

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

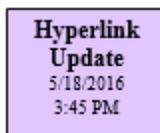
May 25, 2016

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. 2016-0435-AIR.**](#)



Consideration of an application by Argos Ready Mix (South Central) Corp. for the renewal of Air Quality Standard Permit for Concrete Batch Plants, Registration No. 77728, for the continued operation of a permanent concrete batch plant. The Argos Ready Mix (South Central) Corp. site is located at 110 Holmes Road, in Houston, Harris 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. (Lisa Martin, Sierra Redding)

Item 2 [**Docket No. 2016-0145-AIR.**](#)

Consideration of an application by Kloeckner Metals Corporation (Kloeckner) for the issuance of Air Quality Permit No. 131681 to construct an automated surface coating line, a paint mixing room, a distillation room, and a regenerative thermal oxidizer to cut, weld, abrasively blast, and surface coat steel plates and structured steel. The Kloeckner site is located at 14200 Alameda Road, Houston, Harris

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. (Steve Akers, Becky Nash Petty)

TOTAL MAXIMUM DAILY LOAD MATTERS

Item 3

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

Hyperlink
Update
5/24/2016
12:15 PM

Consideration for final approval of an 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. Notice of a public meeting to receive comments on the TMDLs was published in the October 23, 2015, issue of the *Texas Register* (40 TexReg 7466). (Kerry Niemann, Robert Brush) (Project No. 2015-011-TML-NR)

Item 4

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

Consideration for adoption of 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. Notice of a public meeting to receive comments on the TMDLs was published in the October 23, 2015, issue of the *Texas Register* (40 TexReg 7466). (Kerry Niemann, Robert Brush) (Project No. 2015-010-TML-NR)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5

[Docket No. 2015-1059-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Chevron Phillips Chemical Company LP in Brazoria County; RN100825249; 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, Melissa Cordell)

Item 6

[Docket No. 2015-1241-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Oxy Vinyls, LP in Harris County; RN100224674; 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, Melissa Cordell)

Item 7 [**Docket No. 2015-1184-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; 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, Melissa Cordell)

Item 8 [**Docket No. 2015-1302-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; 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, Melissa Cordell)

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 9 [**Docket No. 2015-0986-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties against Signal International Texas, L.P. in Orange County; RN100214303; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Lena Roberts)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 10 [**Docket No. 2015-0898-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Our Lady of Atonement Catholic Church in Bexar County; RN102747482; 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, Melissa Cordell)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 11 [**Docket No. 2015-1519-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ALON USA, LP in Howard County; RN100250869; 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. (Steven Van Landingham, Melissa Cordell)

Item 12 [**Docket No. 2015-1416-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Harris County; RN100210665; 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, Melissa Cordell)

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 13 [**Docket No. 2015-0777-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Larry Hill in Smith County; RN107190373; 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. (Jacquelyn Boutwell, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 14 [**Docket No. 2015-1524-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Ore City in Upshur County; RN101920122; 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. (Steven Van Landingham, Melissa Cordell)

Item 15 [**Docket No. 2015-0087-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Pasadena in Harris County;

RN101609774; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alejandro Laje, Melissa Cordell)

Item 16

[Docket No. 2014-1501-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PINEYWOODS BAPTIST ENCAMPMENT in Trinity County; RN101524643; 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. (Ross Luedtke, Melissa Cordell)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 17

[Docket No. 2015-1453-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AMY OIL & GAS INC. dba Lone Star Supermarket in Orange County; RN101383305; 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. (James Baldwin, Melissa Cordell)

Item 18

[Docket No. 2015-1407-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CIRCLE K STORES INC. in Denton County; RN102250271; 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. (James Baldwin, Melissa Cordell)

Item 19

[Docket No. 2015-1301-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Smith Oil Company, Inc. in Hamilton and Harrison Counties; RN101659936; 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. (Abigail Lindsey, Melissa Cordell)

Item 20

[Docket No. 2015-1085-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of S & A OIL CO., INC. d/b/a Handi Stop 91 in Harris County; RN103118550; 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 21

[Docket No. 2015-1081-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Barbara E. Kiolbassa dba River Oaks Ranch Subdivision and John W. Kiolbassa dba River Oaks Ranch Subdivision in Bandera County; RN106441124; 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, Melissa Cordell)

Item 22

[Docket No. 2015-1510-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BARTON WATER SUPPLY CORPORATION in Erath County; RN101439172; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kingsley Coppinger, Melissa Cordell)

Item 23

[Docket No. 2015-1593-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brian K. Carroll dba Artesian Springs, LLC in Newton County; RN101261659; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sarah Kim, Melissa Cordell)

