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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

June 8, 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. 2008-0093-UCR; SOAH Docket No. 582-08-2863.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the appeal of the retail water and wastewater rates of Lower Colorado River Authority for its West Travis County Regional Water and Wastewater Systems pursuant to Texas Water Code Chapter 13 and the rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291 in Burnet, Hays, and Travis Counties, Texas. The Commission will also consider timely related filings, exceptions and replies. (Christiaan Siano)

Remand this item to allow the parties to calculate, and the ALJ to report, the total revenue requirements for the West Travis County Region Water and Wastewater Systems; Direct the ALJ and the parties to make their final calculations based on the ALJ's proposal to use FY 2007 actual expenses and/or determine the most reliable cost figures if none are available; Direct the ALJ and the parties to make their final calculations based on the ALJ's proposal to use direct labor as the allocator for the indirect costs in at least a portion of the following cost pools previously allocated by volume: West Travis County Regional General, Water and Wastewater Utility Services Common, Water Services Business Unit Internal Overhead, Water Services Business Unit New Business Development and Net Corporate Residual Costs which consists of: 1) Corporate Residual Costs, and 2) Capital Credits; Direct the ALJ and the parties to make their

final calculations based on the ALJ's proposal to remove the 16 specific Water O&M expenses identified in Finding of Fact No. 91 and to individually identify the calculations for the removed Water O&M expenses in the cost pools; Direct the ALJ and the parties to remove the community development expense from the revenue requirements; Direct the ALJ and the parties to include LCRA's calculated FY 2007 excess capacity revenues of \$763,000 into WTC Water's revenue amounts; Direct the ALJ to fully evaluate and recommend the appropriate rate-case-expense amount that is reasonable for LCRA to recover, based on the existing record and the parties' competing arguments, and to calculate the surcharge amount based on all of the WTC Region's 4,925 connections and a 24 month surcharge period; Direct the ALJ with the parties' assistance to calculate the appropriate surcharge amount for a five month range, if the ALJ's revenue requirement is greater than the revenue generated by the Phase 2 interim rates, based on the total lost revenues divided by the number of active LUEs over 24 months; Direct the ALJ to issue a supplemental PFD and revised proposed Order that translates the Commission's decisions into revenue requirements and final rate-setting numbers with the assistance of the parties; and Recommend and encourage the parties to engage in mediation efforts before the commencement of the remand proceedings. BG/CR; all agree.

Item 2 [**TCEQ Docket No. 2009-1891-PST-E; SOAH Docket No. 582-10-4247.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against Noortima, Inc. D/B/A Nice N Easy Food Store in Harris County, Texas; TCEQ ID No. RN101833184; regarding 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. The Commission will also consider timely related filings, exceptions and replies. (Phillip Goodwin)

Adopt the ALJ's Proposed Order with the following modifications: Amend Finding of Fact No. 2 to reflect that the Executive Director's Preliminary Report and Petition (EDPRP) also alleged violation of 30 TAC Section 334.8(c)(5)(C) by failing to have a legible tag affixed in the area of the UST fill tube; Add a new Finding of Fact No. 3 that reads: "On November 4, 2010 the Executive Director issued the Executive Director's First Amended Report and Petition alleging the same violations previously alleged in the EDPRP but removing the alleged violation of 30 TAC Section 334.8(c)(5)(C)"; renumber the remaining Findings of Fact accordingly; and direct the Office of General Counsel to include a payment plan of 12 months. CR/BG; all agree.

EMERGENCY ORDERS

Item 3 [**Docket No. 2010-1589-UCR-E.**](#)

Consideration of whether to affirm, modify, or set aside the Emergency Order issued on March 23, 2011 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 abandonment of a retail public utility (Utility) by Falcon Club Utility Company, Inc. in Randall County; TCEQ ID No. RN104523386; CCN13084 to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order

renewed the appointment of Brent Herbolsheimer as temporary manager of the Utility. (Peipey Tang)

Affirm the Executive Director's Emergency Order renewing the appointment of Brent Herbolsheimer as temporary manager of the Utility and issue the Proposed Commission Order with the following modification: Change the fourth sentence to read: "The Emergency Order was also hand delivered to Lieutenant Robert Laird of the Potter County Detention Center on March 24, 2011 for delivery to Paul Gillette, Director of Falcon Club." BG/CR; all agree.

