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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. AGENDA
Commissioner H.S. Buddy Garcia
Commissioner Carlos Rubinstein January 26, 2011

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. 2009-0033-AIR; SOAH Docket No. 582-09-2005.**](#)
Consideration of the Administrative Law Judges' March 29, 2010 Proposal for Decision and December 1, 2010 Proposal for Decision on Remand and Order regarding the application of **Las Brisas Energy Center, LLC** for Air Quality Permit No. 85013, Prevention of Significant Deterioration Air Quality Permit No. PSD-TX-1138, Plant-wide Applicability Limit Permit No. PAL41, and Hazardous Air Pollutant Permit No. HAP48 pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 116 and the Texas Clean Air Act, Texas Health and Safety Code Chapter 382, to construct four petroleum coke-fired steam-electric generating units and associated facilities. The units would be located at 6059 Joe Fulton Corridor, Corpus Christi, **Nueces County**, Texas. The Commission previously considered the Administrative Law Judges' March 29, 2010 Proposal for Decision at its June 30, 2010 afternoon Agenda. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application and related filings; exceptions and replies. (Erin Selvera, Ben Rhem)

Adopt the ALJs' Proposed Order as modified by the Applicant's redlined Order attached to Exceptions with the following exceptions and additional changes: 1) Exclude Applicant's proposed new redlined Findings of Fact Nos. 36, 37, 38, 39, 111, 112, 120, 121, 130, 131, 305 and Conclusions of Law No. 28; 2) Exclude Applicant's proposed redlined changes to Findings of Fact Nos. 21, 25, 108, 113, 251 and Conclusion of Law No. 51; 3) Do not delete ALJs' Findings of Fact

Nos. 36, 37, 273, 274, 275, 276; 4) Add the following language to Applicant's proposed Findings of Fact No. 28: "However certain deficiencies in Applicant's modeling input were identified in the original and remand hearings."; 5) Modify ALJs' Findings of Fact No. 37 to read: "TCEQ's modeling staff performed an audit of Las Brisas' remand modeling and initially found it to be deficient but upon further examination and modeling that corrected identified modeling input deficiencies, the TCEQ's modeling staff concluded that the project would have acceptable impacts and would not violate the 24-hour PM₁₀ increment."; 6) Modify Applicant's proposed Findings of Fact No. 114.c. to read: "The analyses of Applicant, with the TCEQ modeling staff's supplemental analysis, demonstrate that, after accounting for potential secondary emissions, the proposed LBEC sources will not cause or contribute to a violation of the PM₁₀ 24-hour increment."; 7) Modify the first part of Applicant's proposed Findings of Fact No. 114.d. to read: "Specifically, Applicant's modeling indicates that:"; 8) Add Findings of Fact No. 114.e. to read: "The TCEQ modeling staff's supplemental modeling incorporated into second modeling audit predicts the maximum combined effect of the emissions from the LBEC and other PSD increment-consuming sources in the area to be 29.3 ug/m³."; 9) Modify Applicant's proposed Findings of Fact No. 115 to read: "The LBEC's PM₁₀ emissions will not cause or contribute to an exceedance of the 24-hour average PM₁₀ PSD increment of 30 ug/m³."; 10) Modify Applicant's proposed Findings of Fact No. 124 to insert the following between the words modeling and verified: ", including the Executive Director's additional modeling runs with corrections to identified modeling input deficiencies,"; 11) Modify Applicant's proposed Findings of Fact No. 126 to state: "The ADMT's modeling audit states "Given that the model output submitted by the Applicant reflects predicted violations of the 24-hour PM₁₀ increment, and that the predicted concentrations associated with the proposed project are not significantly contributing to the predicted 24-hour PM₁₀ Increment violations, the ADMT conducted evaluations to further examine the predicted 24-hour PM₁₀ Increment violations.""; 12) Delete Applicant's Finding of Fact No. 210 and corresponding ALJs' Finding of Fact No. 187; 13) Modify Applicant's proposed Findings of Fact No. 211 to add "or Texas' SIP-approved PSD rules" after the word "TCAA"; 14) Modify Applicant's proposed Finding of Fact No. 212 and Conclusions of Law Nos. 24 and 25 to remove reference to the FCAA and add "Texas' SIP approved PSD rules" after the word "TCAA"; 15) Modify Applicant's proposed Finding of Fact No. 242 by replacing 0.11 with 0.10; 16) Modify Applicant's proposed Finding of Fact No. 245 by replacing 0.144 with 0.114; 17) Modify Applicant's proposed Finding of Fact No. 248 by replacing 0.022 with 0.0045; 18) Modify the Applicant's proposed Finding of Fact No. 249 by replacing 0.0038 with 0.00038; 19) Modify the Applicant's proposed Finding of Fact No. 278 to read: "Off-site material handling operations and PM₁₀ emissions from such operations will increase and the two scenarios presented by Las Brisas for the POCC are properly considered as secondary emissions." 20) Modify Applicant's proposed Finding of Fact No. 279 to insert: "with the Executive Director's additional analysis" after the word "Applicant"; 21) Modify Applicant's proposed Ordering Provision No. 1 to read: "The application of Las Brisas Energy Center, LLC for Air Quality Permit Nos. 85013, HAP48, and PSD-TX-1138 is approved and the attached draft permit is issued."; 22) Delete Applicant's proposed Ordering Provision No. 4; and 23) Modify Applicant's proposed Ordering Provision No. 8 to add the following: "and issue the attached permit as changed to conform to this Order.";

