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Chairman H.S. Buddy Garcia                      OLD BUSINESS AGENDA  
Commissioner Larry R. Soward  
Commissioner Bryan W. Shaw, Ph.D.      Friday, June 26, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the May 20, 2009 agenda.

- Item 1. [TCEQ Docket No. 2007-1178-MWD; SOAH Docket No. 582-08-0690](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Lerin Hills, Ltd.** for Texas Pollutant Discharge Elimination System Permit No. WQ0014712001 to discharge treated wastewater effluent from a new proposed municipal wastewater facility. The proposed facility would be located approximately 4.1 miles west of Interstate Highway 10, as measured along State Highway 46 and then approximately 200 feet due west from that point on State Highway 46, in **Kendall 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. (Kathy Humphreys, Tim Reidy)

Adopt the Applicant's revised Order; adopt the Executive Director's draft permit, modifying the permit expiration date as recommended by the Executive Director; and adopt the Executive Director's Response to Comments. BS/BG; LS opposed.

## AGENDA

Friday, June 26, 2009

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **PROPOSAL FOR DECISION**

- Item 1. [TCEQ Docket No. 2008-0164-UCR; SOAH Docket No. 582-08-1719](#). Consideration of the Administrative Law Judge's Proposal for Decision and proposed Order regarding the application of **HHJ, Inc., dba Decker Utilities** to change its water and sewer rates/tariff under Water Certificate of Convenience and Necessity ("CCN") No. 12841 and Sewer CCN No. 20833 in **Montgomery County**, Texas, pursuant to Texas Water Code Chapter 13 and the rules of the Texas Commission on Environmental Quality in Title 30, Chapter 291 of the Texas Administrative Code. The Commission will also consider the application, related filings and exhibits, exceptions, and replies. (Erin Selvera)

Remand this matter to the ALJ in order to conduct an additional hearing on the issue of the undocumented cost of service expenses to give the parties the opportunity to more fully address that issue. Once completed, the ALJ should submit a Proposal for Decision based on the evidence in the record consistent with the Commission's rules, regulations, and policies. LS/BS; all agree.

#### **EMERGENCY ORDER**

- Item 2. [Docket No. 2008-1634-UCR-E](#). Consideration of whether to modify, affirm, or set aside the Emergency Order issued on May 15, 2009, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality to address the abandonment of a retail public utility (Utility) by **Richard Hodges dba Ancar Water System and Lester Saucier dba Ancar Water System**, in **Orange County**; TCEQ ID No. RN105234819; to ensure continued operation of the Utility, and to provide continuous and adequate service to the customers. The Emergency Order renewed the appointment of Mark Foust as temporary manager of the Utility. (Dinniah M. Chahin)

Affirm the Emergency Order issued on May 15, 2009 against Richard Hodges and Lester Saucier dba Ancar Water System. BS/LS; all agree.

#### **PETITION TO REVOKE**

- Item 3. [Docket No. 2009-0290-MWD](#). Consideration of a Petition to Revoke TCEQ Water Quality Permit Number WQ0014555002 issued to the **Far Hills Utility District**, filed by Eric Allmon on behalf of Suzanne O'Neal, Judith Spencer and Everett Simmons. The facility is located on the east side of Cude Cemetery Road approximately 1,800 feet south of Farm-to-Market Road 830

in **Montgomery County**, Texas. The Commission will also consider related responses and replies to the Petition to Revoke. (John Williams, Firoj Vahora)

Grant the hearing requests of Suzanne O'Neal, Judith Spencer, and Everett Simmons; refer the Petition to Revoke to SOAH for a determination on the following issues: 1) In relation to Permit No. WQ0014555002, has Far Hills failed during the application or hearing process to disclose fully all relevant facts regarding its ownership in configuration of the property; 2) Did Far Hills fail to fully disclose all relevant facts, misrepresent any relevant facts, or make any false or misleading statements with respect to mail notice; 3) In relation to Permit No. WQ0014555002, has Far Hills misrepresented any relevant facts regarding the appropriate newspaper for publication of notice; 4) If Far Hills did publish notice in the wrong newspaper, was this act done intentionally or knowingly, pursuant to Tex. Water Code § 7.149; 5) If Far Hills failed to disclose fully all relevant facts regarding ownership and configuration of the property, was this act done intentionally or knowingly, pursuant to Tex. Water Code § 7.149; and 6) Whether Far Hills Permit No. WQ0014555002 should be revoked or suspended; set the maximum duration of the hearing as four months. LS/BS; all agree.

