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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.
Commissioner Carlos Rubenstein

AGENDA

February 24, 2010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

- Item 1. [TCEQ Docket No. 2007-1956-UCR; SOAH Docket No. 582-08-1318](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Mustang Special Utility District** to amend sewer Certificate of Convenience and Necessity No. 20930 in **Denton County** pursuant to the rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291 and Tex. Water Code Chapter 13. Mustang Special Utility District proposes to provide retail sewer service to approximately 2,423.08 acres of land located in the eastern portion of Denton County, near the Collin County line. The Commission will also consider timely related filings, exceptions and replies. (Brian Dickey, Stacy Foster, Stefanie Skogen)

Adopt the ALJ's amended proposed Order. CR/BS; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

- Item 2. [Docket No. 2009-0179-AIR](#). Consideration of the application by **Houston Refining LP** for renewal and amendment of Air Quality Permit 2167 to authorize continued operation of the refinery, and certain changes to, and requirements, for the refinery operation. The site is located at 12000 Lawndale St., Houston, in **Harris County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (John Barrientez, Janis Hudson)

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

- Item 3. [Docket No. 2010-0023-AIR](#). Consideration of the application by **Alamo Concrete Products, Ltd.** for Air Quality Standard Permit for Concrete Batch Plants Registration No. 86959 this will authorize the construction and operation of a permanent concrete batch plant. The proposed plant site is located at 1375 Weir Ranch Road, Georgetown, **Williamson County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Shelley Stratmann, Amy Browning)

Deny hearing requests of Brian Lindsey and Mark Freerks; approve the application for Registration No. 86959 and adopt the Executive Director's Response to Comments. CR/BS; all agree.

MISCELLANEOUS MATTER

- Item 4. [Docket No. 2010-0169-AUD](#). Consideration of the TCEQ Chief Auditor's Office Charter. (Steve Goodson)

Approve the Chief Auditor's Charter as proposed. CR/BS; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 5. [Docket No. 2007-1140-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Nick Sublett dba Uphill Dairy** in **Hamilton County**; RN101527893; for confined animal feeding operation 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. (Gary K. Shiu, Lena Roberts)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 6. [Docket No. 2009-1080-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation** in **Harris County**; RN102579307; 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/BS; all agree.

- Item 7. [Docket No. 2009-0686-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southern Crushed Concrete, LLC** in **Harris County**; RN100889492, RN100904838, RN101089001, RN102764479, and RN102765260; 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/BS; all agree.

Item 8. [Docket No. 2009-1173-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hess Corporation in Gaines County**; RN103758470; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 9. [Docket No. 2009-1079-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oxy Vinyls, LP in Harris County**; RN100224674 and RN100706803; 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/BS; all agree.

Item 10. [Docket No. 2009-0711-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **The Lubrizol Corporation in Harris County**; RN101058410; 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/BS; all agree.

Item 11. [Docket No. 2009-1140-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Strike Construction, LLC in Chambers County**; RN105758478; 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/BS; all agree.

Item 12. [Docket No. 2009-1362-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Natural Gas Pipeline Company of America LLC in Gray County**; RN100225481; 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/BS; all agree.

Item 13. [Docket No. 2009-1603-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Flint Hills Resources, LP in Nueces County**; RN102534138; 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/BS; all agree.

Item 14. [Docket No. 2009-1640-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC.** in **Harris County**; RN100212109; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Cari-Michel La Caille)

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

Item 15. [Docket No. 2009-0221-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chevron Phillips Chemical Company LP** in **Jefferson County**; RN100209857; 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/BS; all agree.

Item 16. [Docket No. 2009-1291-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sofia Enterprises, L.P. dba HTC Industries** in **Tom Green County**; RN102754652; 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/BS; all agree.

Item 17. [Docket No. 2009-1227-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation** in **Jefferson County**; RN101975746; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, P.G., Cari-Michel La Caille)

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

Item 18. [Docket No. 2009-1505-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Atlas Pipeline Mid-Continent WestTex, LLC** in **Reagan County**; RN100215714; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Cari-Michel La Caille)

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

Item 19. [Docket No. 2009-1402-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Firestone Polymers, LLC** in **Orange County**; RN100224468; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, P.G., Cari-Michel La Caille)

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

- Item 20. [Docket No. 2009-1419-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Waste Management of Texas, Inc. in Denton County**; RN100542257; 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/BS; all agree.

- Item 21. [Docket No. 2009-1670-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Regency Field Services LLC in Pecos County**; RN100211408; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Cari-Michel La Caille)

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

- Item 22. [Docket No. 2009-1484-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Stolthaven Houston, Inc. in Harris County**; RN100210475; 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/BS; all agree.

- Item 23. [Docket No. 2009-1474-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kinder Morgan Texas Pipeline LLC in Matagorda County**; RN101987741; 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/BS; all agree.

