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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. **OLD BUSINESS AGENDA**
Commissioner H.S. Buddy Garcia
Commissioner Carlos Rubinstein

May 11, 2011

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the February 23, 2011 agenda.

EMERGENCY ORDER

Item 1 [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)

Joint Motion with New Business No. 1.

Adopt the ALJ's Proposal for Decision; affirm the Emergency Order against Thunderbird Bay Water Services, Inc.; and direct the Office of General Counsel to draft the Commission's Order reflecting the decision. CR/BG; all agree.

AGENDA

May 11, 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. 2010-0912-UCR-E; SOAH Docket No. 582-11-3401.](#)

Consideration of the Administrative Law Judge's Proposal for Decision regarding whether to affirm, modify, or set aside the Emergency Order issued by the Executive Director on November 30, 2010, against **Thunderbird Bay Water Services, Inc.**, TCEQ ID Nos. RN102688371, RN102685773, and CCN11243, to address the discontinuation of water services at a retail public utility 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. The Emergency Order renewed the appointment of John M. Fultz as temporary manager of the public water system located in **Brown County**, Texas. The Commission will also consider timely related filings, record evidence, and exhibits. (Peipey Tang)

Joint Motion with Old Business No. 1.

Adopt the ALJ's Proposal for Decision; affirm the Emergency Order against Thunderbird Bay Water Services, Inc.; and direct the Office of General Counsel to draft the Commission's Order reflecting the decision. CR/BG; all agree.

Item 2 [TCEQ Docket No. 2009-2022-UCR; SOAH Docket No. 582-10-2368.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the petition by ratepayers appealing water rates established by **Mauriceville Municipal Utility District** pursuant to Texas Water Code Chapter 13 and the rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291 in **Jasper, Newton, and Orange Counties**, Texas. The Commission will also consider timely related filings, exceptions and replies. (James Aldredge)

Adopt the ALJ's Proposed Order with the following modifications: change Conclusion of Law No. 11 to read, "The one-time surcharge to be charged to the ratepayers is \$3.08 per customer."; and change Ordering Provision No. 3 to read: "The MMUD's request to apply a

surcharge to recover rate case expenses in the amount of \$17,394.17 to be recovered as a one-time surcharge of \$3.08 per customer to each water and sewer customer is approved. The surcharge shall be discontinued at such time as the amount of \$17,394.17 is recovered." BG/CR; all agree.

Item 3 [**TCEQ Docket No. 2008-1641-PST-E; SOAH Docket No. 582-10-0598.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Odessa Corporation DBA Signature Mart 2 in Parker County, Texas**; RN102353760; 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)

Continued to a future agenda.

Item 4 [**TCEQ Docket No. 2009-1764-MSW-E; SOAH Docket No. 582-10-3857.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Joabert Development Company in Bexar County**; RN105632889; 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. The Commission will also consider timely filed exceptions and replies. (Stephanie Frazee)

Adopt the ALJ's Proposed Order with the modifications recommended by the Executive Director and accepted by the ALJ through his letter dated March 9, 2011. CR/BG; all agree.

Item 5 [**TCEQ Docket No. 2009-1334-PST-E; SOAH Docket No. 582-10-4853.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **D.C.T.D., Inc. d/b/a Boomers in Tom Green County, Texas**; RN101899607; 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. (Phillip Goodwin)

Adopt the ALJ's Proposed Order with the Executive Director's recommended modifications as agreed to by the ALJ via her letter dated March 18, 2011. BG/CR; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 6 [**Docket No. 2011-0172-AIR.**](#)

Consideration of the application by **Connors Construction Inc.** for Air Quality Permit No. 87730L001 to authorize the construction of a portable rock crushing plant. The proposed plant site is located on County Road 246, near

Kosse, **Falls 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. (Alex Berksan, Douglas Brown)

Grant the hearing requests of Evelyn and Paul Bostick, Judith Cobb, Alfred Corum, Zill Harlan, Alvena White and Bob White with a concurrent referral to the Commission's Alternate Dispute Resolution program during the pendency of the State Office of Administrative Hearings (SOAH) scheduling process; refer Arthur and Brenda Ogle to SOAH for a preliminary determination on affectedness; refer the following issues to SOAH for a contested case hearing: A) Whether air emissions from the proposed facility will adversely affect the health and welfare of the requestors and their families; B) Whether air emissions from the proposed facility will adversely affect air quality in the area; and C) Whether the proposed facility will adversely impact physical property or livestock; direct the Executive Director to participate in the contested case hearing; and specify the maximum duration of the hearing is 6 months from preliminary hearing to the issuance of the Proposal for Decision. CR/BG; all agree.

