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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

December 7, 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. 2009-2058-MSW; SOAH Docket No. 582-10-2069.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Republic Waste Services of Texas, Ltd. in Parker County, Texas to construct and operate the Brazos Transfer Station, a Type V municipal solid waste transfer station pursuant to 30 Tex. Admin. Code chs. 80, 305, and 330, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely public comments and the Executive Director's Response to Comments, the record, timely related filings, exceptions and replies. (Anthony Tatu, Matthew Unenenwu)

Adopt the ALJ's Proposed Order as revised by the ALJ's letter dated November 7, 2011 with the following changes: A) Add a new Ordering Provision which reads: "The Commission adopts the Executive Director's Response to Public Comments in accordance with 30 TAC Sections 50.117 and 80.126. Also in accordance with Section 50.117, the Commission issues this Order and the attached Permit, Exhibit A, as its single decision on the permit application. Information in the agency's record of this matter, which includes evidence admitted at the hearing and part of the evidentiary record, document the Executive Director's review of the permit application, including that part not subject to a contested case hearing, and establishes that the terms of the attached

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permit are appropriate and satisfy all applicable federal and state requirements.” B) Modify the ALJ’s Special Condition G relating to the removal of citizens recycling center by replacing the phrase: “through a minor permit amendment” with the phrase: “through a future application”; C) Delete the ALJ’s Special Conditions B, C, D, and F, as set forth in his November 7, 2011 letter. Special Conditions B, C, and D relate to provision of potable water and domestic wastewater service for the site, which are not governed by the municipal solid waste permit issued in this contested case matter. TCEQ rules applicable to contaminated water management, specifically 30 TAC Sections 330.207 and 330.63(b)(4), are not intended to address the provision of domestic wastewater service at a municipal solid waste facility, but rather are meant to govern the disposal of water that has come into contact with municipal solid waste. In addition, since the TCEQ lacks specific jurisdiction to ban the use of certain off-site roadways, Special Condition F is unenforceable as a condition in an MSW permit. D) Approve issuance of the Executive Director’s draft permit with the ALJ’s proposed changes except for those deleted in this motion; and E) Adopt the Executive Director’s Response to Comments. BS/BG; all agree.

Item 2 [**TCEQ Docket No. 2010-1817-UCR; SOAH Docket No. 582-11-1574.**](#)

Consideration of the Administrative Law Judge’s Proposal for Decision and Order regarding the appeal filed by Trent Water Works, Inc., concerning the ratemaking actions of the Village of Jones Creek and the Motion for Interim Rates under Certificate of Convenience and Necessity No. 11050 in Brazoria County, Texas; pursuant to the rules of the Texas Commission on Environmental Quality in 30 Tex. Admin. Code ch. 291 and Tex. Water Code ch. 13. The Commission will also consider the record, timely related filings, exceptions and replies. (Jose Caso, Kamal Adhikaria)

Adopt the ALJ’s Proposed Order; incorporate the Executive Director’s Exceptions to extend the recovery period for the surcharge which results in Ordering Provision No. 1 including a \$5.45 surcharge per month per customer over 24 months in place of the ALJ’s proposed \$10.90 monthly surcharge over 12 months; add the following provisions in the Proposed Order to carry out the statutory mandate in Tex. Water Code Section 13.043 for the Commission to set the new rates following the appeal: Conclusion of Law No. 9: “The rates established by this Order are just and reasonable as required by Tex. Water Code Section 13.043(j).”; and Ordering Provision No. 2: “The appeal by Trent Water Works, Inc., from the rates set by the Village of Jones Creek for in-city customers is granted and Trent Water Works, Inc., is authorized to collect the following rates: \$27.14 base rate for 5/8 inch X 3/4 inch connections and a \$3.80 gallonage charge per 1,000 gallons.” CR/ BG; all agree.

Item 3 [**TCEQ Docket No. 2010-1241-PWS-E; SOAH Docket No. 582-11-2892.**](#)

Consideration of the Administrative Law Judge’s Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Arthur Thompson Post No. 8905 Veterans of Foreign Wars of the United States, Cypress, Texas in Harris County; RN101652147; 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. (Tammy Mitchell)

Adopt the ALJ's Proposed Order as modified by the Executive Director's Exceptions and agreed to by the ALJ in her letter dated October 21, 2011. BG/CR; all agree.

HEARING REQUEST/REQUEST FOR RECONSIDERATION

Item 4 **Docket No. 2011-1814-UIC.**

Consideration of an application by El Paso Water Utilities for a Texas Commission on Environmental Quality order approving the designation of a portion of the Fusselman Formation, Montoya Group, and El Paso Group formations in El Paso County as an exempt aquifer pursuant to 30 Tex. Admin. Code § 331.13. El Paso Water Utilities has a Class V injection well operation under TCEQ Authorization No. 5X2700062, for injection of non-hazardous desalination concentrate from the Kay Bailey Hutchinson Desalination Plant. The proposed exempted aquifer extends over a rectangular area of 115 square miles in northeastern El Paso County. El Paso Water Utilities' Class V injection wells are located on the Fort Bliss Military Reservation approximately 12 miles north of U.S. Highway 180 and 22 miles northeast of the Kay Bailey Hutchinson Desalination Plant. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments (Don Redmond, Bryan Smith, and Ben Knappe)

Deny the hearing request of Juan M. Navar, Sr. on behalf of Wonders of Ancient Cultures and Modern West, LLC; approve the Aquifer Exemption and adopt the Executive Director's Response to Comments. CR/BG; all agree.

MISCELLANEOUS MATTERS

Item 5 **Docket No. 2010-0069-IHW.**

Consideration of the application by the United States Department of the Navy for issuance of a corrective action order to authorize remedial measures to clean up hazardous waste releases to soil, groundwater, and sediments pursuant to Tex. Health & Safety Code Ch. 361; Tex. Water Code Ch. 7; the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code Chapters 335 related to industrial solid wastes and 350 related to the Texas Risk Reduction Program; and with federal regulations at 40 CFR §264.90(e) related to issuance of an enforceable document to address releases from solid waste management units. The facility is located in Dallas, in Dallas County, Texas. (Susan Jere White, Maureen Hatfield)

Approve the Corrective Action Order between the Commission and the United States Department of the Navy. BG/CR; all agree.

