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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 17, 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. 2010-0660-AIR; SOAH Docket No. 582-10-5281.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and proposed Order regarding the application of Tommy Davis dba Slick Machines for new Air Quality Permit No. 82199L002 pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 116 and the Tex. Health & Safety Code Chapter 382 to authorize the Change of Location of a rock crushing plant from Desdemona, Eastland County to Glen Rose, Somervell County. The plant site is to be located 200 yards east of 11209 U.S. Highway 67 near Glen Rose, Somervell County, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Erin Selvera, Larry Buller)

Deny the application by Tommy Davis dba Slick Machines for an Air Quality Permit; adopt the ALJ's proposed Order with the following modifications: 1) Add the following two new Conclusions of Law to be inserted before existing Conclusion of Law No. 8; a) "Therefore, the Commission cannot find that the proposed facility will use at least BACT and that there is no indication that the emissions from the facility will contravene the intent of the Tex. Health & Safety Code Chapter 382."; and also add b) "Moreover, because Applicant has failed to present a meaningful prefiled direct case, the Commission cannot identify specific objections to the submitted plans of the proposed facility."; 2) the following phrase should also be inserted at the beginning of existing Conclusion of Law No. 8: "For these reasons and"; 3) Renumber the

Conclusions of Law as necessary; and Adopt the Executive Director's Response to Comments to the extent not inconsistent with this Order. CR/BG; all agree.

Item 2 **[TCEQ Docket No. 2009-0942-PST-E; SOAH Docket No. 582-10-1638.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision On Remand and Order assessing administrative penalties and requiring certain actions of Federico C. Villarreal dba A-1 Paint & Body Shop aka A-1 Paint & Body Works in DeWitt County, Texas; RN101741932; 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. The Commission will also consider the record, timely related filings, exceptions and replies. (Phillip M. Goodwin)

Adopt the Executive Director's Proposed Order incorporating into the ALJ's Proposed Order the Executive Director's Exceptions making clarifying and typographical corrections as agreed to by the ALJ in his letter dated July 18, 2011. BG/CR; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3 **[Docket No. 2011-0794-IWD.](#)**

Consideration of the application by Aspen Power, L.L.C. for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004921000, to authorize the discharge of cooling tower blowdown commingled with previously monitored effluent (low volume wastewater) at a daily average flow not to exceed 214,000 gallons per day. The wastewater treatment facility will be located approximately 0.5 mile east of intersection of State Highway 103 and Kurth Drive in the City of Lufkin in Angelina 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. (Robin Smith, John Onyenobi)

Grant the hearing request of SI Ltd., refer the following issues to the State Office of Administrative Hearings for a contested hearing: 1) Whether the proposed facility will negatively impact surface water quality; 2) Whether the proposed facility will negatively impact human or animal health; 3) Whether the proposed discharge of dissolved solids and oil and grease will negatively impact human health or the environment; and 4) Whether the proposed facility will negatively affect the existing impairment of Segment No. 0615 of the Neches Basin under Clean Water Act Section 303(d); direct the Executive Director to participate in the contested case hearing; specify the maximum duration of the hearing as 9 months from preliminary hearing to the issuance of the Proposal for Decision. CR/BG; all agree.

Item 4 **[Docket No. 2011-1071-MSW.](#)**

Consideration of an application by Ruffino Hills Transfer Station, L.P. (Ruffino Hills), for a permit amendment, proposed Municipal Solid Waste (MSW) Permit No. 1355A, to authorize an existing transfer station to increase its maximum daily process rate to 2,000 tons per day and to expand the hours of operation and waste acceptance. The facility is located at 9720 Ruffino Road,

approximately 0.5 mile east-southeast of the intersection of U.S. Highway 59 and Beltway 8 in the city of Houston, Harris County, Texas 77031. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Anthony Tatu, Daniel Ingersoll, Steve Odil)

Grant the hearing requests of the Glenshire Community Association, Coalition Against Ruffino Trash Transfer Station, Raindrop Turkish House; refer the matter to the State Office of Administrative Hearings to consider the following issues: A) Whether the requirements proposed in the application and incorporated into the permit would be adequate to protect against odor, noise and other nuisance conditions; B) Whether the requirements proposed in the application and incorporated into the permit would be adequate to protect human health and safety; C) Whether the requirements proposed in the application and incorporated into the permit would be adequate to prevent vectors in the area of the facility; and D) Whether the roads in the area are adequate for the volume of traffic that will be generated by the activity of the facility; E) Whether the proposed facility is compatible with surrounding land use; set a hearing duration of 1 year from the preliminary hearing to the issuance of the Proposal for Decision; direct the Executive Director to participate in the contested case hearing; and deny the requests for reconsideration submitted by Howard Plotkin and by Virgil W. Fivecoate. BG/CR; all agree.

