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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

August 3, 2011

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 [**TCEQ Docket No. 2009-1872-DIS; SOAH Docket No. 582-11-0486.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding Roman Forest Consolidated Municipal Utility District's petition to levy a uniform annual standby fee to supplement its operation and maintenance account, pursuant to Texas Water Code Section 49.231, in Montgomery County, Texas. The Commission will also consider the record, timely related filings, and exceptions and replies. (Dinniah C. Tadema, Ruben Soto, Jr.)

Adopt the ALJ's Proposed Order with the changes recommended by the Executive Director in his exceptions and agreed to by the ALJ in his reply letter dated July 6, 2011; and approve for the District an annual operations and maintenance standby fee of \$190 per equivalent single-family connection on unimproved property within the District for the years 2010, 2011 and 2012. BG/CR; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 [**Docket No. 2011-0878-MWD.**](#)

Consideration of the application by City of Bovina for a major amendment of TCEQ Permit No. WQ0014730001, to authorize a reduction in five-day biochemical oxygen demand monitoring frequency. Both the existing permit

and draft permit authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day via surface irrigation of 63 acres of non-public access pastureland. The wastewater treatment facility and disposal site are located approximately 0.75 mile northeast of the intersection of State Highway 86 and East Street, to the south of State Highway 86 in Parmer County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Robert Brush, Julian Centeno, Jr.)

Deny the hearing request filed by Laurance Kriegel; issue amended permit no. WQ0014730001 to the City of Bovina; and adopt the Executive Director's Response to Comments. CR/BG; all agree.

Item 3 [Docket No. 2011-0935-MSW.](#)

Consideration of an application by Micro Dirt, Inc. dba Texas Organic Recovery for a permit to authorize a Type V municipal solid waste liquid processing and composting facility (Proposed MSW Permit No. 2361) under 30 Texas Administrative Code Chapters 330 & 332. The facility is located at 15500 Goforth Road, Creedmoor, Travis County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Jose Caso, Steve Shepherd, and Eric Beller)

Grant the hearing requests of H. Philip Whitworth, Ann Whitworth Messer, Julie Moore, Juli Phillips, Thomson Family Limited Partnership, Joe Gunn, Dorothy Gunn, Jay Gunn and Corinna Gunn; refer the following issues to the State Office of Administrative Hearings (SOAH) for a contested case hearing with a concurrent referral to the Commission's ADR program: A) Whether the Applicant's proposed composting facility and proposed liquid waste processing facility will adequately protect surface water and groundwater and have an adequate groundwater monitoring system; B) Whether the application for the proposed composting facility contains adequate Groundwater Investigation and Subsurface Investigation Reports; C) Whether the Applicant's proposed facility will be able to contain a worst case spill or release from the proposed liquid waste processing facility; D) Whether the amount of the financial assurance for the proposed facility is sufficient for closure; E) Whether the application includes adequate fire protection provisions; F) Whether the Applicant's compliance history has been adequately considered; G) Whether the application adequately provides for odor and vector control for the proposed composting facility and the proposed liquid waste processing facility; H) Whether the application adequately addresses traffic concerns; I) Whether the application provides an adequate waste acceptance plan for the proposed composting facility and adequate waste analysis plan for the proposed liquid waste processing facility ; J) Whether the application provides adequate end-product testing, sampling, and analysis procedures for the proposed composting facility; direct the Executive Director to participate in the contested case hearing; specify the maximum duration of the hearing as 12 months from the preliminary hearing to the issuance of the Proposal for Decision. BG/CR; all agree.

Item 4 [Docket No. 2011-0739-MWD.](#)

Consideration of the application by Kaufman County Fresh Water Supply District No. 1A for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013910001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 600,000 gallons per day at Outfall 001 and to remove the authorization to discharge a daily average flow not to exceed 350,000 gallons per day at Outfall 002. The facility is located approximately 600 feet north of U.S. Highway 80, approximately two miles east of the City of Forney in Kaufman County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Alicia Ramirez, Julian Centeno, Jr.)

Deny the hearing request pursuant to Texas Water Code Section 26.028(d) and 30 TAC Section 55.201(i)(5); issue the renewal of TPDES Permit No. WQ0013910001 to Kaufman County Fresh Water Supply District No. 1A; and adopt the Executive Director's Response to Comments. CR/BG; all agree.

