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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 Carlos Rubinstein
Commissioner Toby Baker

AGENDA

September 19, 2012

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

Item 1

[TCEQ Docket Nos. 2011-0416-UTL-E and 2011-0417-UTL-E; SOAH Docket No. 582-12-2876.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding an enforcement action against Krebs Utilities, Inc. d/b/a Padok Timbers Subdivision WS and d/b/a K Estates Water Systems in Harris County, Texas; RN101267177 and RN101257806; pursuant to Tex. Water Code ch. 13, 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. (Peipey Tang)

Adopt the ALJ's Proposed Order with the Executive Director's recommended changes; accepted and recommended by the ALJ in her letter dated August 31, 2012. CR/TB; all agree.

Item 2

[TCEQ Docket No. 2011-0882-PST-E; SOAH Docket No. 582-12-3504.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of

ACCEL QUICK STOP, INC. d/b/a Libby Food Store in Tarrant County, Texas; RN102494424; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. The Commission will also consider the record, timely related filings, exceptions and replies. (Mike Fishburn)

Adopt the ALJ's Proposed Order as revised by the Executive Director's Exceptions filed on August 15, 2012 and agreed to by the ALJ in her letter dated August 31, 2012. TB/CR; all agree.

HEARING REQUEST/REQUEST FOR RECONSIDERATION

Item 3 **Docket No. 2012-1401-MSW.**

Consideration of an application by Affordable Dewatering Service, LLC, for proposed Municipal Solid Waste Permit No. 2373, to authorize a Type V liquid waste processing facility to store and process grease trap, grit trap, septage, and portapotty waste. The facility is proposed to be located at 2201 South Midkiff Road, Midland, Midland 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. (Diane Goss, Chandra Yadav)

Item has been continued to a future agenda to be determined.

WATERMASTER BUDGET MATTERS

Item 4 **Docket No. 2012-1412-BGT.**

Consideration of Fiscal Year 2013 Assessment of Annual Costs for Watermaster operations in the Concho River Watermaster Program. Pursuant to Texas Water Code Section 11.329 and 30 Texas Administrative Code (TAC) Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2012, and ending August 31, 2013, for appropriators in the Concho River Watermaster Program which consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in Concho County and approve \$171,410.70 as the amount to be assessed for annual costs. (Cindy Hooper)

Joint Motion for Items 4, 5, and 6

Approve the Concho River, Rio Grande, and South Texas Watermaster Budgets for fiscal year 2013 and issue the Executive Director's three Proposed Orders assessing the annual costs of these Watermaster Programs. CR/TB' all agree.

Item 5 **Docket No. 2012-1413-BGT.**

Consideration of Fiscal Year 2013 Assessment of Annual Costs for Watermaster operations in the South Texas Watermaster Program. Pursuant to Texas Water Code Section 11.329 and 30 TAC Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2012, and ending August 31, 2013, for appropriators in the South Texas Water Division which consists of the Nueces, San Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in Hidalgo, Cameron, Willacy, and Starr Counties and approve \$572,211.15 as the amount to be assessed for annual costs. (Cindy Hooper)

Joint Motion for Items 4, 5, and 6

Approve the Concho River, Rio Grande, and South Texas Watermaster Budgets for fiscal year 2013 and issue the Executive Director's three Proposed Orders assessing the annual costs of these Watermaster Programs. CR/TB' all agree.

Item 6 **Docket No. 2012-1414-BGT.**

Consideration of Fiscal Year 2013 Assessment of Annual Costs for Watermaster operations in the Rio Grande Water Division. Pursuant to Texas Water Code Section 11.329 and 30 TAC Sections 12.1, 12.3, 12.5, and 303.71 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2012, and ending August 31, 2013, for appropriators in the Rio Grande Water Division which extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers and including that portion of the Nueces-Rio Grande Coastal Basin lying in Hidalgo, Cameron, Willacy, and Starr Counties and approve \$779,794.56 as the amount to be assessed for annual costs. (Cindy Hooper)

Joint Motion for Items 4, 5, and 6

Approve the Concho River, Rio Grande, and South Texas Watermaster Budgets for fiscal year 2013 and issue the Executive Director's three Proposed Orders assessing the annual costs of these Watermaster Programs. CR/TB' all agree.