Item 6 **Docket No. 2011-2063-MIS.**

Consideration of nominations and appointments of: 1) a representative of the general public; 2) an official from a municipality or county solid waste agency; 3) an elected official from a municipality with a population of 750,000 or more; 4) an elected official from a county with any population size; 5) an elected official from a municipality with a population fewer than 25,000; and 6) a

representative from a public solid waste district or authority to the Municipal Solid Waste Management and Resource Recovery Advisory Council pursuant to Tex. Health & Safety Code §§ 363.041 and 363.042, and 30 Tex. Admin. Code § 5.7. (Dan Ingersoll, Steve Hutchinson, M.P.A.)

Adopt the proposed Resolution with the following: appoint Leo Smith, as a representative of the general public; Arden Vance Kemler, as an official from a city or county solid waste agency; Linda Koop, as an elected official from a municipality with a population of 750,000 or more; Maurice Pitts, Jr., as an elected official from a county with any population size; Bill Vansycle, as an elected official from a municipality with a population fewer than 25,000; and Jeffery D. Mayfield, as a representative from a public solid waste district or authority with all terms to expire August 31, 2017. BS/CR; all agree.

Item 7 **Docket No. 2011-1360-MIS.**

Consideration of a resolution to fill membership positions on the Galveston Bay Council. The Council is a 41 member advisory body to the Texas Commission on Environmental Quality whose function is to advise the Commission on the implementation of The Galveston Bay Plan, the Comprehensive Conservation Management Plan for Galveston Bay. These nominations would be for 24 of the 41 members. Membership includes: 1) representatives from federal agencies; 2) representatives from state agencies; 3) representatives from regional and local governments; 4) representatives from environmental and citizen's groups; 5) representatives from the private sector; and 6) a representative from research/academia. These membership positions are consistent with the Texas Government Code, Chapter 2110, "State Agency Advisory Committees," as well as the requirements of Section 320 of the Federal Clean Water Act. (Monica Harris)

Approve the Resolution appointing persons to fill the membership positions on the Galveston Bay Council, as recommended by the Executive Director. BG/CR; all agree.

Item 8 **Docket No. 2011-1930-MIS.**

Consideration of the re-nomination and re-appointment of five positions on the Tax Relief for Pollution Control Property Advisory Committee and the nomination and appointment of one person to fill the school district/junior college district position. House Bills 3206 and 3544, 81st Legislature, 2009, amended Texas Tax Code (TTC), Section 11.31 to require the Texas Commission on Environmental Quality (TCEQ) to form a permanent advisory committee that will make recommendations to the TCEQ commissioners on matters relating to property tax exemptions for pollution control property. TTC, Section 11.31(n) requires the advisory committee to have representatives from industry, appraisal districts, taxing units, environmental groups, and members who are not representatives of any of the aforementioned entities but have substantial technical expertise in pollution control technology and environmental engineering. House Bill 2280, 82nd Legislature, 2011, amended TTC, Section 11.31(n) to require that at least one member of the advisory committee be a representative of a school district or junior college district in which property is

located that is or previously was subject to an exemption under this section.
(Timothy Reidy, Chance Goodin)

Adopt the proposed Resolution appointing six individuals to the Tax Relief for Pollution Control Property Advisory Committee and appoint the following individuals to serve for 4 year terms: Greg Maxim, as an industry representative; Michael Nasi, as an industry representative; Paul Coons, as an industry representative; Donald Lee, as a taxing unit representative; Cyrus Reed, as an environmental group representative; and Lloyd Graham, as a school district or junior college district representative. CR/BG; all agree.

Item 9 **Docket No. 2011-2026-RES.**

Resolution delegating to the Executive Director the authority to authorize the transfer of Supplemental Environmental Project (SEP) funds from one project to another and authorizing the Executive Director's sub-delegation of authority relating to the transfer of SEP funds as provided by this Resolution. (Kathleen Decker)

Adopt the proposed Resolution delegating the authority to the Executive Director to authorize the transfer of Supplemental Environmental Project funds from one project to another and authorizing the Executive Director's sub-delegation of this authority, as recommended by the Executive Director. BG/CR; all agree.

EMERGENCY ORDER

Item 10 **Docket No. 2011-2096-WR.**

Consideration of whether to affirm, modify, or set aside an Emergency Order issued by the Executive Director on November 17, 2011, under Tex. Water Code § 11.139, to the Lower Colorado River Authority (LCRA) to amend its 2010 Water Management Plan, Permit No. 5838. The Emergency Order grants LCRA's request to temporarily change the process required in its 2010 Water Management Plan for curtailment of interruptible stored water. LCRA has the right to divert and use up to 1.5 million acre feet (MAF) from Lakes Buchanan and Travis, in Travis, Llano, and Burnet Counties, Texas, under Certificates of Adjudication Nos. 14-5478 and 14-5482. These certificates require LCRA to develop the Water Management Plan (WMP), Permit No. 5838, which provides how LCRA makes water available from these lakes to help meet "firm" water customer needs, downstream interruptible irrigation demands, and environmental flow needs of Matagorda Bay and the lower Colorado River. The Water Management Plan also provides how LCRA will manage and curtail supplies from the lakes during times of drought including through a repeat of the Drought of Record. LCRA requests an emergency order to change the triggers for curtailment of interruptible water by providing that on March 1, 2012, if combined storage is: (1) below 850,000 acre feet, LCRA will provide no interruptible water for its Gulf Coast and Lakeside operations, (2) at or above 850,000 and less than 920,000 acre feet, LCRA will provide no more than 125,000 acre feet to its Gulf Coast, Lakeside, Garwood and Pierce Ranch operations, and (3) at or above 920,000 acre feet, LCRA will provide interruptible stored water in accordance with the current Water Management

Plan. LCRA also requests approval to provide a second crop only upon a determination by the LCRA Board that sufficient water is available, and to provide interruptible stored water to Garwood and Pierce Ranch customers in accordance with its contracts. (Robin Smith, Kathy Alexander)

Affirm the Emergency Order issued by the Executive Director on November 17, 2011 which granted the Lower Colorado River Authority to amend its 2010 Water Management Plan, Permit No. 5838. CR/BG; all agree.