EMERGENCY ORDER

Item 5 [Docket No. 2011-0976-UCR-E.](#)

Consideration of whether to affirm, modify, or set aside the Emergency Order issued on June 17, 2011, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility ("Utility") by Leann Baker, Allan Stuart, Terri Stuart, Lee Willis, Tommy Carrell, and Pleasure Point Homeowners Association, Inc.; TCEQ ID No. RN101281749; RN101217982; CCN No. 11734, to ensure continued operation of the Utility and to provide continuous and adequate water service to the customers. The Emergency Order appointed Kelley Holcomb as temporary manager of the Utility's public water system located off State Highway 147, on Allen Street, approximately 3.5 miles from Zavalla, Angelina County, Texas. (Peipey Tang)

Affirm the Executive Director's Emergency Order appointing the temporary manager for the public water system serving the Pleasure Point Subdivision, but modify the Emergency Order to remove Tommy Carrell as a Respondent; and direct the Office of General Counsel to redraft the proposed Commission Order to more accurately describe the initial inclusion and later removal of Tommy Carrell as a Respondent. BG/CR; all agree.

MISCELLANEOUS MATTERS

Item 6 [Docket No. 2011-0877-RES.](#)

Consideration of a Resolution to appoint four members to the Pollution Prevention Advisory Committee of the Texas Commission on Environmental Quality. The Pollution Prevention Advisory Committee is a committee that advises the Commission on matters involving the state's pollution policies (Section 361.502 of the Solid Waste Disposal Act), and assists in developing

strategies for promoting public awareness of pollution prevention strategies. The new members would fill four-year terms that expire on August 31, 2015. (Brian Christian, Ted Hazen)

Adopt the Executive Director's recommended resolution filling the vacancies of The Pollution Prevention Advisory Committee as follows: 1) Appoint Christine Banks and Lynne S. Nava as representatives of the Environmental or Public Interest Groups; and 2) Jack P. Holmes and Richard M. Abramowitz as representatives from the Regulated Community. CR/BG; all agree.

Item 7 [Docket No. 2011-1136-AUD.](#)

Consideration of Revisions to the TCEQ Chief Auditor's Office Charter and consideration of the 2012 Audit Plan. (Carlos Contreras)

Approve the Chief Auditor's Charter and annual Audit Plan, as proposed. BG/CR; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8 [Docket No. 2010-1757-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tristar Aggregates 1, LLC in Wilson County; RN106029689 and RN105802227; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

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

Item 9 [Docket No. 2011-0224-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Century Asphalt, Ltd. in Fort Bend County; RN102180437; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Laurie Eaves)

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

Item 10 [Docket No. 2011-0276-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Austin in Travis County; RN100215052; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Allison Fischer, Laurie Eaves)

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

Item 11 [**Docket No. 2010-1828-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. (Rebecca Johnson, Laurie Eaves)

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

Item 12 [**Docket No. 2010-1153-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Equistar Chemicals, LP in Nueces County; RN100221662; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

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

Item 13 [**Docket No. 2011-0116-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Joe Bland Construction, L.P. in Travis County; RN106049927; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 14 [**Docket No. 2011-0271-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Linde Gas North America LLC in Harris County; RN103080487; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

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

Item 15 [**Docket No. 2011-0281-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Hansford County; RN100219955; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 16 [**Docket No. 2011-0202-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Jefferson County; RN100209857; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Todd Huddleson, Laurie Eaves)

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

Item 17 [**Docket No. 2010-2020-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City Ready Mix, Inc. in Webb County; RN101984821; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 18 [**Docket No. 2011-0245-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enbridge Pipelines (Texas Gathering) L.P. in Hemphill County; RN105170930; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Todd Huddleson, Laurie Eaves)

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

Item 19 [**Docket No. 2011-0142-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kaneka Texas Corporation in Harris County; RN100218841; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Laurie Eaves)

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

Item 20 [**Docket No. 2011-0208-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Orange

County; RN100542711; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 21 [**Docket No. 2011-0329-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LBC Houston, L.P. in Harris County; RN101041598; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Laurie Eaves)

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

Item 22 [**Docket No. 2010-2023-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. CR/BG; all agree.