Item 4 **Docket No. 2011-0436-UCR-E.**

Consideration of whether to affirm, modify, or set aside the Emergency Order issued on March 23, 2011 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 abandonment of a retail public utility (Utility) by Andreas Johnson d/b/a Sellers Estates Mobile Home Community in Harris County; TCEQ ID No. RN102671443; CCN12288 to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order appointed Lonzo Gale as temporary manager of the Utility. (Peipey Tang)

Affirm the Executive Director's Emergency Order against Andreas Johnson d/b/a Sellers Estates Mobile Home Community appointing Lonzo Gale as temporary manager of the applicable Utility and issue the Proposed Commission Order. CR/BG; all agree.

MISCELLANEOUS MATTER

Item 5 **Docket No. 2011-0278-UCR.**

Consideration of a request for a Commission Order approving a contract designating service areas between Aqua Water Supply Corporation (Aqua), Certificate of Convenience and Necessity (CCN) No.10294, and Manville WSC (Manville), CCN No. 11144, in Travis County, Texas, pursuant to Texas Water Code Section 13.248. On or about April 27, 2010, Aqua and Manville executed a contract regarding an approximately 29.2 acre tract subject to Manville WSC's CCN. Under the contract, Aqua WSC will provide water service to the approximately 29.2 acre tract and the area will be transferred to Aqua WSC's CCN. No customers or facilities will be transferred under the contract. (Sheresia Perryman, Ruth Takeda)

Approve the contract designating service areas between Manville Water Supply Corporation and Aqua Water Supply Corporation under Texas Water Code Section 13.248 which will result in the transfer of approximately 29.2 acres to Aqua Water Supply Corporation's water Certificate of Convenience and Necessity and issue the Executive Director's Proposed Order. BG/CR; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6 **Docket No. 2010-1794-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County;

RN100210319; 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 7 [**Docket No. 2009-1807-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pasadena Refining System, Inc in Harris County; RN100716661; 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 8 [**Docket No. 2010-1991-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against DCP Midstream, LP in Ector County; RN100209436; 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 9 [**Docket No. 2010-1889-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. (Allison Fischer, Laurie Eaves)

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

Item 10 [**Docket No. 2010-1796-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WTG Gas Processing, L.P. in Howard County; RN100211473; 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. CR/BG; all agree.

Item 11 [**Docket No. 2010-1827-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Ryan C. Hoerauf, Inc. dba O'Ryan Oil and Gas in Henderson County; RN104222245; 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. (Rebecca Johnson, Laurie Eaves)

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

Item 12 [**Docket No. 2010-1836-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Valero Refining-Texas, L.P. in Galveston County; RN100238385; 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 13 [**Docket No. 2010-1410-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Diamond Shamrock Refining Company, L.P. in Moore County; RN100210517; 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. CR/BG; all agree.

Item 14 [**Docket No. 2010-1945-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Air Products LLC in Harris County; RN100222215; 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 15 [**Docket No. 2010-1421-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Brazoria County; RN100238708; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Laurie Eaves)

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

Item 16 [**Docket No. 2010-1538-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company 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. (Allison Fischer, Laurie Eaves)

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

Item 17 [**Docket No. 2010-1665-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Newell Recycling Company of El Paso, L.P. in El Paso County; RN100581768; 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. CR/BG; all agree.

Item 18 [**Docket No. 2010-1365-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Texas Blending and Warehousing Corporation in Harris County; RN104370549; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

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

Item 19 [**Docket No. 2010-1865-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Flint Hills Resources Port Arthur, LLC in Jefferson County; RN100217389; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, Laurie Eaves)

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

Item 20 [**Docket No. 2010-0005-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Coastal Crushed Concrete LLC in Harris County; RN105813166; for air quality

violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey Huhn, Lena Roberts)

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

Item 21 [**Docket No. 2010-1685-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Baytown Asphalt Materials, Ltd. in Harris County; RN100859255; 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 22 [**Docket No. 2010-1909-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. (Audra Benoit, Laurie Eaves)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 23 [**Docket No. 2010-1210-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of High Tech Auto Restyling Inc. in El Paso County; RN104713060; 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. (Gary K. Shiu, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 24 [**Docket No. 2010-1278-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against PLACE PROPERTIES DEVELOPMENT SERVICES, LLC in Bexar County; RN105724892; 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. (Evette Alvarado, Laurie Eaves)

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

Item 25 [Docket No. 2010-1353-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Comal County in Comal County; RN105504120; 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. (Merrilee Hupp, Laurie Eaves)

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

Item 26 [Docket No. 2010-1926-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DONNA GOTTWALD, D.D.S., P.C. in Bexar County; RN102838026; 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. (Steve Villatoro, Laurie Eaves)

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

Item 27 [Docket No. 2011-0016-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hines Land and Cattle Company, Ltd in Williamson County; RN106041692; 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. (Samuel Short, Laurie Eaves)

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

FIELD CITATION

Item 28 [Docket No. 2011-0305-WOC-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Delton Osborn in Garza County; RN103636460; 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.