MISCELLANEOUS MATTER

Item 7 **Docket No. 2012-0778-UCR.**

Consideration of a request for a Commission Order approving a contract designating service areas between the City of Austin, Certificate of Convenience and Necessity (CCN) No. 11322, and the Lower Colorado River Authority (LCRA), CCN No. 11670, in Travis County, Texas, pursuant to section 13.248 of the Texas Water Code. Currently, LCRA holds a CCN for the area in question.

Under the contract, LCRA will transfer the approximate 694.23 acres of the area known as Glenlake Water System to the City of Austin. The City of Austin will be the sole retail water service provider in this area. Facilities and approximately 392 customers will also be transferred. (Kayla Murray, Sheresia Perryman)

Approve the contract designating service areas, facilities, and customers between the City of Austin and LCRA under Texas Water Code section 13.248, which will result in the transfer of approximately 694.23 acres of service area to Austin's water CCN; and issue the Executive Director's Proposed Order. TB/CR; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8 **[Docket No. 2012-0252-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Champion Technologies, Inc. in Fort Bend County; RN101618882; 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/TB; all agree.

Item 9 **[Docket No. 2012-0455-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN103919817; 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/TB; all agree.

Item 10 **[Docket No. 2012-0357-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Horizon Milling, LLC in Tarrant County; RN103004461; 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/TB; all agree.

Item 11 **[Docket No. 2012-0335-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas

Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Debra Barber)

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

Item 12 [**Docket No. 2012-0358-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Dow Chemical Company in Brazoria County; RN100225945; 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/TB; all agree.

Item 13 [**Docket No. 2012-0383-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Hunt Oil Company in Henderson County; RN102563863; 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/TB; all agree.

Item 14 [**Docket No. 2012-0260-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S.a r.l. in Orange County; RN104392626; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Debra Barber)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 15 [**Docket No. 2011-0663-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of STAG MANAGEMENT INCORPORATED in Dallas County; RN100597707; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Debra Barber)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT DEFAULT ORDER

Item 16 **[Docket No. 2010-2058-IHW-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Baldemar Cienfuegos Andrade in Webb County; RN105919039; for industrial 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/TB; all agree.

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 17 **[Docket No. 2012-0237-LII-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Michael J. Paddock in Travis County; RN105944334; 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. (Mike Fishburn, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 18 **[Docket No. 2012-0236-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DuraTherm, Inc. in Galveston County; RN100890235; for used oil and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Debra Barber)

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

Item 19 **[Docket No. 2012-0407-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COLLINS CORP. dba Collins Machine Shop in Gregg County; RN106303191; for underground injection control, industrial and hazardous waste, and water quality violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code chs. 7, 26 and 27, 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/TB; all agree.

Item 20 [**Docket No. 2011-1285-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Thu Phoung Enterprise Cleaners Incorporated dba Enterprise Cleaners in Galveston County; RN101055317; for industrial and hazardous waste and dry cleaner violations pursuant to Tex. Health & Safety Code chs. 361 and 374, 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. CR/TB; all agree.

Item 21 [**Docket No. 2012-0256-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Northwest Harris County Municipal Utility District No. 15 in Harris County; RN103123238; for air quality and water quality 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. (Lanae Foard, Debra Barber)

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

Item 22 [**Docket No. 2012-0092-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Denton in Denton County; RN102546066; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jennifer Graves, Debra Barber)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 23 [**Docket No. 2011-1777-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Luis Escobedo d/b/a Pallet Services in El Paso County; RN100669217; for storm water and used oil violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

Remanded to the Executive Director.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 24 [**Docket No. 2011-1625-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Marcelino Lopez, Sr. dba Lantera Lopez in Hidalgo County; RN106164551; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Debra Barber)

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

Item 25 [**Docket No. 2012-0467-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BECK'S TEXAS TIRE TERMINAL, INC. in Tarrant County; RN103075958; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Debra Barber)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 26 [**Docket No. 2012-0418-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of George Mathis in Gonzales County; RN103045332; 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/TB; all agree.

