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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. **OLD BUSINESS AGENDA**
Commissioner H.S. Buddy Garcia
Commissioner Carlos Rubinstein

April 20, 2011

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the February 9, 2011 agenda.

PROPOSAL FOR DECISION

Item 1 **[TCEQ Docket No. 2006-1819-WR; SOAH Docket No. 582-08-0689.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Lower Colorado River Authority** (LCRA) for Water Right Permit 5731 to divert, store, and use those excess flood waters and those unappropriated flows of the Colorado River Basin downstream of O.H. Ivie Reservoir and downstream of Lake Brownwood in an amount not to exceed 853,514 acre-feet of water per year. LCRA seeks to divert and use the requested appropriation of water at nine existing diversion points downstream of the USGS Gage (08161000) at Columbus in Colorado County at a maximum combined diversion rate of 40,000 cfs, and to construct an unspecified number of off-channel reservoirs within **Colorado, Wharton, and Matagorda Counties** with a maximum combined storage capacity of 500,000 acre-feet of water and maximum combined surface area of 25,408 acres. LCRA requests to use the water requested in this application anywhere within its authorized water service area within the Colorado, Brazos, Brazos-Colorado, Lavaca, and the Lavaca-Colorado River and Coastal Basins and other areas that hereinafter may be authorized by law for municipal, industrial, and agricultural purposes. The Commission will also consider timely public comments and the Executive

**Director's Response to Comments; the application, and related filings,
exceptions and replies. (Iliana Delgado, Robin Smith)**

**Issue Water Use Permit No. 5731 to the Lower Colorado River Authority in the form attached to
the Executive Director's March 29, 2011 memorandum. BG/CR; all agree.**

AGENDA

April 20, 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. 2009-1842-AIR; SOAH Docket No. 582-10-2489.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and proposed Order regarding the application of **Aggregate Industries - WCR, Inc.** for New Air Quality Permit 83755 to authorize the construction and operation of a rock crushing plant pursuant to 30 Tex. Admin. Code ch. 116 and Tex. Health & Safety Code ch. 382. The proposed plant site is located at 5900 Farm-to-Market (FM) Road 482, New Braunfels, **Comal County**, Texas. The Commission will also consider timely filed public comments and the Executive Director's Response to Comments; the application, and related filings, exceptions and replies. (Larry Buller, Amy Browning)

Adopt the ALJ's Proposed Order granting Air Quality Permit No. 83755 with the revisions recommended by the ALJ in her March 9, 2011 Response to Exceptions and Replies; except delete Findings of Fact Nos. 44 and 137 as unnecessary; approve the issuance of the Executive Director's draft permit; and adopt the Executive Director's Response to Comments. CR/BG; all agree.

Item 2 [**TCEQ Docket No. 2006-1140-MSW-E; SOAH Docket No. 582-09-2078.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Diane Hill, James Carter, Joe Carter, Getrell A. Carter, Gerald E. Carter, Lee Otis Carter, Grady Goodley, Coline Knox, and Nokomis Hill** and requiring certain actions of **Diane Hill, Donald A. Hill, Deborah Hill-Thompson, Lawrence A. Hill, Candis A. Hill McKelvy, Kermit A. Hill, Dorris Jean Hill, Aurelia Harris, Grady Goodley, Delmaris Roby, Lawada Hill, Kevin Hill, Nokomis Hill, Cora Turner Houston, Coline Knox, James W. Carter, Lee Otis Carter, Joe I. Roland, Gettrel A. Carter, Gerald E. Carter, Merilee Crawford, Gaynell Carter-Jenkins, and Joe Carter in Caldwell County**; RN104717939; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. The Commission will also consider

timely filed exceptions and replies. (Jim Sallans, Jennifer Cook)

Adopt the ALJ's Proposed Order as modified by the Executive Director's Exceptions, including the two clarifications offered today; modify Ordering Provision No. 4 to read: "within 15 days of Ordering Provision No. 3, Respondent shall submit written certification", in order to be consistent with the Executive Director's EDSARP; and renumber the remaining provisions accordingly. CR/BG; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3 [**Docket No. 2011-0050-WR.**](#)

