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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 23, 2011

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

**MISCELLANEOUS MATTER**

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 Applicant's Proposed Order regarding 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 responses and replies regarding the Applicant's Proposed Order; 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)

Adopt the Applicant's Proposed Order; issue Class III Injection Well Permit No. UR03075, the Aquifer Exemption Order, and Production Area Authorization (PAA) No. 1, with revisions to the

restoration table, baseline water quality table and control parameter upper limits table as set forth in Exhibit D, to Uranium Energy Corp.; and adopt both the Executive Director's Response to Comments on the Class III UIC permit application/aquifer exemption request and on the PAA application. BG/BS; CR recused.

### **PROPOSALS FOR DECISION**

- Item 2 [\*\*TCEQ Docket No. 2008-1814-PST-E; SOAH Docket No. 582-10-0209.\*\*](#)  
Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against and requiring certain actions of **Ira Betts in Grimes County**, Texas; RN104047436; regarding petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. The Commission will also consider timely filed exceptions and replies. (Steven M. Fishburn)

Adopt the ALJ's Proposed Order with the corrections recommended by the Executive Director in his Exceptions and agreed to by the ALJ in his letter dated October 27, 2010. CR/BG; all agree.

- Item 3 [\*\*TCEQ Docket No. 2009-1865-UCR; SOAH Docket No. 582-10-1868.\*\*](#)  
Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **East Cedar Creek Fresh Water Supply District** for approval of a proposed sale of assets and transfer of service area under Certificate of Convenience and Necessity (CCN) No. 11206 from the City of Mabank and to amend East Cedar Creek Fresh Water Supply District's CCN No. 11682 pursuant to Tex. Water Code Ch. 13 and the rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291. The proposed service area is located within the city limits of Gun Barrel City, in **Henderson County**, Texas. The Commission will also consider the application, related filings, exceptions and replies. (Brian MacLeod)

Adopt the ALJ's Proposed Order filed on December 15, 2010 as amended by the ALJ's reply letter dated January 4, 2011. BG/CR; all agreed.

- Item 4 [\*\*TCEQ Docket Nos. 2009-0236-PST-E and 2006-1471-PST-E; SOAH Docket No. 582-10-1411.\*\*](#)  
Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Syed Ali and Ahmed Realty GP, L.L.C. both dba Chevron HP #333 in Harris County**, Texas; RN101775104; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Texas Health & Safety Code ch. 382 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. The Commission will also consider timely filed exceptions and replies. (Jennifer Cook)

Adopt the ALJ's Proposed Order with the Executive Director's recommended modifications as agreed to by the ALJ via letter dated December 20, 2010. CR/BG; all agree.

## **MOTION TO OVERTURN**

Item 5

### **Docket No. 2010-2063-MSW.**

Consideration of a Motion to Overturn filed by Thomson Family Limited Partnership, H. Philip Whitworth, Jr., Ann Messer, and Julie Moore regarding the Executive Director's decision to issue Type V Municipal Solid Waste grease trap waste processing Registration No. 43024 to **Micro Dirt, Inc. d/b/a Texas Organic Recovery** for the facility located at 15500 Goforth Road, Creedmoor in **Travis County**, Texas. The Commission will also consider timely filed responses and replies to the Motion to Overturn.

Grant the Motion to Overturn filed by Thomson Family Limited Partnership, H. Philip Whitworth, Jr. Ann Messer, and Julie Moore and remand the application to the Executive Director to allow for further consideration and action on the proposed revisions to the spill containment structure submitted by Applicant on January 20, 2011 and direct the Executive Director to further evaluate concerns associated with the use of separated water and to take appropriate action. BG/CR; all agree.

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

Item 6

### **Docket No. 2010-1850-IWD.**

Consideration of the application by **CEMEX Cement of Texas, L.P.** for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002179000 to authorize: the discharge of storm water from the railcar loading and plant and material storage areas and the discharge of truck wash water from the CEMEX Construction Materials, Inc. Quarry via Outfall 001, and the reuse of wastewater from the storm water settling pond for on-site landscaping and irrigation. The current permit authorizes the discharge of wash water from the plant process and truck wash areas and storm water from plant and material and product storage areas via Outfall 001 on an intermittent and flow variable basis from the Balcones Cement plant. The facility manufactures Portland and masonry cement and is located at 2580 Wald Road, at the intersection of Wald Road and Solms Road, approximately 0.75 mile north of Interstate Highway 35, and approximately 1.8 miles southwest of the City of New Braunfels, **Comal County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Hailey Jett, Alicia Lee)

Deny all hearing requests; deny the request for reconsideration filed by Tim and Sharlene Fey; issue proposed Permit No. WQ0002179000 to CEMEX Cement of Texas, L.P.; and adopt the Executive Director's Response to Comments. CR/BG; all agree.

