

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

March 26, 2014

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. 2012-2570-PST-E; SOAH Docket No. 582-13-4033.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Shashi C. Tanwar d/b/a Star Food Mart 1 in Tarrant County, Texas; RN102038916; 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. (David Terry)

Item 2 **[TCEQ Docket No. 2012-2291-PST-E; SOAH Docket No. 582-13-4305.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of SNAPPY PAPPY'S, LIMITED LIABILITY COMPANY (L.L.C.) in Camp County, Texas; RN105325070; 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. (Elizabeth Lieberknecht)

HEARING REQUEST/REQUEST FOR RECONSIDERATION

Item 3

[Docket No. 2013-2138-MWD.](#)

Consideration of the application by Algonquin Water Resources of Texas, LLC for a major amendment of TCEQ Permit No. WQ0013849001 to convert the existing permit from a Texas Land Application Permit (TLAP) authorizing disposal of treated domestic wastewater via irrigation to a Texas Pollutant Discharge Elimination System (TPDES) permit authorizing the discharge of treated domestic wastewater with a daily average flow not to exceed 200,000 gallons per day directly to water in the state. The facility is located approximately 1,250 feet northwest of the intersection of State Highway 155 and Farm-to-Market Road 2661 in Smith 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. (Alicia Ramirez, Sonia Bhuiya)

GENERAL PERMITS

Item 4

[Docket No. 2013-2118-MIS.](#)

Consideration of the adoption of the renewal with amendments of Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXG500000. This general permit authorizes the discharge of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges into or adjacent to water in the state from quarries located greater than one mile from a water body within a water quality protection area in the John Graves Scenic Riverway. Public notice of the proposed draft permit was published in the November 15, 2013 issue of the *Texas Register* (38 TexReg 8299). (Dan Siebeneicher, Jessica Rogers) (Non-Rule Project No. 2013-003-OTH-NR)

Item 5

[Docket No 2014-0054-RUL.](#)

Consideration of the adoption of the New General Permit Number WQG100000, authorizing wastewater generated by industrial or water treatment facilities to be disposed of by evaporation from surface impoundments adjacent to water in the state. Public notice of the proposed draft permit was published in the December 20, 2013, issue of the *Texas Register* (38 TexReg 9363). (Laurie Fleet, Robert Brush) (Non-Rule Project No. 2014-005-OTH-NR)

MISCELLANEOUS MATTER

Item 6

[Docket No. 2014-0230-MIS.](#)

Consideration for final approval of the fourth revision to the Commission's Penalty Policy. (Bryan Sinclair, Kathleen Decker)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7

[Docket No. 2013-0587-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ExxonMobil Oil Corporation in Jefferson County; RN102450756; 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. (Jessica Schildwachter, Candy Garrett)

Item 8

[Docket No. 2013-1242-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Swift Energy Operating, LLC in La Salle County; RN106041007; 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. (Rajesh Acharya, Candy Garrett)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS

Item 9

[Docket No. 2012-2071-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Nathan Lemuel Bruton in Karnes County; RN106406309; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey J. Huhn, Lena Roberts)

Item 10

[Docket No. 2013-1013-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of CANDELARIA WATER SUPPLY CORPORATION in Presidio County; RN101185312; for water rights and public drinking water violations pursuant to Tex. Water Code ch. 11, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

Item 11

[Docket No. 2012-1936-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Saul Flores d/b/a Saflo Enterprises in El Paso County; RN106507791; for water quality and municipal solid waste violations pursuant to Tex. Water Code chs. 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. (Jennifer Cook, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 12 **[Docket No. 2013-1079-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Gatesville in Coryell County; RN102887296; 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. (Heather Brister, Candy Garrett)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 13 **[Docket No. 2013-1703-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Dallas Housing Authority in Dallas County; RN101649754; 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. (Danielle Porras, Candy Garrett)

Item 14 **[Docket No. 2013-0763-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Burney Enterprises Inc dba Clark Store 1 in McLennan County; RN101671105; 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. (Keith Frank, Candy Garrett)

Item 15 **[Docket No. 2013-1716-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of VARDHMAN INVESTMENT, INC. dba Dickinson Food Mart in Galveston County; RN101909463; 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. (Theresa Stephens, Candy Garrett)

Item 16 **[Docket No. 2012-1729-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Bullfrog Station, Inc. in Tarrant County; RN103008694; 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 Tex. Admin. Code ch. 60. (Mike Pace, Candy Garrett)

