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Chairman H.S. Buddy Garcia OLD BUSINESS AGENDA
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, Ph.D. Wednesday, May 20, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the March 11, 2009 agenda.

- Item 1. [Docket No. 2007-1224-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Lawn in Taylor County**; TCEQ ID No. RN101406916; for public water supply and water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Sallans, Lena Roberts)

Remanded to the Executive Director.

Item continued from the April 8, 2009 agenda.

- Item 2. [Docket No. 2008-1704-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Texas District Council Assemblies of God in Ellis County**; RN101513554; 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. LS/BS; all agree.

AGENDA

Wednesday, May 20, 2009

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. 2007-1178-MWD; SOAH Docket No. 582-08-0690](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Lerin Hills, Ltd.** for Texas Pollutant Discharge Elimination System Permit No. WQ0014712001 to discharge treated wastewater effluent from a new proposed municipal wastewater facility. The proposed facility would be located approximately 4.1 miles west of Interstate Highway 10, as measured along State Highway 46 and then approximately 200 feet due west from that point on State Highway 46, in **Kendall County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies. (Kathy Humphreys, Tim Reidy)

Reverse the ALJ's recommendation to deny Lerin Hills' permit; reverse the ALJ's findings and conclusions on surface water quality, as appropriate, to indicate that the Commission has determined that the ALJ misapplied the Commission's policies and rules related to antidegradation, as set for in 30 Tex. Admin. Code Chapter 307 and the "Procedures to Implement the Texas Surface Water Quality Standards"; continue the matter to the Commission's June 26, 2009 agenda; request that the Applicant modify the ALJ's proposed Order to reflect the Commission's decision on antidegradation in accordance with 30 Tex. Admin. Code § 10.5, including incorporation of the ALJ's recommended new Finding of Facts Nos. 45 and 46 and new Conclusion of Law No. 6 from her April 21, 2009 letter; and direct the Applicant to file the modified Order with the Chief Clerk and serve copies on the parties and ALJ in this matter by no later than 5:00 P.M. on Monday, June 15, 2009. BS/BG; LS opposed.

- Item 2. [TCEQ Docket No. 2005-2000-PST-E; SOAH Docket No. 582-08-3218](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Asad Ali Corporation dba Sunrise Food Mart** in **Bexar County**, Texas; Petroleum Storage Tank Facility ID No. 5933; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code § 334 and Tex. Water Code chs. 5, 7, and 26. The Commission will also consider timely filed exceptions and replies. (Barham Richard)

Adopt the Proposal for Decision and the ALJ's Order with the substitution of the "TCEQ Docket No. 2005-2000-PST-E" for "TCEQ Account No. 052258U" in Ordering Provision No. 2 on Page 8 and the substitution of "1 Tex. Admin. Code § 155.501" for "1 Tex. Admin. Code § 155.55" in Conclusion of Law 9.a. on Page 6; add a new Conclusion of Law No. 15 on Page 7 of the ALJ's Default Order, which provides "Pursuant to 30 Tex. Admin. Code § 334.8(c)(6), the Commission has authority to revoke Respondent's UST delivery certificate if the Commission finds that good cause exists"; add a new Conclusion of Law No. 16, also on Page 7, which provides "Good cause for revocation of Respondent's UST delivery

certificate exists as shown by the above Findings of Fact and Conclusions of Law, including Findings of Fact Nos. 2, 3, and 17"; renumber the existing Ordering Provisions 5 - 9 on Pages 9 and 10 of the ALJ's Order as Ordering Provisions 6 - 10; add new Ordering Provision 5 on Page 9, which provides "Respondent's UST delivery certificate is revoked immediately upon the effective date of this Order and within 10 days after the effective date of this Order, Respondent shall send its UST delivery certificate to the Order Compliance Team, Enforcement Division, MC 149A, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. Respondent may submit an application for a new delivery certificate only after Respondent has complied with all of the other requirements of this Order." BS/LS; all agree.

Item 3. [TCEQ Docket No. 2004-0694-PST-E; SOAH Docket No. 582-08-3469](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **M.V.K., Inc. dba EZ Express 1** in **McLennan County**, Texas; Petroleum Storage Tank Facility ID No. 18896; 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, replies, and public comment. (Kari L. Gilbreth)

Adopt the ALJ's Proposal for Decision as revised by the changes suggested by the Executive Director and approved by the ALJ; reduce the fine to \$1,000.00; and offer the Respondent a payment plan. LS/BS; all agree.

