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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 Rubenstein

AGENDA  
January 27, 2010

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **WATER MANAGEMENT PLAN AND AGREED ORDER**

- Item 1. [Docket No. 2010-0025-WR](#). Consideration of the application of the **Lower Colorado River Authority** and proposed agreed order amending its Water Management Plan (WMP) in **San Saba, Llano, Lampasas, Burnet, Blanco, Travis, Bastrop, Fayette, Wharton, Matagorda, and Colorado Counties**. The proposed amendments would change the curtailment policy for interruptible stored water supplies, change the allocation of stored water for environmental protection, incorporate LCRA's Drought Contingency Plan into the WMP, and update the WMP Appendices. The Commission will also consider related timely filings. (Steve Ramos, Shana Horton)

Approve the application of the Lower Colorado River Authority to amend its Water Management Plan and adopt the related Agreed Order as agreed to by the Lower Colorado River Authority, the five hearing requestors who have withdrawn their hearing requests, and the Executive Director. CR/BG; all agree.

#### **PROPOSALS FOR DECISION**

- Item 2. [TCEQ Docket No. 2008-0421-IWD; SOAH Docket No. 582-08-4233](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Taiwan Shrimp Village Association, Inc. and Arroyo Aquaculture Association, Inc.** for an industrial wastewater discharge permit pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 307 to renew and amend TPDES Permit No. WQ0003596000. The plant is located on the south side of FM Road 2925, approximately 1.4 miles east of the intersection of FM 2925 and FM 1897, in the city of Arroyo City, in **Cameron**

**County**, Texas. The Commission will also consider timely filed public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies. (Alicia Lee, David Galindo)

Deny the Motion for Continuance. BS/BG; CR abstained.

Adopt the ALJ's Proposed Order granting Taiwan Shrimp Village Association, Inc. and Arroyo Aquaculture Association, Inc. permit renewal and amendments with the following modifications: Modify the first sentence of Conclusion of Law No. 8 to read "In accordance with 30 TAC Section 50.117 the Commission issues this Order and the attached permit with the revised expiration date of June 1, 2014"; Modify the second sentence of Ordering Provision No. 4 to read: "Also in accordance with Section 50.117 the Commission issues this Order and the attached permit with the revised expiration date of June 1, 2014 as its single decision on the permit amendment application"; Approve issuance of the Executive Director's draft permit with the modification to provide that the expiration date June 1, 2014; and Adopt the Executive Director's Response to Comments. BG/BS; CR abstained.

Item 3. [TCEQ Docket No. 2009-1224-UCR; SOAH Docket No. 582-09-6172](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Bolivar Water Supply Corporation** for a Cease-and Desist Order Against the City of Denton pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Section 13.252. The Commission will also consider the application and related filings, exceptions and replies. (Brian MacLeod)

Adopt the ALJ's PFD and Proposed Order. CR/BG; all agree.

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

Item 4. [Docket No. 2009-1573-DIS](#). Consideration of a petition from Lavon 593 Land Investment Partners, L.P. (Petitioner), for the creation of **Collin County Water Control and Improvement District No. 3** in **Collin County**, Texas, pursuant to Texas Water Code Chapters 49 and 51. The proposed District would contain approximately 592,744 acres of land in Collin County, approximately 23 miles southeast of the City of Dallas, and wholly located within Collin County and Wylie ISD. Portions of the proposed District are within the extraterritorial jurisdiction (ETJ) of the City of Lucas, the City of Wylie, and the Town of St. Paul. The Commission will also consider requests for hearing and related responses and replies. (Ruben Soto, Shana Horton)

Extend the date to file a hearing request to the City of Wylie to August 10, 2009 pursuant to 30 TAC Section 55.251; Grant the hearing request to the City of Wylie; Set a hearing duration of 9 months from the preliminary hearing to issuance of the Proposal for Decision; Refer the matter to Alternative Dispute Resolution during the scheduling period of the State Office of Administrative Hearings preliminary hearing; and Direct that the Executive Director to participate in the contested case hearing at the State Office of Administrative Hearings. BG/CR; all agree.

