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

Chairman Bryan W. Shaw, Ph.D.
Commissioner H.S. Buddy Garcia
Commissioner Carlos Rubinstein

AGENDA

Wednesday, October 7, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PLEASE NOTE THAT THE COMMISSION MEETING WILL BEGIN PROMPTLY AT 8:30 A.M.

8:30 A.M.
12100 Park 35 Circle
Room 201S, Bldg. E

PROPOSALS FOR DECISION

Item 1. [**TCEQ Docket No. 2004-0505-WQ-E; SOAH Docket No. 582-08-3322**](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **EBAA Iron, Inc.** in **Shackelford County**, Texas; Texas Pollutant Discharge Elimination System Permit No. TXR05K279; RN102518495; regarding water quality violations pursuant to 30 Tex. Admin. Code chs. 70 and 305, Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, 40 CFR ch. 122, and TPDES Permit No. TXR05K279. The Commission will also consider timely filed exceptions and replies. (Dinniah M. Chahin)

Adopt the ALJ's proposed Order with the modifications recommended by the Executive Director in his exceptions, however, modify Ordering Provision No. 2, line 2, to remove the words "full" and "unrestricted" and add "at any reasonable time" after the word "access". BG/CR; all agree.

Item 2. [**TCEQ Docket No. 2007-1566-LII-E; SOAH Docket No. 582-09-1144**](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Paul Vinson** in **Harris County**, Texas; License No. LI0005412; RN103230637; regarding landscape irrigator installer violations pursuant to 30 Tex. Admin. Code ch. 344 and Tex. Water Code Chapter 7. The Commission will also consider timely filed exceptions and replies. (Rudy Calderon)

Adopt the ALJ's proposed Order. CR/BG; all agree.

Item 3. [TCEQ Docket No. 2007-1708-UCR; SOAH Docket No. 582-08-0698](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Double Diamond Utilities Co.** to change its water rates and tariff charges under Water Certificate and Convenience Necessity No. 12087 in **Hill, Palo Pinto, and Johnson Counties**, Texas, pursuant to Tex. Water Code Chapter 13 and the Commission's rules, including 30 Tex. Admin. Code Chapters 80 and 291. The Commission will also consider the application, related filings, record evidence and exhibits, exceptions and replies. (Stefanie Skogen)

Adopt the ALJ's Proposal for Decision and proposed Order which results in a reversion of the Applicant's previously approved rates; adopt the Executive Director's revised attachments to his exceptions as the actual calculation of Double Diamond Utilities Co.'s (DDU) revenue requirement and rate design before reversion of the Applicant's previously approved rates; sustain the Executive Director's exceptions regarding Findings of Fact Nos. 69 and 111 and Conclusions of Law Nos. 30 and 37; sustain the Executive Director's suggested typographical style corrections to Findings of Fact Nos. 5, 17, 22, 27, 35, 99, and 115 and Conclusion of Law No 38 as set out in the Executive Director's exceptions; sustain DDU's one exception regarding Ordering Provision No. 3 to allow DDU to either refund or credit, over a 15 month time frame, amounts it received from its customers that exceed the rates finally set in this case; add Ordering Provision No. 9 to require that the Chief Clerk mail a copy of the Order to all parties; amend Finding of Fact No. 109 to state "Although DDU has operated at a loss between 2001 and 2006, DDU is not at risk of financial collapse if the application to change its rates is denied"; amend Conclusion of Law No. 31 to state "Based on the above Findings of Fact and Conclusions of Law, reverting to DDU's existing rates instead of setting lower rates is justified in order to preserve DDU's financial integrity"; amend Ordering Provision No. 3 to add the following phrase at the end of the sentence: ... "and DDU's tariff shall continue to reflect its previously approved water rates"; amend Conclusion of Law No. 37 and Ordering Provision No. 3 to specify a 3.21% interest rate for refunds or credits for DDU's overcharges; replace Finding of Fact No. 124 with "DDU's application requested tariff charge increases for tap fee from \$400.00 to \$525.00, return check charge from \$20.00 to \$30.00, customer deposit from \$0 to \$50.00, and meter test fee from \$0 to \$25.00. No other parties contested these increases and the Executive Director indicated that these increases are approvable"; and amend Ordering Provision No. 1 to add the sentence "DDU's requested tariff change increases for tap fee, return check charge, customer deposit and meter test fee are approved." BG/CR; all agree.

