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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  
April 14, 2010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

**PROPOSALS FOR DECISION**

- Item 1. [TCEQ Docket No. 2008-0181-WR; SOAH Docket No. 582-08-1698](#). Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order regarding the application of **Bradley B. Ware** to amend Water Use Permit No. 5594 in the Brazos River Basin in **Bell County**, Texas. The proposed amendments would either extend the permit for another ten-year period or convert the permit to a perpetual right. In addition, the applicant seeks authority to withdraw 20 more acre-feet of water annually and to irrigate 31 more acres of the applicant's farm. The Commission will also consider the application, related filings, exceptions, and replies. (Shana Horton, James Aldredge)

Adopt the ALJ's proposed Order with the modifications recommended in the ALJ's letter dated March 17, 2010; except Finding of Fact No. 29 should read: "The Model predicts that Mr. Ware's current request could be satisfied at a 100% level in none of the years, and at least 75% in 5.2% of the years." CR/BG; all agree.

- Item 2. [TCEQ Docket No. 2008-0289-MSW-E; SOAH Docket No. 582-09-3604](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Michael French dba Hiram Waste & Recycling, Inc.** in **Kaufman County**, Texas; RN104917885; 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. The Commission will also consider timely filed exceptions and replies. (Anna Treadwell)

Adopt the ALJ's proposed Order and adopt the Executive Director's exceptions, as modified by the ALJ in his March 16, 2010 letter. BG/CR; all agree.

## HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

- Item 3. [Docket No. 2010-0280-AIR](#). Consideration of the application by **TPCO America Corporation** for State Air Quality Permit 86860 and Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1188 to authorize the construction of a pipe manufacturing steel mini-mill. The proposed plant site is located east of the intersection of Texas Highway 35 and Texas Highway 361, southeast of Gregory, **San Patricio 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. (Dois Webb, Tucker Henson)

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

## MISCELLANEOUS MATTERS

- Item 4. [Docket No. 2010-0100-UCR](#). Consideration of a Commission order setting the compensation amount for the decertification of **Creedmoor-Maha Water Supply Corporation** ("Creedmoor") from a portion of Certificate of Convenience and Necessity ("CCN") No. 11029, in **Travis County**, Texas, pursuant to Section 13.254 of the Texas Water Code and Title 30, Section 291.113 of the Texas Administrative Code. The Commission previously decertified the area when it approved the expedited CCN release petition filed by Jona Acquisitions, Inc. ("Jona"). The City of Austin has submitted a letter indicating its intent to serve the area. The Commission will consider appraisals of the decertified area conducted on behalf of Creedmoor, Jona, and the Executive Director. (Christiaan Siano, Heidi Graham)

Approve the independent appraisal's recommendations regarding the compensation value for the expedited release and issue the Executive Director's proposed Order with Carma's proposed changes submitted at Agenda that amend the proposed Order to additionally allow the City of Austin's representative to make the compensation to Creedmoor-Maha. BG/CR; all agree.

- Item 5. [Docket No. 2010-0318-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 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

## AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 6. [Docket No. 2009-1666-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bayer MaterialScience LLC in Chambers County**; RN100209931; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 7. [Docket No. 2009-1998-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Blackland Grain & Storage, Inc. in Bell County**; RN102295284; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 8. [Docket No. 2009-1820-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, Laurie Eaves)

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

Item 9. [Docket No. 2009-1456-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robroy Industries-Texas, L.P. in Upshur County**; RN100213842; 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, Laurie Eaves)

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

Item 10. [Docket No. 2008-1350-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP in Nueces County**; RN100221662; 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, Laurie Eaves)

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

Item 11. [Docket No. 2009-1204-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oxy USA WTP LP in Gaines County**; RN102556990; 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, Laurie Eaves)

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

Item 12. [Docket No. 2009-1635-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chemical Lime, Ltd. in Comal County**; RN100552454; 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, Laurie Eaves)