Consideration of the application by **Fort Bend County WCID No. 1** for an amendment to Certificate of Adjudication No. 11-5170 to add agriculture purposes to 18,000 acre feet authorized for municipal and industrial, to add diversion points anywhere on the perimeters of the reservoirs on Oyster Creek created by Dam 1, Dam 2, Dam 3, and the Horseshoe Lake Control Dam, and to add authorization for an exempt interbasin transfer of the 18,000 acre feet of water from the San Jacinto-Brazos Coastal Basin to portions of the Brazos River Basin and San Jacinto River Basin lying within the corporate limits of the City of Sugar Land in **Fort Bend County**. Existing Certificate of Adjudication No. 11-5170 authorizes, in part, Fort Bend County WCID No. 1 to impound water in several reservoirs along Jones and Oyster Creeks, including reservoirs controlled by Dam 1, Dam 2, Dam 3, and the Horseshoe Lake Control Dam, and to divert and use, within the San Jacinto-Brazos Coastal Basin, 18,000 acre-feet of water from a point located on the perimeter of the reservoir on Oyster Creek created by Dam 2. The Commission will also consider requests for hearing or reconsideration, and related responses and replies. (Tracie Donnelly, James Aldredge)

Grant hearing request of Gulf Coast Water Authority; refer the matter to the State Office of Administrative Hearings for a contested case hearing; and direct the Executive Director to participate as required by 30 TAC Section 80.108(b)(1). BG/CR; all agree.

Item 4 [**Docket No. 2010-0651-IWD.**](#)

Consideration of the application by **Synagro of Texas - CDR, Inc.** for a new permit, Proposed TCEQ Permit No. WQ0004888000, to authorize the land application of sewage sludge for beneficial use on 137.7 acres. This permit will not authorize a discharge of pollutants into waters in the State. The sewage sludge land application site will be located approximately seven miles east of Austin Bergstrom International Airport, off of Richards Drive, 300 feet south of Highway 71, in **Travis County**, Texas 78617. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Kellie Crouch-Elliott, Timothy Reidy)

Grant hearing request filed by Travis County with a concurrent referral to ADR during the State Office of Administrative Hearings (SOAH) scheduling process; refer the following issues to the SOAH for a contested case hearing: A) Whether the beneficial land application of Class B sewage

sludge at the proposed site will adversely affect human health and safety; B) Whether the beneficial land application of Class B sewage sludge at the proposed site will adversely impact surface water quality; C) Whether the beneficial land application of Class B sewage sludge will create nuisance odors; D) Whether the proposed land application site is technically suitable for the beneficial land application of Class B sewage sludge at the proposed land application site; E) Whether the proposed land application site complies with the buffer zone requirements at 30 TAC Section 312.44; direct the Executive Director to participate in the contested case hearing; specify the maximum duration of the hearing is 9 months from the preliminary hearing to issuance of the Proposal for Decision; and deny pending request for reconsideration. CR/BG; all agree.

Item 5 [Docket No. 2011-0272-WR.](#)

Consideration of an application by **Veolia ES Technical Solutions, L.L.C.** (Applicant) for a temporary water use permit. Temporary Water Use Permit No. 12445 would authorize Applicant to divert and use not to exceed 1,400 acre feet of water at a maximum combined diversion rate of 6.684 cfs (3,000 gpm) within a period of one year from two diversion points on an unnamed tributary of Fish Box Gully, tributary of Taylor Bayou, Neches-Trinity Coastal Basin, for industrial and domestic purposes in **Jefferson County**. The Commission will also consider requests for hearing or reconsideration, and related responses and replies. (Michael Gill, Ross Henderson)

Deny the hearing request of Roy R. Petersen and grant Permit No. 12445 to divert and use water from two diversion points on an unnamed tributary of Fish Box Gully, tributary of Taylor Bayou, Neches-Trinity Coastal Basin, as recommended by the Executive Director. BG/CR; all agree.

