

The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).

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
October 15, 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. 2009-0492-MSW-E; SOAH Docket No. 582-10-2269](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Jeanette Adams** in **Lamar County**, Texas; TCEQ ID No. RN105701254; regarding violations pursuant to 30 Tex. Admin. Code ch. 330, Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Xavier Guerra)

Adopt the ALJ's proposed Order as amended by the exceptions filed by the Executive Director and accepted by the ALJ's August 26, 2010 letter. BG/CR; all agree.

MISCELLANEOUS MATTER

- Item 2. [TCEQ Docket No. 2009-0033-AIR; SOAH Docket No. 582-09-2005](#). Discussion of the status of the application of **Las Brisas Energy Center, LLC** for Air Quality Permit No. 85013, Prevention of Significant Deterioration Air Quality Permit No. PSD-TX-1138, Plant-wide Applicability Limit Permit No. PAL41, and Hazardous Air Pollutant Permit No. HAP48.

No action taken.

PROPOSALS FOR DECISION

- Item 3. [TCEQ Docket No. 2006-0044-UCR; SOAH Docket No. 582-06-1641](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the applications of the

City of Princeton for water and sewer Certificates of Convenience and Necessity for areas within and adjacent to its extraterritorial jurisdiction in **Collin County**, Texas pursuant to rules of the Texas Commission on Environmental Quality in 30 Tex. Admin. Code ch. 291 and Tex. Water Code ch. 13. The Commission will also consider the applications, timely related filings, exceptions and replies. (Shana Horton, Kamal Adhikari)

Adopt the ALJ's proposed Order which grants the City of Princeton's CCN application to serve the requested service areas in Collin County with the non-substantive changes as recommended by the ALJ's letter dated August 30, 2010. CR/BG; all agree.

Item 4. [TCEQ Docket No. 2009-1347-MLM-E; SOAH Docket No. 582-10-3327](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Clarence Nolan** in **Bastrop County**, Texas; RN105764757; regarding air quality and municipal solid waste 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. The Commission will also consider timely filed exceptions and replies. (Phillip Goodwin)

Adopt the ALJ's proposed Order with the following grammatical change: delete the word "and" following the phrase "all municipal solid waste" in Ordering Provision No. 3. BG/CR; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 5. [Docket No. 2010-1212-AIR](#). Consideration of an application by **Martin Marietta Materials Southwest, Inc.** for New Air Quality Permit 89957L001 to authorize the construction of a portable rock crushing plant. The proposed plant site is to be located approximately ten miles north of Highway 90 on Farm-to-Market Road 462 (from Hondo) to Private Road 322 then west to Mine Lease Boundary, Hondo, **Medina County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Larry Buller, Ross Henderson)

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

USE DETERMINATION

Item 6. [Docket No. 2010-0252-MIS-U](#). Consideration of the appeal filed by **Mizuho Corporate Bank MHC B (USA)** with regard to the Executive Director's negative use determination for Application No. 8262, dated May 25, 2010, for certain property at the Sunrise Chemical Bayport facility (**Harris County**) associated with the ENB2 unit. The Commission will also consider all timely responses and reply briefs.

Deny the appeal of the Executive Director's use determination for revised application No. 8262 and affirm the Executive Director's negative use determination. BG/CR; all agree.

TMDL MATTER

Item 7. [Docket No. 2010-0325-TML](#). Consideration for approval to publish and solicit public comment on Fifteen Total Maximum Daily Loads for Indicator Bacteria in the **Lake Houston Watershed**, Segments 1004E, 1008, 1008H, 1009, 1009C, 1009D, 1009E, 1010, and 1011, in **Harris, Montgomery, San Jacinto, Walker, and Waller Counties**. Project No. 2010-049-TML-NR (Ron Stein, Robert Brush)

Approve the publication of 15 TMDLs for indicator bacteria in the Lake Houston Watershed, as recommended by the Executive Director. CR/BG; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8. [Docket No. 2009-1158-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. 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 9. [Docket No. 2010-0339-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **FAVELLE FAVCO CRANES USA, INC.** in **Cameron County**; RN102952983; 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 10. [Docket No. 2010-0555-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP** in **Wharton County**; RN104204466; 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 11. [Docket No. 2010-0662-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Azteca Milling, L.P.** in **Deaf Smith County**; RN102166758; 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. (Todd Huddleson, Laurie Eaves)

