

*The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).*

*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 22, 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. 2008-0473-MWD; SOAH Docket No. 582-08-4290.](#)**

Consideration of the Administrative Law Judge's Remand Proposal for Decision and Order regarding the application of South Central Water Company for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0014804001 pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code Chapter 26. The proposed facility would be located approximately 300 yards east of the intersection of 29th Street and Avenue S, on the north side of Avenue S in Galveston County, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments, the record, timely related filings, exceptions and replies. (Bob Brush)

Adopt the ALJ's revised Proposed Order; approve the issuance of the draft permit, as recommended by the Executive Director with the following two special conditions: 1) Special Condition 9: Air diffusers shall be installed and used in the chlorine contact chamber in each phase of the treatment facilities; 2) Special Condition 10: A flow equalization chamber shall be installed and utilized before untreated sewage enters the treatment facilities. This flow equalization chamber shall be installed in each phase of the treatment facilities under this permit; and adopt the Executive Director's Response to Comments. BG/CR; all agree.

Item 2 [\*\*TCEQ Docket No. 2010-0597-PST-E; SOAH Docket No. 582-11-0470.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring corrective action against Waylon Collins in Fisher County, Texas; RN102717493; 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 the record, timely related filings, exceptions and replies. (Stephanie Frazee)

Adopt the ALJ's Proposed Order with the Executive Director's exceptions as agreed to by the ALJ in his reply letter dated June 1, 2011. CR/BG; all agree.

Item 3 [\*\*TCEQ Docket No. 2009-1515-AIR-E; SOAH Docket No. 582-11-0249.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding an enforcement action against Albemarle Corporation in Harris County, Texas; RN100218247; pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Laurencia Fasoyiro)

Adopt the ALJ's Proposed Order with the following changes: 1) correct the spelling of the name Nadia Hameed and make a typographical correction in Finding of Fact No. 5; 2) modify Ordering Provision No. 1 to include publication of the Proposed Order as necessary; 3) add the following new Findings of Fact relating to jurisdiction and notice: a) After receipt of the Preliminary Report and Petition, Respondent filed a timely response and requested a hearing; b) This matter was referred to the State Office of Administrative Hearings (SOAH) on September 7, 2010 and assigned SOAH Docket No. 582-11-0249; c) The initial notice of the preliminary hearing, scheduled for October 14, 2010, was issued to the Respondent on September 20, 2010 and stated the time, date and place of the hearing, the legal authority and jurisdiction for the hearing, and included a copy of the Executive Director's Penalty Calculation Worksheet showing how the penalty was calculated for the alleged violations; and d) On October 8, 2010, the ALJ issued Order No. 1 granting the Executive Director and Respondent's agreed Motion to Waive Preliminary Hearing, adopting into evidence the Executive Director's Exhibits A through D, adopting a procedural schedule for this matter, and setting the evidentiary hearing for March 15, 2011; and 4) renumber accordingly. BG/CR; all agree.

Item 4 [\*\*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 the record, timely related filings, exceptions and replies. (Jennifer Cook)

Adopt the ALJ's Proposed Order, as amended by the Executive Director's exceptions and accepted by the ALJ in his letter dated February 11, 2011. CR/BG; all agree.

### **MOTION FOR REHEARING**

Item 5 [\*\*TCEQ Docket No. 2008-1305-MWD; SOAH Docket No. 582-09-2895.\*\*](#)

Consideration of a Motion for Rehearing filed in accordance with 30 TAC Section 80.272 by James and Shirley Martin concerning the Commission's Order issued on April 13, 2011, which granted the application by Farmersville Investors, L.P., for Permit No. WQ0014778001. The permitted facility site is located approximately 0.5 miles southwest of the intersection of State Highway 78 and County Road 550 in Collin County, Texas. The permit authorizes the discharge of treated effluent to an unnamed tributary, then to the Elm Creek Arm of Lavon Lake in Segment No. 0821 of the Trinity River Basin. The Commission will also consider any timely filed responses, the record, and all related documents. (Kent Trede, Kathy Humphreys)