MISCELLANEOUS MATTER

Item 11 **Docket No. 2011-2097-WR.**

Consideration of approval of the Lower Colorado River Authority's (LCRA) Water Curtailment Plan required by its Water Management Plan, Permit No. 5838. LCRA has submitted a firm Water Curtailment Plan which is an amendment to LCRA's Raw Water Drought Contingency Plan, which is included in LCRA's Water Management Plan. LCRA's Water Management Plan, required by its Certificates of Adjudication Nos. 14-5478 and 14-5482 for Lakes Travis and Buchanan, in Burnet, Llano and Travis Counties, Texas, provides how LCRA makes water available from Lakes Buchanan and Travis to meet "firm" water customer needs, downstream interruptible irrigation demands, and environmental flow needs of Matagorda Bay and the lower Colorado River. It also provides how LCRA will manage and curtail supplies from the lakes during times of drought including through a repeat of the Drought of Record. This Water Curtailment Plan is required to be prepared before LCRA implements mandatory firm water customer curtailment under Tex. Water Code § 11.039. LCRA's Water Management Plan also requires that this plan be approved by the LCRA Board and the Commission. The Executive Director has found that the plan meets the requirements of Texas Water Code § 11.039 and 30 Tex. Admin. Code Chapter 288. (Robin Smith, Kathy Alexander)

Approve the Lower Colorado River Authority's Water Curtailment Plan for its firm water customers, as recommended by the Executive Director. BG/CR; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

Item 12 **Docket No. 2010-1534-AGR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PX Feeders LLC in Hamilton County; RN101354298; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Sallans, Lena Roberts)

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

Item 13 **Docket No. 2011-0846-AGR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of R.J. Dairy, L.L.C. and Arturo Rodriguez and Hector

Jimenez dba RJ Dairy in Erath County; RN103759254; 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. CR/BG; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 14 **[Docket No. 2011-1069-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Arkema Inc. in Harris County; RN100210301; 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. CR/BG; all agree.

Item 15 **[Docket No. 2011-0842-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Midwest Engine, Inc. in Dallas County; RN101548287; 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, Debra Barber)

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

Item 16 **[Docket No. 2011-0781-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Valero Refining-Texas, L.P. in Harris County; RN100219310; 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. CR/BG; all agree.

Item 17 **[Docket No. 2011-0727-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Brazoria County; RN100210574; 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. CR/BG; all agree.

Item 18 [**Docket No. 2011-0705-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of L. H. Lacy Company, LTD. in Dallas County; RN103062907; 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, Debra Barber)

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

Item 19 [**Docket No. 2011-0861-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Hood County; RN104658273; 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, Debra Barber)

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

Item 20 [**Docket No. 2010-1440-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Ismael Arreola d/b/a Arreola Paint & Body Shop in Dallas County; RN101552701; 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. CR/BG; all agree.

Item 21 [**Docket No. 2011-0870-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pecan Pipeline Company in Montague County; RN105589311; 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. CR/BG; all agree.

Item 22 [**Docket No. 2011-1081-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against 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. (Nadia Hameed, Debra Barber)

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

Item 23 [**Docket No. 2011-0757-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Harris County; RN100225085; 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, Debra Barber)

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

Item 24 [**Docket No. 2011-0648-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Jefferson County; RN100216035; 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. CR/BG; all agree.

Item 25 [**Docket No. 2011-1027-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Earthgrains Baking Companies, Inc. in Lamar County; RN100223718; 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. CR/BG; all agree.

Item 26 [**Docket No. 2011-0784-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lyondell Chemical Company in Harris County; RN100633650; 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. CR/BG; all agree.

Item 27 [**Docket No. 2011-0933-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against

Guardian Industries Corp. in Navarro County; RN100221811; 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. CR/BG; all agree.

Item 28 [**Docket No. 2011-0685-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Devon Gas Services, L.P. in Wise County; RN102913225; 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, Debra Barber)

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

Item 29 [**Docket No. 2011-0689-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NuStar Terminals Partners TX L.P. in Galveston County; RN100218767; 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, Debra Barber)

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

Item 30 [**Docket No. 2011-0450-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102579307; 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, Debra Barber)

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

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 31 [**Docket No. 2010-1145-DCL-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against AM JA, INC. d/b/a Comanche Cleaners, d/b/a Comet Cleaners, and d/b/a Hillcrest Cleaners in Comanche County, Eastland County, and Stephens County; RN103954731, RN103954707, and RN100592468; 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. (Sharesa Y. Alexander, Lena Roberts)

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

Item 32 [**Docket No. 2011-0766-DCL-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WHITE CLEANERS & LAUNDRY INC. in Cameron County; RN100599349; for dry cleaner violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Danielle Porras, Debra Barber)

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

FIELD CITATIONS

Item 33 [**Docket No. 2011-1319-PWS-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Goodman, Robert in Lubbock County; RN103459020; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Debra Barber)

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

Item 34 [**Docket No. 2011-1465-WOC-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of William Sterling Hicks in Hill County; RN106154321; 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, Debra Barber)

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

Item 35 [**Docket No. 2011-1466-WOC-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Travis W Armstrong in Hill County; RN106150097; 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, Debra Barber)

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

Item 36 [**Docket No. 2011-1467-WOC-E.**](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Thomas H MacGinnis in Tyler County; RN103499752; 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, Debra Barber)

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

Item 37 [Docket No. 2011-1361-WQ-E.](#)

Consideration of a Field Citation assessing administrative penalties and requiring certain actions of New Birmingham Resources LLC in Cherokee County; RN106142185; 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 Field Citation. CR/BG; all agree.

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 38 [Docket No. 2011-0967-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Lucite International, Inc. in Jefferson County; RN102736089; 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. (Wallace Myers, Debra Barber)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT DEFAULT ORDERS

Item 39 [Docket No. 2011-0394-IHW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Anna S. Fuller dba Fuller Oil Co., Tony "Dude" Fuller dba Fuller Oil Co., and Prissy F. Knighten dba Fuller Oil Co. in Hardin County; RN100532803; for industrial solid waste violations pursuant to Tex. Water Code chs. 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. (Tammy L. Mitchell, Lena Roberts)

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

Item 40 [Docket No. 2009-1687-IHW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Gilbert Wayne Perry Jr. in Van Zandt County; RN105767099; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin.

Code ch. 60. (Jeffrey Huhn, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 41 [Docket No. 2011-0664-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MURPHY OIL USA, INC. and Hereford Renewable Energy, LLC in Deaf Smith County; RN104607833; 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. CR/BG; all agree.

Item 42 [Docket No. 2011-0791-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Esperanza Water Service Company, Inc. in Hudspeth County; RN101238483; 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, Debra Barber)

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

Item 43 [Docket No. 2011-0571-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Petroleum Wholesale, L.P. in Harris County; RN100250133; 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, Debra Barber)

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

Item 44 [Docket No. 2011-1258-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FIRESTONE POLYMERS, LLC in Orange County; RN100224468; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Debra Barber)

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

Item 45 [**Docket No. 2011-0785-IWD-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Prestige Gunitite of North Texas, Ltd. in Tarrant County; RN102453461; 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. CR/BG; all agree.

