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Chairman H.S. Buddy Garcia  
Commissioner Larry R. Soward  
Commissioner Bryan W. Shaw, Ph.D.      Wednesday, May 6, 2009

## AGENDA

### 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. 2007-0741-PST-E; SOAH Docket No. 582-08-1691](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Gwen Gordan and Wanda Percy dba Holliday Cafe in Lamar County, Texas**; TCEQ ID No. RN101784247; Petroleum Storage Tank Facility ID No. 40402; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code ch. 334 and Tex. Water Code ch. 7. The Commission will also consider timely filed exceptions and replies. (Barham A. Richard)

Adopt the ALJ's proposed Order with the following changes: 1) Modify Conclusion of Law No. 10 to read as follows "Based on consideration of the above Findings of Fact, the factors set out in Sections 1, 2, and 3 of Texas Water Code Annotated § 7.053 and the Commission's Penalty Policy a penalty is justified"; 2) Add a Conclusion of Law No. 11 to read as follows "Based on Section 4 of Texas Water Code Annotated § 7.053, other matters that justice may require, the proposed penalty amount of \$5,250.00 should be reduced to \$1,000.00"; and 3) Add an Ordering Provision assessing the Respondent a penalty of \$1,000.00, offering through the Executive Director, an opportunity to make that in installments. LS/BS; all agree.

Item 2. [TCEQ Docket No. 2007-0609-PST-E; SOAH Docket No. 582-08-1485](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Mustafa Nadaf dba Discount Mini Mart in Tarrant County, Texas**; TCEQ ID No. RN102650330; Petroleum Storage Tank Facility ID No. 26337; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code ch. 334 and Tex. Water Code chs. 7 and 26. The Commission will also consider timely filed exceptions and replies. (Kari Gilbreth)

Adopt the ALJ's Proposal for Decision and Order as revised to include the three suggested modifications recommended by the Executive Director in his letter dated November 10, 2008; and as revised, refer to the Ordering Provision No. 2 rather than 2.a. in Ordering Provision No. 3 on page six of the Order. BS/LS; all agree.

Item 3. [TCEQ Docket No. 2007-0766-DIS-E; SOAH Docket No. 582-09-0132](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order dissolving and requiring certain actions of **Salt Fork Underground Water Conservation District in Kent County, Texas**; TCEQ ID No. RN101231082; Groundwater Conservation District Registration No. 7406500; regarding water district violations pursuant to 30 Tex. Admin. Code ch. 293 and Tex. Water Code ch. 7. The Commission will also consider timely filed exceptions and replies. (Jim Sallans)

1) Adopt the Executive Director's proposed Order which incorporates the Executive Director's Exceptions into the ALJ's proposed Order; 2) Amend Ordering Provision No. 7 to read "As required by Texas Water Code § 36.308, the Commission's Chief Clerk shall forward a certified copy of this Order to the Respondent and the Executive Director shall file a certified copy of the Order with the Secretary of State and in the deed records of the county or counties in which the District is located"; 3) Amend Conclusion of Law No. 12 to read "In Accordance with Texas Water Code § 36.303, the appropriate remedy is a dissolution of the District for alleged violations under 30 Tex. Admin. Code § 293.20(d) and § 293.22(a)(5)". BS/LS; all agree.

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

Item 4. [Docket No. 2009-0012-MWD](#). Consideration of the application by **City of Dripping Springs** for a new permit, proposed Permit No. WQ0014488002, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day via public access subsurface drip irrigation system with a minimum area of 57.39 acres. The wastewater treatment facility and disposal site will be located within the Scenic Greens development, located approximately 4.4 miles west of Dripping Springs along U.S. Highway 290 in **Hays County, Texas**. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (John Williams, Julian Centeno, Jr.)