Item 23 [**Docket No. 2011-0051-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Dow Chemical Company in Brazoria County; RN100225945; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Allison Fischer, Laurie Eaves)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 24 [**Docket No. 2010-2054-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eric Stoltz dba Texas Vintage Trailer in Comal County; RN106009525; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (JR Cao, Laurie Eaves)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 25 [Docket No. 2010-1894-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of USGreentech, L.L.C. dba USGreentech in McCulloch County; RN104360144; 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. (Mike Pace, Laurie Eaves)

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

Item 26 [Docket No. 2010-1575-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against LYONDELL CHEMICAL COMPANY in Harris County; RN100633650; 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. (Wallace Myers, Laurie Eaves)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT DEFAULT ORDER

Item 27 [Docket No. 2010-0519-IHW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Vickers Industrial Coatings, Inc. in Harris County; RN101517399; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey Huhn, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 28 [Docket No. 2011-0014-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Lubrizol Corporation in Harris County; RN100221589; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Laurie Eaves)

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

Item 29 [Docket No. 2011-0110-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Wolf Hollow I, L.P. in Hood County; RN100219195; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Laurie Eaves)

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

IRRIGATION LICENSING ENFORCEMENT AGREED ORDER

Item 30 [Docket No. 2010-1861-LII-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Joshua W. Howells in Blanco County and Bexar County; RN105907174; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 31 [Docket No. 2010-1793-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of John A. Scales in McLennan County; RN103223038; 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. (Marshall Coover, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 32 [Docket No. 2011-0357-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BRITTANY HILL WATER ASSOCIATION, INC. in Denton County; RN102672730; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Laurie Eaves)

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

Item 33 [Docket No. 2011-0317-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Badger Rotary Drilling, LLC dba Badger Oilfield Construction in Stephens County; RN106051758; 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. (Rajesh Acharya, Laurie Eaves)

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

Item 34 [**Docket No. 2011-0140-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Norma Kluna in Waller County; RN105918965; 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. (Heather Podlipny, Laurie Eaves)

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

Item 35 [**Docket No. 2010-0417-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Robert Lee in Coke County; RN101920163; RN101198174; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

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

Item 36 [**Docket No. 2011-0293-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ernest Yanez Sr. in Refugio County; RN105951313; 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. (Bridgett Lee, Laurie Eaves)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 37 [**Docket No. 2011-0127-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Yorktown in DeWitt County; RN103025805; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Laurie Eaves)

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

Item 38 [**Docket No. 2011-0303-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of H & K JOLLY LLC in Clay County; RN103012720; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

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

Item 39 [**Docket No. 2010-1847-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Azle in Tarrant County; RN101609873; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 40 [**Docket No. 2010-2084-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the San Antonio Water System in Bexar County; RN103119020, RN100851518; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Laurie Eaves)

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

Item 41 [**Docket No. 2011-0015-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Archdiocese of Galveston-Houston in Montgomery County; RN101523215; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Laurie Eaves)

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

Item 42 [**Docket No. 2009-0526-MWD-E.**](#)

Consideration of an Agreed Order assessing reimbursement of administrative costs and requiring certain actions of United States Army Corps of Engineers in Grayson County; RN102096658, RN102450889, and RN102184124; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

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

Item 43 [**Docket No. 2011-0170-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Lower Colorado River Authority in Travis County; RN102077989; for water quality 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. (Samuel Short, Laurie Eaves)

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

Item 44 [**Docket No. 2011-0026-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Northampton Municipal Utility District in Harris County; RN102845989; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

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

Item 45 [**Docket No. 2011-0123-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kingsville in Kleberg County; RN101612976; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 46 [**Docket No. 2011-0158-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Mallard Point WWTP, LLC in Hunt County; RN102342722; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Laurie Eaves)

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

Item 47 [**Docket No. 2010-1448-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Holland in Bell County; RN102075983; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the

rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 48 [**Docket No. 2011-0080-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against MKSN INVESTMENTS, LLC dba Maxey Gas and Food Mart in Harris County; RN105819262; 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)

Remanded to the Executive Director.

