

*The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).*

*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)).*

## **AGENDA**

November 6, 2013

### 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. 2012-0478-PST-E; SOAH Docket No. 582-13-1825.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of AMAN & BROTHERS LLC d/b/a Convenient Corner in Freestone County, Texas; RN102276839; 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. The Commission will also consider the record, timely related filings, exceptions and replies. (Kari L. Gilbreth)

Item 2 [\*\*TCEQ Docket No. 2012-0486-PST-E; SOAH Docket No. 582-13-2091.\*\*](#)

Item has  
been  
Continued

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of MAGIC PRO INC d/b/a Pro Quick Lube in Dallas County, Texas; RN101556298; 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. The Commission will also consider the record, timely related filings, exceptions and replies. (Rebecca M. Combs)

## **HEARING REQUEST/REQUEST FOR RECONSIDERATION**

Item 3

### **[Docket No. 2013-1597-MWD.](#)**

Consideration of the application by Williamson County Municipal Utility District No. 19 for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015000001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,400,000 gallons per day. The facility will be located just west of Ronald Reagan Boulevard, approximately 2.5 miles north of the intersection of Ronald Reagan Boulevard and Highway 29 in Williamson 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. (Michael Parr/Julian Centeno, Jr.)

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4

### **[Docket No. 2012-2622-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Lucite International, Inc. in Jefferson County; RN102736089; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Candy Garrett)

Item 5

### **[Docket No. 2013-0722-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Atlas Pipeline Mid-Continent WestTex, LLC in Reagan County; RN100215714; 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. (Judy Kluge, Candy Garrett)

Item 6

### **[Docket No. 2013-0551-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MOTIVA ENTERPRISES LLC in Jefferson County; RN100209451; 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. (Amancio R. Gutierrez, Candy Garrett)

Item 7

### **[Docket No. 2012-2029-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Davis Gas Processing, Inc. in Reagan County; RN100217686; 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. (Kimberly Morales, Candy Garrett)

Item 8      [\*\*Docket No. 2013-0298-AIR-E.\*\*](#)

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11/1/2013  
5:00 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; 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. (Rajesh Acharya, Candy Garrett)

**AIR QUALITY ENFORCEMENT DEFAULT ORDER**

Item 9      [\*\*Docket No. 2013-0065-AIR-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against Trinity Powder Coatings, Inc. in Dallas County; RN100689371; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 10      [\*\*Docket No. 2012-1263-MSW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of M & M Mooring Company in Cameron County; RN105815773; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Candy Garrett)

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 11      [\*\*Docket No. 2012-1358-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Winona in Smith County; RN101919447; 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, Candy Garrett)

Item 12      [\*\*Docket No. 2013-1119-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rayford Road Municipal Utility District in Montgomery County; RN102976362; 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, Candy Garrett)

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 13 [\*\*Docket No. 2013-0611-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TACS, INC. dba Tres Amigos Convenience Store 1 dba Tres Amigos Convenience Store 2 dba Tres Amigos Convenience Store 6 in Menard, Concho, and Tom Green Counties; RN102254828, RN101744332 and RN101812279; 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, Candy Garrett)

Item 14 [\*\*Docket No. 2013-0955-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against BENTWATER YACHT & COUNTRY CLUB, LTD dba Bentwater Marina in Montgomery County; RN101272276; 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. (Troy Warden, Candy Garrett)

Item 15 [\*\*Docket No. 2012-2246-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DALLAS MERCHANT INC. dba Kwik Pik Food Store in Collin County; RN102038528; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Candy Garrett)

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 16 [\*\*Docket No. 2012-1734-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against RANA INVESTMENT, INC. d/b/a Truck Stop Mart 2 in Harris County; RN102284528; 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)

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 17 [\*\*Docket No. 2012-2492-PST-E.\*\*](#)

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11/1/2013  
5:00 PM

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Our G & G, Inc. dba 2 G's Country Store in Liberty County; RN103028742; 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)

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

Item 18

### **[Docket No. 2012-2562-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of TSV CORPORATION d/b/a Vick's Chevron Food Mart in Parker County; RN101551836; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

Item 19

### **[Docket No. 2013-0241-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of FARMERS COOPERATIVE ASSOCIATION OF O'DONNELL, TEXAS in Lynn County; RN102025947; 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)

Item 20

### **[Docket No. 2013-0021-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of ALAUDDIN INVESTMENTS, INC. d/b/a Kwik Trip Food Store 2 in Bexar County; RN101759520; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

Item 21

### **[Docket No. 2013-0337-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Abdul Noorani d/b/a Orfield Grocery in Bosque County; RN102020542; 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. (Joel Cordero, Lena Roberts)

Item 22

### **[Docket No. 2013-0444-PST-E.](#)**

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11/4/2013  
4:45 PM

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of GOODEN PETROLEUM, INC. d/b/a Gooden Chevron in Comanche County; RN101824639; 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. (Elizabeth Lieberknecht, Lena Roberts)

### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDER**

Item 23 [\*\*Docket No. 2013-0877-PWS-E.\*\*](#)

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10/30/2013  
3:07 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Marlin in Falls County; RN102886892; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sam Keller, Candy Garrett)

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

Item 24 [\*\*Docket No. 2013-0936-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Yetta Hustead dba High Five Bar & Grill in Brazoria County; RN101221240; 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)

Item 25 [\*\*Docket No. 2013-0754-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jasper Cindi, Inc. d/b/a Bullfrogs Bar & Grill in Jasper County; RN105973796; 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)