Grant the hearing request of Save Our Springs Alliance; refer the following issues to SOAH for a contested case hearing: a) Is it necessary to establish the direction of groundwater flow before issuing the permit; b) Will there be nuisance odors from the facility; c) Will water wells in the Trinity Aquifer be vulnerable to pollution; d) Whether the proposed runoff from the proposed irrigation fields could negatively impact water quality; e) Whether the location and design of the irrigation fields and the proposed application rate are adequate to prevent runoff; and f) Whether loadings of nitrogen, phosphorus, sediment, and toxic chemicals will cause too great a risk of contamination of creeks and aquifers, to the detriment of human health and the vitality of the aquatic organisms living in the creeks, aquifers, and nearby critical environmental features; set a hearing duration of six months from the preliminary hearing to issuance of the Proposal for Decision; refer the matter to ADR; direct the Executive Director to participate as a party at the hearing; and deny the Request for Reconsideration of Save Our Springs Alliance. BS/LS; all agree.

- Item 5. [Docket No. 2008-1936-MWD](#). Consideration of the application by **Forestar (USA) Real Estate Group, Inc.** for a new permit, proposed TCEQ Permit No. WQ0014824001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 125,000 gallons per day via public access subsurface drip irrigation system with a minimum area of 29 acres. The wastewater treatment facility and disposal site will be located at 2303 West Highway 290, Dripping Springs, in **Hays County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Christian Siano, David Akoma)

Deny all hearing requests; issue the permit in the form of the Executive Director's draft permit; and adopt the Executive Director's Response to Comments. BS/LS; all agree.

### **PETITION TO REVOKE**

- Item 6. [Docket No. 2007-0652-MWD](#). Consideration of a Petition to Revoke TCEQ Water Quality Permit Number WQ0010385002 issued to the **City of Bellville**, filed by Eric Allmon on behalf of Ms. Yulanda Turner. The facility is located at 307 W. Hickory, approximately 4500 feet southwest of the Austin County Courthouse and approximately 1 mile south-southwest of the intersection of State Highway 36 and State Highway 159 with Farm-to-Market Road 1456 in the City of Bellville in **Austin County**, Texas. The Commission will also consider related responses and replies to the Petition to Revoke. (John Williams, Firoj Vahora)

Dismiss the Petition based on a lack of prosecution. LS/BS; all agree.

### **MISCELLANEOUS MATTERS**

- Item 7. [TCEQ Docket No. 2008-1377-UCR](#). Consideration of a request for a Commission order approving a contract designating service areas between the **Agua Special Utility District** ("Agua SUD"), formerly known as La Joya Water Supply Corporation, sewer certificate of convenience and necessity ("CCN") No. 20785, and the **City of Penitas** ("City"), sewer CCN No. 20794, in **Hidalgo County**, Texas, pursuant to section 13.248 of the Texas Water Code. Currently, Agua SUD and the City are dually certificated to an area that totals approximately 4,098 acres. Under the Agreement, Agua SUD will transfer the approximately 4,098 acres of its dually certificated sewer CCN area to the City's sewer CCN No. 20794 and the City will be the sole retail sewer service provider to the area. No customers or facilities are proposed to be transferred. (James Aldredge, Lisa Fuentes)

Approve the contract between the Agua SUD and the City of Penitas under Texas Water Code § 13.248 which will result in the decertification of Agua SUD's portion of the dually certified 4,098 acre sewer service area and allow Penitas to become singly certified of the area; issue the Executive Director's proposed Order, the Executive Director's CCN map, and amended certificates; modify the last sentence of the Order to identify "Agua Special Utility District, formerly known as La Joya Water Supply Corporation"; and correct the name reference from "Mustang SUD" to "Agua SUD". LS/BS; all agree.

- Item 8. [Docket No. 2008-1778-DIS](#). Consideration of a petition from the Directors of the **Northeast Medina County Water Control and Improvement District No. 1** ("District") for the dissolution of the District pursuant to the Texas Water Code, Chapter 49, Subchapter K; Texas Water Code, Chapter 51; and Title 30 of the Texas Administrative Code, Sections 293.131 to 293.136. The

District encompasses approximately 1,454.736 acres of land in **Medina County**, Texas. (Beatriz Flores, Ruth Takeda)

Adopt the Executive Director's revised proposed Order granting the dissolution of Northeast Medina County Water Control and Improvement District No. 1. BS/LS; all agree.

