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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

April 6, 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. 2009-0913-MWD; SOAH Docket No. 582-10-0353.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of the **City of Patton Village** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014926001, pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code, Chapter 26. The draft permit, if granted, would authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 350,000 gallons per day. The wastewater treatment facility is proposed to be located within the city limits of Patton Village, approximately 550 feet west of the intersection of South Lakeview Drive and Lakeview Drive, in **Montgomery County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the application and related filings; and timely exceptions and replies. (Michael Redda, Alicia Lee)

Adopt the ALJ's Proposed Order, granting the City of Patton Village's permit with the Executive Director's proposed corrections to Finding of Fact No. 25 and Conclusion of Law No. 4 and with the following additional changes: A) Correct the phrase "126 *E. coli* bacteria colonies per mL" to "126 *E. coli* bacteria colonies per 100 mL" in Finding of Fact No. 17 and B) Change TSQWS to TSWQS in Finding of Fact No. 34; Approve issuance of the Executive Director's draft permit, but modify the permit expiration date to June 1, 2014 consistent with the basin permitting provisions

in 30 TAC Section 305.71; and adopt the Executive Director's Response to Comments. BG/CR; all agree.

- Item 2 [**TCEQ Docket No. 2008-0164-UCR; SOAH Docket No. 582-08-1719.**](#)
Consideration of the Administrative Law Judge's Amended Proposal for Decision, Supplement, and proposed Order regarding the application of **HHJ, Inc., dba Decker Utilities** to change its water and sewer rates/tariff under Water Certificate of Convenience and Necessity (CCN) No. 12841 and Sewer CCN No. 20833 in **Montgomery County**, Texas, pursuant to Texas Water Code Chapter 13 and the rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291. The Commission will also consider the application, and related filings, exceptions and replies. (Heidi Graham, Erin Selvera)

Adopt the ALJ's Proposed Order attached to her Supplement to the amended Proposal For Decision; but include the following modifications: A) Amend Ordering Provision No. 3 to remove the phrase "the total amount of" before refunds as recommended by the ALJ in her reply to Exceptions from the third hearing; B) Amend Finding of Fact No. 36 and 49 to identify the appropriateness of the initial \$3,250 associated with the filing of the application as an allowable expense in addition to the \$29,397.23 rate case expense not included as an allowable expense in the rates; C) Amend Findings of Fact No. 38 and 51 to qualify that the finding is "except for the \$3,250 associated with the filing the application"; D) Amend Finding of Fact No. 83 to specifically identify the approved new tariff charges, which include the following noticed charges: water tap fee, \$500; water customer request fee, \$50; water transfer fee, \$35; water return check charge, \$25; water late charge, \$5 or 10 percent; sewer customer request fee, \$50; sewer transfer fee, \$35; sewer return check charge, \$ 25; sewer late charge, \$5 or 10 percent; and E) Complete the blanks in Conclusion of Law No. 12 and Ordering Provision No. 3 regarding the monthly \$12.58 refund/credit amount per water connection and the monthly \$21.94 refund/credit amount per sewer connection due to the customers to cover the 38 months of overcharges plus 0.61 percent interest for a 24-month customer refund period. CR/BG; all agree.

- Item 3 [**TCEQ Docket No. 2008-1305-MWD; SOAH Docket No. 582-09-2895.**](#)
Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Farmersville Investors, LP** for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0014778001 pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code ch. 26. The proposed facility would be located approximately 0.5 mile southwest of the intersection of Highway 78 and County Road 550 in **Collin County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the application and related filings; and timely exceptions and replies. (Kent Trede, Kathy Humphreys)

Adopt the ALJ's Proposed Order submitted on February 7, 2011 granting Farmersville Investors, LP TPDES Permit No. WQ0014778001, as revised by the Executive Director's Exceptions filed on February 28, 2011 and further revised in the ALJ's letter of March 22, 2011; approve issuance of the Executive Director's draft permit but modify the permit expiration date to October 1, 2015 consistent with the basin permitting provisions in 30 TAC Section 305.71 and adopt the Executive Director's Response to Comments. BG/CR; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 4 [Docket No. 2011-0173-MWD.](#)

