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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

December 14, 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 Nos. 2008-1888-UIC and 2009-1319-UIC; SOAH Docket Nos. 582-09-3064 and 582-09-6184.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Uranium Energy Corp. (UEC)** for new Underground Injection Control (UIC) Permit No. UR03075, designation of an exempt aquifer, and new Production Area Authorization (PAA) No. UR03075PAA1. The facility would be located approximately 13 miles north of the City of Goliad, approximately 0.9 mile east of the intersection of State Highway 183 and Farm-to-Market Road 1961 in **Goliad County**, Texas. The UIC permit would authorize the construction and operation of Class III injection and production wells for recovery of uranium from a certain portion of the Goliad Formation within the 1,139.4-acre permit area. The application also includes a request for an aquifer exemption that would apply from a depth of 45 to 404 feet and would extend over an area of approximately 423.8 acres within the proposed permit area. The PAA would authorize mining and restoration in Production Area 1 within the permit area. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the applications and related filings, exceptions, and replies. (David Murry, Shana Horton, Don Redmond)

Grant UEC's application for UIC Permit No. UR03075 and Production Area Authorization No. 1 and the request for aquifer exemption, but modify the Executive Director's draft UIC permit to include the revisions to the restoration table, baseline water quality table and control parameter upper limits table, as set forth in the attachments to the Executive Director's reply to exceptions; direct the Applicant to draft a proposed Order pursuant to, and consistent with, 30 TAC 10.5 containing Findings of Fact and Conclusions of Law on all the contested issues consistent with the ALJ's recommendations on the issues to

the extent that they are not in conflict with the Commission's directions today, as set forth in the ALJ's Proposal For Decision with the following exceptions: A) The Commission finds that there is no need to revisit the cost estimates submitted with the applications through this contested case process due to the requirement of 30 TAC Section 331.143 that those estimates be revisited on an annual basis; B) The Commission finds that the data submitted for baseline water quality and restoration tables met the requirements of applicable TCEQ rules and statutes, as recommended by the Executive Director in its exceptions; C) The Commission finds that the injection wells are in the public interest and characterization of the Northwest fault is not required with the respect to proposed permit area, as that information will be provided at such time as the Applicant determines to submit applications for proposed production areas 2-4. Further the Commission directs the Applicant to circulate among all parties a proposed Order no later than December 28, 2010. The Applicant shall file the proposed Order with the Commission no later than January 11, 2011. Parties wishing to comment on the filed proposed Order shall file comments with the Commission no later than January 25, 2011. The Applicant shall file any Response to Comments no later than February 1, 2011. The Office of General Counsel is directed to set the proposed Order for consideration at the soonest possible agenda date. BS/BG; CR abstained.

Item 2. [TCEQ Docket No. 2009-1093-AIR; SOAH Docket No. 582-09-6185](#). Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of **Tenaska Trailblazer Partners, LLC** for Air Quality Permit No. 84167, Prevention of Significant Deterioration Air Quality Permit No. PSD-TX-1123 and Hazardous Air Pollutant Permit No. HAP-13 pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 116, and the Texas Clean Air Act, Texas Health and Safety Code Chapter 382, to construct a new 900 megawatt coal-fired electric power generating facility, and carbon dioxide (CO<sub>2</sub>) capture facility, in **Nolan County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the applications and related filings, exceptions and replies. (Richard Hughes, Christine Angeletti)

