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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the August 12, 2009 agenda.

- Item 1. [Docket No. 2008-1743-DIS](#). Consideration of an application from the Board of Directors of the **Comal County Water Control and Improvement District No. 1 ("District")** for the conversion of the District to a Municipal Utility District; for the acquisition of road powers; and to change the name of the District, pursuant to the Texas Water Code, Chapters 49 and 54, and Title 30, Sections 293.15, 293.102, and 293.201 - 293.202 of the Texas Administrative Code. The District is comprised of approximately 767.32 acres of land, save and except three tracts totaling 19.08 acres for a net total of 748.24 acres in **Comal County**, Texas. (Ruth Takeda, Ruben Soto, Jr.)

Continued to the September 23, 2009 agenda.

AGENDA

Wednesday, August 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. 2008-0709-MLM-E; SOAH Docket No. 582-09-1252.](#) Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **James Jones** in **Grayson County**, Texas; RN105480875; regarding air quality and municipal solid waste violations pursuant to 30 Tex. Admin. Code chs. 111 and 330, Tex. Health & Safety Code ch. 382, and Tex. Water Code ch. 7. The Commission will also consider timely filed exceptions and replies. (Xavier Guerra)

Adopt the Executive Director's revised proposed Order which contains the Executive Director's exceptions to the ALJ's proposed Order. BS/LS; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

- Item 2. [Docket No. 2009-0168-WR.](#) Consideration of the application by the **Lower Neches Valley Authority (LNVA)** to remove subordination of its water rights in Certificate of Adjudication No. 06-4411 to future water rights in the Neches River Basin. LNVA owns a portion of Certificate of Adjudication No. 06-4411 which authorizes the impoundment of water in Lake Sam Rayburn located on the Angelina River, tributary of the Neches River in Jasper, Sabine, San Augustine, Angelina, and Nacogdoches Counties, and Lake B.A. Steinhagen located on the Neches River, Neches River Basin, in Tyler and Jasper Counties. The Certificate also authorizes LNVA to divert and use not to exceed 381,876 acre-feet of water per year from Pine Island Bayou and the Neches River and 792,000 acre-feet of water per year from Lake Sam Rayburn and Lake B.A. Steinhagen at various rates for agricultural (irrigation), municipal, and industrial purposes within LNVA's service area in **Jefferson, Orange, Hardin, Tyler, Liberty, Chambers, and Jasper Counties**. The priority date of LNVA's water right is November 12, 1963 and the certificate contains multiple special conditions. The Commission will also consider hearing requests, responses, and other filings. (Steve Ramos, Robin Smith)

Grant the hearing requests of the City of Dallas, UNRMWA, the City of Tyler and Tyler Water Works, the City of Nacogdoches, Nacogdoches County, ANRA, Jacksonville, and Cherokee County and refer the matter to SOAH for a contested case hearing; direct the Executive Director to participate as required by 30 TAC § 80.108(b)(1); and direct SOAH to make a determination as to whether TCEQ Docket Nos. 2009-0506-WR and 2009-0168-WR should be consolidated for hearing pursuant to 30 TAC § 80.13(a). BS/LS; all agree.

- Item 3. [Docket No. 2009-0506-WR](#). Consideration of an application by the **City of Lufkin** to remove subordination of its water rights in Certificate of Adjudication No. 06-4411 to future water rights in the Neches River Basin. The City of Lufkin owns a portion of Certificate of Adjudication No. 06-4411 which authorizes the impoundment of water in Lake Sam Rayburn located on the Angelina River, tributary of the Neches River, Neches River Basin in **Jasper, Sabine, San Augustine, Angelina, and Nacogdoches Counties**. The Certificate further authorizes the City of Lufkin to divert and use not to exceed 28,000 acre-feet of water per year from Lake Sam Rayburn at various rates for municipal and industrial purposes within Tyler, Hardin, Liberty, Chambers, and Jefferson Counties. The priority date for the City of Lufkin's water right is November 12, 1963 and the Certificate contains multiple special conditions. The Commission will also consider hearing requests, responses, and other filings. (Christiaan Siano, Steve Ramos)

Grant the hearing requests of the City of Dallas, UNRMWA, the City of Tyler and Tyler Water Utilities, the City of Nacogdoches, Nacogdoches County, and ANRA; refer the matter to SOAH for a contested case hearing; direct the Executive Director to participate as required by 30 TAC § 80.108(b)(1); and direct SOAH to make a determination as to whether TCEQ Docket Nos. 2009-0506-WR and 2009-0168-WR should be consolidated for hearing pursuant to 30 TAC § 80.13(a). BS/LS; all agree.