Set aside the Commission's Order issued on April 13, 2011; set aside the issued permit no. WQ0014778001; adopt the ALJ's Proposed Order submitted on February 7, 2011 granting Farmersville Investors, L.P. TPDES Permit No. WQ0014778001, as revised by the Executive Director's exceptions filed on February 28, 2011 and further revised in the ALJ's letter March 22, 2011; modify the adopted Order so that Conclusion of Law No. 14 reads: "Applicant is not required to prove compliance with 30 Tex. Admin. Code Chapter 217 prior to the issuance of a TPDES permit, but must submit a summary submittal letter in accordance with requirements in 30 TAC Section 217.6 for review by the Executive Director to ensure compliance with requirements set out in 30 Tex. Admin. Code Chapter 217 Design Criteria for Domestic Wastewater Systems."; issue the Executive Director's draft permit but modify the permit expiration date to October 1, 2015 consistent with basin permitting provisions in 30 TAC Section 305.71 and deny all remaining claims. BG/CR; all agree

### **RESOLUTION**

Item 6 [\*\*Docket No. 2011-0540-RES.\*\*](#)

Resolution reauthorizing the Executive Director to enter all contracts (including grant agreements) on behalf of the agency, to manage such contracts and other agreements and perform all contractual actions on behalf of the agency, to delegate such authority to the staff, and to designate individuals to approve the Commission's payment documents. The Commission's current resolution regarding contracts and delegation was issued on June 26, 2009, and it expires on August 31, 2011. The proposed resolution would renew the Commission's current resolution regarding contracts and delegation for an additional two years until August 31, 2013. (Elizabeth West)

Adopt the Executive Director's proposed resolution. BG/CR; all agree.

### **MISCELLANEOUS ENFORCEMENT MATTERS**

Item 7 [\*\*Docket No. 2004-0505-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EBAA Iron, Inc. in Shackelford County; RN102518495; for water quality and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

Joint Motion with Item 8.

Set aside the October 21, 2009 Order in the EBAA Iron, Inc. matter and adopt the Agreed Order between the Executive Director and EBAA Iron, Inc. BG/CR; all agree.

Item 8 [\*\*TCEQ Docket No. 2004-0505-WQ-E; SOAH Docket No. 582-08-3322\*\*](#)

Consideration of the April 26, 2011 District Court Order in Cause No. D-1-GN-10-000075 remanding the TCEQ's October 21, 2009 Order in the enforcement action against EBAA Iron, Inc. to the TCEQ for consideration of additional evidence pursuant to GOV'T CODE § 2001.175(c), and the possible modification or rescission of the October 21, 2009 Commission Order. The EBAA Iron, Inc. facility subject to the TCEQ's Order is located outside of the City of Albany in Shackelford County, Texas. (Jennifer Cook)

Joint Motion with Item 7.

Set aside the October 21, 2009 Order in the EBAA Iron, Inc. matter and adopt the Agreed Order between the Executive Director and EBAA Iron, Inc. BG/CR; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 9 [\*\*Docket No. 2010-1881-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Hutchinson County; RN102320850; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 10 [\*\*Docket No. 2010-2014-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Regency Field Services LLC in Henderson County; RN102176377; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Laurie Eaves)

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

Item 11 [\*\*Docket No. 2010-2001-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ConocoPhillips Company in Brazoria County; RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Laurie Eaves)

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

Item 12 [\*\*Docket No. 2010-1422-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical LLC in Jefferson County; RN100219252; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Todd Huddleson, Laurie Eaves)

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

Item 13 [\*\*Docket No. 2010-1880-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pure-Flow, Inc. dba Andrews-Butane Route Disposal in Andrews County; RN101989499; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

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

Item 14 [\*\*Docket No. 2010-1598-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of United Structures of America, Inc. in Harris County; RN100219708; 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. BG/CR; all agree.

