

beyond those required by the regulatory standards, indicate that ...”; g) Amend Finding of Fact 135 to insert, at the beginning of the finding, the phrase, “Despite complying with the regulatory standard of care for identifying water wells, ...”; h) Amend Conclusion of Law No. 3 to state: “The Application was filed prior to amendments to 30 TAC Chapter 330 that became effective on March 27, 2006. All references in this Order to rules in Chapter 330 are to the pre-March 2006 rules.”; i) Direct the OGC to amend Conclusions of Law Nos. 5, 13 – 33, 37 – 41, 44 – 45, and Ordering Provision No. 2 as necessary to reflect citations to the version of TCEQ’s municipal solid waste rules in effect prior to March 27, 2006; j) Amend Conclusion of Law No. 8 to state: “Applicant met its burden with respect to all referred issues.”; and k) Insert new Ordering Provision No. 3 and renumber the other Ordering Provisions accordingly. New Ordering Provision No. 3 should state: “The Commission adopts the Executive Director’s Response to Public Comments in accordance with 30 TAC § 50.117. Also, in accordance with Section 50.117, the Commission issues this Order and the attached permit as its single decision on the permit amendment application. Information in the agency record of this matter, including that part of the evidentiary record, documents the Executive Director’s review of the permit application, including that part not subject to a contested case hearing, and establishes that the terms of the attached permit are appropriate and satisfy all applicable federal and state requirements.”; 2) Approve issuance of the ED’s Draft Permit with conforming changes to include the proposed monitoring well special condition recommended by the ALJ; and 3) Adopt the ED’s Response to Comments pursuant to 30 TAC § 50.117. CR/BG; all agree.

Item 2. [TCEQ Docket No. 2008-1145-AIR; SOAH Docket No. 582-09-0636](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Aspen Power, LLC** for State Air Quality 81706, federal Prevention of Significant Deterioration PSD-TX-1089, and Hazardous Air Pollutant HAP12 major source permit pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 116, and the Texas Clean Air Act, Tex. Health & Safety Code Chapter 382, to construct a new biomass-fired electric generating unit with a 45-megawatt generator. The proposed facility would be located at the northeast junction of Kurth Drive and State Highway 103 (Loop 287), Lufkin, **Angelina 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. (Amy Browning)

Remanded to the Executive Director.

Item 3. [TCEQ Docket No. 2007-0859-MLM-E; SOAH Docket No. 582-08-3929](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **B & M Unclaimed Freight, Inc.** in **Limestone County**, Texas; RN105171078; regarding air, water quality and municipal solid waste violations pursuant to 30 Texas Admin. Code Chapters 111, 327, and 330, Texas Health & Safety Code Chapters 361 and 382, and Texas Water Code Chapters 7 and 26. The Commission will also consider timely filed exceptions and replies. (Tracy Chandler)

Adopt the ALJ's Proposal for Decision and proposed Order as revised to incorporate all of the Executive Director's exceptions and to include a revised first sentence in Ordering Provision No. 1 to set out a 30-day deadline for payment of the \$12,500.00 penalty as follows: "B & M Unclaimed Freight, Inc. is assessed an administrative penalty in the amount of \$12,500.00 for violations of Tex. Water Code § 26.121(a)(1); Tex. Health & Safety Code § 382.085(b), and 30 Tex. Admin. Code §§ 111.201, 327.5(a), and 330.15(c) and B & M is required to pay in full the administrative penalty of \$12,500.00 within 30 days after the effective day of this Order." BG/CR; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 4. [Docket No. 2009-1245-AGR](#). Consideration of the application by **Randy Earl Wyly** for a Major Amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003190000, for a Concentrated Animal Feeding Operation (CAFO), which would authorize the applicant to expand the existing Dairy facility from 950 head to a maximum capacity of 2,950 head, of which 1,800 head will be milking cows. The facility is located on the east side of County Road 209, approximately four miles south of the intersection of US Highway 67 and County Road 209, which is approximately seven miles southeast of the intersection of US Highway 67 and US Highway 281 in **Erath 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, James Moore)

Deny the Bosque River Coalition's hearing request; adopt the Executive Director's Response to Comments; and issue the draft permit as recommended by the Executive Director. CR/BG; all agree.

