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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 H.S. Buddy Garcia
Commissioner Carlos Rubinstein

AGENDA
July 28, 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. 2008-1748-PST-E; SOAH Docket No. 582-10-0729](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Jamal Alshaafi d/b/a Quik Stop** in **Bell County**, Texas; RN102230109; 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. (Kari Gilbreth)

Adopt the ALJ's Proposal for Decision with the Executive Director's recommended changes accepted and recommended by the ALJ's letter dated July 7, 2010. BG/CR; all agree.

Item 2. [TCEQ Docket No. 2009-0156-PST-E; SOAH Docket No. 582-09-5318](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **J. D. Martin, III** in **Jefferson County**, Texas; RN102782588, RN102782646 and RN102782794; 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. (Sharesa Alexander)

Adopt the Executive Director's Proposed Order as agreed to by the ALJ's letter dated June 23, 2010. CR/BG; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3. [Docket No. 2009-0356-WR](#). Consideration of an application by the **Gulf Coast Water Authority** to add a diversion point on the Brazos River in **Fort Bend County** and to add Galveston County as a place of use within Applicant's authorized service area in the San Jacinto-Brazos Coastal Basin via an exempt interbasin transfer. Certificate of Adjudication No. 12-5322 authorizes Gulf Coast Water Authority to divert and use not to exceed 155,000 acre-feet of water per year at a maximum combined diversion rate of 900 cfs (405,000 gpm) from the Brazos River, Brazos River Basin, for municipal, industrial, and agricultural (irrigation) purposes within the owner's service area in Fort Bend, Brazoria, and Harris Counties in the Brazos River Basin, San Jacinto River Basin, and San Jacinto-Brazos Coastal Basin pursuant to an exempt interbasin transfer. Applicant seeks to amend the Certificate to add a diversion point approximately 3.9 miles upstream of the currently authorized point on the east bank of the Brazos River in Fort Bend County. This proposed diversion point is also currently authorized by Certificates of Adjudication No. 12-5168 and No. 12-5171, owned by the Gulf Coast Water Authority, and Certificates of Adjudication No. 12-5166 and No. 12-5167, owned by the Brazos River Authority. Applicant also seeks an exempt interbasin transfer pursuant to Texas Water Code §11.085(v)(3) to authorize Galveston County as a place of use within its authorized service area in the San Jacinto-Brazos Coastal Basin. Applicant is not requesting an increase in the diversion amount or the diversion rate. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Ross Henderson, Ron Ellis)

Grant hearing requests for Brazos River Authority and the Dow Chemical Co.; direct that the matter be referred to ADR for a 4-6 week period prior to the referral of the matter by the Office of Chief Clerk to the State Office of Administrative Hearings; and direct the Executive Director to participate. BG/CR; all agree.

Item 4. [Docket No. 2010-0843-AIR](#). Consideration of the application by **Regency Field Services, L.L.C.** for Renewal of Air Quality Permit No. 6051 and PSDTX55M3 to authorize the continued operation of the Eustace Gas Processing Plant. The existing facility is located at 16401 County Road 2854, Eustace, **Henderson 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. (Alexis Lorick, Patricio Griego)

Deny all hearing requests and issue the renewal of Air Quality Permit No. 6051 and PSDTX55M3 as recommended by the Executive Director. CR/BG; all agree.

Item 5. [Docket No. 2010-0653-MWD](#). Consideration of the application by **Grason Volente Investments Ltd.** for a renewal of TCEQ Permit No. WQ0014563001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 175,000 gallons per day via non-public access subsurface drip irrigation with a minimum area of 1,742,400 square feet in the final phase. This permit will not authorize a discharge of pollutants into waters in the State. The wastewater treatment facility and disposal site will be located six miles west of the intersection of Ranch Road 620 and Farm-to-Market Road 2769 and 1.5 miles north of Farm-to-Market Road 2769 (Volente Road) in **Travis 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. (Christiaan Siano, Kellie Crouch-Elliott).

Deny the hearing request filed by John and Judy Schlotzhauer; issue Proposed Permit No. WQ0014563001 as recommended by the Executive Director; and adopt the Executive Director's RTC. BG/CR; all agree.