#### **MISCELLANEOUS MATTER**

Item 4. [Docket No. 2009-0645-RES.](#) Resolution reauthorizing the Executive Director to enter all contracts (including grant agreements) on behalf of the agency, to manage such contracts and other agreements and perform all contractual actions on behalf of the agency, to delegate such authority to the staff, and to designate individuals to approve the Commission's payment documents. The Commission's current resolution regarding contracts and delegation was issued on May 30, 2007, and it expires on August 31, 2009. The proposed resolution would renew the Commission's current resolution regarding contracts and delegation for an additional two years until August 31, 2011. (Katharine Marvin)

Adopt the Executive Director's proposed Resolution, but direct the Office of General Counsel to amend the last sentence to read "This Resolution, upon becoming effective, supersedes and replaces Resolution No. 2007-0526-RES, issued by the Commission on May 30, 2007." LS/BS; all agree.

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

Item 5. [Docket No. 2009-0173-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enertech Industries, Inc.** in **Ector County**; RN104177423; 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. LS/BS; all agree.

Item 6. [Docket No. 2005-0897-AIR-E.](#) Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **J.C. Evans Construction Company, Inc.** in **Williamson County**; TCEQ ID No. RN103045340; 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. (Jim Sallans, Lena Roberts)

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

- Item 7. [Docket No. 2009-0152-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. LS/BS; all agree.

- Item 8. [Docket No. 2008-1919-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lide Industries, LLC** in **Freestone County**; RN101698439; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Cari-Michel La Caille)

Continued to the July 8, 2009 agenda. LS/BS; all agree.

- Item 9. [Docket No. 2008-1904-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Lubrizol Corporation** in **Harris County**; RN101058410; 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. LS/BS; all agree.

- Item 10. [Docket No. 2009-0239-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CLW, Inc.** in **San Jacinto County**; RN101900579; 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. LS/BS; all agree.

- Item 11. [Docket No. 2009-0180-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marathon Oil Company** in **Leon County**; RN105672901; 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. LS/BS; all agree.

- Item 12. [Docket No. 2008-1733-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Whiting Oil and Gas Corporation** in **Yoakum County**; RN100236025; 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, Cari-Michel La Caille)

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

- Item 13. [Docket No. 2009-0201-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP in Ector County**; RN100222330; 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. LS/BS; all agree.

- Item 14. [Docket No. 2008-1926-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LI Holdings, Inc. (formerly known as Lide Industries, Inc.) in Freestone County**; RN101698439; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Cari-Michel La Caille)

Continued to the July 8, 2009 agenda. LS/BS; all agree.

- Item 15. [Docket No. 2008-1122-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chemical Lime, Ltd. in Comal County**; RN100552454; 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. LS/BS; all agree.

- Item 16. [Docket No. 2008-1927-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Harris County**; RN103919817; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Cari-Michel La Caille)

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

- Item 17. [Docket No. 2008-1167-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **E. I. du Pont de Nemours and Company in Orange County**; RN100542711; 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. LS/BS; all agree.

- Item 18. [Docket No. 2008-1163-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102579307; 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, Bryan Sinclair)

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

Item 19. [Docket No. 2007-0923-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **The Dow Chemical Company in Brazoria County**; TCEQ ID No. RN100225945; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 20. [Docket No. 2009-0013-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. (Trina Grieco, Cari-Michel La Caille)

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

Item 21. [Docket No. 2008-0756-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **King Ranch, Inc. in Kleberg County**; TCEQ ID No. RN101718740; 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. (Anna M. Treadwell, Lena Roberts)

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

Item 22. [Docket No. 2009-0122-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Harris County**; RN102414232; 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. LS/BS; all agree.