Item 5. [Docket No. 2009-1187-MWD](#). Consideration of the application by **Carter-CC, Ltd.** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014928001, which would authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 250,000 gallons per day. The wastewater treatment facility is located 550 feet south of Farm-to-Market Road 563 approximately 1.8 miles southeast from the intersection of Farm-to-Market Road 563 and Interstate Highway 10 in **Chambers 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. (Michael Parr, Larry Diamond)

Grant the hearing requests of the Trinity Bay Conservation District and Chambers-Liberty Counties Navigation District; refer the following three issues to contested case hearing: 1) Whether the proximity of the proposed discharge to the Trinity Bay Conservation District's water supply is likely to affect the present uses of Lake Anahuac; 2) Whether the discharge into Turtle Bayou upstream of Lake Anahuac will adversely affect the water quality of Lake Anahuac; and 3) Whether the proposed plant can be operated adequately during power outages and whether the facility will prevent wastewater effluent overflows during storm or hurricane events; direct the Executive Director to participate in the contested case hearing; and specify that the maximum duration of the hearing is nine months. BG/CR; all agree.

Item 6. [Docket No. 2009-1027-MWD](#). Consideration of the application by **Southern Horizons, L.P.** for a new wastewater discharge permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014922001, 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 approximately 3,300 linear feet South-East of the intersection of Highway 59 and King Port Drive in **Montgomery 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, David Akoma)

Grant the hearing request of Lewis A. Haraway; refer the matter to SOAH with a concurrent referral to ADR program to consider the following issues: a) Whether the proposed permit contains adequate provisions to safeguard Mr. Haraway's use and enjoyment of his property from potential negative impact

of accidental releases of untreated wastewater; and b) Whether the proposed permit identifies an adequate discharge route with sufficient carrying capacity to hold the proposed volume of Applicant's discharged effluent; deny the remainder of the issues; direct the Executive Director to participate in the hearing; set the maximum duration of the hearing for six months. CR/BG; all agree.

Item 7. [Docket No. 2006-1831-WR](#). Consideration of the **City of College Station's** application for Water Rights Permit No. 5913, for authorization to use the bed and banks of several watercourses to transport the current and future groundwater-based return flows discharged from two points downstream and to subsequently divert and reuse up to 12,881 acre-feet (less carriage losses) of those return flows per year for municipal, industrial, and agricultural purposes in whole or in part of **Brazos, Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria Counties** within the Brazos River Basin. The Carters Creek Wastewater Treatment Plant discharges into Carters Creek, for subsequent conveyance down the Navasota River, tributary of the Brazos River, Brazos River Basin, approximately 6.9 miles southeast of the Brazos County courthouse, and is approximately 295 river miles upstream of the diversion point. The Lick Creek Wastewater Treatment Plant discharges into Lick Creek for subsequent conveyance down the Navasota River, tributary of the Brazos River, Brazos River Basin, approximately 12.6 miles southeast of the Brazos County courthouse, and is approximately 286 river miles upstream of the diversion point. The commission will consider all timely filed hearing requests and related responses and replies. (Steve Ramos, Shana Horton)

Grant the hearing requests of the Brazos River Authority and Wellborn Special Utility District, for both the City of College Station and the City of Bryan application; refer both matters to SOAH for a consolidated contested case hearing; and direct the Executive Director to participate. CR/BG; all agree.

