

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)).

OLD BUSINESS AGENDA

November 16, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the November 2, 2016 Agenda.

Item 1 [**Docket No. 2015-1015-RUL.**](#)

**Hyperlink
Update**
11-16-2016
2:15 PM

Consideration of the adoption of new Sections 39.901 - 39.903 of 30 TAC Chapter 39, Public Notice; new Sections 295.300 - 295.306 of 30 TAC Chapter 295, Water Rights, Procedural; new Sections 297.200 - 297.210 of 30 TAC Chapter 297, Water Rights, Substantive; and, new Sections 318.1 - 318.9, 318.21 - 318.30, 318.40 - 318.43, 318.60, and 318.61 of 30 TAC Chapter 318, Marine Seawater Desalination Discharges. The adoption would implement House Bill (HB) 2031 from the 84th Texas Legislature, 2015, Regular Session, relating to the diversion, treatment, and use of marine seawater and the discharge of treated marine seawater and waste resulting from the desalination of marine seawater and HB 4097 from the 84th Texas Legislature, 2015, Regular Session, relating to seawater desalination projects. The proposed rules were published in the May 27, 2016, issue of the *Texas Register* (41 TexReg 3839). (Kathy Ramirez, Michael Parr) (Rule Project No. 2015-029-295-OW)

[**Commissioner Niermann's Handout from the November 16, 2016 Commissioners' Agenda.**](#)

AGENDA

November 16, 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. 2016-1284-IWD.](#)**

Consideration of the application by Honey Holding I Ltd. for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005155000 to authorize the discharge of honey container washwater at a daily average flow not to exceed 5,000 gallons per day via Outfall 001. The facility is located on the north frontage road at 11711 Interstate 10 East, approximately 2 miles east of the intersection of Interstate 10 and State Highway 146 South, in Baytown, Chambers County, Texas 77523. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Michael Redda, Linda Horng)

Item 2 **[Docket No. 2016-1703-IWD.](#)**

Consideration of the application by Texas Department of Transportation (TxDOT), which operates a Municipal Separate Storm Sewer System (MS4) throughout the state, for a statewide permit, Texas Pollutant Discharge Elimination System Permit No. WQ0005011000, to authorize the discharge of stormwater from TxDOT's MS4 areas located within the TxDOT Right-of-Ways throughout the State of Texas within Phase I MS4 areas based on the 1990 U.S. Census data for cities and for small MS4s located in "urbanized areas" as established by the 2000 and 2010 U.S. Census. These Phase I and Phase II areas contain the TxDOT regulated MS4s within the state. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Hanne Nielsen, Robert Brush)

MISCELLANEOUS MATTER

Item 3 **[Docket No. 2016-1618-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 4 **[Docket No. 2016-0604-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Anadarko E&P Onshore LLC in Panola County; RN102585965; 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, Michael Parrish)

Item 5 **[Docket No. 2016-0390-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Honeywell International Inc. in Orange County; RN100217405; 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. (Shelby Orme, Michael Parrish)

Item 6 **[Docket No. 2016-0173-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lucid Energy Westex, LLC in Sterling County; RN106588601; 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, Michael Parrish)

Item 7 **[Docket No. 2015-1179-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sid Richardson Carbon, LTD. in Hutchinson County; RN100222413; 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. (Shelby Orme, Michael Parrish)

Item 8 **[Docket No. 2016-0620-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against WTG Jameson, LP in Coke County; RN101246478; 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, Michael Parrish)

INDUSTRIAL AND/OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 9

[Docket No. 2015-1192-IHW-E.](#)

**Hyperlink
Update**
11-9-2016
11:00 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Angel Luis Alfaro in Collin County; RN108301516; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Margarita Dennis, Michael Parrish)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 10

[Docket No. 2016-0634-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Magellan Terminals Holdings, L.P. and Magellan Processing, L.P. in Nueces County; RN102536836; 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. (Sandra Douglas, Michael Parrish)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 11

[Docket No. 2013-2103-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Del Rio in Val Verde County; RN102143294; for municipal solid waste and water quality violations pursuant to Tex. Health and 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. (Keith Frank, Michael Parrish)

Item 12

[Docket No. 2014-1748-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Paso Del Norte Ready-Mix, Inc. dba El Paso Star Redi Mix in El Paso County; RN105987432; for water quality, municipal solid waste, and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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, Michael Parrish)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 13

[Docket No. 2015-1450-MLM-E.](#)

**Hyperlink
Update**
11-7-2016
2:30 PM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of LASS WATER COMPANY INC in Grayson County; RN104487335; for public drinking water and water rights violations pursuant to Tex. Water Code ch. 11, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 14

[Docket No. 2015-1612-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Beacon Estates Water Supply Corporation in Waller County; RN101917573; 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. (Farhaud Abbaszadeh, Michael Parrish)

Item 15

[Docket No. 2016-0548-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Byers in Clay County; RN101720415; 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. (Sandra Douglas, Michael Parrish)

Item 16

[Docket No. 2015-0137-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hitchcock in Galveston County; RN101920031; 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. (Jason Fraley, Michael Parrish)

Item 17

[Docket No. 2015-1223-MWD-E.](#)