Item 7

### **Docket No. 2010-0735-IWD.**

Consideration of the application by **Synagro of Texas - CDR, Inc.** for a new permit, Proposed TCEQ Permit No. WQ0004887000, to authorize the land application of sewage sludge for beneficial use on 33.6 acres. This permit will not authorize a discharge of pollutants into waters in the State. The sewage sludge land application site will be located approximately 7 miles east of Austin Bergstrom International Airport off of Richards Drive, 300 feet south of Highway 71, in **Travis County**, Texas 78617. The Commission will also consider requests for hearing or

reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Bijaya Raj Chalise, Daniel W. Ingersoll)

Deny the hearing request filed by David and Victoria Rogers; issue proposed Permit No. WQ0004887000 to Synagro of Texas – CDR, Inc.; and adopt the Executive Director's Response to Comments dated December 8, 2010. BG/CR; all agree.

Item 8 **Docket No. 2011-0105-MWD.**

Consideration of the application by **Lower Colorado River Authority** for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014404001 which authorizes the discharge of treated domestic wastewater with a daily average flow not to exceed 25,000 gallons per day. The wastewater treatment facility is located approximately 2,700 feet east of Farm-to-Market Road 2031 (Beach Road) and approximately 1,200 feet north of the Gulf of Mexico, **Matagorda 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. (Donald J. Camp, P.E., Celia Castro)

Deny all hearing requests pursuant to Texas Admin. Code Section 55.201(i)(5) and Texas Water Code Section 26.028(d); issue the renewal of Texas Pollutant Discharge Elimination System Permit No. WQ0014404001 to the Lower Colorado River Authority and adopt the Executive Director's Response to Comments. CR/BG; all agree.

**EMERGENCY ORDER**

Item 9 **Docket No. 2010-0912-UCR-E.**

Consideration of whether to modify, affirm, or set aside the Emergency Order issued on November 30, 2010, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality to address the discontinuation of retail water services by **Thunderbird Bay Water Services, Inc.** ("Utility"), in **Brown County**, TCEQ ID Nos. RN102688371, RN102685773, and CCN11243, to ensure the continued operation of the Utility, and to provide continuous and adequate water service to the customers of the Utility. The Emergency Order renewed the appointment of John M. Fultz as temporary manager of the Utility. (Peipey Tang)

Grant hearing request and provide location for the ALJ to conduct a hearing, direct the facts be collected and brought back to the Commission today; and continue this matter until later today. BS/CR; all agree.

Continue Item 9 to a date prior to the expiration of the Emergency Order, which is 180 days from the date of issuance, to ensure continued coverage; and that the ALJ continue his hearing today and try to conclude it today; that the ALJ have ample time to prepare his Proposal For Decision and Reply, and Responses to the same; and that the matter be brought back to the Commission at an agenda in time to address the extension of the second Emergency Order. CR/BG; all agree.

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 10 [\*\*Docket No. 2010-0976-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102212925; 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 11 [\*\*Docket No. 2010-1315-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. (Miriam Hall, Laurie Eaves)

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

Item 12 [\*\*Docket No. 2010-1269-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against **Kinder Morgan Treating LP in Willacy County**; RN103363826; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Laurie Eaves)

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

Item 13 [\*\*Docket No. 2010-1059-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INEOS USA LLC in Brazoria County**; RN100238708; 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 14 [\*\*Docket No. 2010-1265-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cargill Meat Solutions Corporation in Parmer County**; RN101615839; 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 15 [\*\*Docket No. 2010-0365-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aruba Petroleum, Inc. in Wise County**; RN105845135; 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. (Jennifer Cook, Lena Roberts)

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

Item 16 [\*\*Docket No. 2010-0985-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP in Crockett County**; RN102553369; 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 17 [\*\*Docket No. 2010-1279-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Brazoria County**; RN100225945; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Laurie Eaves)