Adopt the Executive Director's Response to Comments to the extent that it is not in conflict with Commission's Order;

Grant the application of Las Brisas Energy Center, LLC for State Air Quality Permit Nos. 85013, HAP48, and PSD-TX-1138; and

Issue the draft permit modified by the changes to the ALJs' Proposed Order and corresponding changes to the MAERT; and direct the Office of General Counsel to renumber and make conforming changes to the Order as necessary. BS/BG; CR abstained.

- Item 2. [**TCEQ Docket No. 2009-0372-UCR; SOAH Docket No. 582-09-3549.**](#)
Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Wiedenfled Water Works, Inc.** to change its water rates/tariffs under Certificate of Convenience and Necessity No. 12052 in **Kerr, Kendall and Medina Counties**, pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapters 80 and 291 and Texas Water Code, Chapter 13. The Commission will also consider the application, related filings, record evidence and exhibits, exceptions and replies. (Kamal Adhikari, Stefanie Skogen)

Remand the item to allow parties and the ALJ to recalculate and report the revenue requirement and resulting rate design proven by the Applicant, whether the proven rates are higher or lower than the Applicant's existing rates, and what are the total refund amounts due to the customers to cover overcharges plus 0.28 percent interest over 25 months for the customer refund; Direct the ALJ and the parties to make their final rate calculations based on: 1) finding that Wiedenfled Water Works, Inc. ("WWW") satisfied the consolidated tariff criteria; 2) using the ALJ's recommendations on allowable expenses, except allow WWW to recover \$11,927 for the four temporary employees as a reclassified contract labor expense and recover \$8,164 for lab fees as a repairs and maintenance expense; 3) making the other resulting changes to any other category that will be affected by these changes, including federal income tax expenses and working cash allowance; 4) using the ALJ's recommendations on the rate base (including the Executive Director's post-hearing depreciation and asset changes plus the purchase date change from the Dodge truck) and the 8.41 percent weighted average rate of return; and 5) using the Executive Director's proposed fixed and variable cost percentages, gallons billed, and connection count for the rate design; Direct the ALJ to modify the proposed Order to incorporate the ALJ's recommendations in her reply to exceptions, excluding the Executive Director's recommended changes to Findings of Fact Nos. 55-57; and Direct the ALJ to issue a second revised proposed Order that translate the Commission's decisions with the assistance of the parties. BG/CR; all agree.

- Item 3. [**TCEQ Docket No. 2009-0862-MSW-E; SOAH Docket No. 582-10-1474.**](#)
Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Downstream Environmental, L.L.C.** in **Harris County**, Texas; RN101662617; regarding municipal solid waste and water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. The Commission will also consider timely filed exceptions and replies. (Jennifer Cook)

Adopt the ALJ's Proposed Order with the corrections identified by the Executive Director in his exceptions and agreed to by the ALJ in his reply dated December 13, 2010. CR/BG; all agree.

- Item 4. [**TCEQ Docket No. 2009-1612-PST-E; SOAH Docket No. 582-10-3449.**](#)
Consideration of the Administrative Law Judge's Proposal for Decision and Order

assessing administrative penalties against and requiring certain actions of **Earnest M. Teel in Anderson County, Texas**; RN101802007; regarding 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. The Commission will also consider timely filed exceptions and replies. (Marshall Coover)

Continued to the 3-9-2011 agenda.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 5. **Docket No. 2010-1711-AIR.**

Consideration of application by **Splendora Ready Mix, Inc.** for registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 91552 which would authorize the construction of a permanent concrete batch plant. The plant site is located at 26670 Midline Rd, Splendora, **Montgomery County, Texas**. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Catherine Chinni, Alexis Lorick)

Deny all hearing requests; Issue the registration, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. BG/CR; all agree.