Item 4. [TCEQ Docket No. 2006-0612-MSW; SOAH Docket No. 582-08-2186](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Waste Management of Texas, Inc.** for a municipal solid waste permit amendment No. MSW-249D pursuant to the rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 330 and Tex. Health & Safety Code Chapter 361 to expand its Type 1 Municipal Solid Waste Facility. The facility is located at 9900 Giles Road, Austin, in **Travis 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. (Amie Dutta Richardson, Mathew Udenenwu)

1) Remand this matter back to the ALJ solely for the purpose of reopening the record to take additional evidence on operating hours, pursuant to Texas Government Code § 2003.047(m); the ALJ shall allow all parties to present evidence on the appropriateness on the proposed operating hours; the ALJ should issue a supplement to his Proposal for Decision detailing his recommendation to the Commission on the operating hours issue; the Commission believes that the remand is appropriate due to confusion associated with the burden of proof with regard to the operating hours issue; 2) The ALJ is further instructed to modify his

September 8, 2009 Revised Proposed Order as follows: Modify proposed Finding of Fact No. 209 regarding burden of proof as set forth in the ALJ's September 11, 2009 letter; Delete the addition of the four wells specified by the private agreement between the City of Austin and WMTX to the permit's groundwater monitoring system and reconfiguration of the point of compliance to include those wells in proposed Findings of Fact Nos. 125 and 127, Conclusion of Law Nos. 28, 48, and 50, and Ordering Provision No. 1; the Commission's decision to delete the ALJ's recommendation is based on the fact that the IWU and Phase I Unit stopped receiving waste prior to October 9, 1991, and thus, the groundwater monitoring requirements of Subchapter J of the Commission's rules are inapplicable to those units pursuant to 30 TAC § 330.5(c); Modify the citations in proposed Conclusions of Law No. 2 from "Tex. Gov. Code Ann. §§ 2003.051 and 2003.052" to "Tex. Gov. Code Ann. §§ 2001.051 and 2001.052"; Modify the citation in proposed Conclusion of Law No. 29 from "30 TAC § 330.56(k)" to "30 TAC § 330.63(f)"; Modify proposed Conclusion of Law No. 41 to add the phrase "and 30 TAC § 330.543(b)" to the end of the existing sentence; Include the following language in new Ordering Provision No. 2 "The Commission adopts the Executive Director's Response to Public Comment in accordance with 30 TAC §§ 50.117 and 80.126. Also in accordance with Section 50.117, the Commission issues this Order and the attached permit as its single decision on the permit amendment application. Information in the agency record on this matter, which includes evidence admitted at the hearing and part of the evidentiary record, documents the Executive Director's review of the permit amendment application, including the part not subject to a contested case hearing, and establishes that the terms of the attached permit are appropriate and satisfy all federal and state requirements"; and (3) Direct the ALJ to issue the Supplemental Proposal for Decision and Revised Proposed Order; The Revised Proposed Order shall contain all of the modifications laid out today by the Commission, as well as any that may be appropriate given the new evidence on operating hours; The Supplemental Proposal for Decision and Revised Proposed Order shall be submitted to the Commission and mailed to all parties by no later than January 7, 2010 or 90 days from now; The parties shall have an opportunity to file exceptions and replies to the Supplemental Proposal for Decision and those portions of the Revised Proposed Order that have been modified since the Commission's October 7, 2009 agenda. CR/BG; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 5. [Docket No. 2009-0848-AIR](#). Consideration of application by **APAC-Texas, Inc.** for renewal of Air Quality Permit No. 8597 to authorize the continued operation of a hot mix asphalt plant. The plant is located at 14900 State Highway 121 in Frisco, **Collin 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. (Alex Berksan, Douglas Brown)

Continued to the November 4, 2009 agenda.

Item 6. [Docket No. 2009-0509-IWD](#). Consideration of the application by **Champion Technologies, Inc.** for renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004306000, which authorizes the discharge of cooling tower blowdown, storm water runoff, and previously monitored effluent (boiler blowdown) at a daily average flow not to exceed 4,400 gallons per day via Outfall 001; and boiler blowdown on an intermittent and flow variable basis via Outfall 101. The facility is located at 3130 Farm-to-Market Road 521, approximately 2.25 miles north of the intersection of Farm-to-Market Road 521 and State Highway 6, in the City of Fresno, **Fort Bend 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. (Dan Ingersoll, Kelly Holligan)

Deny the hearing request based on the basis that there is no right to a hearing under the applicable law and regulations; approve issuance of the renewal permit TPDES Permit No. WQ0004306000 as prepared by the Executive Director; and adopt the Executive Director's Response to Public Comments. BG/CR; all agree.