### **AGRICULTURAL ENFORCEMENT AGREED ORDER**

Item 9. [Docket No. 2008-0854-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **George Ted Devries dba Devries Dairy in Erath County**; RN100802917; 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, P.E., Cari-Michel La Caille)

Item remanded to the Executive Director.

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

Item 10. [Docket No. 2007-1876-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lucite International, Inc. in Jefferson County**; TCEQ ID No. RN102736089; 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 Tex. Admin. Code ch. 60. (Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

Item 11. [Docket No. 2008-1636-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. (Terry Murphy, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 12. [Docket No. 2008-1464-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Load Trail, Ltd. in Lamar County**; RN101462570; 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. (Terry Murphy, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 13. [Docket No. 2008-0971-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **E. I. du Pont de Nemours and Company in Orange County**; RN100542711; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 14. [Docket No. 2008-1957-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ingram Concrete, LLC** in **Parker County**; RN100805613; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 15. [Docket No. 2008-1670-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **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. (Rebecca Johnson, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 16. [Docket No. 2008-1173-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **TOTAL PETROCHEMICALS USA, INC.** in **Harris County**; RN100212109; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 17. [Docket No. 2008-1570-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Flat Rock Minerals, LLC** in **Upshur County**; RN105497176; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 18. [Docket No. 2008-0062-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Solutia Inc.** in **Brazoria County**; RN100238682; 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 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

#### **DRY CLEANER ENFORCEMENT AGREED ORDER**

- Item 19. [Docket No. 2008-1367-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **REHMANIA CLEANERS, L.L.C. dba Premier Cleaners** in **Harris County**; RN100560523; for dry cleaner registration violations pursuant to Tex. Health & Safety

Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Michael Graham, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

#### **DRY CLEANER ENFORCEMENT DEFAULT ORDERS**

Item 20. [Docket No. 2008-1264-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Webera, Inc. dba Max Dry Clean Superstore in Dallas County**; TCEQ ID No. RN104992847; for dry cleaner registration violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Tammy L. Mitchell, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

Item 21. [Docket No. 2008-1805-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain action of **Rodrigo Salas dba Sams Cleaners in Dallas County**; TCEQ ID No. RN104987888; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Tommy Tucker Henson II, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

Item 22. [Docket No. 2007-2031-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Karl Tatsch dba Hill Country Cleaners & Laundry and dba Hill Country Cleaners in Llano County**; TCEQ ID Nos. RN104089891 and RN103958807; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, 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. BS/LS; all agree.

Item 23. [Docket No. 2008-1130-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Hong Nguyen dba Lee Dry Cleaners III in Harris County**; TCEQ ID No. RN104096680; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Rebecca M. Combs, Lena Roberts)

Remanded to the Executive Director. BS/LS; all agree.

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

Item 24. [Docket No. 2008-1949-EAO-E](#). Consideration of an Agreed Order assessing administrative penalties against **Pavilion Assisted Living, LLC in Travis County**; RN105635460; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 25. [Docket No. 2009-0042-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Luna Creek, Ltd.** in **Williamson County**; RN105633044; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 26. [Docket No. 2008-1928-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **United States Postal Service** in **Williamson County**; RN105660054; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (J. Craig Fleming, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

#### **FIELD CITATIONS**

- Item 27. [Docket No. 2008-1843-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Francisco J. Vasquez** in **Crockett County**; RN104912860; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

- Item 28. [Docket No. 2008-1846-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Lamb County Hospital dba Lamb Healthcare Center** in **Lamb County**; RN101839488; 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. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

- Item 29. [Docket No. 2008-1963-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Maximino Acuna III** in **San Patricio County**; RN103454641; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

- Item 30. [Docket No. 2008-1961-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Thomas V. Rodriquez** in **Haskell County**; RN103414322; for occupational licensing violations pursuant to Tex. Health & Safety Code ch.

