

The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).

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)).

AGENDA

Wednesday, March 10, 2010

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. 2006-0612-MSW; SOAH Docket No. 582-08-2186](#). Consideration of the Administrative Law Judge's Proposal for Decision, Supplemental Proposal for Decision, and Order regarding the application of **Waste Management of Texas, Inc.** for municipal solid waste permit amendment No. MSW-249D pursuant to the rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 330 and Tex. Health & Safety Code Chapter 361 to expand its Type I Municipal Solid Waste Facility. The facility is located at 9900 Giles Road, Austin, in **Travis County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application and related filings, exceptions and replies. (Amie Dutta Richardson, Matthew Udenenwu)
- Item 2. [TCEQ Docket No. 2008-1237-PST-E; SOAH Docket No. 582-09-2813](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties, authorizing installment payment, and requiring certain actions of **Kenneth W. Blevins in Live Oak County**, Texas; TCEQ ID No. RN101783496; regarding 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. 334. The Commission will also consider timely filed exceptions and replies. (Phillip Goodwin)

HEARING REQUEST/REQUEST FOR RECONSIDERATION

- Item 3. [Docket No. 2010-0107-MWD](#). Consideration of the application by **Wylie Northeast Special Utility District** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014935001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 900,000 gallons per day. The wastewater

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treatment facility will be located approximately 3,680 feet northeast of the intersection of Parker Road and Aztec Lane in **Collin 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. (Michelle Bacon, Michael Redda)

EMERGENCY ORDER

- Item 4. [Docket No. 2009-1017-UCR-E](#). Consideration of whether to modify, affirm, or set aside the Emergency Order issued on February 4, 2010, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality to address the abandonment of two retail public utilities (Utilities) by **Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision** in **Williamson and Travis Counties**; TCEQ ID Nos. RN101250306, RN100825082; and CCN 10320 to ensure continued operation of the Utilities, and to provide continuous and adequate service to the customers. The Emergency Order renewed the appointment of Aqua Utilities, Inc. aka Aqua Texas, Inc. (Aqua Texas) as temporary manager of the Utilities. (Peipey Tang)

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 5. [Docket No. 2009-0511-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Premcor Refining Group Inc.** in **Jefferson County**; TCEQ ID No. RN102584026; 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. (Laurencia Fasoyiro, Lena Roberts)

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- Item 6. [Docket No. 2009-1614-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Flint Hills Resources, LP** in **Nueces County**; RN100235266; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Laurie Eaves)
- Item 7. [Docket No. 2009-1450-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rhodia Inc.** in **Harris County**; RN100211317; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)
- Item 8. [Docket No. 2009-0544-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Genesis Quality Aggregates, Ltd.** in **Maverick County**; RN105378632; 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, Laurie Eaves)
- Item 9. [Docket No. 2009-1265-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Prism Gas Systems I, L.P.** in **Harrison County**; RN102558939; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex.

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Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Suzanne Walrath, Laurie Eaves)

- Item 10. [Docket No. 2009-1568-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas State University - San Marcos in Hays County**; RN100221480; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)
- Item 11. [Docket No. 2009-1702-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Republic Industries, Inc. in Harrison County**; RN100219997; 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. (Suzanne Walrath, Laurie Eaves)
- Item 12. [Docket No. 2009-1446-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS 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. (Audra Benoit, Laurie Eaves)
- Item 13. [Docket No. 2009-1455-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chemical Lime, Ltd. in Bosque County**; RN100219856; 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. (Terry Murphy, Laurie Eaves)
- Item 14. [Docket No. 2009-1481-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, Laurie Eaves)
- Item 15. [Docket No. 2009-1445-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Transcontinental Gas Pipe Line Company, LLC in Hardin County**; RN100211838; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)
- Item 16. [Docket No. 2009-1447-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Eagle Rock Field Services, L.P. in Gray County**; RN100218379; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