USE DETERMINATION MATTER

Item 5 **[Docket No. 2011-0996-MIS-U.](#)**

Consideration of the appeal filed by Williams Field Services-Gulf Coast Company with regard to the Executive Director's negative use determination for Application No. 14534, dated May 16, 2011, concerning certain property at the Williams Field Services-Gulf Coast Company's Markham Gas-Processing Facility in Matagorda County, Texas. The Commission will also consider all timely responses and reply briefs.

Deny Williams Field Services-Gulf Coast Company's appeal of the Executive Director's negative use determination. CR/BG; all agree.

MISCELLANEOUS MATTER

Item 6 **[Docket No. 2010-1156-UCR.](#)**

Consideration of a request for a Commission order approving a contract designating service areas between the Lower Colorado River Authority (LCRA), Certificate of Convenience and Necessity (CCN) No. 11670, and Sunfield Municipal Utility District No. 4 (Sunfield), CCN No. 13116, in Travis and Hays Counties, Texas, pursuant to Texas Water Code Section 13.248. The Agreement concerns a water service area of 1,800 acres in Travis and Hays Counties that is currently dually certificated to LCRA and Sunfield. The agreement provides that LCRA will release its rights to the dually-certificated area and that Sunfield will remain as the sole CCN holder for that service area. There are no customers in the 1,800 acres, and there will be no transfer of facilities. (Jose Caso, Lisa Fuentes)

Approve the contract designating service areas between Sunfield MUD No. 4 and LCRA under TWC Section 13.248 which will result in the decertification of approximately 1,800 acres from LCRA's water CCN and issue the Executive Director's proposed Order. BG/CR; all agree.

BUDGET MATTER

Item 7 **[Docket No. 2011-1160-BGT.](#)**

Consideration and Approval of the Agency's FY 2012 Recommended Operating Budget.

Approve the TCEQ's FY 2012 Operating Budget, as recommended by the Executive Director. CR/BG; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 8 **[Docket No. 2010-2045-AGR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Amanda Koller, Christina Koller, and Johnny Minze Koller dba Koller Dairy in Camp County; RN102792306; 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.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 9 **[Docket No. 2011-0602-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Aus-Tex Body & Frame, Inc. in Travis County; RN106099658; 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 10 **[Docket No. 2010-1869-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of John Alihemati d/b/a Station 66 in El Paso County; RN103937389; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

Item 11 **[Docket No. 2011-0223-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and

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

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

Item 12 [**Docket No. 2011-0312-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. (Audra Benoit, Laurie Eaves)

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

Item 13 [**Docket No. 2010-1456-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Southwest Grain Co. in Hidalgo County; RN102570926; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary Shiu, Lena Roberts)

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

Item 14 [**Docket No. 2011-0503-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Martin Operating Partnership L.P. in Hale County; RN102548864; 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. 2011-0358-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. (Trina Grieco, Laurie Eaves)

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

Item 16 [**Docket No. 2010-0703-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AET Inc. Limited in Jefferson County; RN105885180; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

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

Item 17 [**Docket No. 2011-0287-AIR-E.**](#)

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

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

Item 18 [**Docket No. 2011-0214-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PVR Gas Resources, LLC in Ochiltree County; RN100222785; 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 19 [**Docket No. 2011-0039-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of J-W Operating Company in Wise County; RN100791417; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Laurie Eaves)

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

Item 20 [**Docket No. 2011-0198-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100210319; for air quality violations pursuant to Tex. Health & Safety Code

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

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

Item 21 [**Docket No. 2011-0131-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Cherokee Water Company in Gregg County; RN105948533; 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 22 [**Docket No. 2011-0192-AIR-E.**](#)

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

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

Item 23 [**Docket No. 2011-0222-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. BG/CR; all agree.

