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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the June 26, 2009 agenda.

- Item 1. [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)

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

Item continued from the June 26, 2009 agenda.

- Item 2. [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)

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

AGENDA

Wednesday, July 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. 2005-1742-MLM-E; SOAH Docket No. 582-07-1986.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Joe McHaney dba Envirosol Environmental Services** in **Tarrant County**, Texas; TCEQ ID No. RN102806304; Industrial Hazardous Waste Registration No. 84814; regarding alleged hazardous, industrial solid waste, and/or used oil collection, management, and recycling violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies and the ALJ's response to those filings. (Lena Roberts)

Adopt ALJ Newchurch's proposed revised Order with the following changes: 1) Modify Finding of Fact No. 48 and Conclusion of Law Nos. 45 and 46 to assess a \$22,500.00 penalty against the Respondent for the hazardous waste determination violations based on the five following discrete areas observed by the investigator as documented in his investigation report, Exhibit ED-3: a) Drums stored outside the facility along the southwest to eastern portions of the site; b) Drums stored in a stationary box trailer located on the eastern portion of the site; c) Drums stored inside the building; d) Nine tote containers; and e) One 1,600 gallon tank; 2) Delete the phrase "An industrial hazardous waste transfer facility", the word "Arlington", and change the number "6901" to "6961" in Finding of Fact No. 1; 3) Correct the citations in Conclusions of Law Nos. 13 and 15 from "30 TAC § 335.1(58)" to "30 TAC § 335.1(60)"; 4) Correct the reference in Conclusion of Law No. 22 from "pain related universal waste" to "paint related universal waste"; 5) Modify the total assessed penalty amount in Ordering Provision No. 1 from "\$34,403.00" to "\$29,903.00"; and 6) Correct the citation in Ordering Provision No. 6.b. from "30 TAC § 335.26" to "230 TAC § 335.62". BS/LS; all agree.

- Item 2. [TCEQ Docket No. 2007-0553-PST-E; SOAH Docket No. 582-09-2073.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Rodney Hyer** in **Ochiltree County**, Texas; Petroleum Storage Tank Facility ID No. 1751; RN101864080; regarding petroleum storage tank violations pursuant to 30 Tex. Admin. Code ch. 334 and Tex. Water Code chs. 5 and 7. The Commission will also consider timely filed exceptions and replies. (Barham A. Richard)

Approve the ALJ's Proposal for Decision and adopt the proposed Default Order. LS/BS; all agree.

- Item 3. [TCEQ Docket No. 2007-0382-MLM-E; SOAH Docket No. 582-08-3669.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Paul LaVoie** in **San Patricio County**,

Texas; TCEQ ID No. RN105029672; regarding air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382 and Tex. Water Code ch. 7. The Commission will also consider timely filed exceptions and replies. (Kari Gilbreth)

Approve the ALJ's Proposal for Decision and adopt the proposed Default Order. LS/BS; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

- Item 4. [Docket No. 2009-0409-MWD](#). Consideration of the application by **Northwest Harris County Municipal Utility District No. 19** for a new wastewater discharge permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014908002, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day. The wastewater treatment facility is located at 25714 Steeple Canyon Road, Spring, **Harris 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. (James Aldredge, David Akoma.)

Remanded to the Executive Director.

GENERAL PERMIT

- Item 5. [Docket No. 2009-0531-IWD](#). Consideration of issuance of an amended and renewed **General Permit No. TXG920000**, which authorizes the discharge of manure, sludge, and wastewater generated by concentrated animal feeding operations (CAFOs) into or adjacent to water in the state under certain circumstances. This permit is applicable to Texas Pollutant Discharge Elimination System CAFOs and State-only CAFOs state-wide. This permit specifies which facilities may be covered under this general permit and establishes requirements in order to obtain and maintain such coverage. The Commission will also consider public comment and the Executive Director's Response to Public Comment. (Laurie Fleet, Robert Brush)

Adopt the revised General Permit as recommended by the Executive Director and the Executive Director's Response to Public Comments as revised today. BS/LS; all agree.

