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Chairman H.S. Buddy Garcia OLD BUSINESS AGENDA
Commissioner Larry R. Soward
Commissioner Bryan W. Shaw, Ph.D. Wednesday, April 8, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item 1. [TCEQ Docket No. 2005-1144-PST-E; SOAH Docket No. 582-07-4067](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against **Issa Ahmad dba Houston Mart** in **Bexar County**, Texas; Petroleum Storage Tank Facility ID No. 39462; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code ch. 334 and Tex. Water Code chs. 7 and 26. The Commission will also consider timely filed exceptions and replies. (Anna M. Cox)

Adopt the ALJ's proposed Order; adopt the Executive Director's Exceptions; and direct the Office of the General Counsel to make the following corrections to the proposed Order: a) Replace the word "registered" with the word "regulated" in the last sentence of Finding of Fact No. 1; and b) Replace the citation of Section "334.8(c)(4)(A)(iii)" with citation "334.8(c)(5)(A)(iii)" in Finding of Fact No. 7 consistent with the Executive Director's Preliminary Report and Petition and Finding of Fact No. 14. BS/LS; all agree.

AGENDA

Wednesday, April 8, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

- Item 1. [TCEQ Docket No. 2006-1572-MWD; SOAH Docket No. 582-08-0203](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Marlin Atlantis White, Ltd.** for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014570001, authorizing the discharge of treated domestic wastewater at a daily average flow not to exceed 125,000 gallons per day in the Interim I phase, 250,000 gallons per day in the Interim II phase, and 500,000 gallons per day in the Final phase. The proposed facility would be located adjacent to Gum Bayou, approximately 2.14 miles east of State Highway 3 and 600 feet north of FM 517, in **Galveston County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies. (Tim Reidy, Amewusika Clara Dake)

Adopt the ALJ's proposed Order granting Marlin Atlantis White, Ltd.'s permit, modifying the phrase in Conclusion of Law No. 11 which reads "with the expiration date revised to reflect a five-year term from the date of actual issuance" to "with the expiration date revised to September 1, 2013 so that the permit cycle will be consistent with Commission's Basin Permitting Rule at 30 TAC § 305.71" and amend Finding of Fact No. 41 in a consistent manner; approve the issuance of the Executive Director's draft permit with the following changes: a) add the permit condition specified in Ordering Provision No. 2 of the ALJ's Order; and b) change the permit expiration date to September 1, 2013; and adopt the Executive Director's Response to Comments. BS/LS; all agree.

- Item 2. [TCEQ Docket No. 2006-1304-PWS-E; SOAH Docket No. 582-08-1792](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Peach Creek Dam and Lake Club in Montgomery County**, Texas; Public Water System ID No. 1700064; regarding public water system violations pursuant to 30 Tex. Admin. Code ch. 290, Tex. Health & Safety Code ch. 341, and Tex. Water Code ch. 5. The Commission will also consider timely filed exceptions and replies. (Laurencia N. Fasoyiro)

Adopt the ALJ's Proposal for Decision and proposed Order with the Exceptions offered by the Executive Director but amended to assess the \$1,400.00 penalty only if the club is not compliant with the Commission's rules and regulations, including payment of all fees, one year from now. LS/BS; all agree.

- Item 3. [TCEQ Docket No. 2007-1935-PWS-E; SOAH Docket No. 582-08-2652](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **MPR Investments, L.L.C. dba Oakridge Square Mobile Home Park in Johnson County**, Texas; RN101256832; Public Water System ID No. 1260031;

regarding public water system violations pursuant to 30 Tex. Admin. Code ch. 290, Tex. Health & Safety Code ch. 341, and TCEQ Agreed Order Docket No. 2005-2004-PWS-E. The Commission will also consider timely filed exceptions and replies. (Barham A. Richard)