Item 5. [Docket No. 2009-1970-MWD](#). Consideration of the application by the **City of Vernon**, for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004868000, to authorize the discharge of ion exchange water treatment system wastes at a daily average flow not to exceed 46,000 gallons per day via Outfall 001. The facility is located at

2801 Sullivan Street, approximately one mile east of the intersection of U.S. Highway 70 and U.S. Highway 287 in **Wilbarger 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. (Michelle Bacon, Monica Vallin-Baez)

Deny all the hearing requests; adopt the Executive Director's Response to Comments; and issue the proposed permit. CR/BG; all agree.

### **DISTRICT MATTER**

Item 6. [TCEQ Docket No. 2009-0010-DIS](#). Consideration of a request for a Commission order authorizing **Grimes County Municipal Utility District No. 1** to proceed in federal bankruptcy in **Grimes County**, Texas, pursuant to Section 49.456 of the Texas Water Code. (Stefanie Skogen, Debi Loockerman)

Find Grimes County Municipal Utility District No. 1 cannot, through the full exercise of its rights and powers under the laws of the state, reasonably expect to meet its debts and other obligations as they mature; approve the District's request for authorization to proceed with filing a petition in bankruptcy; and issue the Executive Director's Proposed Order . BG/CR; all agree

### **SUPERFUND**

Item 7. [Docket No. 2009-1355-SPF](#). Consideration of a Texas Health and Safety Code Section 361.188 Final Administrative Order (Order) for the **American Zinc** proposed State Superfund Site (Site), which is located approximately 3.5 miles north on U.S. 287 and 3 miles east on F.M. 119, in Dumas, **Moore County**, Texas. The Order sets forth the terms of the agreement by which the agreeing respondent will conduct the remedial design/remedial action at the Site, orders the responsible parties to remediate the Site, and includes the listing of the Site on the state registry of superfund sites, the selection of the remedial action, and determination of responsible parties. The Site's soils are contaminated with the following chemicals of concern (COCs): arsenic, lead, cadmium and zinc. The proposed remedy for the soil at this Site includes consolidation, capping and institutional controls for the affected surface soil on the source property and institutional controls, soil treatment, or other appropriate methods for the affected surface soil on the non-source property. Blue Tee Corp. has agreed to perform the remedial action under the terms of the 188 Final Administrative Order. Groundwater was not found to be affected by the COCs at the Site, so there are no current completed exposure pathways to groundwater despite the presence of three water wells on the Source Property. (Otu Ekpo-out, Christa McLintock)

Adopt the Order as proposed by the Executive Director. CR/BG; all agree.

### **MISCELLANEOUS MATTERS**

Item 8. [Docket No. 2009-1897-UCR](#). Consideration of a request for a Commission Order approving 2 contracts designating service areas between the **City of Longview**, water certificate of convenience and necessity (CCN) No. 10361, and Tryon Road Special Utility District (SUD), water CCN No. 10362, in **Gregg County**, Texas pursuant to sections 13.248 and 13.255(a) of the Texas Water Code. Currently, Tryon Road SUD holds a CCN for the areas in question. The

City of Longview and Tryon Road SUD have agreed that the areas would be better served by a single water provider. Under the contracts, Tryon Road SUD will transfer approximately 97.1465 acres of its CCN area to Longview and Longview will be the sole retail water service provider in this area. There will be no transfer of facilities under the Agreement. There are no customers in one of the areas being transferred; the remaining two areas contain customers who are currently being served by the City with City infrastructure. (Kayla Murray, Heidi Graham)

Approve the agreements designating service areas between Tryon Road Special Utility District and the City of Longview under Tex. Water Code Sections 13.248 and 13.255 which will result in the transfer of approximately 97.1465 acres to Longview CCN and issue the Executive Director's Proposed Order. BG/CR; all agree.

