

*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**

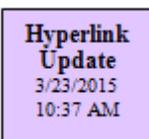
April 1, 2015

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 1 **[Docket No. 2014-1278-MSW.](#)**



Consideration of the application by Galveston County Landfill TX, LP for major amendment to its Municipal Solid Waste Type I Landfill Permit (Proposed MSW Permit No. 1149B). The facility is located at 3935 Avenue A, La Marque, Galveston County, Texas 77510. The major amendment proposes to authorize a vertical and lateral expansion of the landfill and to add a Class 1 non-hazardous waste processing and disposal area within the permitted boundary. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Dwight Russell, Steven Shepherd)

Item 2 **[Docket No. 2014-1674-IWD.](#)**

Consideration of the application by Tenaska Roan's Prairie Partners, LLC, which proposes to operate Tenaska Roan's Prairie Generating Station, for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005111000 to authorize the discharge of evaporative cooler blowdown, previously monitored effluents (low volume waste sources, metal cleaning wastes, chemical metal cleaning wastes, water treatment wastes, and stormwater from internal Outfall 101), and uncontaminated air conditioner and

compressor condensate at a daily average flow not to exceed 105,000 gallons per day. The facility is proposed to be located on the south side of State Highway 30, approximately 2.5 miles southwest of the City of Shiro and approximately 1.1 miles east of the intersection of State Highway 30 and State Highway 90, Grimes County, Texas 77876. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Karen Holligan, Celia Castro)

Item 3 [Docket No. 2015-0019-IWD.](#)

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3/26/2015  
4:44 PM

Consideration of the application by Decordova Power Company LLC and Luminant Generation Company LLC for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001481000, which authorizes the discharge of once-through cooling water and previously monitored effluent (low volume wastes, stormwater runoff from yard drains and the diked oil storage area, and metal cleaning wastes) at a daily average flow not to exceed 1,041,480,000 gallons per day. The facility is located at 4950 Power Plant Court, Granbury, Texas, on the southwest shore of Lake Granbury along County Road 312, approximately seven miles southeast of the intersection of U.S. Highway 377 and State Highway 144 in the City of Granbury, Hood County, Texas 76408. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Merrit McKelvy, Michael Parr).

**USE DETERMINATION MATTERS**

Item 4 [Docket No. 2015-0180-MIS-U.](#)

Consideration of the appeal filed by Panda Sherman Power, LLC with regard to the Executive Director's negative use determination on Application No. 17852, dated January 8, 2015, for certain property at its Panda Sherman Power Plant in Grayson County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Don Redmond, Ron Hatlett)

Item 5 [Docket No. 2015-0181-MIS-U.](#)

Consideration of the appeal filed by Panda Temple Power, LLC with regard to the Executive Director's negative use determination on Application No. 17854, dated January 8, 2015, for certain property at its Panda Temple Power Plant in Bell County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Don Redmond, Ron Hatlett)

**TMDL MATTER**

Item 6 [Docket No. 2014-1279-TML.](#)

Consideration for approval to publish and solicit public comment on a draft

Implementation Plan for Eleven Total Maximum Daily Loads for Bacteria in Waters of the Upper Gulf Coast in Brazoria, Chambers, Galveston, and Harris Counties. (Ron Stein, Robert Brush) (Project No. 2014-035-TML-NR.)

### **MISCELLANEOUS MATTER**

Item 7 [\*\*Docket No. 2015-0170-MIS.\*\*](#)

Consideration for publication of proposed amendment of the Evaporation Pond General Permit Number WQG100000, which authorizes wastewater generated by industrial or water treatment facilities to be disposed of by evaporation from surface impoundments adjacent to water in the state. (Laurie Fleet, Daniel Ingersoll) (Non-Rule Project No. 2015-007-OTH-NR)

### **EMERGENCY ORDER**

Item 8 [\*\*Docket No. 2015-0401-OSS-E.\*\*](#)

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3/27/2015  
10:52 AM

Consideration of whether to confirm, modify or set aside the Emergency Order issued on March 13, 2015, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 26, Tex. Health & Safety Code ch. 366, and 30 Tex. Admin. Code chs. 35 and 285, to address the public health and safety issues presented by Ramesh Raj d/b/a Anchor Motel and RV Park and Rohit Kumar d/b/a Anchor Motel and RV Park' operation of an On-site Sewage Facility; TCEQ ID No. RN108168220; CN604772137; CN604772145. The Emergency Order requires the site immediately cease operating the Site's OSSF until it is brought into compliance with Tex. Health & Safety Code ch. 366 and TCEQ rules. (Joel Cordero)

### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 9 [\*\*Docket No. 2014-1282-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Gardner Glass Products, Inc. in Walker County; RN100242973; 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. (Jennifer Nguyen, Candy Garrett)

Item 10 [\*\*Docket No. 2014-1321-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Chambers County; RN102323268; 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 11 **[Docket No. 2014-1204-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. (Rachel Bekowies, Candy Garrett)

Item 12 **[Docket No. 2014-0465-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Premcor Refining Group Inc. in Jefferson County; RN102584026; 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)

Item 13 **[Docket No. 2014-1295-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texas A&M University in Brazos County; RN100216274; 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 14 **[Docket No. 2014-0961-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against StarPak, Corp in Harris County; RN102886819; 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 15 **[Docket No. 2014-0867-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OCI Beaumont LLC in Jefferson County; RN102559291; 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 16 [\*\*Docket No. 2014-1514-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)

**EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 17 [\*\*Docket No. 2014-1102-EAQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Parkside at Mayfield Ranch, Ltd. in Williamson County; RN107157935; 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. (Cheryl Thompson, Candy Garrett)

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 18 [\*\*Docket No. 2014-0839-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rentech Nitrogen Pasadena, LLC in Harris County; RN101621944; 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. (Greg Zychowski, Candy Garrett)

**IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER**

Item 19 [\*\*Docket No. 2013-0770-LII-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Christopher C. McCall in Tarrant County; RN106349285; for landscape irrigation 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. (Jess Robinson, Lena Roberts)

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 20 [\*\*Docket No. 2014-1156-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Montgomery County Municipal Utility District No. 112 in Montgomery County; RN104815238; 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)

Item 21 **[Docket No. 2014-0098-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Huntsville in Walker County; RN101612471; 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. (Christopher Bost, Candy Garrett)

Item 22 **[Docket No. 2014-0280-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bonham in Fannin County; RN101919850; 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. (Christopher Bost, Candy Garrett)

Item 23 **[Docket No. 2014-0774-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Center in Shelby County; RN101614014; 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)

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 24 **[Docket No. 2014-1226-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NILU ENTERPRISES, INC dba Escamillas Drive Thru Barn 2 in Zavala County; RN101433985; 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. (Tiffany Maurer, Candy Garrett)

Item 25 **[Docket No. 2014-1004-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against HS BUSINESS INC. dba HS Chevron in Harris County; RN101907947; 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 26 [\*\*Docket No. 2014-1198-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FELDER'S WHOLESALE, INC. dba Felder's Buy & Bye in Washington County; RN102020484; 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 27 [\*\*Docket No. 2013-1948-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against ZAAR BUSINESS INVESTMENTS INC in Rains County; RN102900990; 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 28 [\*\*Docket No. 2014-0855-PST-E.\*\*](#)

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3/26/2015  
3:27 PM

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Harjeet Food Mart LLC DBA Lonestar Food Mart in Washington County; RN101676856; 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. (Michael Vitris, Lena Roberts)

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 29 [\*\*Docket No. 2014-1318-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Development, Inc. dba Aqua Texas in Harris County; RN101199495; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jill Russell, Candy Garrett)

Item 30 [\*\*Docket No. 2014-0128-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. (Katy Montgomery, Candy Garrett)

Item 31 [\*\*Docket No. 2014-1188-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of San Marcos in Hays County; RN101416337; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Candy Garrett)

Item 32 [\*\*Docket No. 2014-0188-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COKE COUNTY WATER SUPPLY CORPORATION in Coke County; RN101220820; 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)

Item 33 [\*\*Docket No. 2014-0461-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gerard Ortiz and Colleen Ortiz dba River Oaks Water System in Burnet County; RN101189348; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jennifer Graves, Candy Garrett)

Item 34 [\*\*Docket No. 2014-1373-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Managed Care Center for Addictive and Other Disorders in Lubbock County; RN101251114; 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 35 [\*\*Docket No. 2014-1366-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Clean Harbors San Leon, Inc. in Galveston County; RN100890235; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental

Quality. (Jessica Schildwachter, Candy Garrett)

## **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 36 **[Docket No. 2014-1405-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Tom Green County Fresh Water Supply District 2 in Tom Green County; RN101426047; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jess Robinson, Lena Roberts)

## **PUBLIC COMMENT SESSION**

Item 37 **Docket No. 2015-0004-PUB.**

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 38 **Docket No. 2015-0001-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 39 **Docket No. 2015-0002-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 40 **Docket No. 2015-0003-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)**