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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**

July 20, 2011

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **PROPOSALS FOR DECISION**

Item 1 **[TCEQ Docket No. 2010-0157-PST-E; SOAH Docket No. 582-11-0541.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of David Higginbotham and Katha Higginbotham in Montgomery County, Texas; RN101728798; 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. (Tammy Mitchell)

Adopt the ALJ's Proposed Order with the Executive Director's exceptions as agreed to by the ALJ in her reply letter dated June 23, 2011. BG/CR; all agree

Item 2 **[TCEQ Docket No. 2007-0768-AIR-E; SOAH Docket No. 582-08-0523.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Advantage Asphalt Products, Ltd. in Randall County, Texas; RN104955497; regarding violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch.7 and rules of the Texas Commission on Environmental Quality. 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 agreed to by the ALJ in his letter dated May 19, 2011. CR/BG; all agree.

Item 3 [\*\*TCEQ Docket No. 2009-1720-PST-E; SOAH Docket No. 582-10-5165.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Gary Lee Corpian and Marilu Lee Corpian in Taylor County, Texas; RN101796472; 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. The Commission will also consider the record, timely related filings, exceptions and replies. (Peipey Tang)

Adopt the ALJ's Proposed Order with the Executive Director's proposed changes from his April 6, 2011 exceptions, excluding the Executive Director's recommended change to Finding of Fact No. 10 and correcting the citation in Finding of Fact No. 17 and Ordering Provision No. 1 from 30 TAC Section 334.7(a)(2) to 30 TAC Section 334.47(a)(2); reduce the penalty under as other factors as justice may require to \$2,625 to be deferred upon successful removal of the tanks at a date certain to be established by the Executive Director. CR/BG; all agree.

Item 4 [\*\*TCEQ Docket No. 2008-1170-MLM-E; SOAH Docket No. 582-09-4949.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Petroleum Wholesale, L.P. DBA Sunmart 363 in Orange County; RN102039039; for petroleum storage tank and water quality violations pursuant to Tex. Water Code ch. 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 the record, timely related filings, exceptions and replies. (Phillip M. Goodwin)

Adopt the ALJ's Proposed Order with the following changes: adopt the ALJ's proposed change to Conclusion of Law No. 13 as set forth in his June 14, 2011 letter; in addition replace the phrase "and July 2 and 27, 2007" with "and July 27, 2007" in Conclusion of Law No. 15 for consistency purposes; and modify the penalty amount attributable to the January 22, 2007 discharge from \$5,000 to \$5,350, which represents a \$5,000 base penalty for an actual moderate degree of harm with a 7 percent enhancement for compliance history. This results in a total penalty of \$64,151 being assessed against Respondent for this enforcement action. BG/CR; all agree.

**GENERAL PERMIT**

Item 5 [\*\*Docket No. 2011-0010-RUL.\*\*](#)

Consideration of the adoption of amendment with renewal of the Multi-Sector General Permit, TXR050000. The adoption would amend and renew Texas Pollutant Discharge Elimination System (TPDES) Multi Sector General Permit No. TXR050000, which authorizes, on a state-wide basis, the discharge of

storm water and allowable non-storm water into surface water in the state from certain types of industrial activities. The general permit specifies which facilities must obtain permit coverage, which are eligible for a conditional exclusion based on no exposure of industrial activity to storm water, which are designated as eligible for coverage without submitting a notice of intent, and which must obtain individual permit coverage. Public notice of the proposed general permit began on March 2, 2011 and lasted through April 12, 2011. Notice was published in the March 11, 2011 issue of the *Texas Register* (36 TexReg 1716). (Cynthia Hooper, Robert Brush) (Rule Project No. 2010-043-OTH-NR)

Adopt the proposed resolution amending, renewing and issuing the Multi-Sector General Permit TXR050000, as recommended by the Executive Director; and adopt the Executive Director's Response to Comments. CR/BG; all agree.

#### **MISCELLANEOUS MATTER**

Item 6 **[Docket No. 2011-0998-MIS.](#)**

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

Approve the issuance of the resolution that acknowledges the Executive Director acceptance of these gifts. BG/CR; all agree.

