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Chairman H.S. Buddy Garcia                      OLD BUSINESS AGENDA  
Commissioner Larry R. Soward  
Commissioner Bryan W. Shaw, Ph.D.      Wednesday, April 22, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the November 5, 2008 and February 11, 2009 agendas.

Item 1. [TCEQ Docket No. 2007-0452-MSW-E; SOAH Docket No. 582-08-0163](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Chester Hermes** in **Bexar County**, Texas; TCEQ Enforcement ID No. 33864; regarding violations pursuant to 30 Tex. Admin Code § 330.15(c), Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Barham Richard)

Adopt the ALJ's Proposal for Decision and proposed Order. LS/BS; all agree.

Item continued from the March 25, 2009 agenda.

Item 2. [Docket No. 2008-0136-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision** in **Williamson County** and Travis County; TCEQ ID Nos. RN101250306 and RN100825082; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

Remanded to the Executive Director.

## AGENDA

Wednesday, April 22, 2009

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### PROPOSALS FOR DECISION

- Item 1. [TCEQ Docket No. 2005-1686-DIS; SOAH Docket No. 582-07-2163](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order concerning the application of Galilee Partners, L.P. for creation of **Maypearl Water Control and Improvement District No. 1**, in **Ellis County**, Texas pursuant to Texas Water Code Chapter 51 and applicable rules, including Chapter 293. The proposed district would be located due east of Waxahachie, southeast of Midlothian, Cedar Hill and Duncanville, and due south of Arlington between IH 35W and 35E along FM 157. The Commission will also consider the application, and related filings, exceptions and replies. (Alicia M. Lee, Christiaan Siano)

Adopt the ALJ's Proposal for Decision and proposed Order with regard to her recommendations on the issues of Protestant's standing, benefit to the land and its residents, feasibility and need; decline, at this time, to define public welfare based on this one contested case; revise the ALJ's proposed Order by deleting Findings of Fact Nos. 34 - 47, Nos. 51 - 52, and Conclusion of Law No. 9 related to public welfare; renumber the remaining Findings of Fact and Conclusions of Law as needed; revise the ALJ's Conclusion of Law No. 10 as renumbered on page six of her Order to state "Based on the above Findings of Fact and Conclusions of Law, the Applicant has failed to meet its burden of proof on two of the four issues required by Section 51.021(a) of the Water Code"; and adopt the revised Order recommending denial of the application, without prejudice, based on the Applicant's failure to prove that there is a public necessity or need for the proposed Maypearl Water Control and Improvement District No. 1 and its development or that the proposed District and its development is feasible. BS/BG; LS opposed.

- Item 2. [TCEQ Docket No. 2007-0016-MWD; SOAH Docket No. 582-08-0020](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Galilee Partners, L.P.** for Texas Pollutant Discharge Elimination System Permit No. WQ0014640001 pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC §§ 307 and 309 to discharge treated wastewater at a volume not to exceed a daily discharge flow of 410,000 gallons per day. The proposed wastewater treatment facility would be located on the east bank of Boggy Branch, approximately 2,200 feet downstream of a Soil Conservation Service dam and approximately 1,000 feet upstream of Farm-to-Market Road 2258, in **Ellis County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies. (Alicia M. Lee, Christiaan Siano)

Adopt the ALJ's Proposal for Decision and Order; issue the proposed permit; and adopt the Executive Director's Response to Comment. BS/LS; all agree.

Item 3. [TCEQ Docket No. 2005-1953-PST-E; SOAH Docket No. 582-07-3621](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Tanvir A. Malik dba Malik Exxon in Dallas County**, Texas; Petroleum Storage Tank Facility ID No. 26593; RN102264157; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code chs. 70, 115, and 334, Tex. Water Code chs. 7 and 26, and Tex. Health & Safety Code ch. 382. The Commission will also consider timely filed exceptions and replies. (Dinniah M. Chahin)

Adopt the ALJ's Proposal for Decision with the Executive Director's proposed Order assessing an administrative penalty of \$17,500.00 and requiring corrective actions of the Respondent. LS/BS; all agree.