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

Item 12. [Docket No. 2010-0627-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Enbridge G & P (North Texas) L.P.** in **Parker County**; RN105093512; 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 13. [Docket No. 2009-0401-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Nueces County**; RN100214386; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

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

Item 14. [Docket No. 2010-0488-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rodney Wayne Winters dba Craftsman Marble in Wise County**; RN102561289; 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 15. [Docket No. 2009-1300-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Shell Chemical LP and Shell Oil Company in Harris County**; RN100211879; 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. 2010-0381-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Motiva Enterprises LLC in Jefferson County**; RN100209451; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Laurie Eaves)

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

Item 17. [Docket No. 2010-0632-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Intercontinental Terminals Company LLC in Harris County**; RN100210806; 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. (Gena Hawkins, Laurie Eaves)

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

Item 18. [Docket No. 2010-0644-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Citgo Refining and Chemicals Company L.P. in Nueces County**; RN100238799; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex.

Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Laurie Eaves)

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

Item 19. [Docket No. 2010-0357-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Natural Gas Pipeline Company of America LLC in Wise County**; RN100222736; 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. 2010-0315-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical LLC in Jefferson County**; RN100219252; 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., Laurie Eaves)

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

Item 21. [Docket No. 2009-1490-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Belvan Corp. in Crockett County**; RN100214022; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

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

Item 22. [Docket No. 2010-0477-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Brazoria County**; RN100225945; 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, Laurie Eaves)

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

Item 23. [Docket No. 2010-0448-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. (Gena Hawkins, Laurie Eaves)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 24. [Docket No. 2009-1590-AIR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Stoneham Mill, Inc.** in **Liberty County**; RN105660625; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

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

DRY CLEANER ENFORCEMENT AGREED ORDER

Item 25. [Docket No. 2010-0386-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Byung Gue Lee dba Caspers Cleaners** in **Tarrant County**; RN100552108; for dry cleaner violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Danielle Porras, Laurie Eaves)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 26. [Docket No. 2010-0425-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dr. Alejandro Garcia II** in **Bexar County**; RN105874242; 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. (Martha Hott, Laurie Eaves)

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

EDWARDS AQUIFER ENFORCEMENT DEFAULT ORDER

Item 27. [Docket No. 2010-0026-EAQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Salvador Farias III** in **Bexar County**; RN105817241; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

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

FIELD CITATIONS

Item 28. [Docket No. 2010-1247-DCL-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **EJO Enterprises, Inc. dba Super Saver Cleaners** in **Travis County**; RN105626774; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Laurie Eaves)

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

Item 29. [Docket No. 2010-1201-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Good Time Stores, Inc. dba Good Time Store 70** in **El Paso County**; RN105683486; 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 30. [Docket No. 2010-1270-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Carlos Salazar** in **Cameron County**; RN103644753; 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. (Kirk Schoppe, Laurie Eaves)

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

Item 31. [Docket No. 2010-1277-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Michael Rached** in **San Patricio County**; RN105940886; 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. (Kirk Schoppe, Laurie Eaves)

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

Item 32. [Docket No. 2010-1271-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Tom N. Townsend** in **Bowie County**; RN105903223; 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. (Kirk Schoppe, Laurie Eaves)

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

Item 33. [Docket No. 2010-1250-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Locos Pick & Pull LLC** in **Smith County**; RN105667067; 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 34. [Docket No. 2010-1251-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Richard Clark Builders, Inc.** in **McLennan County**; RN105951784; 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 35. [Docket No. 2010-1163-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Key Building Systems Incorporated in Gregg County**; RN105938997; 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 36. [Docket No. 2010-1286-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Steve Wier, Inc. dba Birds Nest Aviation, Inc. in Travis County**; RN101492494; 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 WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 37. [Docket No. 2010-0333-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hanson Aggregates LLC in Montgomery County**; RN103038592; 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, Laurie Eaves)

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

Item 38. [Docket No. 2010-0743-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Praxair, Inc. in Harris County**; RN102684974; for water quality violations pursuant to Tex. Water Code chs. 5, 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 39. [Docket No. 2010-0570-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Champion Technologies, Inc. in Fort Bend County**; RN101618882; 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. (Marty Hott, Laurie Eaves)