- Item 4. [Docket No. 2009-0186-WR](#). Consideration of an application filed by the **City of San Angelo** to amend Certificate of Adjudication No. 14-1348 to add municipal purposes to 135 acre feet authorized agricultural use and to add the City's service area in Tom Green County as the place of use. Applicant owns a portion of Certificate of Adjudication No. 14-1348 which authorizes diversion and use of not to exceed 135 acre-feet of water per year from two diversion points on a reservoir impounding 55 acre-feet of water on the Concho River, tributary of the Colorado River, Colorado River Basin, at a combined diversion rate of 3.33 cfs (1500 gpm) for agricultural (irrigation) purposes in **Tom Green County**. The applicant indicates diverted water will be transported by a pipeline from the authorized points to the city's treatment plant. The Commission will also consider hearing requests, responses, and other filings. (Ron Ellis, Robin Smith)

Deny all hearing requests and issue the amended Certificate of Adjudication No. 14-1348A. BS/LS; all agree.

- Item 5. [Docket No. 2009-0185-WR](#). Consideration of the **City of San Angelo's** application to amend its portion of Certificate of Adjudication No. 14-1298 to add a downstream diversion point on the west bank of the South Concho River, being the same point authorized by Certificate of Adjudication No. 14-1325, and adding the City of San Angelo Municipal Water System Service Area as the place of use in **Tom Green County**. The City owns a portion of Certificate of Adjudication No. 14-1298 which authorizes diversion and use of not to exceed 252.1 acre-feet of water per year from three points on the South Concho River, tributary of the Colorado River, Colorado River Basin for agricultural and municipal purposes. There are multiple time priorities and diversion rates for the water. The Commission will also consider hearing requests, responses, and other filings. (Ron Ellis, Robin Smith)

Find Donald Kauffman, Bobby R. Turner, Carol Blacklock, Van Carson, Hudson Management, Douglas John, A.J. Jones, Jr., Kevin L. Noland, Darrell Rushing, Kenneth C. Schwartz, and Kenneth R. Windham are affected persons and grant their requests for a contested case hearing; refer the matter to the State Office of Administrative Hearings for a contested case hearing; direct the ALJ at the State Office of

Administrative Hearings to determine whether to grant any other hearing requests that may be presented to the ALJ and to determine the appropriate consolidation of this matter and the matters concerning the San Angelo Water Supply Corporation's applications docketed as TCEQ Docket No. 2008-1616-WR and TCEQ Docket No. 2008-1617-WR; and direct the Executive Director to participate as required by 30 TAC § 80.108(b)(1). BS/LS; all agree.

Item 6. [Docket No. 2008-1616-WR](#). Consideration of the application of **San Angelo Water Supply Corporation** to amend Certificate of Adjudication No.14-1318 to modify Special Condition 5.C. to change the elevation of the conduit through Twin Buttes Reservoir that allows free passage of flows downstream. San Angelo Water Supply Corporation requests that the elevation be changed from 1,883.5 feet above mean sea level to the actual built elevation of 1,885 feet above mean sea level. Certificate of Adjudication No. 14-1318 authorizes San Angelo Water Supply Corporation to divert and use not to exceed 25,000 acre-feet of water per year from Twin Buttes Reservoir on the Middle Concho River, Spring Creek, and the South Concho River, Colorado River Basin, **Tom Green County**, for agricultural purposes to irrigate 15,000 acres of land within the boundaries of Tom Green County Water Control and Improvement District No. 1. San Angelo Water Supply Corporation is also authorized to divert and use not to exceed 29,000 acre-feet of water per year from Twin Buttes Reservoir for municipal purposes. The Commission will also consider hearing requests, responses, and other filings. (Robin Smith, Craig Mikes)

Find the Concho River Basin Water Conservancy Association, A.J. Jones, Jr., W.G. and Wanda Dishroon, Thomas Evridge, Hudson Management Ltd., Douglas John, John C. Ketzler, Darrell Rushing, Kenneth Schwartz, Edward E. Werner, Ben A. Willberg, and Milburn Wright are affected persons and their requests for a contested case hearing at SOAH are granted; all other requests are referred to the SOAH for determination of the requestors' affected persons status; and the SOAH ALJ has leave to determine the appropriate consolidation of this matter with the contested case hearings on the San Angelo Water Supply Corporation's application docketed as TCEQ Docket No. 2008-1617-WR and the City of San Angelo's application docketed as TCEQ Docket No. 2009-0185-WR; and direct the Executive Director to participate in the hearing as required by 30 TAC § 80.108(b)(1). BS/LS; all agree.