TMDL MATTER

- Item 6. [Docket No. 2008-0220-TML](#). Consideration for adoption of two draft Total Maximum Daily Loads (TMDLs) for dissolved oxygen in **Upper Oyster Creek**, Segment 1245 of the Brazos River Basin. (Fort Bend County) (Ron Stein, Robert Brush)

Adopt the Executive Director's Proposed Resolution adopting the two TMDLs for dissolved oxygen in Upper Oyster Creek. CR/BG; all agree.

BUDGET MATTER

- Item 7. [Docket No. 2010-1113-BGT](#). Consideration and Approval of the Agency's FY 2011 Recommended Operating Budget and FY 2012/2013 Legislative Appropriations Request.

Adopt the agency's FY 2011 Operating Budget and FY 2012/2013 Legislature Appropriations Request as recommended by the Executive Director minus \$250,000 requested for rate-case representation by the low-level radio-active waste disposal compost commission. BG/CR; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

- Item 8. [Docket No. 2009-0507-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jochum Schievink dba Jochum Schievink Dairy** in **Erath County**; RN102754892; 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. (Laurencia Fasoyiro, Lena Roberts)

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

- Item 9. [Docket No. 2009-1827-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Randy Earl Wyly** in **Erath County**; RN105746176; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

- Item 10. [Docket No. 2009-0488-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **George Ted Devries dba Devries Dairy** in **Erath County**; RN100802917; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Laurie Eaves)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 11. [Docket No. 2009-0480-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP** in **Brazoria County**; RN100210574; 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, Laurie Eaves)

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

Item 12. [Docket No. 2009-1705-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Diamond Shamrock Refining Company, L.P.** in **Live Oak County**; RN100542802; 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, Laurie Eaves)

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

Item 13. [Docket No. 2010-0233-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flint Hills Resources, LP** in **Nueces County**; RN100235266; 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, Laurie Eaves)

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

Item 14. [Docket No. 2010-0435-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Clarke Products, Inc.** in **Tarrant County**; RN102891108; 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, Laurie Eaves)

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

Item 15. [Docket No. 2009-0748-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Diamond Shamrock Refining Company, L.P.** in **Moore County**; RN100210517; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

Item 16. [Docket No. 2010-0156-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wilkinson Jim Iron & Metal, Inc.** in **Cameron County**; RN102293404; 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. (Heather Podlipny, Laurie Eaves)

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

Item 17. [Docket No. 2009-0779-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Refining LP in Harris County**; RN100218130; 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, Laurie Eaves)

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

Item 18. [Docket No. 2009-0263-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **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. (John Muennink, Laurie Eaves)

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

Item 19. [Docket No. 2008-1454-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Refining LP in Harris County**; RN100218130; 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, Laurie Eaves)

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

Item 20. [Docket No. 2010-0098-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. (Kirk Schoppe, Laurie Eaves)

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

Item 21. [Docket No. 2010-0022-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mario Sinacola & Sons Excavating, Inc. in Denton County**; RN105855068; 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, Laurie Eaves)

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

Item 22. [Docket No. 2009-2089-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC. in Jefferson County**; RN102457520; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

- Item 23. [Docket No. 2009-1605-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Lubrizol Corporation in Harris County**; RN100221589; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

- Item 24. [Docket No. 2009-0154-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Harris County**; 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 Texas Administrative Code ch. 60. (John Muennink, Laurie Eaves)

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

- Item 25. [Docket No. 2010-0137-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sabina Petrochemicals LLC in Jefferson County**; RN100216977; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Laurie Eaves)

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

- Item 26. [Docket No. 2009-1045-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sid Richardson Carbon, LTD in Howard County**; RN100226026; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

- Item 27. [Docket No. 2010-0067-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shel-Jenn, Inc. in Williamson County**; RN103952651; 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. (Cheryl Thompson, Laurie Eaves)

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

- Item 28. [Docket No. 2010-0147-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DRENNAN DAY CUSTOM HOMES INC. in Williamson County**; RN105865877; for Edwards Aquifer violations pursuant to Tex. Water

Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

- Item 29. [Docket No. 2009-2062-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Classic Special Real Estate, Ltd. in Williamson County**; RN100524040; 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. (Jordan Jones, Laurie Eaves)