USE DETERMINATION MATTER

Item 7 **Docket No. 2011-0273-MIS-U.**

Consideration of the appeal filed by **Sandy Creek Energy Associates, L.P.** with regard to the Executive Director's negative use determination for Application No. 13256, dated February 2, 2011, for certain property at the Sandy Creek Power Generation Facility (**McLennan County**) associated with the Raw Water Pre-Treatment System. The Commission will also consider all timely responses and reply briefs.

Deny Sandy Creek Energy Associates, L.P.'s. appeal of the Executive Director's negative use determination. BG/CR; all agree.

MISCELLANEOUS MATTERS

Item 8 **TCEQ Docket No. 2008-0559-MWD; SOAH Docket No. 582-08-4359.**

Consideration of the March 9, 2011 District Court Order remanding to the TCEQ for a contested case hearing, the application of the **City of Castroville** for a major amendment to Texas Land Application Permit (TLAP) Permit No. WQ0010952001 to change from disposal via irrigation at a daily average not to exceed 350,000 gallons per day to discharge into waters in the state at a daily average flow not to exceed 900,000 gallons per day. The wastewater treatment facility is located approximately 0.9 mile southwest of the intersection of U.S. Highway 90 and Farm-to-Market Road 1343 in **Medina County**, Texas. The Commission will also consider the application, timely hearing requests, and related filings. (Michael Parr)

Grant hearing requests by Harvey Lee Kunze and Texas River Protection Agency for a contested case hearing; refer the following issues: A) Whether the proposed effluent limits are protective of the Kunze families' recreational use (such as fishing and swimming) of the Medina River and the Regional Park; B) Whether the proposed effluent limits are protective

of shallow drinking water wells which may be impacted by the proposed discharge; and C) Whether the proposed effluent limits are protective of water quality and the use and enjoyment of the Medina River or whether more stringent limits of 5 mg/l BOD, 5 mg/l TSS, 2 mg/l nitrogen, and 1 mg/l phosphorous are necessary; specify a hearing duration of 9 months; and direct the Executive Director to participate as a party in the contested case hearing. CR/BG; all agree.

Item 9 [Docket No. 2011-0359-UCR.](#)

Consideration of a request for a Commission Order approving a contract, designating service areas between the **City of Garden Ridge** (Garden Ridge), Certificate of Convenience and Necessity (CCN) No. 11253, and the **City of Selma** (Selma), CCN No. 11522, in **Comal County**, Texas, pursuant to section 13.248 of the Texas Water Code. Currently, Selma holds a CCN for the area in question. Under the contract, Selma will transfer the approximately 7.14 acres to Garden Ridge's CCN area. Garden Ridge will be the sole retail water service provider in this area. There are no customers in this area and there will be no transfer of facilities under the Agreement. (Kamal Adhikari, Doug Brown)

Approve the contract designating service areas between the City of Garden Ridge and the City of Selma under TWC Section 13.248 which will result in the transfer of approximately 7.14 acres to Garden Ridge's water Certificate of Convenience and Necessity (CCN); issue the Executive Director's Proposed Order with the revised CCN map, but modify paragraph 1 and Ordering Provision Nos. 2 and 3 to change the county from Guadalupe to Comal county; and attach the cities' new consent forms to demonstrate agreement with Executive Director's revised CCN map. BG/CR; all agree.

TMDL MATTERS

Item 10 [Docket No. 2010-0181-TML.](#)

Consideration for final adoption of Two Total Maximum Daily Loads for Indicator Bacteria in the **Upper Trinity River**, Segment 0805 of the Trinity River Basin, in **Dallas County**. Project No. 2010-040-TML-NR (Ron Stein, Robert Brush)

Adopt Two Total Maximum Daily Loads for Indicator Bacteria in the Upper Trinity River, as recommended by the Executive Director. CR/BG; all agree.

