

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

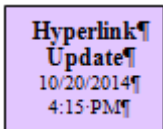
October 22, 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUEST/REQUEST FOR RECONSIDERATION

Item 1 **[Docket No. 2014-0958-AGR.](#)**



Consideration of the application by Big John's Wood Products, Inc. and MW Dairy Farm, LLC for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005008000 for a Concentrated Animal Feeding Operation, to authorize the applicant to operate a new dairy replacement facility at a maximum capacity of 1,525 head, of which zero head are milking cows. The facility is located at 2626 County Road 428, Stephenville, in Erath 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. (Hannah Wilchar, Joy Alabi)

MISCELLANEOUS MATTER

Item 2 **[Docket No. 2014-0954-RES.](#)**

Consideration of a Resolution to extend the existence of the Irrigator Advisory Council until February 1, 2021, and to appoint three new members to the Irrigator Advisory Council at the Texas Commission on Environmental Quality to six-year terms. The Irrigator Advisory Council advises the Commission on matters related to landscape irrigation in Texas. These new members would replace three members whose terms are set to expire on February 1, 2015. (Tracy

Chandler, Robert Brush) (Project No. 2014-018-RES-NR)

AGRICULTURAL ENFORCEMENT AGREED ORDERS

Item 3 **[Docket No. 2014-0706-AGR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kempenaar Real Estate, Ltd. dba Still Meadow Dairy in Hopkins County; RN101523629; 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. (Had Darling, Candy Garrett)

Item 4 **[Docket No. 2014-0331-AGR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bill Cate in Tarrant County; RN106331259; 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)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 **[Docket No. 2014-0640-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Hansford County; RN100219955; 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. (David Carney, Candy Garrett)

Item 6 **[Docket No. 2014-0375-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Chemical LP in Harris County; RN100211879; 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 7 **[Docket No. 2014-0454-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Anheuser-Busch, LLC in Harris County; RN100211697; 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.
(Rachel Bekowies, Candy Garrett)

Item 8 **[Docket No. 2014-0498-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against AES Deepwater, LLC in Harris County; RN100216837; 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. (Carol McGrath, Candy Garrett)

Item 9 **[Docket No. 2013-2001-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PHILLIPS 66 COMPANY in Hutchinson County; RN102495884; 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 10 **[Docket No. 2014-0308-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ascend Performance Materials Texas Inc. in Brazoria County; RN100238682; 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. (Farhaud Abbaszadeh, Candy Garrett)

Item 11 **[Docket No. 2013-1600-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Arkema Inc. in Jefferson County; RN100216373; 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)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 12 **[Docket No. 2013-2148-EAQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mexitron LLC in Bexar County; RN106954449; 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. (Had Darling, Candy Garrett)

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 13 [**Docket No. 2014-0508-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CLEVELAND REGIONAL MEDICAL CENTER, L.P. in Liberty County; RN101764132; for industrial and hazardous 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 Tex. Admin. Code ch. 60. (Margarita Dennis, Candy Garrett)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 14 [**Docket No. 2013-1642-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of O'Brien in Haskell County; RN101386852; for water rights and public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 5 and 11, and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Candy Garrett)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 15 [**Docket No. 2013-2082-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of James Travis Lowman in Nueces County; RN106552219; 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. (Steven M. Fishburn, Lena Roberts)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 16 [**Docket No. 2013-1654-MSW-E.**](#)

Hyperlink
Update
10/16/2014
3:31 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HD Recycling, LLC in Parker County; RN106327521; 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. (Jennifer Cook, Lena Roberts)

Item 17 [**Docket No. 2012-1359-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of HD Recycling, LLC in Parker County; RN106327521; 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. (Jennifer Cook, Lena Roberts)

Item 18 **[Docket No. 2014-0225-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Comex Environmental, L.L.C. dba Comex Environmental Katy in Harris County; RN106568850; 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 Tex. Admin. Code ch. 60. (Mike Pace, Candy Garrett)

Item 19 **[Docket No. 2014-0361-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bill Dechert in Kimble County; RN105229645; 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. (Jake Marx, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 20 **[Docket No. 2012-1869-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Whitharral Water and Sewer Service Supply Corporation in Hockley County; RN102329695; 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 21 **[Docket No. 2013-2028-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Conroe in Montgomery County; RN101607257; 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. (Jacquelyn Green, Candy Garrett)

Item 22 **[Docket No. 2014-0842-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rhome in Wise County; RN102701620; 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. (Gregory Zychowski, Candy Garrett)