Adopt the ALJ's proposed Order granting Tenaska Trailblazer Partners, LLC applications for state Air Quality Permit No. 84167, Prevention of Significant Deterioration Air Quality Permit No. PSD-TX-1123 and Hazardous Air Pollutant Major Source Permit No. HAP-13, as modified by the Applicant proposed Order included in the Applicant's exceptions filed-stamped October 21, 2010 and with the following exceptions and additional changes and renumbered accordingly: A) Exclude Applicant's proposed Findings of Fact Nos. 58, 72 and 105; B) Include Applicant's stricken Findings of Fact No. 64 and the ALJ's proposed additional Conclusions of Law from the ALJ's response to exceptions dated November 22, 2010. C) Modify Applicant's proposed Findings of Fact No. 61 to remove reference to MACT; D) Amend Findings of Fact No. 95 to add this statement: "However, the Executive Director states that in several places in the record that the MACT limit for HF should be .0005 lb/MMBtu"; Findings of Fact No. 96 to replace .00054 lb/MMBtu with .0005 lb/MMBtu; Findings of Fact No. 141 to replace .070 lb/MMBtu with .060 lb/MMBtu; Findings of Fact No. 152 to replace .030 lb/MMBtu on annual intervals with .025 lb/MMBtu on one-hour and annual intervals; Ordering Provision No. 3 to state: "This Order and the subject permits are made effective upon the date of issuance as indicated below:"; E) Adopt the Executive Director's Response to Comments to the extent that it is not in conflict with the Commission's Orders; F) Issue the draft permit as modified by the changes to the ALJ's proposed Order and make corresponding changes to the MAERT; G) Direct the Office of General Counsel to renumber and make conforming changes to the Order as necessary. BS/BG; all agree.

**DISTRICT MATTER**

- Item 3. [Docket No. 2010-0297-DIS](#). Consideration of an Application from **Greenhawe Water Control and Improvement District No. 2** (the District), of **Hays County**, requesting approval for the addition of drainage powers to provide drainage service to the District. The Board of Directors of the District requests that the Commission grant the addition of drainage powers pursuant to Texas Water Code, Sections 51.331-51.333 and 30 Texas Administrative Code Section 293.15. (Ruben Soto, Jr., Dinniah Tadema)

Grant Greenhawe Water Control and Improvement District No. 2's request for additional drainage powers and adopt the Executive Director's proposed Order and attachment. BG/CR; all agree.

#### **PETITION MATTER**

- Item 4. [Docket No. 2010-1611-MIS](#). Consideration of a **Petition by Mesa Water, L.P., for Inquiry and Selection of Review Panel** pursuant to TWC §36.108(f) and 30 TAC §293.23. The Petition for Inquiry relates to joint groundwater management planning in Groundwater Management Area 1, consisting of the Hemphill County Underground Water Conservation District, North Plains Groundwater Conservation District, Panhandle Groundwater Conservation District, and High Plains Underground Water Conservation District No. 1. (**Armstrong, Carson, Dallam, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, and Wheeler Counties**) (Kelly Mills, Christiaan Siano)

Dismiss the petition filed by Mesa Water, LP CR/BG; all agree.

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

- Item 5. [Docket No. 2010-0828-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Plank Coatings, Inc.** in **Ector County**; RN101639078; 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 6. [Docket No. 2010-0821-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enterprise Products Operating LLC** in **Chambers County**; RN102323268; 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 7. [Docket No. 2010-0889-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Fiberglass Specialties, Inc.** in **Rusk County**; RN102536091; 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 8. [Docket No. 2009-0687-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Albemarle Corporation** in **Harris County**; RN100218247; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

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

Item 9. [Docket No. 2010-0211-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. (John Muennink, Laurie Eaves)

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

Item 10. [Docket No. 2010-0922-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **American Acryl L.P.** in **Harris County**; RN101379287; 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 11. [Docket No. 2009-0697-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kenneth Ing dba The Whitesboro Truck Stop** in **Grayson County**; RN105061006; 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. 2010-0635-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INVISTA S.a.r.l.** in **Harris County**; RN104244942; 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. 2009-1015-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC.** in **Harris County**; RN100212109; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Laurie Eaves)

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

Item 14. [Docket No. 2010-1035-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Agrifos Fertilizer L.L.C.** in **Harris County**; RN101621944; 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 15. [Docket No. 2010-0952-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marathon Petroleum Company LLC in Galveston County**; RN100210608; 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.