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

Item 40. [Docket No. 2010-0761-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **GOLDEN SPREAD REDI-MIX, INC. in Potter County**; RN100242114; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jeremy Escobar, Laurie Eaves)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 41. [Docket No. 2010-0557-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Randy Todd Hennard dba Devery Sprinkler and Drainage in Tarrant County**; RN103450052; 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. (Heather Podlipny, Laurie Eaves)

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

Item 42. [Docket No. 2010-0841-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Reed Parvin dba Parvin Landscaping in Lipscomb County**; RN105919716; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (John Muennink, Laurie Eaves)

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

Item 43. [Docket No. 2010-0665-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Steven M. Sluder dba "A" Affordable Landscaping in Smith County**; RN105210652; 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. (Miriam Hall, Laurie Eaves)

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

Item 44. [Docket No. 2010-0598-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jason's Lawn Care and Landscaping, Inc. in McLennan County**; RN105900765; 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.

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 45. [Docket No. 2010-0198-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Benjamin D. Baize in Val Verde County**; RN103704169; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 46. [Docket No. 2010-0532-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ledezma Ready-Mix, LLC** in **McCulloch County**; RN103949699; for water quality and industrial and hazardous 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. (Samuel Short, Laurie Eaves)

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

Item 47. [Docket No. 2010-0726-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dorothy Manoy** in **Sabine County**; RN105845077; for municipal solid waste and air quality 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. (Judy Kluge, Laurie Eaves)

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

Item 48. [Docket No. 2010-0540-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **B & G Dirt & Construction LLC** in **Hardin County**; RN105523393; for air quality and municipal solid waste 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. (Audra Benoit, Laurie Eaves)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 49. [Docket No. 2010-0146-MSW-E](#). Consideration of a Default Order assessing administrative penalties against **Joe Maldonado** in **Bexar County**; RN100845007; 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 50. [Docket No. 2007-1657-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Joe David Gilmore** in **Montague County**; RN105034516; 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. (Rudy Calderon, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 51. [Docket No. 2008-1953-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Chico** in **Wise County**; RN102833845; 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 52. [Docket No. 2010-0174-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Davis Bayou Service Company and Cypress Lakes Property Owners' Association, Inc. in Liberty County**; RN102329687; 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, Laurie Eaves)

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

Item 53. [Docket No. 2010-0817-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Grant Road Public Utility District in Harris County**; RN102095536; 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. (Martha Hott, Laurie Eaves)

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

Item 54. [Docket No. 2010-0528-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Development, Inc. in Montgomery County**; RN102342227; 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 55. [Docket No. 2010-0666-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tawakoni Waste Water Corporation in Hunt County**; RN103014973; 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.

Item 56. [Docket No. 2010-0699-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Boyd in Wise County**; RN101721652; 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, Laurie Eaves)

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

Item 57. [Docket No. 2010-0778-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Tenaha in Shelby County**; RN102844560;

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 58. [Docket No. 2010-0790-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James Lewis Allen** in **Harrison County**; RN101194041; 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 59. [Docket No. 2010-0749-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of New Deal** in **Lubbock County**; RN102178852; 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.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 60. [Docket No. 2010-0727-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **7-ELEVEN, INC. dba 7-Eleven 26381** in **Tarrant County**; RN102646387; 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. (Andrea Park, Laurie Eaves)

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

Item 61. [Docket No. 2010-0647-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Horseshoe Bay Resort, Ltd.** in **Llano County**; RN102374428 and RN101443190; 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 Agreed Order. CR/BG; all agree.

Item 62. [Docket No. 2010-0808-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **UNITED PARCEL SERVICE, INC.** in **Tarrant County**; RN100699495; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 63. [Docket No. 2010-0140-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gemini Ventures Inc. dba Royal Carwash in Harris County**; RN101783694; 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. (Audra Benoit, Laurie Eaves)

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

Item 64. [Docket No. 2010-0502-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RUH Enterprises, Inc. dba Horizon Food Mart in Tarrant County**; RN102252244; 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 65. [Docket No. 2010-0285-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LUCKY LADY OIL COMPANY dba Lucky Lady 23 in Ellis County**; RN102283009; 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 66. [Docket No. 2010-0692-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ESSA INC. dba East Freeway Chevron in Harris County**; RN102890324; 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 67. [Docket No. 2010-0762-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Brazoria County in Brazoria County**; RN102217312; 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. (Andrea Park, Laurie Eaves)