Item 9. [Docket No. 2009-2029-MIS](#). Consideration of a Resolution to create and appoint members to the **Tax Relief for Pollution Control Property Advisory Committee** of the Texas Commission on Environmental Quality. House Bills 3206 and 3544, 81st Legislature (2009), amended Section 11.31 of the Texas Tax Code (TTC) to require the Texas Commission on Environmental Quality (TCEQ) to form a permanent advisory committee that will make recommendations to the TCEQ commissioners on matters relating to property tax exemptions for pollution control property. TTC §11.31(n) requires the advisory committee to have representatives from: industry; appraisal districts; taxing units; environmental groups; and members who are not representatives of any of the aforementioned entities but have substantial technical expertise in pollution control technology and environmental engineering. (Chance Goodin, Tim Reidy)

Instruct the General Counsel's Office to amend page 2, paragraph 3 of the resolution to read: "Now therefore be it resolved by the Texas Commission on Environmental Quality that the Tax Relief for Pollution Control Property Advisory Committee is hereby created and the following individuals are appointed as its full members." Appoint the following individuals: John E. Nichols, Bob Adair, Paul Coon, Michael Nasi, Robert Castor, and Gregory P. Maxim as representatives of industry; Roland R. Bieber and C. Wayne Frazell as representatives of appraisal districts; The Honorable Eddie Arnold, Don Lee and Bennett Sandlin as representatives of taxing units; Cyrus Reed as a representative of an environmental groups; and Leo Scherrer as a representative who is not a member of the other groups but who has substantial technical expertise in pollution control technology and environmental engineering; and Adopt amended resolution establishing the Tax Relief for Pollution Control Property Advisory Committee and appointing the members as identified. CR/BG; all agree.

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

Item 10. [Docket No. 2009-1389-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gerrit Lozeman dba Tatamo Dairy** in **Hopkins County**; RN102096831; 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. BG/CR; all agree.

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

Item 11. [Docket No. 2007-1315-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP** in **Brazoria County**; RN100210574; 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. BG/CR; all agree.

Item 12. [Docket No. 2009-0634-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LLC** in **Harris County**; RN100219526; 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. BG/CR; all agree.

Item 13. [Docket No. 2009-1013-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert Lerma, Jr. and Marta Villarreal dba G S I II** in **Jim Wells County**; RN104707633; 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. BG/CR; all agree.

Item 14. [Docket No. 2009-1153-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Enbridge Pipelines (East Texas) L.P.** in **Marion County**; RN102735800; 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. (Suzanane Walrath, Cari-Michel La Caille)

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

Item 15. [Docket No. 2009-1181-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vopak Terminal Deer Park, Inc.** in **Harris County**; RN100225093; 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. BG/CR; all agree.

Item 16. [Docket No. 2009-1513-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Trinity Tank Car, Inc.** in **Tarrant County**; RN100225804; 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. BG/CR; all agree.

Item 17. [Docket No. 2009-1379-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **SandRidge CO2, LLC** in **Pecos County**; RN104379672; 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. BG/CR; all agree.

Item 18. [Docket No. 2009-1072-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ranger Gas Gathering, L.L.C.** in **Eastland County**; RN100219534; 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. BG/CR; all agree.

Item 19. [Docket No. 2009-1434-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Explorer Pipeline Company** in **Tarrant County**; RN100225739; 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. BG/CR; all agree.

Item 20. [Docket No. 2009-0429-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jimmy P. Grady dba All American Cross Tie** in **Grayson County**; TCEQ ID No. RN104918610; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

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

Item 21. [Docket No. 2009-1433-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Helena Chemical Company** in **Ellis County**; RN102006871; 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. BG/CR; all agree.

Item 22. [Docket No. 2009-1592-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mineral Technologies, Inc.** in **Pecos County**; RN101970648; 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. BG/CR; all agree.

- Item 23. [Docket No. 2009-1388-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **PVR East Texas Gas Processing, LLC in Harrison County**; RN105295505; 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. BG/CR; all agree.