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

FIELD CITATIONS

- Item 30. [Docket No. 2010-0352-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Buffet Partners, L.P. in Lubbock County**; RN101442747; 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, Laurie Eaves)

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

- Item 31. [Docket No. 2010-0353-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **66 Wholesale Inc. dba 66 Wholesale in Crosby County**; RN102912888; 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, Laurie Eaves)

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

- Item 32. [Docket No. 2010-0354-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Hi Performance Fuels in Floyd County**; RN101777118; 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, Laurie Eaves)

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

- Item 33. [Docket No. 2010-0562-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **City of Denver City in Yoakum County**; RN101843217; 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, Laurie Eaves)

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

Item 34. [Docket No. 2010-0605-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **United Supermarkets, L.L.C. dba United Supermarkets 551** in **Lubbock County**; RN102433042; 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, Laurie Eaves)

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

Item 35. [Docket No. 2010-0273-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Carl Dyes** in **Nacogdoches County**; RN105798128; 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, Laurie Eaves)

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

Item 36. [Docket No. 2010-0458-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Aunie C. Sellers** in **Crosby County**; RN105228100; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Laurie Eaves)

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

Item 37. [Docket No. 2010-0459-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Isabel Diaz** in **Haskell County**; RN105796452; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Laurie Eaves)

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

Item 38. [Docket No. 2010-0460-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Rodney Hughes** in **Lubbock County**; RN103687240; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Laurie Eaves)

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

Item 39. [Docket No. 2010-0349-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Haas-Anderson Construction, Ltd.** in **Kleberg County**; RN105873285; 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, Laurie Eaves)

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

Item 40. [Docket No. 2010-0495-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Dover Fluid Management, Inc.** in **Smith County**; RN103219242; 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, Laurie Eaves)

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

Item 41. [Docket No. 2010-0579-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Dominion Homes, L.P.** in **Randall County**; RN104111422; 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, Laurie Eaves)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 42. [Docket No. 2008-1529-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E.I. du Pont de Nemours and Company** in **Jefferson County**; RN100216035; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Shelton, Laurie Eaves)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 43. [Docket No. 2010-0032-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DuchMandola, Ltd. dba Mandola Estate Winery** in **Hays County**; RN104789094; 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, Laurie Eaves)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 44. [Docket No. 2010-0218-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Victoria Simpson dba Dawn Maintenance** in **Comal County**; RN105869648; 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. (Trina Grieco, Laurie Eaves)

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

Item 45. [Docket No. 2010-0143-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James H. Wood** in **Tarrant County**; RN103738399; for occupational licensing violations pursuant to Tex. Water Code ch. 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Laurie Eaves)

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

Item 46. [Docket No. 2010-0221-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hernan Botero** in **Galveston County**; RN105864367; 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. (Rajesh Acharya, Laurie Eaves)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS

Item 47. [Docket No. 2009-2006-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jose Abundiz dba Bundy's Landscape Design** in **Williamson County**; RN105841258; 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. (Marshall Coover, Lena Roberts)

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

Item 48. [Docket No. 2009-2075-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Brad Martin** in **Harris County**; RN105851984; 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. (Marshall Coover, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 49. [Docket No. 2009-1798-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jacinto Enterprises, Inc.** in **Maverick County**; RN105628374; 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. (Thomas Jecha, P.G., Laurie Eaves)

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

Item 50. [Docket No. 2009-1923-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Westgate Homes, Inc.** in **Hood County**; RN104812334; for municipal solid waste and air violations pursuant to Tex. Health & Safety

Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 51. [Docket No. 2009-1333-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jim Wells County** in **Jim Wells County**; RN103756789; 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. (Xavier Guerra, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 52. [Docket No. 2009-1855-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Starr County** in **Starr County**; RN105780217; 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. (Peipey Tang, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 53. [Docket No. 2010-0136-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jasper County Water Control and Improvement District No. 1** in **Jasper County**; RN101610673; 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, Laurie Eaves)

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

Item 54. [Docket No. 2010-0201-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of East Tawakoni** in **Rains County**; RN101917847; 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, Laurie Eaves)

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

Item 55. [Docket No. 2010-0275-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District No. 304** in **Harris County**; RN102097771; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

