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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

February 22, 2012

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1

[Docket No. 2012-0065-WR.](#)

Consideration of the application by the Upper Trinity Regional Water District for new Water Use Permit No. 5821 to construct and maintain a dam and reservoir (Lake Ralph Hall) on the North Sulphur River, Sulphur River Basin, in Fannin County for in-place recreational purposes and to divert and use not to exceed 45,000 acre-feet of water per year from the perimeter of the proposed reservoir for municipal, industrial, and agricultural purposes. The Applicant also requests an authorization to transfer water from the Sulphur River Basin to the Trinity River Basin for use in portions of Collin, Cooke, Dallas, Denton, Fannin, Grayson, and Wise Counties within the Trinity and Sulphur River Basins. The Commission will consider all timely filed hearing requests and related responses and replies. (James Aldredge, Ron Ellis)

Grant the hearing requests of John S. Adams, Leslie A. Adams, Sarah Hembree Ashcraft-Petersen, Crystal Cooper-Smith, Chester E. DeBord, Mike Flesher, Angela J. Scott, the Town of Flower Mound, the National Wildlife Federation, and the Texas Conservation Alliance; Direct the Office of Chief Clerk to refer the granted hearing requests to the State Office of

Administrative Hearings (SOAH); and deny all remaining hearing requests. BG/CR; all agree.

Item 2 **Docket No. 2011-1786-DIS.**

Consideration of a petition from Christine L. Withee, Terrance D. Withee, et. al (Petitioners) for the Creation of South Port Alto Municipal Utility District of Calhoun County, Texas, pursuant to Texas Water Code Chapters 49 and 54. The proposed District would contain approximately 52.5 acres and would be located just east of the intersection of State Highway 172 and County Road 314 in Calhoun County on the western shore of Carancahua Bay. It is approximately 17 miles east of the City of Port Lavaca and 43 miles southeast of the City of Victoria. The proposed District is not located within the limits or extraterritorial jurisdiction of any municipality. The Commission will also consider requests for hearing and related responses and replies. (Tony Schneider, Kayla Murray)

Grant the hearing requests of R. L. Bolleter, Frederick J. Dennick Jr., Harry and Patricia Forbes, Claudia D. Haas, Mr. and Mrs. Frank J. Hurta, Jr., Paul E. Lawson, and Jesse Wood; Set a hearing duration of 9 months from the preliminary hearing to the issuance of the Proposal for Decision; and direct the Executive Director to participate in the contested case hearing at SOAH. CR/BG; all agree.

Item 3 **Docket No. 2011-2265-AIR.**

Consideration of the application by Enterprise Products Operating, LLC for the amendment of Air Quality Permit No. 73384 to authorize emission increases from its three Delaval reciprocating engines at the Bandera Compressor site. The Bandera Compressor site is located at 4995 State Highway 16 South, Bandera, in Bandera County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Alexis Lorick, Marc Sturdivant)

Deny the hearing request and request for reconsideration filed by David Mabry; Issue the permit amendment to TCEQ Air Quality Permit No. 73384; and adopt the Executive Director's Response to Comments. BG/CR; all agree.

MISCELLANEOUS MATTER

Item 4 **TCEQ Docket No. 2009-0283-AIR; SOAH Docket No. 582-09-3008.**

Consideration of the judicial remand of the application by White Stallion Energy Center, LLC, for State Air Quality Permit No. 86088, Prevention of Significant Deterioration Air Quality Permit No. PSD-TX-1160, Plant-wide Applicability Limit Permit No. PAL26 and Hazardous Air Pollutant Major Source Permit No. HAP28, pursuant to the Texas Clean Air Act, Texas Health and Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including 30 TAC Chapter 116. The application relates to the construction and operation of a new 1,200 net megawatt electric generation plant in Matagorda County, Texas. (Booker Harrison)

Direct the General Counsel to set the deadlines for the submission of briefs with accompanying evidence authorized by the Court's June 20, 2011 Order in this matter, as well as set deadlines for responses and replies. CR/BG; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 [Docket No. 2011-2336-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102579307; RN102212925; RN102574803; 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. (Stephanie Bergeron Perdue, Lena Roberts)

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

Item 6 [Docket No. 2011-1785-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RIO GRANDE VALLEY SUGAR GROWERS, INC. in Hidalgo County; RN100825405; 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. BG/CR; all agree.