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 23 **[Docket No. 2014-0421-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAHELI FOOD INC. dba Melbo's Food Store in Polk County; RN102719606; 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 24 **[Docket No. 2013-1984-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MISSION PETROLEUM CARRIERS, INC. in Cameron County and Hidalgo County; RN105488548; for 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. (Jim Sallans, Lena Roberts)

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDER

Item 25 **[Docket No. 2013-1319-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of QUICK PAY ENTERPRISES, INC. in Bexar County; RN101830305; 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)

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 26 **[Docket No. 2013-0688-PST-E.](#)**

Hyperlink
Update
10/20/2014
2:00 PM

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Myra Anum Enterprises Inc d/b/a OBS Mart in Wood County; RN102225299; 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)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 27 **[Docket No. 2014-0168-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC. in Washington County; RN101198976; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Mike Pace, Candy Garrett)

Item 28 **[Docket No. 2013-2225-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ASHLEY AND FAGAN INVESTMENTS CO. INC. in Scurry County; RN103105805; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Montgomery, Candy Garrett)

Item 29 **[Docket No. 2013-2035-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Efrain Franco and Christina Solis in Harris County; RN101242295; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Remington Burkland, Candy Garrett)

Item 30 **[Docket No. 2014-0353-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Red River County Water Supply Corporation in Red River County; RN101397487; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Remington Burkland, Candy Garrett)

Item 31 **[Docket No. 2014-0220-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ericksdahl Water Supply Corporation in Jones County; RN101438877; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Had Darling, Candy Garrett)

Item 32 **[Docket No. 2014-0006-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Debbie Block in Orange County; RN101213122, RN101250710, RN101187896, RN101260727, and RN101193571; 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. (Yuliya Dunaway, Candy Garrett)

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 33 **[Docket No. 2014-0104-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the Town of Flower Mound in Denton County; RN102074663; 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)

RULE MATTERS

Item 34 **[Docket No. 2013-1626-RUL.](#)**

Consideration of the adoption of new Sections 101.600 - 101.602 of 30 TAC Chapter 101, General Air Quality Rules. The adopted rulemaking would implement Senate Bill (SB) 1756, 83rd Legislature, 2013, Regular Session, providing TCEQ with the authority to accept a surcharge from the applicant to cover the expenses incurred by expediting the processing of an application. The adopted rulemaking would allow the applicant to pay a surcharge to request the expedited processing of an application filed under 30 TAC Chapter 106, 116, or 122 where the applicant has demonstrated that the purpose of the application will benefit the state or local economy. The proposed rules were published in the May 30, 2014, issue of the *Texas Register* (39 TexReg 4129). (Becky Southard, Booker Harrison) (Rule Project No. 2013-042-101-AI)

Item 35 **[Docket No. 2013-1382-RUL.](#)**

Consideration of the adoption of an amendment to Section 290.272 of 30 TAC Chapter 290, Public Drinking Water; an amendment to Section 291.87 of 30 TAC Chapter 291, Utility Regulations; and amendments to Sections 293.1, 293.12, 293.41, 293.44, 293.51, 293.54, 293.63, 293.81, 293.94, and 293.171 of 30 TAC Chapter 293, Water Districts. The adoption would implement House Bill (HB) 738, HB 1050, HB 1461, HB 2704, and Senate Bill 902, 83rd Legislature, 2013, Regular Session, relating to customer notification of water loss by a retail public utility and the powers, duties, and administration of water districts, specifically in the areas of: creation provisions (municipal utility districts only); contracting; issuance of bonds and bond anticipation notes; audit filings; impact fees; and, recreational facilities. The adopted rulemaking would also make non-substantive changes to update citations and terminology and conform with *Texas Register* requirements. The proposed rules were published in the May 30, 2014, issue of the *Texas Register* (39 TexReg 4132) for

Chapter 290, (39 TexReg 4138) for Chapter 291, and (39 TexReg 4143) for Chapter 293. (Justin Taack, Kayla Murray) (Rule Project No. 2013-054-293-OW)

Item 36 **[Docket No. 2014-1080-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended Section 336.1310 of 30 TAC Chapter 336, Radioactive Substance Rules. Proposed amended Section 336.1310 would reduce the maximum disposal rate that a licensee may charge generators for disposal of "Class A Low Level Waste - Shielded". (Bobby Janecka, Ron Olson) (Rule Project No. 2014-031-336-WS)

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)