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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 18, 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. 2009-0052-PST-E; SOAH Docket No. 582-09-5022](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Eun Bok Lee dba Lee's Chevron in Harris County**, Texas; RN102380722; regarding petroleum storage tank violations pursuant to Tex. Water Code ch. 7, and Tex. Health & Safety Code ch. 382, 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. (Rudy Calderon)

Adopt the ALJ's Proposal for Decision with the Executive Director's recommended changes; accepted and recommended by the ALJ's letter dated June 1, 2010. BG/CR; all agree.

Item 2. [TCEQ Docket No. 2009-1111-AIR-E; SOAH Docket No. 582-10-2835](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Neal Young in Galveston County**; RN105464960; 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. The Commission will also consider timely filed exceptions and replies. (Phillip M. Goodwin)

Adopt the ALJ's Proposed Order but correct three citations to 30 TAC Section 116.110(a), not 110(a); 30 TAC Section 122.121, not 122.21; and Tex. Health & Safety Code Section 382.0518(a), not 382.518(a), in Findings of Fact No. 4, Conclusions of Law No. 7 and Ordering Provision No. 1. CR/BG; all agree.

- Item 3. [TCEQ Docket No. 2009-0942-PST-E; SOAH Docket No. 582-10-1638](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Federico C. Villarreal dba A-1 Paint & Body Shop aka A-1 Paint & Body Works in DeWitt County**, Texas; RN101741932; 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. The Commission will also consider timely filed exceptions and replies. (Phillip M. Goodwin)

Remand this matter to the State Office of Administrative Hearings for a determination of whether the Respondent is represented by counsel and to take additional evidence regarding the Respondent's financial inability to pay and related issues as determined by the ALJ. CR/BG; all agree.

HEARING REQUEST/REQUEST FOR RECONSIDERATION

- Item 4. [Docket No. 2010-1602-MWD](#). Consideration of the application by the **U.S Department of the Army** for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0012074001 which authorizes the discharge of treated domestic wastewater with a daily average flow not to exceed 12,500 gallons per day. The wastewater treatment facility is located approximately 3,300 feet east of Farm-to-Market Road 306 and 2,500 feet north of Jacobs Creek Park Road in **Comal County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Stefanie Skogen, Sonia Bhuiya)

Deny all hearing requests pursuant to Tex. Water Code Section 26.028(d) and 30 TAC Section 55.201(i)(5); issue the renewal of TPDES Permit No. WQ0012074001 to the U.S. Department of the Army; and adopt the Executive Director's Response to Comments. CR/BG; all agree.

USE DETERMINATION

- Item 5. [Docket No. 2010-1585-MIS-U](#). Consideration of the appeal filed by **Encore Wire Corporation** with regard to the Executive Director's negative use determination for Application No.14259, dated August 30, 2010, for two Excel Model EX63 Balers at the McKinney Manufacturing facility located at 1329 Millwood Road, McKinney, TX (**Collin County**). The Commission will also consider all timely responses and reply briefs.

Deny the appeal of use determination No. 14259; and affirm the Executive Director's negative use determination. BG/CR; all agree.

RESOLUTION

- Item 6. [Docket No. 2010-1496-RES](#). Discussion and approval of the proposed designation recommendation for the **2010 primary one-hour nitrogen dioxide (NO₂) National Ambient Air Quality Standard (NAAQS)** for submittal to the Governor for his consideration and transmittal to the United States Environmental Protection Agency (EPA). The EPA will consider state recommendations in making revised NO₂ NAAQS designations and area boundary determinations. The EPA revised the primary NO₂ NAAQS effective April 12, 2010, to include a new one-hour standard of 100 parts per billion (ppb). The EPA recommends that states identify

violating areas using the most recent three years of air quality data and submit the designation recommendation to the EPA no later than January 22, 2011. Staff recommends that all counties in the State of Texas with NO2 monitors meeting the new NAAQS be designated attainment, with other areas of the state designated as unclassifiable/attainment. (Margaret Earnest, Terry Salem)

Adopt the Resolution concerning the 2010 Primary One-hour Nitrogen Dioxide National Ambient Air Quality Standard, as recommended by the Executive Director. CR/BG; all agree.