- Item 24. [Docket No. 2009-1403-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **SandRidge CO2, LLC in Terrell County**; RN100825348; 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/BS; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 25. [Docket No. 2009-1536-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Comal Independent School District in Comal County**; RN104421649; 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. (Steve Villatoro, Cari-Michel La Caille)

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

FIELD CITATIONS

Item 26. [Docket No. 2009-1915-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Theresa Griffin in San Patricio County**; RN105813703; 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. CR/BS; all agree.

Item 27. [Docket No. 2009-1877-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Daniel C. White in Wilbarger County**; RN105828628; 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. CR/BS; all agree.

Item 28. [Docket No. 2009-1839-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **The Shredder Company, LLC in El Paso County**; RN101241180; 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. (Jordan Jones, Cari-Michel La Caille)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 29. [Docket No. 2009-1325-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alloy Polymers Orange, LLC in Orange County**; RN100590207; 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/BS; all agree.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 30. [Docket No. 2009-1366-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mauricio Villeda in Dallas County**; RN105763502; 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. (Mike Pace, Cari-Michel La Caille)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 31. [Docket No. 2009-0432-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Advanced Environmental Recycling Technologies, Inc.** in **Kimble County**; RN101873164; for industrial and hazardous waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Cari-Michel La Caille)

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

- Item 32. [Docket No. 2009-1239-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Attoyac Construction, LLC** in **San Augustine County**; RN105726723; for petroleum storage tank, municipal solid waste, and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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. CR/BS; all agree.

- Item 33. [Docket No. 2009-1293-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **The J.B. Allen Company** in **Dimmit County**; RN105750541; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Cari-Michel La Caille)

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

- Item 34. [Docket No. 2008-0139-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SSS CONSTRUCTION, L.L.C.** in **Bexar County**; RN105137434; for water quality and municipal solid 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. (Barham A. Richard, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

- Item 35. [Docket No. 2009-0361-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Curtis J. Shupak dba Village Water** in **Burleson County**; RN101191708; for public drinking water and water rights violations pursuant to Tex. Water Code chs. 5 and 11, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 36. [Docket No. 2009-1624-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Taft in San Patricio County**; RN104617352; 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. (Rajesh Acharya, Cari-Michel La Caille)

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

Item 37. [Docket No. 2009-0782-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rapid Environmental Services, LLC in El Paso County**; RN105644421; for used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, 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. CR/BS; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 38. [Docket No. 2009-0665-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CNL Income Splashtown, LLC and PARC Splashtown, LLC in Harris County**; RN102095627; 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/BS; all agree.

Item 39. [Docket No. 2009-1248-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Madisonville in Madison County**; RN101719821; 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. CR/BS; all agree.

Item 40. [Docket No. 2009-1193-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Hawk Cove in Hunt County**; RN104265848; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Cari-Michel La Caille)

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

Item 41. [Docket No. 2009-1275-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Manitou Ltd., Incorporated** in **Brazos County**; RN101611549; 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/BS; all agree.

Item 42. [Docket No. 2009-1412-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Carrizo Springs** in **Dimmit County**; RN101721124; 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/BS; all agree.

Item 43. [Docket No. 2009-1135-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **San Patricio County Municipal Utility District No. 1** in **San Patricio County**; RN101418523; 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/BS; all agree.

Item 44. [Docket No. 2008-1820-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mullin** in **Mills County**; RN102186756; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Evette Alvarado, Cari-Michel La Caille)

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

Item 45. [Docket No. 2009-0951-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of La Grange** in **Fayette County**; RN100626001; 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. (Lauren Smitherman, Cari-Michel La Caille)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 46. [Docket No. 2009-1273-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **LEO GROUP, INC. dba Broadway 610 Gas & Go** in **Harris County**; RN101432672; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brianna Carlson, Cari-Michel La Caille)

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

- Item 47. [Docket No. 2009-1229-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kathy Luu dba A Nam Gas** in **Harris County**; RN100884709; 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. CR/BS; all agree.

- Item 48. [Docket No. 2009-1392-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **N & D MEKHAIL ENTERPRISES, INC. dba N & D Enterprise** in **Harris County**; RN102917937; 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. (Theresa Hagood, Cari-Michel La Caille)

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

- Item 49. [Docket No. 2009-1399-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kesss Investments #10001, LLC dba The Market** in **El Paso County**; RN105073381; 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. CR/BS; all agree.

- Item 50. [Docket No. 2009-1243-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Allsup Petroleum Inc. dba Allsups 356** in **Tom Green County**; RN102439387; 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/BS; all agree.