Adopt the ALJ's Proposal for Decision and proposed Order correcting Finding of Fact No. 16 and Ordering Provision No. 4.a. as recommended by the ALJ and the Executive Director. LS/BS; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 4. [Docket No. 2006-1723-WR](#). Consideration of the application of **American Rice Growers Cooperative Association - Dayton Division and the City of Houston** for an amendment to Certificate of Adjudication No. 08-4277 to authorize additional places of use (interbasin transfer from the Trinity Basin to the San Jacinto River Basin, Trinity-San Jacinto Coastal Basin, and the San Jacinto-Brazos Coastal Basin for use in **Liberty, Chambers, Harris, Galveston, Brazoria, Fort Bend, San Jacinto, Walker, Grimes, Waller, Montgomery, and Jefferson Counties**); to add municipal, industrial, and mining use to the current agricultural (irrigation) use; to add an additional diversion point downstream of the current diversion point in Liberty County on the Trinity River, Trinity River Basin and to increase the diversion rate. Existing Certificate of Adjudication No. 08-4277 authorizes, with a time priority of August 25, 1969, the maintenance of a 65 acre foot dam and reservoir on Big Ditch, tributary of the Trinity River in Liberty County and the diversion and use of not to exceed 5,000 acre-feet of water per annum from the perimeter of the reservoir at a maximum rate of 35.56 cubic feet per second (cfs) for agricultural purposes to irrigate 9,238.04 acres of land within American Rice Growers Cooperative Association-Dayton Diversion service area. The Certificate also authorizes, with a time priority of July 2, 1913, the diversion and use of not to exceed a total of 33,000 acre-feet of water per annum from a point on the Trinity River, a point on the East Prong Old River, tributary of the Trinity River and a point on Big Ditch for agricultural (irrigation) purposes of the above-described land. The commission will also consider hearing requests and any responsive filings. (Esteban (Steve) Ramos, Robin Smith)

Continued to a future agenda to be determined by the General Counsel.

Item 5. [Docket No. 2009-0012-MWD](#). Consideration of the application by **City of Dripping Springs** for a new permit, proposed Permit No. WQ0014488002, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day via public access subsurface drip irrigation system with a minimum area of 57.39 acres. The wastewater treatment facility and disposal site will be located within the Scenic Greens development, located approximately 4.4 miles west of Dripping Springs along U.S. Highway 290 in **Hays 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. (John Williams, Julian Centeno, Jr.)

Continued to the May 6, 2009 agenda.

Item 6. [Docket No. 2008-1839-AIR](#). Consideration of application by **TXI Operations, LP** for renewal of Air Quality Permit No. 1360A/PSD-TX-632M1 to authorize the continued operation of its cement manufacturing operation consisting of four wet kilns, one dry process kiln, a quarry, a raw material storage and processing area, finish mills, and facilities for loading out cement by

either rail or truck and related support systems. The site is located at 254 Ward Road, in Midlothian, **Ellis 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. (Ruth Alvarez, Janis Hudson)

Deny all hearing requests as a matter of law; issue the permit renewal of Air Quality Permit No. 1360A/PSD-TX-632M1; and adopt the Executive Director's Response to Comments. BS/BG; LS opposed.

TMDL MATTER

Item 7. [**Docket No. 2008-0225-TML**](#). Consideration to adopt eighteen final total maximum daily loads for bacteria in **Buffalo and Whiteoak Bayous and Tributaries** (Segments 1013, 1013A, 1013C, 1014, 1014A, 1014B, 1014E, 1014H, 1014K, 1014L, 1014M, 1014N, 1014O, 1017, 1017A, 1017B, 1017D, and 1017E) of the San Jacinto River Basin, in **Fort Bend, Waller, and Harris Counties** to satisfy federal water quality management planning requirements.

Approve adoption of the eighteen total maximum daily loads for bacteria in Buffalo and Whiteoak Bayous and Tributaries of the San Jacinto River Basin as recommended by the Executive Director with the corrections decided today; and approve the submission to the EPA for approval to be included in the Texas Water Quality Management Plan. LS/BS; all agree.

MISCELLANEOUS MATTERS

Item 8. [**TCEQ Docket No. 2008-1204-UCR**](#). Consideration of a request for a Commission Order approving a contract designating service areas between **New Caney Municipal Utility District** ("New Caney") Certificate of Convenience and Necessity ("CCN") Nos. 11969 (water) and 20575 (sewer), and White Oak Developers, Inc. ("White Oak"), CCN Nos. 12894 (water) and 20859 (sewer) in **Montgomery County**, Texas pursuant to Texas Water Code Section 13.248. On or about July 21, 2005, New Caney and White Oak executed an annexation agreement regarding an approximate 29.270 acre tract owned by White Oak and subject to CCN Nos. 12894 (water) and 20859 (sewer) held by White Oak. Under the agreement, New Caney will provide water and sewer service to the approximate 29.270 acres tract and the area will be transferred to New Caney's CCN Nos. 11969 (water) and 20575 (sewer). No facilities or customers will be transferred under the agreement. (Ross Henderson, Sheresia Perryman)

