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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 31, 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. 2007-1867-UCR; SOAH Docket No. 582-08-1023.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision, Proposal for Decision on Remand, and proposed Order regarding the applications of Texas Landing Utilities to change its water rates and tariff charges under water Certificate of Convenience and Necessity ("CCN") No. 11997 in Polk and Montgomery Counties, Texas, and to change its sewer rates and tariff charges under sewer CCN No. 20569 in Polk County, Texas, pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291 and Texas Water Code Chapter 13. The Commission will also consider the records, timely related filings, exceptions and replies. (Ron Olson)

Adopt the ALJ's Proposed Order from Remand; include the Executive Director's proposed modifications concerning the refund credit length in Finding of Fact No. 58 and Ordering Provision No. 2 to which the ALJ agreed in his reply; include the Executive Director's recommended adoption of two additional Ordering Provisions about quarterly reporting for the refund and the surcharge as renumbering Ordering Provisions Nos. 5 and 6 to which the ALJ agreed in his reply; include the Applicant's recommended corrections to include a \$2.36 gallonage rate in Finding of Fact No. 28, a \$162,935 investment capital in Finding of Fact No. 46, and a cross reference to Finding of Fact No. 53 and Conclusion of Law No. 15 which the ALJ's Remand PFD recommended but the Proposed Order did not implement; modify the Proposed

Order by directing the disapproval of \$35,579.00 from the requested rate case expenses based on public interest concerns over the amount of post-evidentiary hearing expenses; it is not in the public interest to grant Texas Landing Utilities (TLU) more than \$16,000 for the closing argument and the reply document given the extremely high level of expenses incurred through the evidentiary hearing and the disproportionate levels when compared to the revenue requirements sought in the application; modify the amount of reasonable and necessary rate case expenses incurred after May 22, 2009, to \$70,281.79 (by taking the original \$105,860.79 minus the reduction of \$35,579.00) in Finding of Fact No. 55 and Conclusion of Law No. 17; modify Conclusion of Law No. 17 to state that: "The recovery of a \$35,579.00 portion of TLU's requested post-hearing rate case expenses is not in the public interest."; and modify the total recovery amount to reflect the reduced recoverable rate case expense amount to \$212,596.60 and a \$9.48 surcharge amount based on a 7 year recovery in Finding of Fact No. 57 and Conclusion of Law No. 18. CR/BG; all agree.

Item 2 [**TCEQ Docket No. 2010-0117-AIR-E; SOAH Docket No. 582-10-5942.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against John R. Gavlick in Ellis County; RN105642243; 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. The Commission will also consider the record, timely related filings, exceptions and replies. (Peipey Tang)

Adopt the ALJ's Proposed Order with modifications recommended by the Executive Director and accepted by the ALJ in her letter dated June 21, 2011 while changing the recommended penalty to \$1.00. BG/CR; all agree.

Item 3 [**TCEQ Docket No. 2009-1377-MLM-E; SOAH Docket No. 582-11-1398.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Thomas V. Hope d/b/a SWT Farm & Ranch Supply in Medina County; RN101898229; for petroleum storage tank and municipal solid waste violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. The Commission will also consider the record, timely related filings, exceptions and replies. (Peipey Tang)

Adopt the ALJ's Proposed Order as amended by the Executive Director's Exceptions and agreed to by the ALJ in his letter dated August 8, 2011; assess a penalty of \$3,600 to be deferred if the tanks are successfully removed within a 24-month period. CR/BG; all agree.

TMDL MATTERS

Item 4 [**Docket No. 2011-0722-TML.**](#)

Consideration for approval to publish and solicit public comment on Eight Total Maximum Daily Loads for Indicator Bacteria in Dickinson Bayou and Three Tidal Tributaries, Segments 1103, 1103A, 1103B, 1103C, and 1104, in Galveston and Brazoria Counties. Project No. 2011-021-TML-NR (Robert Brush, Ronald Stein)

Approve the publication of, and solicitation of, public comment on the eight draft TMDLs for Indicator Bacteria in Dickinson Bayou and Three Tidal Tributaries, Segments 1103, 1103A, 1103B, 1103C, and 1104, as recommended by the Executive Director. BG/CR; all agree.