Consideration of the application by **PHW, EMW, AWB & EB Texas, LLC** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014970001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 20,000 gallons per day. The wastewater treatment facility will be located at 5566 Mitchell Saxon Road, approximately 0.5 miles east of the intersection of Banks Road and Mitchell Saxon Road, approximately 90 feet south of Mitchell Saxon Road in **Tarrant County, Texas 76140**. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Michael Redda, Timothy Reidy)

Grant the hearing requests filed by Jeffrey Griffith, Donald Kinkade, Erwin Kraehemann, Carl Moore, Les Parker and Frank Stalling, Jr. with a concurrent referral to ADR during the State Office of Administrative Hearings (SOAH) scheduling process. Refer the following issues to SOAH for a contested case hearing: 1) Whether the proposed discharge will adversely affect human health and safety; 2) Whether the proposed discharge will adversely impact surface water quality; 3) Whether the proposed discharge will adversely impact groundwater in the area; 4) Whether the applicant provided adequate notice of the proposed discharge in accordance with 30 TAC Chapter 39; 5) Whether the proposed discharge will adversely impact terrestrial wildlife and livestock; 6) Whether the proposed discharge will adversely impact aquatic life; 7) Whether the proposed plant will cause nuisance odor; 8) Whether the draft permit conditions regarding sludge disposal comply with 30 TAC Chapter 312; 9) Whether the monitoring and reporting requirements contained in the draft permit conditions are adequate to ensure compliance with TCEQ rules; and 10) Whether the proposed discharge route complies with applicable TCEQ rules; Direct the Executive Director to participate in the contested case hearing; and Specify the maximum duration of the hearing is 9 months from the preliminary hearing to issuance of the Proposal for Decision. CR/BG; all agree.

AUTHORIZATION TO CONSTRUCT

Item 5 [Docket No. 2011-0402-MWD.](#)

Consideration of an application by **H.E.B. Grocery Company, L.P.** for Authorization to Construct the proposed facility expansion corresponding to the Interim II Phase of SJWTX, Inc.'s permit application pursuant to sections 26.019 and 26.027(c) of the Texas Water Code. SJWTX, Inc. has applied to amend TCEQ Permit No. WQ0014131001 to increase the disposal of treated domestic wastewater from a daily average flow not to exceed 20,000 gallons per day (gpd) via surface irrigation of 7.4 acres of public access grassland to a daily average flow not to exceed 40,000 gpd via surface irrigation of 15.25 acres of public access grassland in the Interim II Phase and 60,000 gpd via surface irrigation of public access grassland in the Final Phase. H.E.B. Grocery Company, L.P. has requested an Authorization to Construct the Interim II Phase of SJWTX, Inc.'s wastewater treatment facility in order to minimize the time it must maintain vacant retail space and pad sites at the Descending Dove Hills Commercial Subdivision and retail space at its existing real estate development. The existing domestic wastewater treatment facility and disposal area are located at 20475 State Highway 46 West, approximately 0.15 mile west of U.S. Highway 281, on the south side of State Highway 46, in Spring Branch,

in **Comal County**, Texas 78070. No discharge of pollutants into water in the state is authorized by TCEQ Permit No. WQ0014131001. An order granting this application for an Authorization to Construct would not constitute permit issuance or a guarantee of future permit issuance, and would not authorize the operation of, or the disposal of, effluent from the facility until SJWTX, Inc. obtains appropriate authorization from the Commission. (Julian Centeno, Jr., Timothy J. Reidy)

Approve H.E.B. Grocery Company, L.P. authorization to construct and adopt the Executive Director's Proposed Order. BG/CR; all agree.

MISCELLANEOUS MATTER

Item 6 **TCEQ Docket No. 2010-1663-UCR.**

Consideration of a request for a Commission Order approving a contract designating service areas between the **City of Lindale** (City), water certificate of convenience and necessity (CCN) No. 12795, and **Lindale Rural Water Supply Corporation** (WSC), water CCN No. 10758, in **Smith County**, Texas, pursuant to section 13.248 of the Texas Water Code. Under the contract, Lindale Rural WSC will transfer approximately 21.73 acres of its water CCN to the City. No facilities will be transferred under the contract. The WSC had one customer in the approximately 21.73 acres. The one customer requested retail water service from the City and will be transferred under the contract. (Elizabeth Flores, James Aldredge)

Approve the contract designating service areas between Lindale Rural Water Supply Corporation and the City of Lindale under Texas Water Code Section 13.248 which will result in a transfer of approximately 21.73 acres to the City's water CCN and issue the Executive Director's Proposed Order. CR/BG; all agree.