Item 27 [**Docket No. 2010-1898-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against Estruberto Flores Jr. in Hidalgo County; RN105109151; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

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

Item 28 [**Docket No. 2012-0027-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jeff Barosh LLC d/b/a Lawn Rangers in Galveston County; RN106301260; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 29 [**Docket No. 2011-1909-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against SYNERGY MANAGEMENT GROUP, L.L.C. in Haskell County; RN104378492 and RN103933362; 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/TB; all agree.

Item 30 [**Docket No. 2011-2248-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Ernesto E. Ramirez in Bee County; RN106237480; 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/TB; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 31 [**Docket No. 2011-2089-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Leander in Williamson County; RN101917722; 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/TB; all agree.

Item 32 [**Docket No. 2012-0034-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Matagorda Waste Disposal and Water Supply Corporation in Matagorda County; RN102286747; 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/TB; all agree.

Item 33 [**Docket No. 2011-1097-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Edgewood in Van Zandt County; RN101916302; 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/TB; all agree.

Item 34 [**Docket No. 2011-0583-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Celeste in Hunt County; RN101919439; 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/TB; all agree.

Item 35 [**Docket No. 2012-0317-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brazoria County Municipal Utility District No. 21 in Brazoria County; RN102923653; 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/TB; all agree.

Item 36 [**Docket No. 2011-1884-MWD-E.**](#)

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

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

Item 37 [**Docket No. 2011-2158-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GRANITE STONEBRIDGE HEALTH CENTER LLC in Travis County; RN101520500; 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/TB; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 38 [Docket No. 2012-0281-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against F&N FOOD MARKET ENTERPRISES II, LTD. dba Nickys Food Mart in Brazos County; RN101665503; 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/TB; all agree.

Item 39 [Docket No. 2012-0192-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kenneth Dupuis dba Dupuis Chevron in Orange County; RN101778025; 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. (Rebecca Boyett, Debra Barber)

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

Item 40 [Docket No. 2012-0307-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAT Malik LLC dba Sunny's Market in San Patricio County; RN103029104; 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, P.G., Debra Barber)

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

Item 41 [Docket No. 2012-0278-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against MOSIK INC. dba Eldridge Chevron in Harris County; RN102517158; 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/TB; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 42 [Docket No. 2011-2356-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against Monson Lee Durham in Harris County; RN102900743; 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. (Joel Cordero, Lena Roberts)

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

Item 43 **[Docket No. 2011-2326-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Absolute Fuels, LLC in Lubbock County; RN101840577; 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. (Joel Cordero, Lena Roberts)

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

Item 44 **[Docket No. 2011-0296-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Ali Attayi DBA Attayi Service Station in Harris County; RN102648508; 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. (Tammy L. Mitchell, Lena Roberts)

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

Item 45 **[Docket No. 2012-0403-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against SMAD ENTERPRISES INC. d/b/a Quick Mart in Harris County; RN101835601; 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. CR/TB; all agree.

Item 46 **[Docket No. 2011-2237-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of B.K. TRADING, INC. d/b/a Speedy Stop 4 in Lamar County; RN105240097; 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. CR/TB; all agree.