MISCELLANEOUS MATTERS

Item 6 [Docket No. 2011-0128-UCR.](#)

Consideration of a request for a Commission Order approving a contract designating service areas between the **Ni America Texas Development, LLC** (Ni America), Certificate of Convenience and Necessity (CCN) No. 13177, and **Wellborn Special Utility District** (Wellborn), (CCN) No. 11340, in **Brazos County**, Texas, pursuant to section 13.248 of the Texas Water Code. The contract provides that Ni America shall have the right to provide retail water service to an approximate 660-acre area known as the Myers Reserve Tract for a term not to exceed five years. Ni America currently holds a CCN for the area in question. The Contract provides that Ni America will transfer the area in question to Wellborn in approximately five years from December 17, 2010, the date that Ni America was issued the CCN for this area. At the end of the five year term, the contract provides that Wellborn will be the sole retail water service provider in the area. The area currently has no customers or facilities. (Heidi Graham, Kayla Murray)

Remand the matter to the Executive Director to allow the parties to seek approval of the agreement of the appropriate time when Ni America seeks to actually transfer the Certificate of Convenience and Necessity area to Wellborn Special Utility District. BG/CR; all agree.

Item 7 [Docket No. 2010-2011-0428-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's acceptance of these gifts. CR/BG; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

Item 8 [Docket No. 2010-1938-AGR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Randy Earl Wyly dba Randy Wyly Dairy in Erath County**; RN102065166; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

Item 9 [Docket No. 2010-0144-AGR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nickie Joe Sublett dba Uphill Dairy in Hamilton County**; RN101527893; 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. CR/BG; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 10 [Docket No. 2010-0591-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP in Harris County**; RN100210319; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 11 [Docket No. 2010-1691-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Santa Rita Motors, Inc. in Tom Green County**; RN105971048; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas

Administrative Code ch. 60. (Nadia Hameed, Laurie Eaves)

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

Item 12 [**Docket No. 2010-1506-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Enterprise Crude Pipeline LLC in Galveston County**; RN102560182; 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. CR/BG; all agree.

Item 13 [**Docket No. 2010-1450-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Brazoria County**; RN100225945; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 14 [**Docket No. 2010-1514-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Motiva Enterprises LLC in Jefferson County**; RN100209451; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 15 [**Docket No. 2010-1612-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **GB Biosciences Corporation in Harris County**; RN100238492; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 16 [**Docket No. 2010-1854-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of **L & L Pallet Supply, Inc. in Randall County**; RN103006631; 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. CR/BG; all agree.

Item 17 [**Docket No. 2010-1873-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **SandRidge Energy, Inc. in Galveston County**; RN105659130; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Laurie Eaves)

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

Item 18 [**Docket No. 2010-0261-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INEOS NOVA LLC in Galveston County**; RN104579487; 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. (Jimmy Nolan, Laurie Eaves)

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

Item 19 [**Docket No. 2010-1726-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **BASF Corporation in Harris County**; RN100225689; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Laurie Eaves)

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

Item 20 [**Docket No. 2010-0328-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Harris County**; RN100210319; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Laurie Eaves)

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

Item 21 [Docket No. 2010-1810-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Arkema Inc. in Jefferson County**; RN100216373; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 22 [Docket No. 2009-0131-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC. in Jefferson County**; RN102457520; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey Huhn, Lena Roberts)

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

Item 23 [Docket No. 2010-1676-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Enbridge G & P (North Texas) L.P. in Parker County**; RN100226414; 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. CR/BG; all agree.

Item 24 [Docket No. 2010-1795-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Hutchinson County**; RN102495884; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 25 [Docket No. 2010-0193-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dolphin Petroleum, LP in Refugio County**; RN100216902; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on

Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60.
(Anna Treadwell, Lena Roberts)

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

Item 26 [Docket No. 2009-1397-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mobil Chemical Company Inc. in Jefferson County**; RN100211903; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 27 [Docket No. 2010-1654-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. Health & Safety Code ch. 382 and 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. CR/BG; all agree.

