

*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

April 28, 2010

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

12100 Park 35 Circle  
Room 201S, Bldg. E

#### **PROPOSAL FOR DECISION**

- Item 1. [TCEQ Docket Nos. 2009-0032-AIR; SOAH Docket Nos. 582-09-2045](#). Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of **IPA Coletto Creek, LLC** for State Air Quality Permit No. 83778, Prevention of Significant Deterioration Air Quality Permit No. PSD-TX-1118, and Hazardous Air Pollutant Major Source Permit No. HAP-18, 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 Chapters 112 and 116. The permits would authorize construction and operation of a new pulverized coal-fired electric generating unit and associated facilities. The unit would be located at the existing Coletto Creek Power Station site in **Goliad and Victoria Counties**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, related filings, exceptions and replies. (Booker Harrison, Ross Henderson)

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

- Item 2. [Docket No. 2005-1490-WR](#). Consideration of an application by the **Brazos River Authority** (BRA) for a new permit to authorize a new appropriation of state water in the amount of 421,449 acre-feet per year, which includes existing and future return flows in the basin for multiple uses including domestic, municipal, agricultural, industrial, mining, and other beneficial uses on a firm basis in the Brazos River Basin. BRA requests diversion of the water authorized by this permit, if granted, from: (i) the existing diversion points authorized by BRA's existing water rights; (ii) the Brazos River at the USGS Gage No. 08091000 near Glen Rose, Texas; (iii) the Brazos River at USGS Gage No. 08098290 near Highbank, Texas; (iv) the Brazos River at the Gulf of Mexico; and (v) at such other diversion points that may be identified and included in

BRA's proposed Water Management Plan which is subject to TCEQ's approval. Additionally, BRA requests use of up to 90,000 acre-feet of water per year of its firm supply (part of the 421,449 acre-feet of firm water requested above) to produce, along with other unappropriated flows, an interruptible water supply of 670,000 acre-feet per year and the appropriation of that interruptible water supply; an exempt interbasin transfer authorization to transfer and use, on a firm and interruptible basis, such water in the adjoining San Jacinto-Brazos Coastal Basin and the Brazos-Colorado Coastal Basin, and to transfer such water to any county or municipality or the municipality's retail service area that is partially within the Brazos River Basin for use, on a firm and interruptible basis, in that part of the county or municipality and the municipality's retail service area not within the Brazos River Basin. Other conditions will apply, including special conditions that will apply until Allen's Creek Reservoir is built. BRA's service area includes the following counties: **Parmer, Castro, Swisher, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Archer, Lubbock, Crosby, Baylor, Dickens, King, Knox, Jack, Terry, Lynn, Mitchell, Chambers, Young, Garza, Throckmorton, Kent, Haskell, Stonewall, Parker, Palo Pinto, Dawson, Scurry, Borden, Fisher, Stephens, Jones, Shackelford, Johnson, Hood, Nolan, Erath, Eastland, Taylor, Callahan, Somervell, Hill, Comanche, Bosque, Brown, Freestone, Hamilton, McLennan, Limestone, Mills, Coryell, Leon, Falls, Lampasas, Robertson, Bell, Madison, Milam, Burnet, Brazos, Grimes, Williamson, Burleson, Travis, Lee, Washington, Bastrop, Fayette, Waller, Harris, Austin, Colorado, Fort Bend, Galveston, Matagorda, Wharton, and Brazoria.** The commission will consider all timely filed hearing requests and related responses and replies. (Robin Smith, Ron Ellis)

Item 3. [Docket No. 2010-0237-MWD](#). Consideration of the application by the **City of Bullard** for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011787001, to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 213,000 gallons per day to a daily average flow not to exceed 438,000 gallons per day. The facility is located approximately 2,600 feet southwest of the Bullard School and approximately 3,000 feet west-southwest of the intersection of Farm-to-Market Road 344 and Oak Street in **Cherokee 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, Phillip Urbany)