### **EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 16. [Docket No. 2010-1393-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bul-Tex Development Corporation in Bexar County**; RN105877310; 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. (Thomas Jecha, Laurie Eaves)

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

### **FIELD CITATIONS**

Item 17. [Docket No. 2010-1578-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Texas Department of Aging and Disability Services in Lubbock County**; RN101815587; 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 18. [Docket No. 2010-1653-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Dennis Jordan in Denton County**; RN105966022; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 19. [Docket No. 2010-1624-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Johnnie L. Anderson in Hunt County**; RN105278766; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)

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

Item 20. [Docket No. 2010-1551-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Westin Homes and Properties, L.P. in Fort Bend**

**County**; RN105413058; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

Item 21. [Docket No. 2010-1615-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Mullen-Telles, Inc. in El Paso County**; RN105984447; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

Item 22. [Docket No. 2010-1535-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Pioneer General Contractors in Randall County**; RN103210621; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

Item 23. [Docket No. 2010-1660-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Texas A&M University Corpus Christi in Nueces County**; RN105997498; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

Item 24. [Docket No. 2010-1616-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **C T Corporation System dba Anderson Columbia Co., Inc. in Zapata County**; RN105894802; for water rights violations pursuant to Tex. Water Code ch. 37 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)

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

Item 25. [Docket No. 2010-1614-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Harrison County in Harrison County**; RN101433720; for water rights violations pursuant to Tex. Water Code ch. 37 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)

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

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

Item 26. [Docket No. 2009-1717-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **US Ecology Texas, Inc. in Nueces County**; RN101445666; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental

Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Laurie Eaves)

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

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

Item 27. [Docket No. 2010-0289-IHW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **George Kuipers in Collin County**; RN103971909; 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. (Gary K. Shiu, Lena Roberts)

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

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

Item 28. [Docket No. 2010-0991-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chemtrade Refinery Services, Inc. in Jefferson County**; RN100218932; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 29. [Docket No. 2010-0870-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CEMEX Construction Materials South, LLC in Galveston County**; RN100249739; 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.

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

Item 30. [Docket No. 2010-1015-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Mark E. Rohde dba Turf Masters in Kendall County**; RN104881222; 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. (Rebecca Johnson, Laurie Eaves)

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

Item 31. [Docket No. 2010-0070-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Derald Evans DBA The Sprinkler Doctor in Tarrant County**; RN105859250; 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.

Item 32. [Docket No. 2010-0565-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **James H. Wood** in **Tarrant County**; RN103738399; 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. (Kirk Schoppe, Laurie Eaves)

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

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

Item 33. [Docket No. 2010-0705-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jarrold L. Meyer** in **Smith County**; RN104846183; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

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

Item 34. [Docket No. 2010-0783-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kirbyville** in **Jasper County**; RN101390854; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 11 and 13, and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Laurie Eaves)

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

Item 35. [Docket No. 2009-1956-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Timberwood Development Company, L.P.** in **Bexar County**; RN105813364; for Edwards Aquifer and 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 36. [Docket No. 2010-0168-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Del Webb Texas Limited Partnership** in **Williamson County**; RN102930690; for Edwards Aquifer and used oil violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 371, 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.

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

Item 37. [Docket No. 2010-0061-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Shiloh Ridge Water Supply Corporation** in **Polk County**; RN101215549; for public water supply and water rights violations pursuant to Tex. Water Code ch. 11, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)



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

### MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 38. [Docket No. 2009-1320-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **A-Affordable Vacuum Services and Disposal Site, Inc.** in **Harris County**; RN104370440; 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. (Keith Frank, Laurie Eaves)

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

Item 39. [Docket No. 2010-0149-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Danny Mitchell** in **Milam County**; RN105712574; 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. (Michael Pace, Laurie Eaves)

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

Item 40. [Docket No. 2009-2049-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kingsville** in **Kleberg County**; RN102334570; 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. (Elvia Maske, Laurie Eaves)

