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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, January 13, 2010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the January 28, 2009 Agenda

Item 1. [Docket Nos. 2007-0724-MIS-U, 2007-0732-MIS-U, 2007-0733-MIS-U, 2007-0734-MIS-U, 2007-0735-MIS-U, 2007-0736-MIS-U, 2007-0737-MIS-U, 2007-0738-MIS-U, 2007-0739-MIS-U, 2007-0740-MIS-U.](#) Consideration of the appeals filed by **Valero Refining - Texas, L.P., Diamond Shamrock Refining Company, L.P., and The Premcor Refining Group, Inc.** with regard to ten use determinations issued by the Executive Director regarding Valero Corpus Christi Refinery (**Nueces County**), Valero Houston Refinery (**Harris County**), Diamond Shamrock McKee Refinery (**Moore County**), Valero Port Arthur Refinery (**Jefferson County**), and Valero Texas City Refinery (**Galveston County**). The use determinations were assigned Application Numbers 06-10268, 06-10270 and 06-10271, and 06-10279 through 06-10285. The Commission will also consider all related filings.

Set aside the Executive Director's Ten Negative Use Determinations and Remand the ten applications to the Executive Director for New Use Determinations consistent with these statements and Commission Rules. BG/BS; CR opposed.

## AGENDA

Wednesday, January 13, 2010

### 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. 2009-0445-UCR; SOAH Docket No. 582-09-4286](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the Commission's jurisdiction over the petition by Tara Partners, Ltd. for review of the **City of South Houston's** Water and Sewer Service Rates in **Harris County**, Texas, pursuant to rules of the Texas Commission on Environmental Quality and Tex. Water Code Chapter 13. The Commission will also consider the petition, and related filings, exceptions and replies. (Ross Henderson)

Adopt the ALJ's PFD and Proposed Order and amend Proposed Findings of Fact No. 4 to state: "The City's revised rates for water and sewer service apply to all of the City's outside-of-city customers." CR/BG; all agree.

- Item 2. [TCEQ Docket No. 2008-0952-MSW-E; SOAH Docket No. 582-09-2554](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Arthur D. Gonzales** in **Crockett County**, Texas; RN102959442; regarding municipal solid waste violations pursuant to 30 TAC Chapter 328, Tex. Health & Safety Code Chapter 361 and Tex. Water Code Chapter 7. The Commission will also consider timely filed exceptions and replies. (Barham A. Richard)

Adopt the Executive Director's Proposed Order submitted as Attachment B to the Executive Director's Exceptions. BG/CR; all agree.

- Item 3. [TCEQ Docket No. 2008-0873-PST-E; SOAH Docket No. 582-09-1363](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Agile Investments, LLC dba Stars and Stripes USA 1** in **Hill County**, Texas; Petroleum Storage Tank Facility ID No. 9890; RN101660082; regarding petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the TCEQ. The Commission will also consider timely filed exceptions and replies. (Tammy L. Mitchell)

Adopt the ALJ's Proposed Order with the Executive Director's Exceptions. CR/BG; all agree.

- Item 4. [TCEQ Docket No. 2008-0763-PST-E; SOAH Docket No. 582-09-2077](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Randall Wayne Lykins** in **Newton County**; PST Registration

*Updated as of 1/26/2010 2:18:48 PM*

No. 49986; TCEQ ID No. RN101804862; regarding 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. The Commission will also consider timely filed exceptions and replies. (Peipey Tang)

Adopt the ALJ's Proposed Order as modified by the Executive Director's Exceptions. BG/CR; all agree.

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

Item 5. **Docket No. 2009-1842-AIR**. Consideration of application by **Aggregate Industries - WCR, Inc.** for New Air Quality Permit 83755 to authorize the construction of a rock crushing plant. The proposed plant site is located at 5900 Farm to Market (FM) 482, New Braunfels, **Comal 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. (Larry Buller/Amy Lynn Browning)

