

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

April 9, 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. 2013-0174-WR; SOAH Docket No. 582-13-3040.](#)**

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the Petition filed under Texas Water Code § 11.451 by the Brazos River Coalition and signed by 37 water right holders on the Brazos River seeking the appointment of a Watermaster for the entire Brazos River Basin. The Brazos River and its tributaries cover all or portions of Archer, Austin, Bailey, Baylor, Bell, Borden, Bosque, Brazoria, Brazos, Brown, Burleson, Burnet, Callahan, Castro, Cochran, Comanche, Coryell, Crosby, Dawson, Dickens, Eastland, Erath, Falls, Fisher, Floyd, Fort Bend, Freestone, Garza, Grimes, Hale, Hamilton, Haskell, Hill, Hockley, Hood, Jack, Johnson, Jones, Kent, King, Knox, Lamb, Lampasas, Lee, Leon, Limestone, Lubbock, Lynn, Madison, McLennan, Milam, Mills, Nolan, Palo Pinto, Parker, Parmer, Robertson, Scurry, Shackelford, Somervell, Stephens, Stonewall, Swisher, Taylor, Terry, Throckmorton, Waller, Washington, Williamson, and Young Counties. The Commission will consider the Petition under Texas Water Code §§ 11.451 and 11.452 and the rules of the Commission. The Commission will also consider the record, timely related filings, exceptions and replies. (Robin Smith)

Item 2 **[TCEQ Docket No. 2011-1907-MWD-E; SOAH Docket No. 582-13-4773.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and

Order assessing administrative penalties and requiring certain actions of City of Bridge City in Orange County, Texas; RN102846037; for municipal wastewater discharge violations pursuant to Texas Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Jennifer Cook)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3

[Docket No. 2013-2078-AIR.](#)

Consideration of the application by CITGO Refining and Chemicals Company, LP for new Air Quality Permit No. 80693 to authorize routine maintenance, startup, and shutdown emissions from the existing storage tanks at Citgo Corpus Christi Refinery East Plant, located at 1801 Nueces Bay Blvd, Corpus Christi, Nueces 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. (Teresa Hurley, Becky Petty)

Item 4

[Docket No. 2013-2228-MWD.](#)

Consideration of the application by DHJB Development, LLC for a major amendment to TPDES Permit No. WQ0014975001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 75,000 gallons per day to a daily average flow not to exceed 350,000 gallons per day and to convert the disposal method from subsurface drip irrigation to direct discharge to surface waters. The wastewater treatment facility will be located approximately 0.7 mile north of Farm-to-Market Road 1863 and 0.5 mile east of US Highway 281 in Comal 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 Public Comment. (Kathy Humphreys, David Akoma)

MISCELLANEOUS MATTERS

Item 5

[Docket No. 2014-0287-MIS.](#)

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Elizabeth West)

Item 6

[Docket No. 2014-0286-MIS.](#)

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7

[Docket No. 2013-1668-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Zapata Cart-Away Concrete & Materials LLC in Zapata County; RN106844244; 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. (Heather Podlipny, Candy Garrett)

Item 8

[Docket No. 2013-1609-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Formosa Plastics Corporation, Texas in Calhoun County; RN100218973; 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)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 9

[Docket No. 2013-1155-IWD-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of NIAZI FAMILY INVESTMENTS, LTD. in Harris County; RN101520344; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 10

[Docket No. 2013-1500-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Roy Wayne Smith d/b/a Smiths First and Last Chance Tire Repair in McCulloch County; RN102221058; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Lieberknecht, Lena Roberts)

Item 11

[Docket No. 2013-0148-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Horacio Delgado and Honoriana Delgado in Cameron County; RN106557556; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the

Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 12 **[Docket No. 2012-0932-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kendleton in Fort Bend County; RN102844412; 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. (Cheryl Thompson, Candy Garrett)

Item 13 **[Docket No. 2013-1240-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Port Arthur in Jefferson County; RN101701241; 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. (Jill Russell, Candy Garrett)

Item 14 **[Docket No. 2012-2022-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Broadus in San Augustine County; RN101720928; 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. (Jorge Ibarra, P.E., Candy Garrett)

Item 15 **[Docket No. 2013-1451-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Horseshoe Bay in Llano County; RN101189801; 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. (Jorge Ibarra, P.E., Candy Garrett)

Item 16 **[Docket No. 2013-0386-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Warren Independent School District in Tyler County; RN101512044; 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)

Item 17 [**Docket No. 2012-1473-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Roscoe in Nolan County; RN105605927; 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. (David A. Terry, Lena Roberts)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 18 [**Docket No. 2013-1497-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Xpress Choice LLC dba Campbell Travel Center in Hunt County; RN103767828; 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. (Rebecca Boyett, Candy Garrett)

Item 19 [**Docket No. 2013-0667-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Piknik Enterprises, Inc. d/b/a Piknik Foods 11 and d/b/a Piknik Foods 3 in Bexar County; RN101782530 and RN101811206; 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. (Ryan Rutledge, Lena Roberts)