Item 6. **Docket No. 2010-0837-WR.**

Consideration of the application by the **City of Lubbock** for an amendment to Permit No. 3985 to authorize the diversion and use of all historic and future discharges of Canadian River Basin surface water-based return flows and groundwater-based return flows, including up to 10,081 acre-feet per year currently authorized for discharge by TPDES Permit No 10353-002, for agricultural, municipal, industrial and recreational purposes anywhere within **Lubbock and Lynn Counties**, and to convey such return flows using the bed and banks of the North Fork Double Mountain Fork Brazos River from the discharge point authorized by TPDES Permit No. 10353-002 to a downstream diversion point. The discharge point authorized by TPDES Permit No. 10353-002 is located near the point where F.M. 400 in Lubbock County crosses the North Fork Double Mountain Fork Brazos River, and the most downstream point of diversion sought is located approximately 14,300 feet downstream of the discharge, near the point where C.R. 7300 in Lubbock County crosses the North Fork Double Mountain Fork Brazos River, approximately 4.5 miles northeast of the City of Slaton, Texas in Lubbock County. Existing Water Use Permit No. 3985 authorizes the City of Lubbock to use, within the Brazos River Basin, 22,910 acre-feet of return flows per year created as a result of the City's use of municipal water purchased from the Canadian River Municipal Water Authority. The Commission will also consider requests for hearing or reconsideration, related responses and replies, and public comment. (Robin Smith, Ron Ellis)

Grant the hearing requests of Clark Wood, Jr., Lynn Forrest, Forrest Family Partnership, Martha Jean Forrest McNeely, Marianne and John Loveless and R. E. Janes Gravel Company; Deny the remaining hearing requests; Refer the matter to the State Office of Administrative Hearings for a

contested case hearing; Direct the matter to be referred to ADR to run concurrently with the State Office of Administrative Hearings preliminary hearing scheduling efforts; and Direct the Executive Director to participate in the contested case hearing. CR/BG; all agree.

MOTION TO OVERTURN

- Item 7. [**Docket No. 2010-1886-MIS.**](#)
Consideration of a Motion to Overturn (titled a Motion for Reconsideration and/or Motion to Overturn) filed by the Citizens for Responsible Recycling regarding the Executive Director's October 28, 2010 approval of Scrap Storage Facility Registration No. 620073 for **Genan, Inc.** to transport, store, and process scrap tires at a facility to be located at 18038 Beaumont Highway in Houston, **Harris County**, Texas. The Commission will also consider timely filed responses and replies to the Motion to Overturn.

Grant the Motion to Overturn filed by Citizens for Responsible Recycling; Remand the application to the Executive Director for the Applicant to renote the application pursuant to 30 TAC 328.16 including and ensuring that the current and complete application is provided. CR/BG; all agree.

MISCELLANEOUS MATTERS

- Item 8. [**Docket No. 2010-0875-DIS.**](#)
Discussion of compliance with the terms and conditions of the September 10, 2010 Compliance Agreement between the Executive Director of the Texas Commission on Environmental Quality ("TCEQ") and the **Kinney County Groundwater Conservation District**, TCEQ ID No. 5196450; and RN102880663. (Kelly Mills, Jim Sallans)

No action taken.

- Item 9. [**Docket No. 2010-1971-MIS.**](#)
Consideration of **gifts and donations** of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

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

AGRICULTURAL ENFORCEMENT AGREED ORDERS

- Item 10. [**Docket No. 2010-0863-AGR-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert William Strona dba Kings X Dairy** in **Hill County**; RN102287703; 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. BG/CR; all agree.

Item 11. [Docket No. 2010-0744-AGR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stanley Haedge dba KOW Castle Dairy in Erath County**; RN102869708; 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. BG/CR; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 12. [Docket No. 2010-1261-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enterprise Products Operating LLC in Harris County**; RN102580834; 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. (Todd Huddleson, Laurie Eaves)

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

Item 13. [Docket No. 2010-1266-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Lone Star Industries, Inc. dba Buzzi Unicem USA in Nolan County**; RN100220847; 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 14. [Docket No. 2010-0738-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Akzo Nobel Surface Chemistry LLC in Fort Bend County**; RN100219393; 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. BG/CR; all agree.

Item 15. [Docket No. 2010-0854-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. BG/CR; all agree.

Item 16. [Docket No. 2010-1292-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Elgin-Butler Company in Bastrop County**; RN100724434; 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. BG/CR; all agree.

Item 17. [Docket No. 2010-1058-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **E. I. du Pont de Nemours and Company in Jefferson County**; RN100216035; 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. 2010-1223-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Budget Rent-A-Car of El Paso, Inc. in El Paso County**; RN102590932; 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. BG/CR; all agree.

Item 19. [Docket No. 2010-0607-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Harris County**; RN103919817; 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 20. [Docket No. 2010-0989-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pencco, Inc. in Austin County**; RN103899191; 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. 2010-0887-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Prism Gas Systems I, L.P. in Harrison County**; RN102558939; 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. BG/CR; all agree.

Item 22. [Docket No. 2010-0995-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Devon Gas Services, L.P. in Wise County**; RN100223619; 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. (Todd Huddleson, Laurie Eaves)

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

Item 23. [Docket No. 2010-0951-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rhodia Inc. in Harris County**; RN100220581; 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. BG/CR; all agree.