Item 11 [Docket No. 2011-0103-TML.](#)

Consideration for approval to publish and solicit public comment on Two Total Maximum Daily Loads for Indicator Bacteria in **Cottonwood Branch and Grapevine Creek**, Segments 0822A and 0822B of the Trinity River Basin, in **Dallas and Tarrant Counties**. Project No. 2011-012-TML-NR (Ron Stein, Robert Brush)

Approve for publication and comment the Two Total Maximum Daily Loads for Indicator Bacteria in Cottonwood Branch and Grapevine Creek, Segments 0822A and 0822B, as recommended by the Executive Director. BG/ CR; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 12 [**Docket No. 2010-1354-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Apache Corporation in Wheeler County**; RN105723282, RN105148613; 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. CR/BG; all agree.

Item 13 [**Docket No. 2010-1871-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Rudy's West Bar-B-Q, LLC in El Paso County**; RN105355150; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Gena Hawkins, Laurie Eaves)

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

Item 14 [**Docket No. 2010-1883-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **C&R Distributing, LLC dba C&R Fuel Control 50 in El Paso County**; RN102791043; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Gena Hawkins, Laurie Eaves)

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

Item 15 [**Docket No. 2010-1182-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **PAVE/LOCK/PLUS, LLC in Fort Bend County**; RN105936660; 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. CR/BG; all agree.

Item 16 [**Docket No. 2010-1476-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Williams Production - Gulf Coast Company, L.P. in Denton County**; RN105933154; 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. CR/BG; all agree.

Item 17 [**Docket No. 2010-1834-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eastman Chemical Company in Harrison County**; RN100219815; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, P.G., Laurie Eaves)

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

Item 18 [**Docket No. 2009-1782-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Davis Gas Processing, Inc. in Reagan County**; RN100217686; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Gena Hawkins, Laurie Eaves)

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

Item 19 [**Docket No. 2010-1831-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enterprise Products Operating LLC in Chambers County**; RN102323268; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Allison Fischer, Laurie Eaves)

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

Item 20 [**Docket No. 2010-1781-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. (Heather Podlipny, Laurie Eaves)

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

Item 21 [**Docket No. 2010-1652-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Sunoco, Inc. (R&M) in Harris County**; RN100524008 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. CR/BG; all agree.

Item 22 [**Docket No. 2010-1709-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Akzo Nobel Surface Chemistry LLC in Fort Bend County**; RN100219393; for Air quality violations pursuant to Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Laurie Eaves)

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

Item 23 [**Docket No. 2010-0708-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Basell USA Inc. in Harris County**; RN100216761; 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. CR/BG; all agree.

Item 24 [**Docket No. 2010-1473-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eagle Rock Field Services, L.P. in Carson and Gray Counties**; RN102496296, RN100218379, RN102527397; 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. CR/BG; all agree.

Item 25 [**Docket No. 2010-0978-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Kaneka Texas Corporation fka Kaneka High-Tech Materials, Inc. in Harris County**; RN100683291; 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. CR/BG; all agree.

Item 26 [**Docket No. 2010-1453-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Belvan Corp. in Crockett County**; RN100214022; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 27 [**Docket No. 2010-1845-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 and 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. CR/BG; all agree.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 28 [**Docket No. 2010-0806-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Clayton Violette d/b/a GTO Automotive in Bell County**; RN105927958; 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. (Stephanie J. Frazee, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 29 [**Docket No. 2010-1846-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Inwood Heritage Oaks, Ltd. in Bexar County**; RN105818181; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 30 [Docket No. 2010-1985-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **LIBERTY HILL THF HOUSING, L.P.** in **Williamson County**; RN106011976; 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. (Lanae Foard, Laurie Eaves)

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

Item 31 [Docket No. 2010-1761-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Steubing Farm, Ltd.** in **Bexar County**; RN105929160; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

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

EDWARDS AQUIFER ENFORCEMENT DEFAULT ORDER

Item 32 [Docket No. 2010-1375-EAQ-E.](#)

Consideration of a Default Order assessing administrative penalties against **Georgetown Kidney Center, LLC**, in **Williamson County**; RN105943500; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)

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

FIELD CITATIONS

Item 33 [Docket No. 2011-0135-WQ-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Ray French Land Company, Ltd.** in **Parker County**; RN106020282; 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. CR/BG; all agree.

