

*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

August 11, 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. 2009-0398-IWD; SOAH Docket No. 582-09-3322](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Oak Grove Management Company, LLC** for a major amendment with renewal to TPDES Permit No. WQ0001986000 pursuant to rules of the Texas Commission on Environmental Quality and Tex. Water Code ch. 26. The facility is located on the west shore of Twin Oak Reservoir, approximately 8.5 miles south of Texas Highway 7, off Farm-to-Market Road 979, and approximately 12 miles north of the City of Franklin, **Robertson County**, Texas. The Commission will also consider timely filed public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies. (Robin Smith, Melinda Luxemburg)
- Item 2. [TCEQ Docket No. 2009-0324-UCR; SOAH Docket No. 582-09-6111](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **City of Karnes City in Karnes County**, Texas to decertify a portion of Certificate of Convenience and Necessity No. 10570 from El Oso Water Supply Corporation pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC chs. 50, 80 and 291 and Tex. Water Code chs. 5 and 13. The Commission will also consider the application, related filings, exceptions and replies. (Ruth Takeda)
- Item 3. [TCEQ Docket No. 2009-0052-PST-E; SOAH Docket No. 582-09-5022](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Eun Bok Lee dba Lee's Chevron** in **Harris County**, Texas; RN102380722; regarding petroleum storage tank violations pursuant to Tex. Water Code ch. 7, and Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including

Continued to a  
Future Agenda

specifically 30 Tex. Admin. Code ch. 60. The Commission will also consider timely filed exceptions and replies. (Rudy Calderon)

### HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

- Item 4. [Docket No. 2010-0895-MWD](#). Consideration of the application by the **City of Rockport** for a renewal of TPDES Permit No. WQ0010054001, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 2,500,000 gallons per day. The current permit also authorizes the disposal of treated domestic wastewater via irrigation of 200 acres. The facility is located on the west side of Farm-to-Market Road 2165, approximately 1,200 feet south of the intersection of Farm-to-Market Road 2165 and Enterprise Boulevard in **Aransas 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. (Michael Parr, Bijaya Chalise)

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### EMERGENCY ORDER

- Item 5. [Docket No. 2010-0912-UCR-E](#). Consideration of whether to modify, affirm, or set aside the Emergency Order issued on June 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 discontinuation of services at a retail public utility (Utility) by **Thunderbird Bay Water Services, Inc.**, in **Brown County**; TCEQ ID Nos. RN102688371, RN102685773; and CCN11243, to ensure continued operation of the Utility, and to provide continuous and adequate service to the customers. The Emergency Order appointed John M. Fultz ("Mr. Fultz") as temporary manager of the Utility. (Peipey Tang)

### MISCELLANEOUS MATTER

- Item 6. [Docket No. 2010-0875-DIS](#). Consideration of the Executive Director's Report and Recommendation for Action in the matter of **Kinney County Groundwater Conservation District** (the "District") in **Kinney County**; TCEQ ID Nos. 5196450; RN102880663; for failing to implement the District's management plan. The Commission will consider the Executive Director's recommendation to issue an order or take other appropriate action pursuant to Tex. Water Code chs. 7 and 36 requiring the District to take certain actions or to refrain from taking certain actions, which may include but are not limited to dissolving the District's board and calling an election for the purpose of electing a new board; requesting the attorney general to bring suit for the appointment of a receiver to collect the assets and carry on the business of the District; dissolving the District; or making recommendations to the Legislature for any such actions the Commission deems necessary to accomplish comprehensive management in the District. (Jim Sallans)

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### TMDL

- Item 7. [Docket No. 2010-0419-TML](#). Consideration for approval to publish and solicit public comment on a draft Implementation Plan for one TMDL for bacteria in **Gilleland Creek** (Segment 1428C), of the Colorado River Basin, in **Travis County**. (Monica Harris, Robert Brush)

## AGRICULTURAL ENFORCEMENT AGREED ORDER

- Item 8. [Docket No. 2010-0383-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vander Horst Enterprises, LLC dba Lane Jones Dairy** in **Erath County**; RN102743242; 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)

## AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 9. [Docket No. 2010-0466-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lone Star Specialty Products, LLC** in **Morris County**; RN101627776; 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 10. [Docket No. 2010-0019-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC.** in **Harris County**; RN100212109; 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 11. [Docket No. 2009-1781-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Harris County**; RN100210319; 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. 2010-0142-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LANXESS Corporation** in **Orange County**; RN100825363; 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 13. [Docket No. 2010-0433-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. (John Muennink, Laurie Eaves)
- Item 14. [Docket No. 2009-1126-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties of **Southern Manufacturing Co., L.L.C.** in **Jefferson County**; RN100218957; 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 15. [Docket No. 2010-0247-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Hutchinson County**; RN102320850; 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)