Item 4. [TCEQ Docket No. 2008-0143-LII-E; SOAH Docket No. 582-09-2075](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Juan Gomez** in **Travis County**, Texas; TCEQ ID No. RN105388342; regarding licensed irrigator installer violations pursuant to 30 Tex. Admin. Code chs. 30 and 344, Tex. Water Code chs. 7 and 37, and Tex. Occ. Code ch. 1903. The Commission will also consider timely filed exceptions and replies. (Barham A. Richard)

Adopt the ALJ's Proposal for Decision and proposed Order. BS/LS; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 5. [Docket No. 2009-0363-MWD](#). Consideration of the application by **Fannett Sewer Service and Water Supply Corporation** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014867001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 120,000 gallons per day. The wastewater treatment facility will be located 5,890 feet south of the intersection of Highway 365 and Gualding Road in **Jefferson 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. (Robert Brush, Michael Redda)

Remanded to the Executive Director.

Item 6. [Docket No. 2009-0408-AIR](#). Consideration of an application by **Potter Ready Mix, LLC** for a Standard Permit for Concrete Batch Plants to authorize the construction of a temporary concrete batch plant facility. The proposed facility is located on the north side of SR 114 west of North Kimball Avenue and east of North Carroll Avenue, Southlake, **Tarrant 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. (Shelley Stratmann, Amy Browning)

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

DISTRICT MATTER

Item 7. [Docket No. 2008-1461-DIS](#). Consideration of a application from the Board of Supervisors of the **Fort Bend County Fresh Water Supply District No. 2** ("District") for the conversion of the District from a fresh water supply district to a municipal utility district pursuant to the Texas Water Code, Chapters 49 and 54, and Title 30, Section 293.15 of the Texas Administrative Code. The District is comprised of two non-contiguous tracts and encompasses approximately 2,125 acres of land in **Fort Bend County**, Texas. (Ruben Soto, Jr., Douglas Brown)

Grant the conversion request; adopt the Executive Director's proposed Order but add the following new Finding of Fact No. 7 "The Commission, after having considered the application and the Executive Director's memorandum attached as Exhibit A, finds that the conversion of the District into a Municipal Utility District will serve the best interest of the District and will be of benefit to the land and property within its boundaries." BS/LS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8. [Docket No. 2008-1671-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Norit Americas, Inc.** in **Harrison County**; RN102609724; 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. LS/BS; all agree.

Item 9. [Docket No. 2008-1043-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Premcor Refining Group Inc.** in **Jefferson County**; RN102584026; 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. (J. Craig Fleming, Bryan Sinclair)

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

Item 10. [Docket No. 2008-1135-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Convenience Stores, LLC** in **El Paso County**; RN102056835, RN102390028, and RN101695088; 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. (Cheryl Thompson, Bryan Sinclair)

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

Item 11. [Docket No. 2008-1773-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. (Rebecca Johnson, Cari-Michel La Caille)

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

Item 12. [Docket No. 2008-0738-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Diamond Shamrock Refining Company, L.P.** in **Moore County**; RN100210517; 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. LS/BS; all agree.

Item 13. [Docket No. 2008-1054-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bobby Johnson dba Blastmasters** in **Gregg County**; RN104916424; 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. (Suzanne Walrath, Cari-Michel La Caille)

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

Item 14. [Docket No. 2009-0103-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RESCAR, INC.** in **Orange County**; RN100234681; 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. (Thomas Greimel, Cari-Michel La Caille)

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

Item 15. [Docket No. 2009-0134-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bluff Manufacturing, Inc.** in **Tarrant County**; RN105491757; 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, Cari-Michel La Caille)

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

Item 16. [Docket No. 2008-1637-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eagle Rock Field Services, L.P.** in **Roberts County**; RN102546785; 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, Cari-Michel La Caille)

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

Item 17. [Docket No. 2008-0843-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. (Rebecca Johnson, Cari-Michel La Caille)

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

Item 18. [Docket No. 2008-1619-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Maximus Coffee Group, LP in Harris County**; RN100214931; 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. (Ross Fife, Cari-Michel La Caille)

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

Item 19. [Docket No. 2008-1937-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **OBBCO Ranch Corporation in Ector County**; RN105419279; 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, Cari-Michel La Caille)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDER

Item 20. [Docket No. 2006-1355-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Tam Phuong Corporation dba AB Cleaners in Harris County**; TCEQ ID No. RN104065958; 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. (Rudy Calderon, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 21. [Docket No. 2008-1948-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Thomas Enterprises, Inc. in Bexar County**; RN105618482; 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. (Lanae Foard, Cari-Michel La Caille)

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

Item 22. [Docket No. 2009-0023-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Leander Independent School District in Williamson County**; RN102732377; 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. (Samuel Short, Cari-Michel La Caille)

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

FIELD CITATIONS

Item 23. [Docket No. 2009-0245-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Sid Wright in Hill County**; RN105648646; 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, Cari-Michel La Caille)

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

Item 24. [Docket No. 2008-1960-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **John D. Walden, Jr. in Jack County**; RN103516266; 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. LS/BS; all agree.

Item 25. [Docket No. 2008-1962-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Brazier Construction, Inc. in Jack County**; RN105644439; 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. LS/BS; all agree.

Item 26. [Docket No. 2009-0240-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **City of Waco in McLennan County**; RN105207575; 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. LS/BS; all agree.

Item 27. [Docket No. 2009-0113-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Rick Sage dba RCS Auto Recyclers in Smith County**; RN103208633; 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. LS/BS; all agree.

Item 28. [Docket No. 2009-0040-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Parkway Construction & Associates L.P. in Denton County**; RN105464630; 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. LS/BS; all agree.

Item 29. [Docket No. 2009-0057-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **THE ROSEBUD DEVELOPMENT LTD in Ellis County**; RN105659213; 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. LS/BS; all agree.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 30. [Docket No. 2007-0654-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Republic Waste Services of Texas, Ltd. in Ellis County**; TCEQ ID No. RN100218031; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 31. [Docket No. 2009-0142-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas A&M University in Brazos County**; RN102182086; 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, Cari-Michel La Caille)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 32. [Docket No. 2008-1942-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lake Whitney Resorts, LLC in Hill County**; RN105215651; for water rights and public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Cari-Michel La Caille)

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

Item 33. [Docket No. 2008-0972-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Petrus Adrianus Boekhorst dba Petal Dairy** in **Hopkins County**; RN101716298; 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. (Merrilee Hupp, Bryan Sinclair)

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

Item 34. [Docket No. 2009-0212-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DJL Ventures, Inc. and Bulverde-Spring Branch EMS** in **Comal County**; RN105674766; for Edwards Aquifer and 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, Cari-Michel La Caille)

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

Item 35. [Docket No. 2007-1989-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jose Ibarra** in **Cameron County**; TCEQ ID No. RN105338818; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Dinniah M. Chahin, Lena Roberts)

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

Item 36. [Docket No. 2008-1968-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Amherst** in **Lamb County**; RN105649115; 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. (Michael Graham, Cari-Michel La Caille)

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

Item 37. [Docket No. 2008-1955-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Brian Paul Boehning dba Boehning Dairy** in **Lamb County**; RN103991758; for water quality and industrial and 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 Texas Administrative Code ch. 60. (Evette Alvarado, Cari-Michel La Caille)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 38. [Docket No. 2007-0941-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Pencco, Inc.** in **San Patricio County**; TCEQ ID No. RN101629970; for

municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 371, 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. LS/BS; all agree.

Item 39. [Docket No. 2008-0231-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ernesto Siller in Cameron County**; TCEQ ID No. RN105194641; 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. (Lena Roberts)

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

Item 40. [Docket No. 2008-0313-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trash Solutions L.L.C. dba Wasted in Travis County**; TCEQ ID No. RN100569607; 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. (Benjamin O. Thompson, Lena Roberts)

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

Item 41. [Docket No. 2009-0009-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alfred Sapp in Leon County**; RN105516959; 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. (Ross Fife, Cari-Michel La Caille)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 42. [Docket No. 2008-0646-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jesus Garcia in Jim Wells County**; TCEQ ID No. RN104688874; 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. (Jennifer Cook, Lena Roberts)

Remanded to the Executive Director.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 43. [Docket No. 2008-1871-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Houston in Harris County**; RN101702405; 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. LS/BS; all agree.

- Item 44. [Docket No. 2008-1930-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Bardwell in Ellis County**; RN101721199; 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. LS/BS; all agree.

- Item 45. [Docket No. 2008-1741-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hackberry in Denton County**; RN102077054; 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. LS/BS; all agree.