TMDL MATTERS

Item 7 **Docket No. 2010-0325-TML.**

Consideration for adoption of Fifteen Final TMDLs for Indicator Bacteria in Watersheds Upstream of **Lake Houston**, Segments 1004E, 1008, 1008H, 1009, 1009C, 1009D, 1009E, 1010, and 1011, in **Harris, Montgomery, San Jacinto, Walker, and Waller Counties**. (Ronald Stein, Robert Brush) (Project No. 2010-049-TML-NR)

Adopt Fifteen Final TMDLs for Indicator Bacteria in Watersheds Upstream of Lake Houston, as recommended by the Executive Director. BG/CR; all agree.

Item 8 **Docket No. 2010-1742-TML.**

Consideration for approval to publish and solicit public comment on a draft Implementation Plan for one TMDL for bacteria in the **Guadalupe River Above Canyon Lake** (Segment 1806), in **Kerr County**. (Ronald Stein, Robert Brush) (Project No. 2011-007-TML-NR)

Approve the publication of, and public comment on, the draft Implementation Plan for one TMDL for bacteria in the Guadalupe River Above Canyon Lake (Segment 1806), as recommended by the Executive Director. CR/BG; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 9 [Docket No. 2010-1507-AGR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nickie Joe Sublett dba Uphill Dairy in Hamilton County**; RN101527893; 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.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 10 [Docket No. 2010-0656-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102579307; 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 11 [Docket No. 2010-1587-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Pioneer Natural Resources USA, Inc. in Bee County**; RN100226505; 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 12 [Docket No. 2010-0709-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. (Nadia Hameed, Laurie Eaves)

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

Item 13 [Docket No. 2009-1510-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pioneer Natural Resources USA, Inc. in Potter County**; RN100226943; 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 14 [Docket No. 2010-1515-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP in Harris County**; RN102926920; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Laurie Eaves)

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

Item 15 [Docket No. 2010-1355-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **OGRE, Inc. dba Mur-Tex in Randall County**; RN100216340; 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 16 [Docket No. 2010-1148-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bayer MaterialScience LLC in Chambers County**; RN100209931; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 17 [Docket No. 2010-1550-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Harris County**; RN102018322; 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. 2010-1559-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Celanese Ltd. in Harris County**; RN100227016; 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 19 [**Docket No. 2010-1510-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Watco Tanks, Inc.** in **Wilson County**; RN102519584; 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 20 [**Docket No. 2010-1583-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Davis Gas Processing, Inc.** in **Crockett County**; RN100245182; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, Laurie Eaves)

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

Item 21 [**Docket No. 2010-1468-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Lubrizol Corporation** in **Harris County**; RN100221589; 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 22 [**Docket No. 2010-1477-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Polk County** in **Polk County**; RN102668654; 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 23 [**Docket No. 2010-1662-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Owens Corning Composite Materials, LLC in Randall County**; RN100222140; 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 24 [**Docket No. 2010-1556-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E.I. du Pont de Nemours and Company in Jefferson County**; RN100216035; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, Laurie Eaves)

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

Item 25 [**Docket No. 2010-1331-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Chemical LP in Harris County**; RN100211879; 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 26 [**Docket No. 2010-1492-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **GE Engine Services – Dallas, L.P. in Tarrant County**; RN101960615; 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 27 [**Docket No. 2010-1318-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BASF FINA Petrochemicals Limited Partnership in Jefferson County**; RN100216977; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, Laurie Eaves)

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

Item 28 [Docket No. 2010-1446-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **KMCO, L.P. in Harris County**; RN101613511; 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 29 [Docket No. 2009-1616-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Turner Industries Group, L.L.C. in Lamar County**; RN103063228; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, Laurie Eaves)

