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Updates to backup documents will be noted by a purple indicator. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 7 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).

Chairman Bryan W. Shaw, Ph.D.
Commissioner H.S. Buddy Garcia
Commissioner Carlos Rubinstein

AGENDA

May 19, 2010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

- Item 1. [**TCEQ Docket No. 2008-0473-MWD; SOAH Docket No. 582-08-4290**](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **South Central Water Company** for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0014804001 pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code ch. 26. The proposed facility would be located approximately 300 yards east of the intersection of 29th Street and Avenue S, on the north side of Avenue S in **Galveston County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, related filings, exceptions and replies. (Bob Brush)

Remand the matter back to the ALJ solely for the purpose of reopening the record to take additional evidence pursuant to Tex. Gov't. Code Section 2003.047(m). The ALJ shall allow all parties to present evidence on whether the discharge effluent will impact marine life and wildlife in the Robinsons' wetlands. The ALJ shall also take evidence on the appropriate apportionment of transcript costs; ALJ shall issue a supplement to the Proposal for Decision detailing the recommendations to the Commission. CR/BG; BS opposed.

- Item 2. [**TCEQ Docket No. 2009-1027-MWD; SOAH Docket No. 582-10-0967**](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Southern Horizons, L.P.** for Water Quality Permit No. WQ0014922001 pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code ch. 26. The proposed facility would be located approximately 3,300 linear feet southeast of the intersection of U.S. Highway 59 and King Port Drive, in **Montgomery County**, Texas. The Commission will also

consider timely public comments and the Executive Director's Response to such comments; the application, related filings, exceptions and replies. (Bob Brush)

Adopt the ALJ's Proposal for Decision, Findings of Fact, Conclusions of Law and proposed Order; Dismiss Southern Horizon's application without prejudice and Modify the ALJ's proposed Order as follows: 1) Change Findings of Fact No. 5 to read "On October 26, 2009 the Commission determined that Lewis A. Haraway was an affected person and entitled to a contested case hearing."; 2) Add the following sentence to Findings of Fact No. 10 "On March 12, 2010 OPIC sent a second letter stating it only supported dismissal without prejudice if everyone agreed to it."; 3) Add the following new Findings of Fact after Findings of Fact No. 10 "On February 19, 2010 the Executive Director submitted a letter stating that if the other parties agreed, the Executive Director would be amiable allowing withdrawal of the permit application without prejudice; 4) Renumber the rest of Findings of Fact accordingly and 5) Change Conclusions of Law No. 3 to read "Based on Findings of Fact Nos. 9-13, the Commission should dismiss applicant's permit application without prejudice pursuant to 30 TAC Section 80.25(e)(3)." BG/CR; all agree.

Item 3. [TCEQ Docket No. 2008-0124-PST-E; SOAH Docket No. 582-08-3991](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Ray Drennan** in **Young County**, Texas; TCEQ ID No. RN103719662; regarding petroleum storage tank violations pursuant to Texas Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. The Commission will also consider timely filed exceptions and replies. (Xavier Guerra)

Adopt the ALJ's proposed Order and include a reduction under other factors as justice may require to lower the penalty to \$1,800 along with the proposed payment plan, and adopt the Executive Director's Exceptions as recommended by the ALJ in his April 30, 2010 letter. CR/BG; all agree.

Item 4. [TCEQ Docket No. 2009-0670-MSW-E; SOAH Docket No. 582-10-0280](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Wilke Tire Service, Inc.** in **Nueces County**, Texas; TCEQ ID No. RN104150289; for municipal solid waste violations pursuant to Texas 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. The Commission will also consider timely filed exceptions and replies. (Tracy Chandler)

Adopt the ALJ's proposed Order and incorporate the Executive Director's exceptions. BG/CR; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 5. [Docket No. 2010-0024-MWD](#). Consideration of the application by the **North Texas District Council Assemblies of God** for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013847001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 21,000 gallons per day to a daily average flow not to exceed 80,000 gallons per day. The wastewater treatment facility is located approximately 400 feet southeast of the east end of Soil Conservation Service Dam No. 56, and approximately 2.5 miles east-northeast of the City of Maypearl in **Ellis County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and

replies, public comment, and the Executive Director's Response to Comments. (Stefanie Skogen, Bijaya Chalise)

