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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
February 9, 2011

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. 2009-0929-UCR; SOAH Docket No. 582-09-5328.**](#)
Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Deer Creek Ranch Water Co., LLC** to change its water rates and tariff charges under water Certificate of Convenience and Necessity No. 11241 in **Travis** and **Hays Counties**, Texas; pursuant to Tex. Water Code ch. 13 and the rules of the Texas Commission on Environmental Quality in 30 Tex. Admin. Code ch. 291. The Commission will also consider the application, related filings, record evidence and exhibits, exceptions and replies. (Brian MacLeod, Brian Dickey, Elsie Pascua)

Motion for Continuance denied.

Adopt the ALJ's Proposed Order following remand; incorporate the Executive Director's and the Office of Public Interest Counsel's exceptions, as agreed by the ALJ; and instruct the Office of General Counsel to incorporate the following decisions: 1) modify Finding of Fact No. 222 and Conclusions of Law Nos. 15 and 16 to state that reversion to the Utility's existing rates instead of establishing the rates proven by the Utility in this hearing is based on financial integrity concerns; 2) add an Ordering Provision to require the Utility to submit status reports to the Commission's Water Supply Division every three months regarding the refund/credit process and outstanding refund amounts; and 3) add an Ordering Provision to require the Utility to refund the amounts, if any, collected over the interim rates established in the ALJ's Order No. 8

after October 15, 2010, within 30 days of the date the Commission signs this Order. CR/BG; all agree.

- Item 2. **TCEQ Docket No. 2008-1616-WR; SOAH Docket No. 582-10-0293.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **San Angelo Water Supply Corporation** to amend Certificate of Adjudication No.14-1318 to modify Special Condition 5.C. to change the elevation of the conduit through Twin Buttes Reservoir that allows free passage of flows downstream. San Angelo Water Supply Corporation requests that the elevation be changed from 1,883.5 feet above mean sea level to the actual built elevation of 1,885 feet above mean sea level. Certificate of Adjudication No. 14-1318 authorizes San Angelo Water Supply Corporation to divert and use not to exceed 25,000 acre-feet of water per year from Twin Buttes Reservoir on the Middle Concho River, Spring Creek, and the South Concho River, Colorado River Basin, **Tom Green County**, for agricultural purposes to irrigate 15,000 acres of land within the boundaries of Tom Green County Water Control and Improvement District No. 1. San Angelo Water Supply Corporation is also authorized to divert and use not to exceed 29,000 acre-feet of water per year from Twin Buttes Reservoir for municipal purposes. The Commission will also consider the application, related filings, exceptions and replies. (Craig Mikes, Robin Smith)

Adopt the ALJ's Proposed Order approving issuance of amendment to the Certificate of Adjudication No. 14-1318B with inclusion of the Executive Director's proposed changes to Findings of Fact Nos. 62 and 63. BG/BS; CR recused.

- Item 3. **TCEQ Docket No. 2008-1617-WR; SOAH Docket No. 582-10-0294.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **San Angelo Water Supply Corporation** to amend Certificate of Adjudication No. 14-1318 to modify Special Condition 5.C. to change what flows must be passed downstream through a conduit constructed in the Twin Buttes Reservoir. Special Condition 5.C. of the Certificate currently states that a conduit shall be constructed in the aforesaid dam for the purpose of permitting the "free passage of the normal flow through the dam at all times and the passage of those waters" to which the Commission "may determine lower appropriators are entitled." The amended Certificate, if issued, will change this language so that it requires "free passage of inflows through Twin Buttes Reservoir via the conduit" and that the passage be "in such amounts as determined by the Watermaster or the Executive Director for downstream water right holders and domestic and livestock users." Certificate of Adjudication No. 14-1318 authorizes the Owner to divert and use not to exceed 25,000 acre-feet of water per year from Twin Buttes Reservoir on the Middle Concho River, Spring Creek, and the South Concho River, Colorado River Basin, **Tom Green County**, for agricultural purposes to irrigate 15,000 acres of land within the boundaries of Tom Green County Water Control and Improvement District No. 1. The Owner is also authorized to divert and use not to exceed 29,000 acre-feet of water per year from Twin Buttes Reservoir for municipal purposes. The Commission will also consider the application, related filings, exceptions and replies. (Craig Mikes, Robin Smith)

Adopt the ALJ's Proposed Order with the modifications to Finding of Fact No. 74, as recommended by the Executive Director in his Exceptions and accepted by the ALJ. BS/BG; CR recused.

