

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 1, 2017

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. 2015-1297-PST-E; SOAH Docket No. 582-16-2617.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against Harrison County in Harrison County, Texas; RN101433720 and RN102059177; regarding petroleum storage tank violations pursuant to Tex. Water Code ch. 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Ian Groetsch)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

- Item 2 [**Docket No. 2016-2023-AIR.**](#)

Consideration of application by Vulcan Construction Materials, LLC, for renewal of Air Quality Special Permit No. 19117, to authorize the continued operation of an existing permitted hot mix asphalt plant. The plant is located at 11602 Rainbow Ridge, Helotes, Bexar 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. (Patricia Nicolson, Amy Prescott)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 3 [**Docket No. 2016-0765-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF TOTAL Petrochemicals LLC in Jefferson County; RN100216977; 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, Michael Parrish)

Item 4 [**Docket No. 2016-0603-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Blanchard Refining Company LLC in Galveston County; RN102535077; 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)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 5 [**Docket No. 2016-0719-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rosemary Conners in Williamson County; RN109150011; 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. (Larry Butler, Michael Parrish)

INDUSTRIAL AND HAZARDOUS WASTE ENFORCMENT AGREED ORDER

Item 6 [**Docket No. 2016-0771-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Intertek USA Inc. in Jefferson County; RN100573641; 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. (Holly Kneisley, Michael Parrish)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 7 [**Docket No. 2016-0854-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Wolf Hollow Services, LLC in Hood County; RN100219195; 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, Michael Parrish)

Item 8 [**Docket No. 2016-0426-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Load Trail LLC in Lamar County; RN101462570; 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, Michael Parrish)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 9 [**Docket No. 2016-0458-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Prime Materials, LLC in McMullen County; RN106908379; for air quality, aggregate production operation, and water quality violations pursuant to Tex. Health & Safety Code ch. 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. (Farhaud Abbaszadeh, Michael Parrish)

Item 10 [**Docket No. 2014-0952-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against CONTINENTAL CREAM QUARRIES, LLC in Williamson County; RN107247272; for Edwards Aquifer and aggregate production operation 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. (Ronica Rodriguez, Michael Parrish)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 11 [**Docket No. 2015-1755-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against NP Community Development Corp. in Dallas County; RN108745852; for municipal solid 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. (Danielle Porras, Michael Parrish)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 12 [**Docket No. 2014-0464-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ROVING MEADOWS UTILITIES, INC. in Harris County; RN103124350; 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, Michael Parrish)

Item 13 [**Docket No. 2016-0849-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of R&B Mobile Park, LLC in Brazos County; RN101512176; 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, Michael Parrish)

Item 14 [**Docket No. 2015-0893-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Thornton in Limestone County; RN102844461; 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, Michael Parrish)

Item 15 [**Docket No. 2015-1386-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rhome in Wise County; RN102701620; 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, Michael Parrish)

Item 16 [**Docket No. 2016-1123-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pflugerville in Travis County; RN101611440; 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 17 [**Docket No. 2015-1157-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Eastland in Eastland County; RN101919314; 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)

Item 18 [**Docket No. 2016-0456-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bridgeport in Wise County; RN102740230; 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. (Claudia Corrales, Michael Parrish)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 19 [**Docket No. 2016-0780-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against CASPIAN MANAGEMENT GROUP, INC. dba Texaco Travel Plaza in Tarrant County; RN103013066; 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. (Danielle Porras, Michael Parrish)

Item 20 [**Docket No. 2016-0658-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Fort Worth in Tarrant County; RN100942259; 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, Michael Parrish)

Item 21 [**Docket No. 2016-1357-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Consolidated Communications Services Company in Fort Bend County; RN101763589; 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. (Danielle Porras, Michael Parrish)

Item 22 [**Docket No. 2016-0803-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against COWBOY STAR INC. dba Berkleys Food Store in McCulloch County; RN102464971; 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. (Danielle Porras, Michael Parrish)

