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

Chairman Bryan W. Shaw, Ph.D.      OLD BUSINESS AGENDA  
Commissioner H.S. Buddy Garcia  
Commissioner Carlos Rubinstein      Wednesday, September 23, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the August 12, 2009 and August 26, 2009 agendas.

Item 1. [Docket No. 2008-1743-DIS](#). Consideration of an application from the Board of Directors of the **Comal County Water Control and Improvement District No. 1 ("District")** for the conversion of the District to a Municipal Utility District; for the acquisition of road powers; and to change the name of the District, pursuant to the Texas Water Code, Chapters 49 and 54, and Title 30, Sections 293.15, 293.102, and 293.201 - 293.202 of the Texas Administrative Code. The District is comprised of approximately 767.32 acres of land, save and except three tracts totaling 19.08 acres for a net total of 748.24 acres in **Comal County**, Texas. (Ruth Takeda, Ruben Soto, Jr.)

Grant the District's request for a MUD conversion, the acquisition of road powers, and the name change and adopt the Executive Director's revised Order. CR/BG; all agree.

## AGENDA

Wednesday, September 23, 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. 2008-0293-AIR; SOAH Docket No. 582-09-0651](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Flint Hills Resources, LP** for an amendment to Flexible Permit Nos. 8803A and PSD-TX-413M8 for the West Refinery. Pursuant to the Texas Clean Air Act in Chapter 382 of the Texas Health and Safety Code, and the rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 116, the applicant seeks to incorporate four existing standard permit authorizations and one existing permit by rule registration into the existing Flexible Permit. The applicant also seeks reauthorization of existing ammonia emissions and voidance of the corresponding standard permit. The West Refinery is located at 2825 Suntide Road, Corpus Christi, in **Nueces 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. (Erin Selvera)

Adopt the ALJ's proposed Order granting Flint Hills Resources' permit amendment and instruct the General Counsel to make the following changes: 1) Modify Finding of Fact No. 19 to read "Flint Hills Resources objected to the admission of a fourth party, Citizens for Environmental Justice (CFEJ)"; 2) Revise Ordering Provision No. 1 to reflect the correct permit number; and 3) Revise the second sentence of Ordering Provision No. 4 to read "Also, in accordance with Section 50.117, the Commission issues this Order and the attached Exhibit A, the Executive Director's Draft Permit, as its single decision on the permit amendment application"; and adopt the Executive Director's Response to Comments pursuant to 30 TAC § 50.117. BG/CR; all agree.

- Item 2. [TCEQ Docket No. 2008-0232-PST-E; SOAH Docket No. 582-09-1255](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **NIDA, INC. dba Lawndale Chevron** in **Harris County**, Texas; Petroleum Storage Tank Facility ID No. 29294; RN102788882; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code Chapter 37 and Tex. Water Code Chapters 7 and 26. The Commission will also consider timely filed exceptions and replies. (Anna Treadwell)

Adopt the ALJ's proposed Order assessing an administrative penalty of \$4,224.00. CR/BG; all agree.

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

- Item 3. [Docket No. 2009-0681-SLG](#). Consideration of the application by **Synagro of Texas-CDR, Inc.** for a renewal of TCEQ Permit No. WQ0004451000, which authorizes the land application of

wastewater treatment plant sewage sludge for beneficial use on 242.71 acres. The draft permit reduces the land application area to 185.27 acres. This permit does not authorize a discharge of pollutants into waters in the State. The land application site is located near the City of Chesterville, approximately 900 feet west of the intersection of Farm-to-Market Road 2764 and Farm-to-Market Road 1093 in **Colorado 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. (Robin Smith, Bijaya R. Chalise)

Deny the hearing request filed by John J. Schmidt; issue the Executive Director's proposed permit; and adopt the Executive Director's Response to Comments. BG/CR; all agree.

Item 4. [Docket No. 2009-0101-WR](#). Consideration of the application of the **City of San Angelo** to amend Certificate of Adjudication No. 14-1348 to add a downstream diversion point on the Concho River, **Tom Green County** (currently authorized in COA No. 14-1357). Applicant owns a portion of Certificate of Adjudication (COA) No. 14-1348 which authorizes diversion and use of not to exceed 135 acre-feet of water per year from two diversion points on the Concho River, tributary of the Colorado River, Colorado River Basin, at a combined diversion rate of 3.33 cfs (1,500 gpm) for agricultural (irrigation) purposes in Tom Green County. Applicant does not seek to increase the combined maximum diversion rate. Applicant is also authorized a 1/3 interest in maintaining a dam and reservoir impounding 55 acre-feet of water on the Concho River with a time priority of March 31, 1911. The Commission will consider hearing requests, responses to the requests, and replies. (Craig Mikes, Robin Smith)

Find Charles Book's March 28, 2008 letter is not a valid request for hearing under 30 TAC Chapter 55 Subchapter G and issue the amended Certificate of Adjudication No. 14-1348B. CR/BG; all agree.