Item 7. [Docket No. 2008-1617-WR](#). Consideration of **San Angelo Water Supply Corporation's** application to amend Certificate of Adjudication No. 14-1318 to modify Special Condition 5.C. to change what flows must be passed downstream through a conduit constructed in the Twin Buttes Reservoir. Special Condition 5.C. of the Certificate currently states that a conduit shall be constructed in the aforesaid dam for the purpose of permitting the "free passage of the normal flow through the dam at all times and the passage of those waters" to which the Commission "may determine lower appropriators are entitled." The amended Certificate, if issued, will change this language so that it requires "free passage of inflows through Twin Buttes Reservoir via the conduit" and that the passage be "in such amounts as determined by the Watermaster or the Executive Director for downstream water right holders and domestic and livestock users." Certificate of Adjudication No. 14-1318 authorizes the Owner to divert and use not to exceed 25,000 acre-feet of water per year from Twin Buttes Reservoir on the Middle Concho River, Spring Creek, and the South Concho River, Colorado River Basin, **Tom Green County**, for agricultural purposes to irrigate 15,000 acres of land within the boundaries of Tom Green County Water Control and Improvement District No. 1. The Owner is also authorized to divert and use not to exceed 29,000 acre-feet of water per year from Twin Buttes Reservoir for municipal purposes. The Commission will also consider hearing requests, responses, and other filings. (Robin Smith, Craig Mikes)

Find the Concho River Basin Water Conservancy Association, A.J. Jones, Jr., Wilburn Bailey Estate, Carrol Blacklock, Lewis J. Buck, Lonnie L. Buck, Van W. Carson, City of Paintrock, W.G. and Wanda Dishroon, Thomas Evridge, Sammie Ewald, Leonard Grantham, Jr., Bill J. Helwig, Hudson Management Ltd., Douglas John, John C. Ketzler, Bernie and Lucy Mica, Kevin L. Noland, Darrell Rushing, Scheenman Investment Corporation, Kenneth Schwartz, Ken C. Schwartz, Todd Schwertner, Gordon Snodgrass, Vinson Ranch, Ltd., Clyde Watkins, Edward E. Werner, Ben A. Willberg, and Kenneth R. Windham are affected persons and their requests for a contested case hearing at SOAH are granted; all other requests are referred to SOAH for determination of the requestors' affected persons status; and the SOAH ALJ has leave to determine the appropriate consolidation of this matter with the contested case hearings on the San Angelo Water Supply Corporation's application docketed as TCEQ Docket No. 2008-1616-WR and the City of San Angelo's application docketed as TCEQ Docket No. 2009-0185-WR; and direct the Executive Director to participate in the hearing as required by 30 TAC § 80.108(b)(1). BS/LS; all agree.

USE DETERMINATION

Item 8. [Docket No. 2009-0930-MIS-U](#). Consideration of the appeal filed by **Mont Belvieu Caverns, L.L.C.** regarding a negative use determination issued by the Executive Director for the Mont Belvieu North Storage Facility (**Chambers County**). The use determination application was assigned number 12969. The Commission will also consider all responses and reply briefs.

Deny the appeal filed by Mont Belvieu Caverns, L.L.C. and affirm the Executive Director's negative use determination. BS/LS; all agree.

MISCELLANEOUS MATTER

Item 9. [TCEQ Docket No. 2009-1104-UCR](#). Consideration of a request for a Commission Order approving a contract designating service areas between **City of Bastrop ("City")** Certificate of Convenience and Necessity ("CCN") Nos. 11198 (water) and 20466 (sewer), and **Bastrop County Water Control and Improvement District No. 2 ("District")**, CCN Nos. 10990 (water) and 20961 (sewer) in **Bastrop County**, Texas, pursuant to Texas Water Code Section 13.248. On or about May 27, 2009, the City and the District executed a contract regarding an approximately 552 acre tract subject to both of the District's CCNs. Under the contract, the City will provide water and sewer service to the approximate 552 acre tract and the area will be transferred to the City's CCNs. No facilities or customers will be transferred under the contract. (Ruth Takeda, Lisa Fuentes).