ENFORCEMENT REPORT

Item 7. [Docket No. 2010-1703-MIS.](#) Discussion of the Monthly Enforcement Report. (Melinda Johnston, John Racanelli)

No action taken.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

Item 8. [Docket No. 2010-0865-AGR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gore's, Inc. and Aaron Lee Speck dba Brown-Tex Feedlot in Brown County**; RN102180957; 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. BG/CR; all agree.

Item 9. [Docket No. 2009-1604-AGR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Salvador G. Gonzalez dba Gonzalez Dairy in Tom Green County**; RN101961753; 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.

AGRICULTURAL ENFORCEMENT DEFAULT ORDER

Item 10. [Docket No. 2010-0362-AGR-E.](#) Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Julio Cesar Lozano in Tom Green County**; RN105761118; 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. BG/CR; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 11. [Docket No. 2009-0778-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties against **Enterprise Hydrocarbons L.P. in Nueces County**; RN100210277; 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. (Xavier Guerra, Lena Roberts)

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

Item 12. [Docket No. 2010-1073-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Armortex, Inc.** in **Guadalupe County**; RN104444526; 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 13. [Docket No. 2010-0679-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cimarex Energy Co.** in **Jefferson County**; RN105790158; 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 14. [Docket No. 2010-0962-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kuraray America, Inc.** in **Harris County**; RN100212216; 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 15. [Docket No. 2010-0890-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Luminant Generation Company LLC** in **Dallas County**; RN101559854; 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 16. [Docket No. 2010-0700-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Benedum Gas Partners, L.P. dba WTG Benedum Joint Venture** in **Upton County**; RN100211846; 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. BG/CR; all agree.

Item 17. [Docket No. 2010-0620-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **McWane, Inc. dba Tyler Pipe Company** in **Smith**

County; RN102679867; 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 18. [Docket No. 2010-0824-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Uni-Graphics Printing, Ltd dba The Printing Bureau in Tarrant County**; RN100777648; 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 19. [Docket No. 2010-0052-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chemtrade Refinery Services, Inc. in Jefferson County**; RN100218932; 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 20. [Docket No. 2010-0811-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Veolia ES Technical Solutions, L.L.C. in Jefferson County**; RN102599719; 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, Laurie Eaves)

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

Item 21. [Docket No. 2010-0826-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WTG Jameson, LP in Coke County**; RN101246478; 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 22. [Docket No. 2010-0633-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alcoa World Alumina LLC in Calhoun County**; RN100242577; 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. BG/CR; all agree.

Item 23. [Docket No. 2010-0639-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Koch Pipeline Company, L.P.** in **Nueces County**; RN105613822; 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 24. [Docket No. 2010-0916-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ISP Synthetic Elastomers LLC** in **Jefferson County**; RN100224799; 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.

Item 25. [Docket No. 2010-0671-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation** in **Jefferson County**; RN100542844; 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. BG/CR; all agree.

Item 26. [Docket No. 2010-0795-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Formosa Plastics Corporation, Texas** in **Calhoun County**; RN100218973; 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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 27. [Docket No. 2010-0271-EO-E](#). Consideration of an Agreed Order assessing administrative penalties against **CLAUSSEN'S CREST (SAN ANTONIO) HOMEOWNERS' ASSOCIATION, INC. dba Iron Mountain Ranch Homeowners' Association** in **Bexar County**; RN105840201; 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. (Heather Brister, Laurie Eaves)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 28. [Docket No. 2010-1006-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SHIN-ETSU SILICONES OF AMERICA, INC.** in **Brazoria County**; RN100885102; 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.