Item 4. [Docket No. 2010-0358-MWD](#). Consideration of the application by **G & T Properties, L.L.C. and V & M Rentals** for a new wastewater discharge permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014809001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 25,000 gallons per day. The wastewater treatment facility will be located approximately 800 feet southeast of North Dowling Road and approximately 600 feet southwest of Walnut Road off of Reveille Road in **Brazos 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. (Christiaan Siano, David Akoma)

Remanded to the  
Executive  
Director

Item 5. [Docket No. 2010-0422-MWD](#). Consideration of the application by **XS Ranch Fund VI, L.P.** for a new wastewater discharge permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014946001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 990,000 gallons per day. The wastewater treatment facility will be located at 802 Sayers Road, approximately 2.3 miles northwest of the intersection of

Phelan Road and Sayers Road in **Bastrop 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. (Alicia Lee, David Akoma)

### **MOTION TO OVERTURN**

- Item 6. [Docket No. 2010-0317-EAQ](#). Consideration of a Motion to Overturn (titled a Motion for Reconsideration) filed by the **Ranchland Oaks Homeowners' Association** regarding the Executive Director's February 4, 2010 approval of an Edwards Aquifer Water Pollution Abatement Plan for **H.L. Zumwalt Construction, Inc.** for a proposed limestone quarry, rock crusher, and associated equipment to be located on the north side of FM 1283 approximately 5 miles west of the intersection of FM 471 and SH 211 in **Medina County**, Texas. The Commission will also consider timely filed responses and replies to the Motion to Overturn.

### **USE DETERMINATION**

- Item 7. [Docket No. 2010-0252-MIS-U](#). Consideration of the February 15, 2010 letter filed by the Harris County Appraisal District appealing the Executive Director's modification to its positive use determination for Application No. 8262, issued to **Mizuho Corporate Bank MHC B (USA)** for certain property at the Sunrise Chemical Bayport facility (**Harris County**). The Commission will also consider all timely responses and reply briefs.

### **AGRICULTURAL ENFORCEMENT AGREED ORDERS**

- Item 8. [Docket No. 2009-1047-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Green Cow Compost, LLC** in **Erath County**; RN104385364 and RN105751903; 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 9. [Docket No. 2009-1699-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paul Schenk, Jr. dba Paul Schenk Jr. Dairy** in **Archer County**; RN105676340; 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. (Carlie Konkol, Laurie Eaves)

### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

- Item 10. [Docket No. 2009-1540-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rhodia Inc.** in **Harris County**; RN100220581; 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. 2009-1565-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **US Department of the Army** in **El Paso County**; RN102860871; 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 12. [Docket No. 2009-1765-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Devon Gas Services, L.P.** in **Johnson County**; RN104927876; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Laurie Eaves)
- Item 13. [Docket No. 2009-1625-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Occidental Permian Ltd.** in **Yoakum County**; RN100226687; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, Laurie Eaves)
- Item 14. [Docket No. 2009-1622-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KM Liquids Terminals LLC** in **Harris County**; RN100224815; 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 15. [Docket No. 2009-1487-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P.** in **Harris County**; RN100219310; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Laurie Eaves)
- Item 16. [Docket No. 2009-1277-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BASF Corporation** in **Brazoria County**; RN100218049; 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 17. [Docket No. 2009-1289-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fort Worth Excavating, Inc.** in **Tarrant County**; RN100733138; 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. (Kirk Schoppe, Laurie Eaves)
- Item 18. [Docket No. 2009-1760-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southern Union Pipeline, Ltd.** in **Pecos County**; RN102601556; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Laurie Eaves)
- Item 19. [Docket No. 2009-1784-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vopak Logistics Services USA Inc.** in **Harris County**; RN100223007; for air quality violations pursuant to Tex. Health & Safety Code ch.