Item 46 [**Docket No. 2011-0742-IWD-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of National Oilwell Varco, L.P. in Harris County; RN100213024; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Debra Barber)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 47 [**Docket No. 2011-0161-IWD-E.**](#)
Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jason Class DBA Class Ready Mix in Austin County; RN105078737; for water quality violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

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

IRRIGATION LICENSING ENFORCEMENT AGREED ORDERS

Item 48 [**Docket No. 2011-0031-LII-E.**](#)
Consideration of an Agreed Order assessing administrative penalties against Thomas L. Barnes, Jr. d/b/a The GreenHouse Center in Harris County; RN103392627; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

Item 49 [**Docket No. 2011-1014-LII-E.**](#)
Consideration of an Agreed Order assessing administrative penalties against Charles C. Crowley in Bexar County; RN105131247; 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.

(Audra Benoit, Debra Barber)

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

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 50 [Docket No. 2011-0649-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Gilbert Benavides in Lubbock County; RN103654604; 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. CR/BG; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 51 [Docket No. 2009-1555-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bisma-Zaeem, Inc. d/b/a B-Z Mart in Van Zandt County; RN102349917; for petroleum storage tank and industrial hazardous waste violations pursuant to Tex. Water Code chs. 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. (Jeffrey J. Huhn, Lena Roberts)

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

Item 52 [Docket No. 2011-0884-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Dell City in Hudspeth County; RN101210409 and RN102844032; for water quality and public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michaelle Sherlock, Debra Barber)

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

Item 53 [Docket No. 2011-0512-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Port Aransas in Nueces County; RN102503646; for petroleum storage tank and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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, Debra Barber)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 54 [Docket No. 2010-1755-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Loyal Lybarger d/b/a Ponderosa Mobile Home Park in Harris County; RN101456333; for public water system 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. CR/BG; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 55 [Docket No. 2011-0054-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Juan Castro in Cameron County; RN106035553; for used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 371, 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. CR/BG; all agree.

Item 56 [Docket No. 2011-0006-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lee Stafford and Lubbock Industries, Inc. in Lubbock County; RN103005617; 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. (Xavier Guerra, Lena Roberts)

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

Item 57 [Docket No. 2010-1420-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Roy L. Guillory and C & C Demo, Inc. in Newton County; RN105951602; 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 58 [Docket No. 2011-0725-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jorge Burgos dba Burgos Lawn Care in Travis

County; RN106097801; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Debra Barber)

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

Item 59 [Docket No. 2011-0319-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hunt County in Hunt County; RN105947139; 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. (Judy Kluge, Debra Barber)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 60 [Docket No. 2011-0700-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Marcelino Rico DBA Ricos Tires, Juan J. Vasquez, and Rosa Vasquez in Hidalgo County; RN106098247; 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. (Tammy L. Mitchell, Lena Roberts)

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

Item 61 [Docket No. 2011-0307-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of TIRETEX, INC. and Jerry Waller in Dallas County; RN103043329; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Sallans, Lena Roberts)

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

Item 62 [Docket No. 2011-0189-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Alvin Cloud in Galveston County; RN105159453; 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. (Tammy L. Mitchell, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 63 [Docket No. 2011-0347-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Dilley in Frio County; RN103124137; 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. CR/BG; all agree.

Item 64 [Docket No. 2011-0812-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lone Star in Morris County; RN101920056; 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. CR/BG; all agree.

Item 65 [Docket No. 2011-0908-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the U.S. Army Corps of Engineers in Williamson County; RN101715340; 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. CR/BG; all agree.

Item 66 [Docket No. 2010-1656-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Sabinal in Uvalde County; RN103014908; 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. CR/BG; all agree.

Item 67 [Docket No. 2011-0244-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of La Joya in Hidalgo County; RN101920361; 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, Debra Barber)

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

Item 68 [**Docket No. 2011-0594-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sebastian Municipal Utility District in Cameron County; RN101702207; 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. CR/BG; all agree.

Item 69 [**Docket No. 2011-0919-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jarrell Independent School District in Williamson County; RN101519049; 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. CR/BG; all agree.

Item 70 [**Docket No. 2011-1257-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mount Vernon in Franklin County; RN102962230; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Debra Barber)

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

Item 71 [**Docket No. 2011-0793-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Lajitas Municipal Services Company LLC in Brewster County; RN102079365; 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, Debra Barber)

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

Item 72 [**Docket No. 2011-0683-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Bilma Public Utility District in Harris County; RN101917433; 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, Debra Barber)

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

Item 73 [**Docket No. 2011-0833-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lott in Falls County; RN103119046; 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. CR/BG; all agree.

Item 74 [**Docket No. 2011-0027-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PK-RE DEVELOPMENT COMPANY, INC. in Travis County; RN102185998; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Debra Barber)

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

Item 75 [**Docket No. 2011-0883-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Country Club Retirement Community, L.P. in Hill County; RN105460646; 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. CR/BG; all agree.

Item 76 [**Docket No. 2010-1185-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Stone Hedge Utility Co., Inc. in Montgomery County; RN102334992; 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 77 [Docket No. 2010-1950-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Zapata County in Zapata County; RN102078391; 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. CR/BG; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDERS

Item 78 [Docket No. 2010-1767-MWD-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Meadowland Utility Corporation in Brazoria County; RN102815198; for water quality violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey Huhn, Lena Roberts)

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

Item 79 [Docket No. 2011-0776-MWD-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Stone Hedge Utility Co., Inc. in Montgomery County; RN102334992; 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. (Stephanie J. Frazee, Lena Roberts)

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

ON SITE SEWAGE FACILITY INSTALLERS ENFORCEMENT AGREED ORDER

Item 80 [Docket No. 2011-1010-OSI-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Robert W. Pixley in Jasper and Polk Counties; RN103223178; for on-site sewage facility violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Debra Barber)

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

ON SITE SEWAGE FACILITY INSTALLERS ENFORCEMENT DEFAULT ORDER

Item 81 [Docket No. 2011-0304-OSI-E.](#)

Consideration of a Default Order assessing administrative penalties against Alex Zamora in El Paso County; RN106057508; for on-site sewage facility installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT AGREED ORDERS

Item 82 [Docket No. 2011-0579-OSS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Trailer, Wheel & Frame Co. in Harris County; RN102294253; for on-site sewage facility violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Merrilee Hupp, Debra Barber)

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

Item 83 [Docket No. 2011-0813-OSS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gerald Osterkamp and Mary Beth Osterkamp in Bailey County; RN106123839; for on-site sewage facility violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Heather Brister, Debra Barber)

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

ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT DEFAULT ORDER

Item 84 [Docket No. 2011-0315-OSS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Eduardo Valdez in Brazoria County; RN105800650; for on-site sewage disposal system violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 366, 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 Default Order. CR/BG; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 85 [Docket No. 2011-0715-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NAFISA INC. dba New Texaco Food Mart in Tarrant County; RN101778470; 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. CR/BG; all agree.