Item 29. [Docket No. 2010-0713-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **D.B. Western, Inc. - Texas** in **Harris County**; RN100897362; 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, P.G., Laurie Eaves)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 30. [Docket No. 2010-0170-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rubens Taddei** in **Galveston County**; RN105860928; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 31. [Docket No. 2010-0012-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Rodolfo Santillan** in **Dallas County**; RN105845937; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 32. [Docket No. 2009-1844-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AMK ENTERPRISES, LLC** in **Bandera County**; RN101434264; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code chs. 361 and 366, 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. BG/CR; all agree.

Item 33. [Docket No. 2010-0558-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **THOMAS & DORIS HUTTO, INC. dba Hutto Garbage Service** in **Houston County**; RN100629716; for used oil and 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. (Judy Kluge, Laurie Eaves)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 34. [Docket No. 2010-0948-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Triangle Waste Solutions, LP** in **Jefferson County**; RN104509708; for used oil violations pursuant to Tex. Health & Safety Code ch. 371, Tex. Water Code ch. 7, 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.

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 35. [Docket No. 2009-1579-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Eastex Sand & Materials, Inc.** in **Hardin County**; RN104399621; 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. (Xavier Guerra, Lena Roberts)

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

Item 36. [Docket No. 2010-0395-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jimmy Perdew** in **San Jacinto County**; RN105845051; 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 Default Order. BG/CR; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 37. [Docket No. 2009-1910-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chilton Water Supply and Sewer Service Corporation** in **Falls County**; RN102285814; 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. BG/CR; all agree.

Item 38. [Docket No. 2010-0152-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hudson** in **Angelina County**; RN101517878; 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. BG/CR; all agree.

- Item 39. [Docket No. 2009-1372-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Creek Park Corporation in Johnson County**; RN102915691; 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. (Kari L. Gilbreth, Lena Roberts)

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

- Item 40. [Docket No. 2008-1819-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Gustine in Comanche County**; RN102178654; 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. BG/CR; all agree.

- Item 41. [Docket No. 2010-1007-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **San Antonio Water System in Bexar County**; RN100851518; 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 42. [Docket No. 2010-0873-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Orange County**; RN102177961; 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. (Martha Hott, Laurie Eaves)

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

- Item 43. [Docket No. 2009-1387-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Wolfe City in Hunt County**; RN102896255; 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. BG/CR; all agree.

- Item 44. [Docket No. 2010-1101-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eastland County Water Supply District in Eastland County**; RN102185295; 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.

Item 45. [Docket No. 2009-0628-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Benbrook Texas Limited Partnership in Tarrant County**; RN102963238; 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 46. [Docket No. 2010-1022-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cowtown RV Park, Ltd in Parker County**; RN101222792; 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 47. [Docket No. 2010-0291-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marhaba Partners Limited Partnership in Harris County**; RN104611942; 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. (Jordan Jones, Laurie Eaves)

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

Item 48. [Docket No. 2010-1189-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Dril-Quip, Inc. in Harris County**; RN104784640; 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. BG/CR; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 49. [Docket No. 2010-0650-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **PRITEN YOGESH PATEL, LLC dba Joe's Mart in Lubbock County**; RN103036679; 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 50. [Docket No. 2010-0661-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RELIANCE STORE, LLC dba Five Star Food Store** in **Harris County**; RN102488616; 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 51. [Docket No. 2010-0159-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **METRO MART INC.** in **Harris County**; RN100696160; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 52. [Docket No. 2010-0582-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ranglers Group Inc dba Ranglers** in **Erath County**; RN101550275; 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 53. [Docket No. 2010-1127-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chai Express Inc.** in **Tarrant County**; RN102073319; 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. (Jorge Ibarra, P.E., Laurie Eaves)

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

Item 54. [Docket No. 2010-0546-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CAMPBELL BUSINESS, INC. dba Conoco Campbell Stop** in **Harris County**; RN102232162; 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. (Clinton Sims, Laurie Eaves)

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

Item 55. [Docket No. 2010-0601-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ISSN ENTERPRISES, INC. dba Nick's Grocery** in **Brazoria County**; RN101876183; 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. (Judy Kluge, Laurie Eaves)

