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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

November 3, 2010

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **PROPOSALS FOR DECISION**

- Item 1. [\*\*TCEQ Docket No. 2009-0184-WQ-E; SOAH Docket No. 582-10-0469.\*\*](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Tommy Davis dba Slick Machines Screening Plant in Somervell County, Texas**; RN105635569; 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. The Commission will also consider timely related motions and filings, record evidence and exhibits, exceptions and replies. (Stephanie Frazee)

Adopt the ALJ's proposed Order with the modifications recommended in the Executive Director's exceptions. BG/CR; all agree.

- Item 2. [\*\*TCEQ Docket No. 2007-1259-PST-E; SOAH Docket No. 582-09-5891.\*\*](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **4200 Rosedale LLC and the Goodyear Tire & Rubber Company in Tarrant County, Texas**; RN101554012; 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. (Anna Treadwell)

Adopt the ALJ's proposed Order amended by the exceptions filed by the Executive Director and Goodyear Tire & Rubber Company and accepted by the ALJ's July 21, 2010 letter. CR/BG; all agree.

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

- Item 3. [Docket No. 2010-1553-AIR](#). Consideration of the application by **Texas Concrete Enterprises, L.L.C.** for New Air Quality Standard Permit Registration No. 91708 to authorize the construction of a permanent concrete batch plant. The proposed plant site is to be located on Tavenor Road, 720 feet south of the intersection with Pink Taylor Run, near Kendleton, **Fort Bend 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. (Don Nelson, Alexis Lorick)

Deny all hearing requests as a matter of law; adopt the Executive Director's Response to Comments; and issue Air Quality Permit No. 91708, as recommended by the Executive Director. BG/CR; all agree.

### **EMERGENCY ORDER**

- Item 4. [Docket No. 2010-1589-UCR-E](#). Consideration of whether to modify, affirm, or set aside the Emergency Order issued on September 29, 2010, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by **Falcon Club Utility Company, Inc.** in **Randall County**; TCEQ ID No. RN104523386; CCN13084 to ensure continued operation of the Utility and to provide continuous and adequate service to its customers. The Emergency Order appointed Brent Herbolsheimer as temporary manager of the Utility. (Peipey Tang)

Affirm the Executive Director's Emergency Order appointing Brent Herbolsheimer as temporary manager of Falcon Club Utility Company, Inc. CR/BG; all agree.

### **STANDARD PERMIT**

- Item 5. [Docket No. 2010-1039-RUL](#). Consideration of the issuance of a new air quality standard permit under 30 Texas Admin. Code (TAC) Chapter 116, Subchapter F, Standard Permits. The new standard permit would authorize **Thermoset Resin Facilities**. Notice of the proposed standard permit was published in the April 2, 2010 issue of the *Texas Register* (35 TexReg 2762). (Becky Southard, Erin Selvera) (Rule Project No. 2010-056-OTH-NR)

Remanded to the Executive Director.

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

- Item 6. [Docket No. 2010-0871-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Targa Permian LP** in **Crane County**; RN102548674; 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. BG/CR; all agree.

Item 7. [Docket No. 2010-0741-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Valero Refining-Texas, L.P.** in **Nueces County**; RN100214386; 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. BG/CR; all agree.

Item 8. [Docket No. 2010-0675-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company** in **Hutchinson County**; RN102495884; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

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

Item 9. [Docket No. 2010-0668-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WTG Gas Processing, L.P.** in **Martin County**; RN100212653; 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. BG/CR; all agree.

Item 10. [Docket No. 2010-0418-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Attebury Grain, LLC** in **Tarrant County**; RN102420569; 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. BG/CR; all agree.

Item 11. [Docket No. 2010-0258-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation** in **Jefferson County**; RN102450756; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Laurie Eaves)

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

Item 12. [Docket No. 2010-0457-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Maximus Coffee Group, LP** in **Harris County**; RN100214931; 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. BG/CR; all agree.

Item 13. [Docket No. 2010-0830-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **DCP Midstream, LP** in **Crockett County**; RN100219278; 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. BG/CR; all agree.