341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

Item 31. [Docket No. 2008-1864-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Red River Redevelopment Authority in Bowie County**; RN101274231; 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. (Melissa Keller, Cari-Michel La Caille)

Approve the Field Citation. BS/LS; all agree.

Item 32. [Docket No. 2008-1965-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Allen Keller Company in Gillespie County**; RN105657522; 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. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

Item 33. [Docket No. 2008-1972-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Adrian Balderas dba AB Builders in Tom Green County**; RN105629711; 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. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

#### **INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS**

Item 34. [Docket No. 2007-1762-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Parrish Machine & Service, Inc. in Harris County**; TCEQ ID No. RN100622901; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

Item 35. [Docket No. 2008-0270-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Veolia ES Technical Solutions, L.L.C. in Jefferson County**; TCEQ ID No. RN102599719; for industrial hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.



## INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 36. [Docket No. 2008-1751-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TXI OPERATIONS, LP** in **Denton County**; RN102740073; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 37. [Docket No. 2009-0031-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Liberty Materials, Inc.** in **Montgomery County**; RN104527601; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 38. [Docket No. 2008-1836-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tyson Fresh Meats, Inc.** in **Potter County**; RN100212943; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

## LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

- Item 39. [Docket No. 2007-0393-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Evans Weaver** in **Travis County**; TCEQ ID No. RN104787213; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Rebecca M. Combs, Lena Roberts)

Item remanded to the Executive Director.

## MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 40. [Docket No. 2007-0888-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Broaddus** in **San Augustine County**; RN101720928; for water quality and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 41. [Docket No. 2009-0015-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John Yturri in Bexar County**; RN105629166; for municipal solid waste and air quality 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. (Ross Fife, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 42. [Docket No. 2005-0021-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Quest Diagnostics Clinical Laboratories, Inc. dba Quest Diagnostics in Harris County**; TCEQ ID No. RN104321369; for industrial 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 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

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

Item 43. [Docket No. 2008-1891-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Macario Hernandez in Milam County**; RN105490015; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 44. [Docket No. 2008-1638-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RJR BioEnergy, Inc. in San Patricio County**; RN102831674; for used oil violations pursuant to Tex. Health & Safety Code ch. 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Ross Fife, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

#### **MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 45. [Docket No. 2008-0828-MSW-E](#). Consideration of a Default Order assessing administrative penalties against **James Lindgren dba Tow King, Inc. in McLennan County and Limestone County**; TCEQ ID No. RN105298228; 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. (Stephanie J. Frazee, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

## MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 46. [Docket No. 2006-2239-MWD-E](#). Consideration of an Agreed Order against **Angelina County Water Control and Improvement District No. 3** in **Angelina County**; TCEQ ID No. RN102739422; for water quality violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tracy Chandler, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

- Item 47. [Docket No. 2009-0051-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Emory** in **Rains County**; RN101916203; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 48. [Docket No. 2008-1885-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bentwood Estates, Inc.** in **Harris County**; RN102079126; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 49. [Docket No. 2008-1683-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jimmie Wayne Massey** in **Matagorda County**; RN102178092; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 50. [Docket No. 2007-0970-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hamshire Community Water Supply Corporation** in **Jefferson County**; RN102335619; 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. (Pamela Campbell, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 51. [Docket No. 2008-1790-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Water Supply Corporation** in **Bastrop County**; RN102076890; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

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

Item 52. [Docket No. 2008-1837-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mendi T. Momin dba Pedernales Country Store in Travis County**; RN101509891; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 53. [Docket No. 2009-0019-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **AMBICA CORPORATION dba Pecan Food Mart in Travis County**; RN101382018; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 54. [Docket No. 2005-1795-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sarn Management Inc. dba Toor Food Mart in Liberty County**; TCEQ ID No. RN101432466; 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, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

Item 55. [Docket No. 2008-1827-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Linda Correa Garcia in Cameron County**; RN101682854; 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. (Suzanne Walrath, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 56. [Docket No. 2008-1480-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Abdulhai Momin dba Handi Plus 37 in Brazoria County**; RN102838729; 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. (Wallace Myers, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 57. [Docket No. 2008-1720-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Poly Trucking, Inc. dba Poly-Trucking in Dallas County**; RN101542710;