Item 17 [**Docket No. 2013-1258-PST-E.**](#)
Consideration of an Agreed Order assessing administrative penalties against HR&B Services, LLC dba Conoco Express in Dallas County; RN101570091; 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 Tex. Admin. Code ch. 60. (Mike Pace, Candy Garrett)

Item 18 [**Docket No. 2013-1788-PST-E.**](#)
Consideration of an Agreed Order assessing administrative penalties against GAL-TEX HOTEL CORPORATION dba South Shore Harbour Resort in Galveston County; RN102358389; 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. (Danielle Porras, Candy Garrett)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 19 [**Docket No. 2013-0645-PST-E.**](#)
Consideration of a Default Order assessing administrative penalties and requiring certain actions of D.C.T.D., INC. d/b/a Boomers in Tom Green County; RN101899607; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Lena Roberts)

Item 20 [**Docket No. 2013-1160-PST-E.**](#)
Consideration of a Default Order assessing administrative penalties and requiring certain actions of Moutawakil Enterprises, L.L.C. d/b/a Super Food Mart 42 in Van Zandt County; RN102028115; 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. (Steven M. Fishburn, Lena Roberts)

Item 21 [**Docket No. 2013-0409-PST-E.**](#)
Consideration of a Default Order assessing administrative penalties against Fuad Ahmad Bataineh d/b/a UDAY, INC. d/b/a Reda Food Mart in Harris County; RN101912848; 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. (Steven M. Fishburn, Lena Roberts)

Item 22 [**Docket No. 2013-1168-PST-E.**](#)
Consideration of a Default Order assessing administrative penalties and requiring certain actions of CRYSTAL INTERNATIONAL, INC. d/b/a Fuel Stop in Dallas County; RN102848744; 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. (Joel Cordero, Lena Roberts)

Item 23 [**Docket No. 2013-1093-PST-E.**](#)
Consideration of a Default Order assessing administrative penalties against Saadia Enterprises LLC d/b/a Gateway 4 in Van Zandt County; RN101885416; 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)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 24 [**Docket No. 2013-1305-PST-E.**](#)
Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Ashok K. Sharma d/b/a A-1 Mart in Tarrant County; RN102010097; 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 25 [**Docket No. 2013-1059-PST-E.**](#)
Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Norma Linda Perez d/b/a Store Real II in Hidalgo County; RN102008463; 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)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 26 [**Docket No. 2013-1378-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marilyn Kay Ott dba Halls Bayou Bait Camp in Brazoria County; RN101193670; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Candy Garrett)

Item 27 [**Docket No. 2013-1011-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Donald E. Crane dba Westgate Manufactured Townhome Community and Country Village Mobile Home Estates in Midland County; RN102675121 and RN101267466; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Candy Garrett)

RULE MATTERS

Item 28 [**Docket No 2013-2058-RUL.**](#)

Consideration of the adoption of repealed Sections 114.640, 114.642, 114.644, 114.646, 114.648 and simultaneous adoption of new Sections 114.640, 114.642, 114.644, 114.646, 114.648 of 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K, Mobile Sources Incentive Programs, Division 4, Texas Clean School Bus Program; and corresponding revisions to the state implementation plan. The adoption would repeal existing and adopt new 30 TAC Chapter 114, Subchapter K, Division 4, to extend the expiration date to August 31, 2019, for the Texas Clean School Bus Program rules to be consistent with statutory changes by House Bill 1796, 81st Legislature, 2009, Regular Session. The proposed rules were published in the December 27, 2013, issue of the *Texas Register* (38 TexReg 9439). (Joe Briseño, Terry Salem) (Rule Project No. 2014-008-114-AD)

Item 29 [**Docket No. 2013-1342-RUL.**](#)

Consideration of the adoption of new and amended Sections of 30 TAC Chapter 39, Public Notice; Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; Chapter 101, General Air Quality Rules; Chapter 106, Permits by Rule; Chapter 116, Control of Air Pollution by Permits for New Construction or Modification; and Chapter 122, Federal Operating Permits Program, and corresponding revisions to the State Implementation Plan (SIP). New and amended Sections 39.411(e)(11), (15) and (16), and (f)(4) and (8), 39.412(a) - (d), 39.419(e)(1), 39.420(e)(4), 101.1, 101.10, 101.201, 106.2, 106.4, 116.12, 116.111, 116.160, 116.164, 116.169, 116.610, 116.611, and 122.122 will be submitted to the United States Environmental Protection Agency as revisions to the SIP. The adopted rules implement House Bill 788, 83rd Legislature, 2013, Regular Session, which requires that the commission adopt rules for the authorization of emissions of greenhouse gases (GHGs) to the extent required under federal law. The adopted rules establish GHGs thresholds for Title V and Prevention of Significant Deterioration (PSD) permits, clarify how emissions of GHGs are addressed in the emissions inventory and emissions fee rules, specify that GHG PSD permit applications are not subject to requirements regarding a contested case hearing, and specify that GHGs do not have a reportable quantity (RQ) for emissions event reporting purposes. The adopted rules also address a rulemaking petition from 3M Company to establish an RQ of 5,000 pounds for C6 Fluoroketone, a fire protection fluid. The proposed rules were published in

