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Chairman H.S. Buddy Garcia

AGENDA

Commissioner Larry R. Soward

Commissioner Bryan W. Shaw, Ph.D. Wednesday, June 3, 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. 2006-0631-UCR; SOAH Docket No. 582-06-2663](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of the **City of McKinney** to amend Certificate of Convenience and Necessity No. 20071 pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291 and Tex. Water Code Chapter 13 to increase the area to be certified to provide retail sewer utility service. The proposed area includes McKinney's current city limits and extends to most of its extraterritorial jurisdiction in **Collin County**, Texas. The Commission will also consider the application, and related filings, exceptions, and replies. (Brian Macleod)

Adopt the ALJ's Proposal for Decision and proposed Order with the following revisions: 1) Substitute "October 28-29, 2008" for "October 3-4, 2007" in the ALJ's Finding of Fact No. 21 on Page 4 of the Order; 2) Substitute for the reference "360,000" in Finding of Fact No. 40, a reference to "between 360,000 to 395,000"; 3) Amend Finding of Fact No. 59 to state "At build-out, McKinney anticipates needing approximately 476,000 feet of sewer line ranging from 10 inches to 60 inches at a cost of approximately 118 million dollars"; 4) Amend Finding of Fact No. 60 to state "McKinney anticipates serving, at ultimate build-out, between 360,000 and 395,000 people, or about 155,000 connections"; 5) Change "Herbert" to "Hebert" on the first page of the Order; 6) Substitute for the references to "June 3, 2008" in Conclusions of Law Nos. 7 and 8 and in Ordering Provision No. 2 on Page 19 of the Order a reference to "June 30, 2008"; 7) Add as a second sentence in Ordering Provision No. 1 on Page 19 a statement that "The City of McKinney is also assessed all transcription costs in this matter"; 8) Amend the first sentence in Ordering Provision No. 1 to state "The application of the City of McKinney to amend its Certificate of Convenience and Necessity No. 20071 in Collin County, Texas is GRANTED as reflected in the attached map in Exhibit A to this Order, which corresponds to the City of McKinney's Exhibit No. 24. LS/BS; all agree.

Item 2. [TCEQ Docket No. 2008-0164-UCR; SOAH Docket No. 582-08-1719](#). Consideration of the Administrative Law Judge's Proposal for Decision and proposed Order regarding the application of **HHJ, Inc., dba Decker Utilities** to change its water and sewer rates/tariff under Water Certificate of Convenience and Necessity ("CCN") No. 12841 and Sewer CCN No. 20833 in **Montgomery County**, Texas, pursuant to Texas Water Code Chapter 13 and the rules of the Texas Commission on Environmental Quality in Title 30, Chapter 291 of the Texas Administrative Code. The Commission will also consider the application, related filings and exhibits, exceptions, and replies. (Erin Selvera)

Continued to the June 26, 2009 agenda.

Item 3. [TCEQ Docket No. 2008-0235-WQ-E; SOAH Docket No. 582-09-0637](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Patriot Car Wash, L.L.C. in Travis County**, Texas; TCEQ ID No. RN104633680; regarding water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Benjamin O. Thompson)

Dismiss as moot the ALJ's Proposal for Decision and Default Order. BS/LS; all agree.

Item 4. [Docket No. 2008-0235-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Patriot Car Wash, L.L.C. in Travis County**; RN104633680; 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. (Benjamin O. Thompson, Lena Roberts)

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

EMERGENCY ORDER

Item 5. [TCEQ Docket No. 2008-1646-UCR](#). Consideration of a request by Carl & Janel Parker and Carolina Ruiz for an extension of the Commission's emergency order compelling the provision of continuous and adequate water service by **East Rio Hondo Water Supply Corporation in Cameron County**, Texas, pursuant to Title 30, Section 35.22 of the Texas Administrative Code. The Commission issued its emergency order dated November 10, 2008, concerning East Rio Hondo Water Supply Corporation pursuant to Texas Water Code Section 13.041 and Title 30, Section 291.14 of the Texas Administrative Code. (Stefanie Skogen, Lisa Fuentes)

Request for extension withdrawn. No action taken.