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

Item 13. [Docket No. 2009-1138-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Guardian Industries Corp. in Navarro County**; RN100221811; 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, Laurie Eaves)

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

Item 14. [Docket No. 2009-1677-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. (Trina Grieco, Laurie Eaves)

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

Item 15. [Docket No. 2009-1737-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INEOS USA LLC in Brazoria County**; RN100238708; 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, Laurie Eaves)

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

Item 16. [Docket No. 2008-0643-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sunoco, Inc. (R&M) in Harris County**; RN102888328; 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, Laurie Eaves)

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

Item 17. [Docket No. 2009-1669-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Permian Tank & Manufacturing, Inc. in Rusk County**; RN103898771; 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, Laurie Eaves)

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

Item 18. [Docket No. 2008-1181-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **US Fiberglass, Inc. in Hale County**; RN101485746; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

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

Item 19. [Docket No. 2009-1476-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company** in **Moore County**; RN100214154; 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, Laurie Eaves)

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

Item 20. [Docket No. 2009-1425-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Noltex L.L.C.** in **Harris County**; RN101049518; 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, Laurie Eaves)

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

Item 21. [Docket No. 2009-1161-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kinder Morgan Liquids Terminals LLC** in **Harris County**; RN100237452; 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, Laurie Eaves)

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

Item 22. [Docket No. 2009-1524-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Exxon Mobil Corporation** in **Harris County**; RN102212925; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Laurie Eaves)

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

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

Item 23. [Docket No. 2008-1263-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Lee Dry Clean, Inc.** in **Harris County**; RN104085550; for dry cleaner violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 374, 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. BG/CR; all agree.

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

Item 24. [Docket No. 2009-1608-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Independence Woods, L.L.C.** in **Travis County**; RN104509138; 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. (Thomas Jecha, P.G., Laurie Eaves)

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

- Item 25. [Docket No. 2009-1893-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Austin Montessori School, Inc.** in **Travis County**; RN105794184; 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. (Carlie Konkol, Laurie Eaves)

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

### **FIELD CITATIONS**

- Item 26. [Docket No. 2009-1900-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Tommy Patterson** in **McLennan County**; RN105805774; for occupational licensing violations pursuant to Tex. Water Code ch. 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Cari-Michel La Caille)

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

- Item 27. [Docket No. 2010-0017-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Williams & Thomas, LP** in **Williamson County**; RN100843622; 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, Laurie Eaves)

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

- Item 28. [Docket No. 2010-0015-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Allen Loggins, Jr.** in **Angelina County**; RN105829881; 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, Laurie Eaves)

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

### **INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

- Item 29. [Docket No. 2009-1522-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CHANGING SURFACE, INC.** in **Bexar County**; RN105772735; 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. (Rajesh Acharya, Laurie Eaves)

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

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

- Item 30. [Docket No. 2009-1337-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PILGRIM'S PRIDE CORPORATION** in **Titus County**; RN102184041; 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, Laurie Eaves)

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

- Item 31. [Docket No. 2009-1795-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **ELG Metals, Inc.** in **Harris County**; RN102185733; 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., Laurie Eaves)

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

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

- Item 32. [Docket No. 2009-1283-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Kenneth Wayne Groda dba Eagle Irrigation** in **Harris County**; RN103490199; 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. (Sharesa Y. Alexander, Lena Roberts)

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

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

- Item 33. [Docket No. 2007-1894-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rapid Marine Fuels, LLC dba Rapid Environmental Services, LLC** in **El Paso County**; RN100669217; for municipal solid waste, industrial hazardous waste, and used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

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

- Item 34. [Docket No. 2007-0560-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arfa & Shifa Business, Inc. dba Oaks Cleaners** in **Jefferson County**; RN104207634; for industrial and hazardous waste and dry cleaner violations pursuant to Tex. Health & Safety Code chs. 361 and 374, 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, Laurie Eaves)