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 29 [Docket No. 2009-1896-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Brazoria County;

RN100210574; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey J. Huhn, Lena Roberts)

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

Item 30 [**Docket No. 2010-1595-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the United States Department of the Navy in Nueces County; RN101131332; 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. (Philip Aldridge, Laurie Eaves)

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

Item 31 [**Docket No. 2010-0208-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Quality Container and Environmental Services LLC in Harris County; RN105464481; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 32 [**Docket No. 2010-1892-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of VAM USA, LLC in Harris County; RN102186194; 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 33 [**Docket No. 2010-1870-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Veolia ES Technical Solutions, L.L.C. in Jefferson County; RN103219002; 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 34 [Docket No. 2010-1669-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Queen Ready Mix, Inc. in Harris County; RN102913043; 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. CR/BG; all agree.

Item 35 [Docket No. 2010-1924-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Heldenfels Enterprises, Inc. in Nueces County; RN102828258; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Laurie Eaves)

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

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDERS

Item 36 [Docket No. 2010-0957-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Cary Cantu d/b/a Cary's Lawn & Landscaping in Nacogdoches County; RN105390538; 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. (Rudy Calderon, Lena Roberts)

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

Item 37 [Docket No. 2010-0958-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against Juan Kozer d/b/a Kozer & Associates, LLC in Caldwell County; RN105934962; for landscape irrigation occupational license violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 38 [Docket No. 2009-1650-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Wayman Grigson, Executor of the Imogene Grigson Holloway Estate in Tom Green County; RN105777072; for industrial hazardous

waste, used oil, and underground injection well violations pursuant to Tex. Water Code chs. 7 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. (Stephanie Frazee, Lena Roberts)

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

Item 39 [**Docket No. 2010-1047-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SETX Clearwater Environmental, L.L.C. in Jefferson County; RN105904635; for industrial hazardous waste and used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

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

Item 40 [**Docket No. 2010-1702-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Carter Glassblowing, Inc. in Denton County; RN105929327; for industrial and hazardous waste and underground injection control violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7, 26, and 27, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Laurie Eaves)

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

Item 41 [**Docket No. 2010-1351-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company in Harris County; RN100211879; for air quality and industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

Item 42 [**Docket No. 2010-0272-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Veolia ES Technical Solutions, L.L.C. f/k/a Onyx Environmental Services, L.L.C. in Jefferson County; RN102599719; for industrial hazardous 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. (Laurencia Fasoyiro, Lena Roberts)

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

Item 43 [**Docket No. 2009-1545-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Beacon Estates Water Supply Corporation in Waller County; RN101917573 and RN101262897; for water quality and drinking water violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 341, 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. CR/BG; all agree.

Item 44 [**Docket No. 2010-1580-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Cray Valley USA, LLC in Harris County; RN102342813; for industrial and hazardous waste 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. (Michaelle Sherlock, Laurie Eaves)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS

Item 45 [**Docket No. 2010-1226-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Otila Tillie Grimes d/b/a Gold Mine Restaurant in Victoria County; RN105552707; for public water supply and municipal solid waste violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code chs. 341 and 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

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

Item 46 [**Docket No. 2010-0606-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Antonio Reyes d/b/a Ivys Trucking in Caldwell County; RN105823033; for used oil and water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 47 [**Docket No. 2010-2044-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Cibolo Waste, Inc. dba Bexar Waste Recycling Facility in Comal County; RN103196424; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Laurie Eaves)

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

Item 48 [**Docket No. 2009-0585-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Post Oak Grinding, L.L.C. in Dallas County; RN105575948; 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 Agreed Order. CR/BG; all agree.