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. (Steven Lopez, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 58. [Docket No. 2008-0541-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alberto Perez, Sr. dba Dos Amigos Guns in Jim Wells County**; RN101773240; 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. (Jorge Ibarra, P.E., Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 59. [Docket No. 2008-1861-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Richdairy Ventures Inc dba High Five Food Store 21 in Harris County**; RN103961363; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 60. [Docket No. 2008-0820-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **CKN, Inc. dba Corner Food Mart in Caldwell County**; TCEQ ID No. RN101499762; 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 Agreed Order. BS/LS; all agree.

Item 61. [Docket No. 2008-1826-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John R. Murff in Leon County**; RN101660694; 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. (Jorge Ibarra, P.E., Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 62. [Docket No. 2008-1686-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **YASINHA INC dba Forum 303 Chevron in Dallas County**; RN102319910; 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. (Wallace Myers, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 63. [Docket No. 2008-1908-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **CPG Investments LLC and Aspri Investments, LLC dba Dill Food Mart in Bexar County**; RN102374154; 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. (Pamela Campbell, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 64. [Docket No. 2008-1681-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ASHNOOR, L.L.C. dba Kempwood 66 in Harris County**; RN101761609; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 65. [Docket No. 2008-1718-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sayed Ridi dba S R Auto Sales in Harris County**; RN102474087; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 66. [Docket No. 2008-1917-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **NRH GROUP, INC dba Park and Gas in Tarrant County**; RN101874527; 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. (Thomas Greimel, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 67. [Docket No. 2008-1911-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Berry Contracting, L.P. dba Bay LTD in Nueces County**; RN102473840; 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. (John Muennink, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 68. [Docket No. 2008-1862-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SHAKU BROTHERS INC. dba Memorial Hill Food Mart in Harris County**; RN101817740; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

## PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

- Item 69. [Docket No. 2008-1668-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Javier B. Armendariz** in **Ector County**; TCEQ ID No. RN101835726; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

- Item 70. [Docket No. 2007-1271-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Bert Brymer** in **Grayson County**; TCEQ ID No. RN101537504; 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 Default Order. BS/LS; all agree.

## PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

- Item 71. [Docket No. 2008-0061-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Dwight Price dba A1 Towing & Recovery** in **Navarro County**; TCEQ ID No. RN102060779; 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. (Barham A. Richard, Lena Roberts)

Approve the Default and Shutdown Order. BS/LS; all agree.

- Item 72. [Docket No. 2007-1761-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **NTA Enterprises, Inc. dba Lucky 7 Quick Stop** in **Navarro County**; TCEQ ID No. RN101536084; 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. (Barham A. Richard, Lena Roberts)

Approve the Default and Shutdown Order. BS/LS; all agree.

## PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 73. [Docket No. 2008-1848-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of La Ward** in **Jackson County**; RN101388825; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 74. [Docket No. 2008-1731-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cherokee Independent School District in San Saba County**; RN101279057; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 75. [Docket No. 2009-0063-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **IH 10/FIS Building, L.P. in Bexar County**; RN104394366; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 76. [Docket No. 2008-1849-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bexar Metropolitan Water District Public Facility Corporation in Bexar County**; RN101236321; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

#### **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 77. [Docket No. 2008-0638-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Randy Russell dba Oak Ridge Mobile Home Park in Brazoria County**; TCEQ ID No. RN102676277; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Stephanie J. Frazee, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

Item 78. [Docket No. 2008-0977-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Allen Watts dba Lago Vista Water System in Guadalupe County**; TCEQ ID No. RN102676350; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Peipey Tang, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

Item 79. [Docket No. 2008-0553-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Kenneth Poppe and Gloria Poppe dba Poppe's Pub & Grub in Victoria County**; TCEQ ID No. RN105452650; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca M. Combs, Lena Roberts)

Approve the Default Order. BS/LS; all agree.



