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

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

AGENDA

March 9, 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. 2009-1573-DIS; SOAH Docket No. 582-10-2631.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Lavon 593 Land Investment Partners, L.P. (Petitioner), for the creation of **Collin County Water Control and Improvement District No. 3 in Collin County**, Texas, pursuant to Tex. Water Code Chapters 49 and 51 and the rules of the Texas Commission on Environmental Quality. The proposed District would contain approximately 592.744 acres of land in Collin County, approximately 23 miles southeast of the City of Dallas, and wholly located within Collin County. Portions of the proposed District are within the extraterritorial jurisdiction (ETJ) of the City of Lucas, the City of Wylie, and the Town of St. Paul. The Commission will also consider the application, and related filings, exceptions and replies. (Ruben Soto, Shana Horton)

Grant the Petition to create Collin County Water Control and Improvement District No. 3 and adopt the ALJ's Proposed Order as revised by the Exceptions filed by the Executive Director and Petitioner and accepted by the ALJ in her letter dated January 12, 2011. BG/CR; all agree.

Item 2

[TCEQ Docket No. 2009-0959-PST-E; SOAH Docket No. 582-10-1882.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against and requiring certain actions of **Ameer Ali Jasani in Tyler County**, Texas; RN101728350; 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. (Phillip M. Goodwin)

Adopt the ALJ's Proposed Order as modified by the Executive Director's Exceptions. CR/BG; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3 **Docket No. 2010-1851-DIS.**

Consideration of a petition by **Lancaster Municipal Utility District No. 1** (District), Gary J. Baker, and Deborra L. Baker for authorization for the District to annex land in the City of Lancaster's extraterritorial jurisdiction in **Dallas** and **Ellis Counties**. The District, Gary J. Baker, and Deborra L. Baker seek authorization for the District to annex 107.76 acres of land owned by Gary J. Baker and 109.771 acres of land owned by Gary J. Baker and Deborra L. Baker pursuant to Texas Water Code, Section 54.016. The Commission will also consider requests for hearing or reconsideration, and related responses and replies. (Kim Grona, Stefanie Skogen)

Deny the hearing request of the City of Lancaster and grant the Petition of Lancaster Municipal Utility District No. 1 to annex 217.471 acres into the District. BG/CR; all agree.

Item 4 **Docket No. 2010-2075-AIR.**

Consideration of an application by **Midway Industrial Park, L.L.C.**, for New Air Quality Permit Number 76962 to authorize the construction of a railcar cleaning facility. The proposed site is to be located approximately 2.5 miles west of Nash, **Bowie County**, Texas on F.M. 2148 just south of the intersection of U.S. Highway 82. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Lourdes C. Rosenberg, Douglas Brown)

Grant the hearing requests for Earl and Emily Sabo, Don and Betty Rich, and Concerned Citizens of Beaver Lake Estates, with a concurrent referral to ADR during the State Office of Administrative Hearings scheduling process; refer the following issues to the State Office of Administrative Hearings for a contested case hearing: A) Whether air emissions from the proposed facility will adversely affect the requestors, their families, or their pets' health and welfare; B) Whether air emissions from the proposed facility will adversely affect wildlife; C) Whether air emissions from the proposed facility will result in nuisance odor conditions for the surrounding area; and D) Whether the proposed facility will adversely impact the requestors' physical property; direct the Executive Director to participate in the contested case hearing and specify that the maximum duration of the hearing is 6 months from the preliminary hearing to the issuance of the Proposal for Decision. CR/BG; all agree.

Item 5 **TCEQ Docket No. 2010-0994-DIS.**

Consideration of an application by **Green Valley Special Utility District** for approval of an impact fee in **Guadalupe, Comal, and Bexar Counties**, Texas. The District's application requests approval to increase its impact fees from \$1,600 to \$4,642 per equivalent single-family connection on new connections to its water system, to be phased in over a five year period. The District proposes the impact fee

to fund capital improvements pursuant to Texas Water Code, Section 49.212(d), Texas Local Government Code Chapter 395, and Title 30, Chapter 293 of the Texas Administrative Code. The Commission will also consider requests for hearing or reconsideration, and related responses and replies. (Craig Barnes, Christiaan Siano)

Grant the hearing request of Zipp Meadows, LLC; deny the remaining request and refer the matter to the State Office of Administrative Hearings for a contested case hearing. BG/CR; all agree.