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

- Item 35. [Docket No. 2009-1725-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Clarence Schley in Fayette County**; RN105696868; for municipal solid waste and 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. (Rajesh Acharya, Laurie Eaves)

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

- Item 36. [Docket No. 2009-1535-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Union Pacific Railroad Company in Shelby County**; RN105775605; for water quality and industrial and hazardous waste 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. (Cheryl Thompson, Laurie Eaves)

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

- Item 37. [Docket No. 2009-0903-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tom Dye, Contractor, LLC in Hays County**; RN105376123; for water quality, air quality, and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, 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. (Steven M. Fishburn, Lena Roberts)

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

- Item 38. [Docket No. 2009-0831-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Saguaro, Corp. dba El Paso C&D Recycling Plant in El Paso County**; RN105517007; for municipal solid 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. (Thomas Greimel, Laurie Eaves)

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

- Item 39. [Docket No. 2006-0682-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joseph Gaber dba Cody's Market & Marina and Victoria Gaber dba Cody's Market & Marina in Parker County**; RN101230654; for public water supply and petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy Mitchell, Lena Roberts)

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

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

Item 40. [Docket No. 2009-1860-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Clarendon in Donley County**; RN105808935; 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. (Michael Meyer, Laurie Eaves)

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

Item 41. [Docket No. 2009-1607-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ysmael Corral dba Precision Tile & Design in Tom Green County**; RN105669014; 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. (Wallace Myers, Laurie Eaves)

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

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

Item 42. [Docket No. 2007-0715-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Vega Waste Disposal Services Inc. dba Vega Waste Disposal Services in Tarrant County**; RN104872528; for municipal solid waste and used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barham A. Richard, Lena Roberts)

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

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

Item 43. [Docket No. 2009-1448-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **STEPHENVILLE MOBILE HOME PARK, LTD. in Erath County**; RN102183027; 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, Laurie Eaves)

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

Item 44. [Docket No. 2009-1841-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District No. 285 in Harris County**; RN101521474; 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, Laurie Eaves)

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

Item 45. [Docket No. 2009-1118-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **T & I TAYLOR, INC.** in **Chambers County**; RN102342268; 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, Laurie Eaves)

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

Item 46. [Docket No. 2009-1740-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Port Terminal Railroad Association** in **Harris County**; RN102800356; 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, Laurie Eaves)

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

Item 47. [Docket No. 2009-1799-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Groveton** in **Trinity County**; RN102844297; 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, Laurie Eaves)

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

Item 48. [Docket No. 2009-0202-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Chillicothe** in **Hardeman County**; RN102985355; 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 49. [Docket No. 2009-1478-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **U.S. Army Corps of Engineers** in **Bosque County**; RN101715407; 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, Laurie Eaves)

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

Item 50. [Docket No. 2009-1793-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Orange County Water Control and Improvement District No. 1** in **Orange County**; RN102183035; 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, Laurie Eaves)

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

Item 51. [Docket No. 2009-1464-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Asherton in Dimmit County**; RN101721348; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Carlie Konkol, Laurie Eaves)

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

Item 52. [Docket No. 2009-1770-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Texarkana in Bowie County**; RN101613537; 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, Laurie Eaves)

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

#### **ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT AGREED ORDER**

Item 53. [Docket No. 2009-1662-OSS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Samuel C. Mullin in Eastland County**; RN105775464; for on-site sewage disposal violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Lanae Foard, Laurie Eaves)

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

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

Item 54. [Docket No. 2009-1454-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Larry J. Appelt dba Larry Service Station in Lavaca County**; RN101736577; 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, Laurie Eaves)

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

Item 55. [Docket No. 2009-1376-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BEN CORPORATION dba Super K Food Mart in Harris County**; RN102432986; 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. (Keith Frank, Laurie Eaves)

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

Item 56. [Docket No. 2009-1594-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Darlene Chappell dba Big Red Barn in Irion County**; RN102063575; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 57. [Docket No. 2009-1246-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Roshani Enterprises Inc. dba Buckner Service Center in Dallas County**; RN101539625; 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. (Theresa Hagood, Laurie Eaves)