Find that Curtis A. Fey, Jr., Sharlene and Tim Fey, Daryl and Jeri Hoffman, Kathleen Hoffman, Todd Hoffman, Dennis Parma, Maggie Parma, Dwight and Sandra Reeh, Vandeline Sahn, Carol Warwick Smith, Heather Hoffmann-Stewart and Jason Stewart, Magnolia Springs Associates, Tressie Mae Russell and Craig and Teresa McKee are affected persons. Refer the matter to the State Office of Administrative Hearings for consideration of the following issues: 1) Whether the proposed facility will have adverse effects on air quality or cause violations of the Texas Clean Air Act, or other applicable state or federal requirements; 2) Whether the draft permit conditions fully comply with applicable air quality regulations, including BACT, enforceability, and consideration of emission sources and emission rates; 3) Whether the draft permit conditions contain adequate monitoring, reporting, and recordkeeping requirements to ensure permit compliance including whether a continuous onsite operator should be required; 4) Whether the air dispersion modeling of proposed particulate matter emissions was accurate and appropriate including whether the classification of surrounding land uses, consideration of cumulative effects, the NAAQS for PM<sub>2.5</sub>, and use of emission factors were accurate; 5) Whether the proposed facility's emissions will adversely impact the requestors' health, welfare, or physical property including whether the health effects review for the permit was properly conducted; 6) Whether emissions from the proposed facility will adversely affect livestock; wildlife, including endangered species; or vegetation, including the agricultural activities of the Requestors; 7) Whether the emissions from the facility will contribute to nuisance conditions; 8) Whether the emissions from the facility will adversely affect the health of requestors' children or grandchildren when they are attending Comal Elementary School; 9) Whether the public notice for the application was sufficient to meet the requirements of the Texas Clean Air Act and TCEQ rules; 10) Whether the proposed operating schedule, throughput, and equipment were adequately and fully addressed in the impact evaluation; 11) Whether the Applicant has an acceptable compliance history in Texas; 12) Whether the stockpile heights specified in the permit are sufficiently protective; 13) Whether emissions from the proposed facility will adversely affect road safety and traffic conditions; and 14) Whether the permit properly controls for fugitive dust emissions. Deny the remainder of the Hearing Requests and issues and the request for reconsideration submitted by Wayne Brown. Direct the Executive Director to participate in the hearing and set the maximum duration of the hearing at 9 months. CR/BG; all agree.

### **USE DETERMINATION**

- Item 6. [Docket Nos. 2009-1679-MIS-U, 2009-1680-MIS-U, 2009-1681-MIS-U, 2009-1682-MIS-U.](#) Consideration of the appeals filed by **Sartomer Inc.** with regard to four negative use determinations issued by the Executive Director regarding Sartomer Inc's contribution toward a new wastewater treatment plant (**Harris County**), a sulfur removal system (**Jefferson County**), and a propane line replacement project (**Jefferson County**). The use determination applications were assigned numbers 13805 and 13806 (wastewater treatment plant contributions), 13811 (sulfur removal system), and 13814 (propane line replacement project). The Commission will also consider all timely filed responses and reply briefs.

Deny the Appeals for Use Determination Nos. 13805, 13806, 13811 and 13814 and Affirm the Executive Director's Negative Use Determinations. BG/CR; all agree.

#### **POLLUTION PREVENTION ADVISORY COMMITTEE**

- Item 7. [Docket No. 2009-1095-RES.](#) Consideration of a Resolution to appoint five members to the **Pollution Prevention Advisory Committee** of the Texas Commission on Environmental Quality. The Pollution Prevention Advisory Committee is an advisory committee that advises the commission on matters involving the state's pollution prevention policies (Section 361.502 of the Solid Waste Disposal Act), and assists in developing strategies for promoting public awareness of pollution prevention strategies. The new members would fill four-year terms that expire on August 31, 2013. (Brian Christian, Ted Hazen)

Adopt the Executive Director's recommended Resolution filling the vacancies of the Pollution Prevention Advisory Committee as follows: John Howard, Robert Larsen and Rachel Perry as representatives of environmental or public interest groups and Jeremy DuMond and Benjamin Weinheimer as representatives from the regulated community. CR/BG; all agree.

#### **GIFTS AND DONATIONS**

- Item 8. [Docket No. 2009-1750-MIS.](#) Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (David Timberger)

Approve the issuance of the Resolution acknowledging the acceptance of gifts and donations of \$500.00 or more in value given to the TCEQ. BG/CR; all agree.

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

- Item 9. [Docket No. 2009-1429-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **HFOTCO LLC** in **Harris County**; RN100223445; 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. BG/CR; all agree.

- Item 10. [Docket No. 2009-0133-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **Millennium Petrochemicals Inc.** in **Harris County**; RN100224450; 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. BG/CR; all agree.