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

Item 18 [\*\*Docket No. 2010-0926-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enterprise Products Operating LLC in Chambers County**; RN102984911; 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 19 [Docket No. 2009-1247-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Matagorda County**; RN100216159; 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 20 [Docket No. 2010-1154-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Harris County**; RN103919817; 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 21 [Docket No. 2010-1357-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pampa in Gray County**; RN100211416; 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 22 [Docket No. 2010-1539-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ranger Gas Gathering, L.L.C. in Eastland County**; RN100219534; 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 23 [Docket No. 2009-1821-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP in Ector County**; RN100222330; 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 24 [Docket No. 2010-1272-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **DCP Midstream, LP** in **Ochiltree County**; RN100229335; 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. (Georgena Hawkins, Laurie Eaves)

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

Item 25 [Docket No. 2010-1312-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **WTG Gas Processing, L.P.** in **Martin County**; RN102665296; 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 26 [Docket No. 2010-1076-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Coast Waste Disposal Authority** in **Galveston County**; RN100212463; 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 27 [Docket No. 2010-1037-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Escambia Operating Co. LLC** in **Atascosa County**; RN105440218; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

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

Item 28 [Docket No. 2010-1205-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against



**KM Liquids Terminals LLC in Harris County**; RN100224815; 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 29 [\*\*Docket No. 2010-1557-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against **Brazos Electric Power Cooperative, Inc. in Parker County**; RN100216993; 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. (Evette Alvarado, Laurie Eaves)

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

Item 30 [\*\*Docket No. 2010-1470-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hanson Brick East, LLC in Palo Pinto County**; RN102315827; 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. (Jorge Ibarra, Laurie Eaves)

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

Item 31 [\*\*Docket No. 2010-1386-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against **Noltex L.L.C. in Harris County**; RN101049518 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.

#### **EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS**

Item 32 [\*\*Docket No. 2010-1485-EAQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lamb's Real Estate Investment I, LLC dba Lamb's Tire and Automotive Centers in Williamson County**; RN105793707; 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. (Marty Hott, Laurie Eaves)

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

Item 33 [\*\*Docket No. 2010-1328-EAQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Austin in Travis County**; RN102836822; 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. (Jennifer Graves, Laurie Eaves)

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

**FIELD CITATION**

Item 34 [\*\*Docket No. 2010-1917-WOC-E.\*\*](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Landon K. Cruse in Tarrant County**; RN104905468; 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 35 [\*\*Docket No. 2010-1964-WR-E.\*\*](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **EOG Resources, Inc. in Nacogdoches County**; RN106017080; 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 ORDER**

Item 36 [\*\*Docket No. 2010-1216-IHW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against **Sherwin Alumina Company, LLC in San Patricio and Nueces Counties**; RN102318847; 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. (Epifanio Villarreal, Laurie Eaves)

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

**INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT DEFAULT ORDER**

Item 37 [Docket No. 2010-0548-IHW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **2300 Sugar Sweet Realty, LLC** in **Hidalgo County**; RN100215458; 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. (Jeffrey J. Huhn, Lena Roberts)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 38 [Docket No. 2010-1041-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation** in **Fort Bend County**; RN105694467; 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 39 [Docket No. 2010-1214-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Universal Forest Products Texas LLC** in **Walker County**; RN100214493; 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 40 [Docket No. 2010-1347-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **San Angelo Packing Company, Inc.** in **Tom Green County**; RN101511772; 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 41 [Docket No. 2010-1606-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Structural Metals, Inc.** in **Guadalupe County**; RN102413689; 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 42 [Docket No. 2010-1310-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron U.S.A. Inc. in Harris County**; RN100706811; 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.

**LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS**

Item 43 [Docket No. 2010-0311-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Clayton C. Whitson DBA C & N Landscaping in Bell County**; RN105074900; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Tammy L. Mitchell, Lena Roberts)

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

Item 44 [Docket No. 2010-0312-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Fred Martinez d/b/a Tejas Lawn Care in Williamson County**; RN105873335; 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.

Item 45 [Docket No. 2009-1566-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Joey Sisca in Travis County**; RN104574389; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

## MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 46 [Docket No. 2010-1321-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Keith Roy dba Keith's Stump Grinding in Jasper County**; RN105944466; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 47 [Docket No. 2010-1028-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Del Rio in Val Verde County**; RN101608925; for municipal solid waste and water quality 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. (Steve Villatoro, Laurie Eaves)

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

Item 48 [Docket No. 2010-1451-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PANOLA-BETHANY WATER SUPPLY CORPORATION in Panola County**; RN101454726; for public drinking water and water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Katy Schumann, Laurie Eaves)

