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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 Carlos Rubinstein
Commissioner Toby Baker

AGENDA

April 10, 2013

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

MISCELLANEOUS MATTERS

Item 1 **[TCEQ Docket No. 2012-2253-UCR.](#)**

Consideration of a request for an order approving a contract designating service areas between the City of Bryan (“Bryan”), Certificate of Convenience and Necessity (“CCN”) No. 20136, and the City of College Station (“College Station”), CCN No. 20126, in Brazos County, Texas, pursuant to Texas Water Code, Section 13.248. Under the Agreement, Bryan and College Station request the removal of the area of approximately 1,582.32 acres from Bryan’s sewer CCN and the addition of the area to College Station’s sewer CCN. Under the Agreement, Bryan and College Station also request the removal of the area of approximately 431.62 acres from College Station’s sewer CCN and the addition of the area to Bryan’s sewer CCN. No customers or facilities in the areas are transferred under the Agreement. (Brian Macleod, Kamal Adhikari)

Approve the contract designating service areas between the City of Bryan and the City of College Station under Texas Water Code Section 13.248 which will result in the transfer of approximately 431.62 acres of service area to Bryan's sewer CCN and approximately 1,582.32 acres of service area to College Station's sewer CCN; and issue the Executive Director's proposed Order. CR/TB; all agree.

Item 2 [**TCEQ Docket No. 2012-2394-UCR.**](#)

Consideration of a request for a Commission Order approving a contract designating service areas between the City of Elgin (Elgin), Certificate of Convenience and Necessity (CCN) No. 10311, and the Aqua Water Supply Corporation (Aqua), CCN No. 10294, in Bastrop County, Texas, pursuant to section 13.248 of the Texas Water Code. Under this agreement, Elgin and Aqua request the transfer of 1,478.87 acres from Aqua's water CCN to Elgin's water CCN, and approximately 117 acres from Elgin's water CCN to Aqua's water CCN. No facilities or customers will be transferred through this application. (Christiaan Siano, Elizabeth Flores)

Approve the contract designating service areas between the City of Elgin and Aqua Water Supply Corporation under Texas Water Code Section 13.248 which will result in the transfer of approximately 1,478.87 acres of service area from Aqua's water CCN to Elgin's water CCN and approximately 117 acres in service area from Elgin's water CCN to Aqua's water CCN; and issue the Executive Director's proposed Order. TB/CR; all agree.

Item 3 [**Docket No. 2013-0657-AIR.**](#)

Consideration of a Request for Direct Referral and Motion for Expedited Hearing filed on March 27, 2013 on behalf of ExxonMobil Chemical Company regarding the Application by ExxonMobil Chemical Company for Proposed Air Quality Permit No. 102982. The Application seeks authorization for construction of a new ethylene production unit at the ExxonMobil Baytown Olefins Plant located at 3525 Decker Drive, Baytown, Texas. (Harris County)

Direct refer to the State Office of Administrative Hearings ExxonMobil's Application for Proposed Air Quality Permit No. 102982, with a maximum hearing duration of six months from the date of the SOAH preliminary hearing until the issuance of the proposal for decision; and the preliminary hearing shall not convene until after the Executive Director's Response to Comments has been issued. CR/TB; all agree.

Item 4 [**Docket No. 2013-0552-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. (Beth West)

Approve the issuance of the resolution acknowledging the Executive Director's acceptance of these gifts. CR/BS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 [**Docket No. 2012-0624-AIR-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 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, Debra Barber)

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

Item 6 **[Docket No. 2012-1975-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against ConocoPhillips Company in Brazoria County; RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Katy Schumann, Debra Barber)

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

Item 7 **[Docket No. 2011-2252-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bob King's Truck Beds, LLC d/b/a Kings Truck Beds in Wise County; RN104311055; 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. TB/CR; all agree.

Item 8 **[Docket No. 2012-1795-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 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. (Jorge Ibarra, P.E., Debra Barber)

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

Item 9 **[Docket No. 2012-0685-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marathon Petroleum Company LP in Galveston County; RN100210608; 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, Debra Barber)

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

Item 10 [**Docket No. 2012-1772-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Hansford County; RN100219955; 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, Debra Barber)

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

Item 11 [**Docket No. 2012-1605-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ranger Gas Gathering, L.L.C. in Eastland County; RN100219534; 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. (Rajesh Acharya, Debra Barber)

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

Item 12 [**Docket No. 2012-0821-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Amancio Gutierrez, Debra Barber)

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

Item 13 [**Docket No. 2012-1556-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Atlas Roofing Corporation in Morris County; RN101633287; 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. (Amancio R. Gutierrez, Debra Barber)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 14 [**Docket No. 2012-1686-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OB-GYN and Anaesthesia Associates, P.A. in Bexar County; RN104737234; 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, P.E., Debra Barber)

