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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**

September 21, 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. 2009-0372-UCR; SOAH Docket No. 582-09-3549.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision, Proposal for Decision on Remand, and proposed Order regarding the application of Wiedenfeld Water Works, Inc. to change its water rates/tariffs under Certificate of Convenience and Necessity No. 12052 in Kerr, Kendall, and Medina Counties, pursuant to 30 TAC Chapters 80 and 291 and Texas Water Code, Chapter 13. The Commission will also consider the application, the records, timely related filings, exceptions, and replies. (Stefanie Skogen, Kamal Adhikari)

Adopt the ALJ's Proposed Order following Remand; incorporate the Executive Director's Exceptions for the Order title, Finding of Fact No. 99, and Ordering Provision Nos. 2 and 3, as agreed to by the Applicant and the ALJ; and modify Finding of Fact No. 101 to identify that the specific new tariff charges are for the tap fee, reconnection fee (customers' request), transfer fee, and returned check charge to be consistent with Ordering Provision No. 1. BG/CR; all agree.

Item 2 [\*\*TCEQ Docket No. 2009-0290-MWD; SOAH Docket Nos. 582-09-5727 and 582-11-0471.\*\*](#)

Consideration of the Administrative Law Judge's Supplemental Proposal for Decision and Order regarding the Petition to Revoke TCEQ Water Quality

Permit Number WQ0014555002 issued to Far Hills Utility District and Application for a Temporary Order Submitted by Far Hills Utility District pursuant to the rules of the Texas Commission on Environmental Quality in 30 TAC Chapters 305 and 35. The existing facility is located on the east side of Cude Cemetery Road approximately 1,800 feet south of Farm-to-Market Road 830 in Montgomery County, Texas. The treated effluent is discharged to a storm sewer; thence to a man-made canal; thence to Lake Conroe in Segment No. 1012 of the San Jacinto River Basin. The Commission will also consider the record, timely related filings, exceptions and replies. (Dan Ingersoll, Michael Redda)

Adopt the ALJ's Proposed Order with the following revisions to Finding of Facts Nos. 19 through 25: 1) Change the terms that read "ALJ" to "Commission" and 2) Remove the phrase: "Far Hills generally denies this finding". CR/BG; all agree.

Item 3 [\*\*TCEQ Docket No. 2010-0244-MLM-E; SOAH Docket No. 582-11-0872.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring corrective action against Rodolfo Esparza and Angelica Esparza in El Paso County, Texas; RN105346282; regarding municipal solid waste and 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. (Kari Gilbreth)

Adopt the ALJ's Proposed Order as modified by the Executive Director's Exceptions. BG/CR; all agree.

Item 4 [\*\*TCEQ Docket No. 2010-0737-PWS; SOAH Docket No. 582-11-1616.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Lake Corpus Christi RV Park & Marina, L.L.C. in Live Oak County; RN101254266; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Stephanie Frazee)

Adopt the ALJ's Proposed Order with the Executive Director's Exceptions as agreed to by the ALJ in his reply letter dated August 30, 2011. CR/BG; all agree.

#### **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 5 [\*\*Docket No. 2011-1124-IWD.\*\*](#)

Consideration of the application by Luminant Mining Company LLC for a major amendment to TPDES Permit No. WQ0004122000 to authorize the addition of a 286-acre Thermo A-1 Auxiliary Area located adjacent to the existing Northern Boundary of the Monticello-Thermo Lignite Mining Area. The current permit authorizes the discharge of mine drainage and surface runoff from the active

mining area, groundwater, and previously monitored effluents (surface runoff from post mining areas on an intermittent and flow variable basis via Outfall 101 and treated domestic wastewater at a daily average flow not to exceed 2,600 gallons per day via Outfall 201) on an intermittent and flow variable basis via Outfall 001. The facility is located on State Highway 11, approximately 2.5 miles southeast of the intersection of State Highway 11 and Interstate Highway 30, Hopkins County, Texas 75482. 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, Hailey Jett)

Deny the hearing request filed by Linda Tucker on behalf of East Texans Coalition for Clean Air; issue proposed permit No. WQ0004122000 to Luminant Mining Company LLC and adopt the Executive Director's Response to Comments. BG/CR; all agree.