Remanded to the  
Executive  
Director

Item 16. [Docket No. 2010-0211-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Refining LP** in **Harris County**; RN100218130; 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 17. [Docket No. 2010-0194-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)

#### **AIR QUALITY ENFORCEMENT DEFAULT ORDER**

Item 18. [Docket No. 2009-1202-AIR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Titan Gunite, LLC** in **Harris County**; RN105669949; 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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#### **EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 19. [Docket No. 2010-0079-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southerland Communities RR Ranch, Ltd.** in **Bexar County**; RN105135156; 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, Laurie Eaves)

#### **FIELD CITIATIONS**

Item 20. [Docket No. 2010-0626-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Tiger Holdings, Inc. dba Express Mart 103** in **Brazos County**; RN101664217; 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 21. [Docket No. 2010-0772-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **United Parcel Service, Inc.** in **Lubbock County**; RN100703875; 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 22. [Docket No. 2010-0608-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Brian O. Flowers** in **Lee County**; RN103627766; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Laurie Eaves)
- Item 23. [Docket No. 2010-0667-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Keith Drewery dba Drewery Construction Company, Inc.** in **Nacogdoches County**; RN105883631; 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)
- Item 24. [Docket No. 2010-0580-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **G.T.T. General Contractors, Inc.** in **Montgomery County**; RN105888176; 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)
- Item 25. [Docket No. 2010-0640-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **David Wood Construction, L.P.** in **King County**; RN105883946; 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 26. [Docket No. 2010-0769-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Lupe Rubio Construction Company, Inc.** in **Burnet County**; RN105894315; 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)
- Item 27. [Docket No. 2010-0542-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Ballenger Construction Company** in **Hays County**; RN105829857; 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)
- Item 28. [Docket No. 2010-0516-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Smith County** in **Smith County**; RN104594460; 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)
- Item 29. [Docket No. 2010-0517-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Smith County** in **Smith County**; RN101876324; 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)

- Item 30. [Docket No. 2010-0518-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Smith County** in **Smith County**; RN104594551; 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)
- Item 31. [Docket No. 2010-0604-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **House of Boats, Inc.** in **Aransas County**; RN102346285; 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 OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

- Item 32. [Docket No. 2010-0125-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BFI Waste Services of Texas, LP dba Allied Waste** in **Harris County**; RN101859445; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Shelton, Laurie Eaves)

#### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

- Item 33. [Docket No. 2010-0463-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ingram Readymix, Inc.** in **Burnet County**; RN102571247; 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)

#### **LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS**

- Item 34. [Docket No. 2010-0164-LII-E](#). Consideration of a Default Order assessing administrative penalties against **Mark William Dailey** in **Bexar County** and **Comal County**; RN103281267; 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. (Gary K. Shiu, Lena Roberts)
- Item 35. [Docket No. 2009-1674-LII-E](#). Consideration of a Default Order assessing administrative penalties against **Shane Harkin** in **Travis County**; RN105713853; for occupational licensing 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 36. [Docket No. 2009-1418-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jose Ordonez** in **Dallas County**; RN105777486; 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 37. [Docket No. 2009-1580-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Miguel Guerrero in Travis County**; RN105750699; 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. (Marshall Coover, Lena Roberts)

#### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

- Item 38. [Docket No. 2010-0360-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Carl Childers in La Salle County**; RN105874440; for municipal solid waste and air quality 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. (Michael Meyer, Laurie Eaves)
- Item 39. [Docket No. 2008-0317-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Julio S. Alonso and Maria I. Alonso dba A-1 Metal Finishing & Polishing in Bexar County**; RN105367312; for industrial hazardous waste, water quality, and air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)
- Item 40. [Docket No. 2009-1762-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Martin Cantu dba Valley Quick Stop in Hidalgo County**; RN102358843; for petroleum storage tank and occupational licensing violations pursuant to Tex. Water Code chs. 7, 26, and 37 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brianna Carlson, Laurie Eaves)

#### **MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

- Item 41. [Docket No. 2009-1694-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ramesh Pillai in Madison County**; RN104105218; for petroleum storage tank and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

- Item 42. [Docket No. 2009-1791-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Roland C. Andrade in Atascosa County**; RN105809529; 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. (Sharesa Y. Alexander, Lena Roberts)

- Item 43. [Docket No. 2009-1294-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Rodman, LLC in Denton County**; RN105772016; 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. (Jim Sallans, Lena Roberts)