MISCELLANEOUS MATTER

Item 6. [Docket No. 2009-0213-UCR](#). Consideration of a request for a Commission Order approving a contract designating service areas between the **City of Bryan** ("Bryan"), water Certificate of Convenience and Necessity ("CCN") No. 10187, and **OSR Water Supply Corporation** ("OSR"), water CCN No. 11896, pursuant to Section 13.248 of the Texas Water Code and a request for approval of an agreement between the parties on service areas applied for (but previously uncertified) to amend their respective CCNs pursuant to those applications. The

agreement stipulates that Bryan will obtain approximately 959.5 acres of territory previously certified to OSR. The parties also have settled their competing applications (Bryan Application No. 33505-C; OSR Application No. 33839-C) for CCN amendments for areas previously uncertified to any retail public utility. Bryan will amend its CCN to include approximately 13,847 acres of land in **Brazos County**, and OSR will amend its CCN to include approximately 100,843 acres of land in **Brazos and Robertson Counties**. (Brian MacLeod, Kamal Adhikari)

Adopt the Executive Director's proposed Order approving an agreement designating service areas between the City of Bryan and OSR Water Supply Corporation, pursuant to Texas Water Code § 13.248 and approving an agreement between the parties on previously uncertified areas requested in Application Nos. 33505-C and 33839-C. BS/LS; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 7. [Docket No. 2008-1097-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dennis James Schouten, Cornelius Thomas Schouten, and Nicholas Schouten dba D & L Dairy in Erath County**; RN102844768; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Cari-Michel La Caille)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8. [Docket No. 2009-0086-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pilot Travel Centers LLC dba Pilot Travel Center 435 in El Paso County**; RN103125605; 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. (Audra Benoit, Cari-Michel La Caille)

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

Item 9. [Docket No. 2007-0876-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Price Construction, Ltd. in Val Verde County**; TCEQ ID No. RN102743747; 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 10. [Docket No. 2009-0130-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Targa Midstream Services Limited Partnership in Chambers County**; 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. (Roshondra Lowe, Cari-Michel La Caille)

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

- Item 11. [Docket No. 2008-1621-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Oil Company in Harris County**; RN100211879; 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 12. [Docket No. 2008-1726-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102212925; 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 13. [Docket No. 2009-0249-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Essner Manufacturing, L.P. in Tarrant County**; RN100751395; 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. (Suzanne Walrath, Cari-Michel La Caille)

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

- Item 14. [Docket No. 2008-1817-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **E. I. du Pont de Nemours and Company in Orange County**; RN100542711; 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 15. [Docket No. 2008-1407-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ONEOK Hydrocarbon Southwest, LLC in Chambers County**; RN100209949; 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. (Terry Murphy, Cari-Michel La Caille)

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

- Item 16. [Docket No. 2008-1695-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **SandRidge CO2, LLC in Pecos County**; RN100825306; 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 17. [Docket No. 2008-1890-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company** in **Brazoria County**; RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Cari-Michel La Caille)

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

- Item 18. [Docket No. 2008-1878-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. 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 19. [Docket No. 2008-1662-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Convenience Stores, LLC** in **El Paso County**; RN102017241 and RN102395662; 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 20. [Docket No. 2008-1793-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Citgo Refining and Chemicals Company L.P.** in **Nueces County**; RN102555166; 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 21. [Docket No. 2008-1679-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Conner Steel Products Inc.** in **Tom Green County**; RN102602307; 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, Cari-Michel La Caille)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDER

Item 22. [Docket No. 2008-1047-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **John Tran dba Quality Cleaners and dba Deluxe Drycleaning** in **Jefferson County**; TCEQ ID Nos. RN103953683, RN104137443, RN104137435, and RN104137518; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 23. [Docket No. 2009-0049-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Joseph Realty Group, LLC** in **Williamson County**; RN105641864; 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. (Pamela Campbell, Cari-Michel La Caille)

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

Item 24. [Docket No. 2009-0104-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Dripping Springs Independent School District** in **Hays County**; RN103124186; 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.

FIELD CITATIONS

Item 25. [Docket No. 2009-0241-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **William K. Ingram** in **Johnson County**; RN103400933; 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. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 26. [Docket No. 2009-0379-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Bill Nichols dba Bills Double Six Mini Mart** in **Stephens County**; RN102283181; 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. (Keith Frank, Cari-Michel La Caille)

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

Item 27. [Docket No. 2009-0242-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **United Fuel & Energy Corporation** in **Lubbock**

County; RN102247038; 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. (Wallace Myers, Cari-Michel La Caille)

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

Item 28. [Docket No. 2009-0243-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Scott A. Bundy** in **Anderson County**; RN105467468; 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. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 29. [Docket No. 2009-0246-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **David Nelson** in **Hill County**; RN105646186; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 30. [Docket No. 2009-0244-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Deanna Lee** in **Hill County**; RN105648638; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 31. [Docket No. 2009-0256-WO-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **City of San Marcos** in **Hays County**; RN105654982; 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. (Harvey Wilson, Cari-Michel La Caille)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 32. [Docket No. 2008-1787-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CLEMSA LUMBER COMPANY** in **Angelina County**; RN100211143; 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.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 33. [Docket No. 2007-0393-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Evans Weaver in Travis County**; TCEQ ID No. RN104787213; 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. (Rebecca M. Combs, Lena Roberts)

