Texas 78704-5700, (512) 339-2929.

(22) COMPANY: RACETRAC PETROLEUM, INC. dba Race-trac 574; DOCKET NUMBER: 2009-0177-PST-E; IDENTIFIER: RN102221009; LOCATION: Houston, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify proper operation of the Stage II equipment; and 30 TAC §290.51(a)(3) and the Code, §5.702, by failing to pay outstanding water system fees and associated late fees; PENALTY: \$4,846; ENFORCEMENT COORDINATOR: Tom Greimel, (512) 239-5690; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(23) COMPANY: Eusebio Rodriguez, Jr. dba Rodriguez Best Pic & Meats; DOCKET NUMBER: 2008-1872-PST-E; IDENTIFIER: RN102249299; LOCATION: Weslaco, Hidalgo County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.8(c)(4)(C), by failing to obtain a delivery certificate by submitting a properly completed UST registration and self-certification form; 30 TAC §334.8(c)(5)(A)(i) and the Code,

§26.3467(a), by failing to make available to a common carrier a valid, current delivery certificate; 30 TAC §334.8(c)(5)(C), by failing to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube; 30 TAC §334.48(c), by failing to conduct effective manual or automatic inventory control procedures for the UST system; 30 TAC §334.50(b)(1)(A) and the Code, §26.3475(c)(1), by failing to monitor the UST for releases; and 30 TAC §334.51(a)(6) and the Code, §26.3475(c)(2), by failing to ensure that all spill and overfill prevention devices are maintained in good operating condition; PENALTY: \$13,750; ENFORCEMENT COORDINATOR: Brianna Carlson, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(24) COMPANY: Sanderson Farms, Inc. (Production Division); DOCKET NUMBER: 2009-0190-PWS-E; IDENTIFIER: RN105161178; LOCATION: Waco, McLennan County; TYPE OF FACILITY: poultry processing plant with public water supply; RULE VIOLATED: 30 TAC §290.45(d)(2)(B)(v) and THSC, §341.0315(c), by failing to provide a minimum pressure tank capacity of 220 gallons; PENALTY: \$525; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 490-3096; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(25) COMPANY: Seminole Pipeline Company; DOCKET NUMBER: 2009-0115-AIR-E; IDENTIFIER: RN104473343; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: pipeline; RULE VIOLATED: THSC, §382.085(a), by failing to prevent unauthorized emissions; PENALTY: \$5,000; ENFORCEMENT COORDINATOR: Nadia Hameed, (713) 767-3500; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(26) COMPANY: Shanco Group, LLC dba Midtown Grocery; DOCKET NUMBER: 2009-0423-PST-E; IDENTIFIER: RN101663367; LOCATION: Brazos County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.8(c)(5)(A)(i), by failing to possess a valid TCEQ delivery certificate prior to receiving fuel; PENALTY: \$875; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(27) COMPANY: Shell Oil Company; DOCKET NUMBER: 2008-1621-AIR-E; IDENTIFIER: RN100211879; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: petroleum refinery; RULE VIOLATED: 30 TAC §122.143(4) and §122.146(2), FOP Number O-01669, GTC, and THSC, §382.085(b), by failing to submit the annual permit compliance certification; and 30 TAC §101.20(3) and §116.715(a) and (c)(7), Flexible Permit Number 21262/PSD-TX-928, SC Number 1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$21,275; SEP offset amount of \$10,637 applied to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program; ENFORCEMENT COORDINATOR: Bryan Elliott, (512) 239-6162; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(28) COMPANY: City of Shepherd; DOCKET NUMBER: 2009-0017-MWD-E; IDENTIFIER: RN101916666; LOCATION: San Jacinto County; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number WQ0011380001, Interim Effluent Limitations and Monitoring Requirements Number 1, and the Code, §26.121(a), by failing to comply with the permitted effluent limitations for ammonia nitrogen; and 30 TAC §305.125(17) and TPDES Permit Number WQ0011380001, Sludge Provisions, by failing to submit the annual sludge report; PENALTY: \$6,910; SEP offset amount of \$5,528 applied to Texas

Association of Resource Conservation and Development Areas, Inc. - Water or Wastewater Treatment Assistance; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 425-6010; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(29) COMPANY: John D. Sims; DOCKET NUMBER: 2009-0376-OSI-E; IDENTIFIER: RN103685483; LOCATION: Lufkin, Angelina County; TYPE OF FACILITY: onsite sewage; RULE VIOLATED: 30 TAC §283.61(4), by failing, as an installer, to ensure that an authorization to construct has been issued prior to beginning construction of an onsite sewage facility; PENALTY: \$175; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(30) COMPANY: The Dow Chemical Company; DOCKET NUMBER: 2008-1723-AIR-E; IDENTIFIER: RN100225945; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; RULE VIOLATED: 30 TAC §§101.20(1), 101.221(a), and 116.115(c), Air Permit Numbers 834 and 20909, SC Number 1, 40 CFR §60.18(c), and THSC, §382.085(b), by failing to prevent unauthorized emissions and to operate a flare with a flame or pilot flame present; and 30 TAC §116.715(a), Air Permit Number 20432, SC Chapter III-1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$63,000; SEP offset amount of \$31,500 applied to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program; ENFORCEMENT COORDINATOR: Nadia Hameed, (713) 767-3500; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(31) COMPANY: The Premcor Refining Group, Inc.; DOCKET NUMBER: 2008-1043-AIR-E; IDENTIFIER: RN102584026; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: petroleum refinery; RULE VIOLATED: 30 TAC §116.715(a) and (c)(7), Permit Number 6825A/PSD-TX-49, SC Number 5A, and THSC, §382.085(b), by failing to prevent the release of unauthorized contaminants into the atmosphere; PENALTY: \$17,100; SEP offset amount of \$6,840 applied to South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program; ENFORCEMENT COORDINATOR: Craig Fleming, (512) 239-5806; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(32) COMPANY: Timberlake Trails LLC; DOCKET NUMBER: 2009-0381-WQ-E; IDENTIFIER: RN105345714; LOCATION: Denton County; TYPE OF FACILITY: land subdividers and developers; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a construction general permit; PENALTY: \$700; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(33) COMPANY: VIMEX ENTERPRISES, INC. dba Audrey Shell; DOCKET NUMBER: 2008-1939-PST-E; IDENTIFIER: RN104431473; LOCATION: Houston, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify proper operation of the Stage II equipment; 30 TAC §334.50(b)(2) and the Code, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the UST system; and 30 TAC §334.50(b)(2)(A)(i)(III) and the Code, §26.3475(a), by failing to test the line leak detectors at least once per year for performance and operational reliability; PENALTY: \$9,692; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-200901368

Kathleen C. Decker
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: April 7, 2009



Enforcement Orders

An agreed order was entered regarding M & K Pantry, L.C. dba Lumberton Chevron and dba M & K Pantry 4, Docket No. 2004-0675-PST-E on March 27, 2009, assessing \$21,825 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ann Cox, Staff Attorney, at (512) 239-0600, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default and shutdown order was entered regarding Dahisar Business, Inc. dba Honey Stop 2, Docket No. 2006-0603-PST-E on March 27, 2009, assessing \$37,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jacquelyn Boutwell, Staff Attorney, at (512) 239-5846, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Myung & Choon Kim, Inc. dba Town & Country Cleaners and dba Viking Cleaners, Docket No. 2006-1265-DCL-E on March 27, 2009, assessing \$2,370 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Gary Shiu, Staff Attorney, at (713) 422-8916, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Afzal Shekhani dba Bender Texaco, Docket No. 2006-1565-PST-E on March 27, 2009, assessing \$11,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Dinniah Chahin, Staff Attorney, at (512) 239-0600, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding West Texas Gas, Inc. dba WTG San Angelo Warehouse 210100, Docket No. 2007-0311-PST-E on March 27, 2009, assessing \$30,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Barham Richard, Staff Attorney, at (512) 239-0600, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Diamond Shamrock Refining Company, L.P., Docket No. 2007-0314-AIR-E on March 27, 2009, assessing \$30,750 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Anna Cox, Staff Attorney, at (512) 239-0600, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding IZR Corporation dba Garland Fina, Docket No. 2007-0409-PST-E on March 27, 2009, assessing \$11,102 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Becky Combs, Staff Attorney, at (512) 239-6939, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding W W Cattle Feeds, Inc., Docket No. 2007-0775-WQ-E on March 27, 2009, assessing \$3,640 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Becky Combs, Staff Attorney, at (512) 239-6939, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding I.M.C. Waste Disposal, Inc., Docket No. 2007-1176-MSW-E on March 27, 2009, assessing \$1,050 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Gary Shiu, Staff Attorney, at (713) 422-8916, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Frank Lamas dba Lamas Surplus, Docket No. 2007-1212-WQ-E on March 27, 2009, assessing \$4,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Rudy Calderon, Staff Attorney, at (512) 239-0600, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Mannesmann DMV Stainless USA, Inc., Docket No. 2007-1260-AIR-E on March 27, 2009, assessing \$4,020 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Becky Combs, Staff Attorney, at (512) 239-6939, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Emilio Garza, Docket No. 2007-1281-LII-E on March 27, 2009, assessing \$262 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Rudy Calderon, Staff Attorney, at (512) 239-0600, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Richard Brannan, Docket No. 2007-1552-PST-E on March 27, 2009, assessing \$2,600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Gary Shiu, Staff Attorney, at (713) 422-8916, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Cowcatchers, L.L.C., Docket No. 2007-1578-PWS-E on March 27, 2009, assessing \$3,757 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Rudy Calderon, Staff Attorney, at (512) 239-0600, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Roscoe, Docket No. 2007-1815-MWD-E on March 27, 2009, assessing \$6,300 in administrative penalties with \$1,260 deferred.

Information concerning any aspect of this order may be obtained by contacting Pam Campbell, Enforcement Coordinator, at (512) 239-4493, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Rex D. Melton, Docket No. 2007-1886-LII-E on March 27, 2009, assessing \$1,675 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Dinniah Chahin, Staff Attorney, at (512) 239-0600, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Shumard Corporation dba Associated Fiberglass Enterprises, Docket No. 2007-1946-AIR-E on March 27, 2009, assessing \$32,500 in administrative penalties with \$6,500 deferred.