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

Item 58. [Docket No. 2009-1602-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PP & MB CORPORATION dba New Era Food Store in Harris County**; RN101876811; 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. (Danielle Porras, Laurie Eaves)

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

Item 59. [Docket No. 2009-1611-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Uppal Bros., Inc. dba Save Way Food Mart in Tarrant County**; RN102035367; 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, Laurie Eaves)

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

Item 60. [Docket No. 2009-1786-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **BURLINGTON NORTHERN SANTA FE CORPORATION in Tarrant County**; RN103050373; 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. (Theresa Hagood, Laurie Eaves)

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

Item 61. [Docket No. 2009-1368-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **National Convenience Stores Incorporated dba Valero Corner Store 2553 in Harris County**; RN102378791; 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. (Michael Meyer, Laurie Eaves)

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

Item 62. [Docket No. 2009-0118-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Munor Rahman, Inc. dba Super Star** in **Orange County**; RN102795408; 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. (Tammy L. Mitchell, Lena Roberts)

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

Item 63. [Docket No. 2009-1754-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SIX KNASTARS, INC. dba Court Road Citgo** in **Fort Bend County**; RN100867977; 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, Laurie Eaves)

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

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

Item 64. [Docket No. 2009-1150-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Lu Thi Pham** in **Jefferson County**; RN101849909; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barham A. Richard, Lena Roberts)

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

Item 65. [Docket No. 2008-1934-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Romelio Flores dba Super Stop 30** in **El Paso County**; RN100810746; 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 Goodwin, Lena Roberts)

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

Item 66. [Docket No. 2009-1226-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Amrik Singh** in **Galveston County**; RN102260429; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barham A. Richard, Lena Roberts)

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

Item 67. [Docket No. 2009-1296-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Paul Toucedo in Hunt County**; RN102457371; 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. (Gary K. Shiu, Lena Roberts)

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

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

Item 68. [Docket No. 2009-1533-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Texas, Inc. in Travis County**; RN102673274; 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, Laurie Eaves)

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

Item 69. [Docket No. 2009-1812-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paradise Ranch Landowners' Association, Inc. in Victoria County**; RN105817639; for public drinking water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie Eaves)

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

Item 70. [Docket No. 2009-1697-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Creedmoor-Maha Water Supply Corporation in Travis County**; RN101177152; for public drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

Item 71. [Docket No. 2009-1354-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ni America Texas, LLC in Johnson County**; RN101260420; 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, Laurie Eaves)

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

### **SLUDGE ENFORCEMENT AGREED ORDER**

Item 72. [Docket No. 2009-1512-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Webb County in Webb County**; RN102456092; 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. (Marshall Coover, Lena Roberts)

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

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

Item 73. [Docket No. 2009-2036-WO-E](#). Consideration of an Agreed Order assessing administrative penalties against **J & J NRH 100 Family Limited Partnership** in **Tarrant County**; RN105704365; 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. (Roshondra Lowe, Laurie Eaves)

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

Item 74. [Docket No. 2009-1473-WO-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Robinson** in **McLennan County**; RN105066609; 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. (Carlie Konkol, Laurie Eaves)

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

### **STATE IMPLEMENTATION PLAN**

Item 75. [Docket No. 2010-0076-SIP](#). Consideration for publication of, and hearing on, a proposed revision to the **Dallas-Fort Worth (DFW) 1997 Eight-Hour Ozone Standard Nonattainment Area State Implementation Plan (SIP)** to convert a DFW Environmental Speed Limit (ESL) Control Strategy to a Transportation Control Measure (TCM). The North Central Texas Council of Governments along with the North Texas Tollway Authority request that the Texas Commission on Environmental Quality revise the DFW SIP to convert an ESL control measure currently incorporated into the SIP to a TCM. This proposal would allow increased flexibility for local air quality planners to change ESLs in the area without having to revise the DFW SIP each time. (Kathy Singleton, Terry Salem) (Project No. 2009-026-SIP-NR)

Approve the publication of, and hearing on, the proposed revisions to the Dallas-Fort Worth 1997 Eight-Hour Ozone Standard Nonattainment Area state implementation plan as recommended by the Executive Director. CR/BG; all agree.