SUPERFUND

- Item 6. [Docket No. 2008-1229-SPF](#). Consideration of a Final Administrative Order, pursuant to Tex. Health & Safety Code ch. 361, regarding the **Archem/Thames Chelsea State Superfund Site** Houston, **Harris County**, RN105198618, which orders the responsible parties to remediate the Site, and includes the listing of the Site on the state registry of superfund sites, the determination of responsible parties, and the selection of the remedial action. The Archem/Thames Chelsea State Superfund Site is located on the Southeast side of Houston, Texas near the intersection of Interstate 45 and Beltway 8. (Subhash Pal, Patricia Scott)

Adopt the Final Order as proposed by the Executive Director. BS/LS; all agree.

MISCELLANEOUS MATTER

- Item 7. [Docket No. 2009-0570-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 issuance of the Resolution that acknowledges the Executive Director's acceptance of these gifts. BS/LS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 8. [Docket No. 2008-1465-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **KANEKA TEXAS CORPORATION dba Kaneka High Tech Materials** in **Harris County**; RN100683291; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Cari-Michel La Caille)

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

- Item 9. [Docket No. 2009-0292-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ineos USA, LLC** in **Brazoria County**; RN100238708; 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. LS/BS; all agree.

- Item 10. [Docket No. 2009-0268-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **CenterPoint Energy Field Services, Inc.** in **Harrison County**; RN100825256; 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. LS/BS; all agree.

- Item 11. [Docket No. 2009-0102-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **E. I. du Pont de Nemours and Company** in **Jefferson County**; RN100216035; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, P. G., Cari-Michel La Caille)

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

- Item 12. [Docket No. 2009-0147-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eagle Rock Field Services, L.P.** in **Roberts County**; RN100222660; for air quality 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. (Steven Lopez, Cari-Michel La Caille)

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

Item 13. [Docket No. 2009-0132-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, Cari-Michel La Caille)

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

Item 14. [Docket No. 2009-0257-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Apac-Texas, Inc. in Jasper County**; RN101869253; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Cari-Michel La Caille)

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

Item 15. [Docket No. 2009-0339-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Harris County**; RN100219310; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, Cari-Michel La Caille)

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

Item 16. [Docket No. 2007-0172-AIR-E \(also consolidated under this docket number are the following other Docket Nos.: 2004-0702-AIR-E, 2004-0993-AIR-E, 2004-1857-AIR-E, 2005-0355-AIR-E, 2005-0705-AIR-E, 2005-1776-AIR-E, 2005-2079-AIR-E, 2006-0141-AIR-E, 2006-0190-AIR-E, 2007-0653-AIR-E, and 2007-1129-AIR-E\)](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL Petrochemicals USA, Inc. in Jefferson County**; TCEQ ID No. RN102457520; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey Huhn, Lena Roberts)

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

Item 17. [Docket No. 2009-0450-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **XTO Energy Inc. in Freestone County**; RN105701593; 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, Cari-Michel La Caille)

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

Item 18. [Docket No. 2009-0277-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tenaska Frontier Partners, LTD. in Grimes County**; RN100245539; 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. LS/BS; all agree.

Item 19. [Docket No. 2009-0171-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lucite International, Inc. in Jefferson County**; RN102736089; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, Cari-Michel La Caille)

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

Item 20. [Docket No. 2009-0034-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Plano in Collin County**; RN102892007; 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. LS/BS; all agree.

Item 21. [Docket No. 2009-0220-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.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 22. [Docket No. 2006-1602-AIR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Arturo Maldonado dba Truck Town Body & Paint in El Paso County**; TCEQ ID No. RN102292943; 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. (Dinniah M. Chahin, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 23. [Docket No. 2008-0441-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ken Jenkins in Comal County**; TCEQ ID No.

RN105415178; 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. (Benajmin O. Thompson, Lena Roberts)

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

Item 24. [Docket No. 2009-0124-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Estates at Huntress Lane, LP and Post Oak Development of Texas, Inc.** in **Bexar County**; RN104848205; 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. (Jennifer Graves, Cari-Michel La Caille)