Item 7. [Docket No. 2009-1001-MWD](#). Consideration of the application by **Eagle Star Investments, LLP** for a new wastewater discharge permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014918001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 100,000 gallons per day. The wastewater treatment facility will be located approximately 1,800 feet northeast of the intersection of Woodlands Parkway and Farm-to-Market Road 2978 in **Montgomery 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. (Robin Smith, David Akoma)

Find that Mr. Jesus Gallegos is an affected person and grant his request for a contested case hearing; refer the matter to ADR for an initial four to six weeks for mediation; if mediation is not successful, refer the following issue to SOAH for a contested case hearing, Whether the proposed plant will be designed and operated to prevent nuisance odors; set a hearing duration of six months; and direct the Executive Director to participate in the contested case hearing at SOAH. CR/BG; all agree.

Item 8. [Docket No. 2009-1026-MWD](#). Consideration of the application by **Las Lomas Municipal Utility District No. 4 of Kaufman County** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014803001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 500,000 gallons per day. The wastewater treatment facility is located approximately 2.5 miles southwest of the intersection of State Highway 20 and Farm-to-Market Road 148 at the confluence of Big Brushy Creek and Terry Creek in **Kaufman 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. (Robert Brush, Kent H. Trede)

Grant the hearing request filed by Andres and Agripina Benavidez and Andres and Rhonda Benavidez; refer the matter to the ADR program for and initial six week mediation period; if mediation is unsuccessful, refer the matter to SOAH on issue 1) Whether the proposed facility will be designed and operated to prevent nuisance odors; and issue 2) Whether the draft permit is protective of the requestors' health, livestock, and pets; set the maximum duration of the hearing at nine months; and direct the Executive Director to participate in the contested case hearing at SOAH. BG/CR; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 9. [Docket No. 2009-0664-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dirk Vereecken dba Vereecken Dairy** in **Hopkins County**; RN102328523; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 10. [Docket No. 2008-1727-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Harris County**; RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

Item 11. [Docket No. 2009-0500-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Intercontinental Terminals Company LLC** in **Harris County**; RN100210806; 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. CR/BG; all agree.

Item 12. [Docket No. 2009-0879-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Accent Collision Center, Inc.** in **Taylor County**; RN105707152; 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. CR/BG; all agree.

Item 13. [Docket No. 2008-1467-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hermenegildo Bueno dba Paisano Truck Stop** in **El Paso County**; RN100809995; 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. CR/BG; all agree.

Item 14. [Docket No. 2009-0771-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NIPCO, Inc.** in **Ector County**; RN100633601; 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. CR/BG; all agree.

Item 15. [Docket No. 2009-0364-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Invista S.a.r.l.** in **Victoria County**; RN102663671; 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. CR/BG; all agree.

Item 16. [Docket No. 2009-0427-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Albemarle Corporation in Harris County**; RN100218247; 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. CR/BG; all agree.

Item 17. [Docket No. 2008-0050-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pasadena Refining System, Inc in Harris County**; RN100716661; 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. CR/BG; all agree.

Item 18. [Docket No. 2009-0562-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bob King's Truck Beds, LLC dba Kings Truck Beds in Wise County**; RN104311055; 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. (Miriam Hall, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

Item 19. [Docket No. 2009-0522-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lucite International, Inc. in Jefferson County**; RN102736089; 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. CR/BG; all agree.

Item 20. [Docket No. 2009-0722-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Milwhite, Inc. in Cameron County**; RN102540960; 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. CR/BG; all agree.

Item 21. [Docket No. 2009-0791-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NuStar Logistics, L.P.** in **Galveston County**; RN104248141; 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. CR/BG; all agree.

Item 22. [Docket No. 2009-0299-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KMCO, L.P.** in **Harris County**; RN101613511; 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. CR/BG; all agree.