- Item 17. [Docket No. 2008-1474-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP** in **Harris County**; RN100542281; 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. (Harvey Wilson, Laurie Eaves)
- Item 18. [Docket No. 2009-0894-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical LLC (formerly known as Huntsman Petrochemical Corporation)** in **Jefferson County**; RN100219252; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)
- Item 19. [Docket No. 2008-0734-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain action of **Exxon Mobil Corporation** in **Harris County**; TCEQ ID No. RN102212925; 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. (Barham A. Richard, Lena Roberts)
- Item 20. [Docket No. 2009-0604-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Felix Jackson dba Jackson Brothers Ranch** in **Chambers County**; TCEQ ID No. RN100887785; 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. (Steven M. Fishburn, Lena Roberts)
- Item 21. [Docket No. 2009-0806-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Oil Company** in **Harris County**; RN100211879; 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, Laurie Eaves)
- Item 22. [Docket No. 2008-0080-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **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. (Kimberly Morales, Laurie Eaves)
- Item 23. [Docket No. 2009-1378-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tu Huynh DBA Lyna Marine Supply** in **Galveston County**; RN105159834; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Laurie Eaves)
- Item 24. [Docket No. 2009-0182-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Basell USA Inc.** in **Harris County**; RN100216761; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and

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the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Laurie Eaves)

- Item 25. [Docket No. 2009-1395-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Eagle Rock Field Services, L.P. in Moore County**; RN100225549; 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. (Suzanne Walrath, Laurie Eaves)

DRY CLEANER ENFORCEMENT AGREED ORDER

- Item 26. [Docket No. 2009-1472-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James W. Weaver dba Val-U Cleaners in Tarrant County**; RN103967378; for dry cleaner violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Laurie Eaves)

DRY CLEANER ENFORCEMENT DEFAULT ORDER

- Item 27. [Docket No. 2008-1130-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Hong Nguyen dba Lee Dry Cleaners III in Harris County**; TCEQ ID No. RN104096680; for dry cleaner registration 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. (Rebecca M. Combs, Lena Roberts)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

- Item 28. [Docket No. 2009-1685-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hanson Aggregates West LLC in Comal County**; RN102541612; 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. (Thomas Jecha, P.G., Laurie Eaves)

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- Item 29. [Docket No. 2009-1255-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **RTI Hot Mix, LTD. in Williamson County**; RN102731486; 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. (Samuel Short, Laurie Eaves)

- Item 30. [Docket No. 2009-1508-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bell 11700, Ltd. in Travis County**; RN105733356; 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. (Jordan Jones, Laurie Eaves)

FIELD CITATIONS

- Item 31. [Docket No. 2009-1916-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **David Gillott in Wise County**; RN105796684; for occupational licensing violations pursuant to Tex. Water Code ch. 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Cari-Michel La Caille)
- Item 32. [Docket No. 2009-1959-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **J&J Prairie Oaks Ranch, LLC dba Prairie Oaks Ranch in Montague County**; RN105817720; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Cari-Michel La Caille)
- Item 33. [Docket No. 2009-1957-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **J.R. Thompson, Inc. dba Running N Ranch Industrial Complex in Montague County**; RN104679329; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Cari-Michel La Caille)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 34. [Docket No. 2009-1673-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Linde North America, Inc. in Leon County**; RN101659969; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Laurie Eaves)
- Item 35. [Docket No. 2009-1308-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **VAM USA in Harris County**; RN105378178; 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, Laurie Eaves)
- Item 36. [Docket No. 2009-1266-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Western Dairy Transport, L.P. in Erath County**; RN101261097; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS

- Item 37. [Docket No. 2009-1053-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mack A. Tims dba Texas Lawn Ranger in Bell County**; TCEQ ID No. RN105735252; for landscape irrigation installer 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)
- Item 38. [Docket No. 2009-0953-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Craig Schnieder in Bell County**; TCEQ ID No.

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RN105706402; for landscape irrigation installer 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)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 39. [Docket No. 2009-1422-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Irion County in Irion County**; RN105789614; 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. (Mike Pace, Laurie Eaves)
- Item 40. [Docket No. 2009-1315-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **S.L.C. Water Supply Corporation in Limestone County**; RN101265908; for public water supply and water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Clausewitz, Laurie Eaves)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

- Item 41. [Docket No. 2009-1477-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Absolutely Outdoors, Ltd. dba Seber Lane Recycling Center in Harris County**; RN105659361; 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. (Rajesh Acharya, Laurie Eaves)
- Item 42. [Docket No. 2008-1870-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Frank Roberts and Linda Roberts in Bosque County**; TCEQ ID No. RN105376669; 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. (Steven M. Fishburn, Lena Roberts)
- Item 43. [Docket No. 2009-1384-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Richard Tomlin and Vicki Tomlin in Shelby County**; RN103000055; 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, Laurie Eaves)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 44. [Docket No. 2009-1511-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kaufman County Municipal Utility District No. 12 in Kaufman County**; RN104136924; 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. (Evette Alvarado, Laurie Eaves)