Information concerning any aspect of this order may be obtained by contacting Jorge Ibarra, Enforcement Coordinator, at (817) 588-5890, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Patrick H. Hetherly, Docket No. 2008-0357-PST-E on March 27, 2009, assessing \$8,925 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Anna Cox, Staff Attorney, at (512) 239-0600, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Texas Petrochemicals LP, Docket No. 2008-0391-AIR-E on March 27, 2009, assessing \$62,369 in administrative penalties with \$12,472 deferred.

Information concerning any aspect of this order may be obtained by contacting John Muennink, Enforcement Coordinator, at (361) 825-3423, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Geosource, Inc. dba Geosource aka Wagner Materials, Docket No. 2008-0501-MLM-E on March 27, 2009, assessing \$3,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Dinniah Chahin, Staff Attorney, at (512) 239-0600, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Casey Croy, Docket No. 2008-0563-MSW-E on March 27, 2009, assessing \$3,960 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Tracy Chandler, Staff Attorney, at (512) 239-0600, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Westphalia Water & Sewer Supply Corporation, Docket No. 2008-0598-MWD-E on March 27, 2009, assessing \$7,245 in administrative penalties with \$1,449 deferred.

Information concerning any aspect of this order may be obtained by contacting Trina Grieco, Enforcement Coordinator, at (210) 403-4006, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Nile J. Patterson, Jr., Docket No. 2008-0953-PST-E on March 27, 2009, assessing \$5,500 in administrative penalties with \$1,900 deferred.

Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator, at (512) 239-0577, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Total Petrochemicals USA, Inc., Docket No. 2008-0989-AIR-E on March 27, 2009, assessing \$51,150 in administrative penalties with \$10,230 deferred.

Information concerning any aspect of this order may be obtained by contacting Miriam Hall, Enforcement Coordinator, at (512) 239-1044, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Crowell, Docket No. 2008-0991-MWD-E on March 27, 2009, assessing \$12,600 in administrative penalties with \$2,520 deferred.

Information concerning any aspect of this order may be obtained by contacting Steve Villatoro, Enforcement Coordinator, at (512) 239-4930, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Hempstead, Docket No. 2008-0999-MWD-E on March 27, 2009, assessing \$3,900 in administrative penalties with \$780 deferred.

Information concerning any aspect of this order may be obtained by contacting Heather Brister, Enforcement Coordinator, at (254) 761-3034, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Jeff Davidson dba C & W One Stop 12, Docket No. 2008-1125-PST-E on March 27, 2009, assessing \$9,880 in administrative penalties with \$1,976 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Greimel, Enforcement Coordinator, at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding AK/HA Manufacturing, LLC, Docket No. 2008-1153-AIR-E on March 27, 2009, assessing \$10,050 in administrative penalties with \$2,010 deferred.

Information concerning any aspect of this order may be obtained by contacting Raymond Marlow, Enforcement Coordinator, at (409) 899-8785, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Hyon Walk dba Chantz Cleaners, Docket No. 2008-1195-DCL-E on March 27, 2009, assessing \$1,535 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator, at (512) 239-2602, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding SHANE TRANSPORTATION, INC, Docket No. 2008-1328-PST-E on March 27, 2009, assessing \$4,100 in administrative penalties with \$820 deferred.

Information concerning any aspect of this order may be obtained by contacting Wallace Myers, Enforcement Coordinator, at (512) 239-6580, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Timber Lane Utility District, Docket No. 2008-1353-MWD-E on March 27, 2009, assessing \$10,250 in administrative penalties with \$2,050 deferred.

Information concerning any aspect of this order may be obtained by contacting Heather Brister, Enforcement Coordinator, at (254) 761-3034, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Bobby Enterprises, Inc., dba One Stop Shopping Mart, Docket No. 2008-1354-PST-E on March 27, 2009, assessing \$1,650 in administrative penalties with \$330 deferred.

Information concerning any aspect of this order may be obtained by contacting Wallace Myers, Enforcement Coordinator, at (512) 239-6580, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Moran, Docket No. 2008-1359-PWS-E on March 27, 2009, assessing \$110 in administrative penalties with \$22 deferred.

Information concerning any aspect of this order may be obtained by contacting Amanda Henry, Enforcement Coordinator, at (713) 767-3672, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding MEMC Pasadena, Inc., Docket No. 2008-1378-AIR-E on March 27, 2009, assessing \$9,639 in administrative penalties with \$1,927 deferred.

Information concerning any aspect of this order may be obtained by contacting Rebecca Johnson, Enforcement Coordinator, at (361) 825-3420, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding National Stations Inc., Docket No. 2008-1428-PST-E on March 27, 2009, assessing \$6,756 in administrative penalties with \$1,351 deferred.

Information concerning any aspect of this order may be obtained by contacting Wallace Myers, Enforcement Coordinator, at (512) 239-6580, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding PNS SHELL INC, Docket No. 2008-1429-PST-E on March 27, 2009, assessing \$2,971 in administrative penalties with \$594 deferred.

Information concerning any aspect of this order may be obtained by contacting Wallace Myers, Enforcement Coordinator, at (512) 239-6580, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Sidney Independent School District, Docket No. 2008-1430-PWS-E on March 27, 2009, assessing \$892 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Stephen Thompson, Enforcement Coordinator, at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Valero Refining-Texas, L.P., Docket No. 2008-1437-AIR-E on March 27, 2009, assessing \$10,000 in administrative penalties with \$2,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Nadia Hameed, Enforcement Coordinator, at (713) 767-3629, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Shell Chemical LP, Docket No. 2008-1456-AIR-E on March 27, 2009 assessing, \$9,300 in administrative penalties with \$1,860 is deferred.

Information concerning any aspect of this order may be obtained by contacting Nadia Hameed, Enforcement Coordinator, at (713) 767-3629, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Victron Stores, L.P. dba Tiger Mart 2, Docket No. 2008-1460-PST-E on March 27, 2009, assessing \$10,606 in administrative penalties with \$2,121 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Greimel, Enforcement Coordinator, at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Exxon Mobil Corporation, Docket No. 2008-1477-AIR-E on March 27, 2009, assessing \$30,400 in administrative penalties with \$6,080 deferred.

Information concerning any aspect of this order may be obtained by contacting John Muennink, Enforcement Coordinator, at (361) 825-3423, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Minsa Corporation, Docket No. 2008-1497-MLM-E on March 27, 2009, assessing \$4,545 in administrative penalties with \$909 deferred.

Information concerning any aspect of this order may be obtained by contacting Rebecca Clausewitz, Enforcement Coordinator, at (210) 403-4012, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Wayne Dobbins dba 3d Vacuum Service, Docket No. 2008-1534-SLG-E on March 27, 2009, assessing \$3,080 in administrative penalties with \$616 deferred.

Information concerning any aspect of this order may be obtained by contacting Evette Alvarado, Enforcement Coordinator, at (512) 239-2573, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Fort Worth Excavating, Inc., Docket No. 2008-1540-AIR-E on March 27, 2009, assessing \$5,450 in administrative penalties with \$1,090 deferred.

Information concerning any aspect of this order may be obtained by contacting Carlie Konkol, Enforcement Coordinator, at (361) 825-3422, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Vopak Logistics Services USA Inc., Docket No. 2008-1545-AIR-E on March 27, 2009, assessing \$5,825 in administrative penalties with \$1,165 deferred.

Information concerning any aspect of this order may be obtained by contacting Nadia Hameed, Enforcement Coordinator, at (713) 767-3629, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Pasadena Refining System, Inc., Docket No. 2008-1554-AIR-E on March 27, 2009, assessing \$4,975 in administrative penalties with \$995 deferred.

Information concerning any aspect of this order may be obtained by contacting Samuel Short, Enforcement Coordinator, at (512) 239-5363, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Texas Petrochemicals LP, Docket No. 2008-1568-AIR-E on March 27, 2009, assessing \$8,000 in administrative penalties with \$1,600 deferred.

Information concerning any aspect of this order may be obtained by contacting Suzanne Walrath, Enforcement Coordinator, at (512) 239-2134, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Macedonia Eylau Municipal Utility District 1, Docket No. 2008-1574-PWS-E on March 27, 2009, assessing \$3,239 in administrative penalties with \$647 deferred.

Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator, at (210) 403-4077, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Del Rio, Docket No. 2008-1575-MLM-E on March 27, 2009, assessing \$755 in administrative penalties with \$151 deferred.

Information concerning any aspect of this order may be obtained by contacting Christopher Keffer, Enforcement Coordinator, at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding MISAQ ENTERPRISES INC. dba Gibby's Food Store, Docket No. 2008-1591-PST-E on March 27, 2009, assessing \$4,296 in administrative penalties with \$859 deferred.

Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator, at (512) 239-0577, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding David Lloyd dba Prairieview Dairy, Docket No. 2008-1597-AGR-E on March 27, 2009, assessing \$6,420 in administrative penalties with \$1,284 deferred.

Information concerning any aspect of this order may be obtained by contacting Lauren Smitherman, Enforcement Coordinator, at (512) 239-5223, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding University of Texas at El Paso, Docket No. 2008-1604-AIR-E on March 27, 2009, assessing \$770 in administrative penalties with \$154 deferred.

Information concerning any aspect of this order may be obtained by contacting Roshondra Lowe, Enforcement Coordinator, at (713) 767-3553, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Gilbert & Geraldine Malooy Children's Trust dba Shell Super Stop 10, Docket No. 2008-1611-AIR-E on March 27, 2009, assessing \$1,250 in administrative penalties with \$250 deferred.

Information concerning any aspect of this order may be obtained by contacting Kirk Schoppe, Enforcement Coordinator, at (512) 239-0489, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding RIYAAN & NOORAIN ENTERPRISES, INC., Docket No. 2008-1612-PST-E on March 27, 2009, assessing \$7,500 in administrative penalties with \$1,500 deferred.

Information concerning any aspect of this order may be obtained by contacting Michael Pace, Enforcement Coordinator, at (817) 588-5933, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Fin & Feather Lodge LLC, Docket No. 2008-1618-MWD-E on March 27, 2009, assessing \$3,200 in administrative penalties with \$640 deferred.

Information concerning any aspect of this order may be obtained by contacting Harvey Wilson, Enforcement Coordinator, at (512) 239-0321, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding United Fuel & Energy Corporation, Docket No. 2008-1623-PST-E on March 27, 2009, assessing \$4,300 in administrative penalties with \$860 deferred.