Item 20 [**Docket No. 2013-1945-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gibson Real Estate, LLC in Bexar County; RN103732483; 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. (David Carney, Candy Garrett)

Item 21 [**Docket No. 2013-1651-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PSP BUSINESS, INC. dba Hempstead Texaco in Harris County; RN103938106; 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. (John Fennell, Candy Garrett)

Item 22 [**Docket No. 2013-1236-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against PostOak Retailer's Inc. d/b/a Welcome Food Mart in Fort Bend County; RN102372299; 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. (David A. Terry, Lena Roberts)

Item 23 [**Docket No. 2013-0966-PST-E.**](#)

Hyperlink
Update
4/7/2014
9:51 AM

Consideration of an Agreed Order assessing administrative penalties against JACKSONVILLE GROUP INC dba Thompson Oil 1 and dba Thompson Oil 2 in Cherokee County; RN101442853 and RN102716891; 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. (Jim Sallans, Lena Roberts)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 24 [**Docket No. 2012-2718-PST-E.**](#)

Consideration of a Default assessing administrative penalties against H&A Group Inc d/b/a Sean Food Mart in McLennan County; RN102265451; 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. (David A. Terry, Lena Roberts)

Item 25 [**Docket No. 2012-2495-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against SIMON-RICKY LLC dba Fina Mart in Denton County; RN101557122; 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. (David A. Terry, Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 26 [**Docket No. 2013-1004-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PRAIRIE GROVE WATER SUPPLY CORPORATION in Angelina County; RN101459758; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Lena Roberts)

Item 27 [**Docket No. 2013-0733-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HELD GOLF, Ltd. d/b/a Preston West Golf Course

in Randall County; RN101379147; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

Item 28 [**Docket No. 2012-1118-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Southwestern Bell Telephone Company dba AT&T Texas in Fort Bend County; RN105819742; 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)

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 29 [**Docket No. 2012-0906-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of INTERCONTINENTAL WATER SUPPLY CORPORATION in Harris County; RN102698651; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Tammy Mitchell, Lena Roberts)

Item 30 [**Docket No. 2013-1270-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of DERBY WATER SUPPLY CORPORATION in Frio County; RN101281178; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

Item 31 [**Docket No. 2012-2609-PWS-E.**](#)

Hyperlink
Update
4/7/2014
9:51 AM

Consideration of a Default Order assessing administrative penalties and requiring certain actions of BUCHANAN LAKE VILLAGE, INC. in Llano County; RN101224988; 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 32 [**Docket No. 2013-1015-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jose Flores Cabazos a/k/a Jose Flores Cavazos in Lubbock County; RN105922645; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Elizabeth Lieberknecht, Lena Roberts)

RULE MATTERS

Item 33

[Docket No. 2013-1192-RUL.](#)

Consideration of the adoption of 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 corresponding revisions to the state implementation plan. The adoption would implement part of Senate Bill (SB) 1727, 83rd Legislature, 2013, Regular Session, relating to requirements for receiving an incentive grant under the Diesel Emissions Reduction Incentive (DERI) Program and changes to reflect recent action by the United States Environmental Protection Agency (EPA) to add the designation of nonattainment areas for the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS). The revisions to Chapter 114, Subchapter K, Division 3, as required by SB 1727, 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. The DERI Program is one of several incentive programs under the Texas Emissions Reduction Plan (TERP). Under the revised EPA rule, the Dallas-Fort Worth Area was designated nonattainment for the 2008 eight-hour ozone NAAQS, and the 1997 eight-hour ozone nonattainment area boundary was expanded to include Wise County. The proposed rules were published in the November 22, 2013, issue of the *Texas Register* (38 TexReg 8392). (Steve Dayton, Terry Salem) (Rule Project No. 2013-036-114-AI)

Item 34

[Docket No. 2013-1194-RUL.](#)

Consideration for adoption of 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 adoption 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, establish criteria for the models of drayage trucks eligible for inclusion in the program. The proposed rules were published in the November 22, 2013 issue of the *Texas Register* (38 TexReg 8400). (Steve Dayton, Terry Salem) (Rule Project No. 2013-037-114-AI)

Item 35

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

Consideration of the adoption of 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 adoption 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, 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 also change the criteria for determining the maximum eligible grant amounts under the program. The proposed rules were published in the November 22, 2013 issue of the *Texas Register* (38 TexReg 8396). (Steve Dayton, Terry Salem) (Rule Project No. 2013-038-114-AI)

Item 36 **Docket No. 2013-1140-RUL.**

Consideration of the adoption of 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 adoption 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, establishing the process for applying for the incentive, and modifying manufacturer reporting requirements. The proposed rules were published in the November 22, 2013, issue of the *Texas Register* (38 TexReg 8387). (Steve Dayton, Terry Salem) (Rule Project No. 2013-039-114-AI)

EXECUTIVE MEETING

Item 37 **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 38 **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 39 **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)