Item 15 [\*\*Docket No. 2011-0032-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Chambers County; RN102984911; for air quality violations pursuant to Tex. Health &

Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 16 [\*\*Docket No. 2011-0092-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against General Dynamics Ordnance and Tactical Systems, Inc. in Dallas County; RN102660909; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Laurie Eaves)

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

Item 17 [\*\*Docket No. 2010-2043-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Lubrizol Corporation in Harris County; RN100221589; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Laurie Eaves)

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

Item 18 [\*\*Docket No. 2010-2015-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tristream East Texas, LLC in Henderson County; RN102176377; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Laurie Eaves)

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

**DRY CLEANER ENFORCEMENT DEFAULT ORDERS**

Item 19 [\*\*Docket No. 2010-1646-DCL-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Patrick Y. Shin d/b/a Cedar Hill Cleaners in Dallas County; RN100607845; for dry cleaner registration violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

Item 20 [Docket No. 2010-1647-DCL-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Patrick Y. Shin d/b/a Douglas Cleaners in Dallas County; RN102192267; for dry cleaner registration violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

**EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS**

Item 21 [Docket No. 2010-1839-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRINITY OAKS S.A., Ltd. in Bexar County; RN103782744; 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. (Jeremy Escobar, Laurie Eaves)

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

Item 22 [Docket No. 2010-1779-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Western Rim Investors 2007-5, L.P. in Bexar County; RN105474191; 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. (Thomas Jecha, Laurie Eaves)

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

Item 23 [Docket No. 2010-1394-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Geosource, Inc. in Comal and Bexar Counties; RN100847813; 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. (Thomas Jecha, P.G., Laurie Eaves)

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

**FIELD CITATIONS**

Item 24 [Docket No. 2011-0383-PST-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of PTCAA Texas, L.P. in El Paso County;

RN100941798; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 25 [\*\*Docket No. 2011-0403-PST-E.\*\*](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of AIG Annuity Insurance Company in Potter County; RN105668479; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 26 [\*\*Docket No. 2011-0418-WOC-E.\*\*](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Johnny Mican in Lavaca County; RN106052673; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)

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

Item 27 [\*\*Docket No. 2011-0419-WOC-E.\*\*](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Christopher D. Moss, Jr., in Harris County; RN103842951; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)

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

Item 28 [\*\*Docket No. 2011-0401-WQ-E.\*\*](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of U.S. Army Corp. of Engineers in Comanche County; RN105966394; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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



Item 29 [Docket No. 2011-0400-WQ-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Hurtado Construction Company in Fort Bend County; RN106077597; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

Item 30 [Docket No. 2011-0421-WR-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Ross Ridge Sand Company, L.P., in Orange County; RN106082837; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)

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

**INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS**

Item 31 [Docket No. 2010-1720-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ROBBIE D. WOOD, INC. in Denton County; RN101629814; 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. BG/CR; all agree.

Item 32 [Docket No. 2010-1906-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Holly Energy Partners - Operating, L.P. dba Holly Energy Orla Terminal in Culberson County; RN102411162; 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. (Judy Kluge, Laurie Eaves)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 33 [Docket No. 2010-1843-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vopak Terminal Galena Park, Inc. in Harris County;

RN103137790; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jeremy Escobar, Laurie Eaves)

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

Item 34 [\*\*Docket No. 2010-1966-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAN ANGELO BY-PRODUCTS, INC. in Tom Green County; RN101526358; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Laurie Eaves)

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

Item 35 [\*\*Docket No. 2010-1632-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Waste Control Specialists LLC in Andrews County; RN101702439; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Laurie Eaves)

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

Item 36 [\*\*Docket No. 2010-2038-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pilot Travel Centers LLC in Hunt County; RN105495063; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 37 [\*\*Docket No. 2010-1236-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bao Vu Nguyen dba Carousel Mobile Home Park in Brazos County; RN101187847; for public drinking water and 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. (Stephen Thompson, Laurie Eaves)