Item 4. [TCEQ Docket No. 2006-0571-MWD-E; SOAH Docket No. 582-08-1895](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of the **City of Thornton in Limestone County**, Texas; Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010824001; RN102844461; regarding municipal waste discharge violations pursuant to 30 Tex. Admin. Code Chapters 305 and 319, Tex. Water Code Chapters 7 and 26, and TPDES Permit No. WQ0010824001. The Commission will also consider timely filed exceptions and replies. (Tracy Chandler)

Adopt the ALJ's Proposal for Decision and proposed Order; add a new Ordering Provision No. 1 as recommended by the ALJ; defer 50% of the penalty under "as justice may require" dependant upon compliance with all provisions of the Order; and adopt the Executive Director's exceptions, except those not recommended for adoption by the ALJ in her March 31, 2009 letter. LS/BS; all agree.

Item 5. [TCEQ Docket No. 2007-1503-PST-E; SOAH Docket No. 582-09-1030](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Gloria Serenil in Bee County**, Texas; Petroleum Storage Tank Facility ID No. 1749; RN101890721; regarding petroleum storage tank violations pursuant to 30 TAC Chapter 334 and Tex. Water Code Chapter 7. The Commission will also consider timely filed exceptions and replies. (Barham A. Richard)

Adopt the ALJ's Proposal for Decision and proposed Default Order. BS/LS; all agree.

### **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 6. [Docket No. 2009-0085-MWD](#). Consideration of the application by **Hill Country Camp** for a new wastewater discharge permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014832001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 25,000 gallons per day. The wastewater treatment facility would be located at 1319 Harper Road, Kerrville, **Kerr County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (James Aldredge, David Akoma)

Grant the hearing requests of Wendy Barber, Tammy Patterson, Upper Guadalupe River Authority, Bonnie Olafson, Tommy and Pia Olafson, and James Olafson; refer to SOAH as a preliminary matter for a determination of affectedness the City of Kerrville and direct that only if the ALJ determines that the City

of Kerrville is affected then the ALJ may conclude that the City has satisfied the affected person requirements; refer the matter to SOAH for considering the following 12 issues: a) Whether the proposed discharge will be in compliance with regulations that are intended to protect surface water quality; b) Whether the effluent limits contained in the draft permit are adequately protective of the receiving waters and their designated and existing uses; c) Whether the proposed discharge will be in compliance with regulations that are intended to protect groundwater quality; d) Whether the proposed discharge will adversely affect human health and safety; e) Whether the proposed discharge will adversely impact surrounding wildlife; f) Whether the provisions of the draft permit protect against and mitigate the effects of any unauthorized discharges and upsets at the plant; g) Whether the proposed plant will result in nuisance odor conditions; h) Whether the proposed discharge will adversely affect the recreational use of Town Creek, the Guadalupe River, or Kerrville City Parks; i) Whether the proposed discharge violates the Commission's antidegradation rule found in 30 TAC § 307.5; j) Whether the draft permit requires sufficient monitoring of the plant and the discharge; k) Whether the draft permit should include additional provisions regarding the hauling and disposal of sludge; and l) Whether the Applicant will be able to comply with the conditions of the proposed permit and TCEQ rules and regulations governing the proposed permit; direct the Executive Director to participate in the hearing; set the maximum duration of the hearing as nine months from the first date of the preliminary hearing until the Proposal for Decision is issued; and deny all Requests for Reconsideration. BS/LS; all agree.

#### **WATER RIGHTS PUBLIC NOTICE MATTERS**

Item 7. [Docket No. 2008-1899-WR](#). Consideration of the notice required for an amendment to Certificate of Adjudication No. 12-4028 owned by **Helen H. McDaniel** to add industrial purpose of use to the existing authorization. Certificate of Adjudication No. 12-4028 currently authorizes the Owner to maintain a dam and reservoir on an unnamed tributary of Barton Creek, tributary of Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin and impound therein not to exceed 25 acre-feet of water and to maintain an off-channel reservoir and impound therein not to exceed 5 acre-feet of water in Erath County. Owner is further authorized to divert and use not to exceed 38 acre-feet of water per year, at a maximum rate of 1.78 cfs (800 gpm), from two points on Barton Creek and from the perimeter of the on-channel reservoir for agricultural purposes to irrigate a maximum of 30 acres of land out of a 223-acre tract in **Palo Pinto and Erath Counties**. The time priority for this water right is May 31, 1933. The Commission will consider the application, the Executive Director's memo on notice, and any other relevant documents or information. (Amy Dunsmore, Robin Smith)

Find that the requested amendments to Certificates of Adjudication Nos. 12-4175, 12-4318, 12-4035, 12-4034, and 12-4028 do not require a public notice prior to issuance and that the additional diversion point requested in the amendment application for Water Rights Permit No. 5528 does not require public notice prior to issuance beyond that required by 30 TAC § 295.158(c)(2). LS/BS; all agree.