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

Item 30 [Docket No. 2009-0601-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tyson Poultry, Inc. in Shelby County**; RN102771177; 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 31 [Docket No. 2010-1524-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN100211903; 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 32 [Docket No. 2010-1628-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **United States Gypsum Company in Harris County**; RN100212281; 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 33 [Docket No. 2010-1675-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL Petrochemicals USA, Inc. in Harris County**; RN100212109; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Todd Huddleson, Laurie Eaves)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 34 [Docket No. 2010-0759-AIR-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Atlas Pallet Industries, Inc. in Johnson County**; RN100776509; for air quality and water quality violations pursuant to Tex. Water Code chs. 5, 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. (Steven M. Fishburn, Lena Roberts)

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

DRY CLEANER ENFORCEMENT AGREED ORDER

Item 35 [Docket No. 2010-1343-DCL-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **BUCKLEY OIL COMPANY in Wichita County**; RN103058939; for dry cleaner violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Tate Barrett, Laurie Eaves)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 36 [Docket No. 2010-1143-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **H. E. BUTT GROCERY COMPANY and HEB Grocery Company, LP in Comal County**; RN103117438; 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. (JR Cao, Laurie Eaves)

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

FIELD CITATIONS

Item 37 [Docket No. 2011-0018-WQ-E.](#)
Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Ryan Companies US, Inc. in Potter County**; RN106044647; 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 38 [Docket No. 2011-0064-WQ-E.](#)
Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Carleton Construction, LTD. in Jefferson County**; RN106000078; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

Item 39 [Docket No. 2011-0040-WOC-E.](#)
Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Lorenzo E. Mata in Webb County**; RN105968192; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)

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

Item 40 [Docket No. 2011-0041-WOC-E.](#)
Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Dexter Monroe in Henderson County**; RN106022940; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)

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

Item 41 [Docket No. 2011-0042-WOC-E.](#)
Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Larry W. Gray in Orange County**; RN104953674; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)

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

Item 42 [Docket No. 2011-0011-WOC-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Charley McKelvain in Wise County**; RN106021819; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)

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

Item 43 **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**
[Docket No. 2010-1671-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Explorer Pipeline Company in Anderson County**; RN104860044; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 44 **[Docket No. 2010-1411-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CEMEX Construction Materials South, LLC in Harris County**; RN105628077; 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 45 **IRRIGATION LICENSING ENFORCEMENT AGREED ORDER**
[Docket No. 2009-0751-LII-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Manuel Antonio Moscoso d/b/a Texas Lawn Maintenance & Landscaping in Harris County**; RN105710271; for landscape irrigation occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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

Item 46 **IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER**
[Docket No. 2010-0612-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Juan Sanchez in Harris County**; RN105897557; 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. (Steven M. Fishburn, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 47 [Docket No. 2008-1590-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **William Carl Bell d/b/a PoPoPs Ice House in Kaufman County**; RN102042280; for petroleum storage tank and occupational licensing violations pursuant to Tex. Water Code chs. 5, 7, 26, and 37 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon , Lena Roberts)

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

Item 48 [Docket No. 2010-1442-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mc-OO, Inc. dba Mc-O Construction in Jefferson County**; RN105980189; for municipal solid waste violations and used oil 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. (Danielle Porras, Laurie Eaves)

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

Item 49 [Docket No. 2008-1371-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ronald West, L.L.C. in Limestone County**; RN105163950; for municipal solid waste and water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

Item 50 [Docket No. 2009-1678-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **White Buffalo Environmental Services, LLC, Dead Bison, Inc., and Gregory Swindle in Tom Green County**; RN105767412; for used oil, underground injection control, and industrial and hazardous waste violations pursuant to Tex. Water Code chs. 7, 26, and 27, 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. (Anna Treadwell, Lena Roberts)

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

Item 51 [Docket No. 2010-1617-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Matthew Lucas dba Lake Travis Brush Recycling in Travis County**; RN105964936; for municipal solid waste violations 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. (Danielle Porras, Laurie Eaves)

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

Item 52 [Docket No. 2010-0417-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Robert Lee in Coke County**; RN101920163; RN101198174; 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)

Remanded to the Executive Director.