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

Item 38 [Docket No. 2010-1283-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Webb County in Webb County; RN102698719, RN102698115; for public water supply and 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. (Rebecca Clausewitz, Laurie Eaves)

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

Item 39 [Docket No. 2010-1957-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Texas, Inc. in Travis County; RN100843143; for public drinking water and 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. (Stephen Thompson, Laurie Eaves)

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

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS**

Item 40 [Docket No. 2010-1224-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of EnviroGreen Recovery Solutions LLC in Jefferson County; RN105880348 and RN105953244; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

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

Item 41 [Docket No. 2010-1562-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Terry Beverlin in Hardin County; RN105991012; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 42 [Docket No. 2011-0069-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jim Hogg County in Jim Hogg County;

RN104420146; for used oil violations pursuant to Tex. Health & Safety Code ch. 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Laurie Eaves)

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

Item 43 [Docket No. 2011-0034-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of R2R Recycling, L.L.C. in Tarrant County; RN106016512; 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. (Tate Barrett, Laurie Eaves)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS**

Item 44 [Docket No. 2010-1268-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Robert Choate DBA Pop's Tire Shop in Jefferson County; RN103073383; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

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

Item 45 [Docket No. 2010-1928-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Ray Carpenter d/b/a Carpenter Dirt Work in Lampasas County; RN105114946; 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. BG/CR; all agree.

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 46 [Docket No. 2010-2036-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Cleveland in Liberty County; RN101613735; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

Item 47 [\*\*Docket No. 2010-1951-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Cedar Park in Williamson County; RN102845914; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

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

Item 48 [\*\*Docket No. 2010-1900-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Leonard in Fannin County; RN101919322; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 49 [\*\*Docket No. 2010-1942-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tall Timbers Utility Company, Inc. in Smith County; RN101519981; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

Item 50 [\*\*Docket No. 2011-0206-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Skidmore Water Supply Corporation in Bee County; RN102342201; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Laurie Eaves)

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

Item 51 [\*\*Docket No. 2010-1893-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chapel Hill Independent School District in Titus County; RN101521557; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality,

including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Laurie Eaves)

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

Item 52 **[Docket No. 2011-0079-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kennard in Houston County; RN102078169; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 53 **[Docket No. 2011-0057-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CW SCOA West, L.P. and Harris County Municipal Utility District No. 500 in Harris County; RN104482237; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Laurie Eaves)

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

Item 54 **[Docket No. 2010-2049-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Tenaha in Shelby County; RN102844560; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Laurie Eaves)

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

Item 55 **[Docket No. 2010-1571-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Harris County Municipal Utility District No. 366 in Harris County; RN101399103; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Laurie Eaves)

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

Item 56 [\*\*Docket No. 2010-1884-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WOODMARK UTILITIES, INC. in Smith County; RN101511400; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

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

Item 57 [\*\*Docket No. 2010-0348-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of De Kalb in Bowie County; RN101918936; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 58 [\*\*Docket No. 2010-0534-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Omaha in Morris County; RN101919934; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

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

Item 59 [\*\*Docket No. 2010-1714-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of San Augustine in San Augustine County; RN103137949; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

Item 60 [\*\*Docket No. 2011-0060-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against West Harris County Municipal Utility District No. 10 in Harris County; RN101609790; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Laurie Eaves)

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

Item 61 [\*\*Docket No. 2010-2048-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Boles Independent School District in Hunt County; RN101554582; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Laurie Eaves)

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

**PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS**

Item 62 [\*\*Docket No. 2010-1949-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TIKI FOOD MART, L.L.C. in Galveston County; RN102232055; for petroleum storage tank violations pursuant to Tex. 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. (Thomas Greimel, Laurie Eaves)