- Item 45. [Docket No. 2009-1520-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Real Holdings Group, LLC** in **Lee County**; RN103124202; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)
- Item 46. [Docket No. 2009-1228-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Wortham** in **Freestone County**; RN102844362; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Laurie Eaves)
- Item 47. [Docket No. 2009-1428-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Austin** in **Travis County**; RN101607794; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

- Item 48. [Docket No. 2009-0282-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Preston/Mery Properties, Inc.** in **Wilson County**; TCEQ ID No. RN102234168; 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)
- Item 49. [Docket No. 2009-1416-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Petroleum Wholesale, L.P. dba Sunmart 154** in **Harris County**; RN102027331; 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. (Elvia Maske, Laurie Eaves)
- Item 50. [Docket No. 2009-1232-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **PostOak Retailer's Inc. dba Welcome Food Mart** in **Fort Bend County**; RN102372299; 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. (Thomas Greimel, Laurie Eaves)
- Item 51. [Docket No. 2008-1255-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hankamer Ventures, L.P. dba D.J.'s Country Store** in **Chambers County**; TCEQ ID No. 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. (Steven M. Fishburn, Lena Roberts)

- Item 52. [Docket No. 2009-1500-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **FUELCON MANAGEMENT LLC dba Horizon in Denton County**; RN102726718; 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, Laurie Eaves)
- Item 53. [Docket No. 2009-1209-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **HITCHCOCK BUSINESS INC. dba Power Mart 11 in Galveston County**; RN101822864; 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. (Wallace Myers, Laurie Eaves)
- Item 54. [Docket No. 2009-1665-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **EL PASO-LOS ANGELES LIMOUSINE EXPRESS, INC. in El Paso County**; RN101655306; 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, Laurie Eaves)
- Item 55. [Docket No. 2009-0829-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Federal Aviation Administration in Bexar County**; RN104783832; 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, Laurie Eaves)
- Item 56. [Docket No. 2009-1409-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **W & J INVESTMENT, INC. dba All Days Chevron Store in Harris County**; RN101193258; 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 Pace, Laurie Eaves)
- Item 57. [Docket No. 2008-0565-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Maulesh Shah dba Speedy Mart in Denton County**; RN102474400; 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. (Thomas Greimel, Laurie Eaves)
- Item 58. [Docket No. 2009-1667-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Andres Payan dba Payan's Tourist Service in El Paso County**; RN102865052; 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, Laurie Eaves)

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

- Item 59. [Docket No. 2009-1370-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Alisha Ann Dunkin in Hood County**; TCEQ ID No. RN101543999; 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)

- Item 60. [Docket No. 2009-1231-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Luther Yarbrough** and **Edwina Yarbrough** in Harris County; TCEQ ID No. RN103190302; for petroleum storage tank 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. (Steven M. Fishburn, Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 61. [Docket No. 2009-1686-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Salem-Elm Ridge Water Supply Corporation** in **Milam County**; RN101453157; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Laurie Eaves)
- Item 62. [Docket No. 2009-1452-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cross Country Water Supply Corporation** in **McLennan County**; RN101439438; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Laurie Eaves)
- Item 63. [Docket No. 2009-1660-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **East Crawford Water Supply Corporation** in **McLennan County**; RN101436418; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Laurie Eaves)
- Item 64. [Docket No. 2009-1560-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Crystal City** in **Zavala County**; RN101242162; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Laurie Eaves)
- Item 65. [Docket No. 2009-1274-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply** in **Lubbock County**; RN102679305; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Cari-Michel La Caille)
- Item 66. [Docket No. 2009-1458-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Milam Water Supply Corporation** in **Milam County**; RN102681889; 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, Laurie Eaves)

- Item 67. [Docket No. 2009-1550-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Spring Valley Water Supply Corporation** in **McLennan County**; RN101225761; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie Eaves)
- Item 68. [Docket No. 2009-1465-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bryan** in **Brazos County**; RN101217917; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)
- Item 69. [Docket No. 2009-1459-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Prairie Hill Water Supply Corporation** in **Limestone County**; RN101459592; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

- Item 70. [Docket No. 2009-1123-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **AMK Properties L L C** in **Frio County**; TCEQ ID No. RN105216725; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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SLUDGE ENFORCEMENT AGREED ORDER