- Item 4. [**TCEQ Docket No. 2009-0185-WR; SOAH Docket No. 582-10-0292.**](#)
Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **City of San Angelo** to amend its portion of Certificate of Adjudication No. 14-1298 to add a downstream diversion point on the west bank of the South Concho River, being the same point authorized by Certificate of Adjudication No. 14-1325, and adding the City of San Angelo Municipal Water System Service Area as the place of use in **Tom Green County**. The City owns a portion of Certificate of Adjudication No. 14-1298 which authorizes diversion and use of not to exceed 252.1 acre-feet of water per year from three points on the South Concho River, tributary of the Concho River, tributary of the Colorado River, Colorado River Basin for agricultural and municipal purposes. There are multiple time priorities and diversion rates for the water. The Commission will also consider the application, related filings, exceptions and replies. (Ron Ellis, Robin Smith)

Adopt the ALJ's Proposed Order granting the 1298B draft amendment with the incorporation of the recommended diversion rate and the diversion point one-time priority language recommended by the ALJ and include the ALJ's Proposed revisions identified in her December 10, 2010 Response to Replies and Exceptions. BG/BS; CR recused.

- Item 5. [**TCEQ Docket No. 2006-1819-WR; SOAH Docket No. 582-08-0689.**](#)
Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Lower Colorado River Authority (LCRA)** for Water Right Permit 5731 to divert, store, and use those excess flood waters and those unappropriated flows of the Colorado River Basin downstream of O.H. Ivie Reservoir and downstream of Lake Brownwood in an amount not to exceed 853,514 acre-feet of water per year. LCRA seeks to divert and use the requested appropriation of water at nine existing diversion points downstream of the USGS Gage (08161000) at Columbus in **Colorado County** at a maximum combined diversion rate of 40,000 cfs, and to construct an unspecified number of off-channel reservoirs within **Colorado, Wharton, and Matagorda Counties** with a maximum combined storage capacity of 500,000 acre-feet of water and maximum combined surface area of 25,408 acres. LCRA requests to use the water requested in this application anywhere within its authorized water service area within the Colorado, Brazos, Brazos-Colorado, Lavaca, and the Lavaca-Colorado River and Coastal Basins and other areas that hereinafter may be authorized by law for municipal, industrial, and agricultural purposes. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the application, and related filings, exceptions and replies. (Iliana Delgado, Robin Smith)

Continue this matter and direct the Executive Director to bring it back to the Commission no later than the April 20, 2011 Agenda; work with the parties consistent with the direction and instruction that the Commission has given from the dais; and employ the assistance of ADR in getting this matter resolved. CR/BG; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 6. [Docket No. 2010-1706-IWD.](#)

Consideration of the application by **Capitol Aggregates, Ltd.** for a major amendment with renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001510000 to authorize the addition of the discharge of cooling tower blowdown, facility sink water, dust suppression water from the primary crusher, and air compressor condensate via Outfalls 001 and 002; to revise Other Requirement No. 3 to allow the discharge of cooling tower blowdown; and to eliminate Outfall 003. The current permit authorizes the discharge of material storage pile runoff, vehicle/plant wash water, road dust suppression water, and storm water on an intermittent and flow variable basis via Outfalls 001, 002, and 003. The facility is located at 11551 Nacogdoches Road, on the west side of Nacogdoches Road at the junction of Bulverde Road and Nacogdoches Road in the City of San Antonio, in **Bexar 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. (Alicia Lee, Tres Koenings)

Deny the hearing request filed by Santa Garcia; issue Proposed Permit No. WQ0001510000, as recommended by the Executive Director; and adopt the Executive Director's Response to Comments. BG/CR; all agree.