Item 24

[Docket No. 2015-1700-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Falfurrias in Brooks County; RN101179869; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sarah Kim, Melissa Cordell)

Item 25

[Docket No. 2015-1631-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lorena in McLennan County; RN101428563; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Stump, Melissa Cordell)

Item 26

[Docket No. 2015-1591-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lueders in Jones County; RN101391340; 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, Melissa Cordell)

Item 27

[Docket No. 2015-1156-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Tenaha in Shelby County; RN101389039; 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, Melissa Cordell)

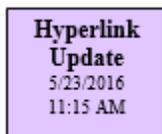
Item 28

[Docket No. 2015-1546-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Toyah in Reeves County; RN101225001; 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, Melissa Cordell)

Item 29

[Docket No. 2015-1491-PWS-E.](#)



Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ESPERANZA WATER SERVICE COMPANY, INC. in Hudspeth County; RN101207371; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Boyle, Melissa Cordell)

Item 30

[Docket No. 2015-1365-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Howard C. Bigham Jr. dba Key Mobile

Home Park in Scurry County; RN101246262; 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, Melissa Cordell)

Item 31 **[Docket No. 2015-1431-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KIA ENTERPRISES, INC. dba Iffi Stop 1 Food Market in Montgomery County; RN101737534; 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, Melissa Cordell)

Item 32 **[Docket No. 2015-1584-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of POST OAK HILL WATER SUPPLY CORPORATION and Mert Way in Burleson County; RN101175438; 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. (Steven Hall, Melissa Cordell)

Item 33 **[Docket No. 2015-1644-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Riviera Water System, Inc. in Kleberg County; RN101251999; 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, Melissa Cordell)

Item 34 **[Docket No. 2015-1538-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Victoria County Water Control and Improvement District No. 2 in Victoria County; RN101398303; 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, Melissa Cordell)

Item 35 **[Docket No. 2015-1097-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against TRAILSWEST MOBILE HOME PARK, LLC in Bowie County; RN101182855; 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)

Item 36 [**Docket No. 2015-1119-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Forester Estates, LLC d/b/a Cedar Grove Park in Brazoria County; RN101188753; 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)

Item 37 [**Docket No. 2014-1469-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of LAKESHORE UTILITY COMPANY in Henderson County; RN101177897, RN102679701, RN102681665, RN101266039, and RN102674587; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

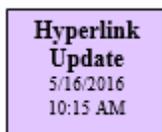
WATER QUALITY ENFORCEMENT AGREED ORDER

Item 38 [**Docket No. 2015-0606-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against American Water Operations and Maintenance, Inc. in Bell County; RN105671531; 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, Melissa Cordell)

RULE MATTERS

Item 39 [**Docket No. 2016-0292-RUL.**](#)



Consideration for publication of, and hearing on, proposed amended Section 7.102 of 30 TAC Chapter 7, Memoranda of Understanding. The proposed Memoranda of Understanding (MOU) rulemaking is a coordination between the Texas Commission on Environmental Quality and the Texas State Soil and Water Conservation Board to adopt by reference the updates and procedures for coordinating the jurisdictional authority, program responsibilities, and procedural mechanisms for point and nonpoint source pollution programs between the two agencies. (Kerry Niemann, Robert Brush) (Rule Project No. 2016-020-007-OW)

Item 40

Docket No. 2015-1016-RUL.

Consideration of the adoption of amended Sections 335.1, 335.4, 335.10 - 335.12, 335.17 - 335.19, 335.21, 335.112, 335.152, 335.504, and 335.602; and new Sections 335.26, 335.27, 335.32, and 335.701 - 335.706 of 30 Texas Administrative Code Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste. The adopted rulemaking updates Chapter 335 to include federal rule changes that are set forth in parts of the United States Environmental Protection Agency's Resource Conservation and Recovery Act Clusters XXIII and XXIV and implements the requirements of House Bill (HB) 2598, 84th Texas Legislature, 2015 and codified in Texas Health and Safety Code, Section 361.040, which establishes a new exclusion from regulation as solid waste for certain steel slag. Further, the adopted rulemaking establishes new requirements that will authorize the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste and Class 1 industrial waste; revises the export provisions of the cathode ray tube rule; and establishes new and revises existing hazardous waste recycling requirements under the definition of solid waste. Finally, this rulemaking initiative includes corrections to existing rules in Chapter 335 to revise language and correct typographical errors, incorrect and outdated citations, and omissions. The proposed rules were published in the December 25, 2015, issue of the *Texas Register* (40 TexReg 9566). (Cynthia Palomares, Diane Goss) (Rule Project No. 2015-021-335-WS)

EXECUTIVE MEETING

Item 41

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 42

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 43 **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)**