DISTRICT MATTER

Item 6 **Docket No. 2010-1584-DIS.**

Consideration of an application from **Palo Pinto County Water Control and Improvement District No. 1** (the District), requesting approval for the addition of wastewater powers. The Board of Directors of the District requests that the Commission grant the addition of wastewater powers pursuant to Texas Water Code, Sections 51.331-51.333. (Prabin Basnet, Dinniah Tadema)

Grant Palo Pinto County Water Control and Improvement District No. 1 request for the addition of wastewater powers and adopt the Executive Director's Proposed Order and attachment. CR/BG; all agree.

MISCELLANEOUS MATTERS

Item 7 **Docket No. 2010-0690-UCR.**

Consideration of a petition for a Commission Order revoking sewer Certificate of Convenience and Necessity (CCN) No. 20660 from **William F. St. Clair dba Redland Estates Utilities in Angelina County**, Texas pursuant to Section 13.254(a) of the Texas Water Code. The petition, filed by the residents of Redland Estates Subdivision, states that Redland Estates Utilities has failed to provide continuous and adequate sewer service. The revocation of Redland Estates Utilities' sewer CCN would allow another retail public utility to provide continuous and adequate sewer service to the Redland Estates Subdivision. (Elizabeth Flores, Ron Olson)

Revoke sewer Certificate of Convenience and Necessity No. 20660 from William F. St. Clair dba Redland Estates Utilities and issue the Executive Director's proposed revocation Order. BG/CR; all agree.

Item 8 **Docket No. 2010-2041-RUL.**

Consideration of the adoption of the renewal of the **Aquaculture General Permit**, TXG130000. This proposed adoption is a renewal with minor changes of a general permit authorizing the discharge of wastes from concentrated aquatic animal production facilities and certain related activities. The renewal will replace the current permit when it expires on April 18, 2011. Notice of the proposed draft general permit was published in the October 1, 2010, issue of the *Texas Register* (35 TexReg 8990). (Yvonna Miramontes, Robert Brush) (Rule Project No. 2010-053-OTH-NR)

Adopt proposed resolution renewing and issuing General Permit No. TXG130000, as recommended by the Executive Director; and adopt the Executive Director's Response to Comments. CR/ BG; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 9 [**Docket No. 2010-1565-AGR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jimmy Don Pack and Meine Huisman dba Jimmy Don Pack Dairy in Erath County**; RN102743119; 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.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 10 [**Docket No. 2010-1640-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alon USA, LP in Howard County**; RN100250869; 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. (Carlie Konkol, Laurie Eaves)

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

Item 11 [**Docket No. 2010-1291-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Plant Process Equipment, Inc. in Galveston County**; RN102421054; 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. BG/CR; all agree.

Item 12 [**Docket No. 2010-0027-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102574803; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

Item 13 [Docket No. 2010-1284-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Devon Gas Services, L.P. in Wise County**; RN102700176; 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 14 [Docket No. 2010-1644-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Republic Plastics, Ltd. in Guadalupe County**; RN100851211; 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 15 [Docket No. 2010-1643-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **United Copper Industries, Inc. in Denton County**; RN100683531; 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 16 [Docket No. 2010-1429-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wesco Refractories, Inc. in Tarrant County**; RN105859565; 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. (Gena Hawkins, Laurie Eaves)

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

Item 17 [Docket No. 2010-1126-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texmark Chemicals, Inc. in Harris County**; RN100238740; 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 18 [**Docket No. 2010-1334-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Fort Worth in Tarrant County**; RN100942259; 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 19 [**Docket No. 2010-1388-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **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. (Miriam Hall, Laurie Eaves)

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

Item 20 [**Docket No. 2010-1465-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enterprise Products Operating LLC in Chambers County**; RN102323268; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Laurie Eaves)

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

Item 21 [**Docket No. 2010-1114-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN102450756; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Allison Fischer, Laurie Eaves)

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

Item 22 [**Docket No. 2010-1454-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cerrito Gas Processing, L.L.C. in Webb County**; RN102521150; 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 23 [Docket No. 2009-1944-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. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

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

Item 24 [Docket No. 2010-1536-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Shipyard, L.P. in Harris County**; RN100248749; 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 25 [Docket No. 2010-1642-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Tiger Trailers, Inc. in Titus County**; RN105908024; 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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 26 [Docket No. 2010-1316-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of San Marcos in Hays County**; RN105937932; 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.

Item 27 [Docket No. 2010-1338-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Huebner Hills Owners Association in Bexar County**; RN104990858; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

FIELD CITATION

Item 28 [Docket No. 2010-2011-WQ-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **VHI Construction, Inc. in Parker County**; RN106020290; 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 Field Citation. BG/CR; all agree.