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

Item 34. [Docket No. 2009-0014-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hipolito Martinez in Fort Bend County**; RN105663397; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Cari-Michel La Caille)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 35. [Docket No. 2006-0743-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Moss Lake Water Supply Corporation in Cooke County**; TCEQ ID Nos. RN102675170 and RN101274314; for public water supply and public water utility violations pursuant to Tex. Water Code ch. 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Dinniah M. Chahin, Lena Roberts)

Approve the Agreed Order, but defer the payment of the balance of the penalty, beyond \$148.00 paid, to the end of the time period specified in the Agreed Order for compliance with all of the corrective actions. If the Respondent is in full compliance with all of the corrective actions within the timeframes specified, the balance of the penalty assessed will be waived. If not, the balance of the penalty will be implemented. LS/BS; all agree.

Item 36. [Docket No. 2007-0743-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dolores A. Luke dba Little Big Horn Services in Hardin County**; TCEQ ID No. RN101228740; for public water supply and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 5, 7, and 11, and the rules of the Texas Commission on Environmental Quality. (Barham A. Richard, Lena Roberts)

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

Item 37. [Docket No. 2007-0102-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Derek Broussard dba Broussard Auto Parts & Repair in Orange County**; TCEQ ID No. RN100691674; for petroleum storage tank and used oil violations pursuant to Tex. Health & Safety Code ch. 371, 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)

Remanded to the Executive Director. LS/BS; all agree.

Item 38. [Docket No. 2008-1724-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Virgil Wayne Wiley** in **Guadalupe County**; RN105559082; for municipal solid waste and air quality 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. (Ross Fife, Cari-Michel La Caille)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS

Item 39. [Docket No. 2007-1830-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Joel Garza** in **Hidalgo County**; TCEQ ID No. RN105078810; for 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 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

Item 40. [Docket No. 2008-0567-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Kermit Willett** in **San Jacinto County**; TCEQ ID No. RN105152904; for hazardous waste and air quality 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 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 41. [Docket No. 2008-1426-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Angelina County** in **Angelina County**; RN101947323; 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. (John Shelton, Cari-Michel La Caille)

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

Item 42. [Docket No. 2008-0097-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Danny Wilde** in **Tom Green County**; TCEQ ID No. RN103670071; 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. (Benjamin O. Thompson, Lena Roberts)

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

Item 43. [Docket No. 2008-1929-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rosa Santis and Whittlesey Landscape Supplies & Recycling, Inc.** in **Travis County**; RN105209175; 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. (Keith Frank, Cari-Michel La Caille)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 44. [Docket No. 2008-0537-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Silvester and Martha Martinez** in **Tom Green County**; TCEQ ID No. RN104436357; 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. (Xavier Guerra, Lena Roberts)

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

Item 45. [Docket No. 2008-0964-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **JMJ Organics Ltd** in **Harris County**; TCEQ ID No. RN105112874; 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. (Laurencia Fasoyiro, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 46. [Docket No. 2008-1343-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Eustace** in **Henderson County**; RN101919140; 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. (Lanae Foard, Cari-Michel La Caille)

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

Item 47. [Docket No. 2009-0017-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Shepherd** in **San Jacinto County**; RN101916666; 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. (Jennifer Graves, Cari-Michel La Caille)

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

Item 48. [Docket No. 2007-1726-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **West Houston Airport Corporation** in **Harris**

County; RN102096633; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Cari-Michel La Caille)

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

Item 49. [Docket No. 2007-1065-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Newark** in **Wise County**; TCEQ ID No. RN102287984; 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 Agreed Order. LS/BS; all agree.