Item 23. [Docket No. 2009-0790-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Eagle Rock Desoto Pipeline, L.P.** in **Nacogdoches County**; RN105085054; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow P.G., Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

Item 24. [Docket No. 2009-0377-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. (James Nolan, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

Item 25. [Docket No. 2008-0877-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Big City Crushed Concrete, L.P.** in **Dallas County**; TCEQ ID No. RN104802079; 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. Treadwell, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

Item 26. [Docket No. 2009-0153-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **ExxonMobil Oil Corporation** in **Jefferson County**; TCEQ ID No. RN102450756; 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. Treadwell, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

Item 27. [Docket No. 2009-0524-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LLC** in **Jefferson County**; RN104964267; 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. (Miriam Hall, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

Item 28. [Docket No. 2009-0374-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **850 Pine Street Inc.** in **Jefferson County**; RN100225671; 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. CR/BG; all agree.

DRY CLEANER ENFORCEMENT DEFAULT ORDER

Item 29. [Docket No. 2008-0198-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Elvi Lorena Hilton dba Mockingbird Cleaners** in **Dallas County**; TCEQ ID No. RN104992896; 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. (Gary K. Shiu, Lena Roberts)

Approve the Default Order. CR/BG; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 30. [Docket No. 2009-0872-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **GUERRA & REYNA INVESTMENTS, LP** in **Bexar County**; RN105332563; 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. (Harvey Wilson, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

Item 31. [Docket No. 2009-0726-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Round Rock Independent School District** in **Williamson County**; RN105713648; 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. (Jennifer Graves, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

Item 32. [Docket No. 2009-0895-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Daniel Blue** in **Bexar County**; RN105717276; 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. (Jennifer Graves, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

FIELD CITATIONS

Item 33. [Docket No. 2009-0960-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Cory L. Bryant** in **McCulloch County**; RN103220026; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 366, 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. CR/BG; all agree.

Item 34. [Docket No. 2009-1110-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Joe Kahla** in **Jasper County**; RN105745590; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 366, 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. CR/BG; all agree.

Item 35. [Docket No. 2009-1035-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Michael W. Cruce** in **Upshur County**; RN104669486; 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. CR/BG; all agree.

Item 36. [Docket No. 2009-1218-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Hudspeth County** in **Hudspeth County**; RN105749394; 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. CR/BG; all agree.

Item 37. [Docket No. 2009-1170-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **City of Marlin** in **Falls County**; RN104480892; 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. CR/BG; all agree.

Item 38. [Docket No. 2009-1269-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **City of Brownwood in Brown County**; RN101612869; 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. CR/BG; all agree.

Item 39. [Docket No. 2009-1036-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Richard C. King in Van Zandt County**; RN105695639; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Cari-Michel La Caille)

Approve the Field Citation. CR/BG; all agree.

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 40. [Docket No. 2008-1220-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Load Trail, Ltd. in Lamar County**; RN101462570; for industrial and hazardous 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. (Michael Meyer, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 41. [Docket No. 2009-0708-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Balbir Singh in Dallas County**; RN105235964; 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. CR/BG; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 42. [Docket No. 2009-0625-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Robert Lee in Coke County**; RN101198174 and RN101920163; for public drinking water and water quality violations pursuant to Tex. Health & Safety Code ch. 341, 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. CR/BG; all agree.

Item 43. [Docket No. 2008-0355-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **US Ecology Texas, Inc.** in **Nueces County**; RN101445666; for air quality and industrial and hazardous 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. (Thomas Greimel, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

Item 44. [Docket No. 2008-0702-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Truestates, LLC dba Braker Mart** in **Travis County**; TCEQ ID No. RN102276375; for petroleum storage tank and air quality 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 Tex. Admin. Code ch. 60. (Phillip Goodwin, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 45. [Docket No. 2008-1380-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gilbert Garcia dba ABC Sandblasting** in **Travis County**; TCEQ ID Nos. RN105074306 and RN105574842; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, 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. CR/BG; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 46. [Docket No. 2009-0008-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Industrial Scrap Materials, Inc.** in **Tarrant County**; TCEQ ID No. RN105078679; 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. (Steven M. Fishburn, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

Item 47. [Docket No. 2009-0016-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Transcontinental Realty Investors, Inc.** in **Dallas County**; TCEQ ID No. RN104795349; 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. CR/BG; all agree.

Item 48. [Docket No. 2009-0087-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hector Rangel, Jr. and Luz Maria Rangel** in **Hidalgo County**; RN105338800; 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. (Danielle Porras, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 49. [Docket No. 2008-1905-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Stanley McMahan** in **Limestone County**; TCEQ ID No. RN105376651; 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 Default Order. CR/BG; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 50. [Docket No. 2009-0704-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Waller** in **Waller County**; RN102844834; 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. CR/BG; all agree.