Item 34 [Docket No. 2011-0171-WOC-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Alvin Grace** in **Denton County**; RN106035546; 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. CR/BG; all agree.

Item 35 [Docket No. 2011-0254-WOC-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Eddie Courtney in Angelina County**; RN106047137; 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. CR/BG; all agree.

Item 36 [Docket No. 2011-0157-WOC-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Donald H. Sinquefield in Hunt County**; RN103830089; 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. CR/BG; all agree.

Item 37 [Docket No. 2011-0255-WOC-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Edward Pustka in Lavaca County**; RN106052020; 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. CR/BG; all agree.

Item 38 [Docket No. 2011-0195-WR-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **R Construction Company in Nacogdoches County**; RN105950448; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jordan Jones, Laurie Eaves)

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

Item 39 [Docket No. 2011-0179-WQ-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Perkins Aluminum Smelting, Inc. in Dallas County**; RN101997674; 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. CR/BG; all agree.

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 40 [Docket No. 2010-1690-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SAFETY-KLEEN SYSTEMS, INC.** in **Denton County**; RN100215441; 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. (Rajesh Acharya, Laurie Eaves)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 41 [Docket No. 2010-2000-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monterey Mushrooms, Inc.** in **Madison County**; RN100831312; 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. CR/BG; all agree.

Item 42 [Docket No. 2009-1636-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oxid L.P.** in **Harris County**; RN100210350; 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. CR/BG; all agree.

Item 43 [Docket No. 2010-1667-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **STOLHAVEN HOUSTON INC.** in **Harris County**; RN100210475; 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. CR/BG; all agree.

Item 44 [Docket No. 2010-1988-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HUDSON PRODUCTS CORPORATION** in **Fort Bend County**; RN101864924; 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. CR/BG; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 45 [Docket No. 2009-1546-IWD-E.](#)

Consideration of a Default Order assessing administrative penalties against **Microgy, Inc.** in **Erath County**; RN103144622; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim W. Sallans, Lena Roberts)

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

IRRIGATION LICENSING ENFORCEMENT AGREED ORDER

Item 46 [Docket No. 2010-0544-LII-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jamie J. Fernandez dba Texas Irrigation & Landscaping Services** in **Harris County**; RN104692892; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Audra Benoit, Laurie Eaves)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 47 [Docket No. 2010-1395-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Austin Equipment Company, LC** in **Williamson County**; RN104543780; for Edwards Aquifer and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Evette Alvarado, Laurie Eaves)

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

Item 48 [Docket No. 2010-1820-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ray Serna and Joe Trejo in Lamb County**; RN105906440; for air quality and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Laurie Eaves)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 49 [Docket No. 2010-1478-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **eco International LLC in Harris County**; RN105944102; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip Aldridge, Laurie Eaves)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 50 [Docket No. 2010-1513-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mac Singh d/b/a Cal Pro Express in Callahan County**; RN105911986; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 51 [Docket No. 2010-1732-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Alamo in Hidalgo County**; RN102075967; 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. CR/BG; all agree.

Item 52 [Docket No. 2010-1920-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Quinlan in Hunt County**; RN101917565; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Laurie Eaves)

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

Item 53 [Docket No. 2010-1505-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Aging and Disability Services in Tom Green County**; RN102335999; 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. CR/BG; all agree.

Item 54 [Docket No. 2010-1725-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Utilities, Inc. in Burnet County**; RN101518926; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Laurie Eaves)

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

Item 55 [Docket No. 2010-1604-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Anahuac and Trinity Bay Conservation District in Chambers County**; RN102179652; 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. CR/BG; all agree.

Item 56 [Docket No. 2010-1875-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the **City of Quanah in Hardeman County**; RN102080215; 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. CR/BG; all agree.

Item 57 [**Docket No. 2010-0256-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pettus Municipal Utility District in Bee County**; RN102079100; 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, Laurie Eaves)

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

Item 58 [**Docket No. 2010-1713-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WESTWOOD WATER SUPPLY CORPORATION in Jasper County**; RN101610210; 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. CR/BG; all agree.