- Item 56. [Docket No. 2010-0308-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Monument Inn, Inc.** in **Harris County**; RN101527737; 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, Laurie Eaves)

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

- Item 57. [Docket No. 2010-0172-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District 401** in **Harris County**; RN103016671; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

- Item 58. [Docket No. 2010-0046-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Fort Worth** in **Tarrant County**; RN100942259; 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, Laurie Eaves)

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

- Item 59. [Docket No. 2010-0165-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jim Hogg County Water Control & Improvement District No. 2** in **Jim Hogg County**; RN101523512; 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, Laurie Eaves)

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

- Item 60. [Docket No. 2010-0058-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Streetman** in **Freestone County**; RN101919991; 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, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

- Item 61. [Docket No. 2009-1967-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R B Rogers** in **Gray County**; RN101886356; 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. (Marshall Coover, Lena Roberts)

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

Item 62. [Docket No. 2009-1886-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rahim Dhuka dba Angel's Gas & Grocery in Harris County**; RN102345139; 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, Laurie Eaves)

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

Item 63. [Docket No. 2010-0085-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SADIQ CORPORATION dba Shell in Dallas County**; RN101995074; 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 Pace, Laurie Eaves)

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

Item 64. [Docket No. 2009-1671-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ASA Store, Inc. dba Super K Food Store in Harris County**; RN102368594; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

Item 65. [Docket No. 2009-2056-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **STAR 1485 WEST, INC. dba B's Quick Stop Grocery 2 in Montgomery County**; RN101866978; 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. (Mike Pace, Laurie Eaves)

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

Item 66. [Docket No. 2010-0105-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WESTSTAR SUNSHINE, INC. dba A & A Stop & Shop in Fort Bend County**; RN101207231; 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. (Keith Frank, Laurie Eaves)

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

Item 67. [Docket No. 2009-1919-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ZENU & NILU ENTERPRISE INC. dba Ella Quick Mart** in **Harris County**; RN100923580; 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, Laurie Eaves)

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

Item 68. [Docket No. 2009-1926-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Petroleum Wholesale, L.P.** in **Harris County**; RN102027695; 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, Laurie Eaves)

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

Item 69. [Docket No. 2010-0283-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Midway Petroleum Unit 5, L.P. dba ZIPPS #5** in **Montgomery County**; RN101853844; 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. (Tate Barrett, Laurie Eaves)

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

Item 70. [Docket No. 2009-1316-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mukhi Petroleum LLC dba C Store Sub Express** in **Tarrant County**; RN102014354; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

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

Item 71. [Docket No. 2010-0078-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **UNITED F A & S ENTERPRISES, INC. dba West Orem Valero** in **Harris County**; RN105684518; 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, Laurie Eaves)

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

Item 72. [Docket No. 2009-2051-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KHURAM ENTERPRISES, INC. dba Super Food Country Store** in **Galveston County**; RN101199354; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)

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

- Item 73. [Docket No. 2010-0176-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **NORTH TEXAS FIXTURE COMPANY, INC. dba Big Z 2 in Tarrant County**; RN103008694; 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, Laurie Eaves)

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

- Item 74. [Docket No. 2009-0098-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mohammed Dinaj Khan dba Short Stop in Hardin County**; RN103046363; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

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

- Item 75. [Docket No. 2010-0420-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Steinhagen Oil Company, Inc. dba Fastlane No. 14 in Orange County**; RN101908952; 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. (Stephen Thompson, Laurie Eaves)

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

- Item 76. [Docket No. 2010-0087-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **NAUSHEEN, INC. dba Sunshine Food Mart in Harris County**; RN102365962; 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. (Philip Aldridge, Laurie Eaves)

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

- Item 77. [Docket No. 2009-1019-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RIZ INVESTMENT, INC. dba Circle N Food Mart in Brazoria County**; RN101783728; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 78. [Docket No. 2009-1796-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Laporte Petroleum Corporation dba Stop N Drive** in **Harris County**; RN102913084; 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. (Wallace Myers, Laurie Eaves)

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

Item 79. [Docket No. 2010-0239-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jupiter Food Mart, LLC dba ABC Mini Mart** in **Tarrant County**; RN102010733; 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. (Tate Barrett, Laurie Eaves)

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

Item 80. [Docket No. 2010-0129-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **M. Dumia, Inc. dba Airport Shamrock** in **Harris County**; RN101472892; 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, Laurie Eaves)

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

Item 81. [Docket No. 2010-0116-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **TRISTAR CONVENIENCE STORES, INC. dba Handi Stop 20** in **Harris County**; RN102449790; 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, Laurie Eaves)

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

Item 82. [Docket No. 2009-1936-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ruben Lopez dba R. J.'s Convenience Store** in **Dimmit County**; RN102060407; 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. CR/BG; all agree.