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

- Item 20. [Docket No. 2009-1563-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Josh Gafford** in **Leon County**; RN105460950; 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. (Kirk Schoppe, Laurie Eaves)
- Item 21. [Docket No. 2009-1180-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Targa Midstream Services Limited Partnership** in **Chambers County**; RN100222900; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Laurie Eaves)
- Item 22. [Docket No. 2009-1703-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Dobbs Coating Systems, Inc.** in **Parker County**; RN105777478; 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 23. [Docket No. 2009-1887-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **E. I. du Pont de Nemours and Company** in **Jefferson County**; RN100216035; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

#### **FIELD CITATIONS**

- Item 24. [Docket No. 2010-0014-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **T. J. Lambrecht Construction, Inc.** in **Baylor County**; RN105829055; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)
- Item 25. [Docket No. 2010-0018-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Texas Energy Operations, LC** in **Archer County**; RN105836621; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)
- Item 26. [Docket No. 2010-0016-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **City of Leander** in **Williamson County**; RN100843622; 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)

#### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 27. [Docket No. 2009-1747-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Evonik Degussa Corporation in Orange County**; RN100209386; 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. (Jordan Jones, Laurie Eaves)

Item 28. [Docket No. 2009-1207-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Shipyard, L.P. in Harris County**; RN100248749; 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., Laurie Eaves)

Update attached  
to hyperlink  
4/23/2010 4:00 PM

Item 29. [Docket No. 2009-1788-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Owens Corning Insulating Systems, LLC in Ellis County**; RN100223585; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

#### LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 30. [Docket No. 2009-1626-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jeramie C. Kenney dba Kenney Turf and Irrigation in Kerr County**; RN104421144; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Laurie Eaves)

Item 31. [Docket No. 2009-1701-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alberto Garcia in Dallas County**; RN105766752; 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)

Item 32. [Docket No. 2009-0953-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Craig Schnieder in Bell County**; 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)

#### LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS

Item 33. [Docket No. 2009-1884-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Joe F. Slater in Hood County**; RN104805023; 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. (Stephanie J. Frazee, Lena Roberts)

Item 34. [Docket No. 2009-1375-LII-E](#). Consideration of a Default Order assessing administrative penalties against **Pedro Chavarria dba Pedro's Landscaping and Irrigation in Denton**

**County**; RN105768253; 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)

#### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

- Item 35. [Docket No. 2009-1828-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Alamo in Hidalgo County**; RN101392033; 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. (Samuel Short, Laurie Eaves)
- Item 36. [Docket No. 2009-0979-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dhiraj Ramolia and Kamala Ramolia in Collin County**; RN105737175; 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 37. [Docket No. 2009-1554-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Excell Disposal Waste Containers, Inc. in Harris County**; RN105337471; 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. (Thomas Greimel, Laurie Eaves)

#### **MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS**

- Item 38. [Docket No. 2009-1526-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Calvin Sanders in Upshur County**; RN105785745; 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. (Marshall Coover, Lena Roberts)
- Item 39. [Docket No. 2009-1439-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jaime Garcia in Brooks County and Jim Wells County**; RN104799101; 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)

#### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

- Item 40. [Docket No. 2009-1707-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Senna Hills Municipal Utility District and Senna Hills, Ltd. in Travis County**; RN100822691; 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. (Jordan Jones, Laurie Eaves)

- Item 41. [Docket No. 2009-1815-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Krum in Denton County**; RN101918266; 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. (Carlie Konkol, Laurie Eaves)
- Item 42. [Docket No. 2009-2027-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Columbia-Brazoria Independent School District in Brazoria County**; RN101179398; 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 43. [Docket No. 2009-0964-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Kemp in Kaufman County**; RN102218435; 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, Laurie Eaves)