Item 51. [Docket No. 2009-0661-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Leonard** in **Fannin County**; RN101919322; 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. CR/BG; all agree.

Item 52. [Docket No. 2009-0962-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **PINE COVE, INC.** in **Colorado County**; RN105158109; 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. CR/BG; all agree.

Item 53. [Docket No. 2009-0563-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shelbyville Independent School District** in **Shelby**

County; RN101527224; 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. CR/BG; all agree.

Item 54. [Docket No. 2009-0864-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Willow Park in Parker County**; RN101920585; 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. CR/BG; all agree.

Item 55. [Docket No. 2009-0536-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Webster in Harris County**; RN101610293; 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. CR/BG; all agree.

ON SITE SEWAGE FACILITY INSTALLERS ENFORCEMENT AGREED ORDER

Item 56. [Docket No. 2009-0555-OSI-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Doug Dennis in Jack and Parker Counties**; RN103837274; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 57. [Docket No. 2009-0420-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MAREDIA, INC. dba Convenient Food Mart 4 in Grimes County**; RN102345550; 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. CR/BG; all agree.

Item 58. [Docket No. 2009-0586-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ZEBA, INC. dba Snappy Foods 3 in San Patricio County**; RN101885887; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

- Item 59. [Docket No. 2009-0540-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Patton & Dial Quality Oil Company, LLC dba Grapeland Fuel in Houston County**; RN103060877; 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 Agreed Order. CR/BG; all agree.

- Item 60. [Docket No. 2007-1600-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Interglobe Trade Channel, Inc. aka F & H Station, Inc. dba Dossani Food Mart in Denton County**; TCEQ ID No. RN101572444; 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. (Jennifer Cook, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

- Item 61. [Docket No. 2009-0053-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **RSE, Inc. dba Handy Stop in Dallas County**; TCEQ ID No. RN102859600; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

- Item 62. [Docket No. 2009-0453-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John Rahimi and Ramin Ahmad dba Watauga Quick Stop in Tarrant County**; RN101433480; 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. CR/BG; all agree.

- Item 63. [Docket No. 2009-0610-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Yoonason, LLC dba Econo Lube N Tune 239 in Dallas County**; RN102038130; 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. CR/BG; all agree.

- Item 64. [Docket No. 2009-0437-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **CHITTAGONG CORPORATION dba ANB Food Mart in Grimes County**; RN101675759; 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. CR/BG; all agree.

Item 65. [Docket No. 2009-0936-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CUSA KBC, LLC dba Cusa in Bexar County**; RN100644947; 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. (Clinton Sims, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

Item 66. [Docket No. 2008-1471-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **KAVMEL INC. dba Shop Smart 2 in Tarrant County**; RN101554632; 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. (Rajesh Acharya, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

Item 67. [Docket No. 2009-0653-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **C & R DISTRIBUTING, INC. dba Franklin Chevron in El Paso County**; RN104670088; 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. CR/BG; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 68. [Docket No. 2009-0072-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Mohammad Rafiul Habib in Dallas County**; TCEQ ID No. RN101353555; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

Approve the Default Order. CR/BG; all agree.

Item 69. [Docket No. 2008-1935-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **New Way Enterprise Inc. dba Time Out Food Mart 2 in Brazoria County**; TCEQ ID No. RN101892982; 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. (Kari L. Gilbreth, Lena Roberts)

Approve the Default Order. CR/BG; all agree.

Item 70. [Docket No. 2006-1845-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Eulalio Trevino** in **Frio County**; TCEQ ID No. RN101806420; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7, 26, and 37 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Dinnah C. Tadema, Lena Roberts)

Approve the Default Order. CR/BG; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 71. [Docket No. 2009-0125-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **McMullen County Water Control and Improvement District 2** in **McMullen County**; RN101398808; 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. CR/BG; all agree.

Item 72. [Docket No. 2009-0485-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Emory** in **Rains County**; RN101221406; 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. CR/BG; all agree.

Item 73. [Docket No. 2009-0808-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Miller Grove Water Supply Corporation** in **Hopkins County**; RN101456978; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steve Villatoro, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

Item 74. [Docket No. 2009-0631-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Deanville Water Supply Corporation** in **Burleson County**; RN101442085; 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. CR/BG; all agree.