TMDL MATTER

Item 7. [Docket No. 2010-0419-TML.](#)

Consideration to approve the final Implementation Plan for one TMDL for bacteria in **Gilleland Creek** (Segment 1428C), of the Colorado River Basin, in **Travis County**. Project No. 2010-039-TML-NR (Ronald Stein, Robert Brush)

Approve the final Implementation Plan for one TMDL for bacteria in Gilleland Creek (Segment 1428C) of the Colorado River Basin in Travis County, as recommended by the Executive Director. CR/BG; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

Item 8. [Docket No. 2010-0986-AGR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Peter Wilfridus Deridder dba Deridder Dairy** in **Erath County**; RN101522233; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

Item 9. [Docket No. 2010-0974-AGR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James Rodriguez dba Rioseco Dairy** in **Tom Green County**;

RN102792694; 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.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 10. **[Docket No. 2010-1282-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mario Espinoza dba El Potosino Body Shop in Smith County**; RN105763361; 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. (Allison Fischer, Laurie Eaves)

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

Item 11. **[Docket No. 2010-1242-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Matheson Tri-Gas, Inc. in Fort Bend County**; RN102278306; 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 12. **[Docket No. 2010-1221-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PVR Natural Gas Gathering LLC in Hemphill County**; RN100225796; 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 13. **[Docket No. 2010-1099-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flint Hills Resources, LP in Jefferson County**; RN100217389; 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. 2010-1180-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **University of Texas Medical Branch at Galveston in Galveston County**; RN101921138; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Todd Huddleson, Laurie Eaves)

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

Item 15. [Docket No. 2010-1358-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP in Moore County**; RN100220052; 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. 2010-1322-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Moss Bluff Hub, LLC in Liberty County**; RN100217256; 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. 2010-1123-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chem-Pruf Door Co., Ltd. in Cameron County**; RN100244433; 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 18. [Docket No. 2010-1038-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **Belvan Corp. in Crockett County**; RN100214022; 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 19. [Docket No. 2010-1151-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Brazoria County**; RN100825249; 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. (Allison Fischer, Laurie Eaves)

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

Item 20. [Docket No. 2010-0241-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Kippur Corporation in El Paso County**; RN101694933; 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. (Jeffrey J. Huhn, Lena Roberts)

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

Item 21. [Docket No. 2010-0784-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP in Hutchinson County**; RN100216613; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Laurie Eaves)

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

Item 22. [Docket No. 2010-1079-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **Lucite International, Inc. in Jefferson County**; RN102736089; 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 23. [Docket No. 2010-1033-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sofia Enterprises, L.P. d/b/a HTC Industries in Tom Green County**; RN102754652; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

- Item 24. [Docket No. 2009-1271-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **BASF Catalysts LLC in Harris County**; RN100223379; 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 25. [Docket No. 2010-0430-AIR-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stice Enterprises, Inc. in Tarrant County**; RN105700249 and RN105700256; 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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

- Item 26. [Docket No. 2010-1125-EAQ-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **Place Properties Development Services, LLC in Bexar County**; RN105474183; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

- Item 27. [Docket No. 2010-1206-EAQ-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Capital Metropolitan Transportation Authority in Williamson County**; RN104008966; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

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

FIELD CITATIONS

- Item 28. [Docket No. 2010-1905-WOC-E.](#)
Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Nazario Sanchez, Jr. in La Salle County**; RN106005481; 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. (Heather Podlipny, Laurie Eaves)

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

Item 29. [Docket No. 2010-1866-WQ-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Bownds Construction, Inc. in Randall County**; RN105520324; 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 Field Citation. BG/CR; all agree.

