

*The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).*

*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  
August 25, 2010

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

- Item 1. [Docket No. 2010-0835-MWD](#). Consideration of the application by **City of Fair Oaks Ranch** for a renewal of permit No. WQ0011867001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day via surface irrigation of 280 acres of Fair Oaks Ranch Golf and Country Club land. The wastewater treatment facility and disposal site are located on the northern border of Bexar County, west of Ralph Fair Road and south of Cibolo Creek at the extreme east side of Fair Oaks Ranch in **Bexar 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. (Christine Angeletti, Brian Sierant)

Deny hearing request pursuant to Texas Water Code Section 26.028(d); deny the request for reconsideration; issue the renewal of permit No. WQ0011867001 to the City of Fair Oaks Ranch and adopt the Executive Director's Response to Comments. BG/CR; all agree.

#### **EMERGENCY ORDER**

- Item 2. [Docket No. 2009-2077-PWS-E](#). Consideration of whether to modify, affirm, or set aside the Emergency Order issued on June 23, 2010, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by **Don English dba English Acres aka Coyote Water** in **Jim Wells County**, Texas; TCEQ ID No. RN102670783; CCN12794 to ensure continued operation of the Utility and to provide continuous and adequate service to the

customers. The Emergency Order renewed the appointment of Lonzo Gale as temporary manager of the Utility. (Peipey Tang)

Affirm the Emergency Order against Don English dba English Acres aka Coyote Water and issue the Proposed Commission Order. CR/BG; all agree.

### **MISCELLANEOUS MATTERS**

Item 3. [Docket No. 2010-0947-MIS](#). Consideration of the Submission to the U.S. Environmental Protection Agency (EPA) of the **2010 Texas Integrated Report** for Clean Water Act Sections 303(d) and 305(b). (Kelly Keel)

Approve the 2010 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d) for submission to EPA, as recommended by the Executive Director. BG/CR; all agree.

Item 4. [Docket No. 2010-1332-MIS](#). Discussion of the Monthly Enforcement Report. (Melinda Jonhston, John Racanelli)

No action taken.

Item 5. [Docket No. 2010-1350-MIS](#). Consideration of TCEQ's revised Information Strategic Plan. (Jurgen Koch)

Approve the revised Information Strategic Plan, as recommended by the Executive Director. BG/CR; all agree.

### **AGRICULTURAL ENFORCEMENT AGREED ORDERS**

Item 6. [Docket No. 2008-1630-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sonador Dairy, L.L.C.** in **Hopkins County**; RN101526796; 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. (Jim Sallans, Lena Roberts)

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

Item 7. [Docket No. 2010-0486-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **AZTEX DAIRY, INC.** in **Erath County**; RN100796101; 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. CR/BG; all agree.

Item 8. [Docket No. 2010-0408-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lone Oak Feeders, Inc.** in **Erath County**; RN102887080; 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. CR/BG; all agree.

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

Item 9. [Docket No. 2010-0196-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **LBC Houston, L.P. in Harris County**; RN101041598; 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. CR/BG; all agree.

Item 10. [Docket No. 2010-0007-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. (Raymond Marlow, P.G., Laurie Eaves)

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

Item 11. [Docket No. 2010-0284-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Brazoria County**; RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

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

Item 12. [Docket No. 2009-1116-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rohm and Haas Texas Incorporated in Harris County**; RN100223205; 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, Laurie Eaves)

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

Item 13. [Docket No. 2009-2068-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Millennium Petrochemicals Inc. in Harris County**; RN100224450; 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. CR/BG; all agree.

Item 14. [Docket No. 2009-1490-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Belvan Corp.** in **Crockett County**; RN100214022; 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. CR/BG; all agree.

Item 15. [Docket No. 2009-0388-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Harris County**; RN102212925; for air quality violations pursuant to Tex. 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. CR/BG; all agree.

Item 16. [Docket No. 2010-0065-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Intercontinental Terminals Company LLC** in **Harris County**; RN100210806; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Laurie Eaves)

Remanded to the Executive Director.

Item 17. [Docket No. 2010-0429-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MarkWest Pinnacle, L.L.C.** in **Nacogdoches County**; RN102873627; 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. CR/BG; all agree.

Item 18. [Docket No. 2010-0345-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Norit Americas, Inc.** in **Harrison County**; RN102609724; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Laurie Eaves)

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

Item 19. [Docket No. 2010-0257-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC.** in **Jefferson County**; RN102457520; 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. CR/BG; all agree.