- Item 51. [Docket No. 2009-1240-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **UNITED PARCEL SERVICE, INC. dba UPS El Paso** in **El Paso County**; RN100822931; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Cari-Michel La Caille)

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

- Item 52. [Docket No. 2009-1494-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **First National Bank of Hebronville** in **Duval County**; RN102281821; 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. (Theresa Hagood, Cari-Michel La Caille)

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

Item 53. [Docket No. 2009-1280-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **REENA & ARISH BUSINESS, INC. dba Jacks Grocery in Harris County**; RN102278595; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Cari-Michel La Caille)

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

Item 54. [Docket No. 2009-0308-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Wajed Ent. Inc. dba Bonjour Food Store in Harris County**; RN102474939; 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. (Gary K. Shiu , Lena Roberts)

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

Item 55. [Docket No. 2009-1587-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WWY, INC. dba King Food Mart in Dallas County**; RN102006715; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Cari-Michel La Caille)

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

Item 56. [Docket No. 2009-0712-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gary Barton dba Fabens Exxon in El Paso County**; RN101653509; 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. (Mike Pace, Cari-Michel La Caille)

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

Item 57. [Docket No. 2009-1499-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **CITY INT'L., LTD. dba Courtesy Food Mart 7 in Harris County**; RN102780269; 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. (Elvia Maske, Cari-Michel La Caille)

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

Item 58. [Docket No. 2009-1282-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Raheel & Rida Inc. dba Shop N Go in Dallas**

County; RN102433018; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Cari-Michel La Caille)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 59. [Docket No. 2009-0943-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ruben Rios** in **Nueces County**; RN101730497; 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 Default Order. CR/BS; all agree.

Item 60. [Docket No. 2009-0587-PST-E](#). Consideration of a Default Order assessing administrative penalties against **KDP, LLC dba Grapevine Food Market** in **Harris County**; RN105487573; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 61. [Docket No. 2009-0062-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jaime Vela** in **Zapata County**; RN101729044; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 62. [Docket No. 2008-1822-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Mark E. Blackwell dba Blackies Grab N Go** in **Tom Green County**; RN101431831; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

Item 63. [Docket No. 2009-0689-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **D. Lakhani Inc. dba Kwik Stop Center** in **Dallas County**; RN102834009; for petroleum storage tank violations pursuant to Tex.

Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 64. [Docket No. 2009-1028-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **International A.L.E.R.T. Academy in Upshur County**; RN101193167; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Cari-Michel La Caille)

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

Item 65. [Docket No. 2009-1551-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Santa Rosa in Cameron County**; RN101242170; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Cari-Michel La Caille)

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

Item 66. [Docket No. 2009-1356-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Evant in Coryell County**; RN101396802; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Cari-Michel La Caille)

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

Item 67. [Docket No. 2009-1585-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Westwood Shores Municipal Utility District in Trinity County**; RN101175560; 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/BS; all agree.

Item 68. [Docket No. 2009-1556-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Landing Utilities L.C. in Polk County**; RN101210037; 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)

Remanded to the Executive Director.

Item 69. [Docket No. 2008-0680-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City Int'l, Ltd. dba Snappy Mart 3 in Harris**

County; RN101458057; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Gary K. Shiu, Lena Roberts)

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

Item 70. [Docket No. 2009-1172-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Texas A&M University System in Brazos County**; RN102974839; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Cari-Michel La Caille)

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

Item 71. [Docket No. 2009-1208-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **A. & P. Water Supply Corporation in Panola County**; RN101216521; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Cari-Michel La Caille)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 72. [Docket No. 2009-1059-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **D M Ventures, Inc.** in **Harris County**; RN103128468; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Peipey Tang, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 73. [Docket No. 2009-1415-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Postel Industries, Inc.** in **Polk County**; RN101980365; 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/BS; all agree.

RULE MATTERS

Item 74. [Docket No. 2009-1185-RUL](#). Consideration of the adoption of new Sections 114.650 - 114.658 of **30 Texas Administrative Code (TAC) Chapter 114**, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the state implementation plan. The adoption will implement Senate Bill 1759, 81st Legislature, 2009, Regular Session by adding the Texas Clean

Fleet Program. This voluntary grant program is designed to encourage eligible entities to replace diesel-powered vehicles with alternative fuel or hybrid vehicles. The proposed rules were published in the October 23, 2009 issue of the *Texas Register* (34 TexReg 7295). (Steve Dayton, Ben Rhem) (Rule Project No. 2009-047-114-EN)

Adopt the new 30 TAC Sections 114.650 – 114.658 and the corresponding revisions of the State Implementation Plan to implement the new Texas Clean Fleet Program and Senate Bill 1759, as recommended by the Executive Director for adoption. CR/BS; all agree.

Item 75. [Docket No. 2009-1186-RUL](#). Consideration of the adoption of Section 114.620 and Section 114.622 of **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the state implementation plan. The adoption will implement House Bill 1796, 81st Legislature, 2009, Regular Session, by adding a definition for stationary engines and clarifying requirements for projects involving non-road equipment used for natural gas recovery purposes. The proposed rules were published in the October 23, 2009 issue of the *Texas Register* (34 TexReg 7291). (Steve Dayton, Ben Rhem) (Rule Project No. 2009-048-114-EN)

Adopt the revisions to 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K, Sections 114.620 and 114.622. CR/BS; all agree.

PUBLIC COMMENT SESSION

Item 76. The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.

No action taken.

EXECUTIVE MEETING

Item 77. **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 78. **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 79. **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/ Elaine Lucas
Assistant General Counsel,
Elaine Lucas

3/12/10
Date