Item 49 [**Docket No. 2010-1503-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SENTINEL RESOURCES CORPORATION in Harris County; RN101999506; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, 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. (Wallace Myers, Laurie Eaves)

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

Item 50 [**Docket No. 2010-0234-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against JP Environmental Recycling, LLC, Contractors Abatement Services, Inc., and BBC AF Management/Development LLC in Wichita County; RN105833420 and RN105825889; 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. (Jeffrey J. Huhn, Lena Roberts)

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

Item 51 [**Docket No. 2009-1757-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Travis D. Hester and Soil Works of Dallas, Inc. in Dallas County; RN105371348; 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 Agreed Order. CR/BG; all agree.

Item 52 [**Docket No. 2010-1438-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against ALAMO RECYCLE CENTERS LLC in Bexar County; RN101628410; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Laurie Eaves)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 53 [**Docket No. 2010-0714-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Dempsey Dunn in Houston County; RN105797989; 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. (Sharesa Y. Alexander, Lena Roberts)

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

Item 54 [**Docket No. 2010-1124-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of William F. Stephens d/b/a W S Tire Transport in Potter County; RN105121065; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)

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

Item 55 [**Docket No. 2010-1294-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Terry Beverlin in Hardin County; RN105959795; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)

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

Item 56 [**Docket No. 2010-1423-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Garland Kimbrell d/b/a Timber We'll Take It in Lubbock County; RN102938321; 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.

Item 57 [**Docket No. 2010-1026-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Birda Miller and Mary Madison in Trinity County; RN104914684; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

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

Item 58 [**Docket No. 2010-0774-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Horacio Tomas Meneses Bonilla in El Paso County; RN105818900; for used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 371, 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 59 [**Docket No. 2010-0883-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against Dennie Shelton in McCulloch County; RN105196703; 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. (Jim Sallans, Lena Roberts)

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

Item 60 [**Docket No. 2010-1311-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Marvin Wayne Taylor in Shelby County; RN105362701; for used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 371, and the rules of the Texas Commission on Environmental Quality. (Marshall Coover, Lena Roberts)

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

Item 61 [**Docket No. 2010-1490-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Maclovio Ramon in Duval County; RN105137780; 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. (James Sallans, Lena Roberts)

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

Item 62 [**Docket No. 2010-0575-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Santos Barcenas d/b/a Tyre King Recycling in Hale County; RN102954625; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 63 [**Docket No. 2010-1683-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aus-Tex Parts & Services, Ltd. in Hays County; RN102314218; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

Item 64 [**Docket No. 2010-1792-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of West Cedar Creek Municipal Utility District in Henderson County; RN101610723; 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 65 [**Docket No. 2010-0347-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Rayburn Country Municipal Utility District in Jasper County; RN102328564; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

Item 66 [**Docket No. 2010-2016-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kopperl Independent School District in Bosque County; RN101279396; 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 67 [**Docket No. 2010-1984-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Big Lake in Reagan County; RN101611820; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Laurie Eaves)

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

Item 68 [**Docket No. 2010-1208-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Odem in San Patricio County; RN104188594; 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. (Peipey Tang, Lena Roberts)

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

Item 69 [**Docket No. 2010-1829-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FIN & FEATHER RESORT LLC in Sabine County; RN101608081; 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 70 [**Docket No. 2010-1901-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Caddo Mills in Hunt County; RN104798681; 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 71 [**Docket No. 2011-0023-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of William Donald Smith dba Kingmont Mobile Home Park in Harris County; RN101701555; 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 72 [**Docket No. 2010-1717-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Marc Roger Meeker in Montgomery County; RN101512291; 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 73 [**Docket No. 2009-1288-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Cranfills Gap in Bosque County; RN101916492; 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 74 [**Docket No. 2010-1543-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Montgomery County Municipal Utility District No. 42 in Montgomery County; RN102341526; 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 75 [**Docket No. 2010-1707-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harris County in Harris County; RN103016218; 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. CR/BG; all agree.

ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT AGREED ORDER

Item 76 [**Docket No. 2009-0386-OSS-E.**](#)

Consideration of an Agreed Order suspending the On-Site Sewage Facility Maintenance Provider registration of Jerry D. Penner, OSSF Maintenance Provider Registration No. MP0001100 in Ellis County; RN103664561; for on-site sewage facility maintenance violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 77 [**Docket No. 2010-1281-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of National Priority Enterprises, Inc d/b/a Chevron Food Mart #1 in Orange County; RN102041571; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 78 [**Docket No. 2010-1921-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Venus Operating Corp. dba Venus Corner Store in Tarrant County; RN102447851; 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. (Philip Aldridge, Laurie Eaves)

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

Item 79 [**Docket No. 2010-1428-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hermenegildo Bueno d/b/a Paisano Truck Stop in El Paso County; RN100809995; 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 Agreed Order. CR/BG; all agree.