Item 23 [**Docket No. 2015-1582-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of F & Z ENTERPRISES INC. dba Phillips Food Mart 2 in Harris County; RN101617777; 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 24 [**Docket No. 2016-0091-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Francisco Mendoza dba Golden R Meat Market in Starr County; RN101685147; 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 25 **[Docket No. 2016-0610-PST-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HOLLYWOOD FOOD & GAS INC. dba Medina Base Quick Mart in Bexar County; RN101432912; 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. (Danielle Porras, Michael Parrish)

Item 26 **[Docket No. 2016-1072-PST-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MAHEEN LLC dba Rosharon Food Mart in Brazoria County; RN102474509; 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. (Margarita Dennis, Michael Parrish)

Item 27 **[Docket No. 2016-0303-PST-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mazen, LLC dba Truck N Travel in Parker County; RN101559672; 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. (Holly Kneisley, Michael Parrish)

Item 28 **[Docket No. 2016-0555-PST-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of River Mart, Inc. in Hidalgo County; RN103046116; 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, Michael Parrish)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 29 **[Docket No. 2016-0741-PWS-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hamby Water Supply Corporation in Taylor County; RN101179877; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas

Commission on Environmental Quality. (Cheryl Thompson, Michael Parrish)

Item 30

[Docket No. 2015-1440-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Darryl Wheeler dba Magnolia Lake RV Park in Polk County; RN101237154; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Carol McGrath, Michael Parrish)

Item 31

[Docket No. 2016-1241-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Moulton in Lavaca County; RN101391787; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Fisher, Michael Parrish)

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 32

[Docket No. 2016-0018-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Village of Vinton in El Paso County; RN105592885; 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, Michael Parrish)

Item 33

[Docket No. 2015-0212-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Ingram Readymix No. 9, L.L.C. and Ingram Readymix, Inc. in Burnet County; RN102571247; 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, Michael Parrish)

Item 34

[Docket No. 2015-1005-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Dennis G. Rabroker dba Rabroker Dirt in Bell County; RN108132523; for aggregate production operation and 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. (Farhaud Abbaszadeh, Michael Parrish)

Item 35 **[Docket No. 2015-0646-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CORESLAB STRUCTURES (TEXAS) INC. in Williamson County; RN105147250; 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, Michael Parrish)

RULE MATTER

Item 36 **[Docket No. 2015-1855-RUL.](#)**

Consideration of the adoption of amendments to Sections 122.10, 122.12, 122.120, 122.122, 122.130, 122.132, 122.142, 122.145, and 122.148; and the repeal of Sections 122.420, 122.422, 122.424, 122.426, and 122.428 of 30 TAC Chapter 122, Federal Operating Permits Program. If adopted, a request will be submitted to the United States Environmental Protection Agency to withdraw from consideration the amendments to Section 122.122 submitted on April 16, 2014, as a revision to the state implementation plan. The adoption would update Chapter 122 to reflect current applicable requirements for the Federal Operating Permits Program; particularly the removal of outdated provisions relating to the Clean Air Interstate Rule, the removal of outdated provisions which required certain sources of greenhouse gases to obtain a federal operating permit, and the addition of the Cross-State Air Pollution Rule as an applicable requirement. The proposed rules were published in the September 9, 2016, issue of the *Texas Register* (41 TexReg 6931). (Michael Wilhoit, John Minter) (Rule Project No. 2016-012-122-AI)

PUBLIC COMMENT SESSION

Item 37 **[Docket No. 2017-0005-PUB.](#)**

The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ in accordance with Texas Water Code Section 5.112, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code Section 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. Please note that the Commission's discussion of subjects for which public notice has not

been given are limited to statements of specific factual responses and recitation of existing policy.

EXECUTIVE MEETING

Item 38 Docket No. 2017-0001-EXE.

The Commission will conduct a closed meeting to receive legal advice from its attorney(s) and will discuss pending or contemplated litigation, and/or settlement offers, as permitted by Section 551.071 of the Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas Government Code.

Item 39 Docket No. 2017-0002-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, General Counsel, Chief Clerk, Public Interest Counsel, or Chief Auditor as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas Government Code.

Item 40 Docket No. 2017-0003-EXE.

The Commission will conduct a closed meeting to discuss the employment, evaluation, reassignment, duties, discipline or dismissal of a specific Commission employee(s) as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas Government Code.

Item 41 Docket No. 2017-0004-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 Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas 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)**