Item 28 [Docket No. 2010-1705-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sherwin Alumina Company, LLC in San Patricio County**; RN102318847; 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, Laurie Eaves)

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

Item 29 [Docket No. 2010-1661-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical LLC in Jefferson County**; RN100219252; 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, Laurie Eaves)

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

Item 30 [Docket No. 2010-0507-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of **INEOS USA LLC in Brazoria County**; RN100238708; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Laurie Eaves)

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

Item 31 [**Docket No. 2010-1517-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pasadena Cogeneration L.P. in Harris County**; RN100222041; 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. CR/BG; all agree.

Item 32 [**Docket No. 2010-0335-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP in Harris County**; RN100542281; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 33 [**Docket No. 2010-1730-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP in Carson County**; RN100209725; 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. CR/BG; all agree.

Item 34 [**Docket No. 2010-1430-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ISP Technologies Inc. in Galveston County**; RN100825272; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 35 [Docket No. 2010-1613-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **American Marazzi Tile, Inc. in Dallas County**; RN100218080; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Laurie Eaves)

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

Item 36 [Docket No. 2010-1187-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Linde Gas North America LLC in Harris County**; RN100217207; 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. CR/BG; all agree.

Item 37 [Docket No. 2010-1547-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Delek Refining, Ltd. in Smith County**; RN100222512; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 38 [Docket No. 2010-1710-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **United States Gypsum Company in Nolan County**; RN100209618; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 39 [Docket No. 2010-1743-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SandRidge CO2, LLC in Pecos County**; RN100825322; 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. CR/BG; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 40 [Docket No. 2010-1694-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **CONTINENTAL HOMES OF TEXAS, L.P.** in **Williamson County**; RN103180253; 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. (Jeremy Escobar, Laurie Eaves)

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

Item 41 [Docket No. 2010-1560-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Custom Crushed Stone, Inc.** in **Medina County**; RN102769940; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Laurie Eaves)

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

Item 42 [Docket No. 2010-1760-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KEWINE LLC** in **Comal County**; RN103000790; 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. (Jorge Ibarra, Laurie Eaves)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 43 [Docket No. 2010-1479-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MUNRO DRY CLEANING COMPANY** in **Jefferson County**; RN102979713; 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. (Mike Pace, Laurie Eaves)

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

Item 44 [Docket No. 2010-1627-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lowe Precast, Inc. dba Lowe Precast in McLennan County**; RN100594589; 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. (Mike Pace, Laurie Eaves)

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

Item 45 [Docket No. 2010-1439-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Oil Company in Harris County**; RN100211879; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 46 [Docket No. 2010-1734-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BOLLINGER TEXAS CITY, L.P. in Galveston County**; RN100218627; 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. (Martha Hott, Laurie Eaves)

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

Item 47 [Docket No. 2010-1527-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **BP Products North America Inc. in Galveston County**; RN102535077; 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. CR/BG; all agree.

Item 48 [Docket No. 2010-1645-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alloy Polymers Orange, LLC in Orange County**; RN100590207; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental

Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, Laurie Eaves)

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

Item 49 [**Docket No. 2010-1682-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **OHMSTEDE, LTD. in Harris County**; RN101652667; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, Laurie Eaves)

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

Item 50 [**Docket No. 2010-1564-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pilgrim's Pride Corporation in Nacogdoches County**; RN104306501; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, Laurie Eaves)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 51 [**Docket No. 2010-1549-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Midland in Midland County**; RN100212570; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Allison Fischer, Laurie Eaves)

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

Item 52 [**Docket No. 2010-0061-MLM-E.**](#)