Item 5. [Docket No. 2009-0679-AIR](#). Consideration of application by **Genesis Quality Aggregates, Ltd.** for New Air Quality Permit 84019L001 to authorize the construction of a rock crushing facility. The proposed plant site is located at 8035 N. US Highway 277, in Eagle Pass, **Maverick 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)

Grant the hearing requests filed by Terri and Arueliano Contreras, Douglas and Maria Frazier, Alejandro Gonzalez, Rosalinda (Linda) Lehman, Maria Monreal, Mario and Marina Salazar, and Rita and Bob Williams; refer the matter to SOAH with a concurrent referral to the ADR program on the following issues: 1) Whether the facility will have an adverse impact on air quality; 2) Whether adverse health impacts are expected on the elderly, children, and the public; 3) Whether there will be an adverse impact on animal life or vegetation; 4) Whether the rock crusher will cause or contribute to the following nuisance conditions: dust and odor; 5) Whether the Applicant's compliance history warrants denial of the permit; 6) a) Whether the draft permit achieves BACT for PM; b) Whether the draft permit demonstrates compliance with NAAQs for PM<sub>2.5</sub>; c) Whether the application or permit is deficient with regard to representation and consideration of emission sources, emission rates, and stockpile levels; d) Whether the draft permit is based on correct usage of emission factors; e) Whether the draft permit conditions as written are enforceable; and f) Whether the recordkeeping provisions in the draft permit are adequate to ensure compliance; 7) Whether the draft permit includes appropriate opacity limits; 8) Whether the application includes and accurately reflects the required information; 9) Whether proper public notice of the

application was provided by the Applicant; and 10) Whether the Applicant's modeling is sufficient; set the maximum duration of the hearing at nine months; and deny the Request for Reconsideration. BG/CR; all agree.

### **EMERGENCY ORDER**

- Item 6. [Docket No. 2009-1017-UCR-E](#). Consideration of whether to modify, affirm, or set aside the Emergency Order issued on August 10, 2009, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality to address the abandonment of two retail public utilities (Utilities) by **Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision in Williamson and Travis Counties**; TCEQ ID Nos. RN101250306, RN100825082, RN101282986; and CCN10320 to ensure continued operation of the Utilities, and to provide continuous and adequate service to the customers. The Emergency Order appointed Aqua Utilities, Inc. aka Aqua Texas, Inc. ("Aqua Texas") as temporary manager of the Utilities. (Dinniah C. Tadema)

Affirm the Executive Director's Emergency Order against Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision with the six minor modifications proposed by the Executive Director. CR/BG; all agree.

### **WATER RIGHTS PUBLIC NOTICE MATTERS**

- Item 7. [Docket No. 2009-0912-WR](#). Consideration of the notice required for the application of the **City of Houston** to amend its Certificate of Adjudication No. 08-4261 to add non-consumptive hydroelectric power generation as an additional authorized use. Hydroelectric power generation will only be conducted when water is released from Lake Livingston for another authorized purpose(s). Certificate of Adjudication No. 08-4261 currently authorizes the City of Houston in conjunction with the Trinity River Authority (Owner of Certificate of Adjudication No. 08-4248) to maintain an existing dam and reservoir (Lake Livingston) on the Trinity River, Trinity River Basin, and impound therein not exceed 1,750,000 acre-feet of water. Certificate of Adjudication No. 08-4261 also authorizes the City to divert and use 444,000 acre-feet of water per year from the Trinity River (Lake Livingston) for municipal purposes, and to divert and use not to exceed 458,800 acre-feet of water per year from the Trinity River (Lake Livingston) for industrial purposes. The Executive Director has prepared a memorandum recommending that no notice be required. (Steve Ramos, Robin Smith)

Find that the requested amendments to the Certificates of Adjudication do not require public notice prior to issuance. BG/CR; all agree.