Information concerning any aspect of this order may be obtained by contacting Wallace Myers, Enforcement Coordinator, at (512) 239-6580, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Clean Harbors Environmental Services, Inc., Docket No. 2008-1624-AIR-E on March 27, 2009, assessing \$5,950 in administrative penalties with \$1,190 deferred.

Information concerning any aspect of this order may be obtained by contacting Jeremy Escobar, Enforcement Coordinator, at (512) 239-1460, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Scott Halbert dba CITGO Convenience Store, Docket No. 2008-1649-PST-E on March 27, 2009, assessing \$3,379 in administrative penalties with \$675 deferred.

Information concerning any aspect of this order may be obtained by contacting Brianna Carlson, Enforcement Coordinator, at (956) 430-6021, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding ARISTOS, INC. dba Smart Stop, Docket No. 2008-1655-PST-E on March 27, 2009, assessing \$2,500 in administrative penalties with \$500 deferred.

Information concerning any aspect of this order may be obtained by contacting Wallace Myers, Enforcement Coordinator, at (512) 239-6580, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding RG Holdings Inc. dba Allen Shell, Docket No. 2008-1664-PST-E on March 27, 2009, assessing \$5,875 in administrative penalties with \$1,175 deferred.

Information concerning any aspect of this order may be obtained by contacting Michael Pace, Enforcement Coordinator, at (817) 588-5933, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Coke County Water Supply Corporation, Docket No. 2008-1669-PWS-E on March 27, 2009, assessing \$2,160 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Christopher Keffer, Enforcement Coordinator, at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding H. E. Butt Grocery Company, Docket No. 2008-1680-EAQ-E on March 27, 2009, assessing \$2,000 in administrative penalties with \$400 deferred.

Information concerning any aspect of this order may be obtained by contacting Samuel Short, Enforcement Coordinator, at (512) 239-5363, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Guillermo Garcia Jr., Docket No. 2008-1697-WOC-E on March 27, 2009, assessing \$680 in administrative penalties with \$136 deferred.

Information concerning any aspect of this order may be obtained by contacting Christopher Keffer, Enforcement Coordinator, at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding J. T. HEATH HOME & AUTO SUPPLY COMPANY dba H & H Grocery 1, Docket No. 2008-1781-PST-E on March 27, 2009, assessing \$2,412 in administrative penalties with \$482 deferred.

Information concerning any aspect of this order may be obtained by contacting Elvia Maske, Enforcement Coordinator, at (512) 239-0789, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Burdick Homes, Ltd., Docket No. 2008-1792-WQ-E on March 27, 2009, assessing \$3,000 in administrative penalties with \$600 deferred.

Information concerning any aspect of this order may be obtained by contacting Evette Alvarado, Enforcement Coordinator, at (512) 239-2573, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Tom Van Nguyen dba Lisa Food Mart, Docket No. 2008-1865-PST-E on March 27, 2009, assessing \$4,446 in administrative penalties with \$889 deferred.

Information concerning any aspect of this order may be obtained by contacting Michael Pace, Enforcement Coordinator, at (817) 588-5933, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Mine Service, Ltd., Docket No. 2008-1894-AIR-E on March 27, 2009, assessing \$1,800 in administrative penalties with \$360 deferred.

Information concerning any aspect of this order may be obtained by contacting Bryan Elliott, Enforcement Coordinator, at (512) 239-6162, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A citation was entered regarding Edward T. Jacobs dba Spruce Hill Road Duplexes Construction, Docket No. 2008-1509-WQ-E on March 27, 2009, assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator, at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A citation was entered regarding Curtis J. Shupak, Docket No. 2008-1513-WOC-E on March 27, 2009, assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator, at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A citation was entered regarding SIERRA VISTA CONSTRUCTION, INC., Docket No. 2008-1516-WQ-E on March 27, 2009, assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator, at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A citation was entered regarding City of Henderson, Docket No. 2008-1524-WQ-E on March 27, 2009, assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator, at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A citation was entered regarding Terry County, Docket No. 2008-1531-PST-E on March 27, 2009, assessing \$875 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator, at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A citation was entered regarding Billy A. Stafford, Docket No. 2008-1576-WOC-E on March 27, 2009, assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator, at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A citation was entered regarding RIMROCK DEVELOPMENT, L.L.C., Docket No. 2008-1580-WQ-E on March 27, 2009, assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator, at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An order was entered regarding Advantage Asphalt Products, Ltd., Docket No. 2006-1434-AIR-E on March 27, 2009, assessing \$13,800 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Alfred Oloko, Staff Attorney, at (713) 422-8918, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An order was entered regarding Hunter Webb, Docket No. 2007-0539-PST-E on March 30, 2009, assessing \$5,250 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Xavier Guerra, Staff Attorney, at (210) 403-4016, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Liberty Waste Systems, Inc., Docket No. 2007-0795-MLM-E on March 18, 2009, assessing \$2,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Barham Richard, Staff Attorney, at (512) 239-0107, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Dewayne Dyer, Docket No. 2007-1295-PST-E on April 3, 2009, assessing \$6,300 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Anna Cox, Staff Attorney, at (512) 239-0974, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An order was entered regarding Wayne Orsak dba East Texas Tree Service, Docket No. 2007-1587-MSW-E on March 27, 2009, assessing \$1,434 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Barham Richard, Staff Attorney, at (512) 239-0107, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-200901376



Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. Section 7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. Section 7.075 requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 18, 2009**. Section 7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on May 18, 2009**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, §7.075 provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: B.K. Trading, Inc.; DOCKET NUMBER: 2008-0416-PST-E; TCEQ ID NUMBER: RN101875177; LOCATION: Highway 271, Talco, Titus County; TYPE OF FACILITY: three inactive underground storage tanks (USTs); RULES VIOLATED: 30 TAC §334.7(d)(3), by failing to notify the agency of any change or additional information regarding the USTs within 30 days of the occurrence of the change or addition; and 30 TAC §334.47(a)(2), by failing to permanently remove from service no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements; PENALTY: \$3,675; STAFF ATTORNEY: Tracy Chandler, Litigation Division, MC 175, (512) 239-0629; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(2) COMPANY: Bhayani Investment, Inc. dba Mickey's Pit Stop; DOCKET NUMBER: 2007-1513-PST-E; TCEQ ID NUMBER: RN101674778; LOCATION: 18567 South Interstate 35, Bruceville, McLennan County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b), by failing to have the required UST records maintained and readily accessible for inspection upon request by agency personnel; 30 TAC §334.7(d)(3) and §334.8(c)(5)(B)(ii), by failing to provide an amended registration for any change or additional information regarding the

USTs within 30 days from the date of the occurrence of the change or addition; 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3475(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs; and 30 TAC §334.8(c)(5)(C), by failing to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a non-removable point in the immediate area of the fill tube according to the UST registration and self-certification form; PENALTY: \$3,500; STAFF ATTORNEY: Rebecca Combs, Litigation Division, MC 175, (512) 239-6939; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(3) COMPANY: City of Edgewood; DOCKET NUMBER: 2007-1089-PWS-E; TCEQ ID NUMBER: RN101404887; LOCATION: 1/4 mile north on County Road (CR) 3504 from the intersection of CR 2507 and CR 3504, Edgewood, Van Zandt County; TYPE OF FACILITY: public water supply system; RULES VIOLATED: 30 TAC §290.110(e)(2) and §290.111(e)(2), by failing to submit Surface Water Monthly Operating Reports by the tenth day of the month following the end of the reporting period; 30 TAC §290.111(b)(1)(A) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to maintain the turbidity level of the combined filter effluent so as not to exceed 1.0 Nephelometric Turbidity Unit (NTU) and not to exceed 0.3 NTU in at least 95% of the samples tested each month; 30 TAC §290.110(c)(1)(A), by failing to monitor the disinfectant residual of the water in each disinfection zone at least once each day; 30 TAC §290.111(c)(2)(A), by failing to continuously monitor and record the turbidity level of the combined filter effluent at least once every four hours; 30 TAC §290.111(c)(4)(A), by failing to continuously monitor and record the filtered water turbidity level at the effluent of each individual filter at least once every 15 minutes; 30 TAC §290.46(m)(1)(A) and §290.43(c)(6), THSC, §341.036, and TCEQ AO, Docket Number 2004-1540-PWS-E, Ordering Provision Number 3.a.ii, by failing to maintain the potable storage tanks so that they are thoroughly tight against leakage; 30 TAC §290.42(a)(2)(B), by failing to provide for disposition of all plant wastes in accordance with all applicable regulations and state statutes including both liquid and solid waste or by-product material from operation and/or maintenance; 30 TAC §290.46(j)(2) and THSC, §341.036, by failing to promptly eliminate unacceptable plumbing practices as they are discovered, to prevent possible contamination of the water supplied by the regulated entity; 30 TAC §290.46(m), by failing to maintain the general appearance of the system's facilities and equipment; 30 TAC §290.46(s)(2), by failing to perform mandatory calibrations of laboratory equipment used for treatment compliance monitoring; and 30 TAC §290.42(e)(4)(A), by failing to provide a full face self-contained breathing apparatus or air respirator that meets Occupational Safety and Health Association standards for construction and operation which must be located outside the chlorination room in an accessible location; PENALTY: \$16,321; STAFF ATTORNEY: Gary Shiu, Litigation Division, MC R-12, (713) 422-8916; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(4) COMPANY: City of Laredo; DOCKET NUMBER: 2007-1751-WQ-E; TCEQ ID NUMBER: RN103026043; LOCATION: intersection of West Bustamante Street and East San Francisco Avenue, Laredo, Webb County; TYPE OF FACILITY: wastewater collection system with a manhole; RULES VIOLATED: TWC, §26.121(a)(1) and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010681002, Permit Conditions Number 2.g, by failing to prevent the unauthorized discharge of wastewater into or adjacent to water in the state; and 30 TAC §305.125(9)(A) and TPDES Permit Number WQ0010681002, Monitoring and Reporting Requirements Number 7.b., by failing to submit noncompliance notification for the

