

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 29, 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. 2015-0035-MWD.](#)**

Consideration of the application by Pulte Homes of Texas, L.P., for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015222001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 900,000 gallons per day. The facility will be located 0.5 mile north of the intersection of Stockdick School Road and Porter Road and 0.1 mile to the west of Porter Road in Harris County, Texas 77493. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Sonia Bhuiya, Stefanie Skogen).

Item 2 **[Docket No. 2015-0436-MWD.](#)**

Hyperlink
Update
4/22/2015
11:46 AM

Consideration of the application by Timberwood Development Company, L.P., for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015242001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 15,600 gallons per day. The facility will be located 740 feet north of the intersection of Slumber Pass and White Eagle Drive in Bexar County, Texas 78260. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Donald J.

Camp, P.E., Anthony Tatu)

Item 3 [**Docket No. 2014-1371-IWD.**](#)

Consideration of the application by NRG Texas Power LLC, which operates the Limestone Electric Generating Station, a lignite/coal fired steam-electric generating station, for a renewal of TPDES Permit No. WQ0002430000, which authorizes the discharge of low volume waste, cooling tower blowdown, coal pile runoff, and bottom ash transport water at a daily maximum flow not to exceed 2,304,000 gallons per day via Outfall 001; material handling area runoff, washdown and bottom ash transport water, and low volume waste on an intermittent and flow-variable basis via Outfall 002; bottom ash transport water, low volume waste, and stormwater runoff at a daily maximum flow not to exceed 510,000 gallons per day via Outfall 003; bottom ash transport water, low volume waste, and stormwater runoff at a daily maximum flow not to exceed 432,000 gallons per day via Outfall 004; low volume waste, metal cleaning waste, bottom ash transport water, and utility wastewater at a daily maximum flow not to exceed 216,000 gallons per day via Outfall 005; treated domestic wastewater at a daily average flow not to exceed 60,000 gallons per day via Outfall 006; treated domestic wastewater at a daily average flow not to exceed 3,000 gallons per day via Outfall 007; and bottom ash transport water and low volume waste at a daily maximum flow not to exceed 72,000 gallons per day via Outfall 008. The facility is located at 3964 Farm-to-Market Road 39, adjacent to and west of Farm-to-Market Road 39, approximately 2.5 miles southeast of Farrar, in Limestone County, Texas 75846. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's responses to comment. (Gordon Cooper, Michael Parr)

Item 4 [**Docket No. 2015-0460-AIR.**](#)

Consideration of application by Holcim (Texas) Limited Partnership for the amendment of Air Quality Permit Nos. 8996 and PSDTX454M4 to authorize the construction of add-on total hydrocarbon control technologies for two existing Portland Cement kilns. The site is located at 1800 Dove Lane, Midlothian, Ellis 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. (Laura Gibson, Amy Browning)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 [**Docket No. 2014-0572-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN102018322; 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 6 [**Docket No. 2014-1333-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Continental Carbon Company in Moore County; RN102321577; 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. 2014-1334-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Regency Field Services LLC in Pecos County; RN100542307; 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 8 [**Docket No. 2014-1331-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Acme Brick Company in Parker County; RN100225184; 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 9 [**Docket No. 2014-1481-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Moore County; RN100220052; 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 10 [**Docket No. 2014-0563-AIR-E.**](#)

Consideration of an Agreed Order stipulating administrative penalties and requiring certain actions of TPC Group LLC in Harris County; RN100219526; for certain 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 Texas Administrative Code ch. 60. (Rachel Bekowies, Candy Garrett)

Item 11 [Docket No. 2014-0639-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sherwin Alumina Company, LLC in San Patricio and Aransas Counties; RN104914312; 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 12 [Docket No. 2014-0285-AIR-E.](#)

Hyperlink
Update
4/24/2015
1:33 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S.a r.l. in Orange County; RN104392626; 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)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 13 [Docket No. 2014-0574-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Ropesville in Hockley County; RN102079530 and RN101175990; for water quality and public drinking water violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Graves, Candy Garrett)

Item 14 [Docket No. 2013-1573-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HCC - HIGH CAPACITY COIL, LLC in Jim Wells County; RN106681075; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, 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)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 15 [Docket No. 2012-0367-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Javier Moreno DBA On Site Tire Disposal and DBA Magnolia Truck Tire Service in Montgomery County; RN104967989 and RN106228984; 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 16 [**Docket No. 2014-0959-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of De Leon in Comanche County; RN101920569; 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 17 [**Docket No. 2013-1813-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Fairfield in Freestone County; RN101607778; 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 18 [**Docket No. 2014-1365-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brookeland Fresh Water Supply District in Jasper County; RN101519635; 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. (Katelyn Samples, Candy Garrett)