Item 24 [**Docket No. 2011-0396-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102212925; 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 25 [**Docket No. 2011-0451-AIR-E.**](#)

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

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

Item 26 [**Docket No. 2010-1147-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brothers Materials, Ltd. in Webb County; RN103004099 and RN103004081; for air quality violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey Huhn, Lena Roberts)

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

Item 27 [**Docket No. 2011-0308-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. (Todd Huddleson, Laurie Eaves)

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

Item 28 [**Docket No. 2010-0088-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. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey Huhn, Lena Roberts)

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

Item 29 [**Docket No. 2011-0297-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Hutchinson County; RN100216613; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch.

60. (Heather Podlipny, Laurie Eaves)

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

Item 30 [**Docket No. 2011-0406-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Harris County; RN100229905; 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 31 [**Docket No. 2011-0283-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against WTG Gas Processing, L.P. in Howard County; RN100211473; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Laurie Eaves)

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

Item 32 [**Docket No. 2011-0260-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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 33 [**Docket No. 2011-0409-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PromiseLand San Marcos in Hays County; RN104793641; 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. BG/CR; all agree.

FIELD CITATIONS

Item 34 [**Docket No. 2011-0789-WOC-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Melvin E. Wilson in Hunt County; RN105644298; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)

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

Item 35 [**Docket No. 2011-0826-WOC-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Beatrice Hernandez in Jones County; RN103682639; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)

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

Item 36 [**Docket No. 2011-0795-WOC-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Larry R. Williams in Jones County; RN106115538; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)

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

Item 37 [**Docket No. 2011-0680-WQ-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Emmons Construction Management, LC in Bell County; RN106094360; 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 38 [**Docket No. 2011-0753-WQ-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Clarity Homes, LTD. in Parker County; RN106078371; 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 39 [Docket No. 2011-0681-WQ-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Rose City Sand Corporation in Orange County; RN104257209; 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 ORDERS

Item 40 [Docket No. 2010-0424-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cemex Construction Materials South, LLC f/k/a Cemex Cement of Texas, LP in Comal County; RN102605375; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 41 [Docket No. 2010-1729-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DIAMOND SHAMROCK REFINING COMPANY, L.P. in Live Oak County; RN100542802; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Laurie Eaves)

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

Item 42 [Docket No. 2010-0888-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Intergulf Corporation in Harris County; RN101517852; 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. (Kari Gilbreth, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 43 [Docket No. 2010-0224-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LANXESS Corporation in Orange County; RN100825363; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, Laurie Eaves)

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

Item 44 [Docket No. 2011-0441-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of R & S CONCRETE, L.L.C. in Harris County; RN101916997; 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.

IRRIGATION LICENSING ENFORCEMENT AGREED ORDER

Item 45 [Docket No. 2011-0265-LII-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Jefferson, Neil D in Collin County; RN104318993; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Nadia Hameed, Laurie Eaves)

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

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 46 [Docket No. 2010-1385-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Mike Jason Tilley in Collin County; RN103354742; 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 Default Order. BG/CR; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 47 [Docket No. 2011-0246-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against STANDARD WASTE SERVICES, LLC in Bexar County; RN100684059; 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. (Andrea Park, Laurie Eaves)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 48 [Docket No. 2011-0527-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against CHILTON WATER SUPPLY AND SEWER SERVICE CORPORATION in Falls County; RN102285814; 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 49 [Docket No. 2011-0351-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Lovelady in Houston County; RN102185543; 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 50 [Docket No. 2011-0070-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of La Joya Independent School District in Hidalgo County; RN103914230; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Laurie Eaves)

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

Item 51 [Docket No. 2011-0047-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Operations, Inc. and City of Kyle in Hays County; RN102182680; 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 52 [**Docket No. 2010-1872-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Montgomery in Montgomery County; RN101920106; 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 53 [**Docket No. 2011-0160-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Gray Utility Service L.L.C. in Chambers County; RN101525806; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

Item 54 [**Docket No. 2011-0154-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MANKI LLC in Polk County; RN103759106; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Laurie Eaves)

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

Item 55 [**Docket No. 2011-0258-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Salvation Army in Ellis County; RN102769098; 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 56 [**Docket No. 2010-1977-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Thornton in Limestone County; RN102844461; 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 57 [**Docket No. 2011-0217-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against MPR Investments, LLC in Johnson County; RN101613461; 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 58 [**Docket No. 2010-1233-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Munday in Knox County; RN103016192; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Laurie Eaves)