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

Item 63 [\*\*Docket No. 2010-1908-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Tenet Hospitals Limited dba Doctors Hospital in Dallas County; RN100806629; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Laurie Eaves)

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

Item 64 [\*\*Docket No. 2010-2053-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against National Petro Inc dba New K & T Quick Stop in Tarrant County; RN102439932; 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. (Raymond Marlow, Laurie Eaves)

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

Item 65 [\*\*Docket No. 2011-0186-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and



requiring certain actions of OM NMO GLOBAL INC. dba MR 4 Food Mart in Tarrant County; RN102342466; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Laurie Eaves)

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

Item 66 [\*\*Docket No. 2010-1874-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against AMINA CORPORATION dba Kwik Stop 2 in Tarrant County; RN102487683; 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. BG/CR; all agree.

Item 67 [\*\*Docket No. 2011-0081-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against CHAI EXPRESS INC. in Tarrant County; RN102073319; 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, P.E., Laurie Eaves)

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

Item 68 [\*\*Docket No. 2011-0112-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Saginaw Enterprises, LLC dba Saginaw Gas House in Tarrant County; RN102986452; 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. (Kelly Wisian, Laurie Eaves)

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

Item 69 [\*\*Docket No. 2011-0052-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WTG FUELS, INC. dba Wallisville Gascard 260303 in Harris County; RN102480407; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Laurie Eaves)

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

Item 70 [\*\*Docket No. 2010-1914-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Real & Retail Unlimited Inc. dba Argyle Johnny Joe's in Denton County; RN103052502; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cara Windle, Laurie Eaves)

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

Item 71 [\*\*Docket No. 2010-2079-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against North Bay General Hospital, Inc. in San Patricio County; RN100586114; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Theresa Hagood, Laurie Eaves)

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

Item 72 [\*\*Docket No. 2011-0035-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against HOSKINS ELECTRIC CO. in Travis County; RN101490175; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cara Windle, Laurie Eaves)

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

Item 73 [\*\*Docket No. 2011-0033-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against FORT WORTH LUCKY ONE, INC. dba Lucky One in Tarrant County; RN102346418; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cara Windle, Laurie Eaves)

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

Item 74 [\*\*Docket No. 2010-2003-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of P.U. Corporation dba Gainesville Fuel Stop in Cooke County; RN102027372; 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. BG/CR; all agree.

Item 75 [\*\*Docket No. 2011-0139-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pilgrim's Pride Corporation in Tarrant County; RN101443422; 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 Texas Administrative Code ch. 60. (Philip Aldridge, Laurie Eaves)

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

Item 76 [\*\*Docket No. 2010-2067-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against HUDSON BEND GROCERY INC. in Travis County; RN101435725; 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. (Bridgett Lee, Laurie Eaves)

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

Item 77 [\*\*Docket No. 2010-1648-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sonnyreena Corporation dba RK Mart in Hunt County; RN102957636; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

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

Item 78 [\*\*Docket No. 2010-1970-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against City Market Sun City, Inc dba City Market in Williamson County; RN101498913; 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. BG/CR; all agree.

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

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Supertrack Arlington, Inc. dba Supertrack in

Tarrant County; RN102849379; 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. BG/CR; all agree.

Item 80 [\*\*Docket No. 2011-0125-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Sufian Emmar dba Yager Food Store in Travis County; RN102783982; 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. (JR Cao, Laurie Eaves)

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

Item 81 [\*\*Docket No. 2011-0013-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against RSN ENTERPRISES, INC. dba Ella Shell in Harris County; RN102990769; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 82 [\*\*Docket No. 2011-0101-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Y & V Enterprises, L.L.C. dba I-30 Mini Mart in Tarrant County; RN100774298; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 83 [\*\*Docket No. 2010-1299-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against SAHIL VENTURES, INC. dba Paradise Food Mart in Montgomery County; RN102038924; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip Aldridge, Laurie Eaves)

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

Item 84 [\*\*Docket No. 2010-1737-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against