Item 24. [Docket No. 2010-0920-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Eagle Rock Field Services, L.P. in Hemphill County**; RN100227289; 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 25. [Docket No. 2010-1078-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MEMC Pasadena, Inc. in Harris County**; RN101062099; 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. (Kimberly Morales, Laurie Eaves)

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

Item 26. [Docket No. 2010-0954-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Laredo Paving, Inc. in Webb County**; RN105468144; 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. BG/CR; all agree.

Item 27. [Docket No. 2010-1150-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Citgo Refining and Chemicals Company L.P. in Nueces County**; RN102555166; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Laurie Eaves)

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

Item 28. [Docket No. 2010-0970-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Craftmasters Powder Coating, Inc. in McLennan County**; RN105508436; 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 29. [Docket No. 2010-0609-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Oil Company and Shell Chemical LP in Harris County**; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Laurie Eaves)

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

Item 30. [Docket No. 2010-1511-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP in Ector County**; RN100222330; 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 31. [Docket No. 2010-0573-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jose E. Alvarez dba Klassic Paint & Body Shop in Webb County**; RN105796247; 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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 32. [Docket No. 2010-0918-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rancho Sienna KC, LP in Williamson County**; RN105897698; 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. (Marty Hott, Laurie Eaves)

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

Item 33. [Docket No. 2010-1203-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pikoff Enterprise, Inc. in Williamson County**; RN105947691; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

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

FIELD CITATIONS

Item 34. [Docket No. 2010-1719-PST-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Texans Texaco in Bell County**; RN101673218; 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. BG/CR; all agree.

Item 35. [Docket No. 2010-1800-WOC-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Zachary King in Hays County**; RN103616942; 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. BG/CR; all agree.

Item 36. [Docket No. 2010-1718-WQ-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Nouveau Construction and Technology Services LP** in **Nueces County**; RN105982532; 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 37. [Docket No. 2010-1784-WR-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **The Lane Construction Corporation** in **Lubbock County**; RN106012636; for water rights violations pursuant to Tex. Water Code ch. 37 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)

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

Item 38. [Docket No. 2010-1804-WR-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **3-T Exploration, Inc.** in **Smith County**; RN105996292; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 39. [Docket No. 2010-1061-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **GOODRICH CORPORATION** in **Harris County**; RN100868009; 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. (Keith Frank, Laurie Eaves)

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

Item 40. [Docket No. 2009-1848-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Harris County**; RN102579307; 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. BG/CR; all agree.

Item 41. [Docket No. 2010-0243-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Harris County**; RN100542281; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Laurie Eaves)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 42. [Docket No. 2010-1032-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Coast Waste Disposal Authority in Harris County**; RN100219211; 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. BG/CR; all agree.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 43. [Docket No. 2010-0885-LII-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Robert James Williamson dba Aspen Tree and Landscape in Travis County**; RN105922090; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (James Nolan, Laurie Eaves)

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

Item 44. [Docket No. 2010-0754-LII-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Roberto Ortega dba Ortega's Lawn and Trees Service in Dallas County**; RN105912562; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Georgena Hawkins, Laurie Eaves)

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

Item 45. [Docket No. 2010-1011-LII-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring

certain actions of **Chris L. Mayberry** in **Bexar County**; RN103395455; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS

Item 46. [**Docket No. 2010-0482-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Lisa Glenn d/b/a Grow Baby Grow** in **Lamar County**; RN105886360; 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.

Item 47. [**Docket No. 2010-0858-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Joe F. Slater** in **Hood County**; RN104805023; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Stephanie J. Frazee, Lena Roberts)

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

Item 48. [**Docket No. 2010-0739-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Robert Wood Vance** in **Bexar County**; RN103662250; 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 49. [**Docket No. 2010-0264-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Leticia Villarreal** in **Brooks County**; RN102779295; for municipal solid waste and petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Laurie Eaves)

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

Item 50. [Docket No. 2010-1092-MLM-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **RTI Hot Mix, Ltd. in Hays County**; RN101974335; for Edwards Aquifer and 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. BG/CR; all agree.

Item 51. [Docket No. 2009-1937-MLM-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KINSER RANCH, LLC in Travis County**; RN105223283; for municipal solid waste and water quality 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. (Danielle Porras, Laurie Eaves)

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

Item 52. [Docket No. 2009-0639-MLM-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mart in McLennan County**; RN101388544; for public drinking water and water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Linson-Mgbeoduru, Laurie Eaves)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 53. [Docket No. 2009-1861-MSW-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Biomedical Waste Solutions, LLC in Jefferson County**; RN105008437; 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. (Tate Barrett, Laurie Eaves)

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

Item 54. [Docket No. 2010-0707-MSW-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PAUL A. SAKAI DBA SAKAI FARMS in Hidalgo County**; RN106005804; for used oil violations pursuant to Tex. Health & Safety Code ch. 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brianna Carlson, Laurie Eaves)

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

Item 55. [Docket No. 2010-0594-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **ECO-KEEPER, LLC dba CENTRAL DISPOSAL SERVICE** in **Hays County**; RN105905376; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Laurie Eaves)