Item 47 [**Docket No. 2011-0412-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Vicente Munoz in Zavala County; RN101871549; 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. (Elizabeth Lieberknecht, Lena Roberts)

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

Item 48 [**Docket No. 2011-2290-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of QUICK SHOP, INC. d/b/a King Tobacco in Jefferson County; RN102356532; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 49 [**Docket No. 2011-2263-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Pleasanton Retail, Inc. DBA DIAMOND XPRESS #2 in Bexar County; RN102226883; 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. (Mike Fishburn, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 50 [**Docket No. 2011-1337-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Valley Assets Holding, Inc. DBA Lucky 88 in Cameron County; RN102047859; 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)

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

Item 51 [**Docket No. 2012-0073-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of CHENG SUNSHINE, INC. d/b/a Sunshine Beer and Wine in Henderson County; RN101856342; 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. (Ryan Rutledge, Lena Roberts)

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

Item 52 **Docket No. 2011-1950-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Amin Makhani d/b/a Asian Groceries in Bexar County; RN102783867; 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. (Anna M. Treadwell, Lena Roberts)

Remanded to the Executive Director.

Item 53 **Docket No. 2011-1916-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of MALIK GROUP, INC d/b/a Dairy Mart in Denton County; RN101539849; 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 and Shutdown Order. CR/TB; all agree.

Item 54 **Docket No. 2011-2341-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of S & J OIL COMPANY INC. DBA Moss Lake Community Store in Cooke County; RN101279982; 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 Default Order. CR/TB; all agree.

Item 55 **Docket No. 2011-2067-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Kong C. Hok d/b/a Texas Grocery in Dallas County; RN101533750; 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. (Elizabeth Lieberknecht, Lena Roberts)

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

Item 56 **Docket No. 2011-2244-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of SHREEDHAR CORPORATION INC. d/b/a Slaton Truck Stop in Lubbock County; RN103045977; 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 and Shutdown Order. CR/TB; all agree.

Item 57 **Docket No. 2012-0079-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Our G & G, Inc. d/b/a DJs Country Store in Chambers County; RN102039450; 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)

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

Item 58 **Docket No. 2011-2283-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of SUL'Z INTERNATIONAL INC dba Sky Top Food Mart in Bexar County; RN102839735; 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 Default and Shutdown Order. CR/TB; all agree.

Item 59 **Docket No. 2012-0110-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 3, Speedy Stop 6, and Speedy Stop 10 in Lamar County; RN101794410, RN102372505, and RN101434173; 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 and Shutdown Order. CR/TB; all agree.

Item 60 **Docket No. 2011-1783-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Alexis To Kik d/b/a Tobys 2 in Nacogdoches County; RN102438835; 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/TB; all agree.

Item 61 [**Docket No. 2011-2313-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of SRK GROUPS INC dba Cool Stop 1 in Jefferson County; RN102382058; 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)

Remanded to the Executive Director.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDER

Item 62 [**Docket No. 2011-2122-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Amphenol Steward Enterprises, Inc. dba Steward Cable in Midland County; RN105736722; 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/TB; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 63 [**Docket No. 2012-0114-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of David T. Gillott d/b/a T L Water Jones Acres in Wise County; RN101196905; for public drinking water violations pursuant to Tex. Water Code ch. 5, 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/TB; all agree.

Item 64 [**Docket No. 2011-1505-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Gordon Dean Rogers d/b/a Lakeview RV Park & Motel in Angelina County; RN101611390; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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

Item 65 [Docket No. 2012-0030-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of McMullen County Water Control and Improvement District No. 2 in McMullen County; RN101398808; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Mike Fishburn, Lena Roberts)

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

**WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT
DEFAULT ORDER**

Item 66 [Docket No. 2011-2021-WOC-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Carlos A. Sirgo in Travis County; RN103510251; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

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

RULE MATTERS

Item 67 [Docket No. 2012-0196-RUL.](#)