Item 75. [Docket No. 2009-0954-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Etoile Water Supply Corporation** in **Nacogdoches County**; RN101192987; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Danielle Porras, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

- Item 76. [Docket No. 2008-0268-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Barbara Miller dba Turner Water Service in Fort Bend County**; TCEQ ID No. RN101243129; 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)

Approve the Default Order. CR/BG; all agree.

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER

- Item 77. [Docket No. 2008-1562-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rolando Lopez in Hidalgo County**; RN105578447; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

- Item 78. [Docket No. 2008-1265-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Defense Energy Support Center and the United States Department of the Army in Bell County**; RN102900768; 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. (Danielle Porras, Cari-Michel La Caille)

Approve the Agreed Order. CR/BG; all agree.

- Item 79. [Docket No. 2009-0021-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sally F. Powell Company, Inc. dba Chad Powell Homes in Bexar County**; TCEQ ID No. RN105652846; 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. (Steven M. Fishburn, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

WATER QUALITY ENFORCEMENT DEFAULT ORDERS

- Item 80. [Docket No. 2008-0477-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Oakridge Custom Homes, Inc. in Bell County**; TCEQ ID No. RN105295679; 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. (Jacquelyn Boutwell, Lena Roberts)

Remanded to the Executive Director.

- Item 81. [Docket No. 2009-0473-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Stoneridge Custom Homes, Inc. in Tarrant County**; TCEQ ID No. RN105566608; 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. (Barham A. Richard, Lena Roberts)

Approve the Default Order. CR/BG; all agree.

- Item 82. [Docket No. 2008-1838-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Brothers Paving, LLC in Webb County**; TCEQ ID No. RN105537534; 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)

Remand to the Executive Director. CR/BG; all agree.

MISCELLANEOUS MATTERS

- Item 83. [Docket No. 2009-1096-RES](#). Consideration of a resolution that re-creates and continues, for another four years, the existence of certain Commission advisory committees. The resolution would continue the existence of the **Pollution Prevention Advisory Committee, Municipal Solid Waste Management and Resource Recovery Advisory Council, and the Small Business Compliance Assistance Advisory Panel**. (Benjamin Rhem)

Adopt the Executive Director's proposed resolution continuing the Pollution Prevention Advisory Committee, Municipal Solid Waste Management and Resource Recovery Advisory Council, and the Small Business Compliance Assistance Advisory Panel for four years from the date of the resolution. BG/CR; all agree

- Item 84. [Docket No. 2009-1270-MIS](#). Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (David Timberger)

Approve the issuance of the resolution that acknowledges the Executive Director's acceptance of these gifts. CR/BG; all agree.

RULE MATTERS

- Item 85. [Docket No. 2008-1462-RUL](#). Consideration of the adoption of amendments to Sections 305.42, 305.45, 305.50, 305.64 - 305.66, 305.69, 305.144, 305.150, 305.172, 305.175, 305.571, 305.572 and new language at Sections 305.650 - 305.661 of 30 TAC Chapter 305, Consolidated Permits; and amendments to Sections 335.1, 335.2, 335.29, 335.31, 335.47, 335.69, 335.76, 335.112, 335.116, 335.118, 335.125, 335.152, 335.163 - 335.166, 335.173, 335.175, 335.221, 335.224, 335.261, 335.431, 335.504, 335.582 - 335.584, 335.590 - 335.593 and new language at Section 335.601 and Section 335.602 of **30 TAC Chapter 335**, Industrial Solid Waste and Municipal Hazardous Waste. The adoption would update Chapter 305 and Chapter 335 to

include federal rule changes in Federal Rule Clusters XV - XVIII. The adopted rulemaking would make corrections to the K-181 hazardous waste listing and to the United States Environmental Protection Agency (EPA) manifest form amendments previously adopted; remove the requirement to use EPA SW-846 methods when conducting Resource Conservation and Recovery Act (RCRA) monitoring programs; allow for a standardized permit for treatment, storage, and disposal facilities that treat or store hazardous waste in tanks, containers, and containment buildings; exempt wastewater mixtures with benzene and 2-ethoxyethanol from the definition of hazardous waste; amend hazardous air pollutant standards for combustors; amend reporting requirements for the RCRA program that will reduce the paperwork burden that these requirements impose; correct administrative errors in the hazardous waste program; exclude cathode ray tubes from the definition of solid waste; amend an existing exclusion to the definition of solid waste that applies to oil-bearing hazardous secondary materials; amend the October 2005 National Emission Standards for Hazardous Air Pollutants (NESHAP) final rule to clarify several compliance and monitoring provisions; amend the F-019 listing to exempt wastewater treatment sludges from the zinc phosphating process when used in the motor vehicle manufacturing industry; and update Chapter 330 cross-references cited in Chapter 335, Subchapter T. The proposed rules were published in the May 22, 2009 issue of the *Texas Register* (34 TexReg 3164). (Cynthia Palomares, Susan White) (Rule Project No. 2008-024-335-PR)

Adopt the new and amended sections in 30 TAC Chapter 305 and 335 as recommended by the Executive Director. BG/CR; all agree.