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

Item 59 [**Docket No. 2010-1885-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Cisco in Eastland County; RN102186533; 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 60 [**Docket No. 2011-0439-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Oglesby in Coryell County; RN101918704; 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.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 61 [**Docket No. 2010-0538-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ganiu Bello in Tarrant County; RN100801232; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sharesa Y. Alexander, Lena Roberts)

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

Item 62 [**Docket No. 2011-0369-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SCHILLING OIL CO. INC. in Cooke County; RN101566818; 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. (Brianna Carlson, Laurie Eaves)

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

Item 63 [**Docket No. 2011-0302-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against TA Operating LLC dba Baytown Travel Center in Harris County; RN102463700; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Laurie Eaves)

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

Item 64 [**Docket No. 2011-0075-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against FTR-FIRST TEXAS REALTY, LTD. dba Time Saver Grocery in Harris County; RN101790608; 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 65 [**Docket No. 2011-0334-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against EKN CORPORATION dba SSG All Seasons in Harris County; RN101741403; 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 66 [**Docket No. 2011-0164-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Irkasa Inc. dba Grapevine Market 2 in Tarrant County; RN101562569; 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 67 [**Docket No. 2011-0134-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Arlington in Tarrant County; RN101998243; RN101385714 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. (Michaelle Sherlock, Laurie Eaves)

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

Item 68 [**Docket No. 2011-0277-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Speedy Shop, LLC dba Kold Spot #31 in Tarrant County; RN101551281; 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. (Philip Aldridge, Laurie Eaves)

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

Item 69 [**Docket No. 2011-0251-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Joseph T. Endari dba Endari's Exxon in Jefferson County; RN101628238; 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. (Bridgett Lee, Laurie Eaves)

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

Item 70 [**Docket No. 2011-0362-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against SANR, INC. dba China Market in Jefferson County; RN101763282; 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. (Michael Pace, Laurie Eaves)

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

Item 71 [**Docket No. 2011-0200-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against STRAWBERRY FOOD, LLC dba Strawberry Food Mart in Harris County; RN101833630; 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. (Danielle Porras, Laurie Eaves)

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

Item 72 [**Docket No. 2010-0696-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of STAR FUELS, INC. DBA Brookshire Conoco in Waller County; RN102009396; 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. (Jim W. Sallans, Lena Roberts)

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

Item 73 [**Docket No. 2011-0188-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against NURAMINCO INC. dba Sunrise Mini Mart 4 in Travis County; RN102788569; 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. (Jeremy Escobar, Laurie Eaves)

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

Item 74 [**Docket No. 2011-0196-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ALLIED WASTE SYSTEMS, INC. dba Allied Waste Services of Fort Worth in Tarrant County; RN101443307; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 75 [**Docket No. 2011-0100-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against GREENSPOINT ENTERPRISES LLC dba Courtesy Chevron 6 in Harris County; RN102482957; 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. (Cara Windle, Laurie Eaves)

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

Item 76 [**Docket No. 2011-0205-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against VARDHMAN INVESTMENT, INC. dba Dickinson Food Mart in Galveston County; RN101909463; 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 77 [**Docket No. 2011-0365-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Chiwoo Park dba Dunlavy Mart in Harris County; RN102259454; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 78 [**Docket No. 2011-0219-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Charlene F. Howell dba Union Hill Store in Johnson County; RN102024023; 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 79 [**Docket No. 2011-0126-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AUSTIN S & S, INC. dba Super Mart in Travis County; RN102273810; 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. (Katy Schumann, Laurie Eaves)

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

Item 80 [**Docket No. 2011-0144-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of B F Beverage, Inc dba NRH Shell in Tarrant County;

RN101550713; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Laurie Eaves)

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

Item 81 [**Docket No. 2011-0328-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against SUPER FIVE INC. dba AMS Mart in Ellis County; RN101543171; 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. 2010-0453-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of B & F Jolly 2, LP in Collin County; RN102244464; 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. (Elvia Maske, Laurie Eaves)

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

Item 83 [**Docket No. 2011-0232-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ROCK CREEK GROCERY & CAJUN CUISINE, INC. in Johnson County; RN101550176; 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. BG/CR; all agree.