- Item 24. [Docket No. 2009-0955-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Matrix Metals LLC in Fort Bend County**; RN100218205; 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. BG/CR; all agree.

- Item 25. [Docket No. 2009-1011-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **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, P.G., Cari-Michel La Caille)

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

- Item 26. [Docket No. 2009-0400-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **ONEOK Hydrocarbon Southwest, L.L.C. in Chambers County**; TCEQ ID No. RN100209949; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

- Item 27. [Docket No. 2009-0699-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ISP Synthetic Elastomers LP in Jefferson County**; RN100224799; 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. BG/CR; all agree.

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

- Item 28. [Docket No. 2009-1507-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **NB Retail, Ltd. in Comal County**; RN105739023; 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. (Jordan Jones, Cari-Michel La Caille)

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

Item 29. [Docket No. 2009-0876-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thomas Enterprises, Inc. in Bexar County**; RN105092746; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lauren Smitherman, Cari-Michel La Caille)

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

### **FIELD CITATIONS**

Item 30. [Docket No. 2009-1769-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Clinton Cotton in Eastland County**; RN103743746; 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, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 31. [Docket No. 2009-1657-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Flagstone Estates in Rockwall County**; RN105584668; 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. BG/CR; all agree.

Item 32. [Docket No. 2009-1744-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Southeastern Freight Lines, Inc. in Nueces County**; RN105784607; 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. (Jordan Jones, Cari-Michel La Caille)

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

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

Item 33. [Docket No. 2009-1414-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ingram ReadyMix, Inc. in Nueces County**; RN100250372; 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. (Jordan Jones, Cari-Michel La Caille)

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

Item 34. [Docket No. 2009-0892-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Parks and Wildlife Department in Harris County**; RN102469988; 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. BG/CR; all agree.

Item 35. [Docket No. 2009-1534-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Marine Fabricators, L.P. (formerly known as G.M. Fabricators, L.P. dba Gulf Marine Fabricators)** in **San Patricio County**; RN102203445; 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. BG/CR; all agree.

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

Item 36. [Docket No. 2009-0985-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jason B. Orlando** in **Bell County**; RN104374699; 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. (Ross Fife, Cari-Michel La Caille)

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

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

Item 37. [Docket No. 2009-0940-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Colby Green** in **Williamson County**; TCEQ ID No. RN105723324; 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. (Stephanie J. Frazee, Lena Roberts)

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

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

Item 38. [Docket No. 2008-0576-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R & S Concrete, LLC** in **Harris County**; TCEQ ID No. RN101916997; for water quality and industrial & hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

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

Item 39. [Docket No. 2009-0089-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **INEOS USA LLC** in **Calhoun County**; RN100210038; for industrial and hazardous waste, water quality, and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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. (John Shelton, Cari-Michel La Caille)

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

Item 40. [Docket No. 2009-1022-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harold Ridlehuber dba J & R Auto** in **Hill County**; RN100546324; for industrial and hazardous waste and petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 361, 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. BG/CR; all agree.

Item 41. [Docket No. 2009-1438-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Patricia Nelson** in **Jefferson County**; TCEQ ID No. RN105508394; for municipal solid waste and air quality 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 42. [Docket No. 2007-1699-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Fair Road Properties, Inc.** in **Denton County**; TCEQ ID No. RN101181576; for public drinking water and public 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. (Tracy Chandler, Lena Roberts)

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

Item 43. [Docket No. 2009-0693-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Reed S. Lehman Grain, Ltd.** in **Bexar County**; TCEQ ID No. RN105560072; for municipal solid waste and water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

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

Item 44. [Docket No. 2009-0163-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Roy Smalley dba Buck Sanitation** in **Red River County**; RN104795265; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas

Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ross Fife, Cari-Michel La Caille)

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

#### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 45. [Docket No. 2009-1426-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **FOX TREE & LANDSCAPE NURSERY, INC. dba Mother Earth Landscape Materials** in **Nueces County**; RN104751177; 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. BG/CR; all agree.