Item 14. [Docket No. 2010-0641-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. (Kimberly Morales, Laurie Eaves)

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

Item 15. [Docket No. 2010-0379-AIR-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 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. BG/CR; all agree.

Item 16. [Docket No. 2009-2084-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **XTO Energy Inc.** in **Yoakum County**; RN102527769; 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. BG/CR; all agree.

Item 17. [Docket No. 2010-0629-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CROWN Cork & Seal USA, Inc.** in **Montgomery County**; RN100711118; 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. BG/CR; all agree.

Item 18. [Docket No. 2010-0340-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SandRidge Midstream, Inc.** in **Pecos County**; RN105589071; 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. BG/CR; all agree.

- Item 19. [Docket No. 2010-0491-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **850 Pine Street Inc.** in **Jefferson County**; RN100225671; 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. BG/CR; all agree.

#### **AIR QUALITY ENFORCEMENT DEFAULT ORDER**

- Item 20. [Docket No. 2010-0193-AIR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Dolphin Petroleum, LP** in **Refugio County**; RN100216902; 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)

Remanded to the Executive Director.

#### **FIELD CITATIONS**

- Item 21. [Docket No. 2010-1415-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **CENTERGAS FUELS, INC.** in **Lamb County**; RN102427903; 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. BG/CR; all agree.

- Item 22. [Docket No. 2010-1368-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Central Freight Lines, Inc.** in **Lubbock County**; RN101628485; 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. BG/CR; all agree.

- Item 23. [Docket No. 2010-1367-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Longview Bridge and Road, Ltd.** in **Newton County**; RN105951776; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Laurie Eaves)

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

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

Item 24. [Docket No. 2007-1469-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Nueces County**; RN100221662; for industrial hazardous 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. (Tracy Chandler, Lena Roberts)

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

#### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 25. [Docket No. 2010-0704-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Best Sea-Pack of Texas, Inc.** in **Brazoria County**; RN102077195; 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. BG/CR; all agree.

Item 26. [Docket No. 2010-0617-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MeadWestvaco Texas, L.P.** in **Jasper County**; RN102157609; 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, Laurie Eaves)

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

Item 27. [Docket No. 2010-1100-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dallas Chemical Technologies, Inc.** in **Harris County**; RN102334075; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Laurie Eaves)

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

Item 28. [Docket No. 2010-0687-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Knife River Corporation - South** in **Jefferson County**; RN102163128; 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. BG/CR; all agree.

Item 29. [Docket No. 2010-0818-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monarch Utilities I L.P.** in **Hays County**; RN102286572; 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. BG/CR; all agree.

- Item 30. [Docket No. 2010-0282-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **WEATHERFORD FARMS, INC.** in **Fort Bend County**; RN101526416; 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. BG/CR; all agree.

- Item 31. [Docket No. 2010-0844-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LDH ENERGY MONT BELVIEU L.P.** in **Harris County**; RN105231831; 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. (JR Cao, Laurie Eaves)

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

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

- Item 32. [Docket No. 2010-0563-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bart L. McWilliams dba Angelo Landscape** in **Tom Green County**; RN105900088; 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. (Gena Hawkins, Laurie Eaves)

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

- Item 33. [Docket No. 2010-0290-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rody Alejandro Quinton dba Texstar Landscape & Irrigation** in **Fort Bend County**; RN105876411; 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. BG/CR; all agree.