Item 86 [**Docket No. 2011-0586-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against MIR BROTHERS INC. dba Almeda Citgo in Harris County; RN101759124; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Meyer, Debra Barber)

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

Item 87 [**Docket No. 2011-1130-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against ZEE GLOBAL ENTERPRISE, INC. dba Pop Corner in Harris County; RN104162557; 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. (Lanae Foard, Debra Barber)

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

Item 88 [**Docket No. 2011-0994-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Vinod Nagi dba Park N Sak II in Williamson County; RN102462660; 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. (Raymond Marlow, P.G., Debra Barber)

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

Item 89 [**Docket No. 2011-0898-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRINITY INDUSTRIES, INC. in Tarrant County; RN100225804; 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, Debra Barber)

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

Item 90 [**Docket No. 2011-0999-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAVE N MORE CORPORATION dba Save One Stop in Harris County; RN101819936; 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. (Jennifer Graves, Debra Barber)

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

Item 91 [**Docket No. 2011-1005-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Jupiter Food Mart, LLC dba ABC Mini Mart in Tarrant County; RN102010733; 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. CR/BG; all agree.

Item 92 [**Docket No. 2010-2026-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against E.Y.C. Corporation in Dallas County; RN102478575; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

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

Item 93 [**Docket No. 2011-0566-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ahefaz, LLC dba Saveway Food Market in Harris County; RN100871300; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Debra Barber)

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

Item 94 [**Docket No. 2011-0761-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TEXAS UNITED ENTERPRISE, INC. dba Park In Beverage in Grayson County; RN104215330; 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, Debra Barber)

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

Item 95 [**Docket No. 2010-0823-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dallas MSA, Inc. d/b/a Fina in Tarrant County; RN101559649; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

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

Item 96 [**Docket No. 2011-0109-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Sona Ventures, Inc. d/b/a Fuel Depot 6 in Harris County; RN102038114; 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. (Philip M. Goodwin, P. G., Lena Roberts)

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

Item 97 [**Docket No. 2010-1516-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Tom Green County in Tom Green County; RN100551282; 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. CR/BG; all agree.

Item 98 [**Docket No. 2011-1041-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JP Morgan Chase in Tarrant County; RN104709548; 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. CR/BG; all agree.

Item 99 [**Docket No. 2011-0704-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Addison Enterprises Inc dba Prime Travel in

Rockwall County; RN102784030; 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. CR/BG; all agree.

Item 100 [**Docket No. 2011-0672-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ABF FREIGHT SYSTEM, INC. in Harris County; RN101474716; 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. CR/BG; all agree.

Item 101 [**Docket No. 2011-1085-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 5 STAR FORTUNE INC. dba Sunnys Food in Harris County; RN101445104; 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. (Charles Lockwood, Debra Barber)

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

Item 102 [**Docket No. 2011-1055-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lejo Management, Inc. dba Buy The Way in Harris County; RN101447514; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bridgett Lee, Debra Barber)

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

Item 103 [**Docket No. 2011-0668-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TCA INTERNATIONAL INVESTMENTS, INC. dba Al's Food Mart in Fayette County; RN101431567; 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. (Kimberly Walker, Debra Barber)

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

Item 104 [**Docket No. 2011-0852-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against MUCKLAI INVESTMENTS, INC. dba C-Store #1 in Tarrant County; RN101556892; 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. CR/BG; all agree.

Item 105 [**Docket No. 2011-0670-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KAUSER ENERGY INC. dba Kaiser Food Mart in Denton County; RN101473668; 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, Debra Barber)

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

Item 106 [**Docket No. 2010-0664-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jerome H. Jansky in Houston County; RN102459799; 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. CR/BG; all agree.

Item 107 [**Docket No. 2011-0045-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against OSKI LLC d/b/a Oski's in Travis County; RN101488849; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 108 [**Docket No. 2011-0702-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against FEMAYO ENTERPRISES, LLC dba Dixie Quick Stop in Blanco County; RN102057528; 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, Debra Barber)

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

Item 109 [**Docket No. 2011-0814-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against ASHFAQUE ENTERPRISES, INC. dba LJ'S Food Store in Tarrant County; RN100767946; 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. CR/BG; all agree.

Item 110 [**Docket No. 2011-0732-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MSBK, LLC dba Exxon Deli in Orange County; RN102252566; 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. (Rajesh Acharya, Debra Barber)

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

Item 111 [**Docket No. 2011-1068-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Main Street Business, Inc. dba Sunrise Food Mart in Harris County; RN102366184; 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. (Trina Grieco, Debra Barber)

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

Item 112 [**Docket No. 2011-1059-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against JACK & JEFF, INC. dba Jack's Grocery 18 in Harris County; RN105940241; 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. (Theresa Hagood, Debra Barber)

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

Item 113 [**Docket No. 2011-0631-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of CROWN ENTERPRISES, INC. dba Central Transport in Tarrant County; RN102617271; 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. CR/BG; all agree.

Item 114 [**Docket No. 2011-0716-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Con-way Freight Inc. dba Con-way Freight LHO in Harris County; RN100560853; 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. CR/BG; all agree.

Item 115 [**Docket No. 2011-0699-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Houston in Harris County; RN102405321, RN102459492, RN100535699, RN101948875, and RN100217603; 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. CR/BG; all agree.

Item 116 [**Docket No. 2011-0632-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Hossain Makvandi dba Heath Market Place in Rockwall County; RN101541621; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bridgett Lee, Debra Barber)

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

Item 117 [**Docket No. 2011-0820-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Joe Johs, Jr. in Matagorda County; RN101852119; 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. CR/BG; all agree.