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

FIELD CITATIONS

Item 25. [Docket No. 2009-0564-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Jon D. Piatt** in **Denton County**; RN105053037; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code chs. 7 and 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 26. [Docket No. 2009-0517-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Cory L. James** in **Erath County**; RN103458584; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 27. [Docket No. 2009-0550-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Whitehead Construction, Inc. dba Ponderosa Estates** in **Ector County**; RN105705131; 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 28. [Docket No. 2009-0549-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **TransPecos Foods, L.P.** in **Reeves County**; RN102076635; 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 29. [Docket No. 2009-0384-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **LEDEZMA READY MIX LLC** in **Mason County**; RN103750865; 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. 2009-0425-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Air Liquide Large Industries U.S. LP** in **Ector County**; RN100670744; 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. 2009-0548-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **The Crosby Group, Inc. dba Crosby Lebus Manufacturing** in **Gregg County**; RN103214631; 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.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 32. [Docket No. 2008-1398-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BP Products North America Inc.** in **Galveston County**; RN102535077; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Cari-Michel La Caille)

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

Item 33. [Docket No. 2007-0465-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **H.O.T. Transport, Ltd.** in **Angelina County**; RN102906534; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Cari-Michel La Caille)

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

Item 34. [Docket No. 2009-0074-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Safety-Kleen Systems, Inc.** in **Bexar County**; RN100703578; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code

ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Cari-Michel La Caille)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 35. [Docket No. 2009-0194-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Martin Operating Partnership L.P. in Jefferson County**; RN101609436; 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. (Merrilee Hupp, Cari-Michel La Caille)

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

Item 36. [Docket No. 2009-0433-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Barge & Boat, Inc. in Brazoria County**; RN102037959; 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.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 37. [Docket No. 2009-0302-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pedro Callejas in Harris and Williamson Counties**; RN105650493; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Cari-Michel La Caille)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 38. [Docket No. 2007-0619-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Effluent Recycling, Inc. in Tarrant County and Eastland County**; TCEQ ID Nos.: RN102755089 and RN101569879; for industrial hazardous waste, used oil, petroleum storage tank, spill prevention and control, municipal solid waste, and water quality violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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. (Jennifer Cook, Lena Roberts)

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

Item 39. [Docket No. 2008-0743-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **5D Drilling & Pump Service, Inc. dba Davenport Drilling and Pump Service in Bexar County**; TCEQ ID No. RN105455596; for municipal

solid waste, air quality, water quality, industrial and hazardous waste, and petroleum storage tank violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Benjamin O. Thompson, Lena Roberts)

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

- Item 40. [Docket No. 2007-1347-MLM-E](#). Consideration of Agreed Order assessing administrative penalties and requiring certain actions of **Tex-Wave Industries, L.P., Tex-Wave Management, L.L.C., David Croft, and Monty Guiles** in **Nueces County**; TCEQ ID No. RN101979466; for industrial hazardous waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, 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.

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

- Item 41. [Docket No. 2008-0059-MLM-E](#). Consideration of a Default Order assessing administrative penalties against **Jeff Dutton dba Dutton Cattle Company** in **Mason County**; TCEQ ID No. RN104913702; for water quality, air quality, and industrial solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barham A. Richard, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

- Item 42. [Docket No. 2007-1844-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bosque County** in **Bosque County**; TCEQ ID No. RN104575873; 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 Agreed Order. LS/BS; all agree.

- Item 43. [Docket No. 2008-0269-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Red River Service Corporation** in **Cameron County**; TCEQ ID No. RN104893631; 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.

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 44. [Docket No. 2008-0111-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Juan Miguel Mata in Dimmit County**; TCEQ ID No. RN105370712; 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. LS/BS; all agree.

Item 45. [Docket No. 2008-1187-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **The J.W. Grimes Family Limited Partnership in Dallas County and Ellis County**; TCEQ ID Nos. RN105517247 and RN105372718; 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. LS/BS; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 46. [Docket No. 2009-0237-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pearland in Brazoria County**; RN101609196; 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 47. [Docket No. 2009-0044-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cotulla in La Salle County**; RN101920148; for water quality and public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, 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 48. [Docket No. 2009-0183-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Sanger in Denton County**; RN103014155; 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 49. [Docket No. 2009-0318-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District No. 249 in Harris County**; RN102955549; 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 50. [Docket No. 2009-0176-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Asherton in Dimmit County**; RN101721348; 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)

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

Item 51. [Docket No. 2009-0346-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harris County Municipal Utility District No. 130 in Harris County**; RN102894409; 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 52. [Docket No. 2008-1160-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Big Wells in Dimmit County**; TCEQ ID No. RN101720357; 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 M. Chahin, Lena Roberts)

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

Item 53. [Docket No. 2007-1796-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Douglas Adcock dba McDonald's in Harris County**; TCEQ ID No. RN102186806; 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 Agreed Order. LS/BS; all agree.