#### **LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER**

- Item 34. [Docket No. 2009-2059-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Angel Rodriguez** in **Tarrant County**; RN105848600; for landscape irrigation installation 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. (Rudy Calderon, Lena Roberts)

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

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

Item 35. [Docket No. 2010-0432-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hector Ortiz** in **El Paso County**; RN105868822; for municipal solid waste and waste tires 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 Greimel, Laurie Eaves)

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

Item 36. [Docket No. 2010-0853-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jerry L. Robertson** in **Orange County**; RN105904494; for air quality, water quality, and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Laurie Eaves)

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

Item 37. [Docket No. 2009-2057-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fikes Wholesale, Inc. dba CEFCO Convenience Stores aka CEFCO 55** in **Burleson County**; RN101435261; for public drinking water and petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Clausewitz, Laurie Eaves)

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

Item 38. [Docket No. 2010-0698-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lake Forest Falls, Inc.** in **Montgomery County**; RN101207900; for public water supply and public water utilities violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie Eaves)

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

Item 39. [Docket No. 2010-0521-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Glen R. Bonds dba Bonds Septic Services** in **Waller County**; RN104244926; for municipal solid waste and air violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Laurie Eaves)

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

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



Item 40. [Docket No. 2009-1052-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Z.A.O., Inc. FKA Bell-Thunderbird Oil Co., Inc.** in **El Paso County**; RN101656593; for petroleum storage tank and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

Item 41. [Docket No. 2010-0267-MLM-E](#). Consideration of a Default Order assessing administrative penalties against **Richard L. Tillery** in **Sabine County**; RN105700264; 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. (Jeffrey J. Huhn, Lena Roberts)

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

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

Item 42. [Docket No. 2010-0213-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **U.S. Recycling Corporation** in **Bexar County**; RN105863476; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 43. [Docket No. 2010-0454-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Henry Gonzales** in **Kinney County**; RN105727200; 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. (Marshall Coover, Lena Roberts)

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

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

Item 44. [Docket No. 2010-0428-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Wilke Tire Service, Inc.** in **Nueces County**; RN104150289; 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. (Anna Treadwell, Lena Roberts)

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

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

Item 45. [Docket No. 2009-2028-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Caddo Mills in Hunt County**; RN101721488; 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. (Gary K. Shiu, Lena Roberts)

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

Item 46. [Docket No. 2010-0764-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Atlanta in Cass County**; RN102883212; 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. (J.R. Cao, Laurie Eaves)

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

Item 47. [Docket No. 2010-0776-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **William Emmett Hartzog, Jr. in Harris County**; RN102517372; 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. BG/CR; all agree.

Item 48. [Docket No. 2010-0848-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tarkington Independent School District in Liberty County**; RN101702868; 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. BG/CR; all agree.

Item 49. [Docket No. 2009-1406-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Bynum in Hill County**; RN101612943; 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. (Marshall Coover, Lena Roberts)

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

Item 50. [Docket No. 2010-0004-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Shepherd in San Jacinto County**; RN101916666; 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. BG/CR; all agree.

Item 51. [Docket No. 2010-0618-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Walnut Cove Water Supply Corporation** in **Montgomery County**; RN103123279; 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. (J.R. Cao, Laurie Eaves)

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

Item 52. [Docket No. 2010-0850-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **S. I. Enterprises, LLC** in **Harris County**; RN102178845; 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. BG/CR; all agree.

Item 53. [Docket No. 2010-0592-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Orange County Water Control and Improvement District No. 1** in **Orange County**; RN102341328; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Laurie Eaves)

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

Item 54. [Docket No. 2010-0763-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of New Waverly** in **Walker County**; RN101608099; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Laurie Eaves)

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

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

Item 55. [Docket No. 2010-0438-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **FT-EZCO, Inc.** in **Tarrant County**; RN101551828; 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. (Tammy L. Mitchell, Lena Roberts)

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

Item 56. [Docket No. 2009-2086-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ali Ahmad Alhindi DBA Oil Depot** in **Dallas County**; RN100535004; 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. (Stephanie J. Frazee, Lena Roberts)

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

- Item 57. [Docket No. 2010-0720-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Yunbae Choe** in **Nueces County**; RN101378164; 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. (Elvia Maske, Laurie Eaves)

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

- Item 58. [Docket No. 2010-0718-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Quang Dang Pham dba Sunmart 302** in **Harris County**; RN102054434; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Laurie Eaves)

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

- Item 59. [Docket No. 2010-0767-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SOMANG MANAGEMENT, INC. dba Times Market 103** in **Calhoun County**; RN101382307; 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. BG/CR; all agree.