Item 80 [**Docket No. 2010-1489-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mikyan Retail Inc d/b/a Quick Shop in Harris County; RN102254646; 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 Agreed Order. CR/BG; all agree.

Item 81 [**Docket No. 2010-1955-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Houston in Harris County; RN102400785; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Tate Barrett, Laurie Eaves)

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

Item 82 [**Docket No. 2010-1961-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SBJ INVESTMENTS, INC. dba Haley's One Stop in Johnson County; RN101433613; 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. CR/BG; all agree.

Item 83 [**Docket No. 2010-1916-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against U.S. REALTY HOLDINGS, LTD. dba ASA Seminary in Tarrant County; RN102387107; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 84 [**Docket No. 2010-1811-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against BEN CORPORATION dba Super K Food Mart in Harris County; RN102432986; 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. CR/BG; all agree.

Item 85 [**Docket No. 2010-1904-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Pearsall Ventures, Inc. dba Pearsall Shell in Bexar County; RN102778743; 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 86 [**Docket No. 2010-1823-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against E & S, Inc. dba In and Out Diamond Shamrock in Harris County; RN102881901; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)

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

Item 87 [**Docket No. 2010-1704-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ruben Zumaya in Montgomery County; RN101727964; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, Laurie Eaves)

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

Item 88 [**Docket No. 2010-1459-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WESTOREM FOODMART LLC dba Yours Citgo Mart in Harris County; RN105171110; 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. (Steve Villatoro, Laurie Eaves)

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

Item 89 **[Docket No. 2010-0452-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of VSV, INC. D/B/A BEST STOP #4 in Harris County; RN102279742; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safe Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

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

Item 90 **[Docket No. 2010-1379-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ANMOL ENTERPRISES Inc. d/b/a Tarkington Exxon in Liberty County; RN101780450; 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 Goodwin, Lena Roberts)

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

Item 91 **[Docket No. 2010-0118-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against LaPorte Business, Inc. d/b/a Quick Stop in Harris County; RN102257359; 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. (Rudy Calderon, Lena Roberts)

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

Item 92 **[Docket No. 2010-1372-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Overseas Enterprises USA, Inc. dba Gateway Travel Plaza in Orange County; RN101743730; 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 93 [**Docket No. 2010-1859-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against DANESH GROUP CORPORATION dba Manor Food Store in Travis County; RN101435378; 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 94 [**Docket No. 2010-1953-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Houston in Harris County; RN105624258; 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. CR/BG; all agree.

Item 95 [**Docket No. 2010-1936-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Mohamed Amin Baniabbasi dba Amin's Texaco in Harris County; RN102793387; 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 96 [**Docket No. 2010-1751-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the Texas Youth Commission in Cooke County; RN101541654; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

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

Item 97 [**Docket No. 2010-1860-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against GOOD BY MARKETING CO. dba Pakco #3 in Jefferson County; RN102393154; 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. (Judy Kluge, Laurie Eaves)

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

Item 98 [**Docket No. 2010-0426-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of New A & S Investments Inc d/b/a Quickway Food Store 3 in Tarrant County; RN101745024; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

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

Item 99 [**Docket No. 2010-1963-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against ANANTNATH INVESTMENT, INC. dba Bay Area Chevron in Harris County; RN101727709; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Laurie Eaves)

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

Item 100 [**Docket No. 2010-1204-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Hadi & Aga Store Management LLC d/b/a Fina Gas Station in Tarrant County; RN101541308; 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 Goodwin, Lena Roberts)

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

Item 101 [**Docket No. 2010-1913-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Addison Enterprises Inc dba Lavon Shell in Dallas County; RN101622355; 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. CR/BG; all agree.

Item 102 [**Docket No. 2010-0576-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HAPP Y CHAP, LLC d/b/a Happy Chap in Liberty County; RN102275955; 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 Agreed Order. CR/BG; all agree.