Approve the contract between the City of Bastrop and Bastrop WCID No. 2 under Tex. Water Code § 13.248 which will result in the transfer of 552 acres from the District to the City; and issue the Executive Director's revised proposed Order. LS/BS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 10. [Docket No. 2008-1723-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company in Brazoria County**; 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 Texas Administrative Code ch. 60. (Nadia Hameed, Cari-Michel La Caille)

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

- Item 11. [Docket No. 2009-0222-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Air Liquide Large Industries U.S. LP** in **Harris County**; RN100233998; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Cari-Michel La Caille)

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

- Item 12. [Docket No. 2009-0041-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation** in **Jefferson County**; RN100219252; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Cari-Michel La Caille)

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

- Item 13. [Docket No. 2009-0316-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BASF FINA Petrochemicals Limited Partnership** in **Jefferson County**; RN100216977; 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 14. [Docket No. 2009-0151-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Premcor Refining Group Inc.** in **Jefferson County**; RN102584026; 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 15. [Docket No. 2009-0571-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enbridge Pipelines (NE Texas) L.P.** in **Camp County**; RN100223783; 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. (Martina Kusniadi, Cari-Michel La Caille)

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

Item 16. [Docket No. 2009-0461-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **B & B Ready Mix, Inc.** in **Dallas County**; RN104188784; 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 17. [Docket No. 2008-1709-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marathon Petroleum Company LLC** in **Galveston County**; RN100210608; 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)

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

Item 18. [Docket No. 2009-0315-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Owens Corning Roofing and Asphalt, LLC** in **Ellis County**; RN100222686; 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. (Clinton Sims, Cari-Michel La Caille)

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

Item 19. [Docket No. 2009-0402-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SHINTECH INCORPORATED** in **Brazoria County**; RN100213198; 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. (Michael Meyer, Cari-Michel La Caille)

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

Item 20. [Docket No. 2008-1450-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sam Cicalo** in **Wise County**; TCEQ ID No. RN105566525; 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. (Laurencia Fasoyiro, Lena Roberts)

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

Item 21. [Docket No. 2008-0384-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Diamond Shamrock Refining Company, L.P.** in **Moore County**; TCEQ ID No. RN100210517; 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. 2009-0373-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bell's Conversions, Inc. in Dallas County**; RN103213484; 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 23. [Docket No. 2009-0172-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **LANXESS Corporation in Orange County**; RN100825363; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Cari-Michel La Caille)

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

- Item 24. [Docket No. 2008-0202-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chalico Concrete Materials, Inc. in Cameron County**; TCEQ ID No. RN104802061; 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. (Gary K. Shiu, Lena Roberts)

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

- Item 25. [Docket No. 2009-0060-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gregory Power Partners, L.P. in San Patricio County**; RN102547957; 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 26. [Docket No. 2009-0428-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. (Nadia Hameed, Cari-Michel La Caille)

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

- Item 27. [Docket No. 2009-0267-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Brazoria County**; RN100825249; for air quality violations pursuant to Tex. Health & Safety

Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Cari-Michel La Caille)

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

Item 28. [Docket No. 2008-1193-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **CITGO Refining and Chemicals Company L.P.** in **Nueces County**; TCEQ ID No. RN102555166; 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 29. [Docket No. 2009-0623-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Firestone Polymers, LLC** in **Orange County**; RN100224468; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Cari-Michel La Caille)

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

Item 30. [Docket No. 2009-0674-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tomas Perez dba Tomas Body Shop** in **Hidalgo County**; RN105650097; 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 31. [Docket No. 2009-0314-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation** in **Jefferson County**; RN100542844; 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 32. [Docket No. 2009-0193-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mobil Chemical Company Inc.** in **Jefferson County**; RN100211903; 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 33. [Docket No. 2008-1925-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Oil Company and Shell Chemical LP in Harris County**; RN100211879; 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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 34. [Docket No. 2009-0430-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **100 Century Oaks, Ltd. in Bexar County**; RN105676555; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Cari-Michel La Caille)

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

FIELD CITATIONS

Item 35. [Docket No. 2009-0632-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **David M. Richter in El Paso County**; RN103433876; 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 36. [Docket No. 2009-0702-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **David A. Hernandez in Victoria County**; RN104956032; 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 37. [Docket No. 2009-0688-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Andres Maldonado in Maverick County**; RN105689707; 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 38. [Docket No. 2009-0701-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Cody M. Brite in Val Verde County**; RN104281712; 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 39. [Docket No. 2009-0683-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **H & H Iron and Metal, Inc.** in **Nueces County**; RN105710735; 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 40. [Docket No. 2009-0684-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Mueller Supply Company, Inc.** in **Runnels County**; RN105706683; 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 41. [Docket No. 2009-0682-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Brystar Contracting, Inc.** in **Jefferson County**; RN102800984; 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 42. [Docket No. 2008-0273-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Citgo Refining and Chemicals Company L.P.** in **Nueces County**; TCEQ ID No. RN102555166; 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. (Jim Sallans, Lena Roberts)