Item 30. [Docket No. 2010-1899-WR-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Gardner Production, LLC in Jack County**; RN106005879; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jordan Jones, Laurie Eaves)

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

Item 31. [Docket No. 2010-1878-WR-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Best Petroleum Explorations, Inc. in Jack County**; RN106004435; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jordan Jones, Laurie Eaves)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 32. [Docket No. 2010-1228-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CCC GROUP, INC. in Bexar County**; RN100674803; 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. (Michaëlle Sherlock, Laurie Eaves)

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

Item 33. [Docket No. 2010-1248-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Linde Gas North America LLC in Harris County**; RN103080487; 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. (Cheryl Thompson, Laurie Eaves)

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

Item 34. [Docket No. 2010-1112-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Formosa Plastics Corporation, Texas in Calhoun County**; RN100218973; 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. (Rebecca Johnson, Laurie Eaves)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 35. [Docket No. 2010-1164-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Unimin Corporation in Cherokee County**; RN100219120; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

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

Item 36. [Docket No. 2010-0998-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Navasota Concrete, Inc. in Grimes County**; RN104760962; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Tom Jecha, Laurie Eaves)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 37. [Docket No. 2010-1433-LII-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Paul D. Reed dba Reed's Lawn Service, LLC in Walker County**; RN104509971; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (John Muennink, Laurie Eaves)

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

Item 38. [Docket No. 2010-1034-LII-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Lawn**

Appeal, LLC in Angelina County; RN105944805; 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. (Audra Benoit, Laurie Eaves)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS

- Item 39. [**Docket No. 2010-0356-LII-E.**](#)
Consideration of a Default Order assessing administrative penalties against **One Stop Landscape Shop, LLC in Travis County;** RN105868160; for occupational license violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Marshall Coover, Lena Roberts)

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

- Item 40. [**Docket No. 2010-0114-LII-E.**](#)
Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Matt R. Phillips in Smith County;** RN103591921; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Marshall Coover, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 41. [**Docket No. 2010-0988-MLM-E.**](#)
Consideration of an Agreed Order assessing administrative penalties against **Franklin Duncan dba Little Lils Septic Tank Service in Val Verde County;** RN103149407; for water quality and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, Laurie Eaves)

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

- Item 42. [**Docket No. 2010-0809-MLM-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **GARRETT CONSTRUCTION CO. in San Patricio County;** RN101735207; for municipal solid waste, used oil, and waste tires violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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 43. [Docket No. 2009-2004-MLM-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WINGER MACHINE & TOOL, INC.** in **Tom Green County**; RN102988698; for air quality and industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

- Item 44. [Docket No. 2010-0938-MLM-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Roscoe** in **Nolan County**; RN105737555; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Laurie Eaves)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

- Item 45. [Docket No. 2010-0755-MSW-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **Pro Star Roll-off Dumpsters LLC** in **Bexar County**; RN105909063; 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. (Wallace Myers, Laurie Eaves)

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

- Item 46. [Docket No. 2010-0013-MSW-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oscar Palacios d/b/a Tres Palacios Elsa Pit** in **Hidalgo County**; RN105819882; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 47. [Docket No. 2010-0683-MWD-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Westfield Mobile Home Community, Ltd.** in **Harris County**; RN101527018; 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. 2010-0523-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Alvin in Brazoria County**; RN101721553; 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 49. [Docket No. 2010-0471-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Fredericksburg in Gillespie County**; RN101917383; 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. (Tammy Mitchell, Lena Roberts)

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

Item 50. [Docket No. 2010-1285-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Rosebud in Falls County**; RN101918423; 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 51. [Docket No. 2010-1062-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Waller in Waller County**; RN102844834; 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 52. [Docket No. 2009-1306-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Oakwood in Leon County**; RN102075553; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)

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

Item 53. [Docket No. 2009-1901-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Westlake Municipal Utility District No. 1 in Harris County**; RN103029286; 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. (Anna Treadwell, Lena Roberts)

