

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 5, 2013

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 **[Docket No. 2012-0327-PST-E](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Caddell Stephenson in Shelby County, Texas; RN101853695; 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. The Commission will also consider the record, timely related filings, exceptions and replies. (Steven M. Fishburn)

EMERGENCY ORDER

Item 2 **[Docket No. 2013-0225-WR.](#)**

Consideration of whether to affirm, modify, or set aside an Order issued by the Executive Director (ED) on May 17, 2013 extending an Emergency Order issued under Tex. Water Code § 11.139 to the Lower Colorado River Authority (LCRA), which allows LCRA to temporarily amend its 2010 Water Management Plan (WMP), Permit No. 5838 by changing the triggers for curtailment of interruptible water based on storage levels of Lakes Buchanan and Travis. The ED's Extension of the Emergency Order grants LCRA's request to extend the Commission's Emergency Order of February 19, 2013 through October 15, 2013. LCRA has the right to divert and use up to 1.5 million acre feet from Lakes Buchanan and Travis in Travis, Llano, and Burnet Counties, Texas, under Certificates of Adjudication Nos. 14-5478 and 14-5482. These certificates

require LCRA to develop the WMP, Permit No. 5838, which establishes how LCRA is to make water available from these lakes to help meet “firm” water customer needs, downstream interruptible irrigation demands, and environmental flow needs of Matagorda Bay and the Lower Colorado River; and how LCRA will manage and curtail supplies from the lakes during times of drought including through a repeat of the Drought of Record. (Robin Smith, Kelley Rila)

TMDL MATTER

Item 3 **[Docket No. 2012-2574-TML.](#)**

Consideration for approval to publish and solicit public comment on an Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria corresponding to seventeen assessment units (AUs) in the Greater Trinity River and Tributaries (Segments 0805, 0822A, 0822B, 0841, 0841B, 0841C, 0841E, 0841G, 0841H, 0841J, 0841L, 0841M, 0841R, 0841T, and 0841U) of the Trinity River Basin in Dallas and Tarrant Counties. (Ron Stein, Robert Brush) (Project No. 2013-011-TML-NR)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 **[Docket No. 2012-2382-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Flint Hills Resources Corpus Christi, LLC in Nueces County; RN100235266; 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. (Heather Podlipny, Debra Barber)

Item 5 **[Docket No. 2012-1441-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Jefferson County; RN100209857; 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. (Anna Treadwell, Lena Roberts)

Item 6 **[Docket No. 2012-2357-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dome Petrochemical, L.C. in Chambers County; RN101519551; 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. (Jeff Huhn, Lena Roberts)

Item 7 [**Docket No. 2012-2393-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Ector County; RN100222330; 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. (Nadia Hameed, Debra Barber)

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 8 [**Docket No. 2012-0555-IHW-E.**](#)

Hyperlink
Update
5/30/2013
8:52 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harold Ridlehuber d/b/a J & R Auto in Hill County; RN100546324; for industrial solid and/or hazardous 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. (Kari L. Gilbreth, Lena Roberts)

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 9 [**Docket No. 2012-1400-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Esteban Prado Sanchez, Sr. in Grayson County; RN103495578; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Lena Roberts)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 10 [**Docket No. 2012-0623-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brandon Menn d/b/a B & C Tire Disposal, and Celina Menn in San Patricio County; RN105871875; for municipal solid waste and used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 11 [**Docket No. 2012-2077-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Julie Hodgson dba Wildcard Services in Polk County; RN105837702; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas

Administrative Code ch. 60. (Mike Pace, Debra Barber)

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 12 **[Docket No. 2011-1053-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Penny Cable d/b/a Hilltop Tire Service in Montague County; RN101896538; 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. (Tammy Mitchell, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 13 **[Docket No. 2012-2367-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 529 #35 LTD. in Harris County; RN102183613; 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. (Jacquelyn Green, Debra Barber)

Item 14 **[Docket No. 2012-1891-MWD-E.](#)**

Hyperlink
Update
5/23/2013
10:15 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Sabinal in Uvalde County; RN104859384; 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)

Item 15 **[Docket No. 2012-0082-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bishop in Nueces County; RN101920684; 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 16 **[Docket No. 2012-0705-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Thornton in Limestone County; RN102844461; 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. (Cheryl Thompson, Debra Barber)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 17 **[Docket No. 2012-1095-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DNR BUSINESS, INC. in Austin County; RN102712528; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rebecca M. Combs, Lena Roberts)