Item 54. [Docket No. 2009-0366-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Granite Stonebridge Health Center LLC in Travis County**; RN101520500; 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.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 55. [Docket No. 2009-0255-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **PAMIR, INC. dba Shop N Go** in **Harris County**; RN102432614; 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. LS/BS; all agree.

Item 56. [Docket No. 2009-0272-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HAROON & KHALID INVESTMENT INC dba Telephone Road Shell** in **Harris County**; RN101849693; 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. (Rajesh Acharya, Cari-Michel La Caille)

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

Item 57. [Docket No. 2008-1970-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **HARIBAR, LLC dba MART FOOD MART** in **McLennan County**; RN102230984; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Graham, Cari-Michel La Caille)

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

Item 58. [Docket No. 2009-0136-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **GJN L.L.C. dba Sunmart 141** in **Harris County**; RN101954907; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Cari-Michel La Caille)

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

Item 59. [Docket No. 2007-1246-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cha, Inc. dba Milo's One Stop** in **Montgomery County**; TCEQ ID No. RN101752574; 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. (Rudy Calderon, Lena Roberts)

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

Item 60. [Docket No. 2008-1910-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Berry Contracting, L.P. dba Bay LTD** in **Nueces County**; RN102919909; 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. (John Muennink, Cari-Michel La Caille)

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

Item 61. [Docket No. 2007-0978-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James J. Flanagan Shipping Corporation dba James J. Flanagan Stevedores in Harris County**; TCEQ ID No. RN101880219; 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)

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

Item 62. [Docket No. 2008-0189-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Churches Hill Grocery, Inc. dba Jiffy Mart 6 in Williamson County**; TCEQ ID No. RN101434165; 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 63. [Docket No. 2008-0287-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gian O'Donnell dba American Convenience in Harris County**; TCEQ ID No. RN101809713; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 64. [Docket No. 2009-0281-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tes Woldu dba T Food Mart in Dallas County**; RN101543833; 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. LS/BS; all agree.

Item 65. [Docket No. 2009-0027-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **JONESTOWN INVESTMENTS, INC. dba Jonestown Texaco in Travis County**; RN101492809; 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. (Rajesh Acharya, Cari-Michel La Caille)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

- Item 66. [Docket No. 2008-1564-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Farhan Memon dba Peachtree** in **Dallas County**; TCEQ ID No. RN102223435; 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. (Laurencia Fasoyiro, Lena Roberts)

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

- Item 67. [Docket No. 2008-1544-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Logics Enterprise, L.L.C. dba Goodrich Food Mart** in **Polk County**; TCEQ ID No. RN101913606; 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 68. [Docket No. 2008-0109-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Sue Goins dba 67 Bait Shop** in **Morris County**; TCEQ ID No. RN102014289; 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.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

- Item 69. [Docket No. 2007-1577-PST-E](#). Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of **Chanthorn Patrick Tes dba 34 Express** in **Kaufman County**; TCEQ ID No. RN101435444; 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 Default and Shutdown Order. LS/BS; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 70. [Docket No. 2009-0274-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bi-County Water Supply Corporation** in **Camp County**; RN102692183; 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. LS/BS; all agree.

Item 71. [Docket No. 2009-0309-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of West Tawakoni in Hunt County**; RN101423671; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Cari-Michel La Caille)

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

Item 72. [Docket No. 2008-1807-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Laredo in Webb County**; RN100524099; 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. LS/BS; all agree.

Item 73. [Docket No. 2008-1029-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lakewood on Lake Conroe Property Owners Association, Inc. in Montgomery County**; RN101178747; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Cari-Michel La Caille)

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

Item 74. [Docket No. 2009-0230-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rodell Water System, Inc. in Leon County**; RN105061436; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Keffer, Cari-Michel La Caille)

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

Item 75. [Docket No. 2009-0334-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Combined Consumers Special Utility District in Hunt County**; RN101440568; 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 76. [Docket No. 2009-0412-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Cisco in Eastland County**; RN101389104; 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 77. [Docket No. 2007-0789-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **K.L. Comfort Park, Ltd.** in **Bell County**; TCEQ ID No. RN101223600; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jeffrey Huhn, Lena Roberts)

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

Item 78. [Docket No. 2009-0238-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pure Utilities, L.C.** in **Polk County**; RN101259885; 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.