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

Item 41. [Docket No. 2009-0714-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Daniel L. Mauldin DBA Travis Equipment Company** in **Ellis County**; RN102777778; for 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 42. [Docket No. 2010-0693-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SAGELINE, INC. dba GEORGETOWN FARM SUPPLY** in **Williamson County**; RN105385009; 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. (Danielle Porras, Laurie Eaves)

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

### MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 43. [Docket No. 2010-0323-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Vicente Lopez and Sulema Lopez** in **El Paso County**;

RN105868822; 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. (Gary K. Shiu, Lena Roberts)

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

Item 44. [Docket No. 2010-0583-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **David Trevino in Lubbock County**; RN105808174; 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. (Gary K. Shiu, Lena Roberts)

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

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

Item 45. [Docket No. 2010-0814-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **East Montgomery County Municipal Utility District No. 3 in Montgomery County**; RN102671427; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 46. [Docket No. 2010-1162-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **West Hardin County Consolidated Independent School District in Hardin County**; RN101518793; 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 47. [Docket No. 2010-0766-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bridge City in Orange County**; RN102846037; 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.

Item 48. [Docket No. 2009-2020-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Goodlow in Navarro County**; RN101520922; 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 49. [Docket No. 2009-0839-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brookshire Municipal Water District in Waller County**; RN101920312; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 50. [Docket No. 2010-1198-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Montgomery County Water Control and Improvement District No. 1 in Montgomery County**; RN102095205; 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 51. [Docket No. 2010-0812-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Martin Realty & Land, Inc. in Montgomery County**; RN102184777; 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 52. [Docket No. 2010-1141-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Beckville in Panola County**; RN101720621; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

Item 53. [Docket No. 2010-0999-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Moody in McLennan County**; RN102077278; 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 54. [Docket No. 2010-0975-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Fulshear and Fort Bend County Municipal Utility District No. 169 in Fort Bend County**; RN105068050; 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.

Item 55. [Docket No. 2010-1064-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gulf Marine Fabricators, L.P. in San Patricio County**; RN101513406; 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.

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

Item 56. [Docket No. 2010-0724-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **IZZA, Inc. dba Cullen Mobil** in **Harris County**; RN102376720; 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. 2010-0944-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **JD Cambridge Enterprise Inc dba Kwik Mart 3 Beverages** in **Tarrant County**; RN101444172; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Laurie Eaves)

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

Item 58. [Docket No. 2010-0980-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Oraphine Douangkesone dba Snack & Tackle** in **Tom Green County**; RN101432789; 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 59. [Docket No. 2010-0322-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AHOR ENTERPRISE INC. d/b/a Quick Mart** in **Harris County**; RN100892173; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

Item 60. [Docket No. 2010-0740-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SOUTHERN TRI-STAR MARKETS II, LTD dba Texaco Food Mart 2901** in **Brazoria County**; RN102893799; 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 61. [Docket No. 2010-0676-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Malcom Ageshen dba Good Luck** in **Dallas County**; RN101544336; 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. (Andrea Park, Laurie Eaves)

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

Item 62. [Docket No. 2010-0984-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RUDY'S TEXAS BAR-B-Q, LLC dba Rudy's Country Store & Bar-B-Q** in **McLennan County**; RN103065736; 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 63. [Docket No. 2010-0894-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SHAH & SHAH, INC. dba Jamal's Mobil** in **Dallas County**; RN100655521; 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 64. [Docket No. 2010-1065-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **PALMERA INC. dba Zang Food Store** in **Dallas County**; RN101764918; 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 65. [Docket No. 2010-0900-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **TBNL Investments, Inc. dba Texaco** in **Galveston County**; RN102022266; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)

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

Item 66. [Docket No. 2010-0930-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **NABLUS #1, INC.** in **Tarrant County**; RN102351152; 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. (JR Cao, Laurie Eaves)

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

Item 67. [Docket No. 2010-0842-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lynda F. Cochran** in **Orange County**; RN101756930; 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. (Trina Grieco, Laurie Eaves)

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

Item 68. [Docket No. 2010-0802-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thuan T. Ngo in Galveston County**; RN102244258; 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. (Jorge Ibarra, P.E., Laurie Eaves)