Approve the contract between New Caney Municipal Utility District and White Oak Developers, Inc. under Texas Water Code § 13.248 which will result in the transfer of approximately 29.270 acres to New Caney's Municipal Utility District's water and sewer CCN; issue the Executive Director's proposed Order; and modify the order to correct the typographical error with the CCN No. listed for White Oak Developers, Inc. BS/LS; all agree.

Item 9. [**Docket No. 2009-0232-MIS**](#). Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. [David Timberger]

Approve the issuance of the resolution acknowledging the Executive Director's acceptance of the gifts. LS/BS; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDERS

- Item 10. [Docket No. 2008-1626-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gary Lane Nutt dba Nutt Feedyard in Castro County**; RN101609485; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 11. [Docket No. 2007-0957-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wayne Moerman dba XXX Dairy in Comanche County**; TCEQ ID No. RN102586773; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 12. [Docket No. 2008-1770-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Insulfoam LLC in Falls County**; RN104694948; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

- Item 13. [Docket No. 2008-0621-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pasadena Refining System, Inc in Harris County**; RN100716661; 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, Bryan Sinclair)

Approve the Agreed Order. BS/LS; all agree.

- Item 14. [Docket No. 2007-1331-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Messer Construction Co., Inc. in Deaf Smith County**; TCEQ ID No. RN105240550; 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 Tex. Admin. Code ch. 60. (Rebecca Combs, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

- Item 15. [Docket No. 2008-1779-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rip Griffin Truck Service Center, Inc. in Lubbock County**; RN104544788; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 16. [Docket No. 2008-1569-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Carmax Auto Superstores, Inc.** in **Travis County**; RN105001614; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 17. [Docket No. 2008-1609-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **INVISTA S.a.r.l.** in **Orange County**; RN104392626; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 18. [Docket No. 2008-1493-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Extrusion Plus LLC** in **Harris County**; RN105558878; 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. (Charlie Konkol, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 19. [Docket No. 2007-1222-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **K-C Grain, LP** in **Caldwell County**; RN100727866; 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. (Jorge Ibarra, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 20. [Docket No. 2008-1547-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TXI Operations, L.P.** in **Collin County**; RN102171238; 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. (Samuel Short, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 21. [Docket No. 2008-1023-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Union Tank Car Company** in **Liberty County**; RN100224575; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 22. [Docket No. 2008-1546-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bayer MaterialScience LLC in Chambers County**; RN100209931; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 23. [Docket No. 2008-1584-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Jefferson County**; RN100209857; 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. (Bryan Elliott, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 24. [Docket No. 2008-1262-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Brazoria County**; RN100825249; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 25. [Docket No. 2008-1475-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN102553336; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (James Nolan, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 26. [Docket No. 2008-1424-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Polymers Corporation N/K/A Huntsman Advanced Materials LLC in Ector County**; RN101867554; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 27. [Docket No. 2008-1647-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Nelson Bros. Ready Mix, Ltd.** in **Collin County**; RN102302353; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 28. [Docket No. 2007-1914-AIR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Circle K Stores Inc.** in **El Paso County**; TCEQ ID Nos. RN101695716, RN102706314, RN101962066, RN101695765, RN102777497, and RN101695740; 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 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 29. [Docket No. 2006-1334-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **N T & M, Inc. dba Fine Cleaners** in Harris County; TCEQ ID No. RN104161476; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Dinniah M. Chahin, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

Item 30. [Docket No. 2006-1544-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fallbrook Enterprises, Inc. dba Fashion Cleaners** in **Harris County**; TCEQ ID No. RN104355912; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Anna M. Cox, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 31. [Docket No. 2008-1672-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of San Antonio** in **Bexar County**; RN105594287; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 32. [Docket No. 2008-1352-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **South Texas Aggregates, Inc.** in **Uvalde County**; RN103991352; 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. (Lauren Smitherman, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

FIELD CITATIONS

Item 33. [Docket No. 2008-1550-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Crystal Falls Car Wash, Inc.** in **Lubbock County**; RN102370301; 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. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