unauthorized discharge that occurred on August 24, 2007, within 24 hours of becoming aware of the unauthorized discharge; PENALTY: \$12,933; STAFF ATTORNEY: Kari Gilbreth, Litigation Division, MC 175, (512) 239-1320; REGIONAL OFFICE: Laredo Regional Office, 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(5) COMPANY: Donald Castro dba Villarreal's Ice House; DOCKET NUMBER: 2008-0447-MSW-E; TCEQ ID NUMBER: RN102935491; LOCATION: 18508 Bandera Road, Helotes, Bexar County; TYPE OF FACILITY: property; RULES VIOLATED: 30 TAC §330.15(c), by failing to dispose of municipal solid waste at an authorized facility; PENALTY: \$1,050; STAFF ATTORNEY: Anna Cox, Litigation Division, MC 175, (512) 239-0974; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(6) COMPANY: Mohammad Sultan; DOCKET NUMBER: 2008-0475-PST-E; TCEQ ID NUMBER: RN102401809; LOCATION: 3190 North Main Street, Vidor, Orange County; TYPE OF FACILITY: former retail gasoline service station; RULES VIOLATED: 30 TAC §334.7(d)(3), by failing to provide an amended UST registration to the TCEQ for any change or additional information regarding USTs within 30 days of the occurrence of the change or addition; and 30 TAC §334.47(a)(2) and §334.54(b)(2), by failing to permanently remove from service, no later than 60 days after the prescribed implementation date, two USTs for which any applicable component of the system is not brought into timely compliance with the upgrade requirements and by failing to maintain all piping, pump, manways, tank access points, and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons; PENALTY: \$6,000; STAFF ATTORNEY: Stephanie J. Frazee, Litigation Division, MC 175, (512) 239-3693; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(7) COMPANY: Nisar Ahmad dba C-Store; DOCKET NUMBER: 2005-1557-PST-E; TCEQ ID NUMBER: RN101539716; LOCATION: 1510 West Euleuss Boulevard, Euleuss, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §115.246(7)(A) and THSC, §382.085(b), by failing to maintain all required Stage II records on-site and make immediately available for review upon request by a TCEQ representative; 30 TAC §115.242(3), (A), and (E) and THSC, §382.085(b), by failing to maintain all components of the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board (CARB) Executive Order(s), and free of defects that would impair the effectiveness of the system; 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify the proper operation of the Stage II equipment at least once every 12 months; 30 TAC §334.49(c)(2)(C) and (4) and TWC, §26.3475(d), by failing to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components were operating properly; 30 TAC §334.50(a)(1)(A) and (b)(2)(A)(i)(III) and TWC, §26.3475(a) and (c)(1), by failing to provide a release detection method capable of detecting a release from any portion of the UST system which contained regulated substances including the tanks, piping, and other ancillary equipment; 30 TAC §334.47(a)(2), by failing to remove an existing UST system that had not been brought into timely compliance with the upgrade requirements; 30 TAC §334.7(a)(1), by failing to register with the TCEQ, on authorized commission forms, a UST in existence on or after September 1, 1987; 30 TAC §334.48(a), by failing to ensure that the UST system is operated, maintained, and managed in a manner that will prevent releases of regulated

substances from such systems; and 30 TAC §334.48(c), by failing to conduct effective manual or automatic inventory control procedures for the UST system; PENALTY: \$17,655; STAFF ATTORNEY: Kari Gilbreth, Litigation Division, MC 175, (512) 239-1320; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(8) COMPANY: Republic Waste Services of Texas, Ltd.; DOCKET NUMBER: 2007-0654-IHW-E; TCEQ ID NUMBER: RN100218031; LOCATION: 101 Republic Way, Avalon, Ellis County; TYPE OF FACILITY: Type I municipal solid waste disposal facility; RULES VIOLATED: 30 TAC §335.2(a), by failing to prevent the disposal of hazardous waste at an unauthorized facility; PENALTY: \$5,000; STAFF ATTORNEY: Gary Shiu, Litigation Division, MC 175, (713) 422-8916; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(9) COMPANY: Richard A. Scheriger; DOCKET NUMBER: 2008-0885-PST-E; TCEQ ID NUMBER: RN102449584; LOCATION: 1432 Fourth Street, Graham, Young County; TYPE OF FACILITY: four inactive USTs; RULES VIOLATED: 30 TAC §334.47(a)(2), by failing to permanently remove from service, no later than 60 days after the prescribed implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements; and 30 TAC §334.7(d)(3), by failing to notify the commission of any change or addition within 30 days from the date of the occurrence of the change or addition, or within 30 days from the date on which the owner or operator first became aware of the change or addition; PENALTY: \$3,675; STAFF ATTORNEY: Stephanie J. Frazee, Litigation Division, MC 175, (512) 239-3693; REGIONAL OFFICE: Abilene Regional Office, 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(10) COMPANY: Swenson Water Supply Corporation; DOCKET NUMBER: 2007-0302-PWS-E; TCEQ ID NUMBER: RN101278083; LOCATION: 400 CR 314, Swenson, Stonewall County; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.41(c)(3), by failing to submit a copy of the well completion data for wells numbers one and two to the commission's Water Utilities Section; 30 TAC §290.42(1), by failing to compile a plant operation manual and to keep it up-to-date for operator review and reference; 30 TAC §290.43(c)(8), by failing to maintain the exterior surface of the ground storage tank in accordance with American Water Works Association (AWWA) standards; 30 TAC §290.43(e), by failing to provide a properly constructed intruder-resistant fence around the pressure tank; 30 TAC §290.46(f)(3)(A) and (E), by failing to maintain for two years, records of weekly chemical use, amount of water treated each week, dates that ground storage tanks and other facilities were cleaned, and maintenance records of all water system equipment and facilities and for at least ten years; 30 TAC §290.46(g), by failing to document disinfection of new or repaired lines in accordance with AWWA standards; 30 TAC §290.46(h), by failing to have a supply of calcium hypochlorite on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service; 30 TAC §290.46(i), by failing to adopt a plumbing ordinance, regulation, or service agreement with provisions for proper enforcement; 30 TAC §290.46(j), by failing to issue a customer service inspection certificate prior to providing continuous water service on any existing service; 30 TAC §290.46(l), by failing to document the flushing of dead end mains at monthly intervals or as needed if water quality complaints are received; 30 TAC §290.46(m)(1)(A), by failing to conduct and record the results of annual inspections for the ground storage tank; 30 TAC §290.46(m)(1)(B), by failing to conduct and record the results of annual inspections for the pressure tank; 30 TAC §290.46(n)(2), by failing to maintain an accurate and up-to-date distribution map so that valves and mains can be easily located during emergencies; 30

TAC §290.110(c)(5)(A), by failing to document the results of weekly disinfectant residual monitoring; 30 TAC §290.110(e)(4) and (5), by failing to submit a quarterly distribution report to the TCEQ by the tenth day of the month following the reporting period; 30 TAC §290.118(b), by failing to provide water that meets the commission's secondary constituent levels for chloride, sulfate, and total dissolved solids; and 30 TAC §290.121(a), by failing to maintain an up-to-date chemical and microbiological monitoring plan; PENALTY: \$2,250; STAFF ATTORNEY: Benjamin Thompson, Litigation Division, MC 175, (512) 239-1297; REGIONAL OFFICE: Abilene Regional Office, 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(11) COMPANY: Thurman Calcote dba 9 Mile Station Cafe; DOCKET NUMBER: 2008-0852-PST-E; TCEQ ID NUMBER: RN101751311; LOCATION: 7888 Farm-to-Market Road 592, Wheeler, Wheeler County; TYPE OF FACILITY: former retail gasoline station; RULES VIOLATED: 30 TAC §334.47(a), by failing to permanently remove from service no later than 60 days after the prescribed update three USTs for which any applicable component of the system is not brought into timely compliance with the upgrade requirements; PENALTY: \$2,625; STAFF ATTORNEY: Stephanie J. Frazee, Litigation Division, MC 175, (512) 239-3693; REGIONAL OFFICE: Amarillo Regional Office, 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(12) COMPANY: Tuan Nguyen dba AM Food Mart; DOCKET NUMBER: 2008-1374-PST-E; TCEQ ID NUMBER: RN102653201; LOCATION: 7530 Harrisburg Boulevard, Houston, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify proper operation of the Stage II equipment at least once every 12 months; and 30 TAC §115.242(3) and THSC, §382.085(b), by failing to maintain the Stage II vapor recovery system in proper operating condition as specified by the manufacturer and/or any applicable CARB Executive Order, and free of defects that would impair the effectiveness of the system; PENALTY: \$3,937; STAFF ATTORNEY: Anna Cox, Litigation Division, MC 175, (512) 239-0974; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023, (713) 767-3500.

TRD-200901365
Kathleen C. Decker
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: April 7, 2009



Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The commission staff proposes a DO when the staff has sent an executive director's preliminary report and petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; and the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075 this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 18, 2009**. The commission will consider any writ-

ten comments received and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on May 18, 2009**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, §7.075 provides that comments on the DOs shall be submitted to the commission in **writing**.