Item 5 **[Docket No. 2010-1742-TML.](#)**

Consideration for approval of the Implementation Plan for one TMDL for bacteria in the Guadalupe River Above Canyon Lake (Segment 1806), in Kerr County. Project No. 2011-007-TML-NR (Robert Brush, Ronald Stein)

Approve the proposed Implementation Plan for one TMDL for bacteria in the Guadalupe River Above Canyon Lake Segment 1806, as recommended by the Executive Director. CR/BG; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6 **[Docket No. 2009-1561-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hamilton Oil, Inc. in Val Verde County; RN102859717; 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 J. Huhn, Lena Roberts)

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

Item 7 **[Docket No. 2011-0353-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ballard Exploration Company, Inc. in Liberty County; RN106062847; 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 8 **[Docket No. 2011-0555-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Springer & Springer, Inc. in Montgomery County; RN106095201; 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 9 [**Docket No. 2011-0657-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Modisette Welding & Supply, LLC in Gregg County; RN105661938; 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 10 [**Docket No. 2011-0250-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KM Liquids Terminals LLC in Harris County; RN100237452; 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. BG/CR; all agree.

Item 11 [**Docket No. 2011-0352-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ballard Exploration Company, Inc. in Liberty County; RN106063019; 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 12 [**Docket No. 2011-0461-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BP Amoco Chemical Company in Galveston County; RN102536307; 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 13 [**Docket No. 2011-0310-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S.a r.l. in Victoria County; RN102663671; 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 14 **[Docket No. 2011-0600-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Red River Oilfield Services LLC in Parker County; RN105713226; 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.

DRY CLEANER ENFORCEMENT DEFAULT ORDER

Item 15 **[Docket No. 2010-2042-DCL-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of NIMI'S INC. d/b/a Ray Stuart's Cleaners in Kaufman County; RN104095062; for dry cleaner registration violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 16 **[Docket No. 2011-0336-EAQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of San Marcos in Hays County; RN106067804; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Marty Hott, Laurie Eaves)

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

Item 17 **[Docket No. 2011-0423-EAQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Forestar (USA) Real Estate Group Inc. in Williamson County; RN106056518; 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. (Harvey Wilson, Laurie Eaves)

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

Item 18 [**Docket No. 2011-0408-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FALCON HOSPITALITY, INC. in Williamson County; RN102731676; 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. (Jorge Ibarra, Laurie Eaves)

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

FIELD CITATIONS

Item 19 [**Docket No. 2011-0925-WOC-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Jesse R. Daughtry, Sr. in Waller County; RN103411054; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)

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

Item 20 [**Docket No. 2011-1022-WOC-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Dustin Herrin in Newton County; RN106130826; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Laurie Eaves)

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

Item 21 [**Docket No. 2011-1083-WOC-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Lew Click in Erath County; RN106117443; 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 22 [**Docket No. 2011-1082-WQ-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Trican Well Service LP in San Patricio County; RN106112816; 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 23 [Docket No. 2011-0936-WR-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Mewbourne Oil Company in Ochiltree County; RN101767754; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 24 [Docket No. 2011-0557-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Structural Metals, Inc. in Guadalupe County; RN102413689; 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. (Danielle Porras, Laurie Eaves)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 25 [Docket No. 2010-1818-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Exide Technologies in Collin County; RN100218643; 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 26 [Docket No. 2011-0690-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hydro Conduit of Texas, LP in Brazoria County; RN101917060; 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 27 [Docket No. 2011-0300-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EXXONMOBIL OIL CORPORATION dba MOBIL

CHEMICAL COMPANY in Jefferson County; RN100542844; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Marty Hott, Laurie Eaves)

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

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 28 [Docket No. 2010-1863-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Terry Dodd d/b/a Dodd's Unique Lawn Service & Tree Trimming in Williamson County; RN105970099; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 29 [Docket No. 2010-1132-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gainesville Foundry, Inc. in Cooke County; RN100778547; for industrial and hazardous waste and air quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary Shiu, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 30 [Docket No. 2011-0524-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against MHBS, Inc. in Dewitt County; RN106084619; 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. (Mike Pace, Laurie Eaves)

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

Item 31 [Docket No. 2011-0532-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Esker Payne in Hardin County; RN101728376; for used oil violations pursuant to Tex. Health & Safety Code ch. 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Philip Aldridge, Laurie Eaves)