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

- Item 44. [Docket No. 2010-0163-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Mexia in Limestone County**; RN101918076; 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)
- Item 45. [Docket No. 2009-2070-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **U.S. LAND CORP. in Montgomery County**; RN102095288; 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 46. [Docket No. 2009-0164-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Dublin in Erath County**; RN101918308; 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 47. [Docket No. 2009-1206-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Leander in Williamson County**; RN101917722; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, Laurie Eaves)
- Item 48. [Docket No. 2010-0214-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Aqua Utilities, Inc. in Travis County**; RN101525715; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jeremy Escobar, Laurie Eaves)
- Item 49. [Docket No. 2010-0113-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Department of Criminal Justice in Fort Bend County**; RN102319126; 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)
- Item 50. [Docket No. 2010-0059-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fort Bend County Municipal Utility District No. 124 in Fort Bend County**; RN101390995; for water quality violations pursuant to Tex. Water Code

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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)

- Item 51. [Docket No. 2010-0303-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Richards Independent School District in Grimes County**; RN101513489; 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)

#### **ON SITE SEWAGE FACILITY INSTALLERS ENFORCEMENT AGREED ORDER**

- Item 52. [Docket No. 2010-0203-OSI-E](#). Consideration of an Agreed Order assessing administrative penalties against **Brian K. Gay in Jasper County**; RN103636262; for on-site sewage installation violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Thomas Jecha, Laurie Eaves)

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

- Item 53. [Docket No. 2010-0161-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Edgewood Independent School District in Bexar County**; RN102018207; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Laurie Eaves)
- Item 54. [Docket No. 2010-0331-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Skyland Gas, Inc dba Pik N Go 1 in Harris County**; RN101847168; 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. (Brianna Carlson, Laurie Eaves)
- Item 55. [Docket No. 2010-0274-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HAJARAT CORPORATION dba Corner Food Store in Harris County**; RN102483211; 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. (Theresa Hagood, Laurie Eaves)
- Item 56. [Docket No. 2010-0321-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **ADNIK BUSINESS, INC. dba Mini Mart 1 in Brazoria County**; RN102481280; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Pace, Laurie Eaves)
- Item 57. [Docket No. 2009-1576-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **QANDIL, INC. and Sky Business, Inc. dba Bryan Drive In in Brazos County**; RN102274537; for petroleum storage tank violations pursuant to

Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

- Item 58. [Docket No. 2010-0320-PST-E](#). Consideration of an Agreed Order assessing administrative penalties of **STEINHAGEN OIL COMPANY, INC. dba Fastlane No. 30** in **Jefferson County**; RN101738656; 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. (Theresa Hagood, Laurie Eaves)
- Item 59. [Docket No. 2010-0250-PST-E](#). Consideration of an Agreed Order assessing administrative penalties of **Chiwoo Park dba Dunlavy Mart** in **Harris County**; RN102259454; 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 60. [Docket No. 2010-0115-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **S.A.R. ENTERPRISES, INC. dba Daghlas Mart** in **Tarrant County**; RN102457850; 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 61. [Docket No. 2010-0216-PST-E](#). Consideration of an Agreed Order assessing administrative penalties of **HEALTHSOUTH OF SAN ANTONIO, INC.** in **Bexar County**; RN101904308; 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 62. [Docket No. 2010-0246-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M & M BROTHER CORPORATION dba Nasa Food Mart** in **Harris County**; RN102719515; 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 63. [Docket No. 2010-0346-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **GOLDEN HORN CORPORATION dba Cat Corner** in **Galveston County**; RN101765188; 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. (Harvey Wilson, Laurie Eaves)
- Item 64. [Docket No. 2010-0110-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Nueces County** in **Nueces County**; RN101757672; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)

- Item 65. [Docket No. 2010-0171-PST-E](#). Consideration of an Agreed Order assessing administrative penalties of **Hamza Enterprises Inc dba Ezy Stop in Harris County**; RN101377984; 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. (Tate Barrett, Laurie Eaves)
- Item 66. [Docket No. 2010-0338-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TAWAKUL INVESTMENTS INC. dba Spring Time in Dallas County**; RN101447167; 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 67. [Docket No. 2010-0402-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **I & C Texas Enterprises, Inc. dba Shell Food Mart in Dallas County**; RN102659794; 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. (John Shelton, Laurie Eaves)
- Item 68. [Docket No. 2010-0111-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Borna Enterprises, Inc. dba Roadrunner Chevron in Burnet County**; RN101496503; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)
- Item 69. [Docket No. 2008-1114-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ELEGANT, INC. dba Sunnys Food Store in Harris County**; RN102071529; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)
- Item 70. [Docket No. 2010-0279-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Fairbank Food Store, Inc. dba BestCo Food Mart in Harris County**; RN101893782; 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. (Stephen Thompson, Laurie Eaves)
- Item 71. [Docket No. 2009-2078-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SEIS NLSS MG CORPORATION dba Sams Food Mart 3 in Brazoria County**; RN102833423; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Laurie Eaves)
- Item 72. [Docket No. 2010-0217-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **HUT ENTERPRISES, LLC dba Washington Shell in Harris County**;