(1) COMPANY: Deloris Petty dba Denton Estates Mobile Home Park; DOCKET NUMBER: 2008-1967-PWS-E; TCEQ ID NUMBER: RN101174894; LOCATION: north end of Cottonwood Lane, Denton County; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.274(a), (b), and (c), by failing to mail or directly deliver one copy of the Consumer Confidence Report (CCR) to each bill paying customer by July 1st of each year, by failing to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the facility, and that the information in the CCR is correct and consistent with the compliance monitoring data to the TCEQ by July 1st of each year; TWC, §5.702 and 30 TAC §290.51(a)(3), by failing to pay Public Health Service (PHS) fees for Fiscal Years 2003 - 2008, including all late fees and interest for TCEQ Account Number 90610016; 30 TAC §290.109(c)(2)(A)(ii) and §290.122(c)(2)(A) and Texas Health and Safety Code (THSC), §341.033(d), by failing to collect and submit monthly water samples for bacteriological analysis for the months of August - December 2004, and January - May 2005, and by failing to provide public notification for the failure to collect water samples for the months of August - December 2004, and January - May 2005; 30 TAC §290.46(q)(2), by failing to submit documentation showing that Petty followed the flow chart in 30 TAC §290.47(h), to determine if a boil water notification must be issued in the event of a loss of distribution system pressure prior to returning the facility to service after a water outage on September 23, 2006; 30 TAC §290.46(e), by failing to operate the facility by a licensed operator who holds a class "D" or higher license; 30 TAC §290.46(f), (3)(A)(i), (ii), (iv) - (vi), (B)(iii), (vi), (D)(i), (ii), and (E)(ii), by failing to keep on file and make available for commission review, the facility's operating records; 30 TAC §290.46(m)(1)(A), by failing to perform annual inspections of the facility's ground storage tank; 30 TAC §290.46(m)(1)(B), by failing to perform annual inspections of the facility's pressure tank; 30 TAC §290.41(c)(1)(F), by failing to obtain a sanitary control easement for well numbers one and two; 30 TAC §290.45(b)(1)(C)(i), by failing to provide a minimum well capacity of 0.6 grams per minute (gpm) per connection; 30 TAC §290.46(n)(3), by failing to submit well completion data to the commission prior to placing the wells into service so that the wells may be evaluated and approved for public use; 30 TAC §290.42(1), by failing to compile and maintain an up-to-date plant operations manual for operator review and reference; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the facility; 30 TAC §290.43(c), by failing to provide a ground

storage tank that meets American Water Works Association (AWWA) standards; 30 TAC §290.41(c)(3)(O) and §290.43(e), by failing to provide an intruder-resistant fence for the wells and ground storage tank that can be locked during periods of darkness or when the facility is unattended; 30 TAC §290.43(d)(2), by failing to provide a release device on the pressure tank; 30 TAC §290.45(b)(1)(C)(ii) and THSC, §341.0315(c), by failing to provide ground storage tank capacity of 200 gallons per connection; 30 TAC §290.45(b)(1)(C)(iv) and THSC, §341.0315(c), by failing to provide a pressure tank capacity of 20 gallons per connection; 30 TAC §290.45(b)(1)(C)(iii) and THSC, §341.0315(c), by failing to provide two or more service pumps having a total capacity of 2.0 gpm per connection; 30 TAC §290.41(c)(1)(A), by failing to locate well number one greater than 50 feet from a septic tank; 30 TAC §290.41(c)(33)(J), by failing to provide a concrete sealing block around well numbers one and two that extends a minimum of three feet in all directions; 30 TAC §290.41(c)(3)(N), by failing to provide an operable flow meter on both well numbers one and two, to measure production yields, and provide for the accumulation of water production data; 30 TAC §290.46(v), by failing to securely install the facility's electrical wiring in compliance with local or national electrical code; and 30 TAC §290.44(d)(4), by failing to provide metering devices at each service connection; PENALTY: \$22,844; STAFF ATTORNEY: Rebecca Combs, Litigation Division, MC 175, (512) 239-6939; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: Gilbert Navarro; DOCKET NUMBER: 2008-0723-PST-E; TCEQ ID NUMBER: RN101828275; LOCATION: 211 East Main Street, Crosbyton, Crosby County; TYPE OF FACILITY: three inactive USTs; RULES VIOLATED: 30 TAC §334.47(a)(2) and §334.54(b), by failing to permanently remove from service, no later than 60 days after the prescribed implementation date, three underground storage tanks (USTs) for which any applicable component of the system was not brought into timely compliance with the upgrade requirements and by failing to maintain all piping, pump, manways, tank access points, and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons; PENALTY: \$15,750; STAFF ATTORNEY: Benjamin Thompson, Litigation Division, MC 175, (512) 239-1297; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3520, (806) 796-7092.

(3) COMPANY: Gladys Carter; DOCKET NUMBER: 2008-0351-PST-E; TCEQ ID NUMBER: RN101538684; LOCATION: 5065 United States Highway 377 South, Krugerville, Denton County; TYPE OF FACILITY: property containing inactive USTs tanks; RULES VIOLATED: 30 TAC §334.47(a)(2), by failing to permanently remove from service, no later than 60 days after prescribed implementation date, two USTs for which any applicable component of the system is not brought into timely compliance with the upgrade requirements; and 30 TAC §334.7(d)(3), by failing to notify the TCEQ of any change or additional information regarding USTs within 30 days from the date of occurrence of the change or addition; PENALTY: \$6,300; STAFF ATTORNEY: Gary Shiu, Litigation Division, MC R-12, (713) 422-8916; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: Henry Chennault; DOCKET NUMBER: 2008-1427-PST-E; TCEQ ID NUMBER: RN101811883; LOCATION: Highway 87 and Granger Avenue, Westhoff, DeWitt County; TYPE OF FACILITY: three inactive USTs; RULES VIOLATED: 30 TAC §334.47(a)(7), by failing to permanently remove from service, no later than 60 days after the prescribed implementation date, three USTs for which any applicable component of the system is not brought into timely compliance with the upgrade requirement; PENALTY: \$5,250; STAFF ATTOR-

NEY: Stephanie J. Frazee, Litigation Division, MC 175, (512) 239-3693; REGIONAL OFFICE: Corpus Christi Regional Office, 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(5) COMPANY: John Tran dba Quality Cleaners and dba Deluxe Drycleaning; DOCKET NUMBER: 2008-1047-DCL-E; TCEQ ID NUMBER: RN103953683, RN104137443, RN104137435, and RN10437518; LOCATION: 2844 Rev Drive Ransom Howard Street (Facility 1), 1920 9th Avenue (Facility 2), 535 Rev Drive Ransom Howard Street (Facility 3), Port Arthur, and 3889 Main Avenue (Facility 4), Groves, Jefferson County; TYPE OF FACILITY: dry cleaning drop station facilities; RULES VIOLATED: 30 TAC §337.11(e) and THSC, §374.102, and TCEQ DO, Docket Number 2006-1428-DCL-E, Ordering Provision 2.a., by failing to renew facility 1's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility; 30 TAC §337.11(e), THSC, §374.102, and TCEQ DO Docket Number 2006-1428-DCL-E, Ordering Provision 2.a., by failing to renew facility 4's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility; 30 TAC §337.11(e), THSC, §374.102, TCEQ DO Number 2006-1428-DCL-E, Ordering Provision 2.a., by failing to renew facility 2's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility; 30 TAC §337.11(e), THSC, §374.102, TCEQ DO, Docket Number 2006-1428-DCL-E, Ordering Provision Number 2.a., by failing to renew facility 3's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility; 30 TAC §337.14(c), TWC, §5.702; TCEQ DO, Docket Number 2006-1428-DCL-E, Ordering Provision Numbers 1 and 2.b., by failing to pay outstanding Dry Cleaner fees, Administrative Penalties, and associated late fees for TCEQ Financial Account Numbers 24002331 and 23800327; PENALTY: \$6,500; STAFF ATTORNEY: Peipey Tang, Litigation Division, MC 175, (512) 239-0654; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(6) COMPANY: Linda Hill Barton; DOCKET NUMBER: 2008-0425-PST-E; TCEQ ID NUMBER: RN102839396; LOCATION: Highway 14 North, Kosse, Limestone County; TYPE OF FACILITY: USTs; RULES VIOLATED: 30 TAC §334.47(a)(2), by failing to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, three USTs for which any applicable component of the system is not brought into timely compliance with the upgrade requirements; and 30 TAC §334.22(a) and TWC, §5.702, by failing to pay UST fees and associated late fees for TCEQ Financial Assurance Account Number 0022080U for Fiscal Years 1990 - 2006; PENALTY: \$7,875; STAFF ATTORNEY: Rudy Calderon, Litigation Division, MC 175, (512) 239-0265; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(7) COMPANY: M.Y.M. Investment, Inc. dba Kwik & Save Food Store; DOCKET NUMBER: 2008-0532-PST-E; TCEQ ID NUMBER: RN102394160; LOCATION: 5602 Allendale Road, Houston, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b) and (2)(A)(i)(III) and TWC, §26.3475(a), by failing to provide proper release detection for the pressurized piping associated with the USTs; and 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify proper operation of the Stage II vapor recovery system at least once every 12 months; PENALTY: \$8,193; STAFF ATTORNEY: Xavier Guerra, Litigation Division, MC R-13, (210) 403-4016; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023, (713) 767-3500.

(8) COMPANY: Oscar Food Corporation dba Circle A Store; DOCKET NUMBER: 2006-1855-PST-E; TCEQ ID NUMBER: RN102409034; LOCATION: 14525 Wood Forest Boulevard, Houston, Harris County; TYPE OF FACILITY: 14525 Wood Forest Boulevard, Houston, Harris County; RULES VIOLATED: 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs at a station; 30 TAC §334.10(b), by failing to maintain and make available legible copies of all required UST records for inspection upon request by agency personnel; 30 TAC §115.246(1), (3) - (6), and (7)(A), and THSC, §382.085(b), by failing to maintain Stage II records on-site at the station ordinarily manned during business hours, and make immediately available for review upon request; 30 TAC §115.242(3), (A), (B), and (9), and THSC, §382.085(b), by failing to maintain all components of the Stage II vapor recovery system in proper operation condition as specified by the manufacturer and/or any applicable California Air Resources Board (CARB) Executive Order(s), and free of defects that would impair the effectiveness of the system; 30 TAC §115.244(3) and THSC, §382.085(b), by failing to conduct monthly inspections of the Stage II vapor recovery system; 30 TAC §334.51(b)(1)(B) and TWC, §26.3475(c)(2), by failing to provide overfill prevention equipment for the UST system; 30 TAC §334.49(c)(2)(C) and (4)(C) and TWC, §26.3475(d), by failing to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly; 30 TAC §334.50(b)(1)(A), (2)(A)(i)(III), (ii), and (d)(4)(A)(ii)(II) and TWC, §26.3475(a) and (c)(1), by failing to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); and 30 TAC §334.48(c), by failing to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel; PENALTY: \$16,770; STAFF ATTORNEY: Rebecca Combs, Litigation Division, MC 175, (512) 239-6939; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023, (713) 767-3500.