- Item 8. [Docket No. 2009-0914-WR](#). Consideration of the notice required for the application by **The Trinity River Authority** to amend its Certificate of Adjudication No. 08-4248 to add hydroelectric use to their rights in Lake Livingston. Certificate of Adjudication No. 08-4248 currently authorizes the Trinity River Authority in conjunction with the City of Houston (Owner of Certificate of Adjudication No. 08-4261) to maintain an existing dam and reservoir (Lake Livingston) on the Trinity River, Trinity River Basin, and impound therein not exceed 1,750,000 acre-feet of water. Certificate of Adjudication No. 08-4248 also authorizes the Trinity River

Authority to divert and use not to exceed 351,600 acre-feet of water per year for domestic, municipal, agricultural, and industrial purposes from multiple points. The Trinity River Authority is authorized to use the water from Lake Livingston in **Trinity, Polk, San Jacinto, Liberty, Chambers, Jefferson, Galveston, Leon, Houston, Walker, Grimes, Freestone and Madison Counties** in the Trinity River Basin, the San Jacinto River Basin, the Neches River Basin and the Neches-Trinity Coastal Basin. The Executive Director has prepared a memorandum that recommends no notice is required. (Steve Ramos, Robin Smith)

Find that the requested amendments to the Certificates of Adjudication do not require public notice prior to issuance. BG/CR; all agree.

Item 9. **Docket No. 2009-0803-WR**. Consideration of the notice required for an application by **Dallas County Utility and Reclamation District** to amend its Certificate of Adjudication No. 08-2370 to raise the operating level of Lake Carolyn reservoir from 418 feet above mean sea level to 419 feet above mean sea level, and to modify a special condition stating that certificate owner cannot divert water unless the elevation of water at Frazier Dam is 407 feet above mean sea level (where the water would spill). The certificate would still require that Frazier Dam be spilling before diversions could occur. Certificate of Adjudication No. 08-2370 currently authorizes the maintenance of an existing reservoir, Lake Carolyn, and to impound therein not to exceed 2,527 acre-feet of water for recreation use and to divert and use not to exceed 1,100 acre-feet of water per year for agricultural purposes to irrigate a maximum of 460 acres of land in any area within the boundaries of the District. Diversion can be from four points on Lake Carolyn and one point on the Elm Fork Trinity River, tributary of the Trinity River, Trinity River Basin, **Dallas County**. The Executive Director has prepared a memorandum that recommends no notice is required. (Tracie Donnelly, Robin Smith)

Find that the requested amendments to the Certificates of Adjudication do not require public notice prior to issuance. BG/CR; all agree.

Item 10. **Docket No. 2009-0886-WR**. Consideration of the notice required for the **City of San Angelo's** application to amend its Certificate of Adjudication No. 14-1325 to add a new diversion point on Bell Street Reservoir located on the Concho River approximately one mile downstream of Lone Wolf Reservoir, to add agricultural purpose of use, and to add the City of San Angelo Service Area as an additional place of use for the agricultural water. Applicant also requests a bed and banks authorization to discharge the water from Lone Wolf Reservoir into the South Concho to the proposed diversion point in Bell Street Reservoir. Certificate of Adjudication No. 14-1325 currently authorizes the City of San Angelo to maintain an existing dam and reservoir (Lone Wolf Reservoir) on the South Concho River, Colorado River Basin, and impound therein not to exceed 300 acre-feet of water. San Angelo is authorized to divert and use not to exceed 1,534 acre-feet of water from two diversion points within the reservoir for municipal and industrial purposes. The Executive Director has prepared a memorandum recommending that no notice be required for the change in use and the place of use. (Craig Mikes, Robin Smith)

Find that the requested amendments to the Certificates of Adjudication do not require public notice prior to issuance. BG/CR; all agree.

**TMDL MATTER**

- Item 11. [Docket No. 2008-0220-TML](#). Consideration for approval to publish and solicit public comment on two draft TMDLs for dissolved oxygen in **Upper Oyster Creek** (Segment 1245), of the Brazos River Basin, in **Fort Bend County**. (Ron Stein, Robert Brush)

Approve publication of, and solicitation of public comment on, the two draft TMDLs for dissolved oxygen in Upper Oyster Creek (Segment 1245), of the Brazos River Basin, in Fort Bend County. CR/BG; all agree.

#### **AGRICULTURAL ENFORCEMENT AGREED ORDER**

- Item 12. [Docket No. 2009-0291-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arlene Helen Stueve and Glenn Ronald Stueve dba Stueve Gold Dairy** in **Deaf Smith County**; RN102816766; 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. CR/BG; all agree.

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

- Item 13. [Docket No. 2009-0573-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sealy Oil Mill & Feed Co.** in **Austin County**; RN105605117; 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. (Juliet Morgan, Cari-Michel La Caille)

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

- Item 14. [Docket No. 2009-0447-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Millicrete Ready-Mix, LP** in **Liberty County**; RN104744016; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Cari-Michel La Caille)

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

- Item 15. [Docket No. 2009-0217-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Harris County**; RN102212925; 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. CR/BG; all agree.