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

Item 49 [Docket No. 2009-1714-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Citgo Refining and Chemicals Company L.P. in Nueces County**; RN102555166; for air quality and water quality 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. (Evette Alvarado, Laurie Eaves)

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

## MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 50 [Docket No. 2009-1771-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Clarence W. Nerren in Hardin County**;

RN105706659; for municipal solid waste and used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

#### **MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS**

Item 51 [\*\*Docket No. 2010-0334-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jerry Simmons in Orange County**; RN105697429; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 52 [\*\*Docket No. 2010-0833-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jackie Hill in Coryell County**; RN105802524; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)

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

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

Item 53 [\*\*Docket No. 2010-1383-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against **RESTAURANT SERVICE, LLC in Harris County**; RN102184033; 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 54 [\*\*Docket No. 2010-1096-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Liberty in Liberty County**; RN102078128; 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 55 [Docket No. 2010-1264-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LGI HOMES, LTD. and Quadvest, L.P. in Montgomery County**; RN104282652; 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 56 [Docket No. 2010-1594-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Center in Shelby County**; RN101614014; 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 57 [Docket No. 2010-0915-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Deport in Lamar County**; RN101919256; 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.

Item 58 [Docket No. 2010-1287-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bellevue in Clay County**; RN101720779; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Marty Hott, Laurie Eaves)

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

Item 59 [Docket No. 2010-1381-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William Emmett Hartzog, Jr. in Harris County**; RN102517372; for water quality violations pursuant to Tex. Water

Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

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

Item 60 [Docket No. 2010-1593-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Paradise Independent School District in Wise County**; RN101519387; 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 61 [Docket No. 2010-1404-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rhome in Wise County**; RN102701620; 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 62 [Docket No. 2010-1391-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Refugio in Refugio County**; RN103913935; 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.

**ON SITE SEWAGE FACILITY INSTALLERS ENFORCEMENT DEFAULT ORDER**

Item 63 [Docket No. 2009-1857-OSI-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mark Perkins in Shelby County**; RN105516637; for on-site sewage disposal system installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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



**PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS**

Item 64 [Docket No. 2010-1169-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Majestic Fuel Supplies, LLC dba Vecta Food Store in Dallas County**; RN101534154; 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 65 [Docket No. 2010-1480-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **S.S.G. FUEL SERVICE, INC. dba Exxon Food Mart in Harris County**; RN102950565; 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. (Bridgett Lee, Laurie Eaves)

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

Item 66 [Docket No. 2010-1483-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MIMS MEAT CO., INC. dba Mims Meat Company in Harris County**; RN101818029; 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 67 [Docket No. 2010-1401-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **JOHN J. HEBERT DISTRIBUTOR INC. dba J J Chevron 4 in Harris County**; RN102424389; 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. (Danielle Porras, Laurie Eaves)

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

Item 68 [Docket No. 2010-1554-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **CIRCLE BAR TRUCK CORRAL, INC. in Crockett County**; RN102010519; 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 69 [Docket No. 2010-1390-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **EASTGREEN, INC. dba AIG Technologies Data Center in Tarrant County**; RN104341193; 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. (Jeremy Escobar, Laurie Eaves)

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

Item 70 [Docket No. 2009-1752-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **MCCRAW OIL COMPANY, INC. d/b/a Kwik Check 42 in Tarrant County**; RN101545051; 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. (Xavier Guerra, Lena Roberts)

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

Item 71 [Docket No. 2010-1389-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **George Philip Meyer in Schleicher County**; RN102042421; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Laurie Eaves)

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

Item 72 [Docket No. 2010-1167-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Frank James Pokluda dba Circle N Grocery in Waller County**; RN101251379; 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. (Trina Grieco, Laurie Eaves)

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

Item 73 [Docket No. 2010-1317-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against

**RODOS ONE, LLC dba Cypresswood Shell in Harris County;** RN104192810; 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. (Cara Windle, Laurie Eaves)

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

Item 74 [\*\*Docket No. 2010-1475-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The George Foundation in Fort Bend County;** RN101235570; 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. (James Nolan, Laurie Eaves)

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

Item 75 [\*\*Docket No. 2010-1138-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ANANTKRUPA ENTERPRISE LLC dba Diamond Mart in Montgomery County;** RN102425386; 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 76 [\*\*Docket No. 2010-1238-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against **FARMERS COOPERATIVE ASSOCIATION OF O'DONNELL, TEXAS in Lynn County;** RN102025947; 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. (Clinton Sims, Laurie Eaves)