AADARSH BUSINESS INC. dba Red Rock Grocery in Bastrop County; RN101496602; 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. (Bridgett Lee, Laurie Eaves)

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

Item 85 [\*\*Docket No. 2011-0130-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S Bayyoud Inc dba Lancaster Mart in Tarrant County; RN105584593; 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. (Heather Podlipny, Laurie Eaves)

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

**PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS**

Item 86 [\*\*Docket No. 2010-1376-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Gregory S. Shindler in Houston County; RN102459799; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sharesa Y. Alexander, Lena Roberts)

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

Item 87 [\*\*Docket No. 2010-1805-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of S.A.A. ENTERPRISES, INC. d/b/a West Airport Food Mart in Harris County; RN102262854; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 88 [\*\*Docket No. 2010-0886-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of 5 Star Diamond, LLC d/b/a Diamond Mart in Dallas County; RN102226693; 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 Default Order. BG/CR; all agree.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 89 [Docket No. 2010-1931-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Karen Reeves in Cooke County; RN101272433, RN101175552; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Laurie Eaves)

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

Item 90 [Docket No. 2010-1933-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hartmut F. Mueller dba Hofbrau Park in Blanco County; RN105502793; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

Item 91 [Docket No. 2010-1879-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Normangee in Leon County; RN101409142; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Laurie Eaves)

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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 92 [Docket No. 2010-1245-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Bosque Basin Water Supply Corporation in McLennan County; RN101213544; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Xavier Guerra, Lena Roberts)

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

Item 93 [Docket No. 2010-1254-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of City of Scottsville in Harrison County; RN101227619; for public drinking water violations pursuant to Tex. Health &

Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephanie J. Frazee, Lena Roberts)

Remanded to the Executive Director.

Item 94 [\*\*Docket No. 2010-1227-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of DRC BUSINESS INC. d/b/a Kountry Kwik in Harris County; RN100927888; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marshall Coover, Lena Roberts)

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

Item 95 [\*\*Docket No. 2010-1371-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Chris W. Duncan d/b/a Lakeside Water Company in Angelina County; RN103778247; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marshall Coover, Lena Roberts)

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

Item 96 [\*\*Docket No. 2010-1498-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of JASPER CINDI, INC. d/b/a Bullfrogs Bar & Grill in Jasper County; RN105973796; 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. BG/CR; all agree.

Item 97 [\*\*Docket No. 2010-1634-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of SAVS Investments, Inc. d/b/a Fridays General Store in Blanco County; RN104711163; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

Remanded to the Executive Director. BG/BS; CR opposed.

**SLUDGE ENFORCEMENT DEFAULT ORDER**

Item 98 [\*\*Docket No. 2010-1591-SLG-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Connie Rogers d/b/a Alamo Pumping BLU Site in Hidalgo County; RN103160156; for water quality violations pursuant to Tex.

Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

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

**UNDERGROUND INJECTION CONTROL ENFORCEMENT AGREED ORDER**

Item 99 [Docket No. 2011-0120-UIC-E.](#)

Consideration of an Agreed Order assessing administrative penalties against AKZO NOBEL SURFACE CHEMISTRY LLC in Fort Bend and Harris Counties; RN100219393; for underground injection control violations pursuant to Tex. Water Code chs. 7 and 27 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Laurie Eaves)

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

**UTILITIES ENFORCEMENT AGREED ORDERS**

Item 100 [Docket No. 2010-2050-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Benjamin Sanjuan dba Golden Carriage Mobile Home Park in Harris County; RN101255644; 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. (Epifanio Villarreal, Laurie Eaves)

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

Item 101 [Docket No. 2010-1833-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Commons Water Supply, Inc. in Harris County; RN102690864; 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. BG/CR; all agree.

**WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT DEFAULT ORDER**

Item 102 [Docket No. 2010-1596-WOC-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Cecil D. Hutcheson in Lubbock County; RN105972061; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Marshall Coover, Lena Roberts)



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

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

Item 103 [Docket No. 2011-0240-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Lagoon Pumping & Dredging, Inc. in Comanche County; RN106016371; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Laurie Eaves)

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

### **RULE PETITIONS**

Item 104 [Docket No. 2011-0720-RUL.](#)

Consideration of a petition for rulemaking under Section 20.15 of 30 Texas Administrative Code (TAC) Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality on May 5, 2011, by the Texas Environmental Law Center on behalf of Angela Bosner-Lain, Karin Ascot, as next friend on behalf of TVH and AVH, minor children, and Brigid Shea, as next friend on behalf of EBU, a minor child. The petitioners requested that the Commission adopt by January 1, 2012, a greenhouse gas reduction plan that when implemented limits carbon dioxide emissions in Texas from fossil fuels that results in a peak in emissions in the state by 2012; and beginning in January 2013, reduces fossil fuel carbon dioxide emissions by at least 6% a year. (John Minter) (Project No. 2011-020-PET-NR)

Adopt the Executive Director's Proposed Order denying the petition with the following change: Add the following sentence to the end of the third paragraph, "In addition the public trust doctrine in Texas has been limited to waters of the state and does not extend to the regulation of greenhouse gases in the atmosphere." CR/BG; all agree.

Item 105 [Docket No. 2011-0779-RUL.](#)

Consideration of a petition for rulemaking under 30 TAC Section 20.15, Petition for Adoption of Rules. The petition was filed with the Texas Commission on Environmental Quality on May 16, 2011, by Jed Anderson (Petitioner). The Petitioner requests that the Commission submit Federal Clean Air Act, Section 179B petitions to the United States Environmental Protection Agency to address the growing impacts of foreign pollutant transport on nonattainment areas with respect to the ozone National Ambient Air Quality Standards throughout the State of Texas and that the agency revise the Texas State Implementation Plan accordingly. (Melissa Kuskie, Terry G. Salem) (Project No. 2011-022-PET-NR)

Adopt the Executive Director's Proposed Order denying the petition for rulemaking filed by Jed Anderson. BG/CR; all agree.

### **RULE MATTERS**

- Item 106 [\*\*Docket No. 2010-1526-RUL.\*\*](#)  
Consideration of the adoption of amendment to 30 TAC Chapter 328, Waste Minimization and Recycling, Subchapter F, Management of Used or Scrap Tires, Section 328.66. The adoption would remove the requirement for applicants of Land Reclamation Projects Using Tires to publish public notice in counties adjoining the county where the facility is proposed to be located. The proposed rule was published in the February 11, 2011, issue of the *Texas Register* (36 TexReg 719). (Brooke Jackson, Steve Shepherd) (Rule Project No. 2010-059-328-CE)

Adopt the amendment to 30 TAC Section 328.66, as recommended by the Executive Director. CR/BG; all agree.

- Item 107 [\*\*Docket No. 2010-1397-RUL.\*\*](#)  
Consideration of the adoption of amendment to Section 293.44 of 30 TAC Chapter 293, Water Districts. The adoption would facilitate regionalization and cooperative planning among water districts and other local government entities by providing clear authorization in the commission's rules for a determination of a district's allowable cost participation in regional water, wastewater, and/or drainage facilities based on a cost-benefit analysis. The proposed rules were published in the February 11, 2011, issue of the *Texas Register* (36 TexReg 713). (Greg Charles, Christiaan Siano) (Rule Project No. 2010-050-293-OW)

Adopt the amendment to Section 293.44, as recommended by the Executive Director. BG/CR; all agree.