#### **MISCELLANEOUS MATTER**

Item 6 **Docket No. 2011-1388-UCR.**

Consideration of a request for a Commission Order approving a contract designating service areas between the City of Bogata (City) and Red River County Water Supply Corporation (WSC), Water CCN No. 10530, in Red River County, Texas, pursuant to Texas Water Code Section 13.248. Under the contract, the WSC agrees to have approximately 391 acres known as Rose Acre Farms removed from its water CCN so that the City can provide water service to the area. No facilities will be transferred under the contract and there are no current customers in the area. The land to be transferred is owned by one landowner who has consented to the transfer. Service was requested from the City by a future agriculture facility operator. (James Aldredge, Elizabeth Flores)

Approve the contract designating service areas between Red River County Water Supply Corporation and the City of Bogata under TWC Section 13.248 which will result in the removal of approximately 391 acres from CCN No. 10530 and issue the Executive Director's Proposed Order. CR/BG; all agree.

#### **WATERMASTER BUDGET MATTERS**

Item 7 **Docket No. 2011-1202-BGT.**

Consideration of Fiscal Year 2012 Assessment of Annual Costs for Watermaster Operations in the Rio Grande Water Division. Pursuant to TWC Section 11.329; and 30 TAC Sections 12.1; 12.3; 12.5 and 303.71 of the Commission rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2011, and ending August 31, 2012, for appropriators in the Rio Grande Water Division which extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers; and including that portion of the Nueces-Rio Grande Coastal Basin lying in Hidalgo, Cameron, Willacy and Starr Counties and approve \$718,644.00 as the amount to be assessed for annual costs. (Amy Settemeyer)

Joint Motion for Items 7, 8 and 9.

Approve the Concho River, Rio Grande and South Texas Watermaster budgets for 2012 and issue the Executive Director's Proposed Orders assessing the annual cost of those Watermaster Programs. BG/CR; all agree.

Item 8 **Docket No. 2011-1203-BGT.**

Consideration of Fiscal Year 2012 Assessment of Annual Costs for Watermaster Operations in the Concho River Watermaster Program. Pursuant to TWC Section 11.329; and 30 TAC Sections 12.1; 12.3; 12.5 and 304.61 of the Commission rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2011, and ending August 31, 2012, for appropriators in the Concho River Watermaster Program, which consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in Concho County and approve \$165,777.00 as the amount to be assessed for annual costs. (Amy Settemeyer)

Joint Motion for Items 7, 8 and 9.

Approve the Concho River, Rio Grande and South Texas Watermaster budgets for 2012 and issue the Executive Director's Proposed Orders assessing the annual cost of those Watermaster Programs. BG/CR; all agree.

Item 9 **Docket No. 2011-1204-BGT.**

Consideration of Fiscal Year 2012 Assessment of Annual Costs for Watermaster Operations in the South Texas Water Division. Pursuant to TWC Section 11.329; and 30 TAC Sections 12.1; 12.3; 12.5 and 304.61 of the Commission rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2011, and ending August 31, 2012, for appropriators in the South Texas Water Division, which consists of the Nueces, San Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in Hidalgo, Cameron, Willacy, and Starr Counties and approve \$598,494.00 as the amount to be assessed for annual costs. (Amy Settemeyer)

Joint Motion for Items 7, 8 and 9.

Approve the Concho River, Rio Grande and South Texas Watermaster budgets for 2012 and issue the Executive Director's Proposed Orders assessing the annual cost of those Watermaster Programs. BG/CR; all agree.