the November 8, 2013, issue of the *Texas Register* (38 TexReg 7846). (Tasha Burns, John Minter) (Rule Project No. 2013-040-116-AI)

Item 30 [**Docket No. 2013-1913-RUL.**](#)

Consideration for publication of, and hearing on, proposed amendments to Sections 11.102 30 TAC Chapter 11, Contracts; and Section 14.9 30 TAC Chapter 14, Grants. The proposed rulemaking would implement House Bill (HB) 586, 83rd Legislature, 2013, Regular Session, to reflect the exemption of sovereign immunity for state-related breach of contract for engineering, architectural, or construction services, or for material related to those professional services as authorized under Texas Civil Practice and Remedies Code, Chapter 114 or the Texas Government Code. The proposed rulemaking would also implement HB 1487, 83rd Legislature, 2013, Regular Session, to reflect the new requirement to make grant awards in excess of \$25,000 available to the public on the agency's generally accessible Internet website, and to state the purpose for which the grant was awarded. (Greg Yturralde, Kenley Maddux) (Rule Project No. 2013-051-011-AS)

Item 31 [**Docket No. 2013-1392-RUL.**](#)

Consideration for publication of, and hearing on, proposed amended Sections 115.10, 115.221, 115.222, 115.224 – 115.227, and 115.229 of 30 Texas Administrative Code Chapter 115, Control of Air Pollution from Volatile Organic Compounds and corresponding revisions to the state implementation plan. The proposed rulemaking would revise Chapter 115, Subchapter C, Division 2, concerning the requirements for Stage I vapor recovery testing to preserve existing Stage I testing requirements in ozone nonattainment counties and to specify Stage I testing requirements for gasoline dispensing facilities located in the 12 ozone nonattainment and 4 ozone maintenance counties that will be affected by the decommissioning of the Stage II vapor recovery equipment rule revision and in the 95 counties that are subject to the state Stage I rule but not Stage II requirements. The proposed Stage I rule revision would establish testing requirements that are more consistent with federal Stage I testing in 40 Code of Federal Regulations Part 63, Subpart CCCCC. (Sarah Davis, Terry Salem) (Rule Project No. 2013-022-115-AI)

Item 32 [**Docket No. 2013-1869-RUL.**](#)

Consideration for publication of, and hearing on, amended Sections 114.301, 114.306, 114.307, 114.309, and repealed Section 114.304 of 30 Texas Administrative Code, Chapter 114, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the state implementation plan. The proposed rulemaking would remove the prohibition on the increased use of methyl-tertiary-butyl-ether (MTBE) in gasoline to conform to the low Reid vapor pressure (RVP) gasoline requirements; remove the registration requirements for gasoline producers and importers that supply low RVP gasoline to the

affected counties; remove the annual reporting and certification requirements on the use of MTBE in low RVP gasoline; and make other non-substantive clarifying changes as needed for accuracy and consistency. (Morris Brown, Terry Salem) (Rule Project No. 2014-002-114-AI)

Item 33 **Docket No. 2014-0101-RUL.**

Consideration for publication of, and hearing on, amendments to Sections 312.4, 312.8, 312.10 - 312.13, 312.41, 312.42, 312.44, 312.45, 312.47, 312.50, 312.65, and 312.81 - 312.83 of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The proposed rulemaking will address nuisance odors and unauthorized discharges of bulk sewage sludge by establishing new "core requirements" applicable to all classes of sewage sludge, establishing a new classification structure with corresponding requirements based upon treatment processes, and clarifying the executive director's authority to include additional requirements as needed to address nuisance odors. (Brian Sierant, Michael Parr) (Project No. 2014-010-312-OW)

PUBLIC COMMENT SESSION

Item 34 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.

EXECUTIVE MEETING

Item 35 **Docket No. 2014-0001-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 36 **Docket No. 2014-0002-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 37 **Docket No. 2014-0003-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)**