- Item 46. [Docket No. 2008-1294-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Aqua Utilities, Inc. dba Aqua Texas, Inc. in Orange County**; RN101524767; 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, Cari-Michel La Caille)

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

- Item 47. [Docket No. 2009-0036-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sonterra Development LLC of Jarrell, Texas in Williamson County**; RN104474465; 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. LS/BS; all agree.

- Item 48. [Docket No. 2008-1486-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kerens in Navarro County**; RN101919553; 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. (Craig Fleming, Cari-Michel La Caille)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

- Item 49. [Docket No. 2009-0187-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **O'DONNELL OIL & BUTANE COMPANY, INC. dba Borden County Key Pumps in Borden County**; RN101879286; 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 Lopez, Cari-Michel La Caille)

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

Item 50. [Docket No. 2007-2010-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Addison Enterprises, Inc. dba Atwell 66** in **Harris County**; TCEQ ID No. RN102411766; 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. (Anna M. Cox, Lena Roberts)

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

Item 51. [Docket No. 2009-0061-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **S.W.G., Limited Partnership dba Jonestown Liberty Mart** in **Travis County**; RN101492908; 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, Cari-Michel La Caille)

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

Item 52. [Docket No. 2008-1730-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **PRO MOBIL, INC. dba Pro Mobil** in **Dallas County**; RN100617943; 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. LS/BS; all agree.

Item 53. [Docket No. 2008-0814-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Juan G. Rodriguez dba El Ranchito Convenience Store** in **Cameron County**; RN102347788; 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. LS/BS; all agree.

Item 54. [Docket No. 2009-0157-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RACETRAC PETROLEUM, INC. dba Raceway 6774** in **Harris County**; RN102222635; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, 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. LS/BS; all agree.

Item 55. [Docket No. 2008-1780-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **E-Z STAR INC. dba EZ Trip Food Stores 05** in **Dallas County**; RN102454345; 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. (Mike Pace, Cari-Michel La Caille)

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

Item 56. [Docket No. 2009-0144-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **FONDREN ADP, LTD. dba Fondren Mobil** in **Harris County**; RN100527142; 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. (Brianna Carlson, Cari-Michel La Caille)

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

Item 57. [Docket No. 2008-1802-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **HRH Investments, LP dba John T White Shell** in **Tarrant County**; RN101904407; 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. (Mike Pace, Cari-Michel La Caille)

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

Item 58. [Docket No. 2008-1971-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Corpus Christi** in **Nueces County**; RN100711415; 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. (Harvey Wilson, Cari-Michel La Caille)

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

Item 59. [Docket No. 2007-1871-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vinklarek Underground Utilities Co.** in **Travis County**; TCEQ ID No. RN101493740; 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. (Benjamin O. Thompson, Lena Roberts)

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

Item 60. [Docket No. 2007-1513-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bhayani Investment, Inc. dba Mickey's Pit Stop** in **McLennan County**; TCEQ ID No. RN101674778; 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 Combs, Lena Roberts)

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

- Item 61. [Docket No. 2009-0025-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Victron Stores, L.P. dba Tiger Mart 61 in Tarrant County**; RN105482251; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Cari-Michel La Caille)

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

- Item 62. [Docket No. 2009-0029-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **VALET ENTERPRISES, INC. dba Olmos Mart in Bexar County**; RN102251394; 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. (Wallace Myers, Cari-Michel La Caille)

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

- Item 63. [Docket No. 2006-1855-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oscar Food Corp. dba Circle A Store in Harris County**; TCEQ ID No. RN102409034; 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. (Rebecca M. Combs, Lena Roberts)

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

- Item 64. [Docket No. 2009-0138-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Horizon Retail LLC dba MJ's All Season Food Store in Harris County**; RN104813092; 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. (Rajesh Acharya, Cari-Michel La Caille)

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

- Item 65. [Docket No. 2008-1795-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **CAHILL INVESTMENTS, INC. dba Resler Chevron in El Paso County**; RN100823830; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Cari-Michel La Caille)

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

- Item 66. [Docket No. 2007-1793-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hien Huynh dba Quick Food Store 9 in Harris County**; TCEQ ID No. RN101791770; 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. (Anna M. Cox, Lena Roberts)

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

Item 67. [Docket No. 2005-1557-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nisar Ahmad dba C-Store in Tarrant County**; TCEQ ID No. RN101539716; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 68. [Docket No. 2009-0046-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HILLSIDE GROCERY, INC. dba Hillside Grocery in Travis County**; RN101495232; 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. LS/BS; all agree.