Item 8. [Docket No. 2008-1900-WR](#). Consideration of the notice required for an amendment to Certificate of Adjudication No. 12-4034 owned by **Helen H. McDaniel** to add industrial purpose of use to the existing authorization. Certificate of Adjudication 12-4034 currently authorizes the Owner to maintain an existing off-channel reservoir and to impound therein not to exceed 15 acre-feet of water in Palo Pinto County. Owner is further authorized to divert and use not to exceed 30 acre-feet of water per year at a maximum rate of 1.56 cfs (700 gpm) from a point on Big Sunday Creek, tributary of Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin, for agricultural purposes to irrigate a maximum of 16 acres of land out of a 279-acre tract

in **Palo Pinto County**. Owner may also divert the water into the off-channel reservoir for subsequent diversion and use for agricultural (irrigation) purposes. The time priority for this water right is March 31, 1955. The Commission will consider the application, the Executive Director's memo on notice, and any other relevant documents or information. (Amy Dunsmore, Robin Smith)

Find that the requested amendments to Certificates of Adjudication Nos. 12-4175, 12-4318, 12-4035, 12-4034, and 12-4028 do not require a public notice prior to issuance and that the additional diversion point requested in the amendment application for Water Rights Permit No. 5528 does not require public notice prior to issuance beyond that required by 30 TAC § 295.158(c)(2). LS/BS; all agree.

Item 9. [Docket No. 2008-1901-WR](#). Consideration of the notice required for an amendment to Certificate of Adjudication No. 12-4035 owned by **Helen H. McDaniel** to add industrial purpose of use to the existing authorization. Certificate of Adjudication 12-4035 currently authorizes the Owner to divert and use not to exceed 5 acre-feet of water per year at a maximum rate of 1.50 cfs (675 gpm) from Big Sunday Creek, tributary of Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin, for agricultural purposes to irrigate a maximum of 1 acre of land out of a 175-acre tract in **Palo Pinto County**. The time priority for this water right is December 31, 1963. The Commission will consider the application, the Executive Director's memo on notice, and any other relevant documents or information. (Amy Dunsmore, Robin Smith)

Find that the requested amendments to Certificates of Adjudication Nos. 12-4175, 12-4318, 12-4035, 12-4034, and 12-4028 do not require a public notice prior to issuance and that the additional diversion point requested in the amendment application for Water Rights Permit No. 5528 does not require public notice prior to issuance beyond that required by 30 TAC § 295.158(c)(2). LS/BS; all agree.

Item 10. [Docket No. 2008-1902-WR](#). Consideration of the notice required for an amendment to Certificate of Adjudication No. 12-4175 owned by **H.R. Stasney & Sons, Ltd**, to authorize the entire combined current authorization of 84 acre feet of water per year for livestock, domestic and mining purposes without a specified amount of water allocated to each use. Certificate of Adjudication No. 12-4175 currently authorizes the Owner to maintain a dam and reservoir on the Clear Fork Brazos River, Brazos River Basin and impound therein not to exceed 108 acre-feet of water and divert and use from the perimeter of the aforesaid reservoir or a point located on the Clear Fork Brazos River not to exceed 7 acre-feet of water per year for livestock purposes, 14 acre-feet of water per year for domestic purposes and 63 acre feet of water per year for mining purposes at a combined maximum diversion rate of 0.17 cfs (75 gpm) in **Shackelford County**. The time priorities for this water right are July 1, 1926 and November 23, 1934. The commission will consider the application, the Executive Director's memo on notice, and any other relevant documents or information. (Craig Mikes, Robin Smith)

Find that the requested amendments to Certificates of Adjudication Nos. 12-4175, 12-4318, 12-4035, 12-4034, and 12-4028 do not require a public notice prior to issuance and that the additional diversion point requested in the amendment application for Water Rights Permit No. 5528 does not require public notice prior to issuance beyond that required by 30 TAC § 295.158(c)(2). LS/BS; all agree.