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

- Item 43. [Docket No. 2009-0075-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Encinal** in **Webb County**; RN105025902; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Shelton, Cari-Michel La Caille)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 44. [Docket No. 2009-0278-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Air Products LLC** in **Harris County**; RN102041282; 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.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

Item 45. [Docket No. 2008-1138-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bryan D. Carlson** in **Harris County**; TCEQ ID No. RN104706726; 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. (Phillip M. Goodwin, Lena Roberts)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 46. [Docket No. 2008-1206-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Paul McGregor** in **Harris County**; TCEQ ID No. RN105532865; 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. (Phillip M. Goodwin, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 47. [Docket No. 2008-0617-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Northwest Petroleum LP dba Sam Bass Shell** in **Williamson County**; TCEQ ID No. RN101493351; for petroleum storage tank 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. (Stephanie J. Frazee, Lena Roberts)

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

Item 48. [Docket No. 2007-0102-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Derek Broussard dba Broussard Auto Parts & Repair** in **Orange County**; TCEQ ID No. RN100691674; for petroleum storage tank and used oil violations pursuant to Tex. Health & Safety Code ch. 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. (Peipey Tang, Lena Roberts)

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

Item 49. [Docket No. 2008-0656-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hwy 2243 Grocery, Inc. dba Jiffy Mart 2** in **Williamson County**; TCEQ ID No. RN101499655; for petroleum storage tank and 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. (Phillip M. Goodwin, Lena Roberts)

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

Item 50. [Docket No. 2008-1368-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Larry Cathey dba Waco Wood Recycling and Materials** in **McLennan County**; TCEQ ID No. RN105211361; 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. (Tracy Chandler, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 51. [Docket No. 2008-0637-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Maverick County** in **Maverick County**; TCEQ ID No. RN102459690; for municipal solid waste violations pursuant to Tex. Water Code chs. 5 and 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 52. [Docket No. 2008-0951-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jose De Los Santos dba De Los Santos Ready Mix** in **Maverick County**; TCEQ ID No. RN105178941; 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 WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 53. [Docket No. 2009-0470-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bright Star-Salem Special Utility District** in **Wood County**; RN103179446; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Cari-Michel La Caille)

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

Item 54. [Docket No. 2009-0403-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **El Dorado Utility District in Harris County**; RN101607299; 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 55. [Docket No. 2008-1769-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Groveton in Trinity County**; RN102844297; 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 56. [Docket No. 2009-0554-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bell County Water Control & Improvement District No. 2 in Bell County**; RN101610491; 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 57. [Docket No. 2009-0368-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Indian Petro Corp. in San Jacinto County**; RN102080744; 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 58. [Docket No. 2009-0043-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **City of Gatesville in Coryell County**; TCEQ ID No. RN101613685; 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. (Jennifer Cook, Lena Roberts)

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

Item 59. [Docket No. 2009-0418-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Savoy in Fannin County**; RN102921988; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Cari-Michel La Caille)

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

Item 60. [Docket No. 2009-0155-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Camp Olympia, Inc.** in **Trinity County**; RN101515435; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Cari-Michel La Caille)

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

Item 61. [Docket No. 2008-0112-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Monarch Utilities I L.P.** in **Henderson County**; RN102287125; 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 62. [Docket No. 2009-0347-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Lott** in **Falls County**; RN103119046; 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.

Item 63. [Docket No. 2009-0534-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **Town of Buckholts** in **Milam County**; RN103014809; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Cari-Michel La Caille)

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

Item 64. [Docket No. 2004-1188-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MPR Investments, LLC dba Oak Ridge Square Mobile Home Park** in **Johnson County**; TCEQ ID No. RN101613461; 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. (Xavier Guerra, Lena Roberts)

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

Item 65. [Docket No. 2009-0354-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aqua Utilities, Inc. dba Aqua Texas, Inc.** in **Hood County**; RN102957024; 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.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 66. [Docket No. 2008-1909-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Fouad Matar dba Bingle Chevron** in **Harris County**; TCEQ ID No. RN101778884; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, Lena Roberts)

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

Item 67. [Docket No. 2008-0899-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Phil Skloss** in **Bexar County**; TCEQ ID No. RN104259221; 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.

Item 68. [Docket No. 2008-0639-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **HWY 29 Grocery, Inc. dba Jiffy Mart 3** in **Williamson County**; TCEQ ID No. RN104250774; 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.