Item 11. [Docket No. 2009-1314-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. (John Muennink, Cari-Michel La Caille)

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

Item 12. [Docket No. 2009-0967-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kinder Morgan Texas Pipeline LLC in Bee County**; RN102735081; 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. BG/CR; all agree.

Item 13. [Docket No. 2008-1425-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alcoa Inc. in Milam County**; TCEQ ID No. RN100221472; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 14. [Docket No. 2009-1364-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Snyder in Scurry County**; RN102290087; 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. BG/CR; all agree.

Item 15. [Docket No. 2008-1709-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marathon Petroleum Company LLC in Galveston County**; RN100210608; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Cari-Michel La Caille)

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

Item 16. [Docket No. 2009-0986-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. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 17. [Docket No. 2008-1447-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **General Dynamics Ordnance and Tactical Systems, Inc. in Dallas County**; TCEQ ID No. RN102660909; 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. BG/CR; all agree.

Item 18. [Docket No. 2009-1321-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Pioneer Natural Resources USA, Inc. in Potter County**; RN100229673; 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. BG/CR; all agree.

Item 19. [Docket No. 2008-1085-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP in Harris County**; RN100542281; 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. BG/CR; all agree.

Item 20. [Docket No. 2009-1203-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Brazoria County**; RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Cari-Michel La Caille)

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

Item 21. [Docket No. 2008-1449-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eastman Chemical Company in Harrison County**; TCEQ ID No. RN100219815; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 22. [Docket No. 2009-1083-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Eagle Rock Field Services, L.P.** in **Carson County**; RN100227792; 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. BG/CR; all agree.

Item 23. [Docket No. 2009-1023-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Brazoria County**; RN100825249; 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. BG/CR; all agree.

Item 24. [Docket No. 2009-1100-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **ONEOK, Inc. dba Texas Gas Service Company** in **El Paso County**; RN100812486; 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. BG/CR; all agree.

Item 25. [Docket No. 2009-1290-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas Municipal Power Agency** in **Grimes County**; RN100214550; 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. BG/CR; all agree.

Item 26. [Docket No. 2009-1076-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Coast Waste Disposal Authority** in **Harris County**; RN100219211; 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. BG/CR; all agree.

Item 27. [Docket No. 2008-0156-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rohm and Haas Texas Incorporated** in **Harris County**; RN100223205; 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. (Harvey Wilson, Cari-Michel La Caille)

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

- Item 28. [Docket No. 2008-0958-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Harris County**; TCEQ ID No. RN100210319; 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. (Laurencia Fasoyiro, Lena Roberts)

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

- Item 29. [Docket No. 2009-1133-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shintech Incorporated** in **Brazoria County**; RN100213198; 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. BG/CR; all agree.

#### **DRY CLEANER ENFORCEMENT DEFAULT ORDER**

- Item 30. [Docket No. 2008-0038-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gerald Grimes dba Corporate Cleaners & Laundry** in **Dallas County**; TCEQ ID No. RN104247861; for dry cleaner registration violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

#### **FIELD CITATIONS**

- Item 31. [Docket No. 2009-1596-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Lemond Gatson** in **Newton County**; RN103439295; for occupational licensing violations pursuant to Tex. Water Code ch. 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Cari-Michel La Caille)

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

- Item 32. [Docket No. 2009-1643-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Lewis King** in **Wilbarger County**; RN105784904; for occupational licensing violations pursuant to 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. BG/CR; all agree.



Item 33. [Docket No. 2009-1591-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Septic Hydro-Tec, Inc.** in **Polk County**; RN103151155; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Cari-Michel La Caille)

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

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

Item 34. [Docket No. 2009-1324-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **La Fontana Springs LLC** in **Comal County**; RN105699060; 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. BG/CR; all agree.

Item 35. [Docket No. 2009-1198-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Louis Cook dba Log Cabin Plaza** in **Hays County**; RN102724259; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Cari-Michel La Caille)

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

Item 36. [Docket No. 2009-1346-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **SOUTH TEXAS AGGREGATES, INC.** in **Uvalde County**; RN103991352; 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. (Jennifer Graves, Cari-Michel La Caille)

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

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

Item 37. [Docket No. 2007-0969-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Central Industrial Park, Ltd.** in **Harris County**; TCEQ ID No. RN104621412; for industrial hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

#### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 38. [Docket No. 2008-0298-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R & A Harris South, LP dba Intercontinental**

**Motors in Harris County**; RN101610970; 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. (Roshondra Lowe, Cari-Michel La Caille)

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

#### **LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS**

Item 39. [Docket No. 2009-0451-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chris James Becker** in **Hays County** and **Travis County**; TCEQ ID No. RN103229274; for landscape irrigation 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. (Sharesa Y. Alexander, Lena Roberts)

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

Item 40. [Docket No. 2009-0584-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kendal Dodson** in **Collin** and **Tarrant Counties**; RN103224374; 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. BG/CR; all agree.