#### **DRY CLEANER ENFORCEMENT DEFAULT ORDER**

Item 23. [Docket No. 2008-1232-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Nam Sun Paek dba Metro Cleaners in Tarrant County**; TCEQ ID No. RN103955506; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

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

## **EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS**

- Item 24. [Docket No. 2009-0174-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rockfield Investments, LLC** in **Comal County**; RN105618391; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Cari-Michel La Caille)

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

- Item 25. [Docket No. 2008-1360-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Heiser Hollow Partners, LLC** in **Comal County**; TCEQ ID No. RN105506901; 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. (Rebecca Combs, Lena Roberts)

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

## **EDWARDS AQUIFER ENFORCEMENT DEFAULT ORDER**

- Item 26. [Docket No. 2008-1884-EAQ-E](#). Consideration of a Default Order assessing administrative penalties against **PSW Real Estate, L.L.C.** in **Travis County**; TCEQ ID No. RN105619837; 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. (Barham A. Richard, Lena Roberts)

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

## **FIELD CITATIONS**

- Item 27. [Docket No. 2009-0376-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **John D. Sims** in **Angelina County**; RN103685483; 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. (Kirk Schoppe, Cari-Michel La Caille)

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

- Item 28. [Docket No. 2009-0423-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Shanco Group LLC dba Midtown Grocery** in **Brazos County**; RN101663367; 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, Cari-Michel La Caille)

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

- Item 29. [Docket No. 2009-0426-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Cooper Medical Buildings, Inc.** in **Deaf Smith**

**County**; RN105694814; 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 Field Citation. LS/BS; all agree.

Item 30. [Docket No. 2009-0383-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Shepherd Place Homes, Inc.** in **Ellis County**; RN105668933; 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 Field Citation. LS/BS; all agree.

Item 31. [Docket No. 2009-0382-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **M. J. Boyle General Contractor, Inc.** in **Comal County**; RN105681712; 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 Field Citation. LS/BS; all agree.

Item 32. [Docket No. 2009-0381-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Timberlake Trails, LLC** in **Denton County**; RN105345714; 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 Field Citation. LS/BS; all agree.

Item 33. [Docket No. 2009-0424-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Eberle Materials, Inc.** in **Hidalgo County**; RN105682470; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Cari-Michel La Caille)

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

#### **INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS**

Item 34. [Docket No. 2004-0189-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Irma Maldonado-Rullan dba ACCI Forwarding, Inc.** in **Webb County**; TCEQ ID No. RN103711255; 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. (Gary K. Shiu, Lena Roberts)

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



Item 35. [Docket No. 2007-1919-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BP Products North America Inc. in Galveston County**; RN102535077 and RN104085691; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Bryan Sinclair)

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

Item 36. [Docket No. 2006-0455-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Veolia ES Technical Solutions, L.L.C. fka Onyx Environmental Services, L.L.C. in Jefferson County**; TCEQ ID No. RN102599719; 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. (Jennifer Cook, Lena Roberts)

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

Item 37. [Docket No. 2007-0820-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties against **INEOS Americas LLC in Jefferson County**; TCEQ ID No. RN104791421; 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. (Lena Roberts)

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

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

Item 38. [Docket No. 2009-0269-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Union Oil Company of California in Jefferson County**; RN102596210; 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, Cari-Michel La Caille)

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

#### **LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER**

Item 39. [Docket No. 2009-0250-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gail A. Wright in Dallas County**; RN105168207; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Michael Graham, Cari-Michel La Caille)

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

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

Item 40. [Docket No. 2007-1273-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **James W. Hackney** in **Harris County**; TCEQ ID No. RN105239826; 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. (Rudy Calderon, Lena Roberts)

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

Item 41. [Docket No. 2008-0135-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gregory W. Boyd** in **Bexar County and Comal County**; TCEQ ID No. RN104946199; 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. (Barham A. Richard, Lena Roberts)

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

Item 42. [Docket No. 2007-1697-LII-E](#). Consideration of a Default Order assessing administrative penalties against **Roberto Lugo** in **Nueces County**; TCEQ ID No. RN105314231; 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. (Rudy Calderon, Lena Roberts)

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

Item 43. [Docket No. 2008-0056-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Albert E. Ellis** in **Fort Bend County**; TCEQ ID No. RN103862447; 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. (Peipey Tang, Lena Roberts)

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

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

Item 44. [Docket No. 2007-0902-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aztec Waste, Inc.** in **Bexar County**; TCEQ ID No. RN103991634; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. Gary K. Shiu, Lena Roberts)

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

Item 45. [Docket No. 2008-1198-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mark Vasquez dba Maverick 1.50 Cleaners** in **Bexar County**; RN100618552; for industrial and hazardous waste and dry cleaning violations pursuant to Tex. Health & Safety Code chs. 361 and 374, Tex. Water Code ch. 7, and the rules of the

Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Cari-Michel La Caille)