Item 59 [**Docket No. 2010-2046-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **Sunbelt Fresh Water Supply District in Harris County**; RN102075413; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Laurie Eaves)

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

Item 60 [**Docket No. 2009-1792-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Utilities, Inc. in Burnet County**; RN101518926; 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. CR/BG; all agree.

Item 61 [**Docket No. 2010-1013-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kilgore in Gregg County**; RN102079985; 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. CR/BG; all agree.

Item 62 [**Docket No. 2010-1780-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Troy in Bell County**; RN102844321; 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. CR/BG; all agree.

Item 63 [**Docket No. 2010-1864-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Alamo Water Supply Corporation in Hidalgo County**; RN102340056; 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. CR/BG; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 64 [**Docket No. 2010-1825-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ashiq A. Gokal dba Kwik Stop 10 in Tarrant County**; RN101536274; 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. (Jennifer Graves, Laurie Eaves)

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

Item 65 [**Docket No. 2010-1692-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **BIG SCORE INVESTORS, LLC in Dallas County**; RN102326642; 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. CR/BG; all agree.

Item 66 [Docket No. 2010-2017-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **CRAWDAD'S, INC. dba Crowdads 6** in **Harris County**; RN105013445; 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. CR/BG; all agree.

Item 67 [Docket No. 2010-1738-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R.E. SWEENEY COMPANY, INC.** in **Tarrant County**; RN100856871; 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. (Elvia Maske, Laurie Eaves)

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

Item 68 [Docket No. 2010-1770-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **DALLAS R & S INTERNATIONAL INC. dba Buy Low Fina** in **Dallas County**; RN101545689; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Laurie Eaves)

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

Item 69 [Docket No. 2010-1431-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hamilton Holdings, L.P.** in **Tom Green County**; RN101839082; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Theresa Hagood, Laurie Eaves)

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

Item 70 [Docket No. 2010-1570-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **LOCAL C STORES, LLC dba MS Express 701** in **Harris County**; RN101828457; 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. (Michael

Meyer, Laurie Eaves)

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

Item 71 [**Docket No. 2010-1521-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KHURSA ENTERPRISES INC dba Let's Stop in Tarrant County**; RN101433308; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 72 [**Docket No. 2010-1958-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **AJITNATH INVESTMENT, INC. dba Space Center Food Mart in Harris County**; RN102898715; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

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

Item 73 [**Docket No. 2010-1666-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CUSA EE, LLC dba El Expreso Bus Company in Harris County**; RN101894681; 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. (Elvia Maske, Laurie Eaves)

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

Item 74 [**Docket No. 2010-1630-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **IBI BUSINESS, INC. dba Pecan Creek in Fort Bend County**; RN101185718; 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. (Wallace Myers, Laurie Eaves)

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

Item 75 [**Docket No. 2010-1735-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against

Diba Petroleum, Inc. dba Richardson Square Mart Texaco in Dallas County; RN100595974; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 76 [**Docket No. 2010-0929-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against **WSAL Enterprises, Inc. d/b/a Big Star 5 in Bexar County;** RN101436475; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 77 [**Docket No. 2010-0936-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **E & D Contractors LLC and Kiplin Ellis in Jefferson County;** RN101775575; 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. CR/BG; all agree.

Item 78 [**Docket No. 2010-1635-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **M.Amaan Inc. in Maverick County;** RN102827805; 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. CR/BG; all agree.

Item 79 [**Docket No. 2010-1339-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Texas Auto World LP in Nueces County;** RN102019973; 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. CR/BG; all agree.

Item 80 [**Docket No. 2010-1115-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Borth Newton d/b/a Borth Garage in Dewitt County**; RN101912236; 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. CR/BG; all agree.

Item 81 [**Docket No. 2010-1452-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **HENDRIX PROPERTIES, L.L.C. AND COMPLETE CARE AUTOMOTIVE, L.L.C.** in **Jefferson County**; RN101432813; 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. CR/BG; all agree.