Item 69. [Docket No. 2008-1278-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joyce Carter dba PJ's One Stop** in **Chambers County**; TCEQ ID No. RN101844512; 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 70. [Docket No. 2009-0336-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **CIRCLE K STORES INC. dba Circle K Store 2701418** in **El Paso County**; RN104308127; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steven Lopez, Cari-Michel La Caille)

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

Item 71. [Docket No. 2009-0196-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TENET HOSPITALS LIMITED dba Providence Memorial Hospital** in **El Paso County**; RN100223858; 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. (Judy Kluge, Cari-Michel La Caille)

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

Item 72. [Docket No. 2008-1687-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Edelia I. Trevino** in **Nueces County**; TCEQ ID No. RN102270501; 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.

Item 73. [Docket No. 2009-0454-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Denny Transport, L.L.C.** in **Nacogdoches County**; RN104267083; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Cari-Michel La Caille)

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

Item 74. [Docket No. 2009-0411-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Paint Rock Independent School District** in **Concho County**; RN101864007; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Cari-Michel La Caille)

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

Item 75. [Docket No. 2008-0258-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Leopoldo E. Galindo dba Leo's Tire Service aka Crane Texaco** in **Crane County**; TCEQ ID No. RN102043932; 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 ORDER

Item 76. [Docket No. 2008-0660-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Imkan Enterprises, Inc. dba Rose Hill Country Store** in **Harris County**; TCEQ ID No. RN101192136; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Gary K. Shiu, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 77. [Docket No. 2008-0834-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Darrell Hall dba 2620 Estates** in **Grimes County**; RN103018818; 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 78. [Docket No. 2009-0457-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **1404 Blaketree, L.P.** in **Montgomery County**; RN105362487; 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 79. [Docket No. 2008-1126-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Royal Oak Water System, Inc.** in **Kerr County**; RN101257699; 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 80. [Docket No. 2009-0078-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Amistad Lake Developments, Inc.** in **Val Verde County**; TCEQ ID No. RN101177541; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

Item 81. [Docket No. 2008-1824-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Leo Bird dba Walnut Ridge Estates Water System** in **Angelina County**; TCEQ ID No. RN101195857; 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 Agreed Order. LS/BS; all agree.

Item 82. [Docket No. 2008-0329-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shore-Tech, Inc. dba L & M Water Development Co.** in **Galveston County**; RN102685351; 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 83. [Docket No. 2007-0878-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lewis Blessing, L.P. dba Blessing Mobile Home Park** in **Williamson County**; TCEQ ID No. RN102690302; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

- Item 84. [Docket No. 2008-1800-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hector Guzman dba Shiloh Oak Mobile Home Park** in **Liberty County**; RN101217222; 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 85. [Docket No. 2009-0515-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Queen City** in **Cass County**; RN101388858; 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 86. [Docket No. 2009-0079-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Longhorn Mobile Home Community, LTD** in **Harris County**; RN101271500; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lauren Smitherman, Cari-Michel La Caille)

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

- Item 87. [Docket No. 2008-1958-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Judy Rinker and Phyllis Bigby** in **Comal County**; RN101232031; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

- Item 88. [Docket No. 2008-1620-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Norman Barnett dba Villa Utilities** in **Harris County**; TCEQ ID No. RN102675550; for public drinking water violations pursuant to Tex.

Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality.
(Sharesa Y. Alexander, Lena Roberts)

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

Item 89. [Docket No. 2008-0974-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Derdeyn/Ford, Inc. dba Tejas Village in Marion County**; TCEQ ID No. RN102684339; for public drinking water violations pursuant to 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.

Item 90. [Docket No. 2008-0993-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Michael Soza dba Water Valley Water Co-op in Travis County**; TCEQ ID No. RN101451110; 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 91. [Docket No. 2008-1040-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **John C. Moore dba Moores Water System in McLennan County**; TCEQ ID No. RN102682291; for public drinking water violations pursuant to 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.

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDERS

Item 92. [Docket No. 2008-1657-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties against **Charles E. Schram III in Brown County**; TCEQ ID No. RN105599187; 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. (Phillip M. Goodwin, Lena Roberts)

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

Item 93. [Docket No. 2009-0598-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties against **Julian J. Pena in Val Verde County**; RN103456810; 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. (Tel Croston, Cari-Michel La Caille)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 94. [Docket No. 2007-0919-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Barmont, LP dba Montesello Homes in Parker County**; RN105222749; 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. (Michael Meyer, Cari-Michel La Caille)

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

WATER RIGHTS ENFORCEMENT AGREED ORDER

Item 95. [Docket No. 2009-0496-WR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Stallion Oilfield Services Ltd. in Tarrant County**; RN105695357; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Evette Alvarado, Cari-Michel La Caille)

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

MISCELLANEOUS MATTERS

Item 96. [Docket No. 2009-1252-RES](#). Consideration of a resolution to continue the **Rio Grande Watermaster Advisory Committee** of the Texas Commission on Environmental Quality for a four year period. The Rio Grande River Watermaster Advisory Committee provides recommendations to the Executive Director, comments on the annual budget, and performs various duties requested by the watermaster and water rights holders. (Ben Rhem)

Adopt the Executive Director's revised proposed resolutions continuing the Rio Grande, South Texas, and Concho River Watermaster Advisory Committees for four years from the date of the resolutions. BS/LS; all agree.