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

Item 69. [Docket No. 2010-1137-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WE ARE CRAZY, INC. DBA Country Pantry 11 in Orange County**; RN102462785; 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. (Marshall Coover, Lena Roberts)

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

Item 70. [Docket No. 2010-0779-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **2S & J INVESTMENT GROUP LLC dba Food & Fuel 2 in Harris County**; RN102039286; 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 71. [Docket No. 2010-0969-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Westpark Station Inc dba Nancy's Citgo in Harris County**; RN102832565; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 72. [Docket No. 2010-1045-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **MUREE VALLEY INTERNATIONAL INC dba Circle M Food Mart in Dallas County**; RN101630267; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Laurie Eaves)

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

Item 73. [Docket No. 2010-0816-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sophia Food Market Inc dba Cameron Mini Mart in Milam County**; RN102434446; 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 74. [Docket No. 2010-0882-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KIE ENTERPRISES, Inc. dba Mr. Friendly Mart** in **Harris County**; RN101740835; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 75. [Docket No. 2010-1239-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sathya Enterprises, LLC dba Westwood Shell** in **Harris County**; RN102795556; 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. (Nadia Hameed, Laurie Eaves)

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

Item 76. [Docket No. 2010-0996-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SAMA INC. dba E-Z-7 Food Store** in **Harris County**; RN101433241; 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 77. [Docket No. 2008-1893-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rod C. Oliver** in **Live Oak County**; RN101783389; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

#### **PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDER**

Item 78. [Docket No. 2010-0820-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Nabil A. Khatib** in **Tarrant County**; RN102428240; 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. (Sharesa Y. Alexander, Lena Roberts)

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

#### **PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER**

Item 79. [Docket No. 2010-0288-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **PCR Construction / Development, Inc. DBA J & J Business Solutions, L.L.C. DBA Gas & Go** in **Hidalgo County**; RN105015499; 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 and Shutdown Order. BG/CR; all agree.

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

Item 80. [Docket No. 2010-0903-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thirsty Parrot, LLC** in **Waller County**; RN105232177; 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. (Stephen Thompson, Laurie Eaves)

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

Item 81. [Docket No. 2010-0905-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **K C Utilities, Inc** in **Brazoria County**; RN101243921; 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 82. [Docket No. 2010-1186-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Gregory** in **San Patricio County**; RN101384956; 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 ORDER**

Item 83. [Docket No. 2010-0781-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Curtis Shupak DBA Village Water** in **Burleson County**; RN101191708; 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. (Rudy Calderon, Lena Roberts)

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

#### **SLUDGE ENFORCEMENT DEFAULT ORDER**

Item 84. [Docket No. 2010-0068-SLG-E](#). Consideration of a Default Order assessing administrative penalties against **Jason Whatley** in **Brazoria County**; RN105845069; for solid waste and water quality 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.

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

Item 85. [Docket No. 2010-0876-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Shamrock Realty, Ltd.** in **McLennan County**; RN105920540; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 86. [Docket No. 2010-0932-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SUNRISE MATERIALS, L.P.** in **Liberty County**; RN105930770; 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.

### **RULE MATTERS**

Item 87. [Docket No. 2010-0359-RUL](#). Consideration of the adoption of amendments to Sections 116.13, 116.710, 116.711, 116.715, 116.716, 116.717, 116.718, 116.720, 116.721, 116.730, 116.740, and 116.750 of **30 Texas Administrative Code (TAC) Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification, and corresponding revisions to the state implementation plan (SIP). The Commission will also consider the adoption of new Section 116.765. The amended sections, with the exception of Sections 116.711(2)(C)(iii), 116.715(f)(2)(A), 116.730, and 116.740(b) will be submitted to EPA as revisions to the SIP. New Section 116.765 will also not be submitted to EPA as a revision to the SIP.