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 53 [Docket No. 2010-0797-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Richard L. Tillery in Sabine County**; RN105819452; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey J. Huhn, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 54 [Docket No. 2010-1012-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Triple A Dump Truck Service, L.L.C. in Hidalgo County**; RN104566120; 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. (Tammy L. Mitchell, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 55 [Docket No. 2009-0907-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Godley in Johnson County**; RN101919397; 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. (Rudy Calderon, Lena Roberts)

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

Item 56 [Docket No. 2010-1788-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Commodore Cove Improvement District in Brazoria County**; RN102286812; 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 57 [Docket No. 2010-1457-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harris County Water Control and Improvement District No. 89 in Harris County**; RN101527596; 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 58 [Docket No. 2010-1529-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **United Structures of America, Inc. in Harris County**; RN100219708; 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 59 [Docket No. 2010-0249-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **Town of Little Elm in Denton County**; RN102909124; 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 60 [Docket No. 2010-1670-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wellborn Special Utility District in Brazos County**;

RN101515039; 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 61 [Docket No. 2009-1829-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **8 Mile Park, L.P. in Brazoria County**; RN101614212; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Laurie Eaves)

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

Item 62 [Docket No. 2010-1497-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Development, Inc. in Montgomery County**; RN102076841; 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 63 [Docket No. 2010-1209-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Happy Hill Farm Children's Home, Inc. dba Happy Hill Farm Academy in Somervell County**; RN101529055; 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 64 [Docket No. 2009-1297-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **City of New Boston in Bowie County**; RN101920916; 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 65 [Docket No. 2008-0454-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of O'Brien in Haskell County**; RN102835832; 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 66 [Docket No. 2010-1821-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hughes Springs in Cass County**; RN101919686; 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 67 [Docket No. 2010-1808-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monarch Utilities I L.P. in Henderson County**; RN102287125; 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 68 [Docket No. 2010-1715-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Breckenridge in Stephens County**; RN102844917; 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 69 [Docket No. 2010-1925-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Daingerfield in Morris County**; RN102177953; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Laurie Eaves)

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

Item 70 [Docket No. 2010-1384-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Saint Jo in Montague County**; RN103016226; 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 71 **PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS**
[Docket No. 2010-1230-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Irzum Business, Inc. dba Alexander Food Store in Harris County**; RN101575710; 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. (Jordan Jones, Laurie Eaves)

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

Item 72 **[Docket No. 2010-1680-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **JYKM UNION, INC. dba Thrall Food Store in Williamson County**; RN102868189; 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 73 **[Docket No. 2010-1701-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against **HIMCHULI INTERNATIONAL LLC dba Easy Mart in Tarrant County**; RN102517489; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 74 **[Docket No. 2010-1712-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against **PSNKI INVESTMENT INC dba 7 Circle in Galveston County**; RN101905081; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 75 [**Docket No. 2010-1677-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **LODGE LUMBER COMPANY, INC.** in **Harris County**; RN101733343; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Laurie Eaves)

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

Item 76 [**Docket No. 2010-1758-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **NIRMAL & ARMAAN ENTERPRISES, INC. dba MC Corner Texaco** in **Tarrant County**; RN101837441; 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 77 [**Docket No. 2009-2052-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tiki Food Mart, L.L.C.** in **Galveston County**; RN102232055; 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 78 [**Docket No. 2009-1547-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Reynaldo Diaz d/b/a MIS 5819** in **Hidalgo County**; RN104089081; 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. (Xavier Guerra, Lena Roberts)

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

Item 79 [**Docket No. 2010-1567-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **BUC-EE'S, LTD. dba Buc-ees 16** in **Lee County**; RN102381985; 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. (Mike Pace, Laurie Eaves)

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

Item 80 [Docket No. 2010-1657-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **GOPAL INTERNATIONAL, INC. dba Star Stop 3 in Orange County**; RN101738235; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 81 [Docket No. 2010-1461-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Tommy Chen dba Downtown Shell in Harris County**; RN102346251; 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 82 [Docket No. 2010-1688-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **GOD IS THE GREATEST INC. dba Daves Express in Harris County**; RN101794535; 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. (Cara Windle, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 83 [Docket No. 2010-1003-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against **AMISH GROUP, INC. d/b/a Truckers Paradise in Harris County**; RN103010823; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 84 [Docket No. 2010-1020-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Abdelrahim A. Zardeh d/b/a Toney's Fina in Tarrant County**; RN102277415; 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 85 [**Docket No. 2010-0364-PST-E.**](#)
Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Kavmel Inc. d/b/a Shop Smart 2 in Tarrant County**; RN101554632; 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. (Peipey Tang, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