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

Item 54. [Docket No. 2010-0497-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rita Laura Redow Karbalai in Harris and Montgomery Counties**; RN102075769, RN101514271, RN101227478, RN102186822; 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 55. [Docket No. 2010-0242-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Edgewood in Van Zandt County**; RN101916302; 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 56. [Docket No. 2010-1207-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Conroe Independent School District in Montgomery County**; RN102336716; 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 57. [Docket No. 2010-1021-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Port Lavaca in Calhoun County**; RN101612893; 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 58. [Docket No. 2010-1175-MWD-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Port O'Connor Municipal Utility District in Calhoun County**; RN102916525; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Martha Hott, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

- Item 59. [Docket No. 2010-1134-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **QUICK PAY ENTERPRISES, INC. dba Quick Stop 2 in Bexar County**; RN102443561; 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 60. [Docket No. 2010-1403-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ahmad Yousef dba Stop-N-Go in Tom Green County**; RN101876720; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

- Item 61. [Docket No. 2010-1090-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NALLA IDAYAN INC. dba Yellow Jacket Grocery in Brazoria County**; RN101443950; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

- Item 62. [Docket No. 2010-0750-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **Naseen Khan d/b/a Lucky One Stop in Dallas County**; RN101538007; 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. (Marshall Coover, Lena Roberts)

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

Item 63. [Docket No. 2010-1166-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **MAHNAZ ENTERPRISES, INC. dba Moon Mart in Harris County**; RN101828176; 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 64. [Docket No. 2010-1089-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **Zeway Corp. dba Zack Shell & Deli in Collin County**; RN102050739; 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. 2010-1161-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **ALMEDA MART INC in Harris County**; RN102369261; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

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

Item 66. [Docket No. 2010-0972-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **COMPASS USA ENTERPRISES, INC. dba Sunrise Super Stop in Harris County**; RN102468303; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Laurie Eaves)

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

Item 67. [Docket No. 2010-0992-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **153 Inc. dba Quick Stop Food Store in Calhoun County**; RN102719861; 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. (Cheryl Thompson, Laurie Eaves)

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

Item 68. [Docket No. 2010-1025-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MURPHY OIL USA, INC. dba Murphy USA 7437** in **Collin County**; RN105205561; 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. (Andrea Park, Laurie Eaves)

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

Item 69. [Docket No. 2010-1044-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CITY INT'L., LTD. dba Snappy Mart 3** in **Harris County**; RN101458057; 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 70. [Docket No. 2010-0849-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **A.A.G. TEXAS, INC. dba Chevron 6** in **Harris County**; RN101734986; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Laurie Eaves)

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

Item 71. [Docket No. 2010-0921-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **Ikoankar LLC dba One Stop** in **Tarrant County**; RN100737493; 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 72. [Docket No. 2010-0971-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NZSA, INC. dba Zeta Food Mart** in **Bexar County**; RN102352457; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 73. [Docket No. 2010-0891-PST-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **SHAHZ**

BROTHERS INC. dba K-2 Food Mart in Nueces County; RN102347960; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Theresa Hagood, Laurie Eaves)

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

Item 74. [Docket No. 2010-0935-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cedar Hill in Dallas County;** RN102364346; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 75. [Docket No. 2010-0899-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Great Chambers Investment Inc. dba Cove Country Store in Chambers County;** RN102029402; 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 76. [Docket No. 2010-1202-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **DHARANI ENTERPRISES INC. dba Rosenberg Shamrock in Fort Bend County;** RN101748200; 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. (Philip Aldridge, Laurie Eaves)

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

Item 77. [Docket No. 2010-0966-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DELTA ENTERPRISE, INC. dba Hempstead Texaco Crescent Star Foodmart in Harris County;** RN103938106; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Laurie Eaves)

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

Item 78. [Docket No. 2010-1082-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RIMO, INC. dba Motion 30 in Dallas County**; RN101537660; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Laurie Eaves)