Item 103 [**Docket No. 2010-1018-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JASANI'S INTERNATIONAL INC. d/b/a Silsbee Shell in Hardin County; RN102430303; 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. (Jim W. Sallans, Lena Roberts)

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

Item 104 [**Docket No. 2010-0993-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against 610 ENTERPRISES INC. d/b/a 610 Valero in Harris County; RN102649449; 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. (Anna Treadwell, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 105 [**Docket No. 2010-1607-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Mithani's Inc. d/b/a Indio Food Mart in Maverick County; RN102461506; 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 106 [**Docket No. 2010-0955-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Charles Simmons in Victoria County; RN101782753; 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 107 [**Docket No. 2010-1605-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Felipe J. Aguirre in Zavala County; RN101823987; 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 108 [**Docket No. 2010-0934-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Rafael Mendoza III d/b/a Kwik-E-Mart Convenience Store in Hidalgo County; RN101687614; 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 109 [**Docket No. 2010-0400-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of NPJ ENTERPRISES, INC. d/b/a Z-P Mart in Brazos County; RN101662955; 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 110 [**Docket No. 2010-1568-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Geneva Egland in Jefferson County; RN105880207; 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 111 [**Docket No. 2010-1072-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Patricia Fuller in Montague County; RN101789758; 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. (Kari L. Gilbreth Lena Roberts)

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

Item 112 [**Docket No. 2010-1356-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Louisa Valdez in Garza County; RN101846871; 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.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 113 [**Docket No. 2008-1176-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Scott Kimble and Karena Kimble dba Medina Highlands in Bandera County; RN104011432; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

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

Item 114 [**Docket No. 2009-1496-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Carl's Corner in Hill County; RN101391852; 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. CR/BG; all agree.

Item 115 [**Docket No. 2010-1695-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of B and B Water Supply Corporation in Navarro County; RN101436772; 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. CR/BG; all agree.

Item 116 [**Docket No. 2010-1414-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tom Green County Fresh Water Supply District 2 in Tom Green County; RN101426047; 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. CR/BG; all agree.

Item 117 [**Docket No. 2010-2002-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Memorial Point Utility District in Polk County; RN101457802; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kelly Wisian, Laurie Eaves)

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

Item 118 [**Docket No. 2010-0745-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dolores A. Luke d/b/a Little Big Horn Services in Hardin County; RN101228740; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

Item 119 [**Docket No. 2010-2088-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of K.L. Comfort Park, Ltd. in Bell County; RN101223600; 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. CR/BG; all agree.

Item 120 [**Docket No. 2010-0413-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Water Association of North Lake, Inc. in Denton County; RN101450047; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Stephanie J. Frazee, Lena Roberts)

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

Item 121 [**Docket No. 2010-1149-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Darrell Hall dba 2620 Estates in Grimes County; RN103018818; 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. CR/BG; all agree.

Item 122 [**Docket No. 2010-2024-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Linden in Cass County; RN101220986; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

Item 123 [**Docket No. 2010-1997-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Monarch Utilities I L.P. in Hood County; RN101379832; 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. CR/BG; all agree.

Item 124 [**Docket No. 2010-1427-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Las Palomas Water Services Company dba Lake Valley Water Company, Inc. in Wilson County; RN101278521; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

Item 125 [**Docket No. 2011-0062-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Bruce F. Neibrandt d/b/a 5 O'Clock Somewhere Bar in Victoria County; RN105854236; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

Item 126 [**Docket No. 2010-1731-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ARC Communities 8 LLC in Parker County; RN101439578; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 127 [**Docket No. 2010-0794-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against Alfredo Solalinde d/b/a Pine Oak Forest Water System in Harris County; RN101213601; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

Item 128 [**Docket No. 2010-0574-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against D & K Del Bosque, Inc. d/b/a Old Gringo Lake Supply in Garza County; RN105814842; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tammy L. Mitchell, Lena Roberts)

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

UTILITIES ENFORCEMENT AGREED ORDERS

Item 129 [**Docket No. 2010-1727-UTL-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RAMBLEWOOD UTILITY & WATER SUPPLY CORPORATION in Harris County; RN102679370; 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 AGREED ORDER

Item 130 [**Docket No. 2010-1678-WOC-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Raul Chapa in Webb County; RN105954077; for occupational licensing violations pursuant to Tex. Water Code chs. 7, 26, and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Marshall Coover, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 131 [**Docket No. 2011-0119-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Duncanville in Dallas County; RN103049771; 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 132 [Docket No. 2010-1947-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vistacon, Inc. in El Paso County; RN105863047; 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 133 [Docket No. 2010-1915-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against J&J Homes, Corporation in Parker County; RN106021124; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Laurie Eaves)

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

Item 134 [Docket No. 2010-1625-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Arlington in Tarrant County; RN104950134; 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 135 [Docket No. 2010-0941-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Felix DeHerrera and Christine DeHerrera in Travis County; RN105788905; 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. CR/BG; all agree.