Item 50. [Docket No. 2007-0686-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Olmito Water Supply Corporation** in **Cameron County**; TCEQ ID No. RN103888004; 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 51. [Docket No. 2008-1907-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mart** in **McLennan County**; RN102079274; 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. 2008-0589-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Crandall** in **Kaufman County**; RN101917136; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Cari-Michel La Caille)

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

Item 53. [Docket No. 2007-1014-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **International Airport Square Investment, Ltd. dba Roadway Inn International Airport** in **Harris County**; TCEQ ID No. RN103915674; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 54. [Docket No. 2009-0082-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of West in McLennan County**; RN102079282; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 55. [Docket No. 2009-0045-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **A N Trading, Inc. dba Buddy's Discount Store in Dallas County**; RN102245586; 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 56. [Docket No. 2009-0066-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **LUCKHANY ENTERPRISES INC. dba M&M Food Mart in Tarrant County**; RN101651016; 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. (Mike Pace, Cari-Michel La Caille)

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

Item 57. [Docket No. 2009-0054-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M & O SERVICES, L.L.C. dba Shell Super Stop 10 in El Paso County**; RN100814524; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Cari-Michel La Caille)

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

Item 58. [Docket No. 2009-0248-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **OHM SAI, INC. dba Docs One Stop in Williamson County**; RN101491660; 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. (Wallace Myers, Cari-Michel La Caille)

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

Item 59. [Docket No. 2008-1707-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Loay Daraghmeah dba Speedmax 1 in Dallas County**; RN101538007; 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 60. [Docket No. 2008-1738-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **STAR FUELS, INC. dba Phillips 66** in **Harris County**; RN101617777; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5, 7, and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Cari-Michel La Caille)

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

Item 61. [Docket No. 2009-0139-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TERMINAL MARKET GARAGE, L.L.C. dba Terminal Market Garage** in **Bexar County**; RN101896876; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Cari-Michel La Caille)

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

Item 62. [Docket No. 2008-1860-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28** in **El Paso County**; RN100813682; 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)

Remanded to the Executive Director.

Item 63. [Docket No. 2009-0177-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RACETRAC PETROLEUM, INC. dba Racetrac 574** in **Harris County**; RN102221009; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Cari-Michel La Caille)

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

Item 64. [Docket No. 2008-1939-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **VIMEX ENTERPRISES, INC. dba Audrey Shell** in **Harris County**; RN104431473; 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. (Rajesh Acharya, Cari-Michel La Caille)

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

- Item 65. [Docket No. 2008-1872-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eusebio Rodriguez, Jr. dba Rodriguez Best Pic & Meats in Hidalgo County**; RN102249299; 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)

Remanded to the Executive Director. LS/BS; all agree.

- Item 66. [Docket No. 2009-0162-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **JOSO Enterprises, Inc. dba Shell on Plano Parkway in Collin County**; RN101992386; 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.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

- Item 67. [Docket No. 2008-0666-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jimmy Miller, Executor of the Latham Miller Estate in Mason County**; TCEQ ID No. RN102249836; 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. (Stephanie J. Frazee, Lena Roberts)

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

- Item 68. [Docket No. 2008-0176-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Curtis Cashion in Young County**; TCEQ ID No. RN104999008; 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. (Stephanie J. Frazee, Lena Roberts)

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

- Item 69. [Docket No. 2008-0436-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Patricia A. Farris in Cass County**; TCEQ ID No. RN101812436; 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. (Benjamin O. Thompson, Lena Roberts)

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

- Item 70. [Docket No. 2008-0425-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Linda Hill Barton in Limestone County**; TCEQ ID No. RN102839396; 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 Order. LS/BS; all agree.

Item 71. [Docket No. 2008-0723-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gilbert Navarro in Crosby County**; TCEQ ID No. RN101828275; 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. (Benjamin O. Thompson, Lena Roberts)

Remanded to the Executive Director. LS/BS; all agree.

Item 72. [Docket No. 2008-0123-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Shobhana Patel dba Bear Food Mart in McLennan County**; TCEQ ID No. RN102447844; 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. (Benjamin O. Thompson, Lena Roberts)

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

Item 73. [Docket No. 2008-0252-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Charlie Parrish dba Parrish Country Store in Navarro County**; TCEQ ID No. RN102490513; 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. (Benjamin O. Thompson, Lena Roberts)

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

Item 74. [Docket No. 2008-0914-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Carmen Martinez in Willacy County**; TCEQ ID No. RN101683373; 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. (Stephanie Frazee, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 75. [Docket No. 2008-1572-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Jesus Rivera dba El Burrito Stop N Go in Hidalgo County**; TCEQ ID No. RN105574321; 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. (Tommy Tucker Henson II, Lena Roberts)

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

- Item 76. [Docket No. 2008-1490-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Robert McAdams** in **Henderson County**; TCEQ ID No. RN102488780; 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. (Stephanie J. Frazee, Lena Roberts)

Remanded to the Executive Director.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 77. [Docket No. 2009-0055-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **United States Department of Agriculture, Animal and Plant Health Inspection Service** in **Hidalgo County**; RN101611804; 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 78. [Docket No. 2007-1911-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tony Hutcheson dba Elm Grove Mobile Home Park** in **Lubbock County**; TCEQ ID No. RN101438380; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Tommy Tucker Henson II, Lena Roberts)

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

- Item 79. [Docket No. 2008-1559-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Francisca Richter dba Hillside Water Works** in **El Paso County**; RN101228492; 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 80. [Docket No. 2008-1946-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hewitt** in **McLennan County**; RN101260545; 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 81. [Docket No. 2009-0190-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sanderson Farms, Inc. (Production Division)** in **McLennan County**; RN105161178; for public drinking water violations pursuant to Tex.

Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality.
(Yuliya Dunaway, Cari-Michel La Caille)

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

Item 82. [Docket No. 2009-0108-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Groesbeck in Limestone County**; RN101384741; 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. 2008-1287-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gerard Ortiz dba River Oaks Water System in Burnet County**; RN101189348; 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 84. [Docket No. 2009-0259-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Stanton in Martin County**; RN101392082; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 85. [Docket No. 2008-1967-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Deloris Petty dba Denton Estates Mobile Home Park in Denton County**; TCEQ ID No. RN101174894; for public water system violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Rebecca M. Combs, Lena Roberts)

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

Item 86. [Docket No. 2008-1651-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Richard Billings dba Oak Hill Ranch Water Company in Guadalupe County**; TCEQ ID No. RN101209914; 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. (Peipey Tang, Lena Roberts)

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

Item 87. [Docket No. 2008-1488-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Highland Park Water Supply Corporation** in **Bosque County**; TCEQ ID No. RN101254407; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

Remanded to the Executive Director. LS/BS; all agree.

Item 88. [Docket No. 2008-1127-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Richard Sullivan dba Country View Mobile Home Park and Richard Sullivan dba Valley Estates** in **Lubbock County**; TCEQ ID Nos. RN101278190 and RN101278018; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Laurencia Fasoyiro, Lena Roberts)

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

Item 89. [Docket No. 2008-0975-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Cain Addition HomeOwners Association CAHA** in **Kleberg County**; TCEQ ID No. RN105504567; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Laurencia Fasoyiro, Lena Roberts)

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

SLUDGE ENFORCEMENT DEFAULT ORDER

Item 90. [Docket No. 2008-0912-SLG-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Danny J. Shipman, Jr. dba Kim's Septic Service** in **Young County and Johnson County**; TCEQ ID No. RN105124341; for sewage sludge 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. (Stephanie J. Frazee, Lena Roberts)

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

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER

Item 91. [Docket No. 2008-1808-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bennie Dennis** in **Tarrant County**; RN105618458; for occupational licensing violations pursuant to Tex. Water Code chs. 7, 26, and 37 and the rules of the Texas Commission on Environmental Quality. (Carlie Konkol, Cari-Michel La Caille)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 92. [Docket No. 2008-1775-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Western Rim Investment Advisors, Inc.** in **Smith County**; RN105110043; 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 93. [Docket No. 2008-1676-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pecan Grove Homes, LP** in **Guadalupe County**; RN104620216; 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.

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 94. [Docket No. 2008-0998-WQ-E](#). Consideration of a Default Order assessing administrative penalties against and requiring certain actions of **S & J Endeavors, L.L.C.** in **Bastrop County and Hays County**; TCEQ ID No. RN105329510; 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. (Stephanie J. Frazee, Lena Roberts)

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

RULE PETITION

Item 95. [Docket No. 2009-0530-RUL](#). Consideration of petitions for rulemaking submitted by Mr. Henry T. Hilliard, Jr., under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petitioner, Henry T. Hilliard, Jr., is requesting amendments to **30 Texas Administrative Code (TAC) Section 115.542(a)(6) and (b)(5)**. Currently, Section 115.542(a)(6) and (b)(5) specify that the volatile organic compound (VOC) concentration is measured before the inlet to the control device. The petitioner requests that the language be revised. The petitioner also requests that the testing provisions in subsections (a)(6) and (b)(5) be changed to require testing immediately upon opening the tank and continue at five-minute intervals over 30 minutes. The petitioner requests the addition of new Section 115.542(a)(7) and (b)(6) to specify testing requirements for tanks during degassing operations. Finally, the petitioner requests the addition of a new Section 115.544(3) to require notification of degassing operation to the Texas Commission on Environmental Quality. (Danell Zawaski, Tim Eubank) (Rule Project No. 2009-029-PET-NR)

Petitions for rulemaking withdrawn.

EXECUTIVE MEETING

Item 96. **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 97. **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 98. **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/ Celeste Baker
Assistant General Counsel,
Celeste Baker

06/10/2009
Date