Item 46. [Docket No. 2008-1032-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mary Rose Bowles, Independent Executrix of the Herminia G. Bowles Estate** in **Maverick County**; TCEQ ID No. RN104515382; 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. (Peipey Tang, Lena Roberts)

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

Item 47. [Docket No. 2008-0727-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Larry Cathey dba Waco Wood Recycling and Materials** in **McLennan County**; TCEQ ID No. RN105211361; 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. (Tracy Chandler, Lena Roberts)

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

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

Item 48. [Docket No. 2007-1679-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Benny Hernandez dba IGM Scrap Tire** in **Hidalgo County**; TCEQ ID No. RN104544614; 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. (Sharesa Y. Alexander, Lena Roberts)

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

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

Item 49. [Docket No. 2009-0982-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas H2O, Inc. in Hood County**; RN101702397; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Cari-Michel La Caille)

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

Item 50. [Docket No. 2009-0850-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Syed N. Hyder in Brazos County**; RN102097789; 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 Agreed Order. BG/CR; all agree.

Item 51. [Docket No. 2009-0227-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Peaster Independent School District in Parker County**; RN102078045; 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. BG/CR; all agree.

Item 52. [Docket No. 2009-1145-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Wellman in Terry County**; RN102074879; 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. (Evette Alvarado, Cari-Michel La Caille)

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

Item 53. [Docket No. 2009-1373-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Military Highway Water Supply Corporation in Hidalgo County**; RN101611366; 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. BG/CR; all agree.

Item 54. [Docket No. 2009-0961-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Follett in Lipscomb County**; RN101916559; 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. BG/CR; all agree.

Item 55. [Docket No. 2009-1257-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Midway in Madison County**; RN101920262; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Cari-Michel La Caille)

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

Item 56. [Docket No. 2009-0783-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kleinwood Joint Powers Board in Harris County**; RN102328580; 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. BG/CR; all agree.

Item 57. [Docket No. 2009-0898-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Woden Independent School District in Nacogdoches County**; RN102887213; 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. BG/CR; all agree.

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

Item 58. [Docket No. 2009-0720-MWD-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mohammed Vasel Ahmed in Polk County**; TCEQ ID No. RN103759106; 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. (Tammy L. Mitchell, Lena Roberts)

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

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

Item 59. [Docket No. 2009-1299-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MPA River Oaks Limited Partnership dba River Oaks Apartments in Harris County**; RN102481017; 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. (Rajesh Acharya, Cari-Michel La Caille)

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

Item 60. [Docket No. 2009-1029-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LONGPOINT ENTERPRISES, INC. dba Amigos Food Mart in Harris County**; RN101896249; 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. BG/CR; all agree.

Item 61. [Docket No. 2008-1886-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **STAR FUELS, INC. dba Crest Bell Star Fuels in Harris County**; TCEQ ID No. RN102245834; 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. (Sharesa Y. Alexander, Lena Roberts)

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

Item 62. [Docket No. 2009-0946-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Zia Wahab dba C Store in Dallas County**; RN101433647; 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. BG/CR; all agree.

Item 63. [Docket No. 2009-0981-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SAAJ CORPORATION dba Speedo Gas Food Store in Harris County**; RN102327079; 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. (Thomas Greimel, Cari-Michel La Caille)

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

Item 64. [Docket No. 2009-1357-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ANCIRA ENTERPRISES INCORPORATED dba Ancira Winton Chevrolet in Bexar County**; RN100646678; 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. BG/CR; all agree.