WATER QUALITY ENFORCEMENT DEFAULT ORDERS

Item 136 [Docket No. 2011-0066-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties and

requiring certain actions of Douglas Meier d/b/a Meier Recycle Center in Ellis County; RN105447460; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 137 [Docket No. 2010-1304-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Bret Lydel Rice d/b/a A-1 Recycling Center in Johnson County; RN105958334; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 138 [Docket No. 2010-0567-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties against PS Royal Car Wash, L.P. in Denton County; RN105829014; 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. (Peipey Tang, Lena Roberts)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 139 [Docket No. 2010-2008-WR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Texas Industries, Inc. in Jack County; RN104081617; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Evette Alvarado, Laurie Eaves)

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

RULE MATTERS

Item 140 [Docket No. 2010-1684-RUL.](#)

Consideration of the adoption of the amendment to Section 334.560 of 30 TAC Chapter 334, Underground and Aboveground Storage Tanks. The adoption would amend 30 TAC Chapter Section 334.560 "Reimbursable Cost Specifications" to increase certain reimbursable amounts relating to: (1) off-site access fees charged by municipalities; (2) waste disposal costs; and (3) per diem costs. The proposed rule was published in the February 11, 2011, issue of the *Texas Register* (36 TexReg 723). (Jonathan Walling, Cullen McMorrow) (Rule Project No. 2011-004-334-CE)

Adopt the amendment to 30 TAC Chapter 334, as recommended by the Executive Director. BG/CR; all agree.

Item 141 **Docket No. 2011-0388-RUL.**

Consideration for publication of, and hearing on, proposed repeal of Section 115.437; proposed amendments to Sections 115.422, 115.427, 115.429, 115.430, 115.432, 115.433, 115.435, 115.436, and 115.439; and proposed new Sections 115.431, 115.450, 115.451, 115.453-115.455, 115.458, 115.459, 115.460, 115.461, 115.463-115.465, 115.468, 115.469, 115.470, 115.471, 115.473-115.475, 115.478, and 115.479 of 30 Texas Administrative Code Chapter 115, Control of Air Pollution from Volatile Organic Compounds and corresponding revisions to the state implementation plan. The proposed rulemaking would implement reasonably available control technology for sources of volatile organic compounds (VOC) emissions per the control technique guidelines published by the United States Environmental Protection Agency for the following eight emission source categories: industrial cleaning solvents; flexible package printing; paper, film, and foil coatings; large appliance coatings; metal furniture coatings; miscellaneous metal and plastic parts coatings; miscellaneous industrial adhesives; and automobile and light-duty truck coatings in the Dallas-Fort Worth 1997 eight-hour ozone nonattainment area and the following seven emission source categories: industrial cleaning solvents; flexible package printing; paper, film, and foil coatings; large appliance coatings; metal furniture coatings; miscellaneous metal and plastic parts coatings; and miscellaneous industrial adhesives in the Houston-Galveston-Brazoria 1997 eight-hour ozone nonattainment area as required by the Federal Clean Air Act. The proposed rules would also implement work practice standards for coating-related activities and solvent cleaning operations to reduce VOC emissions. (Frances Dowiak, Amy Browning) (Rule Project No. 2010-016-115-EN)

Approve the publication of, and hearing on, proposed repeal of Section 115.437, the proposed amendments and creation of new Sections of 30 TAC Chapter 115 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/BG; all agree.

Item 142 **Docket No. 2010-1773-RUL.**

Consideration for publication of, and hearing on, the proposed amendments to Sections 115.110, 115.112 - 115.114, and 115.119, proposed repeal of Sections 115.115 - 115.117; and proposed new Sections 115.111 and 115.115 - 115.118 of 30 Texas Administrative Code Chapter 115, Control of Air Pollution from Volatile Organic Compounds, and corresponding revisions to the state implementation plan. The proposed rulemaking would require a more stringent level of control for volatile organic compounds (VOC) storage in the Dallas-Fort Worth nonattainment area and would reduce VOC emissions, including benzene, from oil and gas production sources. In addition, the proposed rulemaking would clarify rule requirements for sources in all affected areas, including the Houston-Galveston-Brazoria nonattainment area, and provide additional flexibility for affected owners or operators by allowing for the use of alternative

control options. (Robert Gifford, Amy Browning) (Rule Project No. 2010-025-115-EN)

Approve publication of, and hearing on, the proposed repeal of Sections 115.115 – 115.117 and the proposed amendments and creation of new Sections in 30 TAC Chapter 115, as recommended by the Executive Director. BG/CR; all agree.