Consideration of a Agreed Order assessing administrative penalties and requiring certain actions of **Shiloh Ridge Water Supply Corporation in Polk County**; RN101215549; for public water supply and water rights violations pursuant to Tex. Water Code ch. 11, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

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

Item 53 [Docket No. 2009-1383-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arthur E. Longron dba Texas HogWallow** in **Newton County**; RN105450621; for municipal solid waste, air quality, and water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

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

Item 54 [Docket No. 2010-1370-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BAILEY BARK MATERIALS, INC.** in **Nacogdoches County**; RN105241756; for industrial and hazardous waste and 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. (Judy Kluge, Laurie Eaves)

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

Item 55 [Docket No. 2010-0907-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Newton** in **Newton County**; RN102328770; for municipal solid waste, used oil, and used oil filters violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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. CR/BG; all agree.

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 56 [Docket No. 2009-1430-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against **The Family of God, of Abilene, Texas and Jose P. Jimenez** in Bell County; RN105745343; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 57 [Docket No. 2010-1520-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Roy Harris in Kinney County**; RN105727218; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 58 [Docket No. 2010-1573-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DIRT FREE CARPET & UPHOLSTERY CLEANING, INC. in Guadalupe County**; RN105701536; for municipal solid waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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. CR/BG; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 59 [Docket No. 2010-1664-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Town of Lakewood Village in Denton County**; RN101917706; 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. (Thomas Jecha, Laurie Eaves)

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

Item 60 [Docket No. 2010-1789-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **West Harris County Municipal Utility District No. 17 in Harris County**; RN102956422; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Laurie Eaves)

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

Item 61 [Docket No. 2009-1689-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Overton in Rusk County**; RN102096203; 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. (Jeffrey Huhn, Lena Roberts)

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

Item 62 [Docket No. 2010-1501-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Crockett in Houston County**; RN101609741; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

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

Item 63 [Docket No. 2010-1462-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Elkhart in Anderson County**; RN102844610; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Laurie Eaves)

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

Item 64 [Docket No. 2010-1777-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Orange County Water Control and Improvement District No. 1 in Orange County**; RN102183035; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Evette Alvarado, Laurie Eaves)

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

Item 65 [Docket No. 2010-1340-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Uvalde in Uvalde County**; RN103119087; 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. CR/BG; all agree.

Item 66 [Docket No. 2010-1941-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hill Country Harbor, L.P.** in **Palo Pinto County**; RN101917458; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 67 [Docket No. 2009-1653-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **BA PROPERTIES MANAGEMENT, INC. d/b/a Sunmart 317** in **Harris County**; RN101951226; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code 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. CR/BG; all agree.

Item 68 [Docket No. 2010-1750-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Happy Lucky Corporation dba Discount Gas Tobacco & Beverages** in **Hunt County**; RN103733200; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Tate Barrett, Laurie Eaves)

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

Item 69 [Docket No. 2009-1615-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BA PROPERTIES MANAGEMENT, INC. d/b/a Sunmart 318** in **Harris County**; RN101964542; 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. CR/BG; all agree.

Item 70 [Docket No. 2010-1716-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **AMERICAN GROCERIES MANAGEMENT NO. 8, INC. dba Shop N Run** in **Montgomery County**; RN103062188; 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. (Brianna Carlson, Laurie Eaves)

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

Item 71 [**Docket No. 2010-1626-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Muhammad Altaf d/b/a Country Food Store in Jasper County**; RN101444941; 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. CR/BG; all agree.

Item 72 [**Docket No. 2010-1621-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **RAS ENTERPRISE INC. dba Lakewood Texaco in Dallas County**; RN101541498; 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. CR/BG; all agree.

Item 73 [**Docket No. 2010-0227-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rogelio Saenz d/b/a/ Roys 1 and Roys 2 and Odilia Saenz d/b/a Roys 1 and Roys 2 in Kleburg County**; RN101831063 and RN101446888; 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. CR/BG; all agree.