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

Item 77 [\*\*Docket No. 2010-1407-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against **FIRST MINIT MARKIT INC. dba First Minit Markit in Dallas County;** RN102446648; 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. (Cara Windle, Laurie Eaves)

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

Item 78 [Docket No. 2010-1173-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **OCHO NLSS MG CORPORATION dba Sams Food Mart 4 in Harris County**; RN101378792; 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. (Cara Windle, Laurie Eaves)

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

Item 79 [Docket No. 2010-1093-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Flying J Transportation LLC dba Flying J Travel Plaza Transportation Shop in El Paso County**; RN105095640; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 80 [Docket No. 2010-1240-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **SARD ENTERPRISES, INC. dba LaPorte Chevron in Harris County**; RN101788677; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Tate Barrett, Laurie Eaves)

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

Item 81 [Docket No. 2010-1296-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **MARS CONVENIENCE, INC. dba La Porte Shell in Harris County**; RN101802619; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Tate Barrett, Laurie Eaves)

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

**PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS**

Item 82 [Docket No. 2010-0493-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against **Karen Mengelkamp in Coryell County**; RN102271921; for petroleum storage tank

violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)

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

- Item 83 [\*\*Docket No. 2009-0949-PST-E.\*\*](#)  
Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gilbert Espinosa Robles d/b/a Robstown Tire Service in Nueces County**; RN102716263; 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. (Sharesa Y. Alexander, Lena Roberts)

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

- Item 84 [\*\*Docket No. 2010-0102-PST-E.\*\*](#)  
Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Asad Rizvi in Brazos County**; RN101664001; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

- Item 85 [\*\*Docket No. 2010-0415-PST-E.\*\*](#)  
Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Wanda Dean in Johnson County**; RN102280625; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

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

- Item 86 [\*\*Docket No. 2010-0982-PWS-E.\*\*](#)  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cockrell Hill in Dallas County**; RN101185320; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Laurie Eaves)

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

- Item 87 [\*\*Docket No. 2010-1426-PWS-E.\*\*](#)  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Demontrond Buick Company in Harris**

**County**; RN101284743; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

Item 88 [Docket No. 2010-1323-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Lake Livingston Water Supply And Sewer Service Corporation in Polk County**; RN101284867; 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 89 [Docket No. 2010-0736-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Autozone Texas, L.P. in Harris County**; RN101651974; 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 90 [Docket No. 2010-1066-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harris County Water Control and Improvement District No. 119 in Harris County**; RN101406999; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Laurie Eaves)

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

Item 91 [Docket No. 2008-0708-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Roberto Mendez and Zoila Mendez in Starr County**; RN105473599; 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 92 [Docket No. 2010-1582-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ocean Mobile Home Park, LLC in Chambers**

**County**; RN100928282; 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 93 [Docket No. 2010-1068-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Timothy Bradberry dba Cooley Point in Tarrant County**; RN101251718; 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.

#### **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 94 [Docket No. 2010-0701-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Oakhollow MH Park, LLC d/b/a Oak Hollow Mobile Home Park and Gary Don Stahlheber d/b/a Oak Hollow Mobile Home Park in Brazoria County**; RN101453843; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

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

Item 95 [Docket No. 2010-1464-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Combined Relocation Services, Inc. dba Matt Patterson Custom Homes in Parker County**; RN105974653; 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.

Item 96 [Docket No. 2010-1561-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cedar Hill in Dallas County**; RN101390953; 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 97 [Docket No. 2010-0588-WQ-E.](#)  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Transportation in Eastland County**; RN105812374; 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.

#### **WATER RIGHTS ENFORCEMENT AGREED ORDER**

- Item 98 [Docket No. 2010-1413-WR-E.](#)  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PPG Industries, Inc. in Wichita County**; RN102522950; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Merrilee Hupp, Laurie Eaves)

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

#### **MISCELLANEOUS MATTER**

- Item 99 [Docket No. 2010-1983-MIS.](#)  
Consideration of the withdrawal from the United States Environmental Protection Agency of **30 Texas Administrative Code (TAC) Chapter 101**, Subchapter H, Division 5, Sections 101.380, 101.382, 101.383, and 101.385, as adopted on March 21, 2001, and amendments to Sections 101.383 and 101.385, as adopted on July 25, 2007, as revisions to the state implementation plan. These sections concern the System Cap Trading Program applicable to facilities with system cap emission limits specified in 30 TAC Chapter 117. (Shantha Daniel, Amy Browning)

Approve the withdrawal of the System Cap Trading Program from the consideration by EPA as revisions to the State Implementation Plan; adopt the Executive Director's proposed Order without the sentence reading: "This Order constitutes the Order of the Commission required by the Administrative Procedure Act, Government Code, § 2001.033."; and instruct the Executive Director to initiate rulemaking to repeal 30 TAC Sections 101.380, 101.382, 101.383, and 101.385. CR/BG; all agree.