Item 7 **[Docket No. 2011-0726-UCR.](#)**

Consideration of the Executive Director's Petition to set interim rates filed on May 20, 2011, in response to the water rate increase application filed by Deer Creek Ranch Water Co., LLC ("Deer Creek") pursuant to Texas Water Code, Section 13.087 and Title 30, Texas Administrative Code, Section 291.29. Deer Creek provides retail water service under Certificate of Convenience and Necessity No. 11241 in Travis and Hays Counties. The Commission will consider the Executive Director's Petition and the timely-filed responses. (Brian MacLeod)

Find that Deer Creek's proposed increased rates could result in unjust and unreasonable rates; grant the Executive Director's Petition to set interim rates at Deer Creek's rates and tariff charges at the prior approval level established in TCEQ Docket No. 2009-0929-UCR; establish the interim rates to remain in effect until a final rate determination is made by the Commission in this docket; and establish that the interim rates must begin with the first billing period after this Order is signed. CR/BG; all agree.

#### **AGRICULTURAL ENFORCEMENT AGREED ORDER**

Item 8 **[Docket No. 2010-0913-AGR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Rene Coumans DBA Belle Vue Dairy in Hopkins County; RN102887031; 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. (James Sallans, Lena Roberts)

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

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 9 **[Docket No. 2011-0038-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lanxess Corporation in Orange County; RN100825363; 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 Huddleston, Laurie Eaves)

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

Item 10 **[Docket No. 2010-2030-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Orange County Container Group LLC in Kaufman County; RN100754779; 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 11 **[Docket No. 2009-1997-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ascend Performance Materials, LLC in Brazoria County; RN100238682; 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 12 **[Docket No. 2010-1992-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Southern Union Pipeline, Ltd. in Pecos County; RN100225010; 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. (Jimmy Nolan, Laurie Eaves)

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

Item 13 [\*\*Docket No. 2010-1975-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Nacogdoches County; RN100211077; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 14 [\*\*Docket No. 2010-1968-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Patriot Resources, Inc. in Ector and Midland Counties; RN106023856, RN106023419, RN106023914; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Allison Fischer, Laurie Eaves)

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

Item 15 [\*\*Docket No. 2011-0073-AIR-E.\*\*](#)

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

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

Item 16 [\*\*Docket No. 2011-0068-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FAMCOR OIL, INC. in San Jacinto County; RN106023484 and RN106033418; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, P.G., Laurie Eaves)

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

Item 17 [\*\*Docket No. 2010-1300-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TOTAL PETROCHEMICALS USA, INC. in Jefferson County; RN102457520; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas

Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 18 [\*\*Docket No. 2010-2029-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Houston Refining LP in Harris County; RN100218130; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Allison Fischer, Laurie Eaves)

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

Item 19 [\*\*Docket No. 2010-1930-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Congress Materials LLC in Tarrant County; RN104961693; 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 20 [\*\*Docket No. 2010-2025-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LyondellBasell Acetyls, LLC in Harris County; RN100224450; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Laurie Eaves)

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

Item 21 [\*\*Docket No. 2010-1929-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 22 [\*\*Docket No. 2010-2072-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. (Rebecca Johnson, Laurie Eaves)

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

**DRY CLEANER ENFORCEMENT AGREED ORDER**

Item 23 [Docket No. 2011-0029-DCL-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tien Dao dba Quality Cleaners in Kaufman County; RN105963136; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Andrea Park, Laurie Eaves)

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

**EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS**

Item 24 [Docket No. 2011-0067-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against J.O. Haney, Jr., Patricia A. Haney, and Fazzone Construction Co., Inc. in Bexar County; RN106020720; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Marty Hott, Laurie Eaves)

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

Item 25 [Docket No. 2010-2064-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against SV-ONA Lakeline Land Limited Partnership in Williamson County; RN105157648; 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. (Martha Hott, Laurie Eaves)

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

**FIELD CITATIONS**

Item 26 [Docket No. 2011-0537-WQ-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Regatta Ridge LLC in Bell County; RN106096340; 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 27 [\*\*Docket No. 2011-0539-WQ-E.\*\*](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Matus Construction Group in McLennan County; RN106104052; 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 28 [\*\*Docket No. 2011-0590-WQ-E.\*\*](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Jubilee Homes II, Ltd. in Bell County; RN106093685; 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. 2011-0538-WQ-E.\*\*](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of HLM Development Company, L.L.C. in Parker County; RN104633110; 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. 2011-0502-WQ-E.\*\*](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Yantis Partners, Ltd., in Bexar County; RN106072143; 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 31 [\*\*Docket No. 2011-0592-WQ-E.\*\*](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Okland Construction Company, Inc. in Comal



County; RN106007537; 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 32 [Docket No. 2011-0591-WQ-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Mary K. Dickson in Grayson County; RN105999379; 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.

**INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 33 [Docket No. 2010-1352-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Johns Manville in Johnson County; RN100213719; 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. (Theresa Hagood, Laurie Eaves)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 34 [Docket No. 2011-0169-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of National Oilwell Varco, L.P. in Harris County; RN100211457; 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 35 [Docket No. 2011-0166-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GOLDEN SPREAD REDI-MIX, INC. in Deaf Smith County; RN105776132; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Laurie Eaves)

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

Item 36 [\*\*Docket No. 2011-0106-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sunoco Partners Marketing & Terminals L.P. in Jefferson County; RN100214626; 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 37 [\*\*Docket No. 2010-1903-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FORMOSA UTILITY VENTURE, LTD. and Formosa Plastics Corporation, Texas in Calhoun County; RN100218973; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Laurie Eaves)

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

Item 38 [\*\*Docket No. 2010-1995-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HONEY HOLDING I, LTD. in Chambers County; RN105500227; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (JR Cao, Laurie Eaves)

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

Item 39 [\*\*Docket No. 2010-2061-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Linde Gas North America LLC in Harris County; RN100217207; 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.

**IRRIGATION LICENSING ENFORCEMENT AGREED ORDERS**

Item 40 [\*\*Docket No. 2010-0788-LII-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Jose Pena in Dallas County; RN105912588; 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. (Sharesa Y. Alexander, Lena Roberts)

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

Item 41 [\*\*Docket No. 2010-0526-LII-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mark P. Choate in Dallas and Bexar County; RN103747309; 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. (Kari L. Gilbreth, Lena Roberts)

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

**IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER**

Item 42 [\*\*Docket No. 2010-1819-LII-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jose Eduardo Coronado in Harris County and Cypress County; RN106013295; 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. (Sharesa Y. Alexander, Lena Roberts)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 43 [\*\*Docket No. 2011-0093-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Jason Chandler in Nacogdoches County; RN104882287; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Laurie Eaves)

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

Item 44 [\*\*Docket No. 2011-0061-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lightwater Hospitality No. 1, Ltd. and Nillians Investments, LLC in Williamson County; RN105572739; for Edwards Aquifer and 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 45 [\*\*Docket No. 2010-1043-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Mathis in San Patricio County; RN101388130; for public drinking water and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 46 [\*\*Docket No. 2011-0055-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against D & D CONTRACTORS, INC. in Bexar County; RN105745624; for water quality and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Laurie Eaves)

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

Item 47 [\*\*Docket No. 2011-0247-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Austin Trinity School and Flynn Construction Incorporated in Travis County; RN102733870; for Edwards Aquifer and water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Martha Hott, Laurie Eaves)

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

Item 48 [\*\*Docket No. 2010-1721-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Wills Point in Van Zandt County; RN101388973; for public drinking water and water quality violations pursuant to Tex. Health & Safety Code ch. 341, 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. (Michaelle Sherlock, Laurie Eaves)

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

Item 49 [\*\*Docket No. 2010-0478-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Evergreen Enterprises, Inc. d/b/a Escarpment Exxon in Travis County;

RN102478609; for petroleum storage tank and Edward's Aquifer water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 50 [Docket No. 2010-1986-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Francisco Velasquez in Hidalgo County; RN106027188; 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. (Cara Windle, Laurie Eaves)

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

Item 51 [Docket No. 2010-0862-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Daniel Garcia and Julia Garcia in Bell County; RN105896252 and RN105913198; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 52 [Docket No. 2011-0048-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Big Lake in Reagan County; RN102328176; 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. BG/CR; all agree.

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 53 [Docket No. 2010-1699-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Western States Realty LLC in Jones County; RN102865227; 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. BG/CR; all agree.