Item 83. [Docket No. 2008-0532-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **M.Y.M. Investment Inc. dba Kwik & Save Food Store** in **Harris County**; RN102394160; 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. (Xavier Guerra, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 84. [Docket No. 2010-0342-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **High Prairie Water Supply Corporation in Madison County**; RN101234607; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie Eaves)

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

Item 85. [Docket No. 2009-1817-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Lisa Lowery Trust in Comal County**; RN102321486; 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, Laurie Eaves)

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

Item 86. [Docket No. 2010-0223-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TC Transport, Inc. in El Paso County**; RN102648342; 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, Laurie Eaves)

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

Item 87. [Docket No. 2010-0064-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Circle T Promotions, Ltd. in Hamilton County**; RN104707435; 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, Laurie Eaves)

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

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER

Item 88. [Docket No. 2009-2083-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jim Oxford in Bee County**; RN105600928; 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. (Steven M. Fishburn, Lena Roberts)

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

MISCELLANEOUS MATTERS

Item 89. [Docket No. 2010-0977-MIS](#). Consideration of the withdrawal from the United States Environmental Protection Agency (EPA) of **30 Texas Administrative Code (TAC) Sections 101.201(h) and 101.211(f)**, as adopted by the Commission on December 14, 2005, as revisions to the state implementation plan. These two rule subsections concern certain reporting requirements for excess emissions of air contaminants from emissions events and scheduled maintenance, startup, and shutdown activities. (Kathy Pendleton, Janis Hudson)

Approve the withdrawal of 30 Tex. Admin. Code Sections 101.201(h) and 101.211(f) from consideration by the United States Environmental Protection Agency as a revision to the State Implementation Plan as recommended by the Executive Director. BG/CR; all agree.

Item 90. [Docket No. 2010-1080-MIS](#). Discussion of the current status and opportunities to streamline the process for conducting use-attainability analyses to assign recreational uses to streams, rivers, and other surface water bodies in Texas. The framework for this process is established in the revisions to **30 TAC Chapter 307**, Texas Surface Water Quality Standards, Sections 307.1 - 307.10 that were adopted by the Commission on June 30, 2010. (Kelly Keel)

No action taken.

Item 91. [Docket No. 2010-0847-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. (Kasey Feldman)

Approve the issuance of the resolution that acknowledges the Executive Director's acceptance of these gifts. CR/BG; all agree.

RULE PETITION

Item 92. [Docket No. 2010-0879-RUL](#). Consideration of a **petition for rulemaking** under 30 TAC Section 20.15 filed on May 28, 2010, by Paloma Lake Municipal Utility District (MUD) Number 1, Paloma Lake MUD Number 2, Parkside at Mayfield Ranch MUD, and Armbrust & Brown, L.L.P., on behalf of Greenhawe Water Control and Improvement District Number 2, Lakeside MUD Number 3, Travis County MUD Number 7, Travis County MUD Number 9, Williamson County Water, Sewer, Irrigation, and Drainage District Number 3, Moore's Crossing MUD, West Williamson County MUD Number 1, and Travis County MUD Number 4. The petition requests that the Commission amend **30 TAC Section 293.44** to facilitate regionalization and cooperative planning among water districts and other local government entities by providing clear authorization in the TCEQ's rules for a determination of a district's allowable cost participation in regionalized water, wastewater, and drainage facilities based on a cost-benefit analysis. (Greg Charles, Christiaan Siano) (Project No. 2010-029-PET-NR)

Initiate rulemaking concerning the issues presented in the districts' petition for rulemaking and issue the Executive Director's Proposed Order. BG/CR; all agree.