Item 11. [Docket No. 2008-1912-WR](#). Consideration of the notice required for an amendment filed by **Kevin and Martha Petermann** to Water Use Permit No. 5528, owned by the Petermanns and the Steves Brothers, to add a diversion point, approximately 1.5 miles downstream, on the

Guadalupe River, Guadalupe River Basin and to add a new place of use, being a 94.069 acre tract, in **Kendall County** for their 49-acre-foot right. Both the Petermanns and the Steves Brothers own a right to 49 acre feet of the permit. Kevin and Martha Petermann originally owned all of Water Use Permit No. 5528 which authorizes the diversion of not to exceed 98 acre-feet of water per year from the Guadalupe River, Guadalupe River Basin at a maximum combined diversion rate of 0.56 cfs (250 gpm) for agricultural (irrigation) purposes to irrigate 50 acres of land out of a 57.7-acre tract in Kendall County with a priority date of May 19, 1995. This authorization is based on an Upstream Diversion Contract with the Guadalupe-Blanco River Authority. The Commission will consider the application, the Executive Director's memo on notice, and any other relevant documents or information. (Ron Ellis , Robin Smith)

Find that the requested amendments to Certificates of Adjudication Nos. 12-4175, 12-4318, 12-4035, 12-4034, and 12-4028 do not require a public notice prior to issuance and that the additional diversion point requested in the amendment application for Water Rights Permit No. 5528 does not require public notice prior to issuance beyond that required by 30 TAC § 295.158(c)(2). LS/BS; all agree.

Item 12. [Docket No. 2008-1913-WR](#). Consideration of the notice required for an amendment to Certificate of Adjudication No. 12-4318 owned by **John and Wendell McPherson, dba McPherson Farms**, to add mining use to their current authorization of 150 acre-feet per year for agricultural (irrigation) purposes. John and Wendell McPherson also request that the certificate be amended to authorize a 10 acre-foot off-channel storage reservoir with a surface area of one acre. Certificate of Adjudication No. 12-4318 currently authorizes the Owners to divert and use not to exceed 150 acre-feet of water per year for agricultural (irrigation) purposes from the Brazos River, Brazos River Basin, at a combined maximum diversion rate of 8.89 cfs (4,000 gpm) from a currently authorized diversion point in **Hill County**. The time priority for this water right is December 31, 1921. The commission will consider the application, the Executive Director's memo on notice, and any other relevant documents or information. (Craig Mikes, Robin Smith)

Find that the requested amendments to Certificates of Adjudication Nos. 12-4175, 12-4318, 12-4035, 12-4034, and 12-4028 do not require a public notice prior to issuance and that the additional diversion point requested in the amendment application for Water Rights Permit No. 5528 does not require public notice prior to issuance beyond that required by 30 TAC § 295.158(c)(2). LS/BS; all agree.

#### **AGRICULTURAL ENFORCEMENT AGREED ORDER**

Item 13. [Docket No. 2008-1312-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **J. R. Garman, Jr. dba Garman & Sons Dairy in Deaf Smith County**; RN101529386; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Cari-Michel La Caille)

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

#### **AIR QUALITY ENFORCEMENT AGREED CORRECTIVE ACTION ORDER**

Item 14. [Docket No. 2009-0022-AIR-E](#). Consideration of an Agreed Corrective Action Order stipulating administrative penalties and requiring certain actions of **Texas Petrochemicals LLC in Harris County**; RN100219526; for certain air quality violations pursuant to Tex. Health &

Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Cari-Michel La Caille)

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

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

Item 15. [Docket No. 2008-1586-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation 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. (Raymond Marlow, Cari-Michel La Caille)

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

Item 16. [Docket No. 2008-1952-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Belco Manufacturing Company, Inc. in Bell County**; RN100215524; 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. (Trina Grieco, Cari-Michel La Caille)

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

Item 17. [Docket No. 2008-1299-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Targa Midstream Services Limited Partnership in Chambers County**; RN102583291 and RN100222900; 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. (Rebecca Johnson, Cari-Michel La Caille)

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

Item 18. [Docket No. 2008-1476-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Channel Energy Center, LP in Harris County**; RN100213107; 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, Bryan Sinclair)

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

Item 19. [Docket No. 2008-1920-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Houston County Ready-Mix Concrete Co. Inc. in Houston County**; RN105606586; 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. (Trina Grieco, Cari-Michel La Caille)

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

- Item 20. [Docket No. 2008-1859-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Goodyear Tire & Rubber Company** in **Harris County**; RN102608932; 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. (Bryan Elliott, Cari-Michel La Caille)

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

- Item 21. [Docket No. 2008-1771-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chevron Phillips Chemical Company LP** in **Hutchinson County**; RN102320850; 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, Cari-Michel La Caille)