Item 118 [**Docket No. 2011-0960-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of STK Food, Inc. dba STK All Season in Harris County; RN102914512; 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, Debra Barber)

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

Item 119 [**Docket No. 2011-0952-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against NAQIB BUSINESS CORPORATION dba Fuel Depot 16 in Harris County; RN102032620; 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, Debra Barber)

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

Item 120 [**Docket No. 2011-0760-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FONDREN ADP, LTD. dba Fondren Mobil in Harris County; RN100527142; 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, Debra Barber)

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

Item 121 [**Docket No. 2011-0071-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of A L Nizamani Inc. d/b/a A L Food Store in Harris County; RN104259312; 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 122 [**Docket No. 2011-0762-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Vachana S. Mao dba N V Food Mart in Tarrant County; RN102385325; 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, Debra Barber)

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

Item 123 **[Docket No. 2011-0059-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ANMOL INVESTMENT, INC. d/b/a McCarty Food Store in Harris County; RN101838100; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 124 **[Docket No. 2011-1147-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Edward W. Sibley dba Memorial Conoco Car Care in Harris County; RN102225307; 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, Debra Barber)

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

Item 125 **[Docket No. 2011-0903-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kashmir Road Lines LLC dba Chevron Foodmart 159 in Harris County; RN101618536; 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, Debra Barber)

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

Item 126 **[Docket No. 2010-1948-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Quang Dang Pham d/b/a Sunmart 302 in Harris County; RN102054434; 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 Agreed Order. CR/BG; all agree.

Item 127 **[Docket No. 2011-0750-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against

ALBERT KHOA CORP dba Mike's Pit Stop 6 in Harris County; RN101810513; 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. CR/BG; all agree.

Item 128 **Docket No. 2011-1058-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against HILL COUNTRY TELEPHONE COOPERATIVE, INC. in Kerr County; RN101447340; 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. CR/BG; all agree.

Item 129 **Docket No. 2011-1276-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JAMES WOOD MOTORS, INC. in Wise County; RN101647121; 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. (Kimberly Walker, Debra Barber)

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

Item 130 **Docket No. 2011-1110-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JYKM UNION, INC. dba Granger Food Store in Williamson County; RN101375889; 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. CR/BG; all agree.

Item 131 **Docket No. 2010-1094-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against Oghi Enterprises, Inc. DBA Stop-N-Drive 3 in Montgomery County; RN101750248; 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. (Jim Sallans, Lena Roberts)

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

Item 132 [**Docket No. 2010-1588-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NORTHWEST PETROLEUM LP dba San Marcos Shell in Hays County; RN101496453; 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 Sallans, Lena Roberts)

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

Item 133 [**Docket No. 2011-0482-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Robert M. Youngblood in Tyler County; RN103115648; 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 Agreed Order. CR/BG; all agree.

Item 134 [**Docket No. 2011-1177-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Crane County Hospital District dba Crane Memorial Hospital in Crane County; RN101798585; 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. CR/BG; all agree.

Item 135 [**Docket No. 2011-0117-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cavalier Golden Group, Inc. d/b/a Cavalier Food Mart and Akbarali Momin d/b/a Cavalier Food Mart in Travis County; RN101491579; 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 136 [**Docket No. 2011-0834-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kashmir Road Lines LLC dba Texaco Foodmart 147

in Harris County; RN102030913; 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, Debra Barber)

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

Item 137 [**Docket No. 2011-0815-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Height's Exxon, Inc. dba Heights Mobil in Harris County; RN102160330; 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, Debra Barber)

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

Item 138 [**Docket No. 2011-0180-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HASHIR INVESTMENTS, INC. d/b/a Del Valle Food Mart in Travis County; RN104158613; 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 Agreed Order. CR/BG; all agree.

Item 139 [**Docket No. 2010-0616-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bluff Springs Enterprises Inc. d/b/a Texan Food Mart in Travis County; RN102351111; 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. CR/BG; all agree.

Item 140 [**Docket No. 2011-0669-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against LONE STAR CONVENIENCE STORES, INC. dba Dukes 7 in Tarrant County; RN103016051; 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. (Jaime Geil, Debra Barber)

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

Item 141 [**Docket No. 2011-0386-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jerry Bruton d/b/a Bruton's Chevron in Navarro County; RN102024031; for petroleum storage tank violations pursuant to Tex. Water Code chs 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)

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

Item 142 [**Docket No. 2011-1113-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against FH&S ENTERPRISES, INC. dba Penny Saver in Tarrant County; RN101778504; 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. (Charles Lockwood, Debra Barber)

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

Item 143 [**Docket No. 2011-1250-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against L. H. CHANEY MATERIALS, INC. dba Chaney Trucking in Wise County; RN101563344; 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. (Marcia Alonso, Debra Barber)

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

Item 144 [**Docket No. 2011-1148-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LN CORPORATION dba Almeda Food Store in Harris County; RN104208889; 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. (Kimberly Walker, Debra Barber)

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

Item 145 [**Docket No. 2011-0938-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Harris County Hospital District in Harris County; RN100706035; 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. (Raymond Marlow, Debra Barber)

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

Item 146 **[Docket No. 2011-0078-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of A & H PETROLEUM INC. D/B/A Beverage Warehouse in Tarrant County; RN101435113; 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. CR/BG; all agree.

Item 147 **[Docket No. 2011-0920-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against LAKESIDE COUNTRY CLUB in Harris County; RN101793735; 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, Debra Barber)

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

Item 148 **[Docket No. 2011-0799-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Austin Independent School District in Travis County; RN101522118; 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, Debra Barber)

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

Item 149 **[Docket No. 2011-0769-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against I-TEX GROCERY, INC. dba Jacks Grocery 5 in Harris County; RN103050225; 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. CR/BG; all agree.

Item 150 **[Docket No. 2011-0853-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Quang Dang Pham d/b/a Sunmart 302 in Harris County; RN102054434; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 151 [Docket No. 2011-0349-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Felix Rodriguez and Robert Rodriguez in Hidalgo County; RN102239845; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 152 [Docket No. 2011-0340-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of K & A Retail Inc. d/b/a Skillman Diamond Shamrock in Dallas County; RN101535193; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 153 [Docket No. 2011-0646-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Leopoldo E. Galindo d/b/a Leo's Tire Service a/k/a Crane Texaco in Crane County; RN102043932; 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. CR/BG; all agree.