**TMDL MATTER**

Item 10 [Docket No. 2011-0103-TML.](#)

Consideration for adoption of Two Final Total Maximum Daily Loads for Indicator Bacteria in Cottonwood Branch and Grapevine Creek, Segments 0822A and 0822B of the Trinity River Basin, in Dallas and Tarrant Counties. Project No. 2011-012-TML-NR (Robert Brush, Ron Stein)

Adopt the Two Final Total Maximum Daily Loads for Indicator Bacteria in Cottonwood Branch and Grapevine Creek, Segments 0822A and 0822B, as recommended by the Executive Director. CR/BG; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 11 [Docket No. 2010-2078-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Invista S.a.r.l. in Orange County; RN104392626; 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, Debra Barber)

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

Item 12 [Docket No. 2011-0530-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN102926920; 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, Debra Barber)

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

Item 13 [Docket No. 2011-0741-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Borger Energy Associates, L.P. in Hutchinson County; RN100217298; 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, Debra Barber)

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

Item 14 [Docket No. 2011-0623-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Veneerstone, LLC in Collin County; RN106051824; 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, Debra Barber)

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

Item 15 **[Docket No. 2011-0603-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Total Petrochemicals USA, Inc. in Harris County; RN100212109; 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, Debra Barber)

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

Item 16 **[Docket No. 2011-0122-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. (Todd Huddleson, Debra Barber)

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

Item 17 **[Docket No. 2010-1830-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Devon Energy Production Company, L.P. in Ector County; RN105780613, RN105780712, RN105780746, and RN105780837; 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, Debra Barber)

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

Item 18 **[Docket No. 2011-0577-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bar Constructors, Inc. in Kaufman County; RN105598809; 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. (Samuel Short, Debra Barber)

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

Item 19 [\*\*Docket No. 2011-0360-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Anadarko E&P Company LP in Panola County; RN102585965; 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, Debra Barber)

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

Item 20 [\*\*Docket No. 2011-0374-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ExxonMobil Oil Corporation in Jefferson County; RN102450756; 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., Debra Barber)

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

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS**

Item 21 [\*\*Docket No. 2010-1005-MLM-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Byron Cory in El Paso County; RN101612489; for water quality 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 22 [\*\*Docket No. 2010-1754-MLM-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Leon Parsons Jr. in Hardin County; RN105944508; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

Item 23 [\*\*Docket No. 2011-0124-MLM-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Gregory Trevino in Galveston County; RN106013899; for municipal solid waste and air quality violations pursuant to Tex Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules

of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie Frazee, Lena Roberts)

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

Item 24 **[Docket No. 2011-0074-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Harold G. Davis in Grimes County; RN105936645; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS**

Item 25 **[Docket No. 2010-1537-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Warren R. Blackmon, Jr. d/b/a Blackmon Carcass Removal in Grayson County; RN104999347; 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. (Anna Treadwell, Lena Roberts)

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

Item 26 **[Docket No. 2010-1882-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Eva Sanchez in Hidalgo County; RN105910764; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 27 **[Docket No. 2011-0493-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lefors in Gray County; RN102184546; 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, Debra Barber)

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



Item 28 [\*\*Docket No. 2011-0549-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lexington in Lee County; RN101916906; 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., Debra Barber)

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

Item 29 [\*\*Docket No. 2011-0494-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fort Bend County Municipal Utility District No. 130 in Fort Bend County; RN102342391; 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, Debra Barber)

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

Item 30 [\*\*Docket No. 2011-0371-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Zapata County in Zapata County; RN104459573; 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, Debra Barber)

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

Item 31 [\*\*Docket No. 2011-0221-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texas Parks and Wildlife Department in Taylor County; RN101282317; 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, Debra Barber)

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

Item 32 [\*\*Docket No. 2011-0316-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pampa in Gray County; RN101608974; 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, Debra Barber)