- Item 16. [Docket No. 2009-0210-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **WTG Gas Processing, L.P.** in **Howard County**; RN100211473; 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. CR/BG; all agree.

Item 17. [Docket No. 2009-0353-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rainbow Painting, L.L.C. in Orange County**; RN104858535; 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. CR/BG; all agree.

Item 18. [Docket No. 2009-0223-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chemical Lime, Ltd. in Bosque County**; RN100219856; 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. CR/BG; all agree.

Item 19. [Docket No. 2008-0837-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **CITGO Refining and Chemicals Company L.P. in Nueces County**; TCEQ ID No. RN102555166; 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. (Anna M. Treadwell, Lena Roberts)

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

Item 20. [Docket No. 2009-0464-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Unison Drilling, Inc. in Medina County**; RN105349088; 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. CR/BG; all agree.

Item 21. [Docket No. 2009-0216-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Formosa Plastics Corporation, Texas in Calhoun County**; RN100218973; 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. CR/BG; all agree.

Item 22. [Docket No. 2009-0532-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vopak Terminal Deer Park, Inc. in Harris County**;

RN100225093; 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. CR/BG; all agree.

Item 23. [Docket No. 2009-0491-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC.** in **Jefferson County**; RN102457520; for air quality violations pursuant to Tex. 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. CR/BG; all agree.

Item 24. [Docket No. 2009-0300-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. CR/BG; all agree.

Item 25. [Docket No. 2009-0357-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **JELD-WEN, Inc.** in **Hopkins County**; RN102549706; 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, P.G., Cari-Michel La Caille)

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

Item 26. [Docket No. 2009-0285-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E. I. du Pont de Nemours and Company** in **Orange County**; RN100542711; for air 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. CR/BG; all agree.

Item 27. [Docket No. 2007-1958-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **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. (Roshondra Lowe, Cari-Michel La Caille)



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

- Item 28. [Docket No. 2009-0568-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN102450756; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, Cari-Michel La Caille)

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

- Item 29. [Docket No. 2009-0340-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Citgo Refining and Chemicals Company L.P. in Nueces County**; RN100238799; 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. CR/BG; all agree.

- Item 30. [Docket No. 2009-0094-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Alumax Mill Products, Inc. in Bowie County**; RN100215250; 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. CR/BG; all agree.

#### **AIR QUALITY ENFORCEMENT DEFAULT ORDERS**

- Item 31. [Docket No. 2008-1774-AIR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Salzgitter Mannesmann Stainless Tubes USA, Inc. in Harris County**; TCEQ ID No. RN100210962; for air quality 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 Tex. Admin. Code ch. 60. (Rebecca M. Combs, Lena Roberts)

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

- Item 32. [Docket No. 2008-1883-AIR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Coastal Industrial Coatings, Incorporated in Hardin County**; TCEQ ID No. RN104924543; 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. (Jacquelyn Boutwell, Lena Roberts)

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

#### **FIELD CITATIONS**

Item 33. [Docket No. 2009-0792-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **T R Moore** in **Tyler County**; RN105705081; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Cari-Michel La Caille)

Approve the Field Citation. CR/BG; all agree.

Item 34. [Docket No. 2009-0901-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Michael Arena** in **Hardin County**; RN101967206; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code chs. 7 and 37, 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 Field Citation. CR/BG; all agree.

Item 35. [Docket No. 2009-0919-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **University Behavioral Health of El Paso, LLC** in **El Paso County**; RN101654333; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Cari-Michel La Caille)

Approve the Field Citation. CR/BG; all agree.

Item 36. [Docket No. 2009-0794-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Fred S. Williams Jr.** in **Wilbarger County**; RN105709893; 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. (Kirk Schoppe, Cari-Michel La Caille)

Approve the Field Citation. CR/BG; all agree.

Item 37. [Docket No. 2009-0828-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Jim West** in **Limestone County**; RN105116404; 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. (Kirk Schoppe, Cari-Michel La Caille)

Approve the Field Citation. CR/BG; all agree.

Item 38. [Docket No. 2009-0858-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Wilkins Contracting, Inc.** in **Smith County**; RN105708176; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Cari-Michel La Caille)

Approve the Field Citation. CR/BG; all agree.

Item 39. [Docket No. 2009-0796-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **W.W. Webber Inc.** in **Orange County**; RN104143714; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Cari-Michel La Caille)

Approve the Field Citation. CR/BG; all agree.