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

- Item 46. [Docket No. 2008-1633-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SUDAN FEEDYARD, INC.** in **Lamb County**; RN101514404; for water quality and municipal and solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Cari-Michel La Caille)

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

- Item 47. [Docket No. 2008-0369-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City Market Group of Sun City, L.P. dba City Market** in **Williamson County**; TCEQ ID No. RN101498913; for petroleum storage tank, air quality, and water quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, Lena Roberts)

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

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

- Item 48. [Docket No. 2008-1252-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Tillie Grimes dba Gold Mine Restaurant** in **Victoria County**; TCEQ ID No. RN105552707; for public water supply and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 341 and 361, Tex. Water Code ch. 7, 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. LS/BS; all agree.

- Item 49. [Docket No. 2008-1370-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Russell Giles dba Waco Wrecking** in **McLennan County**; TCEQ ID No. RN104947387; 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. LS/BS; all agree.

- Item 50. [Docket No. 2008-0597-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Frank E. Daniels** in **Bexar County**; TCEQ ID No. RN105168314; for air quality and water 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. (Jacquelyn Boutwell, Lena Roberts)

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

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

Item 51. [Docket No. 2008-0447-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Donald Castro dba Villarreal's Ice House in Bexar County**; TCEQ ID No. RN102935491; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 52. [Docket No. 2008-1563-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Fredericksburg in Gillespie County**; RN102211844; 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. (Michael Graham, Cari-Michel La Caille)

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

Item 53. [Docket No. 2007-0152-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fort Worth Excavating, Inc. in Tarrant County**; TCEQ ID No. RN100733138; 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 Agreed Order. LS/BS; all agree.

Item 54. [Docket No. 2007-1223-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Victor C. Lopez in Bexar County**; TCEQ ID No. RN105225718; 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. (Rudy Calderon, Lena Roberts)

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

Item 55. [Docket No. 2007-1276-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Alfonso Garza Jr., Trustee for the Alfonso Garza Testamentary Trust and Emma G. Garza in Hidalgo County**; TCEQ ID No. RN105237036; 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. (Rebecca Combs, Lena Roberts)

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

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

Item 56. [Docket No. 2008-1356-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Raul Perez in Kleberg County**; TCEQ ID No. RN105530968; for municipal solid waste violations pursuant to Tex. Water Code chs. 5, 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. (Peipey Tang, Lena Roberts)

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

Item 57. [Docket No. 2008-1156-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Alejandro Romo in Cherokee County**; TCEQ ID No. RN105496913; 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. (Tommy Tucker Henson II, Lena Roberts)

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

Item 58. [Docket No. 2008-1722-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Baudelio Hernandez dba Chelas Landscaping in McLennan County**; TCEQ ID No. RN105390496; 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. (Jennifer Cook, Lena Roberts)

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

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

Item 59. [Docket No. 2006-1325-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **City of Goodrich in Polk County**; TCEQ ID No. RN101917649; 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. (Jim Sallans, Lena Roberts)

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

Item 60. [Docket No. 2008-1512-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bonham in Fannin County**; RN101919850; 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. LS/BS; all agree.

Item 61. [Docket No. 2008-1214-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Thompson Water Company, Inc.** in **Freestone County**; RN102329752; 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. (Lauren Smitherman, Cari-Michel La Caille)

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

Item 62. [Docket No. 2009-0200-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harris County Fresh Water Supply District No. 61** in **Harris County**; RN102183530; 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, Cari-Michel La Caille)

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

Item 63. [Docket No. 2009-0289-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Conroe Independent School District** in **Montgomery County**; RN102319746; 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. LS/BS; all agree.

Item 64. [Docket No. 2008-1921-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Sonora** in **Sutton County**; RN102806411; 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. LS/BS; all agree.

Item 65. [Docket No. 2009-0327-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trinity @ Windfern LLC** in **Harris County**; RN102916178; for water quality violations pursuant to Tex. Water Code chs. 5, 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)

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

Item 66. [Docket No. 2007-1709-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Silver Creek Lodge, Marina, and Yacht Club, Incorporated** in **Burnet County**; RN102184264; 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. LS/BS; all agree.

Item 67. [Docket No. 2009-0271-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Reed Parque Limited Partnership in Harris County**; RN101516375; 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. LS/BS; all agree.