- Item 20. [Docket No. 2010-0543-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trend Gathering & Treating, LP** in **Freestone County**; RN104416151; 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., Laurie Eaves)

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

- Item 21. [Docket No. 2010-0041-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eagle Rock Field Services, L.P.** in **Wheeler County**; RN100218148; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Laurie Eaves)

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

- Item 22. [Docket No. 2010-0309-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flint Hills Resources, LP** in **Jefferson County**; RN100217389; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Laurie Eaves)

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

- Item 23. [Docket No. 2009-1460-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mitsubishi Caterpillar Forklift America Inc.** in **Harris County**; RN100219161; 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. CR/BG; all agree.

- Item 24. [Docket No. 2006-0561-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL Petrochemicals USA, Inc.** in **Jefferson County**; RN102457520; 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. (Jeffrey J. Huhn, Lena Roberts)

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

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

- Item 25. [Docket No. 2010-0355-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joe Marsden** in **Williamson County**; RN105883151; 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. (J. R. Cao, Laurie Eaves)

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

- Item 26. [Docket No. 2010-0571-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Parkside at Mayfield Ranch, Ltd. in Williamson County**; RN105880991; 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. (JR Cao, Laurie Eaves)

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

### **FIELD CITATIONS**

- Item 27. [Docket No. 2010-0928-LII-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Grant H. Gilson in Orange County**; RN103416178; for occupational licensing violations pursuant to Tex. Occupations Code ch. 1903, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

- Item 28. [Docket No. 2010-0927-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **David E. Thomas in Ellis County**; RN103688438; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

- Item 29. [Docket No. 2010-0838-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Nazma, L.L.C. in Hays County**; RN105738074; 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 Field Citation. CR/BG; all agree.

- Item 30. [Docket No. 2010-1050-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Richard R. Roelke in Grayson County**; RN104810262; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 31. [Docket No. 2010-0829-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Juan Garza** in **Bee County**; RN105898589; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 32. [Docket No. 2010-0964-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Kenny Childers** in **San Patricio County**; RN105914352; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 33. [Docket No. 2010-1060-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Johnny D. Braddock** in **Colorado County**; RN105374417; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 34. [Docket No. 2010-1052-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Joshua A. Isham** in **Lynn County**; RN105197933; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 35. [Docket No. 2010-0789-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Mark E. Armstrong** in **Grayson County**; RN103234985; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 36. [Docket No. 2010-0874-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Daniel W. Bickham** in **San Patricio County**; RN103419099; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 37. [Docket No. 2010-1051-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Jerry Ray Cansler** in **Jack County**; RN105915953;

for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 38. [Docket No. 2010-1031-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Jimmy W. Allen in Jefferson County**; RN104508569; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 39. [Docket No. 2010-1030-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **LaVern Williamson in Parker County**; RN105891188; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 40. [Docket No. 2010-1001-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Miles Construction Company, Inc. in Smith County**; RN105900047; 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. CR/BG; all agree.

Item 41. [Docket No. 2010-1002-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Boone & Boone Construction, Ltd in Smith County**; RN105931356; 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. CR/BG; all agree.

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

Item 42. [Docket No. 2010-0031-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stolthaven Houston, Inc. in Harris County**; RN100210475; 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. (Clinton Sims, Laurie Eaves)

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

## INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 43. [Docket No. 2010-0210-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CHEMICALS LLC** in **Harris County**; RN102177391; 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. CR/BG; all agree.

- Item 44. [Docket No. 2010-0332-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ash Grove Texas, L.P.** in **Ellis County**; RN100225978; 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, Laurie Eaves)

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

- Item 45. [Docket No. 2009-1940-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Centex Materials LLC** in **Travis County**; RN100250273; 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. CR/BG; all agree.

- Item 46. [Docket No. 2010-0655-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **V&M Star, a Partnership with General and Limited Partners, LP** in **Harris County**; RN100215474; 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. CR/BG; all agree.

## MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 47. [Docket No. 2010-0444-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **REN Services, Inc.** in **Nueces County**; RN105876874; for water quality and municipal solid 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. (Thomas Jecha, P.G., Laurie Eaves)

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

- Item 48. [Docket No. 2010-0470-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **V. C. Whitworth** in **McCulloch County**; RN105610075; for water quality and occupational licensing violations pursuant to Tex. Health &

Safety Code ch. 366, 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. CR/BG; all agree.