#### **MISCELLANEOUS MATTER**

- Item 108 [\*\*Docket No. 2011-0521-MIS.\*\*](#)  
Consideration for publication of, and hearing on, proposal of an Agreed Order with Exide Technologies in Collin County to require Exide Technologies to install and implement control strategies for lead emissions as part of the Collin County Attainment Demonstration State Implementation Plan (SIP) Revision for the 2008 Lead National Ambient Air Quality Standard (NAAQS). The proposed Agreed Order also includes contingency measures that are required by the Federal Clean Air Act to be part of an attainment demonstration SIP revision. This proposed Agreed Order with Exide Technologies would make legally enforceable control strategies and contingency measures for the Collin County Attainment Demonstration SIP Revision for the 2008 lead NAAQS. (Holly Brightwell, Amy Browning)

Joint Motion with Item 109.

Approve the publication of, and hearing on, the proposed Collin County Attainment Demonstration State Implementation Plan Revision for the 2008 Lead National Ambient Air Quality Standard and related agreed order between Exide Technologies and the TCEQ requiring Exide Technologies to install and implement control strategies for lead emissions, as recommended by the Executive Director. CR/BG; all agree.

#### **STATE IMPLEMENTATION PLAN MATTERS**

Item 109 [\*\*Docket No. 2011-0282-SIP.\*\*](#)  
Consideration for publication of, and hearing on, proposed Collin County Attainment Demonstration State Implementation Plan (SIP) Revision for the 2008 Lead National Ambient Air Quality Standard (NAAQS). This proposed SIP revision would address Federal Clean Air Act (FCAA) Section 191(a) requirements that states with lead nonattainment areas submit to the EPA an implementation plan within 18 months of the designation effective date. Section 110(a)(1) of the Federal Clean Air Act (FCAA) requires states to submit a state implementation plan (SIP) revision for areas that have been designated nonattainment to provide for the implementation, maintenance, and enforcement of the NAAQS. States are required to adopt and submit attainment demonstration SIP revisions within 18 months of designation. In accordance with FCAA, Section 172 and implementation guidance published with the November 12, 2008, final Lead NAAQS (73 FR 66964), the proposed SIP revision contains a reasonably available control measures analysis, a reasonably available control technology analysis, demonstration of attainment through air dispersion modeling, a control strategy demonstration, an emissions inventory, a demonstration of reasonable further progress, and contingency measures. (Holly Brightwell, Amy Browning) (Non-Rule Project No. 2011-001-SIP-NR)

Joint Motion with Item 108.

Approve the publication of, and hearing on, the proposed Collin County Attainment Demonstration State Implementation Plan Revision for the 2008 Lead National Ambient Air Quality Standard and related agreed order between Exide Technologies and the TCEQ requiring Exide Technologies to install and implement control strategies for lead emissions, as recommended by the Executive Director. CR/BG; all agree.

Item 110 [\*\*Docket No. 2011-0331-SIP.\*\*](#)  
Consideration for publication of, and hearing on, proposed Federal Clean Air Act (FCAA), Section 110(a)(1) and (2) Infrastructure Demonstration State Implementation Plan (SIP) Revision for the 2008 lead National Ambient Air Quality Standard (NAAQS). The proposed SIP revision would meet the infrastructure requirements of the FCAA, Section 110(a)(1) and (2) under the 2008 lead NAAQS. These revisions would document how each infrastructure element is currently addressed in the Texas SIP by outlining the requirements in FCAA, Section 110(a)(2)(A) through (M) and the Texas statutes and rules that allow Texas to meet each requirement. This revision, once adopted and submitted to the United States Environmental Protection Agency, would fulfill Texas' obligation to submit an infrastructure SIP revision for the 2008 lead NAAQS as required by Section 110(a)(1) and (2) of the FCAA. (Shelley Naik, Amy Browning) (Non-Rule Project No. 2011-016-SIP-NR)

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

**EXECUTIVE MEETING**

Item 111 **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 112 **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 113 **Docket No. 2011-0003-EXE.**  
The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

**(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)**

**REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE**

**TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.**

**THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT:**

**[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**

/s/ Barham Richard  
Assistant General Counsel,  
Barham Richard

6/29/2011  
Date