Item 7 [Docket No. 2011-0850-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Norit Americas, Inc. in Harrison County; RN102609724; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Debra Barber)

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

Item 8 [Docket No. 2011-1766-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ConocoPhillips Company in Brazoria County; RN101619179; 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. BG/CR; all agree.

Item 9 [**Docket No. 2011-0871-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Alstom Power Inc. in Harris County; RN105768121; 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. BG/CR; all agree.

Item 10 [**Docket No. 2011-0866-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against EOG Resources, Inc. in La Salle County; RN106115686; 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. BG/CR; all agree.

Item 11 [**Docket No. 2011-1585-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Brazoria County; RN100238708; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Debra Barber)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDERS

Item 12 [**Docket No. 2011-0021-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of John Duncan d/b/a A Plus Construction and Lawn in Brazoria County; RN105937064; 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 M. Treadwell, Lena Roberts)

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

Item 13 [**Docket No. 2010-0950-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jose Trevino in Webb County; RN104402961; 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. (Stephanie Frazee, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 14 [Docket No. 2011-0797-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Crosswinds I Partnership, Ltd. in Bexar County; RN105601850; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Debra Barber)

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

Item 15 [Docket No. 2011-1532-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Motorola Northwest Property Owners, Inc. in Williamson County; RN103065322; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Debra Barber)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 16 [Docket No. 2011-1118-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KOLDER, INC. dba Numo Manufacturing in Kaufman County; RN106111404; 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. (Keith Frank, Debra Barber)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT DEFAULT ORDERS

Item 17 [Docket No. 2010-1608-IHW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Gerald Fisher d/b/a Turneco Oil and Service in Harris County; RN101060663; 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. (Anna Treadwell, Lena Roberts)

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

Item 18 [Docket No. 2011-0225-IHW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Paula Roark d/b/a Naconiches Farm in Nacogdoches County; RN105944524; 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. (Rudy Calderon, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 19 [Docket No. 2011-0630-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Tex Mix Partners, Ltd. in Williamson County; RN100242122; 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. BG/CR; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 20 [Docket No. 2011-1039-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of James A. Derryberry dba A1 Dirt Co. in San Jacinto County; RN106121791; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Debra Barber)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 21 [Docket No. 2010-1019-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of SLC Construction, LLC in Aransas County and Nueces County; RN105600837 and RN105717524; for air quality, industrial and/or hazardous waste, municipal hazardous waste, used oil, and water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361, 371, and 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 Default Order. BG/CR; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 22 **[Docket No. 2011-1088-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Timber Solutions, Inc. in Fort Bend County; RN102577293; 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. (Danielle Porras, Debra Barber)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 23 **[Docket No. 2011-1183-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Buffalo in Leon County; RN101917540; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Debra Barber)

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

Item 24 **[Docket No. 2011-0584-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Newton in Newton County; RN101607570; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Debra Barber)

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

Item 25 **[Docket No. 2011-1531-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Palestine in Anderson County; RN102183233; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Debra Barber)

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

Item 26 **[Docket No. 2011-0847-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Schertz in Bexar County; RN104800289; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the

rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Debra Barber)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 27 **[Docket No. 2011-0981-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against NYLA, INC. dba Courtesy Food Mart in Harris County; RN101446714; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip Aldridge, Debra Barber)

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

Item 28 **[Docket No. 2011-1060-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WILLIAM GROCERY, INC. dba Jiffy Mart 4 in Williamson County; RN102229077; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Debra Barber)

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

Item 29 **[Docket No. 2011-1139-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against NEW MART CORPORATION dba Murphy Food Corner in Fort Bend County; RN101892206; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Debra Barber)

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

Item 30 **[Docket No. 2011-1012-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Izzet Yildirim dba Charles Conoco in Harris County; RN101828689; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Debra Barber)

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

Item 31 [**Docket No. 2011-1201-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against PHUONG GIA CORPORATION dba 1 Stop in Hopkins County; RN102718590; 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. BG/CR; all agree.