#### **LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS**

Item 41. [Docket No. 2009-0899-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Angel Guzman** in **Harris County**; TCEQ ID No. RN105716542; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 42. [Docket No. 2009-0656-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Vincent Robinson** in **Fort Bend County** and **Harris County**; TCEQ ID No. RN103665675; 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. (Sharesa Y. Alexander, Lena Roberts)

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

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

Item 43. [Docket No. 2009-1304-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sabine River Authority of Texas** in **Sabine County**; RN103154944; for water quality and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on

Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Cari-Michel La Caille)

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

Item 44. [Docket No. 2007-1075-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Three Lakes Land Co., L.L.C. in Cameron County**; TCEQ ID No. RN104801121; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, 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. (Barham A. Richard, Lena Roberts)

Approve the Agreed Order. BG/BS; CR abstain.

Item 45. [Docket No. 2009-0359-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **H.H.J., INC. in Montgomery County**; RN102180411; for water quality and air quality 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 Texas Administrative Code ch. 60. (Evette Alvarado, Cari-Michel La Caille)

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

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

Item 46. [Docket No. 2009-0088-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mark Lopez dba M&R Aggregates in Starr County**; TCEQ ID No. RN104609045; for air quality and used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 371 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

Item 47. [Docket No. 2009-0135-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Alvin Cloud in Galveston County**; TCEQ ID No. RN105159453; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, 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. (Peipey Tang, Lena Roberts)

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

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

Item 48. [Docket No. 2009-0813-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Guadalupe Alvarado dba AAA General Construction Company in Culberson County**; RN105706915; 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. BG/CR; all agree.

- Item 49. [Docket No. 2009-1177-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **VILLAGE FARMS, L.P. dba Village Farms of Marfa** in **Presidio County**; RN100817873; 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. BG/CR; all agree.

- Item 50. [Docket No. 2008-0932-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rolando Rodriguez and Josefina Rodriguez** in **Cameron County**; TCEQ ID No. RN105501969; 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 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

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

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

- Item 51. [Docket No. 2009-0574-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gerald Lowrey** in **Lamar County**; TCEQ ID No. RN105701239; 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. (Sharesa Y. Alexander, Lena Roberts)

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

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

- Item 52. [Docket No. 2009-1136-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Loraine** in **Mitchell County**; RN101920973; 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. BG/CR; all agree.

- Item 53. [Docket No. 2009-0974-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Corpus Christi** in **Nueces County**; RN101610327; 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. BG/CR; all agree.

Item 54. [Docket No. 2009-0897-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **San Antonio Water System in Bexar County**; RN102187267; 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. BG/CR; all agree.

Item 55. [Docket No. 2009-1160-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CMH Parks, Inc. in Collin County**; RN102916574; 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. BG/CR; all agree.

Item 56. [Docket No. 2009-1088-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Texas Municipal Water District in Dallas County**; RN102097177; 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. BG/CR; all agree.

Item 57. [Docket No. 2009-1200-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Duval County Conservation and Reclamation District in Duval County**; RN104498597; 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. BG/CR; all agree.

Item 58. [Docket No. 2009-0976-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fort Bend County Municipal Utility District No. 58 in Fort Bend County**; RN104305867; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Cari-Michel La Caille)

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

Item 59. [Docket No. 2009-1025-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Elkhart in Anderson County**; RN102844610; 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. BG/CR; all agree.

Item 60. [Docket No. 2009-0304-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harris County Municipal Utility District No. 167 in Harris County**; RN103138335; 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. BG/CR; all agree.

Item 61. [Docket No. 2009-0969-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rocky Point Estate Land Trust in Denton County**; RN101609972; 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. BG/CR; all agree.

Item 62. [Docket No. 2009-0773-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kobra Mirhaj dba East Mount Houston Mobile Home Park in Harris County**; RN102852621; 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. BG/CR; all agree.

#### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDERS**

Item 63. [Docket No. 2008-0256-MWD-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Keeper Management, LLC in Harris County**; TCEQ ID No. RN101523264; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barham A. Richard, Lena Roberts)

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

Item 64. [Docket No. 2009-0667-MWD-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Stafford Mobile Home Park, Inc. in Fort Bend County**; TCEQ ID No. RN102080397; 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. (Rebecca M. Combs, Lena Roberts)

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

## **ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT AGREED ORDER**

- Item 65. [Docket No. 2009-0479-OSS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Terry Fuessel** in **Irion County**; TCEQ ID No. RN105004303; for on-site sewage system installer violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

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

- Item 66. [Docket No. 2009-1298-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Shannon Medical Center** in **Tom Green County**; RN100688829; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Shelton, Cari-Michel La Caille)

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

- Item 67. [Docket No. 2009-1216-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **B. T. Rand Oil Company dba Conoco Food Mart** in **Jefferson County**; RN102252699; 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. (Clinton Sims, Cari-Michel La Caille)

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

- Item 68. [Docket No. 2008-0801-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Eluterio Elizondo** in **Duval County**; TCEQ ID No. RN103992962; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

Remanded to the Executive Director.

- Item 69. [Docket No. 2009-1159-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southern Tank Transport, Inc.** in **Comal County**; RN100853555; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Cari-Michel La Caille)

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

- Item 70. [Docket No. 2009-1055-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **KDG, INC. dba Pit Pros of Round Rock** in **Williamson County**;

RN100532092; 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 Agreed Order. BG/CR; all agree.

Item 71. [Docket No. 2009-0638-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Central Transport, Inc. in El Paso County**; TCEQ ID No. RN102446523; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 72. [Docket No. 2009-0710-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **MARYEM SHAMS, INC. dba Johnny's Food Mart in McLennan County**; RN101661338; 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. (Brianna Carlson, Cari-Michel La Caille)

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

Item 73. [Docket No. 2009-1183-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AL-NAZ INC dba Get N Go Food Mart in Dewitt County**; RN101745065; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Cari-Michel La Caille)

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

Item 74. [Docket No. 2009-1087-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **BABWANI ASSOCIATES, INC. dba McCart Food Store in Tarrant County**; RN101537082; 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. (Michael Meyer, Cari-Michel La Caille)

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

Item 75. [Docket No. 2008-0676-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ADDISON ENTERPRISES, INC. dba Phillips 66 in Harris County**; RN100710573; 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. (Thomas Greimel, Cari-Michel La Caille)

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



Item 76. [Docket No. 2009-1281-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hong & Taft, Inc. dba H & T Texaco in Harris County**; RN101827616; 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. (John Shelton, Cari-Michel La Caille)

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

Item 77. [Docket No. 2009-1196-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **VSNB, LLC dba Lockwood Phillips 66 in Harris County**; RN102852548; 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. BG/CR; all agree.

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

Item 78. [Docket No. 2009-0637-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **WE ARE CRAZY, INC. dba Country Pantry 16 in Orange County**; TCEQ ID No. RN102260007; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barham A. Richard, Lena Roberts)

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

Item 79. [Docket No. 2008-1613-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ralph Thomas and Janice Thomas in Harris County**; TCEQ ID No. RN100899343; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

Remanded to the Executive Director and referred to the State Office of Administrative Hearings. BG/CR; all agree.

Item 80. [Docket No. 2008-0723-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gilbert Navarro in Crosby County**; TCEQ ID No. RN101828275; 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, P.G., Lena Roberts)

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

Item 81. [Docket No. 2009-0556-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **William Randle McLarrin in San Jacinto County**; TCEQ ID No. RN102229465; 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. (Sharesa Y. Alexander, Lena Roberts)

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

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

Item 82. [Docket No. 2009-1213-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Michael Sesso dba Sessos Country Market in Val Verde County**; RN105507388; 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. BG/CR; all agree.

Item 83. [Docket No. 2009-1074-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of San Augustine in San Augustine County**; RN103779302; 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. BG/CR; all agree.

Item 84. [Docket No. 2009-1309-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kemp in Kaufman County**; RN101244457; 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. BG/CR; all agree.

Item 85. [Docket No. 2009-1062-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Nolan County**; RN101204832; 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. BG/CR; all agree.

Item 86. [Docket No. 2009-1167-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **MC Equities, LLC in Harris County**; RN101281939; 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. BG/CR; all agree.