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

Item 68. [Docket No. 2010-0637-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hieu Bui dba Ball Park Shell in Harris County**; RN104533989; 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, Laurie Eaves)

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

Item 69. [Docket No. 2010-0803-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SUNRISE FUEL, INC. dba Sunrise Fuel Mobil** in **Harris County**; RN102007606; 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, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 70. [Docket No. 2008-1201-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Barbara Perkins** in **Childress County**; RN101845477; 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. (Peipey Tang, Lena Roberts)

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

Item 71. [Docket No. 2010-0269-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **James L. Wells d/b/a Wells Drive In** in **Leon County**; RN101662401; 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. (Marshall Coover, Lena Roberts)

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

Item 72. [Docket No. 2010-0119-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Nir Gozlan and Gadi Shushan** in **Nueces County**; RN102403748; 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 73. [Docket No. 2009-1360-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mohammed A. Ahmed dba Cypress Chevron Gas Station** in **Harris County**; RN101651214; 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. (Rudy Calderon, Lena Roberts)

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

Item 74. [Docket No. 2009-1453-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **B & H Group, Inc. d/b/a Kountry Food Store #3** in **Johnson County**; RN101432995; 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/BG; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 75. [Docket No. 2009-0874-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Thomson Enterprises, Inc. d/b/a Bender Texaco, and Afzal Shekhani d/b/a Bender Texaco in Harris County**; RN101259067; 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. (Rudy Calderon, Lena Roberts)

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

Item 76. [Docket No. 2009-1715-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Shamsuddin Lassi d/b/a AJ's 3, Suleman Shamsuddin d/b/a AJ's 3, and Wazir A. Dhanani d/b/a AJ's 3 in McLennan County**; RN101906279; 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 and Shutdown Order. CR/BG; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 77. [Docket No. 2009-2079-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Amistad Lake Developments, Inc. in Val Verde County**; RN101177541; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

Item 78. [Docket No. 2010-0845-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kelton Independent School District in Wheeler County**; RN101195675; 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, Laurie Eaves)

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

Item 79. [Docket No. 2010-0981-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John P. Davis dba Honey Creek Restaurant in Comal County**; RN105222632; 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, Laurie Eaves)

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

Item 80. [Docket No. 2010-0748-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Paul Alan Boskind dba Oasis Water System in Medina County**; RN101652113; 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, Laurie Eaves)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 81. [Docket No. 2010-0851-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kendall Speight dba Hook-N-Bull Oilfield Service in Nueces County**; RN105480404; for water quality 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. (Thomas Jecha, P.G., Laurie Eaves)

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

UNDERGROUND INJECTION CONTROL ENFORCEMENT AGREED ORDER

Item 82. [Docket No. 2010-0550-UIC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CHEVRON PHILLIPS CHEMICAL COMPANY LP in Hutchinson County**; RN102320850; for underground injection control violations pursuant to Tex. Water Code chs. 7 and 27 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.

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER

Item 83. [Docket No. 2010-0782-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mike Oda in Fort Bend County**; RN104713425; for occupational licensing violations pursuant to Tex. Water Code chs. 7, 26, and 37 and the rules of the Texas Commission on Environmental Quality. (Steve Villatoro, Laurie Eaves)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 84. [Docket No. 2010-0492-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Samuel Gomez dba Gomez Trucking in El Paso County**; RN105786602; 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. (Martha Hott, Laurie Eaves)

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

Item 85. [Docket No. 2010-0389-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Central Texas Highway Constructors, LLC** in **Caldwell County**; RN105783492; 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. (Tom Jecha, Laurie Eaves)

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

Item 86. [Docket No. 2010-0375-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Greenwood Motor Lines, Inc. dba R & L Carriers** in **Webb County**; RN105881932; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jeremy Escobar, Laurie Eaves)

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

Item 87. [Docket No. 2010-0082-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **ENDEAVOR WALL HOMES, LLC** in **Parker County**; RN105835243; 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.