### **RULE MATTERS**

Item 26 [\*\*Docket No. 2013-0327-RUL.\*\*](#)

Consideration for adoption of new Section 336.1310 of 30 TAC Chapter 336, Radioactive Substance Rules. The adoption of new Section 336.1310 would set out the maximum disposal rates that a licensee may charge generators for disposal of low-level radioactive waste. The maximum disposal rate would be the same as the executive director's recommended disposal rate that was part of the State Office of Administrative Hearing process. The proposed rule was published in the June 21, 2013, issue of the *Texas Register* (38 TexReg 3885). (Charles Maguire, Ron Olson) (Rule Project No. 2013-017-336-WS)

Item 27 [\*\*Docket No. 2013-0948-RUL.\*\*](#)

Consideration of the adoption of amended 30 TAC Chapter 303, Operation of the Rio Grande, Section 303.53. The adopted rulemaking would remove the requirement that contracts, excluding those for Domestic, Municipal, and Industrial water, for the purchase of all or part of the annual authorized amount of use for a water right in the Middle or Lower Rio Grande be limited to one year and would clarify that all contracts for water would remain subject to Section 303.22, Allocation of Accounts. The proposed rule was published in the August 16, 2013, issue of the *Texas Register* (38 TexReg 5226). (Cindy Hooper, Robin Smith) (Rule Project No. 2013-031-303-OW)

Item 28 [\*\*Docket No. 2013-1192-RUL.\*\*](#)

Consideration for publication of, and hearing on, proposed amendments to 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K, Mobile Source Incentive Programs, Division 3, Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles, Section 114.622 and Section 114.629, and proposed repeal of Section 114.648 of Division 4, Texas Clean School Bus Program, and corresponding revisions to the state implementation plan. The proposed rulemaking would implement part of Senate Bill (SB) 1727, from the 83rd Legislature, 2013, Regular Session, relating to requirements for receiving an incentive grant under the Diesel Emissions Reduction Incentive (DERI) Program and make changes to reflect recent action by the United States Environmental Protection Agency (EPA) to amend the designation of nonattainment areas for the 2008 Ozone National Ambient Air Quality Standard. The proposed rulemaking would also implement part of House Bill (HB) 1796, from the 81st Legislature, 2009, Regular Session. The revisions to Chapter 114, Subchapter K, Division 3, as required by SB 1727, would incorporate changes to the DERI Program eligibility criteria to remove the maximum cost-effectiveness limit of \$15,000 per ton of nitrogen oxide emissions reduced in a nonattainment area or affected county. As a result of the EPA adding Wise County to the Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area, these revisions would also add Wise County to the list of applicable counties under the DERI Program. The revision to Chapter 114, Subchapter K, Division 4, would repeal the expiration date for the Texas Clean School Bus (TCSB) Program rules to be consistent with statutory changes by HB 1796 to extend the TCSB Program beyond August 31, 2013. (Steve Dayton, Ross Henderson) (Rule Project No. 2013-036-114-AI)

Item 29 [\*\*Docket No. 2013-1194-RUL.\*\*](#)

Consideration for publication of, and hearing on, proposed amendments to 30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K, Mobile Source Incentive Programs, to add new Division 8, Drayage Truck Incentive Program, Sections 114.680 - 114.682, and corresponding revisions to the state implementation plan. The proposed rulemaking would implement part of Senate Bill (SB) 1727, from the 83rd Legislature, 2013, Regular Session, establishing the Drayage Truck Incentive

Program (program). The revisions to Chapter 114, as required by SB 1727, would establish criteria for the models of drayage trucks eligible for inclusion in the program. (Steve Dayton, Ross Henderson) (Rule Project No. 2013-037-114-AI)

Item 30 **[Docket No. 2013-1193-RUL.](#)**

Consideration for publication of, and hearing on, proposed amendments to 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K, Mobile Source Incentive Programs, Division 5, Texas Clean Fleet Program, Sections 114.650, 114.653, and 114.656 and corresponding revisions to the state implementation plan. The proposed rulemaking would implement part of Senate Bill (SB) 1727 from the 83rd Legislature, 2013, Regular Session, relating to requirements for receiving an incentive grant under the Texas Clean Fleet Program (program). The revisions to Chapter 114, as required by SB 1727, would add a definition for "agricultural product transportation" and eligibility criteria to be considered by the executive director for projects related to agricultural product transportation. The revisions would also change the criteria for determining the maximum eligible grant amounts under the program. (Steve Dayton, Ross Henderson) (Rule Project No. 2013-038-114-AI)

Item 31 **[Docket No. 2013-1140-RUL.](#)**

Consideration for publication of, and hearing on, amended Sections 114.610 – 114.612, 114.616, and repeal of Section 114.619 of 30 Texas Administrative Code Chapter 114, Subchapter K, Division 2. The proposed rulemaking would implement provisions of Senate Bill 1727, 83rd Legislature, 2013, Regular Session, by modifying the types of vehicles that qualify for the Light-Duty Motor Vehicle Purchase or Lease Incentive Program, establishing the maximum number of vehicles that may qualify for the incentive, establishing an incentive amount of \$2,500 per eligible vehicle, and establishing the process for applying for the incentive. (Guy Hoffman, Ross Henderson) (Rule Project No. 2013-039-114-AI)

**EXECUTIVE MEETING**

Item 32 **Docket No. 2013-0001-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.

Item 33 **Docket No. 2013-0002-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.

Item 34 **Docket No. 2013-0003-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.

**(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 SIX (6) 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/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**