(9) COMPANY: Patricia A. Farris; DOCKET NUMBER: 2008-0436-PST-E; TCEQ ID NUMBER: RN101812436; LOCATION: 7220 Highway 8, Douglasville, Cass County; TYPE OF FACILITY: property with out of service underground petroleum storage tanks; RULES VIOLATED: 30 TAC §334.47(a)(2), by failing to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, two USTs for which any applicable component of the system is not brought into compliance with the upgrade requirements; and 30 TAC §334.7(d)(3), by failing to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition; PENALTY: \$6,300; STAFF ATTORNEY: Benjamin Thompson, Litigation Division, MC 175, (512) 239-1297; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(10) COMPANY: Raul R. Martinez; DOCKET NUMBER: 2007-0810-PST-E; TCEQ ID NUMBER: RN101534147; LOCATION: 1521 Lincoln Avenue, Fort Worth, Tarrant County; TYPE OF FACILITY: real property; RULES VIOLATED: 30 TAC §334.47(a)(2), by failing to permanently remove from service, no later than 60 days after the prescribed implementation date, two USTs for which any applicable component of the system is not brought into timely compliance with the upgrade requirement; PENALTY: \$5,250; STAFF ATTORNEY: Tommy Tucker Henson II, Litigation Division, MC 175, (512) 239-0946; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(11) COMPANY: Tam Phuong Corporation; DOCKET NUMBER: 2006-1355-DCL-E; TCEQ ID NUMBER: RN104065958; LOCATION: 2006-1355-DCL-E; TYPE OF FACILITY: 1001 Pineloch Drive, Suite 800, Houston, Harris County; RULES VIOLATED: 30 TAC §337.11(e) and THSC, §374.102, by failing to renew the facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaner and/or drop station facility; and 30 TAC §337.14(c) and TWC, §5.702, by failing to pay outstanding dry cleaning drop station registration fees for TCEQ Financial Account Number 24001591; PENALTY: \$1,185; STAFF ATTORNEY: Rudy Calderon, Litigation Division, MC 175, (512) 239-0265; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023, (713) 767-3500.

(12) COMPANY: Y-D Enterprises, LLC; DOCKET NUMBER: 2008-1239-WQ-E; TCEQ ID NUMBER: RN105359749; LOCATION: 8400 Block of Clifford, White Settlement, Tarrant County; TYPE OF FACILITY: construction site; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge storm water associated with construction activity; PENALTY: \$3,150; STAFF ATTORNEY: Kari Gilbreth, Litigation Division, MC 175, (512) 239-1320; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-200901366

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: April 7, 2009



Notice of Opportunity to Comment on Shut Down/Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (commission) staff is providing an opportunity for written public comment on the listed Shutdown/Default Orders (S/DOs). Texas Water Code (TWC), §26.3475 authorizes the commission to order the shutdown of any underground storage tank (UST) system found to be noncompliant with release detection, spill and overfill prevention, and/or, after December 22, 1998, cathodic protection regulations of the commission, until such time as the owner/operator brings the UST system into compliance with those regulations. The commission proposes a Shutdown Order after the owner or operator of a UST facility fails to perform required corrective actions within 30 days after receiving notice of the release detection, spill and overfill prevention, and/or, after December 22, 1998, cathodic protection violations documented at the facility. The commission proposes a Default Order when the staff has sent an executive director's preliminary report and petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; and the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. In accordance with TWC, §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 18, 2009**. The commission will consider any written comments received and the commission may withdraw or withhold approval of a S/DO if a comment discloses facts or considerations that indicate that consent to the proposed S/DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority.

Additional notice of changes to a proposed S/DO is not required to be published if those changes are made in response to written comments.

Copies of each of the proposed S/DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the S/DO shall be sent to the attorney designated for the S/DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on May 18, 2009**. Written comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission attorneys are available to discuss the S/DOs and/or the comment procedure at the listed phone numbers; however, comments on the S/DOs shall be submitted to the commission in **writing**.

(1) COMPANY: Ari Ari Ltd dba Desoto Beverages; DOCKET NUMBER: 2008-0445-PST-E; TCEQ ID NUMBER: RN100586189; LOCATION: 901 North Interstate 35 East, Desoto, Dallas County; TYPE OF FACILITY: beverage store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.48(c), by failing to conduct effective manual or automatic inventory control procedures for the underground storage tank (UST) system; 30 TAC §334.50(d)(1)(B)(ii) and (iii)(I) and TWC, §26.3475(c)(1), by failing to conduct reconciliation of detailed inventory control records at least once every month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons; by failing to provide release detection; and by failing to conduct inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day; 30 TAC §115.245(2) and Texas Health and Safety Code (THSC), §382.085(b), by failing to verify proper operation of the Stage II vapor recovery system at least once every 12 months; and 30 TAC §334.7(d)(3), by failing to notify the agency of any change or additional information regarding the USTs within 30 days of the occurrence of the change or addition; PENALTY: \$19,471; STAFF ATTORNEY: Jacquelyn Boutwell, Litigation Division, MC 175, (512) 239-5846; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: Reddy-Gator, Inc. and Swati Holding, Company dba Gator Stop 3; DOCKET NUMBER: 2008-1005-PST-E; TCEQ ID NUMBER: RN101663771; LOCATION: 16074 Interstate Highway 35 South, Ross, McLennan County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b), by failing to maintain UST records and make them immediately available for inspection upon request by agency personnel; 30 TAC §334.48(c), by failing to conduct effective manual or automatic inventory control procedures for the UST system; 30 TAC §334.50(d)(1)(B)(ii) and (iii)(I) and TWC, §26.3475(c)(1), by failing to provide release detection by failing to conduct reconciliation of inventory control records at least once a month, in a manner sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons and by failing to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day; 30 TAC §334.8(c)(5)(C), by failing to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST at the facility according to the UST registration and self-certification form; and 30 TAC §115.224(1) and THSC, §382.085(b), by failing to conduct inspections for liquid leaks, visible vapors, and significant odors resulting from gasoline transfer; PENALTY: \$17,850; STAFF ATTORNEY: Stephanie J. Frazee, Litigation Division, MC 175, (512)

239-3693; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

TRD-200901367
Kathleen C. Decker
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: April 7, 2009



Notice of Water Quality Applications

The following notices were issued during the period of March 18, 2009 through April 3, 2009.

The following require the applicants to publish notice in a newspaper. Public comments, requests for public meetings, or requests for a contested case hearing may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087, WITHIN 30 DAYS OF THE DATE OF NEWSPAPER PUBLICATION OF THE NOTICE.

INFORMATION SECTION

CITY OF LUBBOCK which operates the Alex Ty Cooke Steam Electric Station, has applied for a renewal of TPDES Permit No. WQ0001895000, which authorizes the discharge of cooling tower blowdown and previously monitored effluent (PME) (low volume waste) at a daily average flow not to exceed 800,000 gallons per day via Outfall 001, and the disposal of low volume waste via evaporation. The facility is located at 3500 East Slaton Highway, 4,000 feet northwest of the intersection of Southeast Drive and East Slaton Highway in the City of Lubbock, Lubbock County, Texas.

MARKWEST JAVELINA COMPANY, L.L.C. which operates Javelina Gas Plant, has applied for a major amendment to TPDES Permit No. WQ0003137000 to authorize an increase in the daily average flow limit from 288,000 gallons per day to 478,000 gallons per day; an increase in the daily maximum flow limit from 750,000 gallons per day to 1,130,000 gallons per day at Outfall 001; to authorize less stringent mass based-effluent limitations at Outfall 001; and to authorize less stringent concentration based-effluent limitations for total suspended solids at Outfall 001. The current permit authorizes the discharge of treated process wastewater, utility wastewater, and storm water at a daily average flow not to exceed 288,000 gallons per day via Outfall 001. The draft permit authorizes the discharge of treated process wastewater, utility wastewater, and storm water at a daily average flow not to exceed 478,000 gallons per day via Outfall 001. The facility is located at 5314 Interstate Highway 37, on the north side, between McBride Lane and Navigation Boulevard in the City of Corpus Christi, Nueces County, Texas. The TCEQ Executive Director has reviewed this action for consistency with the Texas Coastal Management Program goals and policies in accordance with the regulations of the Coastal Coordination Council, and has determined that the action is consistent with the applicable CMP goals and policies.

SYNAGRO OF TEXAS-CDR, INC. has applied for a renewal of Permit No. WQ0004504000, which authorizes the land application of sewage sludge for beneficial use. The current permit authorizes land application of sewage sludge for beneficial use on 475.7 acres. This permit will not authorize a discharge of pollutants into waters in the State. The land application site is located 7 miles north of north of Paynor, on Farm-to-Market Road 315 at the Bill Miller Tree Farm in Henderson County, Texas.

BIGLER LAND, L.L.C. which operates the Bigler Pasadena Plant, which manufacture high purity isobutylene, marine fuel oil, gasoline

blend stock, propane, and butane/butane; and operates a for-hire terminal that stores bulk chemicals, fuels, and specialty oils with associated loading and unloading facilities, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004867000, to authorize the discharge of cooling tower blowdown and boiler blowdown at a daily average flow not to exceed 55,000 gallons per day via Outfall 001. The facility is located approximately 9,500 feet north of the intersection of North South Street (Preston Road) and State Highway 225 and within an industrial complex shared by Albermarle Corporation, Ethyl Corporation, MEMC and Bigler, Harris County, Texas.

CITY OF WAXAHACHIE has applied for a renewal of TPDES Permit No. WQ0010379001, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 8,000,000 gallons per day. The facility is located south of MKT Railroad and west of Waxahachie Creek in the southern portion of the City of Waxahachie in Ellis County, Texas.

CITY OF GOLDTHWAITE has applied for a renewal of TPDES Permit No. WQ0010459003, which authorizes the discharge of treated water treatment filter backwash water at a daily average flow not to exceed 22,000 gallons per day. The facility is located at the northeast corner of State Highway 16 and Lover's Lane, approximately 230 feet north of State Highway 16 in Mills County, Texas.

CITY OF STAMFORD has applied for a renewal of TPDES Permit No. WQ0010472002 which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 560,000 gallons per day. The facility is located approximately 8,400 feet northeast of the intersection of the FW&D Railroad and State Highway 6 and adjacent to Stink Creek in Jones County, Texas.

CITY OF LORENZO has applied for a renewal of Permit No. WQ0010988002, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 210,000 gallons per day via surface irrigation of 100 acres of non-public access agricultural land. The wastewater treatment facility and disposal site are located northeast of the City of Lorenzo, approximately 1.5 miles northeast of the intersection of U.S. Highway 82 and State Route 378 in Crosby County, Texas.