Item 65. [Docket No. 2009-1195-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **W & J Investment, Inc. dba Gas N Stuff in Harris County**; RN101280097; 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. (Ross Fife, Cari-Michel La Caille)

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

Item 66. [Docket No. 2009-0956-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **E Z SPEEDY, INC. dba Speedy Mart** in **Harris County**; RN102271152; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Cari-Michel La Caille)

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

Item 67. [Docket No. 2009-1192-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BELTWAY 8 INVESTMENTS, LLC dba Courtesy Chevron** in **Harris County**; RN102801123; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Cari-Michel La Caille)

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

Item 68. [Docket No. 2008-1038-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Juan G. Rivas dba Exell Auto Service E Fuel** in **Dallas County**; TCEQ ID No. RN101444404; 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 Agreed Order. BG/CR; all agree.

Item 69. [Docket No. 2008-0789-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tarek Khalaf** in **Young County**; TCEQ ID No. RN101869709; 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 Agreed Order. BG/CR; all agree.

Item 70. [Docket No. 2008-0534-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robertina Haro** in **Hidalgo County**; TCEQ ID No. RN102221868; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 71. [Docket No. 2009-0832-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **EKRAM & NASIR CORPORATION dba Walnut Hill Valero** in **Dallas County**; TCEQ ID No. RN102355971; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

- Item 72. [Docket No. 2009-1286-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **One Tri-State Enterprises, L.L.C. dba J & B Food Mart in Harris County**; RN102357183; 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. (Ross Fife, Cari-Michel La Caille)

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

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

- Item 73. [Docket No. 2006-1791-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Tom Huu Nguyen aka Huu Tam Nguyen dba Shop-N-Go Superette and Thuy Nga Le Nguyen aka Thuy Nga Le dba Shop-N-Go Superette in Orange County**; TCEQ ID No. RN102241247; 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. (Tracy Chandler, Lena Roberts)

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

- Item 74. [Docket No. 2008-0531-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Schilling Sierra Inc. in Hudspeth County**; TCEQ ID No. RN101657534; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

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

- Item 75. [Docket No. 2009-0370-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of La Villa in Hidalgo County**; TCEQ ID No. RN101388957; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

Approve the Agreed Order. BG/BS; CR abstained.

- Item 76. [Docket No. 2009-1363-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wright City Water Supply Corporation in Smith County**; RN101237063; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Cari-Michel La Caille)

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

- Item 77. [Docket No. 2009-1408-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Reyes Cantu dba Spirit Ranch Café in Lubbock County**; RN103140802; 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. BG/CR; all agree.

- Item 78. [Docket No. 2009-1082-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Z-Lab, Inc. dba Cypress Valley Canopy Tours in Travis County**; RN105744106; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Cari-Michel La Caille)

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

- Item 79. [Docket No. 2009-1040-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Northwind Properties, LTD. dba Westfield Garden Mobile Home Park in Harris County**; TCEQ ID No. RN101245090; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

- Item 80. [Docket No. 2008-0103-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ann Robinson dba Beachview Acres Water Association in Hill County**; TCEQ ID No. RN101437135; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

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

- Item 81. [Docket No. 2009-1436-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Mitchell County**; RN101203230; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Cari-Michel La Caille)

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

- Item 82. [Docket No. 2008-1650-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Overton in Rusk County**; TCEQ ID No. RN103934733; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

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

- Item 83. [Docket No. 2008-1016-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **South Texas Water Authority in Kleberg County**; TCEQ ID No. RN102683323; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

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

- Item 84. [Docket No. 2009-1518-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lillie's Kitchen & Store, LLC in Val Verde County**; RN105692586; 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. BG/CR; all agree.

- Item 85. [Docket No. 2009-1553-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alexander Moulding Mill Company in Hamilton County**; RN100828805; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Cari-Michel La Caille)

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

- Item 86. [Docket No. 2008-1880-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **First Baptist Church of Jonestown, Texas in Travis County**; TCEQ ID No. RN105518724; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Phillip M. Goodwin, P.G., Lena Roberts)

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

#### **SLUDGE ENFORCEMENT DEFAULT ORDER**

- Item 87. [Docket No. 2009-0775-SLG-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jerico Foster dba Foster Septic in Harris County**; TCEQ ID No. RN105715981; for water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

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

Item 88. [Docket No. 2009-1197-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Gregory in San Patricio County**; RN105652937; 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. BG/CR; all agree.