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 54 **[Docket No. 2010-0710-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Arcola in Fort Bend County; RN102096815; 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 55 **[Docket No. 2010-2012-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Albany in Shackelford County; RN101918456; 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 56 **[Docket No. 2009-1994-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Strawn in Palo Pinto County; RN102896024; 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. (Xavier Guerra, Lena Roberts)

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

Item 57 **[Docket No. 2010-1998-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mirando City Water Supply Corporation in Webb County; RN101455624; 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, Laurie Eaves)

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

Item 58 **[Docket No. 2010-1923-MWD-E.](#)**

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

Item 59 [Docket No. 2010-2019-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Military Highway Water Supply Corporation in Cameron County; RN101524452; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Marty Hott, Laurie Eaves)

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

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

Item 60 [Docket No. 2011-0257-OSI-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Scott W. Wiler in Upshur County; RN103555769; for on-site sewage disposal violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Thomas Jecha, P.G., Laurie Eaves)

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

**PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS**

Item 61 [Docket No. 2011-0141-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against KHAN, INC. dba Khan's Food Mart in Dallas County; RN101550192; 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. BG/CR; all agree.

Item 62 [Docket No. 2010-0615-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Petroleum Wholesale, L.P. d/b/a Sunmart 363 in Orange County; RN102039039; for petroleum storage tank and 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 Agreed Order. BG/CR; all agree.

Item 63 [\*\*Docket No. 2011-0151-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against HAR26 INC dba Har26 Food Mart in Tarrant County; RN102719879; 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 64 [\*\*Docket No. 2010-2055-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Mujahid Nasir dba Terrys Food Mart 2 in Tarrant County; RN102017670; 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. (Rebecca Johnson, Laurie Eaves)

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

Item 65 [\*\*Docket No. 2011-0089-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Grapevine in Tarrant County; RN102064482; 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. (Roshondra Lowe, Laurie Eaves)

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

Item 66 [\*\*Docket No. 2011-0022-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against NEW EVEREST GROUP CORPORATION dba Lil's General Food Store in Tarrant County; RN101552966; 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 67 [\*\*Docket No. 2011-0168-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Lisa Motor Lines, Inc. in Tarrant County; RN100638527; for petroleum storage



tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Laurie Eaves)

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

Item 68 [\*\*Docket No. 2010-2007-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against FOUR HAYS, INC. dba Burluson Car Wash and Oil Change in Johnson County; RN101545119; 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. (Thomas Greimel, Laurie Eaves)

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

Item 69 [\*\*Docket No. 2010-0733-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Alameda Med Center, Inc. d/b/a Anatolian Trading, Inc. d/b/a Medical Center Shell in Harris County; RN101382745; 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. (Anna Treadwell, Lena Roberts)

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

Item 70 [\*\*Docket No. 2011-0210-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Anton N. Zaghoul dba Nicki's Kwik Stop in Tarrant County; RN101563823; 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 71 [\*\*Docket No. 2011-0114-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against J & S Trading, Inc. dba C Mart 6 in Travis County; RN104484928; 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 72 [\*\*Docket No. 2011-0185-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against SIBER ENTERPRISE, INC. dba Star Food N Grocery in Harris County; RN101273993; 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 73 [\*\*Docket No. 2011-0234-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Ruble Petroleum, Inc. dba Nat 24 #1 in Hunt County; RN102250933; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 74 [\*\*Docket No. 2011-0121-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Metro World Inc. dba Grab N Go in Tarrant County; RN102342094; 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. (Audra Benoit, Laurie Eaves)

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

Item 75 [\*\*Docket No. 2010-1708-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AB Grocery, Inc. in Harris County; RN102268620; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bridgett Lee, Laurie Eaves)

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

Item 76 [\*\*Docket No. 2011-0118-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Alcorp, Inc. dba Webberville Grocery in Travis County; RN101491777; 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. (Steve Villatoro, Laurie Eaves)

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

Item 77 [\*\*Docket No. 2010-2062-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against NORTH ATLANTIC TRADING, INC. dba Beer Barn in Denton County; RN101641595; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

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

Item 78 [\*\*Docket No. 2011-0017-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GOOD UNITED BUSINESS, INC. dba Walter's Food Mart in Harris County; RN104891775; 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 79 [\*\*Docket No. 2011-0145-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tao V. Nguyen dba Stop and Go Food Mart in Tarrant County; RN101551687; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 80 [\*\*Docket No. 2011-0099-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against S B Five Star Inc. dba M P Mart in Tarrant County; RN101542298; 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 81 [\*\*Docket No. 2010-0260-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Shell Petroleum, L.L.C. dba Shell Petroleum in Nueces County; RN101444149; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie

Eaves)

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

Item 82 **[Docket No. 2010-1962-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MEHAK & HARIS LLC dba Lucky 7 Beer & Wine in Tarrant County; RN102344892; 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.

**PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS**

Item 83 **[Docket No. 2010-1309-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Ameer Ali Jasani in Tyler County; RN101728350; 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. BG/CR; all agree.

Item 84 **[Docket No. 2010-1128-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of ANS Fina Business Enterprises Inc d/b/a ANS Fina in Dallas County; RN101569366; 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. (James Sallans, Lena Roberts)

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

Item 85 **[Docket No. 2010-1327-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Edwin Davis in Harris County; RN101833325; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)

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

**PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER**

Item 86 [\*\*Docket No. 2010-0911-PST-E.\*\*](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of STR Ventures, Inc. d/b/a Ella Food Mart in Harris County; RN105185946; 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 Default and Shutdown Order. BG/CR; all agree.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 87 [\*\*Docket No. 2010-1054-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Murvaul Water Supply Corporation in Panola County; RN101458214; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

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

Item 88 [\*\*Docket No. 2011-0008-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Barbara A. Graves dba Quick Stop in Jim Wells County; RN101255552; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Laurie Eaves)

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

Item 89 [\*\*Docket No. 2010-1171-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Henry M. Garza dba Cielo Azul Ranch in Hays County; RN101217792; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

Item 90 [\*\*Docket No. 2010-2083-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Traveling Tiger Centers LLC in Hudspeth County; RN101180529; 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 91 [\*\*Docket No. 2010-1922-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of East Tawakoni in Hunt County; RN102690310; 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. BG/CR; all agree.

Item 92 [\*\*Docket No. 2010-0715-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of George Naddour d/b/a Classic Station Shopping Center and Sonia Naddour d/b/a Classic Station Shopping Center in Harris County; RN101200368; 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 Agreed Order. BG/CR; all agree.

Item 93 [\*\*Docket No. 2011-0096-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Cameron in Milam County; RN101392215; 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 94 [\*\*Docket No. 2010-2059-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Prairie Grove Water Supply Corporation in Angelina County; RN101459758; 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. BG/CR; all agree.

Item 95 [\*\*Docket No. 2010-2070-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Moore Water Supply Corporation in Frio County; RN101234417; 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. BG/CR; all agree.

## **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 96 [\*\*Docket No. 2010-1232-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of The Anglers Lodge, LLC in Val Verde County; RN101243277; 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. (Tammy L. Mitchell, Lena Roberts)

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

Item 97 [\*\*Docket No. 2010-1586-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Felipe Posada d/b/a Key Road Subdivision Water Supply in Victoria County; RN104814447; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Anna Treadwell, Lena Roberts)

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

Item 98 [\*\*Docket No. 2010-1273-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against Gerald S. Smallwood d/b/a Highway 117 Water Supply Corporation in Uvalde County; RN101441053; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

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

## **UTILITIES ENFORCEMENT AGREED ORDER**

Item 99 [\*\*Docket No. 2010-1736-UTL-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BEAU RAY, INC. dba GREENLAND SQUARE SUBDIVISION WATER SYSTEM in Harris County; RN102743093; 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. BG/CR; all agree.

## **UTILITIES ENFORCEMENT DEFAULT ORDERS**

Item 100 [\*\*Docket No. 2010-1752-UTL-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Krebs Utilities, Inc. d/b/a Estates Water Corp in Harris County; RN101196897; for public water utilities violations pursuant to Tex. Water Code ch. 13, 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 101 [Docket No. 2010-1835-UTL-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Krebs Utilities, Inc. d/b/a Roving Meadows Water System in Harris County; RN101268977; for public water utilities violations pursuant to Tex. Water Code ch. 13, 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 102 [Docket No. 2010-1753-UTL-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Krebs Utilities, Inc. d/b/a K Lake Terrace in Harris County; RN101261568; for public water utilities violations pursuant to Tex. Water Code ch. 13, 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.

**WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 103 [Docket No. 2011-0330-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against RTI Hot Mix, Ltd. in Williamson County; RN104563473; 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 104 [Docket No. 2011-0058-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against L C Wholesale Pallet, LLC in Erath County; RN105448583; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Laurie Eaves)

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

Item 105 [Docket No. 2009-2072-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Magic Valley Concrete LLC in Hidalgo County; RN104693148; for water quality violations pursuant to Tex. Water Code chs. 7



and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

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

Item 106 [\*\*Docket No. 2010-2076-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against COMPASS DEVELOPMENT AND CONSTRUCTION, INC. in Jasper County; RN105938690; 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 107 [\*\*Docket No. 2010-1978-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Leander in Travis and Williamson Counties; RN105526925; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Laurie Eaves)