Item 154 [Docket No. 2010-2021-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of M & K PANTRY, LLC in Hardin County; RN101880953; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 155 [**Docket No. 2011-0005-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of DESI GROUP, INC. DBA Fina Mart in Dallas County; RN102361060; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

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

Item 156 [**Docket No. 2011-0653-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of IZ, INC. d/b/a IZ Food Mart in Collin County; RN102239035; 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. (Jim Sallans, Lena Roberts)

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

Item 157 [**Docket No. 2011-0444-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Al-Museer, Inc. in Harris County; RN101875516; 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 Default Order. CR/BG; all agree.

Item 158 [**Docket No. 2011-0165-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Thakoor Chatarpal in Harris County; RN101827533; 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. (Stephanie J. Frazee, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 159 [**Docket No. 2011-0709-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The University of Texas of the Permian Basin in Midland County; RN104431986; 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. CR/BG; all agree.

Item 160 [**Docket No. 2011-0937-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Howard T. Nelius dba Coushatte Campground in Austin County; RN101233054; 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. CR/BG; all agree.

Item 161 [**Docket No. 2011-1192-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Charles Kenneth Horn d/b/a Charlies Country Store and Café in Burnet County; RN104375084; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Debra Barber)

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

Item 162 [**Docket No. 2011-0361-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against TLALOC OUTDOORS, INC. d/b/a Del Rio Fisherman's Headquarters in Val Verde County; RN101217800; 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 Agreed Order. CR/BG; all agree.

Item 163 [**Docket No. 2011-0825-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kerrville in Kerr County; RN101425296; 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. CR/BG; all agree.

Item 164 [**Docket No. 2010-1944-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Highland Park Water Supply Corporation in Bosque County; RN101254407; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

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

Item 165 [**Docket No. 2011-0798-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lawn in Taylor County; RN101406916; 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, Debra Barber)

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

Item 166 [**Docket No. 2011-0856-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Whitney in Hill County; RN102688934; 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, Debra Barber)

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

Item 167 [**Docket No. 2011-0951-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Center in Shelby County; RN101390409; 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. CR/BG; all agree.

Item 168 [**Docket No. 2011-0917-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Ackerly in Dawson County; RN101174985; 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. CR/BG; all agree.

Item 169 [**Docket No. 2010-1069-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of T S RANCH & RETREAT, Inc. in Parker County; RN104810619; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 170 [Docket No. 2011-0469-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against Alfredo Solalinde d/b/a Pine Oak Forest Water System in Harris County; RN101213601; 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. CR/BG; all agree.

Item 171 [Docket No. 2011-1046-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Richard Billings dba Oak Hills Ranch Water Company in Guadalupe County; RN101209914; 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. CR/BG; all agree.

Item 172 [Docket No. 2011-0888-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Mardoche Abdelhak d/b/a Big Trees Trailer City in Bexar County; RN101652048; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 173 [Docket No. 2011-0635-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of SAVS Investments, Inc. d/b/a Friday's General Store in Blanco County; RN104711163; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

UTILITIES ENFORCEMENT AGREED ORDER

Item 174 [Docket No. 2011-0480-UTL-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Harris County Municipal Utility District 420 in Harris County; RN105371793; 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 Linson-Mgbeoduru, Debra Barber)

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

UTILITIES ENFORCEMENT DEFAULT ORDER

Item 175 [Docket No. 2011-0501-UTL-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Consumers Water Inc. in Harris County; RN101275287; RN101251627; RN101257301; RN101260255; RN101231975; RN101217552; RN101230282; RN101201127; 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. CR/BG; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 176 [Docket No. 2011-1072-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Killeen in Bell County; RN103174306; 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, Debra Barber)

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

Item 177 [Docket No. 2010-0937-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against DAFFRON PARTNERS, LTD. in Travis County; RN105786560; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 178 [Docket No. 2010-2071-WR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against City Concrete, Inc. in Jack County; RN106031172; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Heather Brister, Debra Barber)

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

RULE MATTERS

Item 179 **[Docket No. 2011-1905-RUL.](#)**

Consideration for publication of, and hearing on, the proposed amendment to Section 336.702 and proposed new Sections 336.745 and 336.747 of 30 Texas Admin. Code (TAC) Chapter 336, Radioactive Substance Rules. The proposed rulemaking would revise the Commission's radiation control rules to implement Senate Bill 1504, 82nd Legislature, 2011, Regular Session. The proposed rulemaking would establish requirements at the licensed low-level radioactive compact waste disposal facility for the disposal of party state compact waste that has been commingled with waste from other sources at a commercial waste processing facility. The proposed rulemaking would also add definitions and prohibit the receipt and disposal of waste of international origin. (Don Redmond, Hans Weger) (Rule Project No. 2011-036-336-WS)

Approve the publication of, and hearing on, proposed amendment to Section 336.702 and proposed new Sections 336.745 and 336.747, as recommended by the Executive Director. BG/CR; all agree.

Item 180 **[Docket No. 2011-1065-RUL.](#)**

Consideration for publication of, and hearing on, proposed new Section 80.110 of 30 TAC Chapter 80, Contested Case Hearings. The proposed rulemaking would implement House Bill 2694, Section 3.04, 82nd Legislature, 2011, Regular Session, relating to Texas Water Code, Section 5.276, Factors for Public Interest Representation. The proposed rule would establish factors the Public Interest Counsel must consider before deciding to represent the public interest as a party to a Commission proceeding, including factors to determine the nature and extent of the public interest and factors to consider in prioritizing the workload of the Office of Public Interest Counsel. (Blas Coy, Kathy Humphreys) (Rule Project No. 2011-035-080-AD)

Approve the publication of, and hearing on, proposed new 30 TAC Section 80.110, as recommended by the Executive Director. CR/BG; all agree.

