

*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**

February 17, 2016

### **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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

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

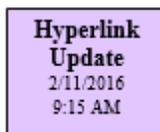
Item 1

##### **[Docket No. 2015-1791-MWD.](#)**

Consideration of the application by KBARC, LLC, for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015225001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 300,000 gallons per day. The facility will be located at 6932 Farm-to-Market Road 1179, Bryan in Brazos County, Texas 77808. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (John O. Onyenobi, Celia Castro)

Item 2

##### **[Docket No. 2015-1792-MWD.](#)**



Consideration of the application by 8 Mile Park, L.P., for a major amendment to existing Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013796001 to authorize a reduction in the frequency of monitoring requirements for E.coli bacteria from five times per week to once per quarter. The facility is located in the Autumn Shadows Subdivision on the south side of State Highway 35 approximately 570 feet east of the intersection of State Highway 35 and

Farm-to-Market Road 1459, in Brazoria County, Texas 77480. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Phillip Urbany, Ashley McDonald)

Item 3 [\*\*Docket No. 2015-1564-WR.\*\*](#)

Consideration of the application by Boasso America Corporation (Boasso) for new Water Use Permit No. 12949 to divert and use not to exceed ten acre-feet of water per year from a point on Carpenters Bayou, tributary of Buffalo Bayou, tributary of the San Jacinto River, San Jacinto River Basin at a maximum diversion rate of 0.1114 cfs (50 gpm) for industrial purposes (dust suppression) in Harris County. The Commission will consider all timely filed hearing requests, responses to the requests, and replies. (Chris Kozlowski, Linda Horng)

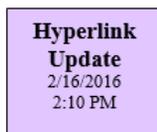
**TOTAL MAXIMUM DAILY LOAD MATTER**

Item 4 [\*\*Docket No. 2015-1692-TML.\*\*](#)

Consideration for approval to publish and solicit public comment on Seven Total Maximum Daily Loads for Indicator Bacteria in Lake Houston, East Fork San Jacinto River, West Fork San Jacinto River, and Crystal Creek Watersheds in Montgomery, San Jacinto, Grimes, Harris, Liberty, and Walker Counties. (Chris Loft, Robert Brush) (Project No. 2016-007-TML-NR)

**MISCELLANEOUS MATTER**

Item 5 [\*\*Docket No. 2016-0019-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 6 [\*\*Docket No. 2015-0827-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Odfjell Terminals (Houston) Inc. in Harris County; RN100218411; 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. 2014-1173-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Regency Field Services LLC f/k/a Eagle Rock Field Services, L.P. in Carson County; RN102496296; 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 8 [Docket No. 2015-1274-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Trinity Tank Car, Inc. in Harrison County; RN100224435; 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. (Kingsley Coppinger, Candy Garrett)

Item 9 [Docket No. 2015-0654-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against WTG Gas Processing, L.P. in Howard County; RN100211473; 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)

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 10 [Docket No. 2015-0895-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of McWane, Inc. in Smith County; RN102679867; 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. (James Boyle, Candy Garrett)

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 11 [Docket No. 2014-0757-MLM-E.](#)

Hyperlink  
Update  
2/12/2016  
3:00 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BRUNSON'S INVESTMENT, LLC dba Brunson Pump Service in El Paso County; RN103120523; 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. (Had Darling, Candy Garrett)

Item 12

[Docket No. 2013-1998-MLM-E.](#)

Hyperlink  
Update  
2/12/2016  
3:15 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WHITTLESEY LANDSCAPE SUPPLIES AND RECYCLING, INC. in Llano and Travis Counties; RN106886443, RN105209183, and RN105209175; for aggregate production operation, air quality, municipal solid waste, and water quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, 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. (Christopher Bost, Candy Garrett)

Item 13

[Docket No. 2015-0147-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CRESCENT NJK CORPORATION dba Grapevine Cleaners in Tarrant County; RN104091574; for dry cleaner and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Margarita Dennis, Candy Garrett)

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 14

[Docket No. 2015-0719-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Wanda Thompson in Newton County; RN107573818 and RN101850204; 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. (Tracy Chandler, Lena Roberts)

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 15

[Docket No. 2015-0235-MSW-E.](#)

Remanded  
to the  
Executive  
Director

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of George Pierson in Houston County; RN107554925; 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. (Jim Sallans, Lena Roberts)

### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 16

**[Docket No. 2014-1143-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Texas, Inc. in Harris, Wise, and Tarrant Counties; RN102343522 and RN102343290; 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)

Item 17

**[Docket No. 2014-1151-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Blue Ridge West Municipal Utility District in Fort Bend County; RN102185691; 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. (Jennifer Graves, Candy Garrett)

Item 18

**[Docket No. 2014-1058-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Amherst in Lamb County; RN101607687; 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 19

**[Docket No. 2013-1363-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of The Colony in Denton County; RN102080157; 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 20 [Docket No. 2015-0100-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Yantis in Wood County; RN101918589; 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. (Ronica Rodriguez, Candy Garrett)

Item 21 [Docket No. 2012-2596-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Whiteface in Cochran County; RN101917474; 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 Boutwell, Lena Roberts)

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 22 [Docket No. 2015-0977-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kashi Enterprises, Inc. dba Rudys Store 10 in Smith County; RN102378023; 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 23 [Docket No. 2014-1621-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of NEUTZE PROPERTIES, LTD. d/b/a Mr. Cartender 2, d/b/a Mr. Cartender 5, d/b/a Peter Rabbits 125, and d/b/a Peter Rabbits Fast Foods 109 in Maverick County and Val Verde County; RN102457348, RN101737120, RN102356912, and RN102354289 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 24 [Docket No. 2014-1800-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Lucky Texan #1 LLC in Dallas County; RN105990394; 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. (David A. Terry, Lena Roberts)

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 25 [Docket No. 2015-0378-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of N. H. L. GROUP, L.L.C. d/b/a Quick Food Mart 2 in Montgomery County; RN105068381; 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. (Ian Groetsch, Lena Roberts)

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 26 [Docket No. 2015-1008-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bonnie Crider dba Criders Frio River Resort in Uvalde County; RN101259372; for public drinking water supply 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. 2015-1039-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rogers in Bell County; RN101383909; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Austin Henck, Candy Garrett)

Item 28 [Docket No. 2015-1189-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Trinidad in Henderson County; RN101386514; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Candy Garrett)

Item 29 [\*\*Docket No. 2015-1198-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GLENDALE WATER SUPPLY CORPORATION in Trinity County; RN101436319; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Farhaud Abbaszadeh, Candy Garrett)

Item 30 [\*\*Docket No. 2015-1236-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. (Farhaud Abbaszadeh, Candy Garrett)

Item 31 [\*\*Docket No. 2015-0696-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Leif A. Zars dba TRADEWINDS MANAGEMENT, LLC dba SOUTHERN TRADEWINDS LIMITED PARTNERSHIP in Kendall County; RN101217396; 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. 2015-0533-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Telle A. Albiter dba Little All Star Daycare and Mayolo Albiter dba Little All Star Daycare in Gillespie County; RN107140428; 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)

**WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 33 [\*\*Docket No. 2015-0770-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Pflugerville in Travis County; RN101430064; 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. (Tiffany Maurer, Candy Garrett)

Item 34

**Docket No. 2014-1440-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Texas Municipal Water District in Collin and Dallas Counties; RN102315579 and RN101701332; 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)

**RULE MATTER**

Item 35

**Docket No. 2015-1455-RUL.**

Consideration for publication of, and hearing on, proposed amended Sections 101.1 and 101.10 of 30 TAC Chapter 101, General Air Quality Rules and corresponding revisions to the state implementation plan. The proposed rulemaking would incorporate the United States Environmental Protection Agency's (EPA) latest finalized definition of volatile organic compounds, align the lead reporting threshold with the EPA's Annual Emissions Reporting Rule (AERR), change the distance from the shoreline to 9.0 nautical miles for applicable offshore sources to report an emissions inventory, and revise terminology and definitions for clarity or consistency with the EPA's AERR. (Kathy Pendleton, P.E., Terry Salem) (Rule Project No. 2015-040-101-AI)

**EXECUTIVE MEETING**

Item 36

**Docket No. 2016-0001-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 37

**Docket No. 2016-0002-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 38 **Docket No. 2016-0003-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.)**

**SECTION 46.035 OF THE TEXAS PENAL CODE PROHIBITS HANDGUN LICENSEES FROM CARRYING THEIR HANDGUNS AT GOVERNMENT MEETINGS SUCH AS THIS ONE. THIS PROHIBITION APPLIES TO BOTH CONCEALED CARRY AND OPEN CARRY BY HANDGUN LICENSEES.**

**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)**