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 29 [Docket No. 2009-1651-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Maria Murr in Tarrant County**; RN104468798; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 30 [Docket No. 2010-1455-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **50's Group Properties, Ltd. in Tom Green County**; RN101517597; 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 31 [Docket No. 2010-1200-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **HOLCIM (TEXAS) LIMITED PARTNERSHIP in Ellis County**; RN100219286; 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 32 [**Docket No. 2010-1369-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **First National Bank of Hughes Springs in Marion County**; RN101724953; 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.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 33 [**Docket No. 2010-1118-LII-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Daniel Baugh in Travis County**; RN103555082; for landscape irrigation occupational licensing 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 Agreed Order. BG/CR; all agree.

Item 34 [**Docket No. 2010-0960-LII-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Local Landscape, LLC in Comal County**; RN105935084; for landscape irrigation occupational licensing 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 Agreed Order. BG/CR; all agree.

Item 35 [**Docket No. 2010-0225-LII-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Kevin Stockton d/b/a Nice Yards Landscaping in Travis County**; RN105869481; for landscape irrigation occupational licensing 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 Agreed Order. BG/CR; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 36 [**Docket No. 2010-0839-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E.I. du Pont de Nemours and Company in Orange County**; RN100542711; for air quality and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, Laurie Eaves)

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

Item 37 [**Docket No. 2010-1262-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **H & H Iron and Metal, Inc. in Nueces County**; RN105710552; for municipal solid waste and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Gena Hawkins, Laurie Eaves)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 38 [**Docket No. 2009-0741-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Phillip Crump in Panola County**; RN105625214; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

Item 39 [**Docket No. 2010-1530-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Kevin Johnson in Houston County**; RN105793608; 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. (Cara Windle, Laurie Eaves)

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

Item 40 [**Docket No. 2010-1319-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jerry Lynn Cooper dba A Sanitech Grease Services in Harris County**; RN100632173; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas

Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Laurie Eaves)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 41 [Docket No. 2010-0524-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Raymond Perez in Hidalgo County**; RN105237036; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sharesa Y. Alexander, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 42 [Docket No. 2010-1639-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pine Cove, Inc. in Colorado County**; RN105158109; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Carlie Konkol, Laurie Eaves)

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

Item 43 [Docket No. 2010-1346-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Joaquin in Shelby County**; RN102095437; 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. (JR Cao, Laurie Eaves)

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

Item 44 [Docket No. 2010-0659-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Missouri City in Fort Bend County**; RN102178282; 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.

Item 45 [Docket No. 2010-1572-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring

certain actions of **Hamshire-Fannett Independent School District in Jefferson County**; RN102334877; 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 46 [**Docket No. 2010-0787-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Utilities, Inc. in Harris County**; RN101516268; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

Item 47 [**Docket No. 2010-1258-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harris County Utility District No. 16 in Harris County**; RN102333747; 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 48 [**Docket No. 2010-0075-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hitchcock in Galveston County**; RN101920031; 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.

Item 49 [**Docket No. 2010-1295-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bernard Timbers Water Supply Corporation in Wharton County**; RN101611010; 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. (JR Cao, Laurie Eaves)

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

Item 50 [**Docket No. 2010-1344-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring

certain actions of **Trucker's Corner, LP in Hill County**; RN105137020; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

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

Item 51 [**Docket No. 2010-1463-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Inverness Forest Improvement District in Harris County**; RN103786737; 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 52 [**Docket No. 2010-1569-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Richey Road Municipal Utility District in Harris County**; RN102340767; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Laurie Eaves)

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

Item 53 [**Docket No. 2010-1412-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Aqua Utilities, Inc. in Harris County**; RN101612406; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 54 [**Docket No. 2010-1533-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PALLETIZED TRUCKING, INC. in Harris County**; RN101443661; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

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

Item 55 [Docket No. 2010-1484-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **H G W ENTERPRISES, INC. dba Super Stop 25 in Harris County**; RN104499488; 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. (Clinton Sims, Laurie Eaves)

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

Item 56 [Docket No. 2010-1623-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **ALBERT KHOA CORP dba Mikes Pit Stop 6 in Harris County**; RN101810513; 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. (Cara Windle, Laurie Eaves)

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

Item 57 [Docket No. 2010-1618-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Raymond Kent McCutchen dba Kent McCutchen Exxon in Hunt County**; RN102238656; 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. (Bridgett Lee, Laurie Eaves)