Item 49 [**Docket No. 2010-1136-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AA Enterprises, Inc. d/b/a Captain Food Store in Montgomery County; RN101780906; 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 50 [**Docket No. 2010-0943-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ONE STOP FOOD STORES, INC. d/b/a One Stop Express in Dallas County; RN102287281; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 51 [**Docket No. 2011-0414-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Heng Khun dba Billy's Beer & Wine in Hunt County; RN102785490; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Laurie Eaves)

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

Item 52 [**Docket No. 2011-0153-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against SALIMA ROHEEN, INC dba Willies Mart 3 in Tarrant County; RN102382835; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 53 [**Docket No. 2011-0049-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against FOUR STAR, INC. dba E-Z Stop Groc & Gas in Travis County; RN101499457; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Laurie Eaves)

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

Item 54 [**Docket No. 2011-0143-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RZN Enterprises, Inc. dba Anderson Foods Market in Travis County; RN101700615; 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. (Allison Fischer, Laurie Eaves)

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

Item 55 [**Docket No. 2010-2009-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 786 TEXAS GAS, INC. dba Cowboy Truck Stop in Jefferson County; RN102927894; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 56 [**Docket No. 2011-0148-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Russell Andrepont dba Russells Texaco in Jefferson County; RN102957503; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bridgett Lee, Laurie Eaves)

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

Item 57 [**Docket No. 2010-1700-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PSJS ENTERPRISES INC dba Texaco Beer & Wine in Dallas County; RN100536549; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 58 [**Docket No. 2010-0449-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BA PROPERTIES MANAGEMENT, INC. DBA Cherry Food Mart FDBA Sunmart 421 in Harris County; RN101922268; 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. (Tammy L. Mitchell, Lena Roberts)

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

Item 59 [**Docket No. 2011-0115-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against EVERBRITE ENTERPRISES, INC. dba Don's Short Stop in Travis County; RN102356110; 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. CR/BG; all agree.

Item 60 [**Docket No. 2011-0097-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DEWAN ENTERPRISES, INC. dba Marium Food Mart in Tarrant County; RN102347812; 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. CR/BG; all agree.

Item 61 [**Docket No. 2011-0295-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of JDJ COMPANY INCORPORATED dba Kountry Korner in Johnson County; RN102057056; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Laurie Eaves)

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

Item 62 [**Docket No. 2011-0146-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fort Worth Transportation Authority in Tarrant County; RN102029121; 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. (Wallace Myers, Laurie Eaves)

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

Item 63 [**Docket No. 2011-0335-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Am-Go Group, Inc dba Xpressway in Hunt County; RN101555498; 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. CR/BG; all agree.

Item 64 [**Docket No. 2011-0178-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dang Cong Huynh in Tarrant County; RN101378099; 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. (Samuel Short, Laurie Eaves)

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

Item 65 [**Docket No. 2010-0855-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Blackthorne Services, L.L.C. dba Waller County Line in Waller County; RN102425279; 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. CR/BG; all agree.

Item 66 [**Docket No. 2011-0242-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Josh & Josh Inc. dba TL Food Store in Tarrant County; RN104459466; 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 Clausewitz, Laurie Eaves)

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

Item 67 [**Docket No. 2011-0231-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against YATIM CAPITAL INVESTMENTS, L.L.C. dba Ramy's Mart in Collin County; RN101534667; 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. CR/BG; all agree.

Item 68 [**Docket No. 2011-0235-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against SHAILA INTERNATIONAL INC. dba Super Food Store in Jefferson County; RN102404985; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 69 [**Docket No. 2011-0373-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ravi Bhasin dba Mr Minit Exxon in Hunt County; RN101557759; 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. CR/BG; all agree.

Item 70 [**Docket No. 2009-1631-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Elim Gas Station Corporation d/b/a Speed Max 4 in Collin County; RN101564391; 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. (Gary K. Shiu, Lena Roberts)

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

Item 71 [**Docket No. 2011-0333-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against BARAKATS CORPORATION dba Caddo Mill Crossing in Hunt County; RN101558930; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 72 [**Docket No. 2011-0477-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Shanil Oil Company dba Sunshine Beaumont in Jefferson County; RN102408614; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)

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

Item 73 [**Docket No. 2011-0088-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Houston in Harris County; RN102405149; 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. (Epifanio Villarreal, Laurie Eaves)

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

Item 74 [**Docket No. 2011-0323-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against N H A J, L.C. dba Bestop 4 in Harris County; RN101839207; 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. (Mike Pace, Laurie Eaves)

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

Item 75 [Docket No. 2011-0090-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Allauddin Noorali Momin dba 6-M Grocery in Travis County; RN101183937; 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. CR/BG; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 76 [Docket No. 2011-0149-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Rajinder Singh d/b/a K Food Mart in Hunt County; RN102957180; 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 and Shutdown Order. CR/BG; all agree.