- Item 86 [**Docket No. 2010-1307-PST-E.**](#)
Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **DHAN GURU INC D/B/A FOOD & FUEL 3 in Harris County**; RN102015997; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 87 [**Docket No. 2010-0867-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ranger Utility Company in Bowie County**; RN101273761; 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 88 [**Docket No. 2010-1374-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sebastian Municipal Utility District in Willacy County**; RN101193043; 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 89 [Docket No. 2010-1256-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ray L. Averyt dba Hilltop Mobile Home Park in Tarrant County**; RN101439651; 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 90 [Docket No. 2010-1252-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paul Leggett dba Country Lake Water Supply in Panola County**; RN103196879; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)

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

Item 91 [Docket No. 2010-1437-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Arnold Billups dba A & M Mobile Home Park in Jim Wells County**; RN105963276; 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 92 [Docket No. 2010-0564-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NextEra Energy Project Management, LLC in Sterling County**; RN105871891; 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 93 [Docket No. 2010-1171-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Henry M. Garza dba Cielo Azul Ranch in Hays County**; RN101217792; 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)

Remanded to the Executive Director.

Item 94 [Docket No. 2010-1419-PWS-E.](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Neal's Lodges, Inc.** in **Uvalde County**; RN102692076; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Laurie Eaves)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 95 [Docket No. 2009-0973-PWS-E.](#)
Consideration of a Default Order assessing administrative penalties and requiring certain actions of **LeAnn Baker, Allan Stuart, Terri Stuart, and Lee Willis, dba Pleasure Point Water Supply Corporation** in **Angelina County**; RN101281749; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Xavier Guerra, Lena Roberts)

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

Item 96 [Docket No. 2010-1165-PWS-E.](#)
Consideration of a Default Order assessing administrative penalties and requiring certain actions of **KAS INVESTMENTS, LTD.** in **Brazoria County**; RN101761039; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 97 [Docket No. 2010-1010-PWS-E.](#)
Consideration of a Default Order assessing administrative penalties and requiring certain actions of **SODA WATER SUPPLY CORPORATION** in **Polk County**; RN101221315; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marshall Coover, Lena Roberts)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 98 [Docket No. 2010-1637-SLG-E.](#)
Consideration of an Agreed Order assessing administrative penalties against **Holly Park Marina, Inc.** in **Sabine County**; RN102928405; for 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. (Jordan Jones, Laurie Eaves)

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

STATE IMPLEMENTATION PLAN

Item 99 **Docket No. 2011-0065-SIP.**

Consideration for publication of, and hearing on, proposed Lead Transport State Implementation Plan (SIP) Revision for the **2008 Lead National Ambient Air Quality Standard** (NAAQS). The proposed SIP revision would meet the requirements of the Federal Clean Air Act (FCAA), Section 110(a)(2)(D)(i), relating to the interstate transport of lead under the 2008 lead NAAQS. These revisions reference existing control strategies to reduce the concentration of lead in **Collin County**, as well as dispersion modeling of major lead sources in Texas. Additionally, the revision verifies that the Prevention of Significant Deterioration and Nonattainment New Source Review permitting programs are being implemented in Texas, and that lead is not considered a visibility-impairing pollutant. This revision, once adopted, would fulfill Texas' obligation regarding interstate transport of lead under Section 110(a)(2)(D)(i) of the FCAA. (Shelley Naik, Amy Browning) (Non-Rule Project No. 2011-005-SIP-NR)

Approve the publication of, and hearing on, the proposed Lead Transport State Implementation Plan Revision for the 2008 Lead National Ambient Air Quality Standard, as recommended by the Executive Director. CR/BG; all agree.

EXECUTIVE MEETING

Item 100 **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 101 **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 102 **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/ Greg Merrell
Assistant General Counsel,
For Anne Rowland

 04/14/2011
Date