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

- Item 22. [Docket No. 2008-0895-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lauro Gonzalez dba Lauro's Welding and Sandblasting** in **Nueces County**; TCEQ ID No. RN102547650; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Cox, Lena Roberts)

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

- Item 23. [Docket No. 2008-1799-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NuStar Terminals Partners TX L.P.** in **Galveston County**; RN100218767; 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. (Roshondra Lowe, Cari-Michel La Caille)

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

- Item 24. [Docket No. 2009-0006-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brumley Manufacturing, LLC** in **Waller County**; RN105555767; 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. (Bryan Elliott, Cari-Michel La Caille)

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

- Item 25. [Docket No. 2008-1459-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LEADING EDGE AVIATION SERVICES AMARILLO, INC.** in **Potter County**; RN100611201; 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. (Thomas Jecha, Cari-Michel La Caille)

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

Item 26. [Docket No. 2008-1610-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Circleville Store & Grain, Inc.** in **Williamson County**; RN104396551; 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. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 27. [Docket No. 2008-1417-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **C & R Distributing, Inc.** in **El Paso County**; RN102492139; 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. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 28. [Docket No. 2008-1282-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Lubrizol Corporation** in **Harris County**; RN100221589; 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. (Trina Grieco, Cari-Michel La Caille)

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

#### **DRY CLEANER ENFORCEMENT DEFAULT ORDER**

Item 29. [Docket No. 2006-1285-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **ASAP Enterprises, Inc. dba VIP Cleaners 5 and dba IP Cleaners** in **Harris County**; TCEQ ID Nos. RN104098116 and RN100705763; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Dinniah M. Chahin, Lena Roberts)

Approve the Default Order. LS/BS; all agree.

#### **EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS**

Item 30. [Docket No. 2008-1397-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **CLS Excavation, Inc.** in **Williamson County**; RN105551733; 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. (Lauren Smitherman, Cari-Michel La Caille)

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

Item 31. [Docket No. 2008-1494-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **C.H. INVESTMENTS, INC.** in **Bexar County**; RN105601868; 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. (Samuel Short, Cari-Michel La Caille)

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

Item 32. [Docket No. 2008-1745-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **MPII, Inc. dba Mission Park Dominion Funeral Chapel** in **Bexar County**; RN105594253; 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. (Lauren Smitherman, Cari-Michel La Caille)

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

#### **FIELD CITATIONS**

Item 33. [Docket No. 2008-1847-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Armstrong Mechanical Co., Inc.** in **Lubbock County**; RN101757169; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. LS/BS; all agree.

Item 34. [Docket No. 2008-1755-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Robert D. Myers** in **McLennan County**; RN104421722; for occupational licensing violations pursuant to Tex. Health and Safety Code ch. 366, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. LS/BS; all agree.

Item 35. [Docket No. 2008-1756-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Doug Bowden** in **Comanche County**; RN104268743; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. LS/BS; all agree.

Item 36. [Docket No. 2008-1690-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Southland Contracting, Inc.** in **Tarrant County**; RN105625800; 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. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. LS/BS; all agree.

Item 37. [Docket No. 2008-1854-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Grand Texas Homes, Inc.** in **Collin County**; RN105634620; 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. (Melissa Keller, Cari-Michel La Caille)

Approve the Field Citation. LS/BS; all agree.

Item 38. [Docket No. 2008-1759-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Dale K. Farrow** in **Cherokee County**; RN105598031; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. LS/BS; all agree.

Item 39. [Docket No. 2008-1758-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Steve Simpson & Associates, Inc.** in **Tyler County**; RN104689054; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. LS/BS; all agree.

#### **LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER**

Item 40. [Docket No. 2007-1743-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Shane Walls** in **Collin County**; TCEQ ID No. RN105239586; for landscape irrigation installer 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. (Tammy L. Mitchell, Lena Roberts)

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

#### **LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER**

Item 41. [Docket No. 2008-1155-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jarrold L. Meyer dba Jarrold's Lawn and Landscaping** in **Smith County**; TCEQ ID No. RN104846183; for landscape irrigation installer 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. (Tommy Tucker Henson II, Lena Roberts)

Approve the Default Order. LS/BS; all agree.