Item 18 **[Docket No. 2012-2627-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FAIRBANK FOOD STORE, INC. dba Bestco Food Mart in Harris County; RN101893782; 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. (Thomas Greimel, Debra Barber)

Item 19 **[Docket No. 2012-2422-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Joe Clifton dba Brahma Mart in Morris County; RN101873503; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steven Van Landingham, Debra Barber)

Item 20 **[Docket No. 2012-1932-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against MORGAN OIL COMPANY dba Depot Chevron in Nacogdoches County; RN101753267; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Debra Barber)

Item 21 **[Docket No. 2012-2689-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Yoon Soo Song d/b/a Beltway Grill Shell in Harris County; RN101434512; 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. (Ryan Rutledge, Lena Roberts)

Item 22 **[Docket No. 2012-0757-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bains Brothers, LLC d/b/a Bains Brothers Petroleum 6 in Dallas County; RN100532373; 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)

Item 23 **[Docket No. 2012-1189-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of James B. Madison and Deana M. Perdue d/b/a Madisons in Potter County; RN102714011; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Debra Barber)

Item 24 **[Docket No. 2012-2458-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of N.E. Jones Oil Company, Inc. dba 3 Way Grocery in Marion County; RN101805562; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (David Carney, Debra Barber)

Item 25 **[Docket No. 2012-2146-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PRODUCERS COOPERATIVE ELEVATOR dba Floydada 1 Grain Elevator in Floyd County; RN100536135; 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. (Danielle Porras, Debra Barber)

Item 26 **[Docket No. 2012-0007-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Iftkhar Ali d/b/a Food Stop in Jefferson County; RN102425865; 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. (Jim Sallans, Lena Roberts)

Item 27 **[Docket No. 2012-2531-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S.M. QUICK SHOP, INC. in Wood County; RN102049434; 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. (Andrea Park, Debra Barber)

Item 28 **[Docket No. 2012-2636-PST-E.](#)**

Hyperlink
Update
5/29/2013
2:49 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of H & ROZY INC. dba K & K Food Mart 2 in Tarrant County; RN102374733; 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. (Mike Pace, Debra Barber)

Item 29 **[Docket No. 2012-2551-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ARAMCO ASSOCIATED COMPANY in Harris County; RN101914042; 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. (Sarah Davis, Debra Barber)

Item 30 **[Docket No. 2012-2213-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against MCLANE COMPANY, INC. in Bell County; RN101616779 and RN101435717; 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. (Had Darling, Debra Barber)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 31 [**Docket No. 2011-2313-PST-E.**](#)

Hyperlink
Update
6/3/2013
2:27 PM

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of SRK GROUPS INC dba Cool Stop 1 in Jefferson County; RN102382058; 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. (Rudy Calderon, Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 32 [**Docket No. 2012-1133-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Samuel O. Klaerner d/b/a Chaparral Water System in Gillespie County; RN101227270; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Mike Fishburn, Lena Roberts)

Item 33 [**Docket No. 2012-0301-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Oakhollow MH Park, LLC d/b/a Oakhollow Mobile Home Park and Gary Don Stahlheber d/b/a Oakhollow Mobile Home Park in Brazoria County; RN101453843; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

SLUDGE ENFORCEMENT AGREED ORDER

Item 34 [**Docket No. 2012-1829-SLG-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kendall Speight, Inc. dba Hook-N-Bull Oilfield Service in Nueces County; RN105480404; for water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Debra Barber)

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 35 [**Docket No. 2012-0977-WQ-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of VA WESTFIELD PARTNERS, LLC dba Westfield Homes Addition in Collin County and Grayson County; RN106132657; 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. (Jennifer Cook, Lena Roberts)

RULE MATTER

Item 36 **[Docket No. 2013-0327-RUL.](#)**

Consideration for publication of, and hearing on, proposed new Section 336.1310 of 30 TAC Chapter 336, Radioactive Substance Rules. Proposed new Section 336.1310 would set out the maximum disposal rates that a licensee may charge generators for disposal of low-level radioactive waste. The maximum disposal rate would be the same as the Executive Director's recommended disposal rate that was part of the State Office of Administrative Hearings process. (Tonya Baer, Ron Olson) (Rule Project No. 2013-017-336-WS)

EXECUTIVE MEETING

Item 37 **Docket No. 2013-0001-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 38 **Docket No. 2013-0002-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 39 **Docket No. 2013-0003-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 SIX (6) 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)