## **SLUDGE ENFORCEMENT AGREED ORDER**

- Item 80. [Docket No. 2008-1682-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Frank Prado dba Prado's Backhoe Service in Kleberg County**; RN103154936; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

## **WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER**

- Item 81. [Docket No. 2008-1614-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James Hall in Limestone County**; RN105577894; for occupational licensing violations pursuant to Tex. Water Code chs. 7, 26, and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Carlie Konkol, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

## **WATER QUALITY ENFORCEMENT AGREED ORDERS**

- Item 82. [Docket No. 2008-1192-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Francisco Cornejo dba Marble Palace Company in Tarrant County**; RN105360010; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 83. [Docket No. 2008-1803-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Trinity Materials, Inc. in Coke County**; RN101923027; 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. (Michael Meyer, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 84. [Docket No. 2008-1924-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Fort Worth in Tarrant County**; RN101424687; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

## **WATER RIGHT ENFORCEMENT AGREED ORDER**

Item 85. [Docket No. 2008-1964-WR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Quicksilver Resources Inc. in Tarrant County**; RN105647614; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Evette Alvarado, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

### **RULE MATTER**

Item 86. [Docket No. 2008-1462-RUL](#). Consideration for publication of proposed amended Sections 305.45, 305.50, 305.64, 305.65, 305.66, 305.69, 305.144, 305.150, 305.172, 305.175, 305.571, 305.572 and proposes new language at Sections 305.650 through 305.661 of **30 TAC Chapter 305**, Consolidated Permits; and amended Sections 335.1, 335.2, 335.29, 335.31, 335.47, 335.69, 335.76, 335.112, 335.116, 335.118, 335.125, 335.152, 335.163, 335.164, 335.165, 335.166, 335.173, 335.175, 335.221, 335.224, 335.261, 335.431, 335.504, 335.582, 335.583, 335.584, 335.590, 335.591, 335.592, 335.593 and proposes new language at Section 335.601 and Section 335.602 of **30 TAC Chapter 335**, Industrial Solid Waste and Municipal Hazardous Waste. The proposed rulemaking would update Chapter 305 and Chapter 335 to include federal rule changes in Federal Rule Clusters XV, XVI, XVII and XVIII. The proposed rulemaking would make corrections to the K-181 hazardous waste listing and to the United States Environmental Protection Agency (EPA) manifest form amendments previously adopted; remove the requirement to use EPA SW-846 methods when conducting Resource Conservation and Recovery Act (RCRA) monitoring programs; allow for a standardized permit for treatment, storage and disposal facilities that treat or store hazardous waste in tanks, containers and containment buildings; exempt wastewater mixtures with benzene and 2-ethoxyethanol from the definition of hazardous waste; amend hazardous air pollutant standards for combustors; amend reporting requirements for the RCRA program that will reduce the paperwork burden that these requirements impose; correct administrative errors in the hazardous waste program; exclude cathode ray tubes from the definition of solid waste; amend an existing exclusion to the definition of solid waste that applies to oil-bearing hazardous secondary materials; amend the October 2005 National Emission Standards for Hazardous Air Pollutants (NESHAP) final rule to clarify several compliance and monitoring provisions; amend the F-019 listing to exempt wastewater treatment sludges from the zinc phosphating process when used in the motor vehicle manufacturing industry; and update Chapter 330 cross-references cited in Chapter 335, Subchapter T. (Cynthia Palomares, Susan White) (Rule Project No. 2008-024-335-PR)

Approve the publication and hearing on the proposed amended and new sections of 30 Tex. Admin. Code Chapters 305 and 335 as recommended by the Executive Director. BS/LS; all agree.

### **EXECUTIVE MEETING**

Item 87. **Docket No. 2009-0001-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 88. **Docket No. 2009-0002-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 89. **Docket No. 2009-0003-EXE.** The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The commission did not meet in an executive meeting.

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

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

**THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: [HTTP://WWW.TEXASADMIN.COM/cgi-bin/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)**

/s/ Anne Rowland  
Assistant General Counsel,  
Anne Rowland

06/04/2009  
Date