

*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**

March 7, 2018

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

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

#### **MOTION TO OVERTURN**

Item 1 **[Docket No. 2017-1792-MSW.](#)**

Consideration of Motions to Overturn the Executive Director's approval of the application by Lealco, Inc. for Municipal Solid Waste (MSW) Registration No. 40291. The registration authorizes a MSW Type V Transfer Station to be located at 2019 State Highway 21 West, Bastrop County. The Commission will also consider timely filed responses and replies to the Motions to Overturn. (Steve Shepherd)

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

Item 2 **[Docket No. 2017-1749-MWD.](#)**

Consideration of the application by City of Dripping Springs for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014488003 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 995,000 gallons per day. The facility will be located at 23127 Ranch-to-Market Road 150, in the City of Dripping Springs, Hays County, Texas 78620. The Commission will also consider requests for hearing or reconsideration,

related responses and replies, public comment, and the Executive Director's response to comments. (Julian Centeno, Jr., Kathy Humphreys)

Item 3

**[Docket No. 2017-1750-MWD.](#)**

Consideration of the application by City of Buda and Guadalupe-Blanco River Authority for a major amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0011060001 to authorize an increase in the discharge of treated domestic wastewater from an annual average flow not to exceed 1,500,000 gallons per day to an annual average flow not to exceed 2,000,000 gallons per day at Outfall 001, and the discharge of treated domestic wastewater at an annual average flow not to exceed 2,000,000 gallons per day at new Outfall 002, with a combined total discharge of 3,500,000 gallons per day at Outfalls 001 and 002. The facility is located at 575 County Road 236, in Hays County, Texas 78610. 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, Ashley McDonald)

Item 4

**[Docket No. 2017-1025-MWD.](#)**

Consideration of the application by JTI Constructors, Inc., for new Texas Pollutant Discharge Elimination System Permit No. WQ0015449001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 187,500 gallons per day. The facility will be located approximately 4,500 feet north-northeast of the intersection of Vacek Road and Boothline Road, in Fort Bend County, Texas 77469. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Sarah A. Johnson, Linda Horng)

**TOTAL MAXIMUM DAILY LOAD MATTER**

Item 5

**[Docket No. 2017-1721-TML.](#)**

Consideration for approval to publish and solicit public comment on the draft Implementation Plan for Five Total Maximum Daily Loads for Bacteria in the Lower San Antonio River Watershed, in Goliad, Karnes, and Wilson Counties. (Kerry Niemann, Robert Brush) (Project No. 2018-012-TML-NR)

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

- Item 6      **[Docket No. 2016-1537-AIR-E.](#)**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Air Liquide Large Industries U.S. LP in Harris County; RN100233998; 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. (Abigail Lindsey, Michael Parrish)
- Item 7      **[Docket No. 2016-0920-AIR-E.](#)**  
Consideration of an Agreed Order assessing administrative penalties against Campbell Concrete & Materials LLC in Harris County; RN106224348; 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 8      **[Docket No. 2016-1415-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. (Shelby Orme, Michael Parrish)
- Item 9      **[Docket No. 2017-0148-AIR-E.](#)**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Orion Engineered Carbons LLC in Orange County; RN100209386; 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, Michael Parrish)
- Item 10     **[Docket No. 2017-0668-AIR-E.](#)**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Midstream Services LLC in Wise County; RN102977311; 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. (Abigail Lindsey, Michael Parrish)

Item 11

**[Docket No. 2016-1665-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Harris County; RN100219526; 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)

**AIR QUALITY ENFORCEMENT DEFAULT ORDER**

Item 12

**[Docket No. 2016-2072-AIR-E.](#)**

**Remanded  
to the  
Executive  
Director**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of STRIPCO, INC. in Dallas County; RN103950325; 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. (Amanda Patel, Janice Hernandez)

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 13

**[Docket No. 2017-0939-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Fort Worth in Tarrant County; RN100942259; 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 14

**[Docket No. 2016-0190-MWD-E.](#)**

**Remanded  
to the  
Executive  
Director**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of East Texas Municipal Utility District of Smith County in Smith County; RN102335874; 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. 2017-1120-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Trinity River Authority of Texas in Dallas County; RN102806353; 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)

Item 16

**[Docket No. 2015-0272-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Winona in Smith County; RN101919447; 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. (Elizabeth Lieberknecht, Janice Hernandez)

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER**

Item 17

**[Docket No. 2017-0748-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DDMRK Management, Inc. dba Rumpys in Cooke County; RN104499223; 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. (Carlos Molina, Michael Parrish)

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 18

**[Docket No. 2017-0095-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Diana Alvis and Gene R. Alvis in Newton County; RN103046520; 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, Janice Hernandez)

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 19

**[Docket No. 2017-0483-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Strawn in Palo Pinto County;

RN101424968; 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, Michael Parrish)

Item 20 [\*\*Docket No. 2017-0632-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DEANVILLE WATER SUPPLY CORPORATION in Burleson County; RN101442085; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Michael Parrish)

Item 21 [\*\*Docket No. 2017-0664-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fayette County Water Control and Improvement District Monument Hill in Fayette County; RN101389054; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Melissa Castro, Michael Parrish)