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

Item 58 [Docket No. 2010-1698-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **PAC-N-SAC STORES, INC. dba Pac-N-Sac 101 in Hays County**; RN101499549; 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. (Katy Schumann, Laurie Eaves)

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

Item 59 [Docket No. 2010-1546-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E Z STOP, L.L.C. dba Aman's Food Mart 2 in Nueces County**; RN101799344; 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 60 [Docket No. 2010-0613-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Cheryl McCarey and James McCarey d/b/a The Little Store in Brazoria County**; RN101875938; 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. (Gary K. Shiu, Lena Roberts)

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

Item 61 [Docket No. 2010-0614-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **STAR FUELS, INC. DBA Texas City Conoco in Galveston County**; RN101755536; 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. (Tammy L. Mitchell, Lena Roberts)

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

Item 62 [Docket No. 2010-1493-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TAYLOR PETROLEUM COMPANIES, INC. dba Taylor Petroleum Company #55 in Tom Green County**; RN102366465; 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. BG/CR; all agree.

Item 63 [Docket No. 2010-1432-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lone Star Petroleum, LP dba Phillips 66 Gulf Freeway in Harris County**; RN102843422; 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 64 [Docket No. 2010-1469-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sacramento Dorantes, Jr. in Orange County**;

RN103046587; 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. (Michaëlle Sherlock, Laurie Eaves)

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

Item 65 [Docket No. 2010-1305-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Foty, L.L.C. dba Pick N Pay 2** in **Harris County**; RN100599067; 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. (Harvey Wilson, Laurie Eaves)

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

Item 66 [Docket No. 2010-1190-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HUYNH & LE CORPORATION, INC.** in **Galveston County**; RN101434082; 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. (Marty Hott, Laurie Eaves)

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

Item 67 [Docket No. 2010-1387-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CLEERECO SERVICES, INC. dba Menard Chevron** in **Menard County**; RN102891363; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Laurie Eaves)

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

Item 68 [Docket No. 2010-1597-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Greenacres Grocery, Inc.** in **Jefferson County**; RN101914679; 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. BG/CR; all agree.

Item 69 [Docket No. 2010-1280-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M J H STAR ENTERPRISES, INC. dba Airline Food Mart** in **Harris County**; RN102022902; 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. (Cara Windle, Laurie Eaves)

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

Item 70 [Docket No. 2009-1806-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bucky's Navigation, Inc. d/b/a Corpus Christi Truck Stop** in **Nueces County**; RN103141982; 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. (Gary K. Shiu, Lena Roberts)

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

Item 71 [Docket No. 2010-1466-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **S.S.G. FUEL SERVICE, INC. dba King Shell** in **Harris County**; RN101268472; 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. (Michael Meyer, Laurie Eaves)

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

Item 72 [Docket No. 2010-1325-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **GARRHON ENTERPRISES, INC. dba Shell Food Mart** in **Tarrant County**; RN102288222; 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 73 [Docket No. 2010-1444-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Super Serve, Inc.** in **Harris County**; RN101805661; 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. (Trina Grieco, Laurie Eaves)

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

Item 74 [**Docket No. 2010-1629-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Maria Valle dba Castro Texaco in Harris County**; RN102274354; 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. (Bridgett Lee, Laurie Eaves)

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

Item 75 [**Docket No. 2010-1600-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Budget Rent A Car System, Inc. in Harris County**; RN102779543; 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. (Michaelle Sherlock, Laurie Eaves)

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

Item 76 [**Docket No. 2010-0771-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jorge Varela (aka Jorge Varela Mar and Jorge Varela-Mar) d/b/a Magnolias Transmission in Nacogdoches County**; RN101890291; 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. (Steven M. Fishburn, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 77 [**Docket No. 2010-0765-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Henry's All Seasons Markets, Inc. in Harris County**; RN103013041; 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. (Peipey Tang, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 78 [**Docket No. 2010-1509-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BACK PORCH BAR-B-Q, INC.** in **Victoria County**; RN105970867; 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 79 [**Docket No. 2010-1472-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Brad Archer dba Mullins Mobile Home Park** in **Denton County**; RN102682044; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Laurie Eaves)

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

Item 80 [**Docket No. 2010-1601-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Ballinger** in **Runnels County**; RN101409928; 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 81 [**Docket No. 2010-1392-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **226 CORP. dba Hog Pit Pub & Grub** in **Midland County**; RN105725774; 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 82 [**Docket No. 2010-1297-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Faith West, Inc.** in **Harris County**; RN101188795; 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 83 [Docket No. 2010-0020-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Henry M. Garza dba Cielo Azul Ranch** in **Hays County**; RN101217792; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