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

Item 56. [Docket No. 2010-0442-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jose Marco Rico, Martha Rico and Regina Tovar** in **Shelby County**; RN105569974; 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. (Rajesh Acharya, Laurie Eaves)

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

Item 57. [Docket No. 2010-0048-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Port Arthur** in **Jefferson County**; RN100225390; for 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. (Keith Frank, Laurie Eaves)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 58. [Docket No. 2008-1421-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Briarwood Lutheran Ministries** in **Denton County**; RN102362498; 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 59. [Docket No. 2010-1057-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Lehigh Cement Company LP** in **Hays County**; RN102597846; for water quality violations pursuant to Tex. Water Code chs. 7 and 26

and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

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

Item 60. [Docket No. 2010-1053-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Bremond in Robertson County**; RN101720910; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jeremy Escobar, Laurie Eaves)

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

Item 61. [Docket No. 2010-1110-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Blanket in Brown County**; RN104606561; 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. (Marty Hott, Laurie Eaves)

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

Item 62. [Docket No. 2010-1260-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bellville in Austin County**; RN101612356; 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 63. [Docket No. 2009-0176-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 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 64. [Docket No. 2009-0852-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Franklin in Robertson County**; RN101917425; 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 65. [Docket No. 2009-1954-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Dodd City in Fannin County**; RN101608867; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 66. [Docket No. 2010-1263-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hallsville in Harrison County**; RN102181872; 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 67. [Docket No. 2010-1176-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Brazoria County Municipal Utility District No. 21 in Brazoria County**; RN102923653; 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. (Marty Hott, Laurie Eaves)

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

Item 68. [Docket No. 2010-1215-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Waelder in Gonzales County**; RN102916046; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

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

ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT DEFAULT ORDERS

Item 69. [Docket No. 2010-0496-OSS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Erasmio Garcia in McCulloch County**; RN105691786; for on-site sewage system installer violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sharesa Y. Alexander, Lena Roberts)

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

Item 70. [Docket No. 2010-0385-OSS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Greg Larson and Karla Larson in McCulloch County**; RN105804231; for on-site sewage system installer violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 71. [Docket No. 2010-1107-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Dauva, LLC dba One Stop Mart in Harris County**; RN102445293; 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. (Tate Barrett, Laurie Eaves)

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

Item 72. [Docket No. 2010-0925-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Q M MARKETS, INC. dba Quick Mart 2 in Brazoria County**; RN102853488; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 73. [Docket No. 2010-1146-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ADIL AND WASEEM INC. dba Shop-N-Go in Harris County**; RN102440187; 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. BG/CR; all agree.

Item 74. [Docket No. 2010-1481-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **RAHEELA ENTERPRISES INC. dba Fast Break Texaco in Harris County**; RN101446706; 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. (Cara Windle, Laurie Eaves)

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

Item 75. [Docket No. 2010-0805-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Yeung Realty, Inc. dba Stop & Go 1 and Stop & Go 2 in Victoria and Calhoun Counties**; RN102365939 and RN102363173; 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. (Todd Huddleson, Laurie Eaves)

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

Item 76. [Docket No. 2010-1049-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joseph David Fitts in Dewitt County**; RN101843498; 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 77. [Docket No. 2010-1098-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **STAR FUELS, INC. dba Star Fuels Clarewood in Harris County**; RN102449485; 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. (Philip Aldridge, Laurie Eaves)

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

Item 78. [Docket No. 2010-0897-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **MURPHY OIL USA, INC. dba Murphy USA 6553 in El Paso County**; RN102221306; 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. (Philip Aldridge, Laurie Eaves)

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

Item 79. [Docket No. 2010-0953-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **AMAKANOJIYA, INC dba Walkers Food Store in Galveston County**; RN101747632; 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 80. [Docket No. 2010-1131-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NOORANI & BROTHERS, INC. dba Shop N Go in Harris County**; RN103020822; 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 81. [Docket No. 2010-1042-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Independent Oil Company dba Fuel Mart in Hill County**; RN101671709; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 82. [Docket No. 2010-1170-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **RETAIL MAX INC. dba Step N Go in Jefferson County**; RN102359528; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 83. [Docket No. 2010-1083-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NABIL ENTERPRISES, INC. dba Shop N Go 9 in Harris County**; RN101433993; 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. (Tate Barrett, Laurie Eaves)

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

Item 84. [Docket No. 2010-0933-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Charania, Inc. in Jasper County**; RN102016904; 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 Jecha, P.G., Laurie Eaves)

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

Item 85. [Docket No. 2010-1014-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **STEINHAGEN OIL COMPANY, INC. dba Fastlane No. 28** in **Jefferson County**; RN101905560; 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. (Philip Aldridge, Laurie Eaves)

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

Item 86. [Docket No. 2010-1290-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NOGALES PRODUCE, INC. dba Nogales Produce** in **Dallas County**; RN101536662; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 87. [Docket No. 2010-1071-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Flying J Inc. dba Flying J Travel Plaza Orange** in **Orange County**; RN102056827; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 88. [Docket No. 2008-0377-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hector Silva, Sr.** in **Frio County**; RN101737773; 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. (Peipey Tang, Lena Roberts)

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

Item 89. [Docket No. 2010-1219-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Saeed Zoobairie dba Oasis Mart** in **Travis County**; RN101434280; 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. BG/CR; all agree.

