

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 7, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 **[TCEQ Docket No. 2013-1005-PWS-E; SOAH Docket No. 582-15-1629.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against and requiring certain actions of HILL TOP CAFÉ, INC. in Gillespie County, Texas; RN106645476; regarding violations of the state's public drinking water program pursuant to Tex. Water Code Chapters 5 and 7, Tex. Health & Safety Code Chapter 341, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Jake Marx)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 **[Docket No. 2014-1662-IWD.](#)**

Consideration of the application by North Texas Municipal Water District, which proposes to operate the North Texas Municipal Water District Leonard Water Treatment Plant, for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004996000 to authorize the discharge of desalination concentrate at a daily average flow not to exceed

9,300,000 gallons per day. The facility is proposed to be located 700 feet north of the intersection of County Road 4965 and State Highway 78, west of the City of Leonard, in Fannin County, Texas 75452. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Mike Lindner, Michael Parr)

Item 3 **[Docket No. 2015-1269-IWD.](#)**

Consideration of the application by TXI Operations, LP, for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005092000, to authorize the discharge of stormwater associated with an industrial activity, construction stormwater, and certain non-stormwater discharges at an intermittent and flow-variable rate. The facility is located on New Tin Top Road, approximately 10 miles south of the intersection of Tin Top Road and I-20 near the City of Weatherford, in Parker County, Texas 76087. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Danny Siebeneicher, Robert Brush)

Item 4 **[Docket No. 2015-1268-UIC.](#)**

Hyperlink
Update
9/21/2015
9:00 AM

Consideration of the applications by URI, Inc., for renewal and major amendment of TCEQ Permit No. UR02827, which authorizes Class III injection wells for the in situ mining of uranium at the Kingsville Dome Mine. The facility is located approximately eight miles southeast of the city of Kingsville and four miles east of the town of Ricardo at 641 FM 1118, in Kleberg 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. (Fred Duffy, Don Redmond)

TMDL MATTERS

Item 5 **[Docket No. 2015-0993-TML.](#)**

Consideration for approval to publish and solicit public comment on a draft Implementation Plan for Two Total Maximum Daily Loads for Indicator Bacteria in the Tidal Segments of the Mission and Aransas Rivers in Aransas, Bee, Goliad, Karnes, Live Oak, Refugio, and San Patricio Counties. (Kerry Niemann, Robert Brush) (Project No. 2015-011-TML-NR)

Item 6 **[Docket No. 2015-0994-TML.](#)**

Consideration for approval to publish and solicit public comment on Two draft Total Maximum Daily Loads for Indicator Bacteria in the Tidal

Segments of the Mission and Aransas Rivers in Aransas, Bee, Goliad, Karnes, Live Oak, Refugio, and San Patricio Counties. (Kerry Niemann, Robert Brush) (Project No. 2015-010-TML-NR)

Item 7 **[Docket No. 2015-1017-TML.](#)**

Consideration for approval to publish and solicit public comment on a draft Implementation Plan for Three Total Maximum Daily Loads for Bacteria in the Upper San Antonio Watershed in Bexar, Karnes, and Wilson Counties. (Kerry Niemann, Robert Brush) (Project No. 2015-034-TML-NR)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8 **[Docket No. 2014-1767-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bonanza Industries, Inc. in Harris County; RN101186989; 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. 2014-1201-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Carbon Silica Partners, LP in Victoria County; RN100219443; 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 10 **[Docket No. 2014-1890-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E.R. Carpenter, L.P. in Harris County; RN100210830; 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 11 **[Docket No. 2014-1869-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KM Liquids Terminals LLC in Harris County; RN100237452; 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. (Eduardo Heras, Candy Garrett)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 12 [**Docket No. 2015-0532-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BRAZOS ELECTRIC POWER COOPERATIVE, INC. DBA BRAZOS ELECTRIC COOPERATIVE in Palo Pinto County; RN102079910; 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. (Larry Butler, Candy Garrett)

LANDSCAPE IRRIGATOR INSTALLER ENFORCEMENT DEFAULT ORDERS

Item 13 [**Docket No. 2015-0064-LII-E.**](#)

Hyperlink
Update
9/28/2015
11:00 AM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Daniel Vasquez in Freestone County; RN107082349; 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. (Amanda Patel, Lena Roberts)

Item 14 [**Docket No. 2014-1879-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Roger Alan Biggs in Denton County; RN103232138; 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. (Jess Robinson, Lena Roberts)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 15 [**Docket No. 2014-0524-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Billy Ray Burrow d/b/a Tinkers Tires in Bell County; RN106834450; 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. (David A. Terry, Lena Roberts)

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 16 **[Docket No. 2014-0978-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Maria Dominguez in Bandera County; RN106925902; 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)

Item 17 **[Docket No. 2015-0422-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Julie Hodgson dba Wildcard Services in Polk County; RN105837702; 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 18 **[Docket No. 2014-1133-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Cecilia Comeaux in Orange County; RN107025496; 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. (Laura Evans, Lena Roberts)

Item 19 **[Docket No. 2014-1564-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Gulf Coast Recycling, LLC in Kleberg County; RN103077277; 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. (Meaghan M. Bailey, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 20 **[Docket No. 2014-1539-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Westwood Water Supply Corporation in Jasper County; RN101610210; 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. (Austin Henck, Candy Garrett)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 21 **[Docket No. 2014-1135-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Albo Enterprises, Inc. in El Paso County; RN100810555; 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 Duncan, Candy Garrett)

Item 22 **[Docket No. 2015-0210-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Henry L. Padgett dba Kountry Korner in Leon County; RN101665610; 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. (Holly Kneisley, Candy Garrett)

Item 23 **[Docket No. 2015-0330-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against New Siara Properties, LP dba Noor Pantry Texaco in Bexar County; RN102274263; 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. 2015-0269-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Roshan Shrestha dba New Yonkers in Bexar County; RN102659786; 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 25 **[Docket No.2014-1118-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against CROSS-COUNTRY COMMERCIALS, INC. d/b/a Cross Country Drive-In in Jefferson County; RN106186844; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Joel Cordero, Lena Roberts)

PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDERS

Item 26 **[Docket No. 2015-0732-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Gorman in Eastland County; RN101198794; 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 27 **[Docket No. 2015-0711-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GLASSCOCK COUNTY COOP in Glasscock County; RN101427961; 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 28 **[Docket No. 2015-0575-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GOLDEN SPREAD ELECTRIC COOPERATIVE, INC. in Yoakum County; RN101286433; 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 29 **[Docket No. 2015-0154-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MULTI-COUNTY WATER SUPPLY CORPORATION in Coryell County; RN101428746; 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 30 **[Docket No. 2015-0439-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Treasure Island Municipal Utility District in Brazoria County; RN101450252; 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 31 **[Docket No. 2015-0487-PWS-E.](#)**

Remanded
to the
Executive
Director

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRI TRY WATER CORP. in Stonewall County; RN106903289; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Candy Garrett)

PUBLIC WATER SUPPLY ENFORCEMENT DEFAULT ORDER

Item 32 **[Docket No. 2014-1708-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against 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. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Lena Roberts)

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 33 **[Docket No. 2014-0987-WQ-E.](#)**

Consideration of a Default Order assessing administrative penalties against E & A MATERIALS, INC. in Wilbarger County; RN107403172; for water quality violations pursuant to Tex. Water Code chs. 7, 26, and 28A, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Joel Cordero, Lena Roberts)

PUBLIC COMMENT SESSION

Item 34 **[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 35 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 36 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 37 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)**