Item 84 [Docket No. 2010-1681-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Beeville in Bee County**; RN101419133; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kelly Wisian, Laurie Eaves)

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

Item 85 [Docket No. 2010-1518-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NUECES WATER SUPPLY CORPORATION** in **Nueces County**; RN101261147; 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 86 [Docket No. 2010-1055-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Circle M Bar & Grill, Inc., Inc.** in **Harris County**; RN101255628; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 87 [Docket No. 2010-1641-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Elizabeth Perez dba JD's Kwik Stop** in **Webb County**; RN105486518; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

Item 88 [Docket No. 2010-1610-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Avinger in Cass County**; RN101387033; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kelly Wisian, Laurie Eaves)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 89 [Docket No. 2010-0791-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Tony Hutcheson d/b/a Elm Grove Mobile Home Park in Lubbock County**; RN101438380; 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. (Sharesa Y. Alexander, Lena Roberts)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 90 [Docket No. 2010-0255-SLG-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Annette Villegas d/b/a Gulf Coast Environmental in Nueces County**; RN104662283; for water quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

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

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER

Item 91 [Docket No. 2009-1498-WOC-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Dan Noyes in Harris County**; RN105746911; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 92 [Docket No. 2010-1140-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Atchison Trucking, LLC in Brazoria County**; RN105944441; 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 93 [Docket No. 2009-2019-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SUNRISE MATERIALS, L.P. in Montgomery County**; RN105445696; 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. (Gary K. Shiu, Lena Roberts)

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

Item 94 [Docket No. 2010-1668-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **FIRST TEXAS HOMES, INC. in Fort Bend County**; RN105989586; 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 95 [Docket No. 2010-1558-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **American Water Operations and Maintenance, Inc. in Bell and Coryell Counties**; RN105671531; 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.

Item 96 [Docket No. 2010-1528-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Duncanville in Dallas County**; RN101411171; 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.

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 97 [Docket No. 2010-0593-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Stonehenge Granite of Austin, Inc. in Hays County**;

RN105778211; 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. (Sharesa Y. Alexander, Lena Roberts)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 98 [Docket No. 2010-1500-WR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Brien F. Davis and Kirsten Davis in Dallas County**; RN105982474; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jordan Jones, Laurie Eaves)

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

RULE MATTERS

Item 99 [Docket No. 2010-0815-RUL.](#)

Consideration of the adoption of amended Sections 319.302 and 319.303 of **30 Texas Administrative Code (TAC) Chapter 319**, General Regulations Incorporated into Permits. The adoption would clarify language for safety precautions for the general public in the event of a wastewater spill and remove the current notice form from the rule replacing the form with required elements of the wastewater spill notice. The adoption also removes language from the proposed rule referencing recreational uses and clarifies for all spills that notification is required if the facility owner has reason or cause to believe that a drinking water source will be affected. The proposed rules were published in the November 5, 2010, issue of the *Texas Register* (35 TexReg 9831). (Lynda Clayton, James Aldredge) (Rule Project No. 2010-024-319-OW)

Adopt proposed amendments to Sections 319.302 and 319.303 of 30 TAC Chapter 319, as recommended by the Executive Director. CR/ BG; all agree.

Item 100 [Docket No. 2010-1382-RUL.](#)

Consideration of the adoption of new Section 213.31 of **30 TAC Chapter 213**, Edwards Aquifer, and new Section 311.91 of **30 TAC Chapter 311**, Watershed Protection. Due to a federal court case, effective April 9, 2011, applications of pesticides into, over or near waters in the United States will be considered a discharge subject to the Texas Pollutant Discharge Elimination System program. Adoption of the new subchapters to 30 TAC Chapters 213 and 311 will exempt TCEQ authorized applications of pesticides from the discharge or pollutant load increase prohibitions that exist in these rules. The proposed rules were published in the December 10, 2010, issue of the *Texas Register* (35 TexReg 10813 (for Chapter 213) and 10899 (for Chapter 311)). (Lynda Clayton, Kathy Humphreys) (Rule Project No. 2010-055-311-OW)

Adopt new 30 TAC Sections 213.31 and 311.91, as recommended by the Executive Director. BG/CR; all agree.

EXECUTIVE MEETING

Item 101 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.

No action taken.

Item 102 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.

No action taken.

Item 103 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.

No action taken.

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

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

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT:

[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)

/s/ Shannon Strong
Assistant General Counsel,
Shannon Strong

3/14/2011
Date