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

- Item 56. [Docket No. 2010-0961-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **DALLAS SNR, INC. dba Valero Food Mart 6** in **Dallas County**; RN102965068; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Theresa Hagood, Laurie Eaves)

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

- Item 57. [Docket No. 2010-0877-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Duvelsa Hernandez dba Lalos Mini Mart** in **Nueces County**; RN102013372; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)

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

- Item 58. [Docket No. 2010-0686-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **RICHEY AND MONK GROCERY, INC. dba Thrif-Tee Food Center** in **Liberty County**; RN101894558; 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. (Tate Barrett, Laurie Eaves)

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

- Item 59. [Docket No. 2010-0475-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **To Nguyen and Quang Huynh dba John's Quik Stop** in **Tarrant County**; RN102226750; 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 60. [Docket No. 2009-1056-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Blue Sky Business Corporation dba Little Buddy 3** in **Galveston County**; RN102867934; 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 61. [Docket No. 2010-0670-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **TJSR, INC. dba Sunny Food Mart** in **Fort Bend County**; RN101786259; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the

Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)

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

Item 62. [Docket No. 2010-0898-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hope, Hardwork, And Happiness, Inc. dba HHH 25 in Dallas County**; RN101538460; 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 63. [Docket No. 2010-0747-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SOUTHERN TRI-STAR MARKETS, LTD. dba Texaco Food Mart in Brazoria County**; RN102394970; 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. (Tate Barrett, Laurie Eaves)

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

Item 64. [Docket No. 2010-0581-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Alberto Alba Villarreal in Cameron County**; RN102268927; 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 65. [Docket No. 2010-0810-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Samir H. Bhatt dba Seven Days Drive In in Kaufman County**; RN102250263; 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. (Danielle Porras, Laurie Eaves)

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

Item 66. [Docket No. 2010-0479-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Semere Ogbazgi DBA Hampton Service Station and Tesfaslassie Ogbazgi DBA Hampton Service Station in Dallas County**; RN102719168; 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 67. [Docket No. 2010-0746-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kingstreet Investments, LLC dba King Food Mart** in **Harris County**; RN103143608; 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 68. [Docket No. 2009-1250-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **JERRY SPENCER, L.P. d/b/a JJS Fastop 294** in **Tarrant County**; RN102780103; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 69. [Docket No. 2010-0721-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ANJU ENTERPRISES, INC. dba Parkway Chevron** in **Harris County**; RN101772721; 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. (Elvia Maske, Laurie Eaves)

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

Item 70. [Docket No. 2010-0545-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Travis E. Tindol, Jr.** in **Bee County**; RN100679497; 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.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 71. [Docket No. 2010-0179-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jim Broom** in **Nacogdoches County**; RN101786945; 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.

Item 72. [Docket No. 2010-0407-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Dwayne Gray DBA Personal Touch Detailing Service** in **McLennan County**; RN101663052; 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.

Item 73. [Docket No. 2010-0135-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Kingwood Petroleum, LLC DBA Kwik Pantry FFP 3361** in **Nacogdoches County**; RN102351962; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

Item 74. [Docket No. 2009-1963-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Santos Barcenas DBA Bucketz** in **Tom Green County**; RN101446680; 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. (Gary K. Shiu, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 75. [Docket No. 2010-0807-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jewish Community Center of Houston, Texas** in **Fort Bend County**; RN101245512; 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. BG/CR; all agree.

Item 76. [Docket No. 2010-0796-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stiff Creek Mobile Home Park, L.P.** in **Collin County**; RN101212546; 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 77. [Docket No. 2010-0646-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bynum** in **Hill County**; RN101393429; 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 78. [Docket No. 2010-0799-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Premont** in **Jim Wells County**;

RN101389849; 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 79. [Docket No. 2010-1009-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **B & J Water Company in Grimes County**; RN101257889; 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. BG/CR; all agree.