Item 84 [**Docket No. 2011-0393-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Amin Ladha dba Express Mart in Johnson County; RN102274917; 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 85 [**Docket No. 2010-1868-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Akram Rihani dba Oakland Shell in Tarrant County; RN102780855; 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. (Cara Windle, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDER

Item 86 [**Docket No. 2010-1531-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Noureen Inc in Maverick County; RN102355831; 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. (Gary K. Shiu, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 87 [**Docket No. 2011-0562-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Star Harbor in Henderson County; RN101392025; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Sherlock, Laurie Eaves)

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

Item 88 [**Docket No. 2011-0261-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Monarch Utilities I L.P. in Johnson County; RN101376127; 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. BG/CR; all agree.

Item 89 [**Docket No. 2011-0280-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Temple in Bell County; RN101249308; 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. 2011-0350-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Beverly Minaldi dba Timberlane Water System in Sabine County; RN101182624; 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. 2011-0182-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rays Acquisition Company LLC in Waller County; RN105915656; 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. (Andrea Byington, Laurie Eaves)

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

Item 92 [**Docket No. 2011-0136-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rosebud in Falls County; RN101392322; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 93 [**Docket No. 2009-1295-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Virginia Franklin Fuller d/b/a Franklin Water System 1 and d/b/a Franklin Water System 3 in Lubbock County; RN102817038 and RN101264372; 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. (Rudy Calderon, Lena Roberts)

Remanded to the Executive Director.

Item 94 [**Docket No. 2010-1023-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Richard J. Duda in Kaufman County; RN105362529; 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. (Rudy Calderon, Lena Roberts)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 95 [Docket No. 2010-0060-SLG-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Ace Pumping & Septic Services, Inc. in Hood County; RN103916227; for water quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

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

UTILITIES ENFORCEMENT AGREED ORDERS

Item 96 [Docket No. 2010-1803-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harris County Water Corporation in Harris County; RN101214468; for affected utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Laurie Eaves)

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

Item 97 [Docket No. 2010-1911-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties against COUNTRY TERRACE WATER COMPANY, INC. in Harris County; RN101282010; for affected utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

UTILITIES ENFORCEMENT DEFAULT ORDER

Item 98 [Docket No. 2010-1813-UTL-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Moorpark Village, Inc. in Harris County; RN101245181; 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.

RULE/STATE IMPLEMENTATION PLAN MATTERS

Item 99 [**Docket No. 2011-0065-SIP.**](#)

Consideration of the adoption of the Lead Transport State Implementation Plan (SIP) Revision for the 2008 Lead National Ambient Air Quality Standard (NAAQS). The adopted SIP revision would meet the requirements of the Federal Clean Air Act (FCAA), §110(a)(2)(D)(i), relating to the interstate transport of lead under the 2008 Lead NAAQS. These revisions reference existing control strategies to reduce the concentration of lead in Collin County, as well as dispersion modeling of major lead sources in Texas. Additionally, the revision verifies that the Prevention of Significant Deterioration and Nonattainment New Source Review permitting programs are being implemented in Texas, and that lead is not considered a visibility-impairing pollutant. This revision, once adopted, would fulfill Texas' obligation regarding interstate transport of lead under §110(a)(2)(D)(i) of the FCAA. (Amy Browning, Shelley Naik,) (Non-Rule Project No. 2011-005-SIP-NR)

Approve the adoption of the proposed Lead Transport state implementation plan revision for the 2008 Lead NAAQS, as recommended by the Executive Director. CR/BG; all agree.

Item 100 [**Docket No. 2011-0893-RUL.**](#)

Consideration for publication of, and hearing on, an amendment to 30 Texas Admin. Code (TAC) Chapter 106, Permits by Rule, Subchapter O, Oil and Gas, Section 106.352, Oil and Gas Handling and Production Facilities; and the non-rule Air Quality Standard Permit for Oil and Gas Handling and Production Facilities. The proposed rulemaking would revise Section 106.352 to restore the requirement that any facility handling sour gas shall be located at least one-quarter mile from any recreational area or residence or other structure not occupied or used solely by the owner or operator of the facility or the owner of the property upon which the facility is located, as the requirement existed in Section 106.352 prior to the January 26, 2011 amendment. This requirement would be added in proposed Section 106.352(l)(3). The subsequent paragraphs of subsection (l) would be re-numbered. The proposed rulemaking would also correct typographical errors in Section 106.352 and the non-rule Air Quality Standard Permit for Oil and Gas Handling and Production Facilities. (Ben Rhem, Erin Selvera, Blake Stewart) (Rule Project No. 2011-014-106-PR)

Approve the publication of, and hearing on, amendments to 30 Texas Admin. Code Section 106.352 and to the non-rule air quality standard permit for Oil and Gas Handling and Production Facilities, as recommended by the Executive Director. BG/CR; all agree.