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

Item 32 [**Docket Nos. 2009-0728-MSW-E and 2009-1811-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of John Charles May, Edward Russell Leath, Christopher Atwood Leath, Melissa May Leath, and Marilyn Louis Leath-Dziuk in Eastland County; RN105602726; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 33 [**Docket No. 2009-1049-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against Cecil Lou Frasier in Eastland County; RN105602726; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 34 [**Docket No. 2011-0609-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Jarvis Christian College in Wood County; RN102075850; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 35 [**Docket No. 2011-0443-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Quail Creek Municipal Utility District in Victoria County; RN101700730; 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 36 [**Docket No. 2011-0422-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Horizon Regional Municipal Utility District in El

Paso County; RN102329075; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Laurie Eaves)

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

Item 37 [**Docket No. 2011-0528-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Tatum in Rusk County; RN101918407; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Laurie Eaves)

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

Item 38 [**Docket No. 2010-1786-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bridgeport in Wise County; RN102740230; 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 39 [**Docket No. 2011-0526-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Victoria County Water Control and Improvement District No. 1 in Victoria County; RN101516714; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Laurie Eaves)

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

Item 40 [**Docket No. 2011-0327-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bogata in Red River County; RN101721157; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

Item 41 [Docket No. 2011-0607-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Raymondville in Willacy County; RN100525955; 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 42 [Docket No. 2011-0367-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rosebud in Falls County; RN101918423; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 43 [Docket No. 2011-0514-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Borders & Long Oil, Inc. dba I 20 Exxon in Kaufman County; RN102274503; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Laurie Eaves)

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

Item 44 [Docket No. 2011-0560-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Rogers Prairie Mercantile Inc dba Yellow Rose Country Store in Madison County; RN101671428; 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 45 [Docket No. 2011-0268-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against AYRA INVESTMENT, INC. dba Dos Amigas in Jefferson County; RN102365848; 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. (Brianna Carlson, Laurie Eaves)

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

Item 46 [**Docket No. 2011-0515-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Aziz Mansoor dba Prime Corner in Johnson County; RN102230083; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Laurie Eaves)

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

Item 47 [**Docket No. 2011-0392-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ty Osmani dba Lucky Stop 12 in Grayson County; RN101560977; 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 48 [**Docket No. 2011-0368-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Miguel Garza, Jr. dba 83 Motel & Grocery in Starr County; RN101688133; 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 49 [**Docket No. 2011-0194-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against TEXAS EASTERN TRANSMISSION, LP dba Spectra Energy Corporation in Harris County; RN102406006; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

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

Item 50 [**Docket No. 2011-0468-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against El Paso Independent School District in El Paso County; RN102523354; 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. (Danielle Porras, Laurie Eaves)

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

Item 51 [**Docket No. 2011-0339-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of THE WILSON N. JONES MEMORIAL HOSPITAL in Grayson County; RN100617505; 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 52 [**Docket No. 2008-1613-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ralph Thomas and Janice Thomas in Harris County; RN100899343; 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. (Rudy Calderon, Lena Roberts)

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

Item 53 [**Docket No. 2011-0387-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KNOLLWOOD MERCANTILE COMPANY dba Bullseye Beverage in Grayson County; RN102241387; 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 54 [**Docket No. 2011-0292-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Irvin Peterson, Executor for the Estate of Dossie Foster in Brazos County; RN105951875; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Laurie Eaves)

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

Item 55 [**Docket No. 2011-0377-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Ruble Petroleum, Inc. dba Nat Mart 2 in Hunt County; RN101898922; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Laurie Eaves)

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

Item 56 [**Docket No. 2011-0263-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kun Won Yu dba Terry's Supermarket in Dallas County; RN102959319; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

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

Item 57 [**Docket No. 2011-0197-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against General Body Manufacturing Company in Tarrant County; RN103794574; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (JR Cao, Laurie Eaves)

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

Item 58 [**Docket No. 2010-2082-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Complex OMV, Inc. dba Diamond Food Mart in Harris County; RN101728749; 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 59 [**Docket No. 2009-0476-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Aliahsan Nadia Enterprises, Inc. d/b/a Diadem Food Mart in Bexar County; RN102014404; 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. (Xavier Guerra, Lena Roberts)

