

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

October 8, 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. 2012-1129-MSW-E; SOAH Docket No. 582-13-3283.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against Robert Paul Evans, d/b/a Terrell Sand & Recycling, Robert J. Evans, Jr. d/b/a Terrell Sand & Recycling in Kaufman County; RN104251616; 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. The Commission will also consider the record, timely related filings, exceptions and replies. (Jennifer N. Cook)

Item 2 [**TCEQ Docket No. 2013-1088-PWS-E; SOAH Docket No. 582-14-1792.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Leroy Moody and Ernestine L. Moody d/b/a Leroy's Mobile Home Park in Bowie County, Texas; RN101264828; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Ryan Rutledge)

MISCELLANEOUS MATTERS

- Item 3 [**Docket No. 2014-1219-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 4 [**Docket No. 2014-1218-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 5 [**Docket No. 2014-0120-AIR-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Diamond Shamrock Refining Company, L.P. in Moore County; RN100210517; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jessica Schildwachter, Candy Garrett)

- Item 6 [**Docket No. 2014-0336-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 Tex. Admin. Code ch. 60. (Amancio R. Gutierrez, Candy Garrett)

- Item 7 [**Docket No. 2013-0736-AIR-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Dow Chemical Company in Brazoria County; RN100225945; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amancio Gutierrez, Candy Garrett)

- Item 8 [**Docket No. 2014-0197-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Delek Refining, Ltd. in Smith County; RN100222512; 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. (Raime Hayes-Falero, Candy Garrett)

Item 9 **[Docket No. 2012-0331-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, and Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amancio R. Gutierrez, Candy Garrett)

Item 10 **[Docket No. 2013-1942-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Brazoria County; RN101619179; 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)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 11 **[Docket No. 2012-1922-EAQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Richter-Land, LLC in Comal County; RN105645634; 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 Tex. Admin. Code ch. 60. (Jacquelyn Green, Candy Garrett)

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 12 **[Docket No. 2013-1530-LII-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Robert A. Garner in Coryell County; RN106244882; for landscape irrigation installation 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. (Ryan Rutledge, Lena Roberts)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 13 [**Docket No. 2013-2113-MLM-E.**](#)

Hyperlink
Update
10/7/2014
3:16 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bottom Line Food Processors, Inc. in Travis County; RN103029302; for air quality and Edwards Aquifer 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. (Rajesh Acharya, Candy Garrett)

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 14 [**Docket No. 2013-2142-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of D+A Financial Services, LLC dba Astro Autos in Hardin County; RN106489057; for used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 371, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Lena Roberts)

Item 15 [**Docket No. 2013-2012-MSW-E.**](#)

Hyperlink
Update
9/30/2014
9:57 AM

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Exterior Repair International, LLC in Johnson County; RN106798630; 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)

Item 16 [**Docket No. 2013-1903-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Rogelio Esquivel and Angelita Esquivel in Hidalgo County; RN106892961; 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. (Jeffrey J. Huhn, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 17 [**Docket No. 2014-0296-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Deer Park in Harris County; RN101719839; 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. (Raymond Mejia, Candy

Garrett)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 18 [Docket No. 2012-2343-MWD-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of 8 Mile Park, L.P. in Brazoria County; RN101614212; 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. (Jeffrey J. Huhn, Lena Roberts)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER

Item 19 [Docket No. 2014-0090-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Palai, LLC. dba Lone Star Food in Harris County; RN101748283; 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 Tex. Admin. Code ch. 60. (Rebecca Boyett, Candy Garrett)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 20 [Docket No. 2013-2219-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Riviera Club Inc. dba Stop N Bye in Harris County; RN100887686; 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)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 21 [Docket No. 2014-0623-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Byers in Clay County; RN101236404; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rachel Bekowies, Candy Garrett)

Item 22 [Docket No. 2014-0243-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Burkburnett in Wichita County; RN102992385; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental

Quality. (Jim Fisher, Candy Garrett)

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 23 **[Docket No. 2013-1930-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Shawn Mark Yarbrough d/b/a Walnut Ridge Estates Water System in Angelina County; RN101195857; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

Item 24 **[Docket No. 2014-0127-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against Pamela Sue Hughes d/b/a Big Q Mobile Home Estates in Lubbock County; RN102319464; 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)

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 25 **[Docket No. 2014-0235-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ST EML, LLC in Tarrant County; RN100768027; 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. (Alejandro Laje, Candy Garrett)

PUBLIC COMMENT SESSION

Item 26 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 27 **[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 28 **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 29 **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)**