Item 89. [Docket No. 2009-1201-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Converse in Bexar County**; RN104150206; 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. BG/CR; all agree.

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

Item 90. [Docket No. 2009-1000-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Christopher Xindaris dba Devlyn Construction in Bell County**; TCEQ ID No. RN105637292; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

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

#### **WATER RIGHT ENFORCEMENT AGREED ORDER**

Item 91. [Docket No. 2009-1214-WR-E](#). Consideration of an Agreed Order assessing administrative penalties against **CENTRAL NORTH CONSTRUCTION, LLC in Navarro County**; RN105757025; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Pamela Campbell, Cari-Michel La Caille)

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

#### **RULE MATTERS**

Item 92. [Docket No. 2009-1818-RUL](#). Consideration for publication of and hearing on, proposed new Sections 30.13, 30.34 - 30.38; amendments to Sections 30.3, 30.20, 30.30, and 30.33; and the repeal of Section 30.35 of **30 Texas Administrative Code (TAC) Chapter 30**, Occupational Licenses and Registrations. The proposed rulemaking would implement House Bill (HB) 963 and HB 2808 from the 81st Legislature, 2009, Regular Session, relating to the eligibility of certain applicants for occupational licenses and the authority of the commission to revoke, suspend, or deny a license on the basis of certain criminal proceedings. (Terry Thompson, Alicia Lee) (Rule Project No. 2009-037-030-PR)

Approve the publication of, and hearing on, new 30 TAC Sections 30.13, 30.34 – 30.38; amendments to 30 TAC Sections 30.3, 30.20, and 30.33 and the repeal of 30 TAC Section 30.35 as recommended by the Executive Director. CR/BG; all agree.

Item 93. [Docket No. 2009-0987-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Sections 291.31 and 291.34 of **30 TAC Chapter 291**, Utility Regulations. The proposed rulemaking would implement changes to Texas Water Code, Section 13.131 made by Senate Bill (SB) 2306 from the 81st Legislature, 2009, Regular Session. SB 2306 requires the commission by rule to allow water and/or sewer utilities to claim the book cost less net salvage of depreciable utility plant retired be charged in its entirety to the accumulated depreciation account, consistent with accounting treatment of regulated electric and gas utilities in this state. (Brian Dickey, Brian MacLeod) (Rule Project No. 2009-042-291-OW)

Remand the rule proposal package to the Executive Director; remove the non exclusive list of examples from the rule language, and incorporate the examples in the preamble as appropriate. BG/CR; all agree.

Item 94. [Docket No. 2009-1061-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 70**, Enforcement, Sections 70.1, 70.9, 70.10, and 70.11, and **Chapter 80**, Contested Case Hearings, Section 80.254. The proposed rulemaking would implement portions of Senate Bill (SB) 1693 from the 81st Legislature, 2009, Regular Session, relating to payment of penalty by installment and enforcement authority. The proposed rulemaking would allow monetary civil or administrative penalties to be paid in periodic installments of up to 36 months by any entity in violation of law within the commission's jurisdiction and would allow the commission to delegate to the executive director the authority to issue an administrative order. (Cari-Michel La Caille, Gitanjali Yadav)(Rule Project No. 2009-045-070-CE)

Approve the publication of, and hearing on, the proposed amendments to 30 TAC Chapters 70 and 80, implementing Senate Bill 1693, as recommended by the Executive Director. CR/BG; all agree.

## EXECUTIVE MEETING

Item 95. **Docket No. 2010-0001-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.

No action taken.

Item 96. **Docket No. 2010-0002-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.

Provide direction to the General Counsel on certain personnel issues and a pay increase for the General Counsel of 5 percent. CR/BG; all agree.

Item 97. **Docket No. 2010-0003-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.

No action taken.

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

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

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

/s/ Tracy Gross for  
Assistant General Counsel,  
Celeste Baker

2/3/10  
Date