Grant the hearing requests of Dr. Frederick H. Sklar and refer the following issues to contested case hearing: 1) Whether the discharge authorized in the proposed permit will adversely impact the surface water adjacent to Dr. Sklar's property, Dr. Sklar's water wells, and the groundwater supplying the wells; 2) Whether the permit action will adversely impact the health of Dr. Sklar, his family, and his livestock; 3) Whether the applicant will be required to properly design, construct, and maintain the wastewater treatment system to prevent impacts to surface water adjacent to Dr. Sklar's property, Dr. Sklar's water wells, and the groundwater supplying the wells; 4) Whether the proposed permit ensures the wastewater treatment facility can adequately treat the effluent flow levels anticipated at the facility; 5) Whether the applicant can comply with one or more material terms of the amended permit given the wastes accepted by the applicant for treatment and discharge (including whether industrial, viral or pathogenic pollutants are accepted by the applicant). Direct the Executive Director to participate in the contested case hearing and specify that the maximum duration of the hearing is 9 months from the preliminary hearing to issuance of the proposal for decision; Deny Dr. Sklar's request for reconsideration. CR/BG; all agree.

MISCELLANEOUS MATTER

Item 6. [Docket No. 2009-1972-UCR](#). Consideration of an application from the **City of Dripping Springs (City)** for an order requiring the disconnection of water service for nonpayment of sewer service charges in accordance with the requirements of Title 30, Section 291.88(e) of the Texas Administrative Code. All of the City's sewer customers are separately provided water service by Dripping Springs Water Supply Corporation (Dripping Springs WSC). The City requests an order from TCEQ that would require Dripping Springs WSC to terminate water service under specified conditions to certain customers for nonpayment of undisputed bills for sewer service provided by the City in **Hays County**, Texas. (Dinniah C. Tadema, Lisa Fuentes)

Grant the City of Dripping Springs' request for an Order requiring the disconnection of water service for non-payment of sewer service charges and issue the Order proposed by the Executive Director. BG/CR; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7. [Docket No. 2009-1514-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texmark Chemicals, Inc.** in **Harris County**; RN100238740; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

Item 8. [Docket No. 2009-1819-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LLC** in **Jefferson County**; RN104964267; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 9. [Docket No. 2009-1502-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Viking Industrial Painting Inc. in Bell County**; RN105694780; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 10. [Docket No. 2009-1933-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **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. (Heather Podlipny, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 11. [Docket No. 2009-1952-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102212925; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 12. [Docket No. 2009-1922-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Petrofuels Quality Marketing, LP dba Enviro Solutions in Chambers County**; RN104677695; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 13. [Docket No. 2009-1852-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. (Rebecca Johnson, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 14. [Docket No. 2009-1539-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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 15. [Docket No. 2008-1454-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Refining LP in Harris County**; RN100218130; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Laurie Eaves)

Remanded to the Executive Director.

DRY CLEANER ENFORCEMENT AGREED ORDER

- Item 16. [Docket No. 2009-1421-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Y S H CORPORATION dba Reino Cleaners dba Park Cleaners dba Reino Cleaners dba Rochelle Cleaners dba Kim Cooper Cleaners in Tarrant and Dallas Counties**; RN103987848, RN103953642, RN103987954, RN103987889, and RN103953626; for dry cleaner violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Danielle Porras, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 17. [Docket No. 2009-1912-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Wallace Vernon 1998 Trust in Williamson County**; RN105610091; 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. (Steve Villatoro, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

FIELD CITATIONS

- Item 18. [Docket No. 2010-0095-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Robert A. Phillips in Schleicher County**; RN105703995; 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, Laurie Eaves)

Approve the Field Citation. CR/BG; all agree.

- Item 19. [Docket No. 2010-0096-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Jim R. Scroggins in Erath County**; RN103724480; 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, Laurie Eaves)

Approve the Field Citation. CR/BG; all agree.

- Item 20. [Docket No. 2010-0083-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Swan Oilfield Services, LP** in **Archer County**; RN105836621; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)

Approve the Field Citation. CR/BG; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 21. [Docket No. 2009-1194-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation** in **Jefferson County**; RN102450756; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 22. [Docket No. 2009-1726-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Igloo Products Corp.** in **Waller County**; RN101919280; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 23. [Docket No. 2009-2063-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southern Star Concrete, Inc.** in **Harris County**; RN104120415; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER

- Item 24. [Docket No. 2009-2005-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Oscar Sanchez** in **Collin County**; RN105815963; 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. (Mike Pace, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

- Item 25. [Docket No. 2009-1663-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Taylor Tarver dba Tarver Landscaping in Tarrant County**; RN105766471; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Marshall Coover, Lena Roberts)

Approve the Default Order. CR/BG; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 26. [Docket No. 2009-1960-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Charles H. Taylor in Wise County**; RN102816600; for water quality and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Evette Alvarado, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 27. [Docket No. 2009-1824-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Patrick Billy Whitman dba Whitman Construction and Equipment in Hardin County**; RN105807820; for municipal solid waste and air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