- Item 60. [Docket No. 2010-1243-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hays City Corporation d/b/a Texcon Wholesale** in **Travis County**; RN103934402; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

- Item 61. [Docket No. 2010-0728-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **William Waggoner** in **Galveston County**; RN101181790; 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. BG/CR; all agree.

- Item 62. [Docket No. 2010-0599-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **A&A PETROLEUM OF TEXAS, INC. dba Texaco OST** in **Harris**

**County**; RN102037124; 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. BG/CR; all agree.

Item 63. [Docket No. 2010-0520-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SJKR, INC. dba Steves Texaco** in **Randall County**; RN101722528; 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 Texas Administrative Code ch. 60. (Thomas Greimel, Laurie Eaves)

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

Item 64. [Docket No. 2010-0722-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **N.K.S.S. ENTERPRISES, INC. dba Petro Plus** in **Orange County**; RN104525324; 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. BG/CR; all agree.

Item 65. [Docket No. 2010-0584-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **UNITED TRANSMISSIONS, INC. dba Alvarez Chevron** in **Harris County**; RN102373172; 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. BG/CR; all agree.

Item 66. [Docket No. 2010-0513-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **A & N MOMIN ENTERPRISES, INC. dba Chevron Food Mart** in **Harris County**; RN101871309; 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. (Wallace Myers, Laurie Eaves)

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

Item 67. [Docket No. 2010-0725-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **N & S Investments, Inc. dba Sonik Mart** in **Lubbock County**; RN102351699; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Theresa Hagood, Laurie Eaves)

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

Item 68. [Docket No. 2010-0968-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TRT Development Company - CCS** in **Nueces County**; RN101858702; 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 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 69. [Docket No. 2010-0657-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LUCKY ASSOCIATES, INC. dba 7 Days Food Stores** in **Travis County**; RN103052023; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Theresa Hagood, Laurie Eaves)

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

Item 70. [Docket No. 2009-1800-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fatima Enterprises Inc dba HWY 6 Valero** in **Fort Bend County**; RN101850931; 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. (Rajesh Acharya, Laurie Eaves)

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

Item 71. [Docket No. 2010-0780-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Himalayan Star, Inc. dba Junction Shell** in **Erath County**; RN101569051; 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. (Philip Aldridge, Laurie Eaves)

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

Item 72. [Docket No. 2010-0648-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ELWANS, INC. dba A&S Food Mart** in **Harris County**; RN105068167; 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. BG/CR; all agree.

Item 73. [Docket No. 2010-0399-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bhima Corporation dba Handi Stop 52 Araon Food Mart 2** in **Harris County**; RN102467511; 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. (Tate Barrett, Laurie Eaves)

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

- Item 74. [Docket No. 2010-0663-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas Petroleum Group, LLC dba TPG 253 05** in **Harris County**; RN100532423; 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. BG/CR; all agree.

- Item 75. [Docket No. 2010-0235-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **J N J OPERATIONS, INC. DBA Alvin Express** in **Brazoria County**; RN104793054; 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. BG/CR; all agree.

- Item 76. [Docket No. 2010-0281-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ANUM TEXAS CORP dba Big Country Mart** in **Tarrant County**; RN103044400; 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. BG/CR; all agree.

- Item 77. [Docket No. 2010-1000-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **RACETRAC PETROLEUM, INC. dba Racetrac 6761** in **Tarrant County**; RN102272895; 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. BG/CR; all agree.

- Item 78. [Docket No. 2010-0610-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Federico Mendez, LLC** in **Bee County**; RN102783818; 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. (Philip Aldridge, Laurie Eaves)

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

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

Item 79. [Docket No. 2009-1491-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ricardo Flores** in **Jefferson County**; RN101797827; 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 80. [Docket No. 2010-0634-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **DAVIS AND WARDLAW OIL CO., INC.** in **Baylor County**; RN100523810; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 81. [Docket No. 2009-1942-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Doyle Trent DBA ETEX Properties** in **McLennan County**; RN101674331; 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. BG/CR; all agree.