BELL COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 2 has applied for a renewal of TPDES Permit No. WQ0011090001 which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 94,000 gallons per day. The facility is located immediately west of State Highway 95 approximately 700 feet south of the intersection of State Highway 95 and Farm-to-Market Road 436 in Bell County, Texas.

CITY OF JUSTIN has applied for a major amendment to TPDES Permit No. WQ0011312001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 400,000 gallons per day to a daily average flow not to exceed 800,000 gallons per day. The facility is located approximately 600 feet east of Farm-to-Market Road 156 and approximately 1,600 feet south of Farm-to-Market Road 407 (1st Street) in Denton County, Texas.

BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 has applied for a renewal of TPDES Permit No. WQ0014387001 which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 6,000,000 gallons per day. The facility is located on the south side of Farm-to-Market Road 2410, approximately 0.4 mile west of the intersection of Stillhouse Lake Road and Chapparral Road in Bell County, Texas.

BAY BLUFF, L.P. has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014931001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 50,000 gallons per day. The facility will be located approximately 2,200 feet north-northeast of the intersection of Bay Area Boulevard and Red Bluff Road in Harris County, Texas. The TCEQ Executive Director has reviewed this action for consistency with the Texas Coastal Management Program goals and policies in accordance with the regulations of the Coastal Coordination Council, and has determined that the action is consistent with the applicable CMP goals and policies.

If you need more information about these permit applications or the permitting process, please call the TCEQ Office of Public Assistance, Toll Free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

TRD-200901374

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 8, 2009



Notice of Water Rights Applications

Notice issued March 30, 2009

APPLICATION NO. 12388; Energy Transfer Fuel, LP, Applicant, 711 Louisiana, Suite 900, Houston, Texas 77002, has applied for a temporary water use permit to divert and use not to exceed 79.8 acre-feet of water within one year from two diversion points, located on the Trinity River, Trinity River Basin, for industrial purposes in Navarro and Henderson Counties. More information on the application and how to participate in the permitting process is given below. The application and partial fees were received on October 6, 2008. Additional information and fees were received on December 10, 2008, January 30, 2009 and February 16, 2009. The application was declared administratively complete and accepted for filing on February 17, 2009. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, by April 17, 2009.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.state.tx.us/comm_exec/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

A public meeting is intended for the taking of public comment, and is not a contested case hearing.

The Executive Director can consider approval of an application unless a written request for a contested case hearing is filed. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "I/we request a contested case hearing;" and (4) a brief and specific description of how you would be affected by the application in a way not common to the general public. You may also submit any proposed conditions to the requested application which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the TCEQ Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the requested permit and may forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

TRD-200901375

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 8, 2009



Proposal for Decision

The State Office of Administrative Hearings issued a Proposal for Decision and Order to the Texas Commission on Environmental Quality on April 3, 2009, in the matter of the Executive Director of the Texas Commission on Environmental Quality, Petitioner v. Juan Gomez; SOAH Docket No. 582-09-2075; TCEQ Docket No. 2008-0143-LII-E. The commission will consider the Administrative Law Judge's Proposal for Decision and Order regarding the enforcement action against Juan Gomez on a date and time to be determined by the Office of the Chief Clerk in Room 201S of Building E, 12100 N. Interstate 35, Austin, Texas. This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of this publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. If you have any questions or need assistance, please contact Melissa Chao, Office of the Chief Clerk, (512) 239-3300.

TRD-200901377

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 8, 2009



General Land Office

Notice of Approval of Coastal Boundary Survey

Pursuant to §33.136 of the Texas Natural Resources Code, notice is hereby given that Jerry Patterson, Commissioner of the General Land Office, approved a coastal boundary survey, submitted by William E. Merton, Licensed State Land Surveyor, conducted October 1st and 8th 2007, locating the following shoreline boundary:

Survey in Galveston County, a portion of the Texas Gulf Coast shoreline out of the Trimble & Lindsey Section 2, Hall & Jones Survey, Abstract 121, including the line of MHHW along West Bay of Galveston Bay from approximately 450 feet west of the northerly extension of the west R.O.W. of 8-Mile Road to approximately 1935 feet east of the northerly extension of the east R.O.W. of 8-Mile Road.

This survey is intended to provide pre-project baseline information related to an erosion response activity on coastal public lands. An owner

of uplands adjoining the project area is entitled to continue to exercise littoral rights possessed prior to the commencement of the erosion response activity, but may not claim any additional land as a result of accretion, reliction, or avulsion resulting from the erosion response activity.

For a copy of this survey or more information on this matter, contact Bill O'Hara, Director of the Survey Division, Texas General Land Office by phone at (512) 463-5212, e-mail bill.ohara@glo.state.tx.us, or fax (512) 463-5223.

TRD-200901302

Larry L. Laine

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: April 3, 2009



Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Medicaid Payment Rate

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on May 5, 2009, at 3:00 p.m. to receive public comment regarding the proposed Medicaid payment rate for case management services for the Blind Children's Vocational Discovery and Development Program (BCVDDP). The public hearing will be held in the Padre Island Conference Room of HHSC, Braker Center, Building H, located at 11209 Metric Boulevard, Austin, Texas. Entry is through Security at the main entrance of the building, which faces Metric Boulevard. The hearing will be held in compliance with Human Resources Code §32.082 and 1 Texas Administrative Code (TAC), §355.201(e) - (f), which require public hearings on proposed Medicaid reimbursements.

Proposal. The new payment rate for case management services for the BCVDDP is proposed to be effective June 1, 2009.

Methodology and Justification. The proposed payment rate is calculated in accordance with 1 TAC §355.8381, which addresses the reimbursement methodology for case management services for the BCVDDP.

Briefing Package. A briefing package describing the proposed payment rate will be available on or after April 20, 2009. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Josie Wheatfall by telephone at (512) 491-1445; by fax at (512) 491-1983; or by e-mail at Josie.Wheatfall@hhsc.state.tx.us. The briefing package also will be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rate may be submitted in lieu of or in addition to oral testimony until 5 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the attention of Josie Wheatfall, HHSC, Rate Analysis, Mail Code H-400, P.O. Box 85200, Austin, Texas 78708-5200; by fax to Josie Wheatfall at (512) 491-1983; or by e-mail to Josie.Wheatfall@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Josie Wheatfall, HHSC, Rate Analysis, Mail Code H-400, Braker Center, Building H, 11209 Metric Boulevard, Austin, Texas 78758-4021.

Persons with disabilities who wish to attend the hearing and require auxiliary aids should contact Josie Wheatfall at (512) 491-1445 at least 72 hours in advance, so appropriate arrangements can be made.

TRD-200901373

Steve Aragón
Chief Counsel
Texas Health and Human Services Commission
Filed: April 8, 2009



Department of State Health Services

Designation of The Bridge as a Site Serving Medically Underserved Populations

The Department of State Health Services (department) is required under the Occupations Code, §157.052, to designate sites serving medically underserved populations. In addition, the department is required to publish notice of such designations in the *Texas Register* and to provide an opportunity for public comment on the designations.

Accordingly, the department has proposed designating the following as a site serving medically underserved populations: The Bridge, 1818 Corsicana Street, Dallas, Texas 75201. The designation is based on proven eligibility as a site serving a disproportionate number of clients eligible for federal, state, or locally funded health care programs.

Oral and written comments on this designation may be directed to Brian King, Program Director, Health Professions Resource Center - MC 1898, Center for Health Statistics, Department of State Health Services, P.O. Box 149347, Austin, Texas 78714-9347; telephone (512) 458-7261. Comments will be accepted for 30 days from the publication date of this notice.

TRD-200901298
Lisa Hernandez
General Counsel
Department of State Health Services
Filed: April 2, 2009



Texas Historical Commission

Correction of Error

The Texas Historical Commission proposed amendments to 13 TAC §21.7 and §21.9 in the March 6, 2009, issue of the *Texas Register* (34 TexReg 1516). On page 1516, left column, third paragraph from the bottom, and page 1517, right column, first complete paragraph, there are errors in the statements of statutory authority. The paragraphs cite "Texas Government Code, §442.005(u)," but the correct reference is "Texas Government Code, §442.005(q)."

Both paragraphs should read as follows:

"The revised sections are proposed under the Texas Government Code, §442.005(q), which authorizes the Commission to adopt rules to carry out its programs. The revised sections implement changes to Texas Government Code, §442.006. No other statutes are affected."

TRD-200901300



Lower Rio Grande Valley Development Council

Notice of Public Meeting

The Lower Rio Grande Valley Development Council (LRGVDC) will host a public meeting to discuss proposed Hazardous Cargo Route for Hidalgo County. This meeting will allow the public the opportunity to view the project details and provide comments. For additional information, call Chemical Response & Remediation Contractors, Inc. (CRRC) Attention: Perry Gonzalez at (956) 365-4252.

Date: Friday, April 24, 2009

Place: Rio Transit Center, 510 Pleasantview Drive, Weslaco, Texas

Time: 5:00 p.m. to 8:00 p.m.

El Consejo del Desarrollo Del Valle del Río Grande (LRGVDC) los invita a una junta pública para discutir la propuesta de una ruta de carga de material peligroso para el Condado de Hidalgo. Esta reunión permitirá al público la oportunidad de ver los detalles de proyecto y proporcionar comentarios. Para información adicional, favor de comunicarse con Chemical Response & Remediation Contractors, Inc. (CRRC) con el Sr. Perry González al (956) 365-4252.

Fecha: Viernes, April 24, 2009

Lugar: Rio Transit Center, 510 Pleasantview Drive, Weslaco, Texas

Hora: 5:00 p.m. to 8:00 p.m.

TRD-200901306
Ken Jones
Executive Director
Lower Rio Grande Valley Development Council
Filed: April 3, 2009



Texas Parks and Wildlife Department

Notice of Hearing and Opportunity for Public Comment

This is a notice of public hearing and opportunity for public comment on an application by Mssrs. Joe Long and Mark Stephenson to obtain a Texas Parks and Wildlife Department (TPWD) permit to remove or disturb 20,000 cubic yards of sand and gravel per month from the bed of the Llano River in Llano County for construction projects.

The location is: starting at a point 12 miles downstream from the State Highway 16, crossing and extending downstream for approximately one mile, to a point approximately two miles upstream of FM 3404.