Item 34. [Docket No. 2008-1689-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Harlie G. Adams** in **Cochran County**; RN103233789; 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. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

Item 35. [Docket No. 2008-1698-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Mike L. Mayfield** in **Montague County**; RN103442950; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

Item 36. [Docket No. 2008-1594-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Charles L. Warren** in **McMullen County**; RN105505374; 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. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

Item 37. [Docket No. 2008-1693-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Antonio T. Scolley** in **Bailey County**; RN103680559; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

Item 38. [Docket No. 2008-1757-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Jim Oxford** in **Bee County**; RN105600928; 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. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

Item 39. [Docket No. 2008-1694-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Tommy Raper** in **Moore County**; RN105098180; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

Approve the Field Citation. BS/LS; all agree.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 40. [Docket No. 2006-1028-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Jefferson County**; TCEQ ID No. RN100209857; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 41. [Docket No. 2008-1589-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Red River Redevelopment Authority** in **Bowie County**; RN101274231; 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. (J. Craig Fleming, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 42. [Docket No. 2008-1315-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **E. I. du Pont de Nemours and Company** in **Orange County**; RN100542711; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 43. [Docket No. 2007-1831-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Stanley Burse** in **Travis County**; TCEQ ID No. RN105068274; 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. (Jennifer Cook, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS

Item 44. [Docket No. 2006-1875-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Alfredo C. Cruz** in **Montgomery County**; TCEQ ID No. RN103838520; 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. (Tammy Mitchell, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

Item 45. [Docket No. 2007-1942-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Corby Hicks** in **Williamson County**; TCEQ ID No. RN103393344; 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. (Anna M. Cox, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 46. [Docket No. 2008-1440-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Oxea Corporation** in **Matagorda County**; RN105195655; for industrial and hazardous 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 47. [Docket No. 2007-1630-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **League City Paving Company, Inc.** in **Galveston County**; TCEQ ID No. RN101784726; for industrial hazardous waste and 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 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 48. [Docket No. 2007-1646-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **James Luckey and John Luckey in Jasper County**; TCEQ ID No. RN105007025; 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 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 49. [Docket No. 2008-1605-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mike Bowman dba Bowman's Mobile Tire Service in Bosque County**; RN105503247; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 50. [Docket No. 2008-1627-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Advance Hydrocarbon Corporation in Brazos County**; RN105384556; 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. (John Shelton, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 51. [Docket No. 2007-0805-MSW-E](#). Consideration of a Default Order assessing administrative penalties against **Don Burroughs in Jefferson County**; TCEQ ID No. RN104574603; 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. (Barham A. Richard, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

Item 52. [Docket No. 2008-0090-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Efrain Juarez in Dallas County**; TCEQ ID No. RN102402146; 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. (Kari L. Gilbreth, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 53. [Docket No. 2008-1715-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Point in Rains County**; RN101720381; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 54. [Docket No. 2008-1729-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Itasca in Hill County**; RN101920270; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 55. [Docket No. 2007-1390-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rosebud in Falls County**; RN101918423; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 56. [Docket No. 2008-1704-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Texas District Council Assemblies of God in Ellis County**; RN101513554; 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, Cari-Michel La Caille)

Continued to a future agenda to be determined by the General Counsel. BS/LS; all agree.

Item 57. [Docket No. 2008-1754-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Forest Glen, Inc. in Walker County**; RN103015376; 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. (J. Craig Fleming, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 58. [Docket No. 2008-1673-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Whitesboro in Grayson County**; RN102796679; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 59. [Docket No. 2008-1767-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Thornton in Limestone County**; RN102844461; 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., Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 60. [Docket No. 2008-1873-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **M. KASHMIRI MANAGEMENT, INC. dba Star Market in Nueces County**; RN101381671; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brianna Carlson, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 61. [Docket No. 2008-1855-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SAVE N MORE CORPORATION dba Save One Stop in Harris County**; RN101819936; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 62. [Docket No. 2008-1077-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Albert Abusalah dba Braeswood Texaco in Harris County**; RN101725513; 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. (Elvia Maske, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 63. [Docket No. 2008-1482-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jose Perales in Liberty County**; RN104504204; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 64. [Docket No. 2008-1434-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Se Young Corporation dba Family Mart in Tarrant County**; RN101564995; 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. (Cheryl Thompson, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 65. [Docket No. 2007-1603-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Amin Makhani dba Corner Food Mart in Bexar County**; TCEQ ID No. RN102783867; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Cox, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