### **RULE MATTERS**

Item 76. [Docket No. 2009-2033-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Section 106.4 of **30 Texas Admin. Code (TAC) Chapter 106**, Permits by Rule and Sections 116.110 and 116.610 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification and corresponding revisions to the state implementation plan. The proposed rulemaking would amend 30 TAC Chapters 106 and 116: to prevent an applicant for a permit under Texas Health and Safety Code (THSC), Section 382.0518, Preconstruction Permit, from withdrawing that application and immediately using a standard

permit or PBR to avoid public notice requirements; and to prevent the use of a standard permit or PBR as an immediate precursor to the construction of a facility requiring a permit under THSC, Section 382.0518. This rulemaking would also clarify rule language to ensure that projects at a site where a PBR was used as an authorization comply with the 25/250 tons per year emission limit unless at least one facility at the site has undergone public notice. (Blake Stewart, Ben Rhem) (Rule Project No. 2009-016-116-PR)

Approve the publication of, and hearing on, the proposed amendments to 30 TAC Sections 106.4, 116.110 and 116.610 and the corresponding revisions to the state implementation plan as recommended by the Executive Director. BG/CR; all agree.

Item 77. **Docket No. 2009-0988-RUL**. Consideration of the adoption of amendments to Sections 295.13, 295.155, and 295.161 and new Section 295.114 of **30 TAC Chapter 295**, Water Rights, Procedural, and amendments to Sections 297.16 and 297.18 of 30 TAC Chapter 297, Water Rights, Substantive. The adoption would implement House Bill 4231, 81st Legislature, 2009, Regular Session, relating to the conveyance or transfer in Texas of water imported into Texas from a source located outside the state. The proposed rules were published in the November 20, 2009 issue of the *Texas Register* (34 TexReg 8192). (Ron Ellis, Robin Smith) (Rule Project No. 2009-040-295-OW)

Adopt the proposed amendments to Sections 295.13, 295.155, and 295.161 and proposed new Section 295.114 of 30 TAC Chapter 295 and proposed amendments to Sections 297.16 and 297.18 of 30 TAC Chapter 297 as recommended by the Executive Director. BG/CR; all agree.

Item 78. **Docket No. 2009-2046-RUL**. Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 25**, Environmental Testing Laboratory Accreditation and Certification, Sections 25.1, 25.2, 25.4, 25.9, 25.10, 25.14, 25.20, 25.22, 25.24, 25.30, 25.32 and 25.34; and the repeal of Section 25.36. The proposed rulemaking would change the applicable standards for accrediting environmental testing laboratories, establish the date on which the change in accreditation standards would become effective, revise fees and fee categories, establish the date on which the revised fees and fee categories would become effective, clarify that laboratories operated by the Commission are exempt from fees, clarify when certain miscellaneous fees are applied, remove language in the rules that is no longer needed, and revise language in the rules to make the rules clearer and more consistent and bring them up-to-date. (Steve Stubbs, Kathy Humphreys) (Rule Project No. 2010-009-025-CE)

Approve publication of, and hearing on the proposed amendments to and the repeal within 30 TAC Chapter 25 regarding Environmental Testing Laboratory Accreditation and Certification as recommended by the Executive Director. CR/BG; all agree.

## **EXECUTIVE MEETING**

Item 79. **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.

The Commission did not meet in an Executive Meeting.

Item 80. **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.

The Commission did not meet in an Executive Meeting.

Item 81. **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.

The Commission did not meet in an Executive Meeting.

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

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

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

          \s\ Shannon Strong            
Assistant General Counsel,  
Shannon Strong

  4/23/10    
Date