**Hyperlink
Update**
11-8-2016
3:00 PM

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Joaquin in Shelby County; RN102095437; 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. (Amanda Patel, Ryan Rutledge)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 18

[Docket No. 2014-1801-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BEACON BAY MARINA, LLC in Polk County; RN102493970; 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, Michael Parrish)

Item 19

[Docket No. 2015-1817-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BSW INVESTMENTS LLC dba Bay City Food Mart in Matagorda County; RN102790961; 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. (Jessica Bland, Michael Parrish)

Item 20

[Docket No. 2016-0879-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Evergreen A&F LLC dba Lucky Travel 2 in Wise County; RN101573392; 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. (Keith Frank, Michael Parrish)

Item 21

[Docket No. 2014-0730-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KOLKHORST PETROLEUM COMPANY in Grimes County; RN102010899; 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, Michael Parrish)

Item 22

[Docket No. 2016-0416-PST-E.](#)

**Hyperlink
Update**
11-15-2016
4:00 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of P & D Business LLC dba Hawk Cove Grocery in Hunt County; RN105354229; 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. (Jonathan Nguyen, Michael Parrish)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 23

[Docket No. 2016-0126-PST-E.](#)

**Hyperlink
Update**
11-15-2016
11:00 AM

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of HIRA LAKHANI HOLDINGS, INC. d/b/a STOP N DRIVE in Galveston County; RN102253036; 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. (Isaac Ta, Ryan Rutledge)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 24

[Docket No. 2016-0693-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brenda Lopez in El Paso County; RN101440907; 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, Michael Parrish)

Item 25

[Docket No. 2016-0747-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Megargel in Archer County; RN101386605; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sandra Douglas, Michael Parrish)

- Item 26 **[Docket No. 2016-0364-PWS-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pendleton Harbor Water Supply Corporation in Sabine County; RN104097068; 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. (Sarah Kim, Michael Parrish)
- Item 27 **[Docket No. 2016-0631-PWS-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ROAD RANGER, L.L.C. in Frio County; RN105187181; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Hall, Michael Parrish)
- Item 28 **[Docket No. 2016-0825-PWS-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S.L.C. WATER SUPPLY CORPORATION in Limestone County; RN101265908; 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, Michael Parrish)
- Item 29 **[Docket No. 2016-0692-PWS-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WTR Real Estate Holdings, L.C. dba Heartland House in Lubbock County; RN107135956; 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, Michael Parrish)
- Item 30 **[Docket No. 2016-0085-PWS-E.](#)**
Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Elsa in Hidalgo County; RN101219665; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Ryan Rutledge)

SLUDGE ENFORCEMENT AGREED ORDER

- Item 31 **[Docket No. 2016-0035-SLG-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Juan G. Garza d/b/a Platinum Plumbing in Nueces County; RN107159139; for municipal solid waste violations pursuant to Tex. Water Code ch. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Carroll Harkrider, Ryan Rutledge)

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 32 [**Docket No. 2014-1357-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TCI Lonestar Inc and ALMO INVESTMENT II, LTD. dba TEXAS BEST SMOKEHOUSE III in Smith County; RN105578959; 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, Michael Parrish)

MONTHLY ENFORCEMENT REPORT

Item 33 [**Docket No. 2016-1756-MIS.**](#)

Consideration of the Texas Commission on Environmental Quality Monthly Enforcement Report, submitted for discussion in accordance with Texas Water Code § 7.003. (Bryan Sinclair, Melissa Cordell)

RULE MATTERS

Item 34 [**Docket No. 2015-0935-RUL.**](#)

Consideration of adoption of new Section 11.202 of 30 Texas Administrative Code Chapter 11, Contracts, Subchapter E, Contract Monitoring Roles and Responsibilities. The adopted rulemaking would implement Senate Bill 20, 84th Texas Legislature, 2015, Regular Session, that added Texas Government Code, Section 2261.253(c), which requires state agencies to establish by rule a procedure to identify each contract that requires enhanced contract or performance monitoring, and submit information to the agencies' governing bodies. Accordingly, the commission is adopting this rulemaking to add a new section regarding contracts. The proposed rule was published in the August 19, 2016, issue of the *Texas Register* (41 TexReg 6158). (LaTresa Stroud, Elizabeth West) (Rule Project No. 2015-030-011-AD)

Item 35 [**Docket No. 2016-0578-RUL.**](#)

Consideration of adoption of amended Sections 336.2, 336.315, 336.357, 336.1105, and 336.1113 of 30 Texas Administrative Code Chapter 336, Radioactive Substance Rules. The adopted rulemaking would modify definitions in Sections 336.2 and 336.1105; modify the rules regarding general requirements for surveys and monitoring in Section 336.315; modify the rules regarding physical protection of category 1 and 2 quantities of radioactive materials in Section 336.357 to update a cross-reference, update contact information, and add a rule requiring protection of information against unauthorized disclosure; and modify Section 336.1113 to add a condition for when the licensee must notify the Texas Commission on Environmental Quality. The proposed rules were published in the August 19, 2016, issue of the *Texas Register* (41 TexReg 6160) (Charles Maguire, Amie Robinson) (Rule Project No. 2016-035-336-WS)

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)**