#### **PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS**

- Item 44. [Docket No. 2008-1288-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Yoon Soo Song dba Beltway Grill Texaco in Harris County**; RN101434512; 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. (Gary K. Shiu, Lena Roberts)
- Item 45. [Docket No. 2009-1462-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **New Star Holdings, L.L.C. dba Island Mobil in Galveston County**; RN101790863; 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 46. [Docket No. 2009-1684-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ALL BEVERAGE CORPORATION dba Marsh Beer & Wine in Dallas County**; RN100536671; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)
- Item 47. [Docket No. 2009-0963-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John Platis dba South Main Diamond in Harris County**; RN103961546; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

- Item 48. [Docket No. 2009-1692-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Houston Sky Business, Inc. dba Texan Food Mart in Harris County**; RN102493269; 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. (Clinton Sims, Laurie Eaves)
- Item 49. [Docket No. 2009-1879-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NEW MART CORPORATION dba J & C Mobil in Fort Bend County**; RN101435279; 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. (Philip Aldridge, Laurie Eaves)
- Item 50. [Docket No. 2009-1779-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **CIRCLE K STORES INC dba Circle K Stores 2700020 in El Paso County**; RN101695716; 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, Laurie Eaves)
- Item 51. [Docket No. 2008-1490-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert McAdams in Henderson County**; RN102488780; 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. (Stephanie J. Frazee, Lena Roberts)
- Item 52. [Docket No. 2009-1285-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Javeria Enterprises, Inc. dba Best Food Market in Harris County**; RN102446721; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)
- Item 53. [Docket No. 2009-1802-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gentek Investments, Inc dba Rowdys in Harris County**; RN102449709; 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. (Philip Aldridge, Laurie Eaves)
- Item 54. [Docket No. 2009-1713-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ZAZ, INC dba Quick & Easy in Dallas County**; RN101828358; 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. (Keith Frank, Laurie Eaves)
- Item 55. [Docket No. 2008-1255-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hankamer Ventures, LP dba DJ's 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. (Steven M. Fishburn, Lena Roberts)

- Item 56. [Docket No. 2009-1755-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert Nelson Jr.** in **Dallas County**; RN102062346; 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 57. [Docket No. 2009-1914-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Pilot Travel Centers LLC dba Pilot Travel Center 375** in **Harris County**; RN105298046; 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. (Keith Frank, Laurie Eaves)
- Item 58. [Docket No. 2009-1749-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **OLMOS CONSTRUCTION, INC.** in **Bexar County**; RN101381820; 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, Laurie Eaves)
- Item 59. [Docket No. 2009-1120-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Nick Corovessis dba Exxon Oyster Creek** in **Brazoria County**; RN101383263; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Laurie Eaves)
- Item 60. [Docket No. 2009-1809-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **HP Enterprise Services, LLC [formerly Electronic Data Systems, LLC] dba Las Colinas Office Building** in **Dallas County**; RN103052494; 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, Laurie Eaves)
- Item 61. [Docket No. 2009-1672-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Olympia C-Store Management LLC dba Mobil 360** in **Tarrant County**; RN103150926; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)
- Item 62. [Docket No. 2009-1558-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ROSEMIN ENTERPRISES, INC. dba Express Store** in **Harris County**; RN101722247; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

## PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

- Item 63. [Docket No. 2009-1664-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Adan Marquez and Melinda Marquez in Starr County**; RN101687309; 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 64. [Docket No. 2009-1521-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Manuel Garcia III dba Last Chance Drive In in Zapata County**; RN102370806; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Marshall Coover, Lena Roberts)
- Item 65. [Docket No. 2008-0992-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **USA Developers LLC in Maverick County**; RN102374212; 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. (Peipey Tang, Lena Roberts)

## PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 66. [Docket No. 2009-1449-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TLALOC Outdoors, Inc. dba Cripple Creek Restaurant in Val Verde County**; RN101657872; 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 67. [Docket No. 2009-1683-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Austwell in Refugio County**; RN102693439; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marshall Coover, Lena Roberts)
- Item 68. [Docket No. 2009-1927-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hilco United Services, Inc. in Hill County**; RN101271401; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Laurie Eaves)
- Item 69. [Docket No. 2009-1301-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dale Risinger dba Loma Linda Water Supply in Jim Wells County**; RN105600639; 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 70. [Docket No. 2009-1646-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Jarvis Adventure, Inc. in Harris County**; RN101217693; for public drinking water violations pursuant to Tex. Health & Safety Code ch.