Item 32 [**Docket No. 2011-1309-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against John A. Matlock dba Matlocks Country Corner in Kaufman County; RN102245750; 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. BG/CR; all agree.

Item 33 [**Docket No. 2011-1512-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KAPADIA SADLER DEVELOPMENT, INC. dba Kidd Jones 2 in Henderson County; RN101838373; 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. (Charlie Lockwood, Debra Barber)

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

Item 34 [**Docket No. 2011-1274-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against ASMATS, L.L.C. dba Crosstimbers Coastal in Harris County; RN102363462; 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. BG/CR; all agree.

Item 35 [**Docket No. 2011-0818-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against GOVA ENTERPRISES INC. dba Stella Link Valero in Harris County; RN102346871; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca

Johnson, Debra Barber)

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

Item 36 **[Docket No. 2011-0983-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against 2SAM, INCORPORATED dba Hyridge Grocery in Travis County; RN101495299; 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. BG/CR; all agree.

Item 37 **[Docket No. 2011-1246-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of West End Auto-works, Inc. in Harris County; RN102445798; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Debra Barber)

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

Item 38 **[Docket No. 2011-0863-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against STELLA LINK BUSINESS, LLC dba Corner Drive In Grocery in Harris County; RN102036225; 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. BG/CR; all agree.

Item 39 **[Docket No. 2011-1052-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against EXCELLENT INC. dba Kwiks Top Grocery in Harris County; RN101882686; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Debra Barber)

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

Item 40 **[Docket No. 2011-0838-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 610 ENTERPRISES INC. dba 610 Valero in Harris

County; RN102649449; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip Aldridge, Debra Barber)

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

Item 41 [**Docket No. 2011-0904-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against FGH INSULATION CO. in Harris County; RN101436707; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Debra Barber)

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

Item 42 [**Docket No. 2011-0894-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vishnu Priya, LLC dba Bruton Road Mobil in Dallas County; RN100533066; 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. BG/CR; all agree.

Item 43 [**Docket No. 2011-1137-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of A C Mobile Inc. in Harris County; RN102807203; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Debra Barber)

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

Item 44 [**Docket No. 2011-0111-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against HoustonAustin Investments, LLC dba Courtesy Shell 4 in Travis County; RN102238615; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Debra Barber)

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

Item 45 [Docket No. 2011-1187-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Spring Branch Independent School District in Harris County; RN100572189; 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 Morales, Debra Barber)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDER

Item 46 [Docket No. 2011-0448-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Carlos Reyes d/b/a Chucos Tire Shop and James A. Wilson in Dallas County; RN102253937; 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. BG/CR; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 47 [Docket No. 2011-1087-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of KACHMAR ENTERPRISES, INC. dba Snook Lane Citgo in Harris County; RN102342987; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

Item 48 [Docket No. 2011-1169-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of B. K. TRADING, INC. d/b/a Speedy Stop 9 in Lamar County; RN102034725; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 49 [**Docket No. 2011-1671-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Ballinger in Runnels County; RN101409928; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Debra Barber)

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

Item 50 [**Docket No. 2011-0873-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Central Bowie County Water Supply Corporation in Bowie County; RN101389153; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Sherlock, Debra Barber)

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

Item 51 [**Docket No. 2011-1037-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of A&M Silver, Inc. dba Winners Corner 2 in Harris County; RN101213916; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Debra Barber)

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

Item 52 [**Docket No. 2010-1749-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bartlett in Williamson County; RN101375590; 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. BG/CR; all agree.