#### **INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 40. [Docket No. 2009-0342-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oglebay Norton Industrial Sands, Inc.** in **McCulloch County**; RN100676683; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Cari-Michel La Caille)

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

#### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 41. [Docket No. 2009-0343-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hanson Aggregates, Inc.** in **Wise County**; RN102186384; 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. CR/BG; all agree.

Item 42. [Docket No. 2009-0317-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **V&M Star, a Partnership with General and Limited Partners, LP** in **Harris County**; RN100215474; 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. CR/BG; all agree.

Item 43. [Docket No. 2009-0365-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BNSF Railway Company** in **Harris County**; RN102863537; 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. CR/BG; all agree.

#### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 44. [Docket No. 2009-0698-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ingram ReadyMix, Inc.** in **Medina County**; RN105190193; 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. (Jorge Ibarra, P.E., Cari-Michel La Caille)

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

Item 45. [Docket No. 2009-0546-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Brady** in **McCulloch County**; RN104191200 and RN101387231; for water quality and public drinking water 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 Texas Administrative Code ch. 60. (Merrilee Hupp, Cari-Michel La Caille)

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

Item 46. [Docket No. 2009-0303-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Richter-Land, LLC** in **Comal County**; RN105645634; 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. (Samuel Short, Cari-Michel La Caille)

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

#### **MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS**

Item 47. [Docket No. 2009-0106-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Phyllis Moore** in **McLennan County**; TCEQ ID No. RN105490171; for air quality and water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sharesa Y. Alexander, Lena Roberts)

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

Item 48. [Docket No. 2008-1868-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **David Parker** in **Marion County**; TCEQ ID No. RN105610273; for municipal solid waste, air quality, and water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 49. [Docket No. 2009-0842-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ryan Bullard** in **Marion County**; TCEQ ID No. RN105610273; for municipal solid waste, air quality, and water quality violations pursuant to

Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

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

Item 50. [Docket No. 2008-1227-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eggemeyer Land Clearing, LLC** in **Bexar County**; TCEQ ID No. RN105584809; 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. (Xavier Guerra, Lena Roberts)

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

Item 51. [Docket No. 2008-0493-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **The City of Roma** in **Starr County**; TCEQ ID No. RN102289873; for municipal solid waste violations pursuant to Tex. Water Code chs. 5, 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. (Tommy Tucker Henson II, Lena Roberts)

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

Item 52. [Docket No. 2008-1511-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Marshall and Allied Waste Systems, Inc.** in **Harrison County**; RN102994753; for 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. (Clinton Sims, Cari-Michel La Caille)

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

Item 53. [Docket No. 2008-1369-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Weir Bros., Inc.** in **Denton County**; TCEQ ID No. RN100755727; 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. (Barham A. Richard, Lena Roberts)

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

#### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 54. [Docket No. 2009-0668-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Devereux Foundation** in **Victoria County**; RN103782918; 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. CR/BG; all agree.

Item 55. [Docket No. 2009-0660-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Grand Ranch Treatment Company in Johnson County**; RN102344157; 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. CR/BG; all agree.

Item 56. [Docket No. 2009-0694-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Skidmore Water Supply Corporation in Bee County**; RN102342201; 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. CR/BG; all agree.

Item 57. [Docket No. 2009-0441-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Grapevine in Tarrant County**; RN101614352; 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. CR/BG; all agree.

Item 58. [Docket No. 2009-0537-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hudspeth County Water Control and Improvement District No. 1 in Hudspeth County**; RN102181849; 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, Cari-Michel La Caille)

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

Item 59. [Docket No. 2009-0535-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kopperl Independent School District in Bosque County**; RN101279396; 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. CR/BG; all agree.

Item 60. [Docket No. 2009-0752-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HAMMOND MOUND UTILITIES, INC. in Waller County**; RN101720886; 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. CR/BG; all agree.

Item 61. [Docket No. 2009-0279-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ST. FRANCIS VILLAGE, INC.** in **Tarrant County**; RN102362589; 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. CR/BG; all agree.

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

Item 62. [Docket No. 2008-1844-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rupaul Mini Mart, Inc. dba All Seasons Food Store** in **Harris County**; TCEQ ID No. RN102247459; 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. (Jim Sallans, Lena Roberts)

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

Item 63. [Docket No. 2009-0513-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **NMAD ENTERPRISES INC. dba Savannah Food & Deli** in **Jefferson County**; RN101774040; 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. CR/BG; all agree.