Item 87. [Docket No. 2009-0160-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sam Rayburn Water, Inc. in San Augustine County**; RN101189736 and RN101274165; 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. BG/CR; all agree.

#### **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 88. [Docket No. 2009-0737-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Syll Holt dba Walnut Bend Water System** in **Angelina County**; TCEQ ID No. RN102315124; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

#### **SLUDGE ENFORCEMENT AGREED ORDER**

Item 89. [Docket No. 2008-1104-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Kenedy** in **Karnes County**; TCEQ ID No. RN104967732; for sewage sludge violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

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

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

Item 90. [Docket No. 2009-0579-WOC-E](#). Consideration of a Default Order assessing administrative penalties against **Joey P. Dehart** in **Brewster County**; TCEQ ID No. RN103647335; for occupational license 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. (Kari L. Gilbreth, Lena Roberts)

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

#### **WATER QUALITY ENFORCEMENT DEFAULT ORDERS**

Item 91. [Docket No. 2009-0329-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **RAJ Construction LLC** in **Young County**; TCEQ ID No. RN105644710; 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 92. [Docket No. 2009-0421-WQ-E](#). Consideration of a Default Order assessing administrative penalties against **Flat Rock Minerals, L.L.C.** in **Upshur County**; TCEQ ID No. RN105497176; 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. (Rudy Calderon, Lena Roberts)

Remanded to the Executive Director.

### STATE IMPLEMENTATION PLAN

- Item 93. [Docket No. 2009-1258-SIP](#). Consideration for publication of, and hearing on, commission proposal for the Contingency Plan Revision to the 1997 **Eight-Hour Ozone Maintenance Plan for the Victoria County Ozone Attainment Area**. To conform to United States Environmental Protection Agency rules and guidance, the proposed State Implementation Plan revision would provide a revised contingency plan that includes clearly identified potential contingency measures to be implemented in the event Victoria County violates the 1997 eight-hour ozone National Ambient Air Quality Standard. (Holly Brightwell, John Minter) (Project No. 2009-033-SIP-NR)

Approve the publication of, and hearing on, the proposed revisions as recommended today by the Executive Director. CR/BG; all agree.

### MISCELLANEOUS

- Item 94. [Docket No. 2009-1060-MIS](#). Consideration for approval to publish and solicit public comment on proposed amended Procedures to Implement the **Texas Surface Water Quality Standards, RG-194**. This process conforms to the policies and procedures in the Water Quality Management Program Continuing Planning Process. (David Galindo, Robert Brush)

Approve the publication of, and hearing on, proposed amendments to the Texas Surface Water Quality Standards Implementation Procedures Guidance document as recommended by the Executive Director. BG/CR; all agree.

### RULE MATTERS

- Item 95. [Docket No. 2009-0889-RUL](#). Consideration for publication of, and hearing on, proposed amended Sections 307.1 - 307.10 of **30 Texas Administrative Code (TAC) Chapter 307**, Texas Surface Water Quality Standards. The proposed rulemaking would provide a periodic public review and revision of the State's surface water quality standards, as provided for in Section 26.023 of the Texas Water Code, and as required by Section 303(c) of the Federal Clean Water Act. Proposed changes include revisions to general criteria to improve statewide qualitative and quantitative criteria and to ensure that the general criteria are compatible with other proposed changes to the standards; expanded categories of recreational uses and criteria and more specific protocols to assign recreational uses; revisions to toxic criteria and revisions to the basic requirements for toxicity effluent testing; addition of new numerical nutrient criteria and screening levels; additions and revisions to clarify how the standards apply under different stream flow conditions; numerous revisions and additions to the uses and criteria of individual water bodies; and the addition of site-specific recreational uses for selected water bodies. (Jim Davenport, Lori Hamilton, Debbie Miller, Robert Brush) (Rule Project No. 2007-002-307-EN)

Approve the publication of, and hearing on, proposed amendments to Chapter 307 Texas Surface Water Quality Standards as recommended by the Executive Director. BG/CR; all agree.