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

Item 79. [Docket No. 2010-1178-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Diamond Gulf, Inc. dba Almeda Food Store in Harris County**; RN101764694; 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. (Michaëlle Sherlock, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 80. [Docket No. 2010-0547-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against **BOO KOOZ, INC. d/b/a Boo Kooz C-S in Tom Green County**; RN102790805; 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. (Tammy L. Mitchell, Lena Roberts)

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

Item 81. [Docket No. 2010-0530-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Dustin Whaley in Oldham County**; RN101805059; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 82. [Docket No. 2009-1652-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flo Community Water Supply Corporation in Leon County**; RN101440949; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tammy L. Mitchell, Lena Roberts)

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

Item 83. [Docket No. 2010-1029-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brookeland Fresh Water Supply District in Jasper County**; RN101437861; 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 84. [Docket No. 2010-0037-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lukes Mobile Home Park, Inc. in Parker County**; RN101271245; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Sherlock, Laurie Eaves)

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

Item 85. [Docket No. 2010-0908-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Danny J. Dolen dba Green Lake Estates Water Supply in Limestone County**; RN104443734; 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 86. [Docket No. 2010-0983-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Carolyn Maxey dba Channel Oaks Water System in Burnet County**; RN101210391; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Laurie Eaves)

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

Item 87. [Docket No. 2010-1349-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Esperanza Water Service Company, Inc. in Hudspeth County**; RN101207371; 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 88. [Docket No. 2010-1417-PWS-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **Millspaugh Operations, Inc. in Crockett County**; RN101251031; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Laurie Eaves)

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

Item 89. [Docket No. 2010-1174-PWS-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TRAILSWEST MOBILE HOME PARK, LLC in Bowie County**; RN101182855; 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. (Katy Schumann, Laurie Eaves)

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

Item 90. [Docket No. 2010-1075-PWS-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Feron Corporation dba Zebra Show Bar in El Paso County**; RN105449151; 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 91. [Docket No. 2010-1363-PWS-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **South Freestone County Water Supply Corporation in Freestone County**; RN101402683; 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 92. [Docket No. 2009-1556-PWS-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **David L. Sheffield dba Texas Landing Utilities in Polk County**; RN101210037; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Laurie Eaves)

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

Item 93. [Docket No. 2010-0785-PWS-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **Dimitrious Georgopoulos d/b/a Tech Café in Lubbock County**; RN101453561;

for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

Item 94. [Docket No. 2010-1362-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **West Yukon Estates LLC in Harris County**; RN102682192; 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 95. [Docket No. 2010-0860-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **American Heritage Housing Corporation in Harris County**; RN101224046; 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 ORDER

Item 96. [Docket No. 2010-0768-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against **Gloria Ann Poppe DBA Poppes Pub & Grub and Kenneth John Poppe DBA Poppes Pub & Grub in Victoria County**; RN105452650; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tammy L. Mitchell, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 97. [Docket No. 2010-0945-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Randy Hebert in Orange County**; RN105830517; 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. (Sharesa Y. Alexander, Lena Roberts)

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

Item 98. [Docket No. 2010-1289-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring

certain actions of **J.E. Kingham Construction Company, Ltd. in Polk County**; RN105709117; 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 99. [Docket No. 2010-0276-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Granbury Materials, LLC in Hood County**; RN104582275; 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 100. [Docket No. 2009-2053-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Dallas Water Utilities in Dallas County**; RN101227189; 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. (Tammy L. Mitchell, Lena Roberts)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 101. [Docket No. 2010-1502-WR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **KEITHVILLE WELL DRILLING & SERVICE INC in Nacogdoches County**; RN105950448; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Evette Alvarado, Laurie Eaves)

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

MISCELLANEOUS MATTER

Item 102. [Docket No. 2010-2033-RUL.](#)