Item 8. [Docket No. 2006-1832-WR](#). Consideration of the **City of Bryan's** application for Water Rights Permit No. 5912, for authorization to use the bed and banks of several watercourses to transport the current and future groundwater-based return flows discharged from three discharge points downstream and to subsequently divert and reuse up to 14,282.1 acre-feet (less carriage losses) of those return flows per year for municipal, industrial, and agricultural purposes in whole or in part of **Brazos, Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria Counties** within the Brazos River Basin. The Burton Creek Wastewater Treatment Plant discharges into an unnamed tributary of Burton Creek for subsequent conveyance down Carters Creek, tributary of the Navasota River, tributary of the Brazos River, Brazos River Basin, approximately 3.71 miles southeast of the Brazos County courthouse, and is 297 river miles upstream of the diversion point. The Still Creek Wastewater Treatment Plant discharges into Still Creek for subsequent conveyance down Thompsons Creek, tributary of the Brazos River, Brazos River Basin, approximately 2.58 miles west-southwest of the Brazos County courthouse, and is 300 river miles upstream of the diversion point. The Turkey Creek Wastewater Treatment Plant discharges into an unnamed tributary of Turkey Creek for subsequent conveyance down the Brazos River, Brazos River Basin, approximately 3.88 miles south-southwest of the Brazos County courthouse, and is 295 river miles upstream of the diversion point. The commission will consider all timely filed hearing requests and related responses and replies. (Steve Ramos, Shana Horton)

Grant the hearing requests of the Brazos River Authority and Wellborn Special Utility District, for both the City of College Station and the City of Bryan application; refer both matters to SOAH for a consolidated contested case hearing; and direct the Executive Director to participate. CR/BG; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

- Item 9. [Docket No. 2008-0854-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **George Ted Devries dba Devries Dairy in Erath County**; RN100802917; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Cari-Michel La Caille)

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

- Item 10. [Docket No. 2009-0150-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Larry West dba W 3 Dairy in Grayson County**; RN104348537; 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 11. [Docket No. 2009-0651-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tapia Dairy, Inc. in Runnels County**; RN102078649; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Cari-Michel La Caille)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 12. [Docket No. 2008-0790-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Refining LP in Harris County**; TCEQ ID No. RN100218130; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

- Item 13. [Docket No. 2009-0613-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kinder Morgan Tejas Pipeline LLC in Starr County**; RN100224682; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Cari-Michel La Caille)

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

- Item 14. [Docket No. 2009-1107-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Republic Plastics, Ltd. in Guadalupe County**; RN100851211; 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 15. [Docket No. 2009-0621-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Enterprise Products Operating LLC in Polk County**; RN100228998; 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 16. [Docket No. 2009-0920-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Enbridge Pipelines (Texas Gathering) L.P. in Hemphill County**; RN105170930; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Cari-Michel La Caille)

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

- Item 17. [Docket No. 2009-1042-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hayward Baker, Inc. in Milam County**; RN105334502; 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. 2007-1413-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Galveston County**; RN100238385; 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 19. [Docket No. 2009-0750-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BASF FINA Petrochemicals Limited Partnership in Jefferson County**; RN100216977; 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 20. [Docket No. 2009-0715-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INEOS USA LLC in Harris County**; RN100229905; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7,

and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Cari-Michel La Caille)

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

Item 21. [Docket No. 2009-0600-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 22. [Docket No. 2009-0657-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Casita Enterprises, Inc. in Navarro County**; RN100215664; 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 23. [Docket No. 2008-0413-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. (Raymond Marlow, Cari-Michel La Caille)

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

Item 24. [Docket No. 2009-0636-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **DCP Midstream, LP in Howard County**; RN100211366; 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.

Item 25. [Docket No. 2009-1012-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Alcoa World Alumina LLC in Calhoun County**; RN100242577; 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 26. [Docket No. 2009-0582-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tenet Hospitals Limited in El Paso County**; RN100223858; 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 27. [Docket No. 2009-0654-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 28. [Docket No. 2009-0602-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Chambers County**; RN100229319; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Cari-Michel La Caille)

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

Item 29. [Docket No. 2009-0465-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Chemical LP in Harris County**; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Cari-Michel La Caille)

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

Item 30. [Docket No. 2009-1071-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lindsey Contractors, Inc. in McLennan County**; RN100829498; 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 ORDER

Item 31. [Docket No. 2009-0218-AIR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Nelson King in Wise County**; TCEQ ID No. RN105568091; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

- Item 32. [Docket No. 2009-0658-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Leander Independent School District** in **Williamson County**; RN105688303; 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. CR/BG; all agree.