Item 181 **[Docket No. 2011-0388-RUL.](#)**

Consideration of the adoption of repealed Section 115.437; amendments to Sections 115.422, 115.427, 115.429, 115.430, 115.432, 115.433, 115.435, 115.436, and 115.439; and new Sections 115.431, 115.450, 115.451, 115.453 - 115.455, 115.458 - 115.461, 115.463 - 115.465, 115.468 - 115.471, 115.473 - 115.475, 115.478, and 115.479 of 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds (VOC) and corresponding revisions to the state implementation plan. The adopted rules implement Federal Clean Air Act reasonably available control technology requirements for sources of VOC emissions per the control technique guidelines published by the United States Environmental Protection Agency. The adopted rules affect the following eight emission source categories in the Dallas-Fort Worth 1997 eight-hour ozone nonattainment area: industrial cleaning solvents; flexible package printing; paper, film, and foil coatings; large appliance coatings; metal furniture coatings;

miscellaneous metal and plastic parts coatings; miscellaneous industrial adhesives; and automobile and light-duty truck coatings. The adopted rules affect the following seven emission source categories in the Houston-Galveston-Brazoria 1997 eight-hour ozone nonattainment area: industrial cleaning solvents; flexible package printing; paper, film, and foil coatings; large appliance coatings; metal furniture coatings; miscellaneous metal and plastic parts coatings; and miscellaneous industrial adhesives. The proposed rules were published in the June 24, 2011, issue of the *Texas Register* (36 TexReg 3834). (Amy Browning, Frances Dowiak) (Rule Project No. 2010-016-115-EN)

Adopt the repeal of 30 TAC Section 115.437, amendments to certain Sections of 30 TAC Chapter 115, creation of certain new Sections to 30 TAC Chapter 115 and the corresponding revisions to the state implementation plan, as recommended by the Executive Director. BG/CR; all agree.

Item 182 [**Docket No. 2010-1773-RUL.**](#)

Consideration of the adoption of amendments to Sections 115.110, 115.112 - 115.114, and 115.119; repeal of Sections 115.115 – 115.117; and new Sections 115.111 and 115.115 – 115.118 of 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds, and corresponding revisions to the state implementation plan. The adoption will require a more stringent level of control for volatile organic compounds (VOC) storage in the Dallas-Fort Worth 1997 eight-hour ozone nonattainment area and reduce VOC emissions, including benzene, from oil and gas production sources. In addition, the rulemaking clarifies and adds specificity to the rule requirements for sources in all affected areas, including the Houston-Galveston-Brazoria 1997 eight-hour ozone nonattainment area, the Beaumont-Port Arthur 1997 eight-hour ozone maintenance area, and Aransas, Bexar, Calhoun, El Paso, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties. The proposed rules were published in the June 24, 2011, issue of the *Texas Register* (36 TexReg 3801) (Amy Browning, Robert Gifford) (Rule Project No. 2010-025-115-EN).

Joint Motion for Items 182, 183 and 184.

Adopt the repeal of 30 TAC Sections 115.115 – 115.117; promulgations of new Sections 115.111 and 115.115 – 115.118; amendments to Section 115.110, 115.112 -115.114, and 115.119; and approve the Dallas-Fort Worth Attainment Demonstration state implementation plan and Reasonable Further Progress state implementation plan for the 1997 eight-hour ozone NAAQS, as recommended by the Executive Director. CR/BG; all agree.

STATE IMPLEMENTATION PLANS

Item 183 [**Docket No. 2011-0363-SIP.**](#)

Consideration of the adoption of revisions to the Dallas-Fort Worth Attainment Demonstration State Implementation Plan (SIP) revision to meet the 1997 eight-hour ozone National Ambient Air Quality Standard. To meet Federal Clean Air Act requirements, the adopted SIP revision will include a photochemical modeling analysis, a weight of evidence analysis, a reasonably

available control technology analysis, a reasonably available control measures analysis, a motor vehicle emissions budget for 2012, and a contingency plan. The adopted SIP revision will also incorporate concurrently adopted revisions to 30 TAC Chapter 115 into the Texas SIP. (Terry Salem, Kathy Singleton) (Rule Project No. 2010-022-SIP-NR)

Joint Motion for Items 182, 183 and 184.

Adopt the repeal of 30 TAC Sections 115.115 – 115.117; promulgations of new Sections 115.111 and 115.115 – 115.118; amendments to Section 115.110, 115.112 -115.114, and 115.119; and approve the Dallas-Fort Worth Attainment Demonstration state implementation plan and Reasonable Further Progress state implementation plan for the 1997 eight-hour ozone NAAQS, as recommended by the Executive Director. CR/BG; all agree.

Item 184 [**Docket No. 2011-0159-SIP.**](#)

Consideration of the adoption of revisions to the Dallas-Fort Worth (DFW) Reasonable Further Progress (RFP) State Implementation Plan (SIP) Revision for the 1997 Eight-Hour Ozone Standard. The adopted SIP revision will demonstrate reasonable further progress toward attainment of the 1997 eight-hour ozone National Ambient Air Quality Standard from the 2002 base year to the 2012 attainment year, and it will provide a 3% emissions reduction demonstration for contingency as well as updated RFP motor vehicle emissions budgets for 2011 and 2012. This DFW RFP SIP revision includes updated point, area, non-road mobile, and on-road mobile source emissions inventories. The on-road mobile source emissions inventory was developed using the United States Environmental Protection Agency's Motor Vehicle Emission Simulator model. (Terry Salem, Jamie Zech) (Project No. 2010-023-SIP-NR)

Joint Motion for Items 182, 183 and 184.

Adopt the repeal of 30 TAC Sections 115.115 – 115.117; promulgations of new Sections 115.111 and 115.115 – 115.118; amendments to Section 115.110, 115.112 -115.114, and 115.119; and approve the Dallas-Fort Worth Attainment Demonstration state implementation plan and Reasonable Further Progress state implementation plan for the 1997 eight-hour ozone NAAQS, as recommended by the Executive Director. CR/BG; all agree.

Item 185 [**Docket No. 2011-0083-SIP.**](#)

Consideration of the adoption of the Houston-Galveston-Brazoria (HGB) Reasonably Available Control Technology (RACT) Analysis Update State Implementation Plan (SIP) Revision for the 1997 Eight-Hour Ozone Standard. To conform to United States Environmental Protection Agency (EPA) rules and guidance, the SIP revision will update the RACT analysis for volatile organic compounds emission sources to include Control Techniques Guidelines (CTG) that were not addressed in the HGB Attainment Demonstration SIP Revision for the 1997 Eight-Hour Ozone Standard, submitted to the EPA on April 6, 2010. The revision will also incorporate concurrent CTG-related rule revisions in 30 TAC Chapter 115, Subchapter E. (John Minter, Lola Brown) (Project No.

2010-028-SIP-NR)

Adopt the Houston-Galveston-Brazoria Reasonable Available Control Technology Analysis Update state implementation plan revisions for the 1997 eight-hour ozone standard, as recommended by the Executive Director. BG/CR; all agree.

Item 186 **PUBLIC COMMENT SESSION**

The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.

No Action Taken.

EXECUTIVE MEETING

Item 187 **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 188 **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 189 **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/ Anne Rowland
Assistant General Counsel,
Anne Rowland

 12/15/2011
Date