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

Item 82. [Docket No. 2010-0717-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Lampasas** in **Lampasas County**; RN101409100; 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. BG/CR; all agree.

Item 83. [Docket No. 2010-0631-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Montgomery County Municipal Utility District 8** in **Montgomery County**; RN101412922; 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. BG/CR; all agree.

Item 84. [Docket No. 2010-0630-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Montgomery County Municipal Utility District 9** in **Montgomery County**; RN101411973; 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. BG/CR; all agree.

- Item 85. [Docket No. 2010-0514-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Market Place Innovation, Inc.** in **Harris County**; RN102359908; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Laurie Eaves)

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

- Item 86. [Docket No. 2009-1878-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Calvert C. Huffmaster, Jr. dba Coletto Creek Mobile Home Park** in **Victoria County**; RN101207017; 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. BG/CR; all agree.

- Item 87. [Docket No. 2010-0904-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sonic Automotive of Texas, L.P.** in **Harris County**; RN100675479; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

- Item 88. [Docket No. 2010-0485-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of La Feria** in **Cameron County**; RN101418325; 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. BG/CR; all agree.

- Item 89. [Docket No. 2010-0893-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Turlington Water Supply Corporation** in **Freestone County**; RN101241446; 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. BG/CR; all agree.

#### **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

- Item 90. [Docket No. 2010-0602-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mardoche Abdelhak DBA Big Trees Trailer City** in **Bexar County**; RN101652048; for public drinking water violations pursuant to Tex. Health

& Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Phillip M. Goodwin, P.G., Lena Roberts)

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

- Item 91. [Docket No. 2010-0506-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Felipe Posada DBA Key Road Subdivision Water Supply in Victoria County**; RN104814447; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Anna M. Treadwell, Lena Roberts)

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

### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

- Item 92. [Docket No. 2010-0804-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David Schuler dba Spirit Custom Homes in Brazos County**; RN105910418; 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. BG/CR; all agree.

- Item 93. [Docket No. 2010-0732-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NEW VISION CUSTOM HOMES, INC. in Brazos County**; RN105903306; 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. (Jennifer Graves, Laurie Eaves)

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

- Item 94. [Docket No. 2010-0549-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Wilmer in Dallas County**; RN101404036; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Laurie Eaves)

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

### **RULE PETITION**

- Item 95. [Docket No. 2010-1499-RUL](#). Consideration of a petition for rulemaking under Section 20.15 of **30 TAC Chapter 20**, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality on September 9, 2010 by the Texas Parks and Wildlife Department (Petitioner). The petitioner requested that the Commission add a new subchapter in 30 TAC Chapter 311, Watershed Protection, and a new subchapter in 30 TAC Chapter 213, Edwards Aquifer, that would exempt discharges associated with pesticide applications authorized by the Commission or exempted from permit requirements by federal or state statutes from discharge

prohibitions currently found in Chapter 311, Subchapters A, B and F and Chapter 213, Subchapters A and B. (Lynda Clayton, George Ortiz, Kathy Humphreys) (Project No. 2010-058-PET-NR)

Initiate rulemaking and instruct the Executive Director to examine the issues in the Texas Parks and Wildlife Department's petition. CR/BG; all agree.

## **RULE MATTERS**

Item 96. [Docket No. 2007-0999-RUL](#). Consideration for publication of, and hearing on, proposed new **30 TAC Chapter 298**, Environmental Flow Standards for Surface Water, and proposed amendment to Section 35.101 of **30 TAC Chapter 35**, Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions. The proposed rulemaking would implement House Bill 3 and Senate Bill 3, 80th Legislature, 2007, Regular Session, relating to the establishment of environmental flow standards, and procedures for implementing an adjustment of conditions included in a permit or amended water right in the river and bay systems consisting of the Sabine and Neches Rivers and Sabine Lake Bay, and the Trinity and San Jacinto Rivers and Galveston Bay; also relating to emergency authority to make available water set aside for beneficial inflows to affected bays and estuaries and instream uses. (Ron Ellis, Robin Smith) (Rule Project No. 2007-049-298-OW)

Approve the publication of, and hearing on, proposed new 30 TAC Chapter 298 and an amendment to Section 35.101 of Chapter 35, as recommended by the Executive Director; and the inclusion of a preamble amendment, as proposed by Commissioner Carlos Rubinstein, to confirm the Commission's intent and ability to receive and act on relevant comments concerning this rulemaking. BG/CR; all agree.