Item 80. [Docket No. 2010-0572-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SAHIL MANAGEMENT LTD. dba Shady Acres Trailer Park in Bexar County**; RN101458990; 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 81. [Docket No. 2010-0697-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **San Pedro Canyon Water Company in Val Verde County**; RN102673167; 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 82. [Docket No. 2010-0411-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Live Oak Resort, Inc. in Washington County**; RN101269926; 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 83. [Docket No. 2010-1004-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oak Grove Water Supply Corporation in Bowie County**; RN101455509; 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 84. [Docket No. 2010-0021-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monticello Drive Estates, Inc. in Parker County**; RN101213874; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 85. [Docket No. 2009-1675-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Stiff Creek Mobile Home Park, L.P. in Collin County**; RN101212546; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marshall Coover, Lena Roberts)

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

Item 86. [Docket No. 2010-0531-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **George W. Jackson DBA Fort Jackson Mobile Estates in Lubbock County**; RN102698545; 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. (Peipey Tang, Lena Roberts)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 87. [Docket No. 2010-0694-WR-E](#). Consideration of an Agreed Order assessing administrative penalties against **David McKee** in **Johnson County**; RN105897797; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jeremy Escobar, Laurie Eaves)

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

RULE MATTER

Item 88. [Docket No. 2009-1610-RUL](#). Consideration for Commission adoption of the amendments to **30 Texas Administrative Code (TAC) Chapter 114**, Control of Air Pollution from Motor Vehicles, Sections 114.2, 114.51, and 114.64, the repeal of Section 114.52, and corresponding revisions to the state implementation plan for Sections 114.2, 114.51, and 114.52. The adoption will implement House Bill (HB) 715 and HB 1796 from the 81st Texas Legislature, 2009, Regular Session, relating to requiring low-volume vehicle emissions inspection stations to meet the criteria for a low-volume waiver established by the Texas Department of Public Safety and increasing the maximum time allowed from five to 10 days that counties have to reimburse dealerships participating in the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Assistance Program, respectively. The adoption will also streamline the process for implementing minor non-programmatic modifications to the vehicle emissions inspection analyzer specifications and repeal the Early Participation Incentive Program. The proposed rules were published in the July 2, 2010, issue of the *Texas Register* (35 TexReg 5718) (Edgar J. Gilmore Jr., Ross Henderson) (Rule Project No. 2009-027-114-EN)

Adopt the amendments to 30 TAC Chapter 114, the repeal of Section 114.52 and the revisions to the Texas Inspection and Maintenance state implementation plan concerning the requirements of low-volume vehicle emissions inspection stations and the vehicle emissions inspection analyzer specifications, as recommended by the Executive Director. CR/BG; all agree.

STATE IMPLEMENTATION PLAN

Item 89. [Docket No. 2009-1613-SIP](#). Consideration for Commission adoption of a revision to the **Texas Inspection and Maintenance (I/M) state implementation plan (SIP)** concerning the requirements for low-volume vehicle emissions inspection stations and the vehicle emissions inspection analyzer specifications. The adoption of the I/M SIP revision will implement House Bill 715 from the 81st Texas Legislature, 2009, Regular Session, relating to requiring low-volume vehicle emissions inspection stations to meet the criteria for a low-volume waiver established by the Texas Department of Public Safety. The adopted I/M SIP revision will also streamline the process for implementing minor non-programmatic modifications to the vehicle emissions inspection analyzer specifications and include various non-substantive changes to apply appropriate and consistent use of acronyms, section references, structure, formatting, and certain terminology. (Edgar J. Gilmore Jr., Ross Henderson) (Project No. 2009-035-SIP-NR)

Adopt the amendments to 30 TAC Chapter 114, the repeal of Section 114.52 and the revisions to the Texas Inspection and Maintenance state implementation plan concerning the requirements of low-volume vehicle emissions inspection stations and the vehicle emissions inspection analyzer specifications, as recommended by the Executive Director. CR/BG; all agree.