Item 64. [Docket No. 2009-0471-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wanda Jo Noah** in **Hood County**; RN100565001; 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. CR/BG; all agree.

Item 65. [Docket No. 2009-0578-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NEW K & T QUICK STOP, INC. dba K & H Food Store** in **Tarrant County**; RN101570570; 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. CR/BG; all agree.

Item 66. [Docket No. 2008-0155-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mike Wiley** in **Jasper County**; TCEQ ID No. RN105381370; 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. CR/BG; all agree.

Item 67. [Docket No. 2009-0519-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ACCEL QUICK STOP, INC. dba Libby Food Store** in **Tarrant County**; RN102494424; 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. CR/BG; all agree.

#### **PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS**

Item 68. [Docket No. 2008-1068-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mattie Novosad** in **Bell County**; TCEQ ID No. RN101662013; 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. CR/BG; all agree.

Item 69. [Docket No. 2008-0281-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Thomas Jones and Mary Jones** in **Grayson County**; TCEQ ID No. RN102219763; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

#### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 70. [Docket No. 2009-0719-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Possum Kingdom Water Supply Corporation** in **Palo Pinto County**; RN103129076; 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. CR/BG; all agree.

Item 71. [Docket No. 2009-0493-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Huxley** in **Shelby County**; RN101193803; 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. CR/BG; all agree.

Item 72. [Docket No. 2009-0630-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Amistad Lago Villa Homeowner's Association, Inc.** in **Val Verde County**; RN104711247; 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. CR/BG; all agree.

Item 73. [Docket No. 2009-0596-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marie Braden dba Nana's Kitchen** in **Llano County**; RN101283109; 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. CR/BG; all agree.

Item 74. [Docket No. 2009-0495-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Edmonson** in **Hale County**; RN101205375; 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. CR/BG; all agree.

Item 75. [Docket No. 2009-0589-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Edgewood** in **Van Zandt County**; RN101404887; 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. CR/BG; all agree.

Item 76. [Docket No. 2009-0547-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Granite Shoals** in **Burnet County**; RN101214815; 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. CR/BG; all agree.

Item 77. [Docket No. 2007-1944-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Lake Ridge Water System L.P. dba Lake Ridge Properties, Inc.** in **Val Verde County**; RN101266948; for public drinking water violations pursuant to Tex. Health &

Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality.  
(Stephen Thompson, Cari-Michel La Caille)

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

Item 78. [Docket No. 2008-0968-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Windwood Water System, Inc.** in **Harris County**; TCEQ ID No. RN101456168; for public drinking water violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

Item 79. [Docket No. 2009-0311-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas H2O, Inc.** in **Comal County**; RN101223303; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Cari-Michel La Caille)

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

Item 80. [Docket No. 2009-0261-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **D & M Water Supply Corporation** in **Nacogdoches County**; RN101441533; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Cari-Michel La Caille)

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

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

Item 81. [Docket No. 2008-1257-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Dona Stewart** in **Cass County**; TCEQ ID No. RN101194447; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

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

Item 82. [Docket No. 2008-1829-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Larry O'Neill dba Lazy Acres Trailer Park** in **Bexar County**; TCEQ ID No. RN101653723; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

Remanded to the Executive Director.

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

Item 83. [Docket No. 2009-0934-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kennen W. Jackson** in **Limestone County**; RN103397543; 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. (Epifanio Villarral, Cari-Michel La Caille)

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

#### **WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT DEFAULT ORDER**

Item 84. [Docket No. 2007-1590-WOC-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Allen Watts** in **Guadalupe County**; TCEQ ID No. RN105325534; for occupational licensing violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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

#### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 85. [Docket No. 2008-1583-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SLC Construction, LLC fka SLC Construction, LP** in **Aransas County**; TCEQ ID No. RN105600837; 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. (Tracy Chandler, Lena Roberts)

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

Item 86. [Docket No. 2009-0145-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jerome Gomer** in **Bell County**; TCEQ ID No. RN105666952; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sharesa Y. Alexander, Lena Roberts)

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

Item 87. [Docket No. 2008-1209-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kobo, Inc. dba Kobo Homes, Inc.** in **Lampasas County**; TCEQ ID No. RN105060834; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

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

#### **MISCELLANEOUS MATTER**

Item 88. [Docket No. 2009-1235-MIS](#). Consideration of the nomination and appointment of: 1) a representative from a private environmental conservation organization (term to expire