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

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 15 [Docket No. 2012-1630-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EXXON MOBIL CORPORATION in Harris County; RN102579307; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Debra Barber)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 16 [Docket No. 2012-0356-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Alon USA, LP in Howard County; RN100250869; 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. (Jacquelyn Green, Debra Barber)

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

Item 17 [Docket No. 2011-1264-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lamberti USA, Incorporated in Wharton County; RN101206803 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. (Kari L. Gilbreth, Lena Roberts)

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

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 18 [Docket No. 2012-0605-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Paul K. Hawkins in Travis County; RN103597001; for landscape irrigation installation 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. (Jacquelyn Boutwell, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 19 [**Docket No. 2012-1753-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Multi-Chem Group, LLC in Sutton County; RN103948733; for public drinking water, water quality, and industrial and hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 341 and 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Stephen Thompson, Debra Barber)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 20 [**Docket No. 2012-1914-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Del Rio in Val Verde County; RN102143294; 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. (Keith Frank, Debra Barber)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21 [**Docket No. 2012-0808-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Olney in Young County; RN101610335; 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. (Jill Russell, Debra Barber)

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

Item 22 [**Docket No. 2011-1265-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the BAYOU DEVELOPMENT, LLC in Galveston

County; RN101246601; 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, Debra Barber)

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

Item 23 [**Docket No. 2011-0152-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Gregory in San Patricio County; RN101917623; 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, Debra Barber)

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

Item 24 [**Docket No. 2012-0893-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Harlingen Waterworks System in Cameron County; RN101613362; 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, Debra Barber)

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

Item 25 [**Docket No. 2012-1084-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Whitney in Hill County; RN101919421; 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. (Remington Burklund, Debra Barber)

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

Item 26 [**Docket No. 2012-1519-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against D & K Development Corp. in Tarrant County; RN102287109; 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, Debra Barber)

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

Item 27 [**Docket No. 2012-1758-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Miami in Roberts County; RN101916708; 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, Debra Barber)

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

Item 28 [**Docket No. 2012-1063-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Laredo in Webb County; RN101608545; 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, Debra Barber)

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

Item 29 [**Docket No. 2012-1924-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Mission Glen Municipal Utility District in Fort Bend County; RN102075264; 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. (Christopher Bost, Debra Barber)

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

Item 30 [**Docket No. 2012-1275-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hereford in Deaf Smith County; RN101612570; 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. (Jill Russell, Debra Barber)

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

Item 31 [**Docket No. 2012-1634-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Midway in Madison County; RN101920262; 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. (Nick Nevid, Debra Barber)

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

Item 32 [**Docket No. 2012-0889-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Senna Hills Municipal Utility District and Senna Hills, Ltd. in Travis County; RN100822691; 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, Debra Barber)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 33 [**Docket No. 2012-1339-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gonzales Retailers, LLC dba St Joseph Food Mart in Gonzales County; RN100529619; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Debra Barber)

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

Item 34 [**Docket No. 2012-1593-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S.V. Texas Cooler, LLC dba Texas Cooler in Wilson County; RN103146619; 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. (Michael Meyer, Debra Barber)

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

Item 35 [**Docket No. 2012-1815-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against United Fuel & Energy Corporation in Gregg County; RN102901451; 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. (David Carney, Debra Barber)

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

Item 36 [**Docket No. 2012-1509-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JANG & CO. INC. dba Ace Mart 1 in Nueces County; RN101444180; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Debra Barber)

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

Item 37 [**Docket No. 2011-2095-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Inderjeet Dhillon d/b/a Kwik Pick in Young County; RN102348828; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon Lena Roberts)

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

Item 38 [**Docket No. 2012-0748-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Amy Nguyen dba Henderson Drive In in Matagorda County; RN102462249; 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. (Rajesh Acharya, Debra Barber)

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

Item 39 [**Docket No. 2012-1466-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Happyle Corporation d/b/a Melbos Food Store in Polk County; RN102719606; for petroleum storage tank violations pursuant to Texas Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Lena Roberts)

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

Item 40 [**Docket No. 2012-2042-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of CALIFORNIA WAREHOUSE, INC. d/b/a Kingsland Food Mart in Harris County; RN105252845; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 41 **Docket No. 2012-1965-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DOUGLASS DISTRIBUTING COMPANY dba Lone Star 97 in Denton County; RN102648334; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Debra Barber)

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

Item 42 **Docket No. 2012-0510-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ZAKI & SON INC in Cherokee County; RN105571947; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 43 **Docket No. 2012-1402-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against Shahab, Inc. dba Cowboys 11 in Hood County; RN102354206; 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. (Rebecca Boyett, Debra Barber)

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

Item 44 **Docket No. 2012-0536-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against Alice Michelle Chapa d/b/a Mikes Market in Live Oak County; RN101860500; 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. (Elizabeth Lieberknecht, Lena Roberts)

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

Item 45 **[Docket No. 2012-1279-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AMK Properties LLC dba Amigos Fuel Center in Frio County; RN105187181; 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. (Steven Van Landingham, Debra Barber)