Item 96. [Docket No. 2009-0338-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 117**, Control of Air Pollution from Nitrogen Compounds, Subchapter B, Combustion Control at Major Industrial, Commercial, and Institutional Sources in Ozone Nonattainment Areas, Division 4, Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Major Sources, Section 117.403, and corresponding revisions to the state implementation plan. The adopted rulemaking will exempt low-temperature drying and curing ovens used in mineral wool-type fiberglass manufacturing and wet-laid, non-woven fiber mat manufacturing in which nitrogen-containing resins or other additives are used at major sources of nitrogen oxides (NOX) in the Dallas-Fort Worth (DFW) ozone nonattainment area. The adopted changes will expand the existing exemption in Section 117.403(a)(12) for similar units operated in these specific types of manufacturing in the 1997 DFW ozone nonattainment area. The proposed rules were published in the August 28, 2009, issue of the *Texas Register* (33 TexReg 5866). (Ray Schubert, Tucker Henson) (Rule Project No. 2009-023-117-EN)

Adopt amendments to 30 Tex. Admin. Code Chapter 117.403(a)(12) as recommended by the Executive Director. BG/CR; all agree.

Item 97. [Docket No. 2009-0991-RUL](#). Consideration for publication of, and hearing on, the proposal of amendments to **30 TAC Chapter 291**, Utility Regulations, Sections 291.106 and 291.124. The proposed rulemaking would implement House Bill 1295 from the 81st Legislature, 2009, Regular Session, regarding notice for an application made to the Texas Commission on Environmental Quality to obtain or amend a Certificate of Convenience and Necessity. The statute requires that notice be given to each county and groundwater conservation district that is wholly or partially included in the area to be certificated. The proposed rulemaking would also implement Senate Bill 2126 from the 81st Legislature, 2009, Regular Session, to allow owners or managers of apartment houses to add up to a nine percent service charge to the water and wastewater portions of the tenants' utility bills in submetered apartment dwelling units. In addition, the proposed amendments would allow owners of manufactured home rental communities to add up to a nine percent service charge to the wastewater portion of the tenants' utility bills. (Tammy Benter, Kayla Murray) (Rule Project No. 2009-039-291-PR)

Approve the publication of, and hearing on, the proposed amendments to 30 TAC Chapter 291 to implement House Bill 1295 and Senate Bill 2126 passed during the 81<sup>st</sup> Legislature Session as recommended by the Executive Director. CR/BG; all agree.

Item 98. [Docket No. 2009-0990-RUL](#). Consideration for publication of, and hearing on, a proposed amendment to Section 290.46 of **30 TAC Chapter 290**, Public Drinking Water, Subchapter D, Rules and Regulations for Public Water Systems. The proposed rulemaking would implement changes to Texas Health and Safety Code, Section 341.0358(b) made by House Bill 3661, 81st Legislature, 2009, Regular Session. The proposed rulemaking would amend 30 TAC Section 290.46 to require the regulatory authority for a public utility to adopt standards for installing fire hydrants adequate to protect public safety in residential areas in a municipality with a population of 1,000,000 or more. These standards must, at a minimum, follow current American Water Works Association standards pertaining to fire hydrants and the requirements of 30 TAC Section

290.44(e)(6), pertaining to the location of fire hydrants. (Cindy Haynie, Stefanie Skogen) (Rule Project No. 2009-041-290-PR)

Approve the publication of, and hearing on, amendments to Section 290.46, as recommended today by the Executive Director, including the Executive Director's recommended changes. BG/CR; all agree.

Item 99. [Docket No. 2009-1907-RUL](#). Consideration for publication of, and hearing on, a proposed amendment to Section 116.160 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification and corresponding revisions to the state implementation plan. The proposed rulemaking would include references to 40 Code of Federal Regulations (CFR) Section 52.21(b)(12), the federal definition of best available control technology (BACT), 40 CFR Section 52.21(r)(4), the federal requirement that ensures sources or modifications which become major as a result of the relaxation of an enforceable limitation are subject to prevention of significant deterioration requirements, and 40 CFR Section 52.21(j), the federal requirement to use control technology that is equivalent or more stringent than BACT. (Blake Stewart, Janis Hudson) (Rule Project No. 2010-005-116-PR)

Approve publication of, and hearing on, the proposed amendments to 30 TAC 116.160 in the corresponding revisions in the State Implementation Plan as recommended by the Executive Director. CR/BG; all agree.

### **EXECUTIVE MEETING**

Item 100. **Docket No. 2010-0001-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 101. **Docket No. 2010-0002-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 102. **Docket No. 2010-0003-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/ Jim Rizk  
Assistant General Counsel,  
Jim Rizk

1/26/10  
Date