Item 97. [Docket No. 2010-0316-RUL](#). Consideration of the adoption of an amendment to **30 TAC Chapter 305**, Consolidated Permits, Section 305.541. The adoption would adopt by reference 40 Code of Federal Regulations Part 450, as amended, which regulates storm water discharges from regulated construction sites. The proposed rules were published in the July 2, 2010, issue of the *Texas Register* (35 TexReg 5744). (Sherry Smith, Robert Brush) (Rule Project No. 2010-015-305-OW)

Adopt the amendment to 30 TAC 305.541, as recommended by the Executive Director. However, delete the second sentence in the fourth paragraph of the preamble that reads "since this state rulemaking is an adoption by reference as amended, further TCEQ rulemaking will not be required" and replace that sentence with the following "The Commission adopts 40 CFR Part 450 as it currently exists and does not intend to prospectively adopt any future amendments to the federal regulations at this time." The Commission does not believe that it is sound policy to prospectively adopt future amendments to federal regulations etcetera through incorporations by reference. If regulations that are incorporated by reference are amended in the future, then the Commission will determine at that time whether to initiate a rulemaking, as appropriate, to incorporate such amendments. BS/CR; all agree.

Item 98. [Docket No. 2010-0711-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Section 101.1 of **30 TAC Chapter 101**, General Air Quality Rules, and Section 106.4 of **30 TAC Chapter 106**, Permits by Rule; and corresponding revisions to the state implementation plan. The proposed rulemaking would add specific definitions related to particulate matter with diameters less than 2.5 micrometers (PM2.5) and address known

requirements for implementation. (Johnny Bowers, Erin Selvera) (Rule Project No. 2010-020-101-PR)

Approve the publication of, and hearing on, amended 30 TAC Chapter 101 and 106, as recommended by the Executive Director. However, delete the fourth sentence under the heading "Section Discussion" on page five of the preamble. BG/CR; all agree.

Item 99. [Docket No. 2010-1152-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 117**, Control of Air Pollution from Nitrogen Compounds, Subchapter D, Combustion Control at Minor Sources in Ozone Nonattainment Areas, Division 2, Dallas-Fort Worth 1997 Eight-Hour Ozone Nonattainment Area Minor Sources, Section 117.2110, and corresponding revisions to the state implementation plan. The proposed rulemaking would expand the emission specification for lean-burn engines fired on landfill gas to include lean-burn engines fired on biogas at minor sources of nitrogen oxides (NOx) in the Dallas-Fort Worth 1997 eight-hour ozone nonattainment area. The proposed rulemaking would establish a NOx emission limit of 0.60 grams per horsepower-hour for stationary gas-fired lean-burn internal combustion engines fired on biogas fuels other than landfill gas that are installed, modified, reconstructed, or relocated on or after June 1, 2007. (Ray Schubert, Amy Browning) (Rule Project No. 2010-048-117-EN)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Section 117.2110 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/BG; all agree.

### **EXECUTIVE MEETING**

Item 100. **Docket No. 2010-0001-EXE**. The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

Item 101. **Docket No. 2010-0002-EXE**. The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

Item 102. **Docket No. 2010-0003-EXE**. The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074

of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

**(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)**

**REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.**

**THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: [HTTP://WWW.TEXASADMIN.COM/cgi-bin/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)**

          /s/ Anne Rowland            
Assistant General Counsel,  
Anne Rowland

  11/9/10    
Date