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

Item 46 **[Docket No. 2012-1438-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kenneth Mock and Thomas Mock dba Mock's Grocery in Montgomery County; RN101728947; 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. (Joel McAlister, Debra Barber)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 47 **[Docket No. 2012-1386-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against LONE STAR DISTRIBUTORS, INC. d/b/a Hectors Drive In in Hidalgo County; RN102042447; 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. (Rebecca M. Combs, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 48 **[Docket No. 2012-1918-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gary Wayne Ashby dba Brady's Great BBQ in Lubbock County; RN101230241; 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. (Epifanio Villarreal, Debra Barber)

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

Item 49 [**Docket No. 2012-1366-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Clifford & Clyde Kitten, L.P. dba South Garza Water Supply Corporation in Garza County; RN104192109; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Debra Barber)

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

Item 50 [**Docket No. 2012-1289-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Megargel in Archer County; RN101386605; 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, Debra Barber)

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

Item 51 [**Docket No. 2012-2008-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the East Marion County Water Supply Co in Marion County; RN101282556; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Cheryl Thompson, Debra Barber)

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

Item 52 [**Docket No. 2012-1974-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lower Colorado River Authority dba Lometa Regional Water in Lampasas County; RN101211126; 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, Debra Barber)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 53 [**Docket No. 2012-1267-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Arlington in Tarrant County; RN101385714; 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, Debra Barber)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 54 [Docket No. 2012-0882-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of HSR Site Control, LLC in Bexar County; RN106301054; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

Remanded to the Executive Director.

RULE PETITION

Item 55 [Docket No. 2013-0402-RUL.](#)

Consideration of a Petition for Rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality on February 12, 2013, by Barrett & Associates, PLLC on behalf of Uranium Energy Corp (petitioner). The petitioner requests that the Commission amend 30 Texas Administrative Code Section 336.1115(e) relating to decommissioning standards for release of outdoor areas for unrestricted use at uranium mining sites. The petitioner requests removal of existing language in Section 336.1115(e)(3) to eliminate the uranium soil concentration standard. (Tony Gonzalez, Don Redmond) (Project No. 2013-021-PET-NR)

Initiate rulemaking and instruct the Executive Director to examine the issues raised by Uranium Energy Corp's petition and adopt the Executive Director's proposed Order. CR/TB; all agree.

RULE MATTERS

Item 56 [Docket No. 2012-1388-RUL.](#)

Consideration of the adoption of amendments to Title 30 Texas Administrative Code 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 Eight-Hour Ozone Nonattainment Area Minor Sources, Sections 117.2103, 117.2130, 117.2135, and 117.2145, and corresponding revisions to the state implementation plan. The adoption will provide an exemption from the emission testing requirements in Chapter 117 for engines that are used exclusively for product testing and personnel training, operate in limited service, and meet the applicable federal emissions standards in Title 40 Code of Federal Regulations Part 89. Engines used in this type of service will be required to install and operate a non-resettable elapsed run time meter, maintain records of daily hours of operation, and maintain records demonstrating compliance with the applicable federal emissions standards. The

proposed rules were published in the November 16, 2012 issue of the *Texas Register* (37 TexReg 9060). (Javier Galván, Alexis Lorick) (Rule Project No. 2012-031-117-AI)

Adopt the amendments to 30 TAC Chapter 117 and the corresponding revisions to the state implementation plan, as recommended by the Executive Director. TB/CR; all agree.

Item 57 **Docket No. 2012-0896-RUL.**

Consideration of the adoption of amendments to 30 Texas Administrative Code Chapter 117, Control of Air Pollution from Nitrogen Compounds, Subchapter A, Definitions, Section 117.10; amendments to 30 TAC Chapter 101, General Air Quality Rules, Subchapter H, Emissions Banking and Trading, Division 4, Discrete Emission Credit Banking and Trading, Section 101.379; and corresponding revisions to the state implementation plan. The adopted rulemaking will amend section 101.379 and the definition of emergency situation in section 117.10 to reference the version of the Electric Reliability Council of Texas, Inc. (ERCOT) nodal protocols effective June 1, 2012. The adopted rulemaking will also amend the definition of emergency situation in section 117.10 to reflect changes made by ERCOT to promote reliability during energy emergencies by allowing the operation of generators for the purpose of selling power back to the electric grid under limited circumstances. The proposed rules were published in the November 2, 2012 issue of the *Texas Register* (37 TexReg 8718 and 37 TexReg 8722). (Lindley Anderson, Alexis Lorick) (Rule Project No. 2012-025-117-AI)

Adopt the amendments to 30 TAC Sections 117.10 and 101.379 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/TB; all agree.

EXECUTIVE MEETING

Item 58 **Docket No. 2013-0001-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 59 **Docket No. 2013-0002-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 60 **Docket No. 2013-0003-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 SIX (6) 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/ Greg Merrell
Assistant General Counsel
Greg Merrell

4/30/2013
Date