Item 90. [Docket No. 2010-1142-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Woochun Chung dba Bay Texaco in Harris County**; RN100874056; 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 91. [Docket No. 2009-1475-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KD ALLSEASON, INC. d/b/a K D All Season 1 in Harris County**; RN101908721; 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. (Xavier Guerra, Lena Roberts)

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

Item 92. [Docket No. 2010-1229-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PARKWAY FOOD MART, INC. dba Parkway Food Mart in Fort Bend County**; RN102267622; 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. (Andrea Park, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 93. [Docket No. 2010-0832-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ramon Aguilar in Jefferson County**; RN101722809; 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. (Sharesa Y. Alexander, Lena Roberts)

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

Item 94. [Docket No. 2009-2055-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Anna S. Fuller d/b/a FULLER OIL CO., Dude Fuller d/b/a FULLER OIL CO., and Prissy F. Knighten d/b/a FULLER OIL CO. in Hardin**

County; RN100532803; 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. (Sharesa Y. Alexander, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 95. [Docket No. 2010-0377-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Jerry F. Waneck** in **Bastrop County**; RN101699528; 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 Default and Shutdown Order. BG/CR; all agree.

Item 96. [Docket No. 2010-0300-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **R.G.B. Transportation Company, Inc.** in **El Paso County**; RN101654804; 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. (Peipey Tang, Lena Roberts)

Remanded to the Executive Director.

Item 97. [Docket No. 2010-0611-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Londonderry Enterprises, Inc. d/b/a New Londonderry Food Mart** in **Harris County**; RN102901535; 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. (Tammy L. Mitchell, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 98. [Docket No. 2010-0902-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Craig E. Adams** in **Harris County**; RN102320231; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie Eaves)

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

Item 99. [Docket No. 2010-0681-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Mary Alice Gonzalez dba Skate Plex in Randall County**; RN101218147; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Laurie Eaves)

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

Item 100. [Docket No. 2010-1129-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Southwest Shipyard, L.P. in Harris County**; RN100248749; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Laurie Eaves)

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

Item 101. [Docket No. 2010-0963-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Collinsville in Grayson County**; RN101387173; 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. BG/CR; all agree.

Item 102. [Docket No. 2010-1172-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wright City Water Supply Corporation in Smith County**; RN101238459; 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. BG/CR; all agree.

Item 103. [Docket No. 2010-1024-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Thomas B. Stucker in Montgomery County**; RN101272391; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Laurie Eaves)

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

Item 104. [Docket No. 2010-1067-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Teague in Freestone County**; RN101417012; 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. BG/CR; all agree.

Item 105. [Docket No. 2010-0869-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CVS Pharmacy, Inc. in Harris County**; RN102878139; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Laurie Eaves)

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

Item 106. [Docket No. 2010-1106-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Swenson Water Supply Corporation in Stonewall County**; RN101278083; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Laurie Eaves)

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

Item 107. [Docket No. 2010-0892-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Good Shepherd Residential Treatment Centre, Inc. in Harris County**; RN101232692; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Laurie Eaves)

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

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT DEFAULT ORDER

Item 108. [Docket No. 2010-0813-WOC-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Daniel Galvan, Jr. in Matagorda County**; RN104455647; for occupational licensing violations pursuant to Tex. Water Code chs. 7, 26 and 37 and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

RULE MATTERS

Item 109. [Docket No. 2010-0251-RUL.](#)

Consideration of adoption of the repeal of and new Section 106.352 of **30 Texas**

Administrative Code (TAC) Chapter 106, Permits by Rule and the issuance of a new non-rule air quality standard permit. Consideration of the withdrawal of the proposed repeal of Section 116.620 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification. The rulemaking in Chapter 106 and the new air quality standard permit update control requirements based on the latest information on emissions from oil and gas production facilities while providing control flexibility, authorize maintenance, startup, and shutdown operations, and require a single site-wide authorization for oil and gas production facilities. The proposed Chapter 106 and Chapter 116 rule actions and the public notice of the new standard permit were published in the August 13, 2010, issue of the *Texas Register* (35 TexReg 6937, 6997, 7109, respectively). (Beecher Cameron, Benjamin Rhem) (Rule Project No. 2010-018-106-PR)

Adopt the repeal of and new Section 106.352 of 30 TAC Chapter 106, as recommended by the Executive Director with the following modifications to Section 106.352: Modify the last sentence of Section 106.352(a)(1) to provide as follows: "For all new projects and related facilities subsection (l) of this Section is applicable"; and Modify the second sentence of Section 106.352(l) to provide as follows: "The requirements in this subsection are applicable to existing unchanged facilities and new or changing facilities except those specified in subsection (a)(1) of this Section.";