MISCELLANEOUS MATTERS

Item 88. [Docket No. 2010-1184-RES](#). Consideration of a Resolution to extend the existence of the **Irrigator Advisory Council** until February 1, 2017, and to appoint three new members to the Irrigator Advisory Council of the Texas Commission on Environmental Quality to six-year terms. The Irrigator Advisory Council advises the Commission on matters related to landscape irrigation in Texas. These new members would replace three members whose terms are set expire on February 1, 2011. (Tracy Miller, Alicia Lee)

Adopt the Executive Director's recommended resolution and extending the existence of the Irrigator Advisory Council until February 1, 2017 and filling the vacancies on the Irrigator Advisory Council as follows: Toni Fox, term to expire February 1, 2017; David Kania, term to expire February 1, 2017 and Mark Froelich, term to expire February 1, 2017. BG/CR; all agree.

Item 89. [Docket No. 2010-1396-MIS](#). Consideration of a Resolution to fill forty-one membership positions on the **Galveston Bay Council** to serve four-year terms. The Council is an advisory body to the Texas Commission on Environmental Quality whose function is to advise the Commission on the implementation of The Galveston Bay Plan. (Monica Harris) (2010-054-MIS-NR)

Approve the proposed resolution with the revised attachment to fill the membership positions of the Galveston Bay Council, as recommended by the Executive Director. CR/ BG; all agree.

Item 90. [Docket No. 2010-1337-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. (Beth West)

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

RULE MATTERS

Item 91. [Docket No. 2010-0162-RUL](#). Consideration of the adoption of an amendment to Section 19.3 and new Section 19.30 of **30 Texas Admin. Code (TAC) Chapter 19**, Electronic Reporting; Electronic Transmission of Information by Commission, and amendment to Section 1.10 of 30 TAC Chapter 1, Purpose of Rules, General Provisions. The adopted rulemaking would implement House Bill 3544 from the 81st Legislature, 2009, Regular Session, relating to electronic transmission of information, including notices, orders, and decisions by the Commission. The rulemaking would also implement a component of the Commission's eBusiness initiative regarding electronic filing of documents with the Chief Clerk's office. The proposed rules were published in the May 14, 2010, issue of the *Texas Register* (35 TexReg 3780). (Margaret Ligarde, LaDonna Castañuela) (Rule Project No. 2009-049-019-LS)

Approve the adoption of an amendment to 30 TAC Section 19.3 and new Section 19.30 and the amendment to Section 1.10, as recommended by the Executive Director. CR/BG; all agree.

Item 92. [Docket No. 2009-1574-RUL](#). Consideration of the adoption of new Sections 321.1 - 321.11 and the repeal of existing Sections 321.1 - 321.18 of **30 TAC Chapter 321**, Control of Certain Activities by Rule. The adoption would implement Senate Bill (SB) 2445 from the 81st Legislature, 2009, Regular Session, by amending the definition for the term "boat;" adding definitions for "boat pump-out station," "shoreside, mobile, or floating installation," and "surface water in the state;" and changing the frequency for renewal of certifications for pump-out stations from annual to biennial. In addition, the adopted rules would ensure consistency with federal regulations by prohibiting the discharge of treated and untreated boat sewage into all inland fresh waterbodies in the state and by amending regulations regarding the design, installation, and operation of Type I, II, and III marine sanitation devices. Other changes would improve the clarity and organization of the rules. The proposed rules were published in the May 14, 2010 issue of the *Texas Register* (35 TexReg 3786). (Lynley Doyen, Michael Parr) (Rule Project No. 2009-043-321-CE)

Adopt new 30 TAC Sections 321.1-321.11 and repeal existing Sections 321.1-321.18. BG/CR; all agree.

Item 93. [Docket No. 2010-0815-RUL](#). Consideration for publication of, and hearing on, proposed amended Sections 319.302 and 319.303 of **30 TAC Chapter 319**, General Regulations Incorporated into Permits. The proposed rulemaking would clarify language for safety precautions for the general public in the event of a wastewater spill and remove the current notice form from the rule replacing the form with required elements of the wastewater spill notice. (Lynda Clayton, James Aldredge) (Rule Project No. 2010-024-319-OW)

Approve publication of, and hearing on, proposed amendment 30 TAC Sections 319.302 and 319.303, as recommended by the Executive Director. CR/BG; all agree.

PUBLIC COMMENT SESSION

Item 94. 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 95. **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 96. **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 97. **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

10/27/10
Date