Item 19 [**Docket No. 2014-0325-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Moody in McLennan County; RN102077278; 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)

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 20 [**Docket No. 2014-0762-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ANJIA GOLDEN, INC. dba Onion Creek Food Mart in Travis County; RN102260320; 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 21 **[Docket No. 2014-1425-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against ARGUINDEGUI OIL CO. II, LTD. in Webb County; RN103197315; 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. (Allyson Plantz, Candy Garrett)

Item 22 **[Docket No. 2014-1587-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Hafiz & Emal LLC dba H & E Shell in Dallas County; RN101569366; 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 23 **[Docket No. 2014-1234-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jerry G. Carpenter dba B & C Oil in Erath County; RN102018843; 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 Van Lanningham, Candy Garrett)

Item 24 **[Docket No. 2014-0658-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of MKSN Investments, LLC d/b/a Maxey Gas & Food Mart in Harris County; RN105819262; 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)

Item 25 **[Docket No. 2014-0715-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of MCCRAW TRANSPORT, INC. in Fannin County; RN107142580; 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. (Jess Robinson, Lena Roberts)

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDER

- Item 26 [**Docket No. 2014-1089-PST-E.**](#)
Consideration of a Default Order assessing administrative penalties against REEMA D CORPORATION d/b/a Snappy Mart in Travis County; RN101510717; 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. (Meaghan M. Bailey, Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 27 [**Docket No. 2014-1120-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pettus Municipal Utility District in Bee County; RN101182053; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lisa Westbrook, Candy Garrett)
- Item 28 [**Docket No. 2014-1157-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Dumas in Moore County; RN101278778; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villareal, Candy Garrett)
- Item 29 [**Docket No. 2013-0979-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of KAS INVESTMENTS, LTD. in Brazoria County; RN101761039; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jake Marx, Lena Roberts)
- Item 30 [**Docket No. 2014-1251-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of H2O TECH, INC. in Harris County; RN101442333; 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 31 [**Docket No. 2014-0217-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ALTOGA WATER SUPPLY CORPORATION in Collin County; RN101436152; 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 32 [**Docket No. 2014-1211-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RANCHO LA FUENTE PARTNERS, LLC dba Willow Manor Mobile Home Park in Brazoria County; RN101239549; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katelyn Samples, Candy Garrett)

Item 33 [**Docket No. 2014-1367-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Laguna Madre Water District in Cameron County; RN102675501; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Candy Garrett)

Item 34 [**Docket No. 2014-1515-PWS-E.**](#)

Hyperlink
Update
4/28/2015
8:50 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of New Jerusalem Whole Truth Church Of Houston, Inc. in Harris County; RN105614689; 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. (David Carney, Candy Garrett)

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 35 [**Docket No. 2014-0431-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek in Colorado County; RN101192631; 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, including specifically 30 Tex. Admin. Code ch. 60. (Meaghan M. Bailey, Lena Roberts)

SLUDGE ENFORCEMENT AGREED ORDER

Item 36 [**Docket No. 2014-1032-SLG-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Synagro of Texas-CDR, Inc. in Henderson and Smith Counties; RN103143640, RN103143657, and RN103143673; for water quality violations pursuant to Tex. Health & Safety Code ch. 361, 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. (Alex Laje, Candy Garrett)

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 37 **Docket No. 2014-1513-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties against the City of Grand Prairie in Dallas County; RN102835527; 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)

RULE MATTER

Item 38 **Docket No. 2014-0953-RUL.**

Consideration of the adoption of amendments to Sections 114.2, 114.7, 114.53, 114.60, 114.62, 114.64, 114.70, and 114.87 of 30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter A, Definitions, and Subchapter C, Vehicle Inspection and Maintenance; Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program; and Early Action Compact Counties. Amendments to Sections 114.2, 114.53, and 114.87 will be submitted to the United States Environmental Protection Agency as a revision to the state implementation plan. The adoption would establish a formal procedure to allow a county that participates in the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) to opt out of the program, which includes ending the LIRAP contract between the county and the executive director and removing the LIRAP fee from the state fees assessed during annual vehicle inspection and remitted by vehicle owners during vehicle registration. The proposed rules were published in the December 5, 2014, issue of the *Texas Register* (39 TexReg 9468). (Jamie Zech, Sierra Redding) (Rule Project No. 2014-027-114-AI)

EXECUTIVE MEETING

Item 39 **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 40 **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 41 **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)