Item 97. [Docket No. 2009-1253-RES](#). Consideration of a resolution to continue the **South Texas Watermaster Advisory Committee** of the Texas Commission on Environmental Quality for a four year period. The South Texas River Watermaster Advisory Committee provides recommendations to the Executive Director, comments on the annual budget, and performs various duties requested by the watermaster and water rights holders. (Ben Rhem)

Adopt the Executive Director's revised proposed resolutions continuing the Rio Grande, South Texas, and Concho River Watermaster Advisory Committees for four years from the date of the resolutions. BS/LS; all agree.

Item 98. [Docket No. 2009-1108-RES](#). Consideration of a resolution to continue the **Concho River Watermaster Advisory Committee** of the Texas Commission on Environmental Quality for a four year period. The Concho River Watermaster Advisory Committee provides recommendations to the watermaster and deputy watermaster, provides comments on complaints and enforcement matters, reviews the annual budget, and provides other assistance as requested by water rights holders. (Ben Rhem)

Adopt the Executive Director's revised proposed resolutions continuing the Rio Grande, South Texas, and Concho River Watermaster Advisory Committees for four years from the date of the resolutions. BS/LS; all agree.

Item 99. [Docket No. 2009-1222-AUD](#). Consideration for approval of the TCEQ FY2010/2011 Biennial Audit Plan which outlines audit activities of the Chief Auditor's Office at the TCEQ for the FY2010/2011 Biennium. (Steve Goodson)

Approve the TCEQ FY2010/2011 Biennial Audit Plan as recommended by the Chief Auditor. BS/LS; all agree.

PETITION FOR RULEMAKING

Item 100. [Docket No. 2009-1142-RUL](#). Consideration of a petition for rulemaking under 30 TAC Section 20.15. The petition was filed with the Texas Commission on Environmental Quality ("Commission") by Betty Brown, State Representative, District 4, on behalf of a constituent on July 6, 2009. The petition requested that the Commission amend **30 TAC Section 312.13** to require adjacent landowner notification when the Commission is considering the issuance of a registration for the land application of water treatment plant sludge. (Sherry Smith, Anthony Tatu) (Rule Project No. 2009-046-PET-NR)

Deny the petition for rulemaking and issue the Executive Director's proposed Order. BS/LS; all agree.

STATE IMPLEMENTATION PLANS

Item 101. [Docket No. 2009-0065-SIP](#). Consideration of the adoption of a revision to the **state implementation plan (SIP)** to address a second ten-year maintenance plan regarding the 1978 lead National Ambient Air Quality Standard (NAAQS) for **Collin County**. The adopted SIP revision would implement Federal Clean Air Act requirements for a second ten-year maintenance plan for an area redesignated to attainment in 1999 for the 1978 lead NAAQS. Although a revised lead NAAQS took effect January 12, 2009, the original 1978 lead NAAQS remains in effect for Collin County until January 12, 2012. (Jim Price, Amy Browning) (Project No. 2008-020-SIP-NR)

Adopt the Collin County second ten-year lead maintenance plan, state implementation plan revision, and the proposed Agreed Order as recommended by the Executive Director. BS/LS; all agree.

Item 102. [Docket No. 2009-0071-MIS](#). Consideration of the adoption of an agreed order with **Exide Technologies** in **Collin County** to require Exide Technologies to comply with certain requirements in the event that contingency measures are required to be implemented by the maintenance plan for the 1978 lead National Ambient Air Quality Standard (NAAQS) for Collin County. The adopted agreed order with Exide Technologies would make contingency measures for the federally required second ten-year maintenance plan for the 1978 lead NAAQS in Collin County legally enforceable. (Jim Price, Amy Browning)

Adopt the Collin County second ten-year lead maintenance plan, state implementation plan revision, and the proposed Agreed Order as recommended by the Executive Director. BS/LS; all agree.