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

Item 33 [\*\*Docket No. 2011-0565-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of QUARTERS, LLC in Harris County; RN101517589; 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, Debra Barber)

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

Item 34 [\*\*Docket No. 2011-0601-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Upper Leon River Municipal Water District in Comanche County; RN104343181; 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, Debra Barber)

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

Item 35 [\*\*Docket No. 2011-0455-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lake Municipal Utility District in Harris County; RN104007166; 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. (Jill Russell, Debra Barber)

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

Item 36 [\*\*Docket No. 2011-0665-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Coolidge in Limestone County; RN101919025; 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, Debra Barber)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER**

Item 37 [\*\*Docket No. 2011-0113-MWD-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against WESTFIELD MOBILE HOME COMMUNITY, LTD. d/b/a Westfield Mobile Home Park in Harris County; RN101527018; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas

Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

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

**PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS**

Item 38 **[Docket No. 2011-0433-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against OMEGA RETAIL, INC. dba Little Buddy 4 in Harris County; RN102366176; 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, Debra Barber)

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

Item 39 **[Docket No. 2011-0639-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Shanil Oil Company dba Runway Smoke Shop in Jefferson County; RN101377349; 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. (Keith Frank, Debra Barber)

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

Item 40 **[Docket No. 2011-0902-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Maund Automotive Group, LP in Travis County; RN100536929; 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, Debra Barber)

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

Item 41 **[Docket No. 2011-0237-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Saykot Enterprises Inc. dba South Hills Fina in Tarrant County; RN102644911; 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. (Cheryl Thompson, Debra Barber)

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

Item 42 **[Docket No. 2011-0132-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of KUNWAR INCORPORATED dba Quick Stop 1 in Tarrant County; RN102446978; 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. (Stephen Thompson, Debra Barber)

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

Item 43 [\*\*Docket No. 2011-0391-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against SPEEDEXX ENTERPRISE INC. dba Speedexx Food Store in Harris County; RN101804599; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Debra Barber)

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

Item 44 [\*\*Docket No. 2011-0701-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against RYK ENTERPRISES, LLC dba Acres Grocery in Jefferson County; RN101777563; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Theresa Hagood, Debra Barber)

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

Item 45 [\*\*Docket No. 2011-0299-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Octavio Farias in Harris County; RN101764942; 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, Debra Barber)

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

Item 46 [\*\*Docket No. 2011-0390-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Olympia C-Store Management LLC dba Olympia C Store in Tarrant County; RN103150926; 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. (Wallace Myers, Debra Barber)

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

Item 47 [\*\*Docket No. 2010-2031-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Best of Lama Incorporated dba Jonathans Shop N Save in Tarrant County; RN102354453; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Debra Barber)

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

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

Consideration of an Agreed Order assessing administrative penalties against MKSN INVESTMENTS, LLC dba Maxey Gas and Food Mart in Harris County; RN105819262; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Debra Barber)

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

Item 49 [\*\*Docket No. 2011-0768-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against EZ ACTION RETAIL, L.P. dba Kwik Stop in Fayette County; RN102480993; 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, Debra Barber)

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

Item 50 [\*\*Docket No. 2011-0249-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Stars Impex, Inc. dba Big Willy's 6 in Johnson County; RN101540599; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Debra Barber)

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

Item 51 [\*\*Docket No. 2011-0671-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Ibrahim Abu-Hamra dba Astrodome Texaco in Harris County; RN102258688; 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, Debra Barber)

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

Item 52 [\*\*Docket No. 2011-0729-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against KHOU-TV, Inc. [Formerly KHOU-TV, L.P.] in Harris County; RN101824548; 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, Debra Barber)

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

Item 53 [\*\*Docket No. 2011-0787-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against SANDFORD OIL COMPANY, INC. dba Circle S 17 in Wise County; RN101546257; 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, Debra Barber)

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

Item 54 [\*\*Docket No. 2011-0466-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Esteban Rey Renteria in Anderson County; RN102356128; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Debra Barber)