Item 74 [**Docket No. 2010-1649-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **FireWeed Corporation dba Kwik Fuels in Grayson County**; RN101561975; 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. CR/BG; all agree.

Item 75 [Docket No. 2010-1785-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Daheri & Talpur Inc dba Super Travel Center in Fayette County**; RN102274891; 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. CR/BG; all agree.

Item 76 [Docket No. 2010-1253-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Coastway Inc. d/b/a Kwick Stop 1 in Orange County**; RN102379104; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sharesa Y. Alexander, Lena Roberts)

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

Item 77 [Docket No. 2010-1249-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E Z Stop, L.L.C. dba E Z Stop in Nueces County**; RN101796654; 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. (Steve Villatoro, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 78 [Docket No. 2009-1313-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Miros Stritz in Galveston County**; RN102239852; 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 Default Order. CR/BG; all agree.

Item 79 [Docket No. 2010-1177-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Eugene O. Boeck and Irma Boeck** in

Guadalupe County; RN101725570; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 80 [Docket No. 2009-0910-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Sami H. Awad D/B/A Sammys Memorial Texaco in Harris County**; RN101737138; 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 Order. CR/BG; all agree.

Item 81 [Docket No. 2010-0914-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Houston Corner Store, Inc. in Harris County**; RN102266442; 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 Order. CR/BG; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 82 [Docket No. 2010-1659-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Old Marbach School Water Supply Corporation in Live Oak County**; RN101451300; 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. CR/BG; all agree.

Item 83 [Docket No. 2010-1993-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Slaton in Lubbock County**; RN101202604; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie

Eaves)

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

Item 84 [Docket No. 2010-0447-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trudy J. Gillem d/b/a Country Villa Mobile Home Park in Bee County**; RN101441764; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

Item 85 [Docket No. 2010-0133-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Bruce F. Neibrandt d/b/a 5 O'Clock Somewhere Bar in Victoria County**; RN105854236; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Shareesa Y. Alexander, Lena Roberts)

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

Item 86 [Docket No. 2010-1324-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SOUTH LAKE PARK SERVICES, INC.** in **Tarrant County**; RN101199123; for public water supply 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. CR/BG; all agree.

Item 87 [Docket No. 2010-1409-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pamela Sue Hughes dba Big Q Mobile Home Estates in Lubbock County**; RN102319464; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Michaelle Sherlock, Laurie Eaves)

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

Item 88 [Docket No. 2010-1532-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rusk in Cherokee County**; RN101391134; 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. CR/BG; all agree.

Item 89 [**Docket No. 2009-1348-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thomas Osborn Hammond d/b/a Loco Coyote Grill Music Ranch in Somervell County**; RN105161194; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Peipey Tang, Lena Roberts)

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

Item 90 [**Docket No. 2010-1159-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Northshore in Denton County**; RN105715007; 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. CR/BG; all agree.

UTILITIES ENFORCEMENT AGREED ORDERS

Item 91 [**Docket No. 2010-1815-UTL-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **William Donald Smith dba Sunset Mobile Home Park 1, dba Sunset Mobile Home Park 2, dba Kingmont Mobile Home Park, and dba Tallows Mobile Home Park in Harris County**; RN102691938, RN101218030, RN101283331, RN101219871; for affected utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Kelly Wisian, Laurie Eaves)

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

Item 92 [**Docket No. 2010-1848-UTL-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **J&S Water Company, L.L.C. in Harris County**; RN101181733, RN102680311, RN101263655; for affected utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Michaella Sherlock, Laurie Eaves)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 93 [Docket No. 2010-1747-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of White Settlement in Tarrant County**; RN101242642; 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. CR/BG; all agree.

Item 94 [Docket No. 2010-1855-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **FTI Industries, Inc. in Johnson County**; RN100769421; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, Laurie Eaves)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 95 [Docket No. 2009-1115-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **epower Investments, LLC in Bexar County**; RN105333728; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 96 [Docket No. 2010-1787-WR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ken R. Swan in Jack County**; RN106003650; 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 Agreed Order. CR/BG; all agree.