Item 22 [\*\*Docket No. 2016-0240-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HDU Services, L.L.C. dba Birch Creek Village Water in Burleson County; RN101191708; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Raime Hayes-Falero, Michael Parrish)

Item 23 [\*\*Docket No. 2017-0505-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of J&S Water Company, L.L.C. in Harris County; RN102680311; 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, Michael Parrish)

Item 24 [\*\*Docket No. 2017-0595-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kelton Independent School District in Wheeler County; RN101195675; for public drinking water violations

pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaëlle Garza, Michael Parrish)

Item 25 [\*\*Docket No. 2017-0845-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MILITARY HIGHWAY WATER SUPPLY CORPORATION in Cameron County; RN101258515; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Michael Parrish)

Item 26 [\*\*Docket No. 2017-0842-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RCI HOLDINGS, INC. dba Ricks Cabaret in Ector County; RN107232746; 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 27 [\*\*Docket No. 2017-0022-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Red River Authority of Texas in Foard County; RN101233062; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Michael Parrish)

Item 28 [\*\*Docket No. 2017-0290-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Staff Water Supply Corporation in Eastland County; RN101193472; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Michael Parrish)

Item 29 [\*\*Docket No. 2017-0272-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Trent Water Works, Inc. in Brazoria County; RN102675840; for public drinking water violations pursuant to

Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Margarita Dennis, Michael Parrish)

Item 30 [\*\*Docket No. 2017-0128-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Follett in Lipscomb County; RN101409514; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Audrey Liter, Janice Hernandez)

Item 31 [\*\*Docket No. 2016-2006-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Richard Billings dba Oak Hills Ranch Water in Guadalupe County; RN101209914; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Audrey Liter, Janice Hernandez)

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 32 [\*\*Docket No. 2016-2009-PWS-E.\*\*](#)

**Hyperlink  
Update**  
2-28-2018  
11:30 AM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Ms. Molly's LLC in Colorado County; RN104909882; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Janice Hernandez)

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 33 [\*\*Docket No. 2017-0788-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vincent Farr in Jasper County; RN108335308; for aggregate production operation violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Alejandro Laje, Michael Parrish)

## **MONTHLY ENFORCEMENT REPORT**

Item 34

### **[Docket No. 2018-0156-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 MATTER**

Item 35

### **[Docket No. 2017-0767-RUL.](#)**

Consideration of the adoption of amendments to 30 TAC Chapter 220, Regional Assessments of Water Quality, Sections 220.4 and 220.6 and repeal of 30 TAC Chapter 305, Consolidated Permits, Section 305.71. The adoption would implement House Bill 3618, 85th Texas Legislature, 2017, Regular Session, relating to the timing of the expiration of water quality permits. The proposed rules were published in the November 17, 2017, issue of the *Texas Register* (42 TexReg 6473) (Laurie Fleet, Robert Brush) (Rule Project No. 2017-025-305-OW)

## **STATE IMPLEMENTATION PLAN MATTERS**

Item 36

### **[Docket No. 2017-1762-SIP.](#)**

Consideration for publication of, and hearing on, the proposed Federal Clean Air Act (FCAA), Section 110(a)(1) and 110(a)(2)(D) Transport State Implementation Plan (SIP) Revision for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The proposed SIP revision would outline the requirements of FCAA, Section 110(a)(2)(D)(i) and (ii) and the Texas provisions supporting the requirements for the 2015 ozone NAAQS. This proposed revision would also include a technical demonstration to support the determination that Texas meets the interstate transport requirements of Section 110(a)(2)(D)(i)(I). The infrastructure requirements of FCAA, Section 110(a)(2)(A) through (C) and (E) through (M) would be addressed in a separate SIP revision (Non-Rule Project No. 2017-040-SIP-NR). (Kristin Patton, Amy Browning) (Non-Rule Project No. 2017-039-SIP-NR)

Item 37

### **[Docket No. 2017-1719-SIP.](#)**

Consideration for publication of, and hearing on, the proposed Federal Clean Air Act (FCAA), Section 110(a)(1) and 110(a)(2) Infrastructure State Implementation Plan (SIP) Revision for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The proposed SIP revision would outline the requirements of FCAA, Section 110(a)(2)(A) through (C) and (E) through (M), and the Texas provisions supporting the requirements for the 2015 ozone NAAQS. These requirements include

basic program elements such as: enforceable emission limitations and control measures; air quality monitoring and modeling; a permitting program; adequate funding and personnel; authority under state law to carry out the plan; emissions reporting; emergency powers; public participation; and fee collection. The transport requirements of FCAA, Section 110(a)(2)(D) would be addressed in a separate SIP revision (Non-Rule Project No. 2017-039-SIP-NR). (Melanie Rousseau, Amy Browning) (Non-Rule Project No. 2017-040-SIP-NR)

### **PUBLIC COMMENT SESSION**

**Item 38      Docket No. 2018-0005-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 39      Docket No. 2018-0001-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 40      Docket No. 2018-0002-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 41 **Docket No. 2018-0003-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 42 **Docket No. 2018-0004-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)**