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

Item 55 [\*\*Docket No. 2011-0413-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Bismilla, Inc. dba Exclusive Food Mart in Harris County; RN101910396; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Allison Fischer, Debra Barber)

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

**PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS**

Item 56 [\*\*Docket No. 2010-2028-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Rene Mendez and Delores Mendez in Jefferson County; RN101884716; 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. (Shareesa Y. Alexander, Lena Roberts)

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

Item 57 [\*\*Docket No. 2010-1853-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Natalin Dorette Keenan in Houston County; RN101724763; 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. (Shareesa Y. Alexander, Lena Roberts)

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

Item 58 [\*\*Docket No. 2010-1912-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Seaberg Farms, Inc. in Liberty County; RN101805026; 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. (Peipey Tang, Lena Roberts)

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

Item 59 [\*\*Docket No. 2010-2060-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Adnen Saleh d/b/a Westcreek Service Center in Tarrant County; RN100795541; 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. (Shareesa Y. Alexander, Lena Roberts)

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

Item 60 [\*\*Docket No. 2010-1158-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Aziz Dossani dba Docs Food & Deli Store in Tarrant County; RN101546398; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 61 **[Docket No. 2011-0620-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Roaring Springs in Motley County; RN101200095; 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, Debra Barber)

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

Item 62 **[Docket No. 2011-0370-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against SKIDMORE WATER SUPPLY CORPORATION in Bee County; RN104620026; 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, Debra Barber)

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

Item 63 **[Docket No. 2011-0536-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Janie Riddle dba Mary's Brazos Café in Parker County; RN104375936; 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, Debra Barber)

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

Item 64 **[Docket No. 2011-0518-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Cracker Barrel, Inc. in Victoria County; RN102883410; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Debra Barber)

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

Item 65 **[Docket No. 2010-1103-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Weatherford Holdings, L.P. in Parker County; RN105596860 and RN105596902; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaella Sherlock, Debra Barber)



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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 66 [Docket No. 2010-1939-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Oscar Benitez d/b/a Los Arcos Mexican Restaurant in Fort Bend County; RN101217511; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

**UTILITIES ENFORCEMENT AGREED ORDERS**

Item 67 [Docket No. 2011-0460-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HOUSTON AIRPORT HOSPITALITY LP dba Holiday Inn in Harris County; RN101233427; 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, Debra Barber)

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

Item 68 [Docket No. 2011-0156-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Linda W Ball dba Lazy Acres Mobile Home Park in Harris County; RN102708153; 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, Debra Barber)

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

Item 69 [Docket No. 2010-1776-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harris County Water Corporation in Harris County; RN101199008; for affected utility violations pursuant to Tex. Water Code ch. 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Rebecca Johnson, Debra Barber)

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

**UTILITIES ENFORCEMENT DEFAULT ORDERS**

Item 70 [Docket No. 2011-0417-UTL-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Krebs Utilities, Inc. d/b/a K Estates Water System

in Harris County; RN101257806; 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)

Remanded to the Executive Director. BG/CR; all agree.

Item 71 [Docket No. 2011-0416-UTL-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Krebs Utilities, Inc. d/b/a Padok Timbers Subdivision WS in Harris County; RN101267177; 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)

Remanded to the Executive Director. BG/CR; all agree.

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 72 [Docket No. 2011-0438-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of West Wise Special Utility District in Wise County; RN101190270; 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. (Michaelle Sherlock, Debra Barber)

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

**WATER QUALITY ENFORCEMENT DEFAULT ORDER**

Item 73 [Docket No. 2010-1876-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of ATC Transport, L.L.C. in Webb County; RN105835748; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

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

**EXECUTIVE MEETING**

Item 74 **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 75 **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 76 **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/ Tracy Gross            
Assistant General Counsel,  
Tracy Gross

          10/3/2011            
Date