Adopt the issuance of a new non-rule air quality standard permit, as recommended by the Executive Director with the following modification: Modify the last sentence of the applicability paragraph (a)(1) to provide as follows: "For all other new projects and dependent facilities, 30 TAC § 116.620, Installation and/or Modification of Oil and Gas Facilities, is applicable.";

Direct the Executive Director to make conforming changes to the Preamble as appropriate;

Adopt the withdrawal of the proposed repeal of Section 116.620 of 30 TAC Chapter 116;

Direct the Office of General Counsel to make conforming changes as appropriate to effectuate the clear intent of the Commission; and

Modify Section 106.352(c)(3) to include a sentence after paragraph (C) that provides as follows: "Notwithstanding any limitations on 30 TAC § 50.131(c), a person may file a Motion to Overturn under the procedures set forth in 30 TAC § 50.139 in order to seek Commission review of any denial of a PBR for failing to meet the conditions set forth in Section 106.352(c)(3)." BS/CR; all agree.

Item 110. [**Docket No. 2010-0878-RUL.**](#)

Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.512 and 114.517, and corresponding revisions to the state implementation plan. The proposed rulemaking would allow enforcement year-round; remove the expired prohibition for drivers using sleeper berths to idle in residential areas, school zones, and near hospitals; and remove expiration dates that are no longer applicable. Additionally, the proposed rulemaking would remove the duplicative exemption for a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less and replace it with a new exemption for armored vehicles; and retain the exemption for a motor vehicle when idling for heating or air conditioning while a driver is using the vehicle's sleeper berth for a government-mandated rest period and not within two miles of a facility offering external heating or conditioning, which

expired on September 1, 2009. (Nina Castillo, Ross Henderson) (Rule Project No. 2009-054-114-EN)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Sections 114.512 and 114.517 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. BG/CR; all agree.

Item 111. [Docket No. 2010-1397-RUL.](#)

Consideration for publication of, and hearing on, proposed amendment to Section 293.44 of **30 TAC Chapter 293**, Water Districts. The proposed rulemaking would facilitate regionalization and cooperative planning among water districts and other local government entities by providing clear authorization in the Commission's rules for a determination of a district's allowable cost participation in regional water, wastewater, and/or drainage facilities based on a cost-benefit analysis. (Greg Charles, Christiaan Siano) (Rule Project No. 2010-050-293-OW)

Approve publication of, and hearing on, proposed amendment to 30 TAC Section 293.44, as recommended by the Executive Director. CR/BG; all agree.

Item 112. [Docket No. 2010-0642-RUL.](#)

Consideration of the adoption of the repeal of Sections 115.541, 115.542, and 115.545; new Sections 115.540 - 115.542, and 115.545; and amendments to Sections 115.543, 115.544, 115.546, 115.547, and 115.549 of **30 TAC Chapter 115**, Control of Air Pollution from Volatile Organic Compounds and corresponding revisions to the state implementation plan. The adoption will reformat the existing rule to simplify and clarify rule requirements. The adopted rulemaking will also make changes that provide additional flexibility for affected owners or operators by allowing for the use of alternative control options. Adopted changes will also facilitate rule enforcement. The proposed rules were published in the August 13, 2010, issue of the *Texas Register* (35 TexReg 6976). (Eddy Lin, Amy Browning) (Rule Project No. 2009-036-115-EN)

Adopt the repeal of Sections 115.541, 115.542 and 115.545; new Sections 115.540-115.542 and 115.545 and amendments to Sections 115.543, 115.544, 115.546, 115.547 and 115.549 of 30 TAC Chapter 115 and corresponding revisions to the SIP, as recommended by the Executive Director. BG/CR; all agree.

Item 113. [Docket No. 2010-1526-RUL.](#)

Consideration for publication of, and hearing on, the proposed amendment to **30 TAC Chapter 328**, Waste Minimization and Recycling, Subchapter F, Management of Used or Scrap Tires, Section 328.66. The proposed rulemaking would remove the requirement for applicants of Land Reclamation Projects Using Tires (LRPUT) to publish public notice in counties adjoining the county where the facility is proposed to be located. (Brooke Jackson, Steve Shepherd) (Rule Project No. 2010-059-328-CE)

Approve publication of, and hearing on, the proposed amendments to 30 TAC Section 328.66, as recommended by the Executive Director. CR/BG; all agree.

Item 114. **Docket No. 2011-1684-RUL.**

Consideration for publication of, and hearing on, proposed amendments to Section 334.560 of **30 TAC Chapter 334**, Underground and Aboveground Storage Tanks. The rulemaking would amend 30 TAC Chapter §334.560 "Reimbursable Cost Specifications" to increase certain reimbursable amounts relating to: (1) offsite access fees charged by municipalities; (2) waste disposal costs; and (3) per diem costs. (Jonathan Walling, Cullen McMorrow) (Rule Project No. 2011-004-334-CE)

Approve publication of, and hearing on, the proposed amendments to 30 TAC Section 334.560 and the Reimbursable Cost Specifications, as recommended by the Executive Director. BG/CR; all agree.