Item 53 [**Docket No. 2011-1409-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RIVER BEND WATER SERVICES, INC. in Matagorda County; RN102681467; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Bridgett Lee, Debra Barber)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 54 [**Docket No. 2011-1378-WR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Regal Energy Operating, L.L.C. in Wise County; RN105937684; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jeremy Escobar, Debra Barber)

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

RULE MATTERS

Item 55 [**Docket No. 2011-1486-RUL.**](#)

Consideration for publication of, and hearing on, proposed new Section 106.513 of 30 Texas Administrative Code (TAC) Chapter 106, Permits by Rule. The proposed rulemaking would implement House Bill (HB) 3268 from the 82nd Legislature, 2011, Regular Session, which requires that the commission develop a permit by rule (PBR) or a standard permit to authorize emissions from combined heat and power (CHP) facilities. Proposed new Section 106.513 is a PBR which establishes emission standards and compliance requirements for CHP units in accordance with the requirements and guidelines of HB 3268. (Michael Wilhoit, Becky Petty) (Rule Project No. 2012-008-106-AI)

Approve the publication of, and hearing on, proposed new 30 TAC Section 106.513, as recommended by the Executive Director. CR/BG; all agree.

Item 56 [**Docket No. 2011-1745-RUL.**](#)

Consideration for publication of, and hearing on, proposed amended sections of 30 TAC Chapter 101, Section 101.201(h), Emissions Event Reporting and Recordkeeping Requirements, and Section 101.211(f), Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements, Subchapter F, General Rules. The proposed rulemaking would remove language from these sections requiring small emitting sources to collect and report annual emissions event and maintenance, startup, and shutdown data to the Texas Commission on Environmental Quality for emissions inventory purposes. These requirements are limited to small sources located in nonattainment areas, maintenance areas, early action compact areas, Nueces County, or San Patricio County that are not required to report this data annually in an emissions inventory per 30 TAC Section 101.10, Emissions Inventory. (Kathy Pendleton, Janis Hudson) (Rule Project No. 2011-043-101-EN)

Remanded to the Executive Director.

Item 57 [**Docket No. 2011-1639-RUL.**](#)

Consideration for publication of, and hearing on, a proposed amendment to 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Section 114.517, and corresponding revisions to the state implementation plan. The proposed rulemaking would implement Senate

Bill 493 from the 82nd Texas Legislature, 2011, Regular Session, by amending Section 114.517 to include an exemption for motor vehicles that have a gross vehicle weight rating greater than 14,000 pounds and are equipped with a 2008 or subsequent model year heavy-duty diesel engine or liquefied or compressed natural gas engine that has been certified by the United States Environmental Protection Agency or another state environmental agency to emit no more than 30 grams of nitrogen oxides emissions per hour when idling. (Holly Brightwell, Booker Harrison) (Rule Project No. 2011-060-114-EN)

Approve the publication of, and hearing on, the proposed amendment to 30 TAC Section 114.517 and corresponding state implementation plan revision, as recommended by the Executive Director. BG/CR; all agree.

Item 58 **Docket No. 2011-2229-RUL.**

Consideration for publication of, and hearing on, proposed amended sections 116.12, 116.150, 116.151, 116.180, and 116.186 of 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification and corresponding revisions to the state implementation plan. The proposed rulemaking would remove a reference to flexible permits in the definition of plant-wide applicability limit, include references to federal terminology, and state that the failure to use monitoring required in a plant-wide applicability limit permit would render that permit invalid. (Blake Stewart, Janis Hudson) (Rule Project No. 2012-015-116-AI)

Approve publication of, and hearing on, the proposed amendments to 30 TAC Chapter 116 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/BG; all agree.

PUBLIC COMMENT SESSION

Item 59 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 60 **Docket No. 2012-0001-EXE.**

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

No Action Taken.

Item 61 **Docket No. 2012-0002-EXE.**

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

No Action Taken.

Item 62 **Docket No. 2012-0003-EXE.**

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

No Action Taken.

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

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

**THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT:
[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**

/s/ Barham Richard
Assistant General Counsel
Barham Richard

 2/27/2012
Date