RULE MATTERS

Item 90. [Docket No. 2009-1953-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Sections 290.38, 290.39, 290.41, 290.42, 290.46, 290.47, 290.111 - 290.115, 290.119, 290.121, 290.122, 290.271, and 290.272 of **30 TAC Chapter 290**, Public Drinking Water. The Commission also proposes the repeal of Section 290.117. The Commission simultaneously proposes new Section 290.117. The proposed rulemaking would incorporate the new federal lead and copper rules; would reorganize the Texas lead and copper rules to make them consistent with the organizational structure used in other Texas rules regulating chemicals in drinking water; and would make minor changes for consistency with other federal rules recently adopted by the Commission, specifically the Long Term 2 Enhanced Surface Water Treatment Rule, the Stage 2 Disinfectants and Disinfection Byproducts Rule, and the Ground Water Rule. (Michael Lentz, Ruth Takeda) (Rule Project No. 2009-020-290-OW)

Approve for publication of, and hearing on, the proposed amendments to and the repeal within 30 TAC Chapter 290, as recommended by the Executive Director. BG/CR; all agree.

Item 91. [Docket No. 2010-0512-RUL](#). Consideration of the adoption of amendments to Sections 17.1, 17.2, 17.6, 17.10, 17.12, 17.14, 17.17, 17.20, and 17.25, and repeal of Section 17.15 of **30 TAC Chapter 17**, Tax Relief for Property Used for Environmental Protection. The adoption will consolidate Tier III and IV applications, require Tier III applications for all property used partially for pollution control, modify the Cost Analysis Procedure, allow electronic transmittal of notices, require separate applications for non-integrated pollution control systems, facilitate

prioritizing and processing applications, require additional information on applications, and allow the General Counsel to remand appeals back to the Executive Director without formal action by the Commission when the action is requested by the Executive Director or the Public Interest Counsel. Based on recommendations from the advisory committee and public comment, several changes to the rules are made at adoption. The proposed rules were published in the July 16, 2010, issue of the *Texas Register* (35 TexReg 6255). (Emmanuel Wada, Timothy Reidy) (Rule Project No. 2009-050-017-EN)

Adopt the amendment to 30 TAC Chapter 17 and the repeal of 30 TAC Section 17.15, as recommended by the Executive Director. CR/BG; all agree.

Item 92. [Docket No. 2009-2064-RUL](#). Consideration of the adoption of an amendment to Section 37.9105 of **30 TAC Chapter 37**, Financial Assurance. Adoption of the amendment would remove the requirement that the environmental impairment insurance policy required of Class B sewage sludge operators must provide an automatic renewal option to the insured. The proposed rules were published in the June 18, 2010 issue of the *Texas Register* (35 TexReg 5172). (Rob Norris, Anthony Tatu) (Rule Project No. 2010-014-037-AD)

Adopt the amendment to Section 37.9105 of 30 TAC Chapter 37, as recommended by the Executive Director. BG/CR; all agree.

Item 93. [Docket No. 2010-1382-RUL](#). Consideration for publication of, and hearing on, proposed new Section 213.31 of **30 TAC Chapter 213**, Edwards Aquifer and proposed new Section 311.91 of **30 TAC Chapter 311**, Watershed Protection. A recent decision from the Sixth Circuit Court of Appeals overturned the United States Environmental Protection Agency's rule which provided that National Pollutant Discharge Elimination System (NPDES) permits were not required for pesticide applications into, over, or near waters of the United States (*National Cotton Council of America v. U.S. EPA*, 553 F.3d 927). As a result of the decision, effective April 9, 2011, the discharge of pesticides must be regulated through the Texas Pollutant Discharge Elimination System (TPDES) program. On November 3, 2010, the Commission initiated rulemaking on a petition for rulemaking submitted by the Texas Parks and Wildlife Department to allow the application of pesticides as authorized by the Commission by adding Section 213.31 to Edwards Aquifer rules and Section 311.91 to the Watershed Protection rules. (Lynda Clayton, George Ortiz, Kathy Humphreys) (Rule Project No. 2010-055-311-OW)

Approve for publication of, and hearing on, proposed new Section 213.31 and 311.91, as recommended by the Executive Director. BG/CR; 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/ Shannon Strong
Assistant General Counsel,
Shannon Strong

 12/9/2010
Date