Item 79. [Docket No. 2008-1918-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Child Inc. dba Flat Creek Crossing Ranch** in **Blanco County**; RN105284301; 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 80. [Docket No. 2009-0260-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Trent Water Works, Inc.** in **Brazoria County**; RN101202752; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Cari-Michel La Caille)

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

Item 81. [Docket No. 2009-0191-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **New Horizons Ranch and Center, Inc.** in **Mills County**; RN101278471; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 82. [Docket No. 2008-1593-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Bosque Basin Water Supply Corporation** in **McLennan County**; TCEQ ID No. RN101213544; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Xavier Guerra, Lena Roberts)

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

- Item 83. [Docket No. 2008-1643-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **John Young dba Royal Coach Mobile Home Village in Harris County**; TCEQ ID No. RN102678000; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

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

- Item 84. [Docket No. 2008-0962-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Shawn Horvath dba Aero Valley Water Service in Denton County**; TCEQ ID No. RN101198331; 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. (Tommy Tucker Henson II, Lena Roberts)

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

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER

- Item 85. [Docket No. 2009-0407-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Larry G. Little in Dickens County**; RN103479135; 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. (Christopher Keffer, Cari-Michel La Caille)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

- Item 86. [Docket No. 2009-0166-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Frisco in Collin County**; RN101430437; 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 87. [Docket No. 2009-0349-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **B & J Excavating, Inc. in Angelina County**; RN105684070; 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 88. [Docket No. 2008-1853-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against the **United States Department of the Army in Coryell County**;

RN102947124; 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.

WATER QUALITY ENFORCEMENT DEFAULT ORDERS

Item 89. [Docket No. 2008-0470-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Industrial Anchors, Inc.** in **Jefferson County**; TCEQ ID No. RN102809332; 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. (Xavier Guerra, Lena Roberts)

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

Item 90. [Docket No. 2008-0555-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Richard Green dba R & B Homes in Parker County**; TCEQ ID No. RN105119838; 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. (Xavier Guerra, Lena Roberts)

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

MISCELLANEOUS MATTER

Item 91. [Docket No. 2009-0676-MIS](#). Consideration for approval of the substitution of certain transportation control measures originally adopted in the 2000 and 2008 **state implementation plans (SIP)** for the **Dallas-Fort Worth (DFW)** area for both the one-hour ozone and 1997 eight-hour ozone National Ambient Air Quality Standards (NAAQS). Approval would substitute certain transportation control measures originally adopted in the 2000 one-hour ozone and 2008 eight-hour ozone DFW SIP. The proposed substituted measures would achieve a net emission reduction of 0.28 pounds/day of volatile organic compounds and 0.11 pounds/day of nitrogen oxides in the one-hour SIP in the Grade Separation and Intersection Improvement categories; and 11.29 pounds/day of volatile organic compounds and 4.53 pounds/day of nitrogen oxides in the eight-hour SIP in the Grade Separation category. Approval of the substituted measures would allow the DFW region to update its transportation plan and demonstrate conformity with the SIP. (Koy Howard, Terry Salem) (Rule Project No. 2009-022-OTH-NR)

Approve the substitution of the EPA approved transportation control measures for those originally adopted in the state implementation plans for the DFW area for both the one-hour and 1997 eight-hour ozone NAAQS. BS/LS; all agree.

RULE MATTERS

Item 92. [Docket No. 2008-1866-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 21**, Water Quality Fees, Section 21.3 and **30 TAC Chapter 290**, Public Drinking

Water, Section 290.51. The adopted rulemaking would increase the Public Health Services fee, the Consolidated Water Quality fee, and the Water Use Assessment fee to ensure that there are sufficient funds to carry out the tasks required to protect water resources in the state. The proposed rules were published in the March 13, 2009, issue of the *Texas Register* (34 TexReg 1780). (Kathleen Ramirez, Margaret Ligarde) (Rule Project No. 2009-007-021-PR)

Adopt the amendments to 30 TAC §§ 21.3 and 290.51 as recommended by the Executive Director at Agenda. BS/LS; all agree.