Item 77 [Docket No. 2011-0091-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of ROOHI-JOOHI INC. d/b/a Double M Grocery in Travis County; RN102447695; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 78 [Docket No. 2011-0294-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Concho Rural Water Corporation in Tom Green County; RN101215853; 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, Laurie Eaves)

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

Item 79 [Docket No. 2010-1211-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dana L. Miller d/b/a Hawkins System in Denton County; RN103915120; for public drinking water violations pursuant to Tex.

Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

Item 80 [**Docket No. 2011-0129-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pure Water Supply Corporation in McLennan County; RN102674850; 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. (Michaelle Sherlock, Laurie Eaves)

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

Item 81 [**Docket No. 2010-1840-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tempe Water Supply Corporation in Polk County; RN101456762; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie Eaves)

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

Item 82 [**Docket No. 2010-1959-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against PARS PROPERTIES, INC. in Montgomery and Harris Counties; RN101260313, RN101269363, RN102677374, RN101270965, RN101227478; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Byington, Laurie Eaves)

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

Item 83 [**Docket No. 2011-0094-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FOSTER CONSOLIDATED INVESTMENTS, L.L.C. dba Chaparral III in Williamson County; RN101219384; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 84 [**Docket No. 2010-0901-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and

requiring certain actions of Evelyn Patricia Walker d/b/a Walker Waterfront in Polk County; RN101277770; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tammy L. Mitchell, Lena Roberts)

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

Item 85 [Docket No. 2010-1633-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Yetta Hustead d/b/a/ High Five Bar & Grill in Brazoria County; RN101221240; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephanie Frazee, Lena Roberts)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 86 [Docket No. 2010-1994-SLG-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Robert L. Rodriguez, Jr. dba Robert & Robert in Travis County; RN105623623; for water quality violations pursuant to Tex. Health & Safety Code ch. 361, 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. (JR Cao, Laurie Eaves)

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

UTILITIES ENFORCEMENT AGREED ORDER

Item 87 [Docket No. 2010-2047-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Aqua Texas, Inc. in Harris County; RN104393194; for affected utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Laurie Eaves)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 88 [Docket No. 2011-0239-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Dominion Homes, L.P. in Randall County; RN104741004; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Laurie Eaves)

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

Item 89 [Docket No. 2010-1488-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Meadows at Quail Run GP, LLC in Wilson County; RN103764213; 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. (Gary K. Shiu, Lena Roberts)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 90 [Docket No. 2010-0942-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Michael Lamendola d/b/a Windsor Custom Homes in Travis County; RN105656466; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 91 [Docket No. 2010-1976-WR-E.](#)

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

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

RULE MATTER

Item 92 [Docket No. 2009-2039-RUL.](#)

Consideration for publication of, and hearing on, amended Sections 114.6, 114.312, and 114.314 - 114.319, repealed Section 114.313, and new Section 114.313 of 30 Texas Administrative Code, Chapter 114, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the state implementation plan. The proposed rulemaking would define biodiesel and biodiesel blends; require currently approved and new alternative diesel fuel formulations for biodiesel blends of up to 20% biodiesel by volume to comply with the active version of the American Society for Testing and Materials (ASTM) D7467 (Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20)); establish new designated alternative limits for Texas low emission diesel fuel properties; remove expired registration requirements and establish new registration requirements for identifying production and import facilities; revise approval procedures for alternative diesel fuel formulations; specify that all approved alternative diesel formulations are subject to revocation if emissions

performance is not maintained; allow all alternative diesel formulations approved by the Texas Commission on Environmental Quality prior to September 1, 2011, to remain in effect; revise reporting requirements to include production and import facility data; require alternative emission reduction plans using the Unified Model to determine compliance each calendar quarter; remove expired early gasoline sulfur reduction credits provisions; and make other clarifying changes as needed for accuracy and consistency. (John Minter, Morris Brown) (Rule Project No. 2009-001-114-EN)

Removed from the August 3, 2011 agenda.

EXECUTIVE SESSION

Item 93 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.

Provide General Counsel, Les Trobman, a 4 percent raise for his excellent work he has conducted here at the TCEQ. BS/CR; all agree.

Item 94 Docket No. 2011-0002-EXE.

The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 95 Docket No. 2011-0003-EXE.

The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

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

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

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

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

 /s/ Shannon Strong
Assistant General Counsel,
Shannon Strong

 8/15/2011
Date