Item 68. [Docket No. 2009-0189-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oak Manor Municipal Utility District in Brazoria County**; RN102080736; 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. (Pamela Campbell, Cari-Michel La Caille)

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

Item 69. [Docket No. 2009-0228-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Montgomery County Municipal Utility District No. 15 in Montgomery County**; RN102184413; 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. LS/BS; all agree.

Item 70. [Docket No. 2009-0254-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of China in Jefferson County**; RN101721686; 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. (Jennifer Graves, Cari-Michel La Caille)

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

Item 71. [Docket No. 2009-0024-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eli Gravriel Sasson dba West Houston Mobile Home Park in Harris County**; RN102182920; 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. LS/BS; all agree.

#### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER**

Item 72. [Docket No. 2008-1086-MWD-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of the **James F. Lunsford dba Fairview Joint Venture in Collin County**; TCEQ ID No. RN101516672; 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. (Jacquelyn Boutwell, Lena Roberts)

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

### **ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT DEFAULT ORDER**

- Item 73. [Docket No. 2008-0354-OSS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gilbert Espinosa in Concho County**; TCEQ ID No. RN105107171; for on-site sewage system violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality. (Barham A. Richard, Lena Roberts)

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

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

- Item 74. [Docket No. 2008-1749-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **KLEMME ENTERPRISES, INC. dba Freeway Exxon in El Paso County**; RN100819259; 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. (Wallace Myers, Cari-Michel La Caille)

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

- Item 75. [Docket No. 2009-0077-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SELAWI UNLIMITED, INC. dba Sammy Food Store in Tarrant County**; RN101633048; 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, Cari-Michel La Caille)

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

- Item 76. [Docket No. 2009-0280-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RACETRAC PETROLEUM, INC. dba Racetrac 573 in Harris County**; RN102219730; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Cari-Michel La Caille)

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

- Item 77. [Docket No. 2009-0397-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Southwest Convenience Stores, LLC. in Ector and El Paso Counties**; RN105691042; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Cari-Michel La Caille)



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

- Item 78. [Docket No. 2008-1896-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas ARRM Investments Inc. dba Gastar II Store 020 in Dallas County**; RN101566545; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Cari-Michel La Caille)

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

- Item 79. [Docket No. 2006-1472-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **10104, Inc. dba Northstar Food Store in Harris County**; TCEQ ID No. RN101908481; 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. (Dinniah M. Chahin, Lena Roberts)

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

- Item 80. [Docket No. 2008-1158-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MSMS Inc. dba Golden Stop in Denton County**; TCEQ ID No. RN101567725; 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. (Phillip M. Goodwin, Lena Roberts)

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

- Item 81. [Docket No. 2009-0178-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Big Diamond, Inc. dba Diamond Shamrock 1260 in El Paso County**; RN102438413; 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, Cari-Michel La Caille)

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

- Item 82. [Docket No. 2009-0323-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **RJR RESTAURANTS OF DENTON LIMITED PARTNERSHIP dba Rudy's Bar-B-Que and Country Store in Denton County**; RN104314729; 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. LS/BS; all agree.

- Item 83. [Docket No. 2007-1653-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lupe Mercado in DeWitt County**; TCEQ ID No.

RN101866036; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 84. [Docket No. 2006-1685-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Melvin Terral dba T-Mart Food and Martha Terral dba T-Mart Food** in **Coke County**; TCEQ ID No. RN103051561; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Dinniah M. Chahin, Lena Roberts)

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

Item 85. [Docket No. 2007-0591-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **G.P. Mullen and Janis Mullen** in **Williamson County**; TCEQ ID No. RN103046199; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 86. [Docket No. 2008-1035-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Farah Chaudhry aka Nick Chaudhry dba Nicks Food Mart 2** in **Nacogdoches County**; TCEQ ID No. RN102959814; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

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

Item 87. [Docket No. 2007-2035-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ali Shahjhan dba Brownies** in **Tarrant County**; TCEQ ID No. RN101557205; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 88. [Docket No. 2007-0235-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ned H. Ward** in **Stonewall County**; TCEQ ID Nos. RN102435484 and RN102270162; 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 Agreed Order. LS/BS; all agree.

Item 89. [Docket No. 2007-1783-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TETH Investment in Fayette County**; TCEQ ID No. RN101698785; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 90. [Docket No. 2008-0326-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against Gator Stop, Inc. dba **Gator Stop Raywood in Liberty County**; TCEQ ID No. RN101729127; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

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

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

Item 91. [Docket No. 2007-0944-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **John R. Preston dba Refugio Exxon North in Refugio County**; TCEQ ID No. RN102483823; 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. LS/BS; all agree.