PUBLIC COMMENT SESSION

Item 115. 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 116. **Docket No. 2011-0001-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 117. **Docket No. 2011-0002-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 118. **Docket No. 2011-0003-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/tceq.shtml](http://www.texasadmin.com/tceq.shtml)**

AGENDA
January 26, 2011

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
1:00 P.M.
12100 Park 35 Circle
Room 201S, Bldg. E

PROPOSALS FOR DECISION

- Item 1. [TCEQ Docket No. 2007-0362-IHW; SOAH Docket No. 582-07-2674.](#)
Consideration of the Administrative Law Judges' Supplemental Proposal for Decision and Order Following the Remand Hearing and Order regarding the application of **TexCom Gulf Disposal, L.L.C.** for nonhazardous Industrial Solid Waste Permit No. 87758 pursuant to rules of the Texas Commission on Environmental Quality in Texas Health and Safety Code Chapter 361 and 30 TAC Chapters 37, 305 and 335 to authorize the operation of a commercial nonhazardous industrial solid waste management facility for the storage and processing of Class I and Class II nonhazardous industrial solid waste generated on-site and received from off-site sources on a commercial basis. The proposed facility would be located at 16185 Creighton Road on the corner of Creighton Road and FM 3080, southeast of the City of Conroe, in **Montgomery County**, Texas. The Commission will also consider the Original Proposal for Decision issued on April 25, 2008. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the application and related filings, exceptions and replies associated with the Original and Supplemental Proposal for Decision. (Diane Goss & Don Redmond)

Joint Motion for Items 1 and 2 of the 1:00 PM agenda.

- 1) Adopt the ALJs' amended proposed Order attached to the November 8, 2010 Amended Proposal for Decision with the following changes: A) Overturn the ALJs' proposed Findings and Conclusions on reasonable alternatives/public interest and protection of fresh ground and surface waters/sufficiency of the shale layers between the lower, middle and upper Cockfield strata as being contrary to the preponderance of evidence in the record; B) Adopt TexCom's proposed revisions both typographical and substantive to the ALJs' Amended Proposed Order found on pages 19-29 of their Exceptions which were filed on November 30, 2010; C) Grant TexCom's UIC permit application; D) Issue the Executive Director's draft permits for WDW410, WDW411, WDW412 and WDW413 with the following change: TexCom shall be required to relocate the entrance of the facility to FM3083 prior to accepting deliveries of waste; and E) Adopt the Executive Director's Response to Comments on the UIC matter. If there is any conflict between the Commission's Order and the Executive Director's Response to Comments, the Commission's Order prevails.
- 2) Adopt the ALJs' proposed Order granting TexCom's IHW permit No. 87758 with the following changes: A) Change Ordering Provision No. 1 to read that: "The permittee is ordered to apply for and receive a permit modification or amendment prior to relocating the truck entrance of the facility from Creighton Road to FM3083." and renumber the remaining Ordering Provisions

accordingly; B) Change Ordering Provision No. 2 to read: "Revised permit 87758, which is attached to the Commission's Order, for a non-hazardous industrial solid waste treatment facility in Montgomery County, Texas is hereby issued to TexCom Gulf Disposal, LLC." C) Adopt the Executive Director's Response to Comments on the IHW matter with the ALJs' suggested modifications. If there is any conflict between the Commission's Order and the Executive Director's Response to Comments, the Commission's Order prevails.

3) Order the transcript costs associated with the hearing on remand be assessed as follows: TexCom, 40%; Denbury, 40%; Aligned Protestants, 10%; Lone Star, 10%. BS/BG; CR opposed.

Item 2. **TCEQ Docket No. 2007-0204-WDW; SOAH Docket No. 582-07-2673.**
Consideration of the Administrative Law Judges' Amended Proposal for Decision and Order Following Remand regarding the application of **TexCom Gulf Disposal, L.L.C.** for Underground Injection Control Permit Nos. WDW410, WDW411, WDW412, and WDW413 pursuant to rules of the Texas Commission on Environmental Quality in Texas Water Code Chapter 27 and 30 TAC Chapter 331 to authorize four Class I underground injection wells to dispose of nonhazardous industrial wastewater. The proposed facility would be located at 16185 Creighton Road on the corner of Creighton Road and FM 3080, southeast of the City of Conroe, in **Montgomery County**, Texas. The Commission will also consider the Original Proposal for Decision issued on April 25, 2008. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the application and related filings, exceptions and replies associated with the Original and Supplemental Proposal for Decision. (Diane Goss & Don Redmond)

See Joint Motion above.

/s/ Jim Rizk
Assistant General Counsel,
Jim Rizk

2/2/2011
Date