Consideration for the withdrawal of proposed amendments to Sections 305.50, 305.64, 305.69, and 305.122; and new Section 305.176 of 30 TAC Chapter 305, Consolidated Permits; amendments to Sections 324.1 - 324.7, and 324.11 - 324.16 of 30 TAC Chapter 324, Used Oil Standards; and amendments to Sections 335.1, 335.2, 335.6, 335.10 - 335.13, 335.19, 335.24, 335.31, 335.61, 335.62, 335.67, 335.69, 335.71, 335.73, 335.76, 335.78, 335.94, 335.111, 335.112, 335.115, 335.151, 335.152, 335.155, 335.168, 335.170, 335.211, 335.213, 335.222, 335.241, 335.251, 335.431, 335.503, and 335.504; and new Section 335.79 of 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste as published in the April 27, 2012, issue of the *Texas Register* (37 TexReg 2988). The decision to withdraw this proposal and to consecutively re-propose in a separate rulemaking is to include additional language to ensure equivalency with federal rules. (Cynthia Palomares, P.G., P.E., Susan White) (Rule Project No. 2011-025-335-WS)

Joint Motion for Items 67 and 68

Approve the withdrawal of proposed amendments to 30 TAC Chs. 305, 324, and 335 and republication of proposed amendments to 30 TAC Ch. 305, 324, and 335, as recommended by the Executive Director. TB/CR; all agree.

Item 68 [Docket No. 2012-1530-RUL.](#)

Consideration for publication of proposed amendments to Sections 305.50, 305.64, 305.69, and 305.122; and new Section 305.176 of 30 TAC Chapter 305,

Consolidated Permits; amendments to Sections 324.1 - 324.7, and 324.11 - 324.16 of 30 TAC Chapter 324, Used Oil Standards; and amendments to Sections 335.1, 335.2, 335.6, 335.10 - 335.13, 335.19, 335.24, 335.31, 335.61, 335.62, 335.67, 335.69, 335.71, 335.73, 335.76, 335.78, 335.94, 335.111, 335.112, 335.115, 335.151, 335.152, 335.155, 335.168, 335.170, 335.211, 335.213, 335.222, 335.241, 335.251, 335.431, 335.503, and 335.504; and new Section 335.79 of 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste. The proposed rulemaking would establish notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country, establish an alternative set of generator requirements applicable to laboratories owned by eligible academic entities and address the specific nature of hazardous waste generation and accumulation in these laboratories, make a number of technical corrections to the hazardous waste regulations in numerous final rules previously published in the *Federal Register*, such as typographical errors, incorrect or outdated citations, and omissions, remove "saccharin and its salts" from the lists of hazardous constituents and commercial chemical products which are hazardous wastes when discarded or intended to be discarded, make technical corrections to 40 Code of Federal Regulations Part 262, Subpart K, include corrections to existing Used Oil Rules in 30 TAC Chapter 324, include corrections to existing Manifest Rules in 30 TAC Chapter 335, include corrections to previously adopted language from Checklists: 208, 213, 214, 215 and require a new permit owner to provide acceptable financial assurance on the date of a permit transfer. (Cynthia Palomares, P.G., P.E., Susan White) (Rule Project No. 2012-038-335-WS)

Joint Motion for Items 67 and 68

Approve the withdrawal of proposed amendments to 30 TAC Chs. 305, 324, and 335 and republication of proposed amendments to 30 TAC Ch. 305, 324, and 335, as recommended by the Executive Director. TB/CR; all agree.

EXECUTIVE MEETING

Item 69 **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.

The Commission did not meet in an Executive Meeting.

Item 70 **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.

The Commission did not meet in an Executive Meeting.

Item 71 **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.

The Commission did not meet in an Executive Meeting.

PLEASE NOTE THAT THE TIME REQUIRED FOR THE OFFICE OF THE CHIEF CLERK TO MAKE ARRANGEMENTS FOR AUXILIARY AIDS OR SERVICES HAS CHANGED FROM TWO (2) WORK DAYS TO SIX (6) WORK DAYS.

(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 SIX (6) 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)

Anne Rowland
Assistant General Counsel
Anne Rowland

10/2/2012
Date