Item 92. [Docket No. 2007-1777-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Andrea Bennett, Trustee of the Randy Bennett GST Trust in Erath County**; TCEQ ID No. RN101564649; 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 A. Richard, Lena Roberts)

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

Item 93. [Docket No. 2008-1427-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Henry Chennault in DeWitt County**; TCEQ ID No. RN101811883; 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. LS/BS; all agree.

Item 94. [Docket No. 2008-0879-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **New Star Holdings, L.L.C. dba Friendswood Texaco 106 aka Friendswood Shell and Northstar Equities, Inc. dba Friendswood Texaco 106 aka Friendswood Shell in Harris County**; TCEQ ID No. RN101803757; 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. (Peipey Tang, Lena Roberts)

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

Item 95. [Docket No. 2008-0752-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Adnan Najm dba Sunmart 352** in **Harris County**; TCEQ ID No. RN101943140; 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. (Barham A. Richard, Lena Roberts)

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

Item 96. [Docket No. 2008-0986-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Martha Chapman aka Martha K. Chapman** in **Bexar County**; TCEQ ID No. RN102896404; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

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

Item 97. [Docket No. 2008-1279-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **AZY Corporation, Inc.** in **Harris County**; TCEQ ID No. RN102893492; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, Lena Roberts)

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

Item 98. [Docket No. 2008-1015-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Lometa Davis** in **Schleicher County**; TCEQ ID No. RN102277167; 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. (Tommy Tucker Henson II, Lena Roberts)

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

Item 99. [Docket No. 2008-1390-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Yunusali Badarpura dba Super Corner** in **Chambers County**; TCEQ ID No. RN102264132; 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. (Tommy Tucker Henson II, Lena Roberts)

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

Item 100. [Docket No. 2008-0351-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gladys Carter** in **Denton County**; TCEQ ID No.

RN101538684; 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. (Gary K. Shiu, Lena Roberts)

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

Item 101. [Docket No. 2006-0798-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mohammad Rafiul Habib dba South Buckner Food Mart** in **Dallas County**; TCEQ ID No. RN101543494; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

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

Item 102. [Docket No. 2008-0398-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Joe Ben Wolf** in **Gregg County**; TCEQ ID No. RN101863165; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

Remanded to the Executive Director.

Item 103. [Docket No. 2008-1845-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Edward Wiesen** in **Young County**; TCEQ ID No. RN104315155; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 104. [Docket No. 2006-1098-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **R.D.S.A., Inc. dba Texas Food Store** in **Harris County**; TCEQ ID No. RN101780922; 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. (Dinniah M. Chahin, Lena Roberts)

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

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

Item 105. [Docket No. 2008-1218-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Armando Cantu dba E-Z Mart 5** in **Hidalgo County**; TCEQ ID No. RN101687986; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

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

Item 106. [Docket No. 2008-0445-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **ARI ARI LTD dba Desoto Beverages in Dallas County**; TCEQ ID No. RN100586189; 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. (Jacquelyn Boutwell, Lena Roberts)

Remanded to the Executive Director.

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

Item 107. [Docket No. 2009-0310-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Buena Vista Water Supply Corporation in Shelby County**; RN101191542; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Cari-Michel La Caille)

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

Item 108. [Docket No. 2009-0198-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rolling Hills Water Service, Inc. in Hood County**; RN101229177; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Cari-Michel La Caille)

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

Item 109. [Docket No. 2009-0092-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Post Oak Hill Water Supply Corporation in Burleson County**; RN101175438; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Cari-Michel La Caille)

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

Item 110. [Docket No. 2007-1641-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of McGregor in McClennan County**; TCEQ ID No. RN101387199; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Lena Roberts)

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

Item 111. [Docket No. 2009-0083-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Parks and Wildlife Department in Brown County**; RN101230290; for public drinking water violations pursuant to Tex. Health & Safety

Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Cari-Michel La Caille)

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

Item 112. [Docket No. 2009-0165-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brazos Valley Septic & Water, Inc. in Burleson County**; RN102694106; 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, Cari-Michel La Caille)

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

### **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 113. [Docket No. 2008-0929-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Clarence Reeves dba Pleasant Ridge Addition and Timber Creek Addition in Cooke County**; TCEQ ID Nos. RN101175552 and RN101272433; for public drinking water violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