8/31/2015), 2) a representative from a planning region (term to expire 8/31/2015), 3) a registered waste tire processor (term to expire 8/31/2015), 4) a professional engineer from a private engineering firm with experience in the design and management of solid waste facilities (term to expire 8/31/2015), 5) a solid waste professional with experience managing or operating a commercial solid waste landfill (term to expire 8/31/2015), 6) an elected official from a municipality with a population of 25,000 or more but less than 100,000 (term to expire 8/31/2013), 7) an elected official from a county with a population of less than 150,000 (term to expire 8/31/2015), and 8) an elected official from a county with a population of any size (term to expire 8/31/2011) to the **Municipal Solid Waste Management and Resource Recovery Advisory Council** pursuant to Tex. Health & Safety Code §§ 363.041 and 363.042, and 30 Tex. Admin. Code § 5.7. Additionally, the Commission Chairman may appoint an advisory council president pursuant to Tex. Health & Safety Code § 363.043. (Steve Hutchinson, M.P.A., Tim Reidy)

Appoint Mark Rose, Maria Elena Quintanilla, Terry Humphreys, Robert (Holly) Holder, Charles (Chuck) Rivette, Paul Polasek, Jaime Alvarez, and John Nanny to the Municipal Solid Waste Management and Resource Recovery Advisory Council. BG/CR; all agree.

## STATE IMPLEMENTATION PLANS

Item 89. [Docket No. 2009-1127-SIP](#). Consideration for publication of, and hearing on a proposed revision to the State of Texas Air Quality Implementation Plan for the Control of Ozone Air Pollution for the **Dallas-Fort Worth (DFW) 1997 Eight-Hour Ozone Nonattainment Area (Collin, Dallas, Denton, Ellis, Kaufman, Johnson, Parker, Rockwall, and Tarrant Counties)**: the DFW Reasonably Available Control Technology (RACT) Update, 30 Texas Administrative Code (TAC) Chapter 117 Rule Revision Noninterference Demonstration, and Attainment Demonstration Contingency Plan State Implementation Plan (SIP) Revision. This proposed SIP revision contains Federal Clean Air Act required SIP elements, including: an update to the Volatile Organic Compounds RACT element of the DFW 1997 Eight-Hour Ozone Attainment Demonstration SIP Revision; a demonstration of noninterference to attainment of the 1997 eight-hour ozone standard from a previously proposed 30 TAC Chapter 117 rule revision; and a modified failure-to-attain contingency plan. The proposed revision also incorporates a concurrently proposed rule revision in 30 TAC Chapter 115 regarding offset lithographic printing contingency measures. (Mary Ann P. Cook, Terry Salem) (Rule Project No. 2009-021-SIP-NR)

Approve the publication of, and hearing on the proposed revision to the state implementation plan for the Control of Ozone Air Pollution for the Dallas-Fort Worth 1997 Eight-Hour Ozone Nonattainment Area. BG/CR; all agree.

Item 90. [Docket No. 2009-0802-SIP](#). Consideration for publication of, and hearing on, the proposed **Houston-Galveston-Brazoria (HGB) Attainment Demonstration State Implementation Plan (SIP)** revision to meet the 1997 eight-hour ozone National Ambient Air Quality Standard (NAAQS). This proposed revision contains Federal Clean Air Act-required SIP elements, including a photochemical modeling analysis, a weight of evidence analysis, a reasonably available control technology analysis, a reasonably available control measures analysis, a motor vehicle emissions budget for 2018, and a contingency plan. In addition, the Houston-Galveston Area Council has committed to emissions reductions through the Voluntary Mobile Emission

Reduction Program and implementation of transportation control measures in the eight HGB nonattainment counties (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller). The proposed revision also describes the concurrently proposed rule revisions in 30 Texas Administrative Code Chapters 101 and 115. (Lola Brown, John Minter) (Rule Project No. 2009-017-SIP-NR)

Approve the publication of, and hearing on, the proposed revisions to the Houston-Galveston-Brazoria Attainment Demonstration State Implementation Plan to meet the 1997 eight-hour ozone NAAQS. BG/CR; all agree.