The adoption would revise the flexible air permit rules to address the United States Environmental Protection Agency's disapproval of the flexible permit program as a SIP revision. The rules would more clearly identify federal permitting requirements; ensure that the flexible permit rules cannot be used to circumvent federal permitting requirements; address monitoring, recordkeeping, and reporting associated with flexible permits; and implement other changes necessary to obtain approval for the flexible permit program. The proposed rules were published in the July 2, 2010, issue of the *Texas Register* (35 TexReg 5729).

The Commission will also consider a request to the United States Environmental Protection Agency to reconsider previously submitted Sections 116.110(a)(3), 116.714, 116.722, 116.760, and the definition of Modification of Existing Facility, currently located in Section 116.10(9)(F) in 30 TAC Chapter 116, which comprise the remainder of the flexible permit program. (Michael Wilhoit, Janis Hudson) (Rule Project No. 2010-007-116-PR)\

Adopt the amendments to 30 TAC Chapter 116 Control of Air Pollution by Permits for New Construction or Modification, and corresponding revisions to the SIP, as recommended by the Executive Director with the amendments that were discussed from the dias today and agreed upon. CR/BG; all agree.

Item 88. [Docket No. 2010-0623-RUL](#). Consideration for adoption of new Section 30.211 and amendments to Sections 30.201, 30.207, 30.210, and 30.212 - 30.214 of **30 TAC Chapter 30**, Occupational Licensing. The adoption would amend 30 TAC Chapter 30, Subchapter F to allow individuals holding class 'A' MSW Facility Supervisor licenses to supervise any level or type of MSW facility; provide for MSW provisional licenses; provide alternative training options for licensing including specialized training courses; require Type VI demonstration facilities to be supervised by either a class 'A' or 'B' licensed supervisor; require Type IV, IAE and IVAE landfills to be supervised by a class 'A' MSW facility supervisor; repeal the class 'C' MSW facility supervisor license; and exempt Type VII and Type VIII facilities from having to be supervised by an individual holding a MSW supervisor license. The adoption would also reword existing language to provide consistency with licensing requirements; improve readability and enhance enforceability of the rules; and make grammatical and punctuation corrections. The proposed rules were published in the August 13, 2010, issue of the *Texas Register* (35 TexReg 6932). (Terry Thompson, Alicia Lee) (Rule Project No. 2010-013-030-PR)

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

Item 89. [Docket No. 2010-0251-RUL](#). Consideration of adoption of the proposed repeal of existing Section 106.352 of **30 TAC Chapter 106**, Permits by Rule, and **30 TAC Section 116.620**, Control of Air Pollution by Permits for New Construction or Modification; while simultaneously adopting the new Sections 106.352 of 30 TAC Chapter 106.

The rulemaking in Chapter 106 and the new air quality standard permit update control requirements based on the latest information on emissions from oil and gas production facilities while providing control flexibility, authorize maintenance, startup, and shutdown operations, and require a single site-wide authorization for oil and gas production facilities. The proposed Chapter 106 and Chapter 116 rule actions and the public notice of the new standard permit were published in the August 13, 2010, issue of the *Texas Register* (35 TexReg 6937, 6997, 7109, respectively). (Beecher Cameron, Benjamin Rhem) (Rule Project No. 2010-018-106-PR)

No action taken.

Item 90. [Docket No. 2010-0939-RUL](#). Consideration of the adoption of the repeal of Section 291.126 of **30 TAC Chapter 291**, Utility Regulations. The adoption would repeal Section 291.126. This section provides that a tenant's water utility service may be disconnected if payment was not received by the due date, and the owner issues a disconnection notice after the due date at least ten days prior to a stated date of disconnection. The proposed rules were published in the September 10, 2010, issue of the *Texas Register* (35 TexReg 8299). (Doug Holcomb, Kayla Murray) (Rule Project No. 2010-030-291-OW)

Adopt the repeal of 30 TAC Section 291.126, as recommended by the Executive Director. CR/BG; all agree.

**PUBLIC COMMENT SESSION**

Item 91. 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 92. **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 93. **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 94. **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.)**