Item 66. [Docket No. 2008-1498-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TIGER GLENN APARTMENTS, INC. in Nueces County**; RN101759371; 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. (Steven Lopez, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 67. [Docket No. 2008-1603-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cal Development, Inc. dba Scott Texaco in Harris County**; RN101811917; 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. (Brianna Carlson, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 68. [Docket No. 2008-1768-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Top New Wave, Inc. dba Riverside Shell in Tarrant County**; RN101547669; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 69. [Docket No. 2008-1874-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **O'Donnell Oil & Butane Company, Inc. in Lynn County**; RN101867893 and RN105650675; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 70. [Docket No. 2007-1536-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Loveladdy Oil Company, Inc. in Shelby County**; TCEQ ID No.

RN101751592; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Cox, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

Item 71. [Docket No. 2008-1954-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **NILA AKASH ENTERPRISES, INC. dba Express Lane Food Mart in Harris County**; RN103038709; 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. (Steven Lopez, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 72. [Docket No. 2008-1414-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ona Van Dorn in Live Oak County**; RN101815405; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 73. [Docket No. 2008-1640-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KNJ ENTERPRISES INC. dba Speedy Express 3 in Harris County**; RN101840072; 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. (Steven Lopez, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 74. [Docket No. 2008-1592-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NNY, Inc. dba A & I Food Store in Dallas County**; RN101536431; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 75. [Docket No. 2008-0724-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mohammad A. Swati in Orange County**; TCEQ ID No. RN101773232; 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. (Stephanie Frazee, Lena Roberts)

Remanded to the Executive Director. BS/LS; all agree.

Item 76. [Docket No. 2006-1770-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Sakina, Inc. dba Express Lane 26 in Brazoria County**; TCEQ ID No. RN103052320; 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. (Tracy Chandler, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

Item 77. [Docket No. 2007-1934-PST-E](#). Consideration of a Default Order assessing administrative penalties against **GAS2006 Partners, LP dba Hawk Cove Grocery in Hunt County**; TCEQ ID No. RN105354229; 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. (Stephanie J. Frazee, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

Item 78. [Docket No. 2007-0976-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Quick & Convenience Pro – Victoria 1, L.L.C. dba Midway Truck Stop in Victoria County**; TCEQ ID No. RN101261535; 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. (Barham Richard, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 79. [Docket No. 2009-0004-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Electra in Wichita County**; RN103783056; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 80. [Docket No. 2008-1533-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. (John Shelton, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 81. [Docket No. 2007-0475-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alan Karl dba Coles Crossing in Chambers County**; TCEQ ID No. RN102952033; for public drinking water violations pursuant to Tex. Health &

Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

Approve the Agreed Order. BS/LS; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 82. [Docket No. 2008-1658-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Barr / Principle Builders, LLC** in **Bexar County**; RN105587042; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 83. [Docket No. 2008-1765-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Dean Word Company, Ltd.** in **Travis County**; RN101461358; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 84. [Docket No. 2008-1785-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Dale K. Farrow dba Reclamation Contractors of Texas** in **Cherokee County**; RN105598031; 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. (Audra Benoit, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

Item 85. [Docket No. 2008-1008-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Century Export Company, Inc. and Humberto Saldivar** in **Webb County**; RN104061817; 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, Cari-Michel La Caille)

Approve the Agreed Order. BS/LS; all agree.

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 86. [Docket No. 2008-0592-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Duke Pendergraft dba Pendergraft Stone** in **Haskell County**; RN104285317; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Dinniah Chahin, Lena Roberts)

Approve the Default Order. BS/LS; all agree.

EXECUTIVE MEETING

Item 87. **Docket No. 2009-0001-EXE.** The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The commission did not meet in an executive meeting.

Item 88. **Docket No. 2009-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The commission did not meet in an executive meeting.

Item 89. **Docket No. 2009-0003-EXE.** The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The commission did not meet in an executive meeting.

(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)

/s/ Elaine Lucas
Assistant General Counsel,
Elaine Lucas

05/07/2009
Date