Item 91. [Docket No. 2009-0801-SIP](#). Consideration for publication of, and hearing on, proposed revisions to the **Houston-Galveston-Brazoria (HGB) 1997 Eight-Hour Ozone Nonattainment Area Reasonable Further Progress (RFP) State Implementation Plan (SIP)**. This SIP revision demonstrates that an 18 percent emissions reduction requirement will be met for the analysis period of 2002 to 2008, 9 percent between 2009 and 2011, 9 percent between 2012 and 2014, 9 percent between 2015 and 2017, 3 percent in 2018, and 3 percent for contingency purposes. The HGB RFP SIP revision establishes baseline emission levels, calculates reduction targets, identifies control strategies to meet emission target levels, and tracks actual emission reductions against established emissions growth and control budgets. This revision also includes motor vehicle emission budgets (MVEBs) for the milestone years 2008, 2011, 2014, 2017, and 2018. No new on-road mobile source controls have been adopted as part of the plan. However, on-road mobile source emissions inventories have been updated using the latest available data and the United States Environmental Protection Agency's MOBILE6 inventory development tool. As a result of the required mobile source emission inventory updates, the MVEBs are updated as part of this SIP revision. (Walker Williamson, Terry Salem) (Rule Project No. 2009-018-SIP-NR)

Approve the publication of, and hearing on, the proposed revisions to the Houston-Galveston-Brazoria 1997 Eight-Hour Ozone Nonattainment Area Reasonable Further Progress State Implementation Plan. BG/CR; all agree.

## **RULE MATTERS**

Item 92. [Docket No. 2009-0843-RUL](#). Consideration for publication of, and hearings on, proposed amendments to **30 Texas Administrative Code Chapter 115**, Control of Air Pollution from Volatile Organic Compounds, Subchapter E, Solvent-Using Processes, Division 4, Offset Lithographic Printing, Sections 115.440, 115.442, 115.443, 115.445, 115.446, and 115.449 and proposed new Section 115.441, and corresponding revisions to the state implementation plan. The proposed rulemaking would affect offset lithographic printing operations in the Dallas-Fort Worth and Houston-Galveston-Brazoria eight-hour ozone nonattainment areas. The proposed rulemaking would reduce the volatile organic compound content limits on fountain solutions used by sources that are subject to the existing Chapter 115 rules. The proposed rulemaking would also limit the volatile organic compound content of fountain and cleaning solutions used by certain sources that are exempt from the existing Chapter 115 rules. (Lindley Anderson, Amy Browning) (Rule Project No. 2008-019-115-EN)

Approve the publication of, and hearing on, proposed amendments to Sections 115.440, 115.442, 115.443, 115.445, 115.446, and 115.449 and proposed new 30 TAC § 115.441 and the corresponding revisions to the state implementation plan. CR/BG; all agree.

Item 93. **Docket No. 2009-0867-RUL**. Consideration for publication of, and hearings on, proposed amendments to **30 TAC Chapter 101**, General Air Quality Rules, Subchapter H, Emissions Banking and Trading, Division 3, Mass Emissions Cap and Trade Program, Sections 101.350, 101.351, and 101.353, and corresponding revisions to the state implementation plan. The proposed amendments to Sections 101.350 and 101.351 would revise the definition of "Uncontrolled design capacity" to provide additional flexibility for certain stationary diesel engines and clarify both site and facility applicability. In addition, the proposed amendment to Section 101.353 would maintain the integrity of the nitrogen oxides (NO<sub>x</sub>) cap in the Houston-Galveston-Brazoria ozone nonattainment area and minimize increases in the NO<sub>x</sub> cap by discontinuing the acceptance of late ECT-3 forms, Level of Activity Certification, from major sources of NO<sub>x</sub> submitted after March 30, 2010. (Brandon Greulich, Amy Browning) (Rule Project No. 2009-019-101-EN)

Approve the publication of, and hearing on, the proposed amendments to 30 TAC Chapter 101 regarding the Mass Emissions Cap and Trade Program and corresponding state implementation plan revisions. BG/CR; all agree.

Item 94. **Docket No. 2009-0932-RUL**. Consideration for publication of, and hearing on amendments to **30 TAC Chapter 101**, Subchapter A, General Rules, Section 101.1; and Subchapter H, Emissions Banking and Trading, Division 6, Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program, Sections 101.390 - 101.394, 101.396, 101.399, 101.400, and 101.401; and corresponding revisions to the state implementation plan. The proposed rulemaking would reduce the total cap amount of Highly Reactive Volatile Organic Compounds (HRVOC) allowances and revise the allocation methodology of allowances for participants of the HRVOC Emissions Cap and Trade Program. The proposed rulemaking would also update the definition of volatile organic compound to link the 30 TAC definition with the current definition in the 40 Code of Federal Regulations. (Jay Tonne, Amy Browning) (Rule Project No. 2009-006-101-EN)

Approve the publication of, and hearing on the proposed amendments to 30 TAC Chapter 101 Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program in Harris County as amended. BG/CR; all agree.

### **EXECUTIVE MEETING**

Item 95. **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 96. **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 97. **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/ Celeste Baker  
Assistant General Counsel,  
Celeste Baker

10/21/2009  
Date