Item 103. [Docket No. 2009-0643-SIP](#). Discussion and consideration of recommendations regarding designation and boundary determinations for the **2008 revised lead National Ambient Air Quality Standard (NAAQS)** for submittal to the Governor for his consideration and transmittal to the United States Environmental Protection Agency (EPA). The EPA will consider state recommendations in making final designations and boundary determinations for the 2008 revised lead NAAQS. On October 15, 2008, the EPA revised the lead standard from 1.5 micrograms per cubic meter to 0.15 micrograms per cubic meter. The Federal Clean Air Act requires state recommendations be submitted no later than one year after a new standard is issued, or October 15, 2009. (Melissa Kuskie, Amy Browning) (Project No. 2009-015-SIP-NR)

Adopt the Executive Director's recommendation to request the Governor to request the EPA to designate as non-attainment the area in Collin County identified as such in the three maps in Exhibit A to staff's resolution and also designate the remainder of the state as attainment or unclassifiable as set out in the third map in Exhibit A to the resolution and approve issuance of the resolution. LS/BS; all agree.

Item 104. [Docket No. 2009-0744-SIP](#). Consideration for publication of, and hearing on, a proposed revision to the **state implementation plan (SIP)** concerning repeal of the **Texas portable fuel container (PFC)** rule. This proposed Texas PFC Rule Repeal SIP Revision (Texas PFC Rule Repeal SIP) removes Texas PFC regulations from the control strategy for the Texas Air Quality Implementation Plan for the Control of Ozone Air Pollution. This proposed SIP revision incorporates proposed rulemaking repealing state PFC rules and demonstrates that federal PFC standards promulgated in 2007 provide replacement emission reductions. Because those emission reductions are estimated to be equal to or greater than those derived from the state regulations, the repeal of the Texas PFC rule will not negatively impact the State of Texas Air Quality Implementation Plan for the Control of Ozone Air Pollution. (Lisa Shuvalov, Chrissie Angeletti) (Project No. 2009-024-SIP-NR)

Approve the publication of, and hearing on, the proposed repeal of 30 TAC Sections 115.620 - 115.622, 115.626, 115.627, and 115.629 and the corresponding revisions to the state implementation plan as recommended today by the Executive Director. BS/LS; all agree.

RULE MATTERS

Item 105. [Docket No. 2009-0542-RUL](#). Consideration for publication of, and hearing on, a proposed repeal to Sections 115.620 - 115.622, 115.626, 115.627, and 115.629 of **30 TAC Chapter 115**, Control of Air Pollution from Volatile Organic Compounds, and corresponding revisions to the state implementation plan. The proposed repeal is necessary to address recently adopted federal standards for Portable Fuel Containers (PFC). Specifically, the United States Environmental Protection Agency adopted a federal PFC rule (72 Federal Register 8432, February 26, 2007) that set a national standard for gasoline, diesel, and kerosene PFCs. All PFCs manufactured on or after January 1, 2009, are required to comply with the federal standards. The federal standards promulgated are more stringent than the current state PFC regulations. Therefore, it is necessary to repeal the state PFC regulations. (Lisa Shuvalov, Chrissie Angeletti) (Rule Project No. 2008-032-115-EN)

Approve the publication of, and hearing on, the proposed repeal of 30 TAC Sections 115.620 - 115.622, 115.626, 115.627, and 115.629 and the corresponding revisions to the state implementation plan as recommended today by the Executive Director. BS/LS; all agree.

Item 106. [Docket No. 2008-1401-RUL](#). Consideration for publication of, and hearing on, proposed **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification, Subchapter A, Definitions, new Section 116.20, Portable Facilities Definitions; and Subchapter B, New Source Review Permits, new Division 8, Portable Facilities, new Section 116.178, Relocations and Changes of Location of Portable Facilities, and corresponding revisions to the state implementation plan. The proposed new sections in Subchapters A and B and the corresponding state implementation plan revision would provide guidance regarding the proper procedures for movement of portable facilities. The new rules would also incorporate existing guidance issued by the Air Permits Division into the TCEQ's rules. (Lisa Martin, Tim Eubank) (Rule Project No. 2008-031-116-PR)

Approve the publication of, and hearing on, proposed 30 TAC new Section 116.20 and Subchapter B, new Division 8, and new Section 116.178 and corresponding revisions to the state implementation plan as recommended by the Executive Director. LS/BS; all agree.

PUBLIC COMMENT SESSION

Item 107. 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 108. **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 109. **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 110. **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/tmrcc.cgi](http://www.texasadmin.com/cgi-bin/tmrcc.cgi)

/s/ Anne Rowland
Assistant General Counsel,
Anne Rowland

09/02/2009
Date