Item 93. **Docket No. 2009-0497-RUL**. Consideration for publication of, and hearing on, proposed amendments to Section 39.551 of **30 TAC Chapter 39**, Public Notice; Section 281.17 of **30 TAC Chapter 281**, Applications Processing; and Sections 295.151 and 295.158 of **30 TAC Chapter 295**, Water Rights, Procedural. The proposed rulemaking would address the situation that arises when notices are mailed long before the application is acted upon, and there are new entities that may be potentially affected but are not reflected on the landowner or other mailing list. The rules will only apply to water quality and water right applications. Proposed Section 39.551 would state that for a water quality application, if the Notice of Application and Preliminary Decision (NAPD) is being mailed more than two years after the Notice of Receipt and Intent to obtain a permit was mailed, the applicant must prepare an updated landowner list for the NAPD. Proposed Section 281.17 would change the date that notice will be mailed for a water rights permit from after administrative completeness to after technical completeness. For water rights, the proposed amendments to Sections 295.151 and 295.158 would change the time that notice is provided from after administrative review to after technical review is completed. (Robin Smith, Sherry Smith, Ron Ellis) (Rule Project No. 2009-028-295-LS)

Approve the publication of the proposed rule amendments to 30 TAC Chapters 39, 281, and 295 as recommended by the Executive Director, with the addition of language clarifying applicability of the rulemaking in the preamble and a modification to proposed Section 39.551(c)(2)(B). The modification to proposed Section 39.551(c)(2)(B) should include language indicating that the Executive Director may require an updated landowner map and list for any water quality NAPD if he determines that conditions or circumstances in the area of the project subject to the notice have changed significantly to warrant such updates. LS/BS; all agree.

EXECUTIVE MEETING

Item 94. **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 95. **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 96. **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)

AGENDA

Wednesday, July 8, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1. [Docket No. 2005-1371-MSW](#). Consideration of an application by **Montgomery Landfill Solutions, L.P.**, for a new Type IV Municipal Solid Waste permit to authorize a new construction and demolition waste landfill (Proposed Permit No. 2324). The Applicant proposes to locate the facility at 3761 North Walker Road, approximately 1.4 miles north of the intersection of North Walker Road and SH 105, abutting the west side of North Walker Road in **Montgomery County**, Texas. This permit, if approved, would authorize the proposed facility of 473.0 acres to use approximately 207.1 acres for disposal of solid waste resulting from, or incidental to, construction, demolition, and grounds keeping activities. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Timothy Reidy, John Williams, Eric Beller)

1) Deny all of the requests for reconsideration and find affected the following requesters: Citizens Against Montgomery Landfill, Heather Adams, Lori Adams, Lewis Akin, Stephen Barfield, Martha Barr, Johnny Beall, Karen Beall, Jason Bellini, Kimberly Bellini, Betty Blackman, Terry Blackman, Violet Blackman, W. L. Blackman, Ann Blackmer, Robert Blackmer, Charles Buzbee, Marie Buzbee, Douglas Cockerham, Linda Collins, Tina Collins, James Crandle, Steven Geisman, Steven Gothard, Mark Grimes, Kenny Hamby, Rev. Duane Hamilton, Sandy Hamilton, Steve Hamilton, Laurie Headings, Bobbie Irwin, Wayne Kocurek, Mark Matheny, Barbara Mayeux, Travis Mayeux, Barbara McLeane, Esmeralda McLeane, Matt McLeane, Ned McLeane, David Neal, Debbie Neal, Albert Nelson, Shelia Nelson, John Overall, Lawrence Rains, Carolyn Sue Rains, Maria Ronberg, David Sargent, Jr., R. Allen Selph, R. T. Selph, Melvin Sharpe, Frances Sheppard, George Standley, Ricky Standley, Paul Simmons, Jr., Stephanie Simmons, Cassie Smith, Richard Smith, Linda Standley, David Stegenga, Linda Stegenga, Nancy Steward, Thomas Steward, Margaret Wagner, James Walkinshaw, Jr., John Welch, Dale Welch, Karen Welch, Charlotte Williams, James L. Williams, James S. Williams, Lacey Williams, Jacqueline Woychesin, Julianne Young, Paul Zylman; 2) Refer the following issues to SOAH: 1) Whether the Applicant complied with the alternative language newspaper notice requirement at 30 TAC §39.405(h); 2) Whether the application adequately addresses land use compatibility pursuant to 30 TAC §330.53(b)(8); 3) Whether the application adequately addresses traffic concerns pursuant to 30 TAC §§330.51(b)(6)(C) and 330.53(b)(9); 4) Whether the application properly identifies the 100-year floodplain pursuant to 30 TAC §§330.53, 330.55, 330.56 and 330.301; 5) Whether the application adequately addresses flooding concerns pursuant to 30 TAC §330.56(f); 6) Whether the proposed liner design will adequately protect groundwater resources pursuant to 30 TAC §330.200(e); 7) Whether the proposed groundwater monitoring system will adequately protect groundwater, soils, and nearby property from contamination pursuant to 30 TAC §§330.5(a)(3) and 330.239; 8) Whether the application satisfies 30 TAC §§330.56(o) and 330.139 regarding the handling, storage, treatment, and disposal of contaminated water; 9) Whether the application satisfies 30 TAC