STATE IMPLEMENTATION PLANS

Item 143 **[Docket No. 2011-0363-SIP.](#)**

Consideration for publication of, and hearing on, the proposed Dallas-Fort Worth Attainment Demonstration State Implementation Plan (SIP) revision to meet the 1997 eight-hour ozone National Ambient Air Quality Standard. To meet Federal Clean Air Act requirements, the proposed SIP revision includes a photochemical modeling analysis, a weight of evidence analysis, a reasonably available control technology analysis, a reasonably available control measures analysis, a motor vehicle emissions budget for 2012, and a contingency plan. The proposed SIP revision also incorporates concurrently proposed revisions to 30 Texas Administrative Code Chapter 115 into the Texas SIP. (Kathy Singleton, Terry Salem) (Project No. 2010-022-SIP-NR)

Joint Motion with Item 144.

Approve publication of, and hearing on, the proposed Dallas-Fort Worth Attainment Demonstration State Implementation Plan and the Dallas-Fort Worth Reasonable Further Progress State Implementation Plan to meet the 1997 Eight-Hour Ozone National Ambient Air Quality Standard, as recommended by the Executive Director. CR/BG; all agree.

Item 144 **[Docket No. 2011-0159-SIP.](#)**

Consideration for publication of, and hearing on, the proposed Dallas-Fort Worth (DFW) Reasonable Further Progress (RFP) State Implementation Plan (SIP) Revision for the 1997 Eight-Hour Ozone Standard. To meet Federal Clean Air Act requirements, the proposed SIP revision would include an analysis of reasonable further progress toward attainment of the 1997 eight-hour ozone National Ambient Air Quality Standard from the base year to the attainment year, a 3% emissions reduction demonstration for contingency for each milestone year, and updated RFP motor vehicle emissions budgets for each milestone year. This proposed SIP revision would also incorporate a concurrently proposed revision to 30 Texas Administrative Code Chapter 115 that would reduce VOC emissions from affected sources in the DFW area by requiring 95% control of volatile organic compounds emissions from crude oil and condensate storage tanks emitting over 25 tons of VOC per year. (Jamie Zech, Terry Salem) (Project No. 2010-023-SIP-NR)

Joint Motion with Item 143.

Approve publication of, and hearing on, the proposed Dallas-Fort Worth Attainment Demonstration State Implementation Plan and the Dallas-Fort Worth Reasonable Further

Progress State Implementation Plan to meet the 1997 Eight-Hour Ozone National Ambient Air Quality Standard, as recommended by the Executive Director. CR/BG; all agree.

Item 145 **Docket No. 2011-0083-SIP.**

Consideration for publication of, and hearing on, the proposed Houston-Galveston-Brazoria (HGB) Reasonably Available Control Technology (RACT) Analysis Update State Implementation Plan (SIP) Revision for the 1997 Eight-Hour Ozone Standard. To conform to United States Environmental Protection Agency (EPA) rules and guidance, the proposed SIP revision would provide a volatile organic compounds RACT analysis update to include Control Techniques Guidelines (CTG) that have not yet been addressed in the HGB Attainment Demonstration SIP Revision for the 1997 Eight-Hour Ozone Standard, submitted to the EPA on April 6, 2010. The proposed revision would also incorporate concurrently proposed CTG-related rule revisions in 30 Texas Administrative Code Chapter 115, Subchapter E. (Lola Brown, John Minter) (Project No. 2010-028-SIP-NR)

Approve publication of, and hearing on, the Houston-Galveston-Brazoria Reasonably Available Control Technology Analysis Update State Implementation Plan Revision for the 1997 Eight-Hour Ozone Standard, as recommended by the Executive Director. BG/CR; all agree.

EXECUTIVE MEETING

Item 146 **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 147 **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 148 **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/ Jim Rizk
Assistant General Counsel,
Jim Rizk

 6/16/2011
Date