Item 49. [Docket No. 2010-0226-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nueces County Water Control and Improvement District No. 5** in **Nueces County**; RN101609543; for water quality and municipal solid 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. (Evette Alvarado, Laurie Eaves)

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

Item 50. [Docket No. 2009-0107-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bryan Iron & Metal, Ltd. in Brazos County**; RN102037660; for industrial hazardous 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. (Peipey Tang, Lena Roberts)

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

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

Item 51. [Docket No. 2007-0715-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **J.W. McQuerry dba McQuerry Properties, and his heir, Danna Tramel dba McQuerry Properties** in **Tarrant County**; RN104872528; for used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 52. [Docket No. 2010-0324-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **National Oilwell Varco, L.P. dba NOV Tuboscope** in **Yoakum County**; RN101628501; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Laurie Eaves)

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

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

Item 53. [Docket No. 2009-0018-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tynan Water Supply Corporation** in **Bee County**;

RN103051710; 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. (Rudy Calderon, Lena Roberts)

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

Item 54. [Docket No. 2009-1727-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Orange County Water Control and Improvement District No. 2 in Orange County**; RN101614030; 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, Laurie Eaves)

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

Item 55. [Docket No. 2009-1941-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Dallas in Dallas County**; RN101549061; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

Item 56. [Docket No. 2009-2048-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Florence in Williamson County**; RN101920502; 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 Agreed Order. CR/BG; all agree.

Item 57. [Docket No. 2009-1763-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bell County Water Control and Improvement District No. 2 in Bell County**; RN101610418; 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. CR/BG; all agree.

Item 58. [Docket No. 2010-0476-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Lipan in Hood County**; RN101917417; 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. (J. R. Cao, Laurie Eaves)

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

Item 59. [Docket No. 2010-0551-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pineland in Sabine County**;

RN101920791; 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, Laurie Eaves)

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

Item 60. [Docket No. 2008-1050-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Humble Partners Limited Partnership in Harris County**; RN103114716; 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 Agreed Order. CR/BG; all agree.

Item 61. [Docket No. 2008-1953-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Chico in Wise County**; RN102833845; 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)

Continued to the October 15, 2010 agenda.

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

Item 62. [Docket No. 2010-0278-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PROBH CORPORATION dba Elk Food Mart in Johnson County**; RN103941233; 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. (Thomas Greimel, Laurie Eaves)

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

Item 63. [Docket No. 2009-1751-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SYED & NASRU ENTERPRISES, INC. dba Shop N Go in Harris County**; RN103020822; 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. (Sharesa Y. Alexander, Lena Roberts)

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

Item 64. [Docket No. 2008-1502-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NEELAM MARKETS, INC. dba Fuel Express in Harris County**; RN101774958; 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. (Rebecca M. Combs, Lena Roberts)

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

- Item 65. [Docket No. 2010-0450-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TIEN SHAN, INC. dba Dairy Ashford Mobil in Harris County**; RN101846285; 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. (Tate Barrett, Laurie Eaves)

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

- Item 66. [Docket No. 2010-0412-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MFS Corporation dba Hewitt Shell in McLennan County**; RN102051539; 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. CR/BG; all agree.

- Item 67. [Docket No. 2010-0330-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **H & B Marketing Services, Inc. dba Alvin Shell & Blimpies in Brazoria County**; RN102239332; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Laurie Eaves)

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

- Item 68. [Docket No. 2010-0472-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **CARMAX AUTO SUPERSTORES, INC. dba Carmax 7111 in Harris County**; RN101097962; 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. (Andrea Park, Laurie Eaves)

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

- Item 69. [Docket No. 2010-0148-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Raymon Harrell and Audrey Grisham in Montgomery County**; RN103993184; 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. (Amanda Henry, Laurie Eaves)

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

- Item 70. [Docket No. 2010-0510-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Don A. Stewart, Inc. in Travis County**; RN100527688; 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. (Andrea Park, Laurie Eaves)

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

- Item 71. [Docket No. 2010-0138-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **J F A OIL COMPANY dba Regency Car Wash in Harris County**; RN102486925; 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. (Andrea Linson-Mgbeoduru, Laurie Eaves)

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

- Item 72. [Docket No. 2008-0398-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joe Ben Wolf in Gregg County**; RN101863165; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

- Item 73. [Docket No. 2010-0416-PST-E](#). Consideration of an Agreed Order assessing administrative penalties of **B. T. RAND OIL COMPANY dba Texaco Food Mart in Jefferson County**; RN101830719; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

- Item 74. [Docket No. 2010-0409-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BAYLOR UNIVERSITY in McLennan County**; RN101485662; 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. (Samuel Short, Laurie Eaves)

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

- Item 75. [Docket No. 2010-0305-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Petrogas, LLC dba Fallbrook Food Store in Harris County**; RN101748903; 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. CR/BG; all agree.