Item 69. [Docket No. 2009-0037-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Michael D. Rose dba Freeway Chevron in Hudspeth County**; RN101657815; 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. LS/BS; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 70. [Docket No. 2007-0810-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Raul R. Martinez in Tarrant County**; TCEQ ID No. RN101534147; 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. (Tommy Tucker Henson II, Lena Roberts)

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

Item 71. [Docket No. 2008-0280-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Huong Tran in Jefferson County**; TCEQ ID No. RN101906188; 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. (Benjamin O. Thompson, Lena Roberts)

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

Item 72. [Docket No. 2007-2009-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Wafia Hanif dba Tigerland Express 1 f/k/a Wafia Hanif dba Super Stop Texaco** in **Rains County**; TCEQ ID No. RN104661384; 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 Default Order. LS/BS; all agree.

Reconsider the approval of the Default Order. LS/BS; all agree.

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 73. [Docket No. 2008-1005-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Reddy-Gator, Inc. and Swati Holding, Company dba Gator Stop 3** in **McLennan County**; TCEQ ID No. RN101663771; 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. (Stephanie J. Frazee, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 74. [Docket No. 2007-0302-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Swenson Water Supply Corporation** in **Stonewall County**; TCEQ ID No. RN101278083; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Lena Roberts)

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

Item 75. [Docket No. 2008-1923-PWS-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 public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Cari-Michel La Caille)

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

Item 76. [Docket No. 2008-1784-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Marlow Water Supply Corporation** in **Milam County**; RN101198000; 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. LS/BS; all agree.

Item 77. [Docket No. 2007-1089-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Edgewood in Van Zandt County**; TCEQ ID No. RN101404887; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Gary K. Shiu, Lena Roberts)

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

Item 78. [Docket No. 2008-1823-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Federal Bureau of Prisons in Dallas County**; RN102043452; 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. LS/BS; all agree.

Item 79. [Docket No. 2009-0020-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against Al Leonard dba **Al Leonard Ranch in Brazos County**; RN102671278; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Keffer, Cari-Michel La Caille)

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

Item 80. [Docket No. 2008-0632-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Texarkana in Bowie County**; RN101200665; 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. LS/BS; all agree.

SLUDGE ENFORCEMENT AGREED ORDER

Item 81. [Docket No. 2008-1887-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Coast Water Authority in Galveston County**; RN102678141; 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, Cari-Michel La Caille)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 82. [Docket No. 2008-1889-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Killeen Majestic Homes, Inc. in McLennan County**; RN105623870; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Carlie Konkol, Cari-Michel La Caille)

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

- Item 83. [Docket No. 2007-1964-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **One Way Hauling, Inc.** in **Webb County**; TCEQ ID No. RN100581479; 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. (Barham Richard, Lena Roberts)

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

- Item 84. [Docket No. 2007-1751-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Laredo** in **Webb County**; TCEQ ID No. RN103026043; 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. LS/BS; all agree.

RULE MATTER

- Item 85. [Docket No. 2009-0337-RUL](#). Consideration for publication of, and hearing on, a proposed amendment to Section 309.3 of **30 TAC Chapter 309**, Domestic Wastewater Effluent Limitations and Plant Siting; proposed amendment to Section 319.9 of **30 TAC Chapter 319**, General Regulations Incorporated into Permits; proposed repeal of Section 319.9 of **30 TAC Chapter 319**, General Regulations Incorporated into Permits; and proposed amendment to Section 210.33 of **30 TAC Chapter 210**, Use of Reclaimed Water. The proposed rulemaking would add bacteria limits to Texas Pollutant Discharge Elimination System domestic permits, specify the bacteria, set the frequency for testing, and allow flexibility for other bacteria testing. (Sherry Smith, Michael Parr) (Rule Project No. 2009-005-309-PR)

Approve the publication of, and hearing on, proposed amendments to 30 Tex. Admin. Code Chapters 210, 309, and 319, regarding bacteria effluent limitations and monitoring in domestic water quality permits. BS/LS; all agree.

PUBLIC COMMENT SESSION

- Item 86. The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.

No action taken.

EXECUTIVE MEETING

- Item 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/tmrcc.cgi](http://www.texasadmin.com/cgi-bin/tmrcc.cgi)

/s/ Shannon Strong
Assistant General Counsel,
Shannon Strong

06/04/2009
Date