- Item 71. [Docket No. 2009-1659-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SEPTIC HYDRO-TEC, INC.** in **Polk County**; RN103151155; for water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Evette Alvarado, Laurie Eaves)

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT DEFAULT ORDER

- Item 72. [Docket No. 2009-1633-WOC-E](#). Consideration of a Default Order assessing administrative penalties against **Gregory L. Popko** in **Dallas County**; TCEQ ID No. RN103500948; for occupational license 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. (Steven M. Fishburn, Lena Roberts)

WATER QUALITY ENFORCEMENT AGREED ORDER

- Item 73. [Docket No. 2009-0855-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RP25 Development, LP** in **Tarrant County**; RN105245013; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Laurie Eaves)

WATER QUALITY ENFORCEMENT DEFAULT ORDER

- Item 74. [Docket No. 2009-0690-WQ-E](#). Consideration of a Default Order assessing administrative penalties against **Ali Farasat dba Alpine Used Auto Parts in Fort Bend County**; TCEQ ID No. RN103181103; 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. (Gary K. Shiu, Lena Roberts)

STATE IMPLEMENTATION PLANS AND RULE MATTERS

- Item 75. [Docket No. 2009-0843-RUL](#). Consideration of the adoption of amendments to **30 Texas Administrative Code (TAC) Chapter 115**, Control of Air Pollution from Volatile Organic Compounds, Subchapter E, Solvent-Using Processes, Division 4, Offset Lithographic Printing, Sections 115.440, 115.442, 115.443, 155.445, 115.446, and 115.449 and adoption of new Section 115.441, and corresponding revisions to the state implementation plan. The adoption will affect offset lithographic printing operations in the Dallas-Fort Worth and Houston-Galveston-Brazoria 1997 eight-hour ozone nonattainment areas. The adopted rulemaking will further reduce the volatile organic compound content limits of fountain solutions and continue to limit the volatile organic compound content of cleaning solutions used by sources that are subject to the existing Chapter 115 rules. The adopted rulemaking will also limit the volatile organic compound content of fountain and cleaning solutions used by certain sources that are exempt from the existing Chapter 115 rules. The proposed rules were published in the October 9, 2009, issue of the *Texas Register* (34 TexReg 7015). (Frances Dowiak, Amy Browning) (Rule Project No. 2008-019-115-EN)
- Item 76. [Docket No. 2009-1127-SIP](#). Consideration of the adoption of a revision to the State Implementation Plan (SIP) for the **Control of Ozone Air Pollution applicable to the Dallas-Fort Worth (DFW) 1997 Eight-Hour Ozone Nonattainment Area** (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties): The DFW Reasonably Available Control Technology (RACT) Update, 30 TAC Chapter 117 Rule Revision Noninterference Demonstration, and Modified Failure-to-Attain Contingency Plan SIP Revision. This SIP revision contains elements and actions required by the Federal Clean Air Act (FCAA), including a DFW Volatile Organic Compounds (VOC) RACT Update, the incorporation of revisions to 30 TAC Chapters 115 and 117 into the Texas SIP, a demonstration of noninterference with the SIP for the Chapter 117 rule revision, and a modified failure-to-attain contingency plan. (Mary Ann P. Cook, Terry Salem) (Rule Project No. 2009-021-SIP-NR)
- Item 77. [Docket No. 2009-0932-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 101**, Subchapter A, General Rules, Section 101.1; and Subchapter H, Emissions Banking and Trading, Division 6, Highly Reactive Volatile Organic Compound (HRVOC) Emissions Cap and Trade Program, Sections 101.390 - 101.394, 101.396, and 101.399 - 101.401; and corresponding revisions to the state implementation plan. The adoption will reduce the total cap amount of HRVOC allowances and revise the allocation methodology of allowances for participants of the HRVOC Emissions Cap and Trade Program in Harris County. The adopted rulemaking will also update the definition of volatile organic compound to link the 30 TAC definition with the current definition in the 40 Code of Federal Regulations, and correct the reportable quantity for 1,1,1,2,3,3,3-heptafluoropropane. The proposed rules were

published in the October 9, 2009, issue of the *Texas Register* (34 TexReg 6989). (Jay Tonne, Amy Browning) (Rule Project No. 2009-006-101-EN)