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

Item 60 [**Docket No. 2011-0389-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PANTHER AVIATION, INC. in Johnson County; RN102385176; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

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

Item 61 [**Docket No. 2010-1756-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against JEFFY'S, INC. d/b/a Jeffy's Exxon Mobil in Harris County; RN102262730; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

Item 62 [**Docket No. 2011-0445-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Z Q INVESTMENTS, INC. dba Kirby Food Mart in Bexar County; RN101775351; 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 63 [**Docket No. 2011-0588-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Total Consolidation, Inc. dba Convenience Food Mart in Denton County; RN102719424; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDER

Item 64 [**Docket No. 2010-2085-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and

requiring certain actions of Meroslem Garcia and Miguel Alfaro in Harris County; RN100918317; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 65 [**Docket No. 2011-0434-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ray W. Blair dba Last Resort Properties in Denton County; RN102689452; 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. BG/CR; all agree.

Item 66 [**Docket No. 2011-0163-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against RV Express Amarillo, LLC in Potter County; RN105163281; 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 Agreed Order. BG/CR; all agree.

Item 67 [**Docket No. 2011-0082-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Leon Junction Water Supply Corporation in Coryell County; RN102953841; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Laurie Eaves)

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

Item 68 [**Docket No. 2010-1445-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Benny Kirkpatrick and A Texas Blue Moon Corporation in Travis County; RN101224269; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Peipey Tang, Lena Roberts)

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

Item 69 [**Docket No. 2011-0505-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GULFLANDER PARTNERS GROUP, L.P. in Orange County; RN101241438; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 70 [**Docket No. 2010-1769-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of GENERAL SAMS OFF ROAD PARK, INC. in Walker County; RN105963912; 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 Default Order. BG/CR; all agree.

Item 71 [**Docket No. 2010-1418-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of David T. Gillott d/b/a T L Water Jones Acres in Wise County; RN101196905; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Peipey Tang, Lena Roberts)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 72 [**Docket No. 2010-1276-SLG-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Arthur Mitchell, Jr. in Rusk County; RN103008785; for water quality 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. (Merrilee Hupp, Laurie Eaves)

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

UTILITIES ENFORCEMENT AGREED ORDERS

Item 73 [**Docket No. 2011-0289-UTL-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against TRINITY SO PTN, L.P. dba Trinity Spring Oaks Mobile Home Park in Harris County; RN101236917; 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 74 [**Docket No. 2011-0519-UTL-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pasadena in Harris County; RN101422145; 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. (Andrea Byington, Laurie Eaves)

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

Item 75 [**Docket No. 2011-0437-UTL-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against YES COMMUNITIES, INC. dba Northwest Pines Mobile Home Community in Harris County; RN101231264; for affected utility violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Laurie Eaves)

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

UTILITIES ENFORCEMENT DEFAULT ORDER

Item 76 [**Docket No. 2010-1799-UTL-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Greenwood Place Civic Club, Inc. in Harris County; RN101438463; 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 MATTER

Item 77 [**Docket No. 2011-1164-RUL.**](#)

Consideration of a petition for rulemaking under Section 20.15 of 30 Texas Administrative Code (TAC) Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality on July 11, 2011, by Eric J. Dupré. The petitioner requested that the Commission amend 30 TAC Sections 217.55 and 217.60 to provide design criteria to rehabilitate existing manholes, lift stations and other wastewater treatment plant structures. (Kathy Humphreys, Jaya Zyman-Ponebshek) (Project No. 2011-049-PET-NR)

Direct the Executive Director to initiate rulemaking to consider including in Chapter 217 design criteria to rehabilitate existing manholes, lift stations, and other wastewater treatment plant structures, as requested in the petition. CR/BG; all agree.

EXECUTIVE MEETING

Item 78 **Docket No. 2011-0001-EXE.**

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

The Commission did not meet in an Executive Meeting.

Item 79 **Docket No. 2011-0002-EXE.**

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

The Commission did not meet in an Executive Meeting.

Item 80 **Docket No. 2011-0003-EXE.**

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

The Commission did not meet in an Executive Meeting.

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

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

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

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

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

 /s/ Greg Merrell
Assistant General Counsel,
Greg Merrell

 9/20/2011
Date