

*The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).*

*Updates to backup documents will be noted by a purple indicator. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 7 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).*

## **AGENDA**

June 13, 2012

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **MISCELLANEOUS MATTERS**

Item 1 **[TCEQ Docket No. 2009-0283-AIR; SOAH Docket No. 582-09-3008.](#)**

Consideration of the judicial remand of the application by White Stallion Energy Center, LLC, for State Air Quality Permit No. 86088, Prevention of Significant Deterioration Air Quality Permit No. PSD-TX-1160, Plant-wide Applicability Limit Permit No. PAL26 and Hazardous Air Pollutant Major Source Permit No. HAP28, pursuant to the Texas Clean Air Act, Texas Health and Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including 30 TAC Chapter 116. The application relates to the construction and operation of a new 1,200 net megawatt electric generation plant in Matagorda County, Texas. (Booker Harrison)

Item 2 **[Docket No. 2012-0873-UCR.](#)**

Consideration of a request for a Commission Order approving a contract designating service areas and customers between City of Royse City (City), CCN No. 12827 in Collin, Hunt and Rockwall Counties, Texas, and B H P WSC (WSC), CCN No. 10064 in Collin, Hunt and Rockwall Counties, Texas, pursuant to Texas Water Code Section 13.248. On or about April 5, 2011, the City and WSC executed a contract regarding certain tracts under the WSC's CCN. Under

portions of the contract, the City will provide water service to approximately 8,476 acres in the tract and this area will be transferred to the City's CCN; the WSC will continue to provide water service to approximately 112 acres in the tract and will retain single certification in this area; the WSC's existing distribution lines and facilities will be dually certificated to the WSC and the City; and the WSC will continue to serve its existing customers in the area. No facilities will be transferred under the contract. (Ruth Takeda, Heidi Graham)

### **TMDL MATTER**

Item 3 [\*\*Docket No. 2011-1865-TML.\*\*](#)

Hyperlink  
Updated  
6/8/2012  
11:00 AM

Consideration for approval to publish and solicit public comment on a draft Implementation Plan for seventy-two TMDLs for bacteria in water bodies in the Houston-Galveston Region. Project No. 2012-009-TML-NR (Ron Stein, Robert Brush)

### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4 [\*\*Docket No. 2011-2129-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Flint Hills Resources Port Arthur, LLC in Jefferson County; RN100217389; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, P.G., Debra Barber)

Item 5 [\*\*Docket No. 2011-1947-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100542281; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Debra Barber)

Item 6 [\*\*Docket No. 2011-2099-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical, LLC in Jefferson County; RN100219252; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Debra Barber)

Item 7 [\*\*Docket No. 2011-2133-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against

Ascend Performance Materials LLC in Brazoria County; RN100238682; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Debra Barber)

**AIR QUALITY ENFORCEMENT DEFAULT ORDER**

Item 8 [Docket No. 2011-1544-AIR-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jose Vasquez d/b/a West Side Body Shop in Hidalgo County; RN106005408; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Lieberknecht, Lena Roberts)

**EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 9 [Docket No. 2011-1813-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Crosswinds I Partnership, Ltd. in Bexar County; RN105628549; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Debra Barber)

**INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS**

Item 10 [Docket No. 2011-0430-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AVONDALE RANCH, LTD., NRH Woodland Estates, L.P., and BUCK DEVELOPMENT SERVICES, L.L.C. in Tarrant County; RN102841301; for industrial and hazardous waste violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Sallans, Lena Roberts)

Item 11 [Docket No. 2010-1896-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. H. BROKERAGE, INC. DBA RP Circuitry in Dallas County; RN101996494; for industrial solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy Mitchell, Lena Roberts)

## **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 12

### **[Docket No. 2011-1942-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PAISANO REDI-MIX, INC. DBA GENCO REDI MIX in Tarrant County; RN105064521; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jill Russell, Debra Barber)

Item 13

### **[Docket No. 2011-0966-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City Concrete, Inc. in Wichita County; RN101293041; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Debra Barber)

## **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 14

### **[Docket No. 2011-0379-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of YFZ Land, LLC in Schleicher County; RN104250626; for water quality and municipal waste discharge violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

## **MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 15

### **[Docket No. 2011-1510-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Danny Joe King d/b/a Kings Tire & Wheel in Montgomery County; RN106116999; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Lieberknecht, Lena Roberts)