Consideration of the issuance of the Air Quality Standard Permit for Pollution Control Projects, as authorized under Texas Health and Safety Code (THSC) Sections 382.05195 and 382.057, and **30 Texas Admin. Code (TAC) Chapter 116**, Subchapter F, Standard Permits. The new standard permit would be used to authorize pollution control projects undertaken voluntarily or as required by any federal or state statute or rule that reduce or maintain currently authorized air emission limits for facilities authorized by a New Source Review permit under Chapter 116, a standard permit adopted under Chapter 116, Subchapter F, or Permits by Rule adopted under 30 TAC Chapter 106. Notice of the proposed standard permit was published in the August

27, 2010, issue of the *Texas Register* (35 TexReg 7928) and in newspapers of general circulation in Austin, Dallas and Houston, Texas on August 27, 2010. The standard permit will be effective February 9, 2011. (Mandolin Shannon, Janis Hudson) (Rule Project No. 2010-057-OTH-NR)

Approve the issuance of the non-rule Pollution Control Projects Standard Permit, as recommended by the Executive Director. CR/BG; all agree.

RULE MATTERS

Item 103. **Docket No. 2010-0625-RUL.**

Consideration of the adoption of amendments to Sections 116.12, 116.115, 116.180, 116.182, 116.186, 116.188, 116.190, 116.192, 116.601, and 116.617; new Section 116.127; and the repeal of Section 116.121 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification and corresponding revisions to the state implementation plan (SIP). The revisions to the SIP would also include the withdrawal from United States Environmental Protection Agency (EPA) consideration as revisions to the SIP of Sections 116.121, 116.400, 116.402, 116.404 and 116.406 as adopted by the Commission on January 11, 2006, effective on February 1, 2006. The adoption would address issues identified by the EPA in its September 15, 2010, final disapproval notice. Specifically, those concern definitions related to and other changes to the Plant-Wide Applicability Limit (PAL) rules to meet federal requirements, including the conditions for reopening PAL permits. The rulemaking would also amend the standard permit rule for Pollution Control Projects. The rulemaking would also include removing obsolete references and making non-substantive administrative changes. The proposed rules were published in the August 27, 2010, issue of the *Texas Register* (35 TexReg 7698). (Blake Stewart, Janis Hudson) (Rule Project No. 2010-008-116-PR)

Adopt the amendments to 30 TAC Chapter 116, new 30 TAC Section 116.127, the repeal of 30 TAC Section 116.121 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. BG/CR; all agree.

Item 104. **Docket No. 2008-1631-RUL.**

Consideration of the adoption of amendments to Section 101.1 of **30 TAC Chapter 101**, General Air Quality Rules, and Section 116.12 and Section 116.150 of 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, and corresponding revisions to the state implementation plan. The adoption would amend definitions in Chapter 101 to remove language regarding specific maintenance and nonattainment areas. Additionally, the adopted rulemaking would amend Chapter 116 to remove language indicating that the one-hour thresholds and offsets are not effective unless the United States Environmental Protection Agency (EPA) promulgates rules. The adopted rulemaking would also amend Chapter 116 to add a requirement for continued applicability of nonattainment New Source Review until the EPA approves its removal for areas attaining the ozone national ambient air quality standard. In addition, the adopted rules address issues identified by the EPA in its September 15, 2010, final disapproval notice. The proposed rules were published in the August 27, 2010, issue of the *Texas Register* (35 TexReg 7676). (Blake Stewart, Terry Salem, Janis Hudson) (Rule Project No. 2008-030-116-PR)

Adopt the Proposed amendments to 30 TAC Section 101.1, Section 116.12 and Section 116.150 with the clarification changes recommended today by the Executive Director, as well as those discussed by the Commission today; given the Executive Director the needed flexibility to make sure that formatting-wise they fit within the rule, and corresponding revisions to the state implementation plan. CR/BG; all agree.

EXECUTIVE MEETING

Item 105. **Docket No. 2011-0001-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 106. **Docket No. 2011-0002-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 107. **Docket No. 2011-0003-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/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**

 /s/ Barham Richard
Assistant General Counsel,
Barham Richard

 2/24/2011
Date