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

**WATER RIGHT ENFORCEMENT AGREED ORDER**

Item 108 [\*\*Docket No. 2010-1733-WR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Seventeen Lakes Homeowners Association, Inc. in Denton County; RN105990543; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Cheryl Thompson, Laurie Eaves)

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

**RULE MATTERS**

Item 109 [\*\*Docket No. 2010-0878-RUL.\*\*](#)

Consideration of the adoption of amendments to 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.512 and 114.517, and corresponding revisions to the state implementation plan. The adoption would allow enforcement of heavy-duty vehicle idling year-round; remove the expired prohibition for drivers using sleeper berths to idle in residential areas, school zones, and near hospitals; and remove expiration dates that are no longer applicable. Additionally, the adopted rulemaking would remove the duplicative exemption for a motor vehicle that has a gross vehicle weight rating of 14,000

pounds or less and replace it with a new exemption for armored vehicles; and retain the exemption for a motor vehicle when idling for heating or air conditioning while a driver is using the vehicle's sleeper berth for a government-mandated rest period and not within two miles of a facility offering external heating or air conditioning, which expired on September 1, 2009. The proposed rules were published in the February 11, 2011, issue of the *Texas Register* (36 TexReg 707). (Nina Castillo, Ross Henderson) (Rule Project No. 2009-054-114-EN)

Adopt the amendments to 30 TAC Sections 114.512 and 114.517 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/BG; all agree.

Item 110 **Docket No. 2010-2013-RUL.**

Consideration of the adoption of amended Section 101.27 of 30 TAC Chapter 101, General Air Quality Rules. The adoption would remove the carbon monoxide fraction from the fee equation, establish a base rate of \$25 per ton in the emissions fee calculation for Fiscal Year (FY) 2012, and allow annual adjustments of the base rate, as required for adequate fee revenue up to a predetermined cap of \$45. The adoption is anticipated to collect an additional \$9 million in fees for FY 2012. The commission collects annual fees from sources that are subject to the Titles IV and V (hereafter referred to as Title V) permitting requirements of the 1990 Federal Clean Air Act (FCAA) amendments, as required by Texas Health and Safety Code (THSC), Texas Clean Air Act, Section 382.0621, Operating Permit Fee. THSC, Section 382.0621 states the Commission shall collect an annual fee based on emissions for each source that is subject to FCAA, Title V. As part of an approved federal operating permit program, the Commission is required to demonstrate that the fees collected from Title V sources are sufficient to support the Title V program. The proposed rule was published in the March 11, 2011, issue of the *Texas Register* (36 TexReg 1641). (Kathy Pendleton, John Minter) (Rule Project No. 2011-006-101-EN)

Adopt the amendment to 30 TAC Section 101.27 regarding the calculation of annual air emission fees, as recommended by the Executive Director. BG/CR; all agree.

Item 111 **Docket No. 2011-0755-RUL.**

Consideration for publication of, and hearing on, proposed amendments to 30 TAC Chapter 336, Radioactive Substance Rules, Sections 336.1, 336.2, 336.103, 336.105, 336.210, 336.305, 336.309, 336.331, 336.359, and 336.405; and proposed new Sections 336.351 and 336.357. The proposed rulemaking would revise the Commission's radiation control rules to ensure compatibility with regulations promulgated by the United States Nuclear Regulatory Commission (NRC). The state must adopt compatible rules to maintain the status of Texas as an Agreement State authorized to administer a portion of the radiation control program under the Atomic Energy Act. The proposed rulemaking would also amend the fees charged for facilities regulated under Subchapter L of Chapter 336 (Licensing of Source Material Recovery and By-Product Material Disposal Facilities). The proposed fee shall recover for the state the actual

expenses arising from the regulatory activities associated with the license. The proposed rulemaking would also clarify the requirements for license fees to fund the Radiation and Perpetual Care Account. (Devane Clarke, Don Redmond) (Rule Project No. 2011-011-336-PR)

Approve publication of, and hearing on, proposed amendments to the existing sections and proposed new sections of 30 TAC Chapter 336, as recommended by the Executive Director. CR/BG; all agree.

### **EXECUTIVE SESSION**

**Item 112 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 113 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 114 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/ Elaine Lucas  
Assistant General Counsel,  
Elaine Lucas

8/4/2011  
Date