Item 86. [Docket No. 2009-0989-RUL](#). Consideration for publication of, and hearing on, proposed new Section 290.267, amendments to Sections 290.251 - 290.254, 290.256, and 290.260, and the repeal of Section 290.55 of **30 TAC Chapter 290**, Public Drinking Water; and the amendment to Section 291.127 of 30 TAC Chapter 291, Utility Regulations. The proposed rulemaking would implement House Bill (HB) 2667, 81st Legislature, 2009, Regular Session, concerning plumbing fixtures. The proposed rulemaking clarifies and sets out the national standards of the American Society of Mechanical Engineers and American National Standards Institute by which plumbing fixtures will be produced and tested. HB 2667 establishes a phase-in of high efficiency plumbing fixtures brought into Texas, which will allow manufacturers time to change their production, at the same time allowing retailers the opportunity to turn over their inventory. HB 2667 creates an exemption for those manufacturers that volunteer to register their products with the United States Environmental Protection Agency's WaterSense Program. HB 2667 repeals the TCEQ's certification process for plumbing fixtures since the plumbing fixtures must meet national certification and testing procedures. (Scott Swanson, Robin Smith) (Rule Project No. 2009-038-290-PR)

Approve for publication of, and hearing on, proposed new Section 290.267, amendments to Sections 290.251 - 290.254, 290.256, 290.260, 291.127, and the repeal of 290.55. CR/BG; all agree.

Item 87. [Docket No. 2009-1185-RUL](#). Consideration for publication of, and hearing on, proposed new Sections 114.650-114.658 of **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the state implementation plan. The proposed rulemaking would implement Senate Bill 1759, 81st Legislature, 2009, Regular Session by adding the Texas Clean Fleet Program. This voluntary grant program is designed to encourage

eligible entities to replace diesel-powered vehicles with alternative fuel or hybrid vehicles. (Heather Evans, Chisum Cooke) (Rule Project No. 2009-047-114-EN)

Approve the publication of, and hearing on, the proposed new Sections 114.650-114.658 and the corresponding revisions to the state implementation plan, to implement the new Texas Clean Fleet Program and Senate Bill 1759; and include the following preamble language to be added to the Section by Section discussion of proposed Section 114.653 to read "Subsection (d) provides that the Executive Director may establish additional criteria for purposes of prioritizing projects for selection, which may include, but are not limited to: nonattainment status of the primary location in which the eligible vehicles are used; or cost per ton benefits of the overall emissions being reduced. The Commission is considering the establishment of prioritizing criteria that would limit the Commission to initially considering only grant projects that include vehicles with a primary location in a county that is located within an Eight Hour Ozone nonattainment area or a near nonattainment area that has submitted an early action compact plan. The Commission seeks public comment on proposed rules regarding the grant eligibility requirements and whether to prioritize grant projects to the initial consideration of only grant projects in counties within nonattainment or near nonattainment areas." BG/CR; all agree.

Item 88. **Docket No. 2009-1186-RUL**. Consideration for publication of, and hearing on, proposed amendments to Section 114.620 and Section 114.622 of **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles and corresponding revisions to the state implementation plan. The proposed rulemaking would implement House Bill 1796, 81st Legislature, 2009, Regular Session by adding a definition for stationary engines and clarifying requirements for projects involving non-road equipment used for natural gas recovery purposes. (Heather Evans, Chisum Cooke) (Rule Project No. 2009-048-114-EN)

Approve the proposed revisions to 30 TAC Section 114.620 and Section 114.622 for publication and hearing as recommended by the Executive Director. CR/BG; all agree.

EXECUTIVE MEETING

Item 89. **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 90. **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 91. **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 7:45 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/ John Sedberry
Assistant General Counsel,
John Sedberry

10/28/2009
Date