- Item 28. [Docket No. 2008-0678-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wood Processing Services, Inc. in Johnson County**; RN104606801; for municipal solid waste violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rebecca M. Combs, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 29. [Docket No. 2010-0062-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Alto in Cherokee County**; RN101721363; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 30. [Docket No. 2009-1803-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Palmer in Ellis County**; RN102092962; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 31. [Docket No. 2009-1492-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Fairfield in Freestone County**; RN101607778; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 32. [Docket No. 2009-1867-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mount Pleasant in Titus County**; RN102885654; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 33. [Docket No. 2009-1890-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Lewisville in Denton County**; RN102075298; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 34. [Docket No. 2009-1924-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hempstead in Waller County**; RN101920692; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steve Villatoro, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 35. [Docket No. 2009-1985-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Scurry-Rosser Independent School District in Kaufman County**; RN103930160; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 36. [Docket No. 2009-1895-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Spring Independent School District in Harris County**; RN101246585; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

- Item 37. [Docket No. 2009-2065-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **C STORE MANAGEMENT COMPANY dba Star Stop 2 in Tarrant County**; RN102035045; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 38. [Docket No. 2009-1014-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **C.T.S. GROUP #1, L.L.C. dba Buffalo Creek Grocery in Brazoria County**; RN101844231; 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. (Mike Pace, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 39. [Docket No. 2009-1431-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Felix Nance dba Felix Gas and Auto in Taylor County**; RN102025103; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sharesa Y. Alexander, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

- Item 40. [Docket No. 2007-2009-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Wafia Hanif in Rains County**; RN104661384; 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. CR/BG; all agree.

- Item 41. [Docket No. 2009-1780-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Yong Kyu Kim dba All Seasons in Fort Bend County**; RN101432201; 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. (Tate Barrett, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 42. [Docket No. 2009-2007-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **KROGER TEXAS L.P. dba Kroger Fuel Facility 308 in Brazoria County**; RN105822159; 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. (Michael Meyer, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 43. [Docket No. 2010-0084-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **MILLER OF DENTON, LTD. dba Miller of Denton in Denton County**; RN103015756; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 44. [Docket No. 2009-1801-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Fernando Montemayor and Minerva G. Montemayor in Harris County**; RN101813582; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip Aldridge and Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 45. [Docket No. 2009-1046-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **PINE FOREST COUNTRY CLUB in Harris County**; RN102451531; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 46. [Docket No. 2009-1862-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **PVSS ENTERPRISES, INC. dba Citgo Kwik Mart in Harris County**; RN102956976; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 47. [Docket No. 2009-1712-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R N Business, Inc. dba Speedy Express 5 Food Store**

in **Brazoria County**; RN102231529; 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. (Danielle Porras, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 48. [Docket No. 2009-0713-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harbor Seafood, Inc.** in **Galveston County**; RN103915146; 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. (Sharesa Y. Alexander, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

- Item 49. [Docket No. 2009-1761-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SHAMS ENTERPRISES, L.P. dba Seawall Exxon** in **Galveston County**; RN102653425; 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. (Danielle Porras, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 50. [Docket No. 2009-1950-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MTV GROUP LLC dba Dickinson Express Mart** in **Galveston County**; RN104891965; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Keith Frank, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 51. [Docket No. 2009-1868-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **P. L. LAM CORP. dba Elgin Food Mart** in **Bastrop County**; RN101490498; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 52. [Docket No. 2009-1647-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PACIFIC CONVENIENCE & FUELS, LLC dba CRLLC 2706594** in **Dallas County**; RN102890571; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 53. [Docket No. 2009-1856-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SAS HOUSTON PROPERTIES, LLC. dba Irvington Shell** in **Harris County**; RN102794500; 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. (Philip Aldridge, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 54. [Docket No. 2009-1736-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **STAR FUELS, INC. dba Star Fuels Long Drive** in **Harris County**; RN102454618; 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. (Michael Meyer, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 55. [Docket No. 2009-1888-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SKY 2 C, INC. dba Sky Food Mart** in **Harris County**; RN102424322; 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. (Stephen Thompson, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 56. [Docket No. 2009-1073-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **NIPA ENTERPRISES INC. dba Dickinson Grocery** in **Galveston County**; RN101811685; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

- Item 57. [Docket No. 2009-1716-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CARMAX AUTO SUPERSTORES, INC. dba Carmax 7207** in **Collin County**; RN102050762; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 58. [Docket No. 2009-0799-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Michael G. Stephenson dba Cottonflat Grocery** in **Midland County**; RN102279908; for petroleum storage tank violations pursuant to Tex. Water

Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Wallace Myers, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 59. [Docket No. 2007-0010-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hemeed Bangush dba Pak Em Up in Harris County**; RN102646296; 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. (Xavier Guerra, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

- Item 60. [Docket No. 2009-1710-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **GALAN ENTERPRISES, INC. dba M&F Food Mart in Harris County**; RN105604060; 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. (Mike Pace, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 61. [Docket No. 2009-1548-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **THE EXPRESS 146 ENTERPRISE INC dba Express 146 Food Mart in Galveston County**; RN102651361; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

- Item 62. [Docket No. 2009-1853-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Surjit Singh Walia in Galveston County**; RN104812458; 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. (Marshall Coover, Lena Roberts)

Approve the Default Order. CR/BG; all agree.

- Item 63. [Docket No. 2009-0380-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Charlotte Ann Blackwell Granger in Orange County**; RN101882553; 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 Default Order. CR/BG; all agree.

Item 64. [Docket No. 2008-0517-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Wayne T. Morgan** in **Morris County**; RN102021979; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie J. Frazee, Lena Roberts)

Approve the Default Order. CR/BG; all agree.

Item 65. [Docket No. 2009-0980-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Aiedeh Husainat and Tajrangeza Khail dba Benny's Food Mart** in **Jefferson County**; RN101866002; 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. (Kari L. Gilbreth, Lena Roberts)

Approve the Default Order. CR/BG; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 66. [Docket No. 2009-1840-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jarrell-Schwertner Water Supply Corporation** in **Williamson County**; RN101215333; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

Item 67. [Docket No. 2009-0313-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **M R K Investment Corp.** in **Webb County**; RN101440691; 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 Agreed Order. CR/BG; all agree.

Item 68. [Docket No. 2009-1965-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Milano Water Supply Corporation** in **Milam County**; RN101455269; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

Item 69. [Docket No. 2009-2081-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Murchison** in **Henderson County**; RN101267631; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

Item 70. [Docket No. 2010-0057-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Henrietta in Clay County**; RN101258978; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

Item 71. [Docket No. 2009-2032-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Reagan County Water Supply District in Reagan County**; RN101196368; 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, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

Item 72. [Docket No. 2007-1869-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jeannette Smith Raines dba Yegua Water System in Burleson County**; RN101271591; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

Item 73. [Docket No. 2008-0136-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision in Williamson and Travis Counties**; RN101250306 and RN100825082; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

Approve the Agreed Order. CR/BG; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 74. [Docket No. 2009-2013-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Daniels Building & Construction, Inc. in Jefferson County**; RN105832703; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

Item 75. [Docket No. 2009-1875-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Torres Altos, L.P. in El Paso County**; RN104857081; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

- Item 76. [Docket No. 2009-1931-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Killeen Majestic Homes, Inc.** in **Bell County**; RN105830475 for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

Approve the Agreed Order. CR/BG; all agree.

RULE MATTER

- Item 77. [Docket No. 2009-0990-RUL](#). Consideration of the adoption of an amendment to Section 290.46 of **30 Tex. Admin. Code (TAC) Chapter 290**, Public Drinking Water, Subchapter D, Rules and Regulations for Public Water Systems. The adoption would implement changes to the Texas Health and Safety Code, Section 341.0358(b) made by House Bill 3661, 81st Legislature, 2009, Regular Session. The adopted rule would amend 30 TAC Section 290.46 to require the regulatory authority for a public utility to adopt standards for installing fire hydrants adequate to protect public safety in residential areas in a municipality with a population of 1,000,000 or more. These standards must, at a minimum, follow current American Water Works Association standards pertaining to fire hydrants and the requirements of 30 TAC Section 290.44(e)(6), pertaining to the location of fire hydrants. The proposed rules were published in the January 29, 2010, issue of the *Texas Register* (35 TexReg 573). (Cindy Haynie, Stefanie Skogen) (Rule Project No. 2009-041-290-OW)

Adopt amended 30 TAC Section 290.46 implementing House Bill 3661, as recommended by the Executive Director. BG/CR; all agree.

EXECUTIVE MEETING

- Item 78. **Docket No. 2010-0001-EXE**. The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

- Item 79. **Docket No. 2010-0002-EXE**. The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

Item 80. **Docket No. 2010-0003-EXE.** The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: [HTTP://WWW.TEXASADMIN.COM/cgi-bin/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)

/s/ Greg Merrell
Assistant General Counsel,
Greg Merrell

6/16/10
Date