#### **RULE MATTERS**

- Item 100 [Docket No. 2010-0380-RUL.](#)  
Consideration for adoption of amendments to Sections 334.42, 334.45, 334.49, and 334.50; and a new Subchapter N, Sections 334.601 - 334.606 of **30 TAC Chapter 334**, Underground and Aboveground Storage Tanks. The new Subchapter N would incorporate the Underground Storage Tank (UST) facility operator training requirements for on-site operation and maintenance of UST systems as established in federal law. The amendments apply to Subchapter C of existing rules and amend various existing technical UST requirements to: provide a more specific description of which existing and new sumps and manways need to be inspected, monitored or tested and kept free of liquid or debris; increase the amount of time allowed for the removal of liquid and debris from sumps and manways from 72 to 96 hours;



increase the amount of existing underground line which can be replaced without having to secondarily contain it from 20% to 35%; limit the maximum amount of existing underground line which must be secondarily contained during replacement; clearly specify that submerged metal components such as submersible pump housings which are in contact with water must be protected from corrosion by means other than just coating or wrapping them; and eliminate the requirement for large airports which use extensive fuel hydrant systems to comply with automatic line leak detection requirements because there are no practical methodologies available which will provide this function. The proposed rules were published in the October 1, 2010 issue of the *Texas Register* (35 TexReg 8880). (Anton Rozsypal, Cullen McMorrow) (Rule Project No. 2010-017-334-CE)

Adopt the proposed amendments to Sections 334.42, 334.45, 334.49 and 334.50 and the addition of new Subchapter N, Sections 334.601 – 334.606 of the Texas Administrative Code and include the striking of the term "direct and active role", as discussed from the dias today; instruct staff to add a definition of easily accessible within the rule to read: "located in a manner and place that allows a Class III operator quick and immediate access to site-specific emergency procedures". CR/BG; all agree.

Item 101 **[Docket No. 2010-1333-RUL.](#)**

Consideration for the adoption of the repeal and withdrawal from EPA consideration as a revision to the SIP of Section 116.118 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification. Section 116.118 applied to facilities exempted from air permitting under the Texas Clean Air Act. This exemption has expired, and the section no longer has an application under the air permitting rules of the Commission. The proposed rules were published in the October 15, 2010 issue of the *Texas Register* (35 TexReg 9215). (Beecher Cameron, Amy Browning) (Rule Project No. 2010-052-116-PR)

Adopt the repeal of 30 TAC Section 116.118, as recommended by the Executive Director. BG/CR; all agree.

Item 102 **[Docket No. 2010-2013-RUL.](#)**

Consideration for publication of, and hearing on, amended Section 101.27 of **30 TAC Chapter 101**, General Air Quality Rules. The proposed rule amendment would increase a base rate from \$25 per ton to \$35 per ton in the emissions fee calculation for Fiscal Year 2012 and allow annual adjustments of the base rate, as required for adequate fee revenue up to a predetermined cap of \$45 per ton. The proposal will collect an additional \$9 million in fees for Fiscal Year 2012 in order to cover Title V costs. The Commission collects annual fees from sources that are subject to the permitting requirements of the 1990 Federal Clean Air Act Amendments as required by Texas Health and Safety Code (THSC), Texas Clean Air Act (TCAA), Section 382.0621, Operating Permit Fee. THSC, Section 382.0621 states the Commission shall collect an annual fee based on emissions for each source that is subject to FCAA, Title V. (Kathy Pendleton, John Minter) (Rule Project No. 2011-006-101-EN)

Approve publication of, and hearing on, the proposed amendment to 30 TAC Section 101.27, as recommended by the Executive Director. BG/CR; all agree.

**PUBLIC COMMENT SESSION**

- Item 103 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 104 **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.

No action taken.

- Item 105 **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.

No action taken.

- Item 106 **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.

No action taken.

**(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/Elaine Lucas  
Assistant General Counsel,  
Elaine Lucas

\_\_\_\_\_  
3/10/11  
Date