MISCELLANEOUS MATTER

Item 97 [Docket No. 2011-0204-RES.](#)

Discussion and approval of the proposed area designations under the 2010 one-hour sulfur dioxide (SO₂) primary **National Ambient Air Quality Standard** (NAAQS) for submittal to the Governor for his consideration and

transmittal to the United State Environmental Protection Agency (EPA). Effective August 23, 2010, the EPA revised the SO₂ NAAQS to include a 2010 one-hour 75 parts per billion (ppb) primary standard. States are required to recommend to the EPA no later than June 2, 2011, area designations depicting attainment status for areas under the 2010 SO₂ standard. Staff recommends nonattainment designation for Jefferson County; attainment designations for Dallas, Ellis, Kaufman, El Paso, Galveston, Harris, Gregg, McLennan, and Nueces Counties; and all other Texas counties identified as unclassifiable at this time. The EPA will consider state recommendations before finalizing area designations and boundaries for the 2010 SO₂ primary NAAQS. (Mary Ann Cook, John Minter)

Approve the Executive Director's proposed recommendation for area designations under the 2010 one-hour SO₂ primary National Ambient Air Quality Standard for submittal to the Governor and issue the Executive Director's revised resolution. BG/CR; all agree.

RULE MATTER

Item 98 **[Docket No. 2010-2068-RUL.](#)**

Consideration for publication of, and hearing on, the proposed repeal of **30 Texas Administrative Code (TAC) Chapter 101**, General Air Quality Rules, Subchapter A, General Rules, Section 101.30, and corresponding revisions to the state implementation plan. The proposed rulemaking would repeal the general conformity requirements in 30 TAC §101.30, which mirror the federal requirements in 40 Code of Federal Regulations (CFR) Part 93, Subpart B and Part 51, Subpart W, and specifically reference the now repealed Part 51, Subpart W. Amended 40 CFR Part 93, Subpart B continues to subject certain federal actions to general conformity requirements without the need for identical state rules and SIPs. (Amy Muttoni, John Minter) (Rule Project No. 2010-047-101-EN)

Approve the publication of, and hearing on, the proposed repeal of 30 TAC Section 101.30 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/BG; all agree.

STATE IMPLEMENTATION PLAN

Item 99 **[Docket No. 2010-2074-SIP.](#)**

Consideration for publication of, and hearing on, the proposed revisions to the **General Conformity State Implementation Plan (SIP)**. The proposed revisions to the General Conformity SIP would remove the references to the now repealed 40 Code of Federal Regulations (CFR) Part 51, Subpart W and would reference the amended 40 CFR Part 93, Subpart B. (Amy Muttoni, John Minter) (Project No. 2011-002-SIP-NR)

Approve the publication of, and hearing on, the proposed repeal of 30 TAC Section 101.30 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/BG; all agree.

RULE MATTERS

Item 100 [**Docket No. 2007-0999-RUL.**](#)

Consideration of the adoption of new **30 TAC Chapter 298**, Environmental Flow Standards for Surface Water, and amendment to Section 35.101 of **30 TAC Chapter 35**, Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions. Consideration of the withdrawal of proposed new Section 298.270 of 30 TAC Chapter 298, Environmental Flow Standards for Surface Water. The adoption would implement House Bill 3 and Senate Bill 3, 80th Legislature, 2007, Regular Session, relating to the establishment of environmental flow standards, and procedures for implementing an adjustment of conditions included in a permit or amended water right in the river and bay systems consisting of the Sabine and Neches Rivers and Sabine Lake Bay, and the Trinity and San Jacinto Rivers and Galveston Bay; also relating to emergency authority to make available water set aside for beneficial inflows to affected bays and estuaries and instream uses. The proposed rules were published in the November 19, 2010, issue of the *Texas Register* (35 TexReg 10143) for Chapter 35 and (35 TexReg 10168) for Chapter 298. (Ron Ellis, Robin Smith) (Rule Project No. 2007-049-298-OW)

Adopt new 30 TAC Chapter 298 Environmental Flow Standards for Surface Water with the amendments that were asked for today in the appropriate rule language by adding the 10 percent increase base flow for the Sabine, Neches and San Jacinto Rivers; amend 30 TAC Chapter 35.101, the withdrawal of proposed new Section 298.270, and to allow the ED to make any appropriate changes as needed, as recommended by the Executive Director. CR/BS; BG opposed.