- Item 33. [Docket No. 2009-0739-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mike Arena dba Buckhorn Soil and Stone** in **Bexar County**; RN105718787; 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. (Carlie Konkol, Cari-Michel La Caille)

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

FIELD CITATIONS

- Item 34. [Docket No. 2009-1217-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Joseph M. Meyers** in **San Jacinto County**; RN103385639; 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 35. [Docket No. 2009-1205-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Gilbert O. Reyes, Jr. dba Party Time II** in **El Paso County**; RN104759568; 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. 2009-1038-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **Springfield Townhomes, Inc.** in **Dallas County**; RN105749337; 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 37. [Docket No. 2009-1039-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **Springfield Custom Homes, Inc.** in **Denton County**; RN105748206; 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 38. [Docket No. 2009-1169-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **Springfield Custom Homes, Inc. in Denton County**; RN104763412; 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. 2009-1037-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **Springfield Custom Homes, Inc. in Dallas County**; RN105749147; 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 40. [Docket No. 2009-1168-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of the **Springfield Custom Homes, Inc. in Denton County**; RN105727143; 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.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

- Item 41. [Docket No. 2009-0780-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ed Matlock, Jr. in Williamson County**; RN105715643; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (John Shelton, Cari-Michel La Caille)

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

- Item 42. [Docket No. 2009-0924-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Michael Ury dba K & M Landscape in Hays and Williamson Counties**; RN103566923; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Michael Meyer, Cari-Michel La Caille)

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

- Item 43. [Docket No. 2009-0740-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Michael Paddack in Williamson County**; RN105711485; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch.

1903, and the rules of the Texas Commission on Environmental Quality. (John Shelton, Cari-Michel La Caille)

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

Item 44. [Docket No. 2009-0358-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Clinton D. McCue dba GM Landscape & Irrigation in Montgomery County**; RN103491304; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Michael Meyer, Cari-Michel La Caille)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 45. [Docket No. 2009-0395-LII-E](#). Consideration of Default Order assessing administrative penalties and requiring certain actions of **Mardonio Flores dba Flores Landscaping in Travis County**; TCEQ ID No. RN105639348; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Barham A. Richard, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 46. [Docket No. 2008-1713-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Aguado Stone Incorporated in Williamson County**; TCEQ ID No. RN105086110; for municipal solid waste, water quality, air quality, and petroleum storage tank violations pursuant to Tex. Health & Safety Code chs. 361 and 382, 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 47. [Docket No. 2007-0859-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tommy Rutledge in Limestone County**; TCEQ ID No. RN105171078; for water quality, municipal solid waste, and air 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. (Tracy Chandler, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 48. [Docket No. 2009-0856-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Biomedical Waste Solutions, LLC in Jefferson County**; RN105650634; 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. CR/BG; all agree.

Item 49. [Docket No. 2009-0616-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Servando De La Garza dba UTW Tire Collection Services in Webb County**; RN103074969; 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. (Clinton Sims, Cari-Michel La Caille)

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

Item 50. [Docket No. 2009-0824-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gary Humphreys in Bexar County**; RN104370275; 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. (John Shelton, Cari-Michel La Caille)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 51. [Docket No. 2009-0983-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fruitvale Independent School District in Van Zandt County**; RN101527919; 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 52. [Docket No. 2009-0669-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Reno in Lamar County**; RN102186772; 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. CR/BG; all agree.

Item 53. [Docket No. 2009-0576-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lake Lavon Baptist Encampment in Collin County**; RN101512424; 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 54. [Docket No. 2009-0944-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Matagorda County Water Control and Improvement District No. 6** in **Matagorda County**; RN101917227; 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 55. [Docket No. 2008-1717-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Seymour** in **Baylor County**; RN101609980; 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 Agreed Order. CR/BG; all agree.