- Item 78. [Docket No. 2009-0867-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 101**, General Air Quality Rules, Subchapter H, Emissions Banking and Trading, Division 3, Mass Emissions Cap and Trade Program, Sections 101.350, 101.351, and 101.353, and corresponding revisions to the state implementation plan. The adopted amendments to Sections 101.350 and 101.351 will revise the definition of "Uncontrolled design capacity" to provide additional flexibility for certain stationary diesel engines and clarify both site and facility applicability. In addition, the adoption of the amendment to Section 101.353 will maintain the integrity of the nitrogen oxides (NO_x) cap in the Houston-Galveston-Brazoria ozone nonattainment area and minimize increases in the NO_x cap by discontinuing the acceptance of late ECT-3 forms, Level of Activity Certification, from major sources of NO_x submitted after March 30, 2010. The proposed rules were published in the October 9, 2009, issue of the *Texas Register* (34 TexReg 7009). (Brandon Greulich, Amy Browning) (Rule Project No. 2009-019-101-EN)
- Item 79. [Docket No. 2009-0802-SIP](#). Consideration of the adoption of the **Houston-Galveston-Brazoria (HGB) Attainment Demonstration State Implementation Plan (SIP) Revision for the 1997 Eight-Hour Ozone Standard**. The adoption will contain Federal Clean Air Act-required SIP elements, including 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 2018, and a contingency plan. In addition, the Houston-Galveston Area Council has committed to emissions reductions through the Voluntary Mobile Emission Reduction Program and implementation of transportation control measures in the eight HGB nonattainment counties (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties). (Lola Brown, John Minter) (Rule Project No. 2009-017-SIP-NR)
- Item 80. [Docket No. 2009-0801-SIP](#). Consideration of the adoption of revisions to the **Houston-Galveston-Brazoria (HGB) Reasonable Further Progress (RFP) State Implementation Plan (SIP) Revision for the 1997 Eight-Hour Ozone Standard**. The adoption will demonstrate that an 18 percent emissions reduction requirement will be met for the analysis period of 2002 to 2008, 9 percent between 2009 and 2011, 9 percent between 2012 and 2014, 9 percent between 2015 and 2017, 3 percent in 2018, and 3 percent for contingency purposes. The HGB RFP SIP revision will establish baseline emission levels, calculate reduction targets, identify control strategies to meet emission target levels, and track actual emission reductions against established emissions growth and control budgets. This revision will also include motor vehicle emission budgets (MVEB) for the milestone years 2008, 2011, 2014, 2017, and 2018. No new on-road mobile source controls have been adopted as part of the plan. However, on-road mobile source emissions inventories have been updated using the latest available data and the United States Environmental Protection Agency's MOBILE6 inventory development tool. As a result of the required mobile source emission inventory updates, the MVEB are updated as part of this SIP revision. (Walker Williamson, Terry Salem) (Rule Project No. 2009-018-SIP-NR)
- Item 81. [Docket No. 2009-1978-RUL](#). Consideration for publication of, and hearing on a proposed amendment to Section 106.283, Grain Handling, Storage, and Drying, of **30 TAC Chapter 106**, Permits by Rule; and the proposed repeal of Section 106.302, Portable Pipe Reactor. The

proposed rulemaking would repeal Section 106.302 in its entirety, and revise Section 106.283 to exclude the authorization of commercial grain handling facilities. (Michael Wilhoit, Christine Angeletti) (Rule Project No. 2009-025-106-PR)

- Item 82. **Docket No. 2009-0987-RUL**. Consideration for publication of, and hearing on, proposed amendments to Sections 291.31 and 291.34 of **30 TAC Chapter 291**, Utility Regulations. The proposed rulemaking would implement changes to Texas Water Code, Section 13.131 made by Senate Bill (SB) 2306 from the 81st Legislature, 2009, Regular Session. SB 2306 requires the commission by rule to allow water and/or sewer utilities to claim the book cost less net salvage of depreciable utility plant retired be charged in its entirety to the accumulated depreciation account, consistent with accounting treatment of regulated electric and gas utilities in this state. (Brian Dickey, Brian MacLeod) (Rule Project No. 2009-042-291-OW)

EXECUTIVE MEETING

- Item 83. **Docket No. 2010-0001-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.
- Item 84. **Docket No. 2010-0002-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.
- Item 85. **Docket No. 2010-0003-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.

(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/cgi-bin/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)