341 and the rules of the Texas Commission on Environmental Quality. (Thomas Jecha, P.G., Laurie Eaves)

- Item 71. [Docket No. 2009-2014-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Central Bosque Water Supply Corporation in McLennan County**; RN101439933; 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 72. [Docket No. 2009-1627-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joseph Little and Caverns Inn Restaurant & Motel, Inc. dba Caverns Inn in Kendall County**; RN101264984; 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. (Jordan Jones, Laurie Eaves)
- Item 73. [Docket No. 2009-1734-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Austin in Travis County**; RN101220085; 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)

#### **SLUDGE ENFORCEMENT AGREED ORDERS**

- Item 74. [Docket No. 2009-1457-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Big Spring in Howard County**; RN103163507; for water quality 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. (Carlie Konkol, Laurie Eaves)
- Item 75. [Docket No. 2009-1488-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Galveston in Galveston County**; RN103154597; 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. (Merrilee Hupp, Laurie Eaves)

#### **UNDERGROUND INJECTION CONTROL ENFORCEMENT AGREED ORDER**

- Item 76. [Docket No. 2009-1470-UIC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lokey Mata dba Lokey's Body Shop in Potter County**; RN105784482; for underground injection control violations pursuant to Tex. Water Code chs. 7 and 27 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

#### **WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER**

- Item 77. [Docket No. 2009-1698-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Darrell Breazeale in Polk County**; RN105223044; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water

Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

- Item 78. [Docket No. 2009-1528-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **MID-TEX PROPERTIES LP** in **McLennan County**; RN105431084; 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 79. [Docket No. 2009-1577-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **JERRY RESENDEZ ENTERPRISES, INC.** in **Webb County**; RN105249759; 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)

### **RULE MATTERS**

- Item 80. [Docket No. 2010-0162-RUL](#). Consideration for publication of, and hearing on, proposed amendment to Section 19.3 and new Section 19.30 of **30 Texas Admin. Code (TAC) Chapter 19**, Electronic Reporting, and proposed amendment to Section 1.10 of 30 TAC Chapter 1, Purpose of Rules, General Provisions. The proposed rulemaking would implement House Bill 3544 from the 81st Legislature, 2009, Regular Session, relating to electronic transmission of information, including notices, orders, and decisions by the Commission. The rulemaking would also implement a component of the Commission's eBusiness initiative regarding electronic filing of documents with the Chief Clerk's office. (Margaret Ligarde, LaDonna Castañuela) (Rule Project No. 2009-049-019-LS)
- Item 81. [Docket No. 2009-1574-RUL](#). Consideration for publication of, and hearing on, proposed new Sections 321.1 - 321.11 and the repeal of existing Sections 321.1 - 321.18 of **30 TAC Chapter 321**, Control of Certain Activities by Rule. The proposed rulemaking would implement Senate Bill (SB) 2445 from the 81st Legislature, 2009, Regular Session, by amending the definition for the term "boat;" add new definitions for "boat pump-out station," "shoreside, mobile, or floating installation," and "surface water in the state;" and change the frequency for renewal of certifications for pump-out stations from annual to biennial. In addition, the proposed rules would ensure consistency with federal regulations by prohibiting the discharge of treated and untreated boat sewage into all inland fresh waterbodies in the state and by amending regulations regarding the design, installation, and operation of Type I, II, and III marine sanitation devices. Other changes would improve the clarity and organization of the rules. (Lynley Doyen, Michael Parr) (Rule Project No. 2009-043-321-CE)

### **PUBLIC COMMENT SESSION**

- Item 82. 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.

## **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)**