Item 101 [**Docket No. 2010-1862-RUL.**](#)

Consideration for publication of, and hearing on, a proposed amendment to 30 TAC Chapter 111, Control of Air Pollution from Visible Emissions and Particulate Matter, Subchapter A, Visible Emissions and Particulate Matter, Division 4, Materials Handling, Construction, Roads, Streets, Alleys, and Parking Lots, Section 111.147, and corresponding revisions to the state implementation plan. The proposed rulemaking would amend Section 111.147(1)(E) to remove the requirement to pave alleys at the rate of 15 miles per

year and replace it with the following requirements: 1) all new alleys shall be paved; 2) alleys may not be used for garbage and recycling collection; and 3) the use of reclaimed asphalt pavement may be used as an alternate means of particulate matter control for alleys. The rulemaking would also amend Section 111.147(2) to change the street sweeping frequency requirement from four times per year to three times per year in the city limits, and from six times per week to four times per week in the central business district. (Erin Selvera, Peter A. Ogbeide) (Rule Project No. 2010-046-111-EN)

Joint Motion for Items 101 – 103.

Approve publication of, and hearing on, proposed amendments to 30 TAC Section 111.147, the revised Memorandum of Agreement with the City of El Paso and the corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/BG; all agree.

Item 102 [Docket No. 2011-0899-MIS.](#)

Consideration for publication of, and hearing on, proposed Memorandum of Agreement (MOA) between the Texas Commission on Environmental Quality (TCEQ) and the City of El Paso. The 2001 MOA with the City of El Paso is being revised to reflect the alternative control measures proposed in revisions to 30 TAC Section 111.147 in a concurrent rulemaking (Rule Project No. 2010-046-111-EN) and the respective responsibilities of the City of El Paso and the TCEQ under the El Paso State Implementation Plan (SIP) revision for particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM10). (Erin Selvera, Shelley Naik) (Non-Rule Project No. 2011-026-MIS-NR)

Joint Motion for Items 101 – 103.

Approve publication of, and hearing on, proposed amendments to 30 TAC Section 111.147, the revised Memorandum of Agreement with the City of El Paso and the corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/BG; all agree.

Item 103 [Docket No. 2011-0707-SIP.](#)

Consideration for publication of, and hearing on, proposed El Paso State Implementation Plan (SIP) revision to incorporate a revised Memorandum of Agreement (MOA) with the City of El Paso. The proposed SIP revision would incorporate the changes to 30 TAC Section 111.147 proposed in a concurrent rulemaking (Rule Project No. 2010-046-111-EN) and the revised MOA between the City of El Paso and the Texas Commission on Environmental Quality (TCEQ) (Project No. 2011-026-MIS-NR) into the El Paso SIP for particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM10). The 2001 MOA with the City of El Paso is being revised to reflect the alternative control measures proposed in the revisions to 30 TAC Section 111.147 and the respective responsibilities of the City of El Paso and the TCEQ under the SIP. (Erin Selvera, Shelley Naik) (Non-Rule Project No. 2011-010-SIP-NR)

Joint Motion for Items 101 – 103.

Approve publication of, and hearing on, proposed amendments to 30 TAC Section 111.147, the revised Memorandum of Agreement with the City of El Paso and the corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/BG; all agree.

EXECUTIVE SESSION

Item 104 **Docket No. 2011-0001-EXE.**

The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 105 **Docket No. 2011-0002-EXE.**

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

Appoint Bridget Bohac as Chief Clerk pursuant to Section 5.109 of the Texas Water Code effective September 1, 2011. BS/CR; all agree.

Item 106 **Docket No. 2011-0003-EXE.**

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

No action taken.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT

APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

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

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

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

 /s/ Anne Rowland
Assistant General Counsel,
Anne Rowland

 8/19/2011
Date