Item 56. [Docket No. 2009-0948-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Farwell** in **Parmer County**; RN102075207; 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. 2009-0577-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Sabinal** in **Uvalde County**; RN103014908; 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. CR/BG; all agree.

Item 58. [Docket No. 2009-0460-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rita Karbalai dba Sundown Mobile Home Park** in **Harris County**; RN101514271; 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 59. [Docket No. 2009-0997-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Centerville** in **Leon County**; RN101610624; 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.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 60. [Docket No. 2009-0729-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Inayat's, Inc. dba Stop & Shop in Tarrant County**; RN101542702; 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. (Ross Fife, Cari-Michel La Caille)

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

Item 61. [Docket No. 2008-0544-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sammy El-Hamed aka Sammy K. Elhamed aka Sammy Elhammed aka Saeb El-Hamed dba Saveway FS in Dallas County**; TCEQ ID No. RN102355690; 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. (Laurencia Fasoyiro, Lena Roberts)

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

Item 62. [Docket No. 2009-0786-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HPT TA Properties Trust dba Terrell TravelCenter in Kaufman County**; RN102891850; 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 63. [Docket No. 2009-0307-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **KSS ENTERPRISES, INC. dba Best Stop 2 in Harris County**; TCEQ ID No. RN101432342; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 64. [Docket No. 2009-0798-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **LCG Enterprise, Inc. dba 3-Amigos Food Mart in Tarrant County**; RN102477445; 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. (Keith Frank, Cari-Michel La Caille)

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

Item 65. [Docket No. 2007-1779-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ronnie Vance in Jones County**; TCEQ ID No. RN101779163; 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. (Rudy Calderon, Lena Roberts)

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

Item 66. [Docket No. 2008-1327-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TCS #1 MANAGEMENT COMPANY, L.L.C. dba Texas Country Store 1 in Orange County**; TCEQ ID No. RN102791191; 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 Goodwin, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 67. [Docket No. 2009-0827-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Quick Deal Enterprises Inc. dba JRS Minute Maid in Harris County**; RN101272649; 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 68. [Docket No. 2009-0818-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Webb County in Webb County**; RN102698719; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Merrilee Hupp, Cari-Michel La Caille)

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

Item 69. [Docket No. 2009-1031-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Runnels Water Supply Corporation in Runnels County**; RN101222081; 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 70. [Docket No. 2009-0516-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Danny J. Dolen dba Green Lake Estates Water Supply in Limestone County**; RN104443734; 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. 2009-0039-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Raymond Windham dba Deer Run Water System** in **Brown County**; TCEQ ID No. RN101439867; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

Item 72. [Docket No. 2009-0966-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Woodlawn Water Supply Corporation** in **Angelina County**; RN101185148; 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 73. [Docket No. 2009-1164-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **East Cedar Creek Fresh Water Supply District** in **Henderson County**; RN101436749; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 74. [Docket No. 2009-0148-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Kara Leah Petty dba Country Inn Victoria** in **Victoria County**; TCEQ ID No. RN105660211; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Laurencia Fasoyiro, Lena Roberts)

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

Item 75. [Docket No. 2009-0406-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Foster Consolidated Investments, LLC dba Chaparral III** in **Williamson County**; TCEQ ID No. RN101219384; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER

Item 76. [Docket No. 2008-1628-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mervin Snyder** in **Wood County**; TCEQ ID No. RN105469266; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health &

Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 77. [Docket No. 2008-1151-WQ-E](#). Consideration of a Default Order assessing administrative penalties against **Total Land Development Corp. in Bell County**; TCEQ ID No. RN105346241; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

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

EXECUTIVE MEETING

Item 78. **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 79. **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 80. **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/ Anne Rowland
Assistant General Counsel,
Anne Rowland

11/13/2009
Date