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

Item 114. [Docket No. 2008-0836-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Red Rock Water Supply Corporation in Denton County**; TCEQ ID No. RN101451193; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Stephanie Frazee, Lena Roberts)

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

Item 115. [Docket No. 2007-1241-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Pat Walker dba Walker Waterfront in Polk County**; TCEQ ID No. RN101277770; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Dinniah M. Chahin, Lena Roberts)

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

Item 116. [Docket No. 2007-0803-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Vicky Barnett dba Vicky's Playcare in Cass County**; TCEQ ID No. RN105027924; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Lena Roberts)

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

Item 117. [Docket No. 2008-1783-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **AMK Enterprises, LLC dba The Olde Tymer** in **Bexar County**; TCEQ ID No. RN102404399; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Phillip M. Goodwin, Lena Roberts)

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

Item 118. [Docket No. 2008-1118-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Leroy Leonard Limas dba Lee Limas Mobile Home Park** in **El Paso County**; TCEQ ID No. RN101223741; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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

#### **WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT DEFAULT ORDERS**

Item 119. [Docket No. 2008-0969-WOC-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **John R. Eggen** in **Dallas County**; TCEQ ID No. RN103243184; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Stephanie J. Frazee, Lena Roberts)

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

Item 120. [Docket No. 2008-1489-WOC-E](#). Consideration of a Default Order assessing administrative penalties against **Jay L. Hutchins** in **Comanche County**; TCEQ ID No. RN104954961; for occupational license violations pursuant to Tex. Water Code chs. 7, 26 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Tommy Tucker Henson II, Lena Roberts)

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

Item 121. [Docket No. 2007-1980-WOC-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **John M. Harris** in **Denton County**; TCEQ ID No. RN103714820; for occupational certification violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Lena Roberts)

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

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

Item 122. [Docket No. 2007-1067-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **David Golden dba Nema Enterprises** in **Hardin County**; RN103785259; 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. LS/BS; all agree.

Item 123. [Docket No. 2009-0295-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ledezma Ready-Mix, LLC** in **McCullough County**; RN103949699; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Cari-Michel La Caille)

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

Item 124. [Docket No. 2008-1881-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Geaux Corporation** in **Smith County**; RN105423826; 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. LS/BS; all agree.

Item 125. [Docket No. 2007-0356-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Everett Custom Homes, L.L.C.** in **Rockwall County**; TCEQ ID No. RN105006621; 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. (Barham A. Richard, Lena Roberts)

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

#### **WATER QUALITY ENFORCEMENT DEFAULT ORDERS**

Item 126. [Docket No. 2008-1239-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Y-D Enterprises, LLC** in **Tarrant County**; TCEQ ID No. RN105359749; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 127. [Docket No. 2008-0871-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Suncoast Environmental & Construction, Inc.** in **Leon County**; TCEQ ID No. RN105172878; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

Item 128. [Docket No. 2008-1565-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Warren Hughes dba Hughes Development, Inc.** in **Bell County**; TCEQ ID No. RN105109011; for water quality violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rebecca M. Combs, Lena Roberts)

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

Item 129. [Docket No. 2008-1514-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Jason Rustman** in **Howard County**; TCEQ ID No. RN105457766; 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. (Jim Sallans, Lena Roberts)

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

Item 130. [Docket No. 2008-0658-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **J.R.'s Concrete Incorporated** in **Williamson County**; TCEQ ID No. RN105223481; 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. (Jim Sallans, Lena Roberts)

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

### **WATER RIGHT ENFORCEMENT DEFAULT ORDERS**

Item 131. [Docket No. 2008-0432-WR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Sonntag Materials, Inc.** in **Hood County**; TCEQ ID No. RN105388466; 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)

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

Item 132. [Docket No. 2008-1566-WR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gulf, Colorado & San Saba Railway Corporation** in **Lampasas County**; TCEQ ID No. RN105575674; 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)

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

### **PUBLIC COMMENT SESSION**

Item 133. The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.

No action taken.

### **EXECUTIVE MEETING**

Item 134. **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.

Set the Executive Director's salary at the amount specified in the General Appropriations Act, effective September 1, 2007, and notify the respective parties as required by the Act. BG/BS; all agree.

Item 135. **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 136. **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/ John Sedberry  
Assistant General Counsel,  
John Sedberry

07/02/2009  
Date