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

- Item 42. [Docket No. 2007-1599-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kirbyville in Jasper County**; RN102186053; for water quality and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Cari-Michel La Caille)

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

- Item 43. [Docket No. 2008-1485-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cardinal Meadows Improvement District in Jefferson County**; RN101441418; for public drinking water, water rights, and utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 11 and 13, and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Cari-Michel La Caille)

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

- Item 44. [Docket No. 2008-1752-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Concan Country Club, Inc. in Uvalde County**; RN105628572; for water quality and 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. (Lanae Foard, Cari-Michel La Caille)

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

- Item 45. [Docket No. 2008-1728-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **I.C.A. Properties, Inc. dba Airline Mobile Home Park in Midland County**; RN101224889; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Cari-Michel La Caille)

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

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

- Item 46. [Docket No. 2005-0349-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Walker Wood Preserving, Inc. in Polk County**; TCEQ ID No. RN102523461; for industrial hazardous waste and air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 5, 7, and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barham A. Richard, Lena Roberts)

Approve the Default Order. LS/BS; all agree.

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

Item 47. [Docket No. 2008-1821-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hawk Cove in Hunt County**; RN104265848; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Cari-Michel La Caille)

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

Item 48. [Docket No. 2008-1788-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trinity Pines Conference Center, Inc. in Trinity County**; RN103014494; 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. (Lauren Smitherman, Cari-Michel La Caille)

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

Item 49. [Docket No. 2008-1806-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Beach Road Municipal Utility District in Matagorda County**; RN101613818; 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, Cari-Michel La Caille)

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

Item 50. [Docket No. 2008-1710-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kennard in Houston County**; RN102078169; 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, Cari-Michel La Caille)

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

Item 51. [Docket No. 2008-1696-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bosque Utilities Corporation in Navarro County**; RN102342821; 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, Cari-Michel La Caille)

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

Item 52. [Docket No. 2008-1295-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rochester in Haskell County**; RN101920114; 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, Cari-Michel La Caille)

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

Item 53. [Docket No. 2008-1451-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chireno Independent School District in Nacogdoches County**; RN101521631; 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, Cari-Michel La Caille)

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

Item 54. [Docket No. 2008-1705-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **JWR-HO, L.P. in Harris County**; RN102915378; 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, Cari-Michel La Caille)

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

Item 55. [Docket No. 2008-1703-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Madisonville in Madison County**; RN101719821; 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. (Samuel Short, Cari-Michel La Caille)

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

#### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER**

Item 56. [Docket No. 2008-0540-MWD-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Tynan Water Supply Corporation in Bee County**; TCEQ ID No. RN103051710; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

Approve the Default Order. LS/BS; all agree.

#### **PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS**

Item 57. [Docket No. 2008-1607-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mike Hweidi dba Hicks Country Store in Tarrant County**; RN101433712; 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. (Judy Kluge, Cari-Michel La Caille)

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

Item 58. [Docket No. 2008-0072-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M-Co Auto Supply, Inc. dba M-Co Auto Parts** in **Bexar County**; TCEQ ID No. RN101739282; 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 Gilbreth, Lena Roberts)

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

Item 59. [Docket No. 2008-1678-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thomas Rifai dba J & J Truck Stop** in **Denton County**; RN104314869; 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, Cari-Michel La Caille)

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

Item 60. [Docket No. 2008-1744-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **QUICK TRACK INC. dba Quick Track** in **Tarrant County**; RN103028874; for petroleum storage tank 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. (Mike Pace, Cari-Michel La Caille)

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

Item 61. [Docket No. 2008-1916-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Amirali Ladhani and Fatima Ladhani dba Rick's Drive In** in **Atascosa County**; RN101907780; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steven Lopez, Cari-Michel La Caille)

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

Item 62. [Docket No. 2008-1656-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **S.A.A.A ENTERPRISES, INC. dba West Airport Food Mart** in **Harris County**; RN102262854; for petroleum storage tank 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. (Wallace Myers, Cari-Michel La Caille)

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

Item 63. [Docket No. 2008-1665-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SANM INC. dba Rick's Drive In** in **Denton County**; RN101377471; 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. (Judy Kluge, Cari-Michel La Caille)

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

- Item 64. [Docket No. 2004-0342-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Teofilo R. Gonzalez dba Mini Super Las Palmas** in **Hidalgo County**; TCEQ ID No. RN101681252; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

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

- Item 65. [Docket No. 2008-1931-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **MERCANTILE ENTERPRISES, INC. dba In & Out Mini Mart #2** in **Harris County**; RN101892800; for petroleum storage tank 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. (Mike Pace, Cari-Michel La Caille)