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RN102271749; 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. (Theresa Hagood, Laurie Eaves)

- Item 73. [Docket No. 2010-0054-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **PTCAA Texas, L.P. dba Pilot Travel Center 431 in Orange County**; RN103740890; 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 74. [Docket No. 2009-1949-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Shapiro Family Limited Partnership in Potter County**; RN101847499; 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 75. [Docket No. 2010-0126-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **New Open Pantry, LLC. dba Sunnys Mart in Dallas County**; RN101564854; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip Aldridge, Laurie Eaves)
- Item 76. [Docket No. 2009-1938-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Petroleum Wholesale, L.P. dba Sunmart 479 in Tarrant County**; RN102348570; 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)
- Item 77. [Docket No. 2008-0467-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jimmy O. Curtice in Jasper County**; RN101886802; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)
- Item 78. [Docket No. 2010-0299-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hugh Howard dba Howard Petroleum in Presidio County**; RN104198460; 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)

#### **PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS**

- Item 79. [Docket No. 2010-0073-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Rabindra Nauth in Jefferson County**; RN101829117; 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 80. [Docket No. 2009-1410-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **ANATOLIAN TRADING, INC. dba Medical Center Shell** in **Harris County**; RN101382745; 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. (Anna Treadwell, Lena Roberts)
- Item 81. [Docket No. 2009-2003-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **LINDALE STORES INC dba Quick Pantry** in **Dallas County**; RN102359809; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

#### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

- Item 82. [Docket No. 2010-0537-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Valley Mills Independent School District** in **McLennan County**; RN101280782; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Anna Meier, Laurie Eaves)
- Item 83. [Docket No. 2010-0287-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jack Neely dba Heights Water** in **Smith County**; RN102676129; 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)

#### **WATER QUALITY ENFORCEMENT AGREED ORDER**

- Item 84. [Docket No. 2009-1948-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Double Diamond Properties Construction Co.** in **Grayson County**; RN105793046; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jeremy Escobar, Laurie Eaves)

#### **WATER RIGHT ENFORCEMENT AGREED ORDER**

- Item 85. [Docket No. 2009-0081-WR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James Benefield** in **Burnet County**; RN105659197; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

#### **RULE MATTERS**

- Item 86. [Docket No. 2009-0987-RUL](#). Consideration of the adoption of amendments to Sections 291.31 and 291.34 of **30 Texas Admin. Code (TAC) Chapter 291**, Utility Regulations. The adoption 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 to be charged in its entirety to the accumulated depreciation account, consistent with accounting treatment of regulated electric and gas utilities in this state. The proposed rules were published in the March 26, 2010 issue of the *Texas Register* (35 TexReg 2507). (Brian Dickey, Brian MacLeod) (Rule Project No. 2009-042-291-OW)
- Item 87. [Docket No. 2008-1631-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Section 101.1 of **30 TAC Chapter 101**, General Air Quality Rules; proposed amendments to Sections 116.12 and 116.150 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification; and corresponding revisions to the state implementation plan. The proposed rulemaking would amend definitions in Chapter 101 to remove language regarding specific maintenance and nonattainment areas. Additionally, the proposed rulemaking would amend Chapter 116 to remove language indicating that the one-hour thresholds and offsets are not effective unless the United States Environmental Protection Agency (EPA) promulgates rules. The proposed rulemaking would also amend Chapter 116 to add a requirement for continued applicability of nonattainment New Source Review unless certain criteria are met. In addition, the proposed rules address issues identified by the EPA in its September 23, 2009, disapproval notice. (Blake Stewart, Terry Salem, Janis Hudson) (Rule Project No. 2008-030-116-PR)
- Item 88. [Docket No. 2010-0625-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Sections 116.12, 116.115, 116.180, 116.182, 116.184, 116.186, 116.188, 116.190, and 116.617; proposed new Section 116.127; and the repeal of Section 116.121 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification and corresponding revisions to the state implementation plan (SIP). The revisions to the SIP would also include the withdrawal from United States Environmental Protection Agency (EPA) consideration as revisions to the SIP of Sections 116.121, 116.400, 116.402, 116.404 and 116.406 as adopted by the commission on January 11, 2006, effective on February 1, 2006. The proposed amended, repealed, and new rules address issues identified by the EPA in its September 23, 2009, proposed disapproval notice. Specifically, those concern definitions related to and other changes to the Plant-Wide Applicability Limit (PAL) rules to meet federal requirements, including the conditions for reopening PAL permits. The rulemaking would also amend the standard permit rule for Pollution Control Projects. The rulemaking would also include removing obsolete references and making non-substantive administrative changes. (Blake Stewart, Janis Hudson) (Rule Project No. 2010-008-116-PR).

## **EXECUTIVE MEETING**

- Item 89. **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 90. **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 91. **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)**