The hearing will be held on May 12, 2009 at 10:00 a.m. at TPWD Headquarters, 4200 Smith School Road, Austin, Texas 78744.

Written comments must be submitted within 30 days of the publication of this notice in the *Texas Register* or a newspaper, whichever is later, or at the public hearing.

Submit written comments, questions, or requests to review the application to: Rollin MacRae, TPWD, by mail to the above address; e-mail rollin.macrae@tpwd.state.tx.us; phone (512) 389-4639.

TRD-200901372
Ann Bright
General Counsel
Texas Parks and Wildlife Department
Filed: April 7, 2009



Public Utility Commission of Texas

Announcement of Application for Amendment to a State-Issued Certificate of Franchise Authority

The Public Utility Commission of Texas received an application on March 31, 2009, for an amendment to a state-issued certificate of franchise authority (CFA), pursuant to §§66.001 - 66.016 of the Public Utility Regulatory Act (PURA).

Project Title and Number: Application of Friendship Cable of Texas, Inc. d/b/a Suddenlink Communications for an Amendment to its State-

Issued Certificate of Franchise Authority, Project Number 36855 before the Public Utility Commission of Texas.

The requested CFA service area footprint includes the City Limits of Breckenridge and Forney, Texas.

Information on the application may be obtained by contacting the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by telephone at (512) 936-7120 or toll free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All inquiries should reference Project Number 36855.

TRD-200901309
 Adriana A. Gonzales
 Rules Coordinator
 Public Utility Commission of Texas
 Filed: April 3, 2009



Notice of Application for Approval of a Revised Nodal Market Implementation Surcharge

On March 31, 2009, the Electric Reliability Council of Texas, Inc. (ERCOT) filed with the Public Utility Commission of Texas (Commission) its application for approval of a revised nodal market implementation surcharge. The purpose of the nodal surcharge is to fund the personnel, software, equipment, training and services necessary to develop and implement the Nodal Market called for in the ERCOT Nodal Protocols approved by the Commission. In May 2008, in Docket Number 35428, the Commission approved a nodal surcharge in the amount of \$0.169

per megawatt hour (MWh) to be charged to Qualified Scheduling Entities (QSEs) representing generation resources. The nodal surcharge is calculated by multiplying the surcharge factor of \$0.169/MWh by the total net metered generation aggregated to the QSE level. ERCOT requests that it be authorized to increase the nodal surcharge, effective no later than January 1, 2010. ERCOT requests that the Commission increase the nodal surcharge so that ERCOT may recover additional costs of the Nodal Program not included in the estimates available when the \$0.169/MWh nodal surcharge was approved in Docket Number 35428. ERCOT does not propose that the entities affected by the revised nodal surcharge will be any different from those affected by the existing nodal surcharge. The impact on the entities that pay the nodal surcharge will vary depending on the amount of the increase in the surcharge approved by the Commission. ERCOT requests that the Commission: (1) adopt the interim surcharge of \$0.226 per MWh included in the pending settlement of PUC Docket Number 36412, *ERCOT Application For Approval of a Revised Nodal Surcharge and Request For Interim Relief* for the remainder of calendar year 2009; and (2) approve a revised nodal surcharge, effective January 1, 2010, with the surcharge rate dependent upon the implementation date for the interim surcharge, as set forth in Table 1 below.

ERCOT requests that the revised rate be effective January 1, 2010, and remain in effect until all Nodal Program costs are recovered, currently expected to be in 2014. Alternatively, if the Commission rejects the interim surcharge settlement and leaves the nodal surcharge at its current level of \$0.169 per MWh for the remainder of 2009, ERCOT requests that the Commission approve a revised nodal surcharge of \$0.375 per MWh, also effective January 1, 2010.

Table 1: Impact of interim rate implementation date on level of revised Nodal surcharge effective January 1, 2010	
Implementation date of interim rate increase from \$0.169 to \$0.226 per MWh	Rate needed January 1, 2010 to ensure 40% revenue contribution during development
June 1, 2009	\$0.335
July 1, 2009	\$0.341
August 1, 2009	\$0.347
September 1, 2009	\$0.353
No increase in \$0.169 rate until January 1, 2010	\$0.375

The ERCOT Board of Directors approved ERCOT's filing for a revised nodal surcharge at its March 17, 2009 meeting. ERCOT expects that approval of the revised nodal surcharge will enable ERCOT to increase its revenues sufficiently to pay the costs of the Nodal Program in a financially prudent manner. ERCOT estimates that the total costs recoverable from the nodal surcharge will be \$604.1 million.

The deadline for intervention in the proceeding is May 1, 2009.

Persons who wish to intervene in or comment in this proceeding should notify the Public Utility Commission of Texas by the intervention deadline. A request to intervene or for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. A request to intervene shall include a statement of

position containing a concise statement of the requestor's position on the application, a concise statement of each question of fact, law, or policy that the requestor considers at issue and a concise statement of the requestor's position on each issue identified.

ERCOT will post notice and a copy of its application on its website at http://www.ercot.com/about/governance/legal_notices.html. Interested parties may also access ERCOT's application through the Public Utility Commission's web site at <http://www.puc.state.tx.us> under Docket Number 36851, *Application of the Electric Reliability Council of Texas for Approval of a Revised Nodal Market Implementation Surcharge*.

TRD-200901361

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: April 6, 2009



Notice of Application for Designation as a Resale Eligible Telecommunications Provider

Notice is given to the public of an application filed with the Public Utility Commission of Texas on April 1, 2009, for designation as a resale eligible telecommunications provider (ETP) pursuant to P.U.C. Substantive Rule §26.419.

Docket Title and Number: Application of VoicePac Prepaid, LLC for Designation as a Resale Eligible Telecommunications Provider Pursuant to P.U.C. Substantive Rule §26.419. Docket Number 36862.

The Application: The company is requesting resale ETP designation in order to be eligible to receive funds from the Texas Universal Service Fund for reimbursement of the discounts provided through the Lifeline program.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by May 7, 2009. Requests for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or you may call the commission's Customer Protection Division at (512) 936-7120 or 1-888-782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or use Relay Texas at 1-800-735-2989 to reach the commission's toll free number 1-888-782-8477. All comments should reference Docket Number 36862.

TRD-200901308
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: April 3, 2009



Notice of Application for Service Provider Certificate of Operating Authority

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on April 3, 2009, for a service provider certificate of operating authority (SPCOA), pursuant to §§54.151 - 54.156 of the Public Utility Regulatory Act (PURA).

Docket Title and Number: Application of A Plus Telecom, Inc. for a Service Provider Certificate of Operating Authority, Docket Number 36870 before the Public Utility Commission of Texas.

Applicant intends to provide plain old telephone service.

Applicant's requested SPCOA geographic area includes the area of Texas comprising the Dallas Local Access and Transport Area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 no later than April 22, 2009. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 36870.

TRD-200901370

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: April 7, 2009



Public Notice of Workshop on Implementation Project Relating to Advanced Metering

The staff of the Public Utility Commission of Texas (commission) will hold a workshop for Task 145, from the Advanced Metering Implementation Team (AMIT) working group. The workshop will be held on Tuesday, May 12, 2009, at 1:00 p.m., in the Commissioners' Hearing Room located on the 7th floor of the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. Documents from the AMIT meetings and the associated task documents are available on the commission website at <http://www.puc.state.tx.us/electric/projects/34610/34610.cfm>. Discussion will be focused on the opportunities for reducing field completion times for service orders for premises with a provisioned AMS meter.

Questions concerning the workshop or this notice should be referred to Christine Wright, Competitive Markets Division, (512) 936-7376. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

TRD-200901369
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: April 7, 2009



Workforce Solutions Brazos Valley Board

Notice of Release of Request for Proposals

On April 6, 2009, Workforce Solutions Brazos Valley Board (WSBVB) will release a Request for Proposals (RFP) for Child Care Management Data System Processes Enhancement. The proposal requirements are contained in the Request for Proposal which may be viewed and printed online at www.byjobs.org. The Board is seeking one or more contractors to provide the requested services.

Due Date:

An original and four copies of a written proposal are due to the Board's offices no later than 4:00 p.m. on April 27, 2009. No proposals will be accepted after this deadline.

Proposals may be hand delivered or sent by FedEx or UPS to:

Shawna Rendon
Workforce Solutions Brazos Valley Board
3991 East 29th St.
Bryan, Texas 77802

Attention: Child Care Management Data System Processes Enhancement RFP Response

Proposals may be mailed by the USPS to:

Shawna Rendon
Workforce Solutions Brazos Valley Board
P.O. Drawer 4128
Bryan, Texas 77805

Attention: Child Care Management Data System Processes Enhancement RFP Response

Potential respondents may pose written questions concerning this RFP by email. Contact Shawna Rendon at schambers@bvcog.org. No questions will be accepted after April 16, 2009. No bidders conference will be held for this RFP. The contact person for this RFP is Shawna Rendon at (979) 595-2800.

TRD-200901294
Tom Wilkinson
Executive Director
Workforce Solutions Brazos Valley Board
Filed: April 1, 2009



Notice of Release of Request for Quotes

On April 6, 2009, the Workforce Solutions Brazos Valley Board (WS-BVB) will release a Request for Quote (RFQ) for speakers for child care provider workshops and for employer business seminars. The quote requirements are contained in the Request for Quote which may be viewed and printed online at www.bvjobs.org. The Board is seeking one or more contractors to provide the requested services.

Due Date:

An original and four copies of a written proposal are due to the Board's offices no later than 4:00 p.m. on May 5, 2009. No quotes will be accepted after this deadline.

Quotes may be hand delivered or by FedEx or UPS to:

Shawna Rendon
Workforce Solutions Brazos Valley Board
3991 East 29th Street
Bryan, Texas 77802
Attention: Workshop Speakers RFQ Response

Quotes may be mailed by USPS to:

Shawna Rendon
Workforce Solutions Brazos Valley Board
P.O. Drawer 4128
Bryan, Texas 77805

Potential respondents may pose written questions concerning this RFQ by email. Contact Shawna Rendon at schambers@bvcog.org. No questions will be accepted after April 21, 2009. The responses to these questions will be posted on www.bvjobs.org. The contact person for this RFQ is Shawna Rendon (979) 595-2800.

TRD-200901295
Tom Wilkinson
Executive Director
Workforce Solutions Brazos Valley Board
Filed: April 1, 2009