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

- Item 66. [Docket No. 2008-1944-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SUNESARA INVESTMENT INC. dba Baytown Market 2** in **Harris County**; RN101787802; for petroleum storage tank 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. (Steven Lopez, Cari-Michel La Caille)

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

- Item 67. [Docket No. 2008-1737-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CMCR CORPORATION dba ASPS Beer & Wine** in **Dallas County**; RN101569754; 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. (Steven Lopez, Cari-Michel La Caille)

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

- Item 68. [Docket No. 2008-1933-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TC AND E REALTY, INC. dba Fastime Convenience** in **Bell County**; RN103732269; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steven Lopez, Cari-Michel La Caille)

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

- Item 69. [Docket No. 2008-1828-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **FRIENDSHIP ENTERPRISES, INC. dba In & Out Mini Mart** in **Harris**

**County**; RN101743698; for petroleum storage tank 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. (Judy Kluge, Cari-Michel La Caille)

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

Item 70. [Docket No. 2006-1894-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **AP Livingston Limited Partnership dba Texaco Food Mart in Polk County**; TCEQ ID No. RN101784478; 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)

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

Item 71. [Docket No. 2008-1932-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John Ho Im dba Johns Market in Nueces County**; RN101879583; 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. (Brianna Carlson, Cari-Michel La Caille)

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

Item 72. [Docket No. 2008-1782-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lone Star Petroleum, LP dba Cook Shell in Harris County**; RN102795010; for petroleum storage tank 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. (Brianna Carlson, Cari-Michel La Caille)

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

Item 73. [Docket No. 2008-1736-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KRAS INVESTMENTS, LLC dba Bastrop Texaco in Bastrop County**; RN102464914; 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. (Elvia Maske, Cari-Michel La Caille)

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

#### **PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS**

Item 74. [Docket No. 2008-1211-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Leonard Garcia in Tom Green County**; TCEQ ID No. RN102130598; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, Lena Roberts)

Approve the Default Order. LS/BS; all agree.

- Item 75. [Docket No. 2008-0120-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Duran Properties, Inc.** in **San Patricio County**; TCEQ ID No. RN101910255; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

Approve the Default Order. LS/BS; all agree.

- Item 76. [Docket No. 2008-1256-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Kazi Begum dba Quick Stop** in **Montgomery County**; TCEQ ID No. RN102457785; 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. (Tommy Tucker Henson II, Lena Roberts)

Approve the Default Order. LS/BS; all agree.

- Item 77. [Docket No. 2007-1686-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Joe Macias** in **Haskell County**; TCEQ ID No. RN101828002; 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. (Rudy Calderon, Lena Roberts)

Approve the Default Order. LS/BS; all agree.

- Item 78. [Docket No. 2007-2035-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ali Shahjhan dba Brownies** in **Tarrant County**; TCEQ ID No. RN101557205; 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. (Jacquelyn Boutwell, Lena Roberts)

Remanded to the Executive Director.

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

- Item 79. [Docket No. 2007-1939-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **JE Jalaram Inc. dba JC's Food Mart** in **Victoria County**; TCEQ ID No. RN102485737; 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. (Barham A. Richard, Lena Roberts)

Approve the Default Order. LS/BS; all agree.

Item 80. [Docket No. 2007-1243-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Mike Lucio dba Mike Lucio's Auto Service in Cameron County**; TCEQ ID No. RN101687572; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

Approve the Default and Shutdown Order. LS/BS; all agree.

#### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 81. [Docket No. 2008-1766-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Comcast of Houston, LLC in Harris County**; RN104415815 and RN104415823; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Cari-Michel La Caille)

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

Item 82. [Docket No. 2008-1558-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of New Summerfield in Cherokee County**; RN102692621; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Cari-Michel La Caille)

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

Item 83. [Docket No. 2006-1777-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fatima Family Village, Inc. dba Fatima Family Village Mobile Home Park in Harris County**; TCEQ ID No. RN101236685; 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. (Jennifer Cook, Lena Roberts)

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

Item 84. [Docket No. 2008-1740-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Thornton in Limestone County**; RN101239580; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Cari-Michel La Caille)

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

Item 85. [Docket No. 2008-1164-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Guss Lines dba Lines Cactus Grove Mobile Home Park in Brewster County**; TCEQ ID No. RN104103247; for public drinking water violations

pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Peipey Tang, Lena Roberts)