§330.56(f) regarding surface water drainage control, and whether surface water will be protected, in accordance with §§330.139 and 330.56(f); 10) Whether the application contains the information about groundwater and aquifer conditions at the site required by 30 TAC §§330.53(b)(11)(A) and 330.56(d)(4); 11) Whether the maps contained in the application comply with 30 TAC §330.52(b)(4); 12) Whether the application contains adequate provisions for the visual screening of the proposed facility pursuant to 30 TAC §330.138; 13) Whether the Applicant has adequately demonstrated that the proposed facility will not adversely impact wetlands and associated wildlife, including migratory birds pursuant to 30 TAC §330.302; 14) Whether the Applicant has adequately demonstrated that the proposed facility will not adversely impact endangered or threatened species or their habitat pursuant to 30 TAC §330.129; 15) Whether the Applicant has demonstrated compliance with the regional solid waste management plan, as required by 30 TAC §330.51(b)(10); 16) Whether the application contains appropriate cost estimates for the closure and post-closure care of the proposed facility pursuant to 30 TAC §§330.281(a) and 330.283(a), and whether the application includes adequate provisions for closure, in accordance with §§330.52(b)(11), 330.56(l), and 330.253(d)(6); 17) Whether the application adequately provides for dust control pursuant to 30 TAC §330.127(b); 18) Whether the application adequately provides for the maintenance of site access roads in a clean and safe condition pursuant to 30 TAC §330.127(c); 19) Whether the application adequately provides for the control of windblown waste and litter pursuant to 30 TAC §§330.120, 330.123 and 330.127; 20) Whether the application adequately provides for odor control pursuant to 30 TAC §330.125(b); 21) Whether the application adequately provides for disease vector control pursuant to 30 TAC §330.126; 22) Whether the Applicant provided the information required by 30 TAC §330.52(b)(7) and (b)(8) regarding property ownership and its legal status; 23) Whether the application contains adequate operating procedures to prevent the disposal of prohibited waste pursuant to 30 TAC §330.114(5); 24) Whether the operating procedures in the application adequately address fire protection pursuant to 30 TAC §330.115; 25) Whether the Applicant submitted the information required by 30 TAC §330.52(b)(9), evidencing competency to operate the proposed site; 26) Whether the Applicant properly coordinated with Texas Department of Transportation (TXDOT) pursuant to 30 TAC §330.51(b)(6)(C); 27) Whether the application includes adequate provisions to manage landfill gas pursuant to 30 TAC §§330.56(n) and 330.130; 28) Whether THSC §361.123(b) prohibits construction of the proposed Type IV MSW landfill in Montgomery County; 29) Whether the application demonstrates that natural drainage patterns will not be significantly altered in accordance with 30 TAC §§330.55(b)(5)(D), 330.56(f)(2), and 330.56(f)(4)(A); and 30) Whether the provisions proposed for buffer zones comply with 30 TAC §330.121(b); 3) Deny the remaining issues; 4) specify that the maximum duration of the contested case hearing shall be one (1) year from the first day of the preliminary hearing to the date the proposal for decision is issued by SOAH; 5) the Executive Director is directed to participate in the contested case hearing at SOAH; and 6) and the preliminary hearing is to be held in Montgomery County. BS/LS; all agree.

(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 12:30 P.M. AND WILL CONTINUE UNTIL 1:00 P.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

07/23/2009
Date