Item 82 [**Docket No. 2010-0831-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Karen Gerla and Rocky Gerla in San Patricio County**; RN101738516; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

Item 83 [**Docket No. 2010-1160-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Billy Peoples, Jr. in Rockwall County**; RN101534840; 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. CR/BG; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 84 [**Docket No. 2010-1545-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **BIG SCORE INVESTORS, LLC d/b/a Seagoville Chevron in Dallas County**; RN102965811; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 85 [**Docket No. 2010-1999-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **United States Forest Service in Gray County**; RN101222248; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Sherlock, Laurie Eaves)

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

Item 86 [**Docket No. 2010-1946-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Leona in Leon County**; RN101404002; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Sherlock, Laurie Eaves)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 87 [**Docket No. 2010-0619-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Shawn Horvath d/b/a Aero Valley Water Service in Denton County**; RN101198331; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Xavier Guerra, Lena Roberts)

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

Item 88 [**Docket No. 2010-1399-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **George W. Jackson d/b/a Fort Jackson**

Mobile Estates in Lubbock County; RN102698545; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Peipey Tang, Lena Roberts)

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

UTILITIES ENFORCEMENT AGREED ORDERS

Item 89 [Docket No. 2010-1790-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Bayou Forest Village, Inc. dba Bayou Forest Village Mobile Home Park in Harris County**; RN102684933; for affected utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)

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

Item 90 [Docket No. 2010-1762-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Leslie L. Morris dba Space Estates Mobile Home Park in Harris County**; RN103998811; for affected utilities violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Laurie Eaves)

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

Item 91 [Docket No. 2010-1832-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Bahram Solhjoui dba Rosewood Mobile Home Park in Harris County**; RN101184547; for affected utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

Item 92 [Docket No. 2010-1728-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hung T. Pham dba Western Mobile Home Park in Harris County**; RN101458487; for affected utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Michaella Sherlock, Laurie Eaves)

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

Item 93 [Docket No. 2010-1745-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Country Terrace Water Company, Inc. in Harris County**; RN102675576; for affected utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Kelly Wisian, Laurie Eaves)

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

Item 94 [Docket No. 2010-1766-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James Adamoli, Jr. and Mark Adamoli dba Northwoods Mobile Home Park in Harris County**; RN102673779; for affected utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Laurie Eaves)

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

**WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT
DEFAULT ORDER**

Item 95 [Docket No. 2010-1314-WOC-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Teresa K. Young in Collin County**; RN104626049; for occupational licensing violations pursuant to Tex. Water Code chs. 7, 26, and 37 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 96 [Docket No. 2010-1806-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against **Curry Creek Crushing, Inc. in Kendall County**; RN105962781; 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. CR/BG; all agree.

WATER QUALITY ENFORCEMENT DEFAULT ORDERS

Item 97 [Docket No. 2010-1577-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **George Sprague d/b/a George's Tire Shop in Aransas County**; RN105473672; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on

Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

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

Item 98 [**Docket No. 2010-0578-WQ-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jerry Todd Stephens DBA Sugar Hill Development in Lamar County**; RN105206247; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim W. Sallans, Lena Roberts)

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

Item 99 [**Docket No. 2009-1688-WQ-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Flat Rock Minerals, LLC d/b/a De Berry Mine in Upshur County**; RN105807697; 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 Default Order. CR/BG; all agree.

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 100 [**Docket No. 2010-1976-WR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against **DTE Gas Resources, LLC. in Jack County**; RN106019862; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Tom Jecha, Laurie Eaves)

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

WATER RIGHT ENFORCEMENT DEFAULT ORDERS

Item 101 [**Docket No. 2010-1504-WR-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Trinity Turf Nursery, Inc. in Denton County**; RN100798362; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (James Sallans, Lena Roberts)

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

Item 102 **Docket No. 2009-1623-WR-E.**

Consideration of a Default Order assessing administrative penalties against **Excel Golf, LLC and GP Golf, LLLP d/b/a Highland Lakes Golf Course at Highland Lakes Country Club in Travis County**; RN105789747; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jim W. Sallans, Lena Roberts)

Approve the Default Order. CR/BG; 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 SESSION

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/ Tracy Gross
Assistant General Counsel,
Tracy Gross

 5/20/2011
Date