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

- Item 86. [Docket No. 2008-1688-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Foster Consolidated Investments, L.L.C. dba Walburg Water System** in **Williamson County**; RN101453124; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Cari-Michel La Caille)

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

- Item 87. [Docket No. 2007-1803-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Maria A. Beltran dba 1017 Cafe** in **Starr County**; TCEQ ID No. RN102679461; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tammy L. Mitchell, Lena Roberts)

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

#### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

- Item 88. [Docket No. 2007-1672-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **JKD Builder, LLC** in **Travis County**; RN105360093; 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. (Gary Shiu, Lena Roberts)

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

- Item 89. [Docket No. 2008-1691-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ed Bell Construction Company** in **Denton County**; RN105631600; 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. (Jeremy Escobar, Cari-Michel La Caille)

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

#### **WATER QUALITY ENFORCEMENT DEFAULT ORDER**

- Item 90. [Docket No. 2007-1656-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Richard Ayala dba All State Auto & Truck Parts Corpus Christi** in **Nueces County**; RN104982251; 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. (Gary K. Shiu, Lena Roberts)

Approve the Default Order. LS/BS; all agree.

## STATE PLAN

- Item 91. [Docket No. 2008-1346-MIS](#). Consideration of the adoption of the **Federal Clean Air Act (FCAA), Sections 111(d) and 129 State Plan** for Small Municipal Waste Combustion Units, Commercial and Industrial Solid Waste Incineration Units, and Other Solid Waste Incineration Units. The adopted FCAA, Sections 111(d) and 129 State Plan and the corresponding adopted Chapter 113 rulemaking are required under the FCAA, Section 129 and the emission guidelines contained in 40 Code of Federal Regulations Part 60, Subparts BBBB, DDDD, and FFFF for incineration and combustion units. States must adopt and submit to the United States Environmental Protection Agency for approval, a State Plan to implement and enforce the emission guidelines. (Lisa Martin, Terry Salem) (Rule Project No. 2008-007-113-PR)

Adopt both the Federal Clean Air Act, Sections 111(d) and 129 State Plan for Small Municipal Waste Combustion Units, Commercial and Industrial Solid Waste Incineration Units, and Other Solid Waste Incineration Units and the addition of new Divisions 3, 4, and 5 of Subchapter D, Chapter 113 as recommended by the Executive Director. BS/LS; all agree.

## RULE MATTER

- Item 92. [Docket No. 2008-0132-RUL](#). Consideration of the adoption of revisions to **30 TAC Chapter 113**, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, Subchapter D, Designated Facilities and Pollutants; new Division 3, Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999, Sections 113.2100 - 113.2174; new Division 4, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999, Sections 113.2200 - 113.2261; and new Division 5, Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004, Sections 113.2300 - 113.2357. The adopted new divisions in Subchapter D and the accompanying Federal Clean Air Act, Sections 111(d) and 129 State Plan would implement federal emission guidelines contained in 40 Code of Federal Regulations Part 60, Subparts BBBB, DDDD, and FFFF for incineration and combustion units. The content of the model rules that is contained in the emission guidelines, as promulgated by the United States Environmental Protection Agency, would be included as new divisions of 30 TAC Chapter 113 with minor administrative changes. The proposed rules were published in the November 21, 2008, issue of the *Texas Register* (33 TexReg 9371). (Lisa Martin, Terry Salem)(Rule Project No. 2008-007-113-PR)

Adopt both the Federal Clean Air Act, Sections 111(d) and 129 State Plan for Small Municipal Waste Combustion Units, Commercial and Industrial Solid Waste Incineration Units, and Other Solid Waste Incineration Units and the addition of new Divisions 3, 4, and 5 of Subchapter D, Chapter 113 as recommended by the Executive Director. BS/LS; all agree.

## PUBLIC COMMENT SESSION

- Item 93. The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment

limited to one hour.

No action taken.

## **EXECUTIVE MEETING**

Item 94. **Docket No. 2009-0001-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.

The commission did not meet in an executive meeting.

Item 95. **Docket No. 2009-0002-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.

The commission did not meet in an executive meeting.

Item 96. **Docket No. 2009-0003-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.

The commission did not meet in an executive meeting.

**(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/cgi-bin/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)**

/s/ Tracy Gross  
Assistant General Counsel,  
Tracy Gross

04/30/2009  
Date