- Item 76. [Docket No. 2009-1350-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ARASH THE ARCHER CORPORATION dba Corner Food Store in Galveston County**; RN102042728; for petroleum storage tank 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 77. [Docket No. 2010-0461-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **M & S Business Corporation dba M & S Food Mart** in **Harris County**; RN101431427; 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. (Philip Aldridge, Laurie Eaves)

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

Item 78. [Docket No. 2007-0649-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chuen F. Cheung dba A-Sunnys and Mingwen Hsu dba A-Sunnys** in **Harris County**; RN102281268; 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. (Xavier Guerra, Lena Roberts)

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

Item 79. [Docket No. 2010-0369-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **CIRCLE K STORES INC** in **El Paso County**; RN101962066; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Laurie Eaves)

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

Item 80. [Docket No. 2008-1674-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Petroleum Wholesale, L.P. dba Sunmart 438** in **Bastrop County**; RN102015328; 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. (Laurencia Fasoyiro, Lena Roberts)

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

Item 81. [Docket No. 2010-0150-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **QUICK FUEL FLEET SERVICES, LLC dba Quick Fuel** in **Tarrant County**; RN102032703; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)

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

## PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 82. [Docket No. 2009-1787-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Staff Water Supply Corporation in Eastland County**; RN101189918; 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. CR/BG; all agree.

- Item 83. [Docket No. 2010-0374-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harris County Municipal Utility District 154 in Harris County**; RN103771499; 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, Laurie Eaves)

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

- Item 84. [Docket No. 2010-0600-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bruceville-Eddy in McLennan County**; RN101216356; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie Eaves)

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

- Item 85. [Docket No. 2009-2080-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Gustine in Comanche County**; RN101384204; 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. CR/BG; all agree.

- Item 86. [Docket No. 2009-0109-PWS-E](#). Consideration of an Agreed Order assessing an administrative fee against **United States Department of the Air Force in Harris County**; RN101256386; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Xavier Guerra, Lena Roberts)

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

- Item 87. [Docket No. 2009-0472-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paul Sims dba Rosebowl Regency Inn in Washington County**; RN101196103; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Peipey Tang, Lena Roberts)

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

- Item 88. [Docket No. 2010-0212-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paul Sims dba Rosebowl Regency Inn** in **Washington County**; RN101196103; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Peipey Tang, Lena Roberts)

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

- Item 89. [Docket No. 2009-2041-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Criminal Justice in Burleson County**; RN105614580; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie Eaves)

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

- Item 90. [Docket No. 2010-0104-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Center** in **Shelby County**; RN101390409; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Laurie Eaves)

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

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

- Item 91. [Docket No. 2009-1700-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Vintage Living, LLC and Michael McCorkle** in **Hays County**; RN105471619; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

- Item 92. [Docket No. 2010-0501-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **HOOVER CONSTRUCTION COMPANY, INC.** in **Live Oak County**; RN105885438; 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. CR/BG; all agree.

#### **STATE IMPLEMENTATION PLAN**

- Item 93. [Docket No. 2010-0076-SIP](#). Consideration for commission adoption of a proposed revision to the State Implementation Plan (SIP) to convert an environmental speed limit (ESL) control strategy to a transportation control measure (TCM) for the 1997 eight-hour ozone standard in

the Dallas-Fort Worth (DFW) nonattainment area. 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 adoption will 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)

Adopt 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 MATTER**

Item 94. [Docket No. 2010-0939-RUL](#). Consideration for publication of, and hearing on, the repeal of Section 291.126 of **30 TAC Chapter 291**, Utility Regulations. The proposed rulemaking would repeal Section 291.126. This section provides that a tenant's water utility service may be disconnected if payment was not received by the due date, and the owner issues a disconnection notice after the due date at least ten days prior to a stated date of disconnection. (Doug Holcomb, Kayla Murray) (Rule Project No. 2010-030-291-OW)

Approve for publication of, and hearing on, the proposed repeal of Section 291.126 of 30 TAC Chapter 291, as recommended by the Executive Director. BG/CR; all agree.

### **PUBLIC COMMENT SESSION**

Item 95. The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.

No action taken.

### **EXECUTIVE MEETING**

Item 96. **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 97. **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 98. **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/ Greg Merrell            
Assistant General Counsel,  
Greg Merrell

          9/14/2010            
Date