STATE IMPLEMENTATION PLAN

Item 93. [Docket No. 2009-1258-SIP](#). Consideration for commission adoption of 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 state implementation plan revision provides 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)

Adopt the Contingency Plan Revision to the 1997 Eight-Hour Ozone Maintenance Plan for the Victoria County Ozone Attainment Area and approve the corresponding revisions to the SIP as recommended by the Executive Director. CR/BG; all agree.

RULE MATTERS

Item 94. [Docket No. 2010-0251-RUL](#). Consideration for publication of, and hearing on, the proposed repeal of Section 106.352 and proposed new Section 106.352 of **30 TAC Chapter 106**, Permits by Rule; the proposed repeal of 30 TAC Section 116.620; and a new non-rule air quality standard permit. The repeal of Section 116.620 would be submitted as a revision to the state implementation plan, withdrawing Section 116.620 from consideration as part of the state implementation plan. These actions are proposed concurrently with the submission for public comment of a new non-rule standard permit for oil and gas production facilities. The proposed rulemaking in Chapter 106 and the new air quality standard permit would update control requirements based on the latest information on emissions from oil and gas production facilities while providing control flexibility, authorize maintenance, startup, and shutdown operations, and require a single site-wide authorization for oil and gas production facilities. (Beecher Cameron, Benjamin Rhem) (Rule Project No. 2010-018-106-PR)

Approve publication of, and hearing on, proposed repeal of existing and promulgation of new Section 106.352 of 30 TAC Chapter 106 Permits by Rule; the new non-rule air quality standard permit; the proposed repeal of 30 TAC Section 116.620 and withdrawal of 30 TAC Section 116.620 from consideration as part of the SIP as revised by the Executive Director. BG/CR; all agree.

Item 95. [Docket No. 2010-0623-RUL](#). Consideration for publication of, and hearing on, proposed new Section 30.211 and amendments to Sections 30.201, 30.207, 30.210, and 30.212 - 30.214 of **30 TAC Chapter 30**, Occupational Licensing. The proposed rulemaking would allow individuals holding class 'A' MSW Facility Supervisor licenses to supervise any level or type of MSW facility; provide for MSW provisional licenses; provide alternative training options for licensing; require Type VI demonstration facilities to be supervised by either a class 'A' or 'B' licensed supervisor; require Type IV, IAE and IVAE landfills to be supervised by a class 'A' MSW facility supervisor; repeal the class 'C' MSW facility supervisor license; and exempt Type VII and Type VIII facilities from having to be supervised by an individual holding a MSW supervisor license. The proposed rulemaking would also reword existing language to provide consistency with licensing requirements; improve readability and enhance enforceability of the rules; and make grammatical and punctuation corrections. (Terry Thompson, Alicia Lee) (Rule Project No. 2010-013-030-PR)

Approve publication of, and hearing on, new and amended sections of 30 TAC Chapter 30, as recommended by the Executive Director. CR/BG; all agree.

Item 96. [Docket No. 2010-0642-RUL](#). Consideration for publication of, and hearings on, the proposed repeal of Sections 115.541, 115.542, and 115.545; proposed new Sections 115.540 - 115.542, and 115.545; and proposed amendments to Sections 115.543, 115.544, 115.546, 115.547, and 115.549 of **30 TAC Chapter 115**, Control of Air Pollution from Volatile Organic Compounds and corresponding revisions to the state implementation plan. The proposed rulemaking would reformat the existing rule to simplify and clarify existing rule requirements. The proposed rulemaking would also make changes that provide additional flexibility for affected owners or operators by allowing for the use of alternative control options. Proposed changes would also facilitate rule enforcement. (Eddy Lin, Amy Browning) (Rule Project No. 2009-036-115-EN)

Approve publication of, and hearing on, the proposed changes to 30 TAC Chapter 115 Control of Air Pollution from Volatile Organic Compounds and corresponding revisions to the SIP. BG/CR; all agree.

PUBLIC COMMENT SESSION

Item 97. 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 98. **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.

No action taken.

Item 99. **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.

No action taken.

Item 100. **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.

No action taken.

(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/ Shannon Strong
Assistant General Counsel,
Shannon Strong

8/9/2010
Date