Item 101 [**Docket No. 2010-0711-RUL.**](#)

Consideration of the adoption of amendments to Section 101.1 of **30 TAC Chapter 101**, General Air Quality Rules, and Section 106.4 of **30 TAC Chapter 106**, Permits by Rule; and corresponding revisions to the state implementation plan. The adoption would add specific definitions related to particulate matter with diameters less than or equal to 2.5 micrometers (PM2.5) regulation and address known requirements for implementation. The proposed rules were published in the November 19, 2010, issue of the *Texas Register* (35 TexReg 10147 and 10157 respectively). (Johnny Bowers, Erin Selvera) (Rule Project No. 2010-020-101-PR)

Adopt the amendments to 30 TAC Section 101.1 and 30 TAC Section 106.4 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. BG/CR; all agree.

Item 102 [**Docket No. 2010-1152-RUL.**](#)

Consideration of the adoption of amendments to **30 TAC Chapter 117**, Control of Air Pollution from Nitrogen Compounds, Subchapter D, Combustion Control at Minor Sources in Ozone Nonattainment Areas, Division 2, Dallas-Fort Worth 1997 Eight-Hour Ozone Nonattainment Area Minor Sources, Section 117.2110, and corresponding revisions to the state implementation plan. The adopted rulemaking will expand the emission specification for lean-burn

engines fired on landfill gas to include lean-burn engines fired on biogas at minor sources of nitrogen oxides (NOX) in the Dallas-Fort Worth 1997 eight-hour ozone nonattainment area. The adopted rulemaking will establish a NOX emission limit of 0.60 grams per horsepower-hour for stationary gas-fired lean-burn internal combustion engines fired on biogas fuels other than landfill gas that are installed, modified, reconstructed, or relocated on or after June 1, 2007. The proposed rule was published in the November 19, 2010, issue of the *Texas Register* (35 TexReg 10162). (Ray Schubert, Amy Browning) (Rule Project No. 2010-048-117-EN)

Adopt the amendments to 30 TAC Section 117.2110 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/BG; all agree.

Item 103 **Docket No. 2009-1953-RUL.**

Consideration of the adoption of amendments to Sections 290.38, 290.39, 290.41, 290.42, 290.46, 290.47, 290.111 - 290.115, 290.119, 290.121, 290.122, 290.271, and 290.272 of **30 TAC Chapter 290**, Public Drinking Water. The Commission also adopts the repeal of Section 290.117. The Commission simultaneously adopts new Section 290.117. The adoption would incorporate the new federal lead and copper rules; would reorganize the Texas lead and copper rules to make them consistent with the organizational structure used in other Texas rules regulating chemicals in drinking water; and would make minor changes for consistency with other federal rules adopted by the Commission, specifically the Long Term 2 Enhanced Surface Water Treatment Rule, the Stage 2 Disinfectants and Disinfection Byproducts Rule, and the Ground Water Rule. The proposed rules were published in the December 10, 2010, issue of the *Texas Register* (35 TexReg 10815). (Linda Brookins, Ruth Takeda) (Rule Project No. 2009-020-290-OW)

Adopt the amendments to, and the repeal within, 30 TAC Chapter 290, as recommended by the Executive Director. BG/CR; all agree.

PUBLIC COMMENT SESSION

Item 104 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 SESSION

Item 105 **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 106 **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 107 **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/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**

/s/ Anne Rowland
Assistant General Counsel,
Anne Rowland

4/27/2011
Date