## **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 16

### **[Docket No. 2011-1115-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Briarwood Lutheran Ministries in Denton County; RN102362498; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mike Fishburn, Lena

Roberts)

Item 17 **[Docket No. 2011-1943-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fort Hancock Water Control and Improvement District in Hudspeth County; RN101720787; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (JR Cao, Debra Barber)

Item 18 **[Docket No. 2011-1117-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rita Laura Redow Karbalai in Harris County; RN102075769; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Debra Barber)

Item 19 **[Docket No. 2011-2118-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Aqua Utilities, Inc. in Harris County; RN101612406; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Debra Barber)

Item 20 **[Docket No. 2011-1421-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Cotulla in La Salle County; RN101920148; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (JR Cao, Debra Barber)

Item 21 **[Docket No. 2011-2246-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mallard Point WWTP, LLC in Hunt County; RN102342722; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Debra Barber)

**PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS**

Item 22 [\*\*Docket No. 2011-2013-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRISTAR CONVENIENCE STORES, INC. dba Handi Stop 64, dba Handi Stop 79, dba Handi Stop 51, and dba Handi Stop 60 in Harris County; RN102441953, RN102443694, RN102464633, and RN103013207; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Debra Barber)

Item 23 [\*\*Docket No. 2011-1851-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against ANN, INC. dba Kiest Shell in Dallas County; RN102645058; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (JR Cao, Debra Barber)

**PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS**

Item 24 [\*\*Docket No. 2011-1706-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against Ben B. Parks d/b/a Super Stop 28 in El Paso County; RN100813682; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

Item 25 [\*\*Docket No. 2011-1371-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Oscar Ruiz in La Salle County; RN101752533; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Joel Cordero, Lena Roberts)

Item 26 [\*\*Docket No. 2011-0817-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against AZIZ ENTERPRISES, LLC d/b/a Alvarado Market in Johnson County; RN102959830; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

**PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS**

Item 27

**[Docket No. 2011-1605-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Jian Enterprises Inc. in Dallas County; RN102050028; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

Item 28

**[Docket No. 2011-0977-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Riverside Texas Enterprises, Inc. d/b/a Riverside Shell in Tarrant County; RN101547669; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

Item 29

**[Docket No. 2011-1929-PST-E.](#)**

Remanded  
to the  
Executive  
Director

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Kun Won Yu d/b/a Terry's Supermarket in Dallas County; RN102959319; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDER**

Item 30

**[Docket No. 2011-1670-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BUCHANAN LAKE VILLAGE, INC. in Llano County; RN101224988; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 31

**[Docket No. 2011-1517-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Balcones Distilling LLC in McLennan County; RN106173073; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Debra Barber)

## **WATER QUALITY ENFORCEMENT DEFAULT ORDER**

Item 32

### **[Docket No. 2011-1575-WQ-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Douglas Leland Barr in Nueces County; RN106145089; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

## **RULE MATTERS**

Item 33

### **[Docket No. 2011-1790-RUL.](#)**

Consideration of the adoption of amendments to 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles, Section 114.7, Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program Definitions; and Section 114.64, LIRAP Requirements. The adopted rulemaking will implement provisions of House Bill 3272, 82nd Legislature, 2011, Regular Session, by amending Section 114.7 and Section 114.64, revising requirements and guidelines of the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program. The proposed rules were published in the January 27, 2012, issue of the *Texas Register* (37 TexReg 297). (Michael Regan, Betsy Peticolas) (Rule Project No. 2011-062-114-EN)

Item 34

### **[Docket No. 2011-1098-RUL.](#)**

Consideration of the adoption of new 30 TAC Chapter 342, Regulation of Certain Aggregate Production Operations. The adoption would establish a new chapter to implement House Bill 571 from the 82nd Legislature, 2011, Regular Session. The bill requires Aggregate Production Operations to register with the TCEQ annually and to pay an annual fee. The bill also requires the TCEQ to conduct an annual survey of aggregate production operations and conduct inspections of these operations at a minimum of once every three years. The proposed rules were published in the January 27, 2012, issue of the *Texas Register* (37 TexReg 306). (Laurie Fleet, Christine Angeletti) (Rule Project No. 2011-045-342-OW)

## **EXECUTIVE MEETING**

Item 35

### **[Docket No. 2012-0001-EXE.](#)**

The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

Item 36 **Docket No. 2012-0002-EXE.**

The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

Item 37 **Docket No. 2012-0003-EXE.**

The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

**(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)**

**REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.**

**THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT:  
[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**