

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)).

Chairman Bryan W. Shaw, Ph.D., P.E.
Commissioner Toby Baker
Commissioner Zak Covar

AGENDA

June 4, 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUEST(S) / REQUEST(S) FOR RECONSIDERATION

Item 1

[Docket No. 2014-0525-AIR.](#)

Consideration of an application by Tex-Mix Partners, Ltd. for approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 109839, which would authorize the construction and operation of a permanent concrete batch plant. The plant site is located on the east side of Highway 281, approximately 0.5 mile south of the intersection with Rebecca Creek Road, Comal 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. (Don Nelon, Amy Browning)

Grant the hearing requests of Emery and Annette Gass; Refer the following requests to the State Office of Administrative Hearings for a preliminary hearing on affectedness: William, Liliya and Erica Colston; William, Sr. and Janie Colston; Diana Hager; and Steve and Juanita Proffitt; Decline to make a determination of affectedness for the Neighbors of Spring Branch; Deny the remaining hearing requests and requests for reconsideration; Refer the matter to the Commission's Alternative Dispute Resolution Program, concurrent with a referral to the State Office of Administrative Hearings for a contested case hearing on the

following issues: A) Whether emissions from the proposed plant will adversely impact air quality; B) Whether emissions from the proposed plant will adversely impact the requesters' health, including those with respiratory conditions; C) Whether emissions from the proposed plant will adversely impact crops and livestock; and D) Whether emissions from the proposed plant will cause nuisance conditions; and Specify that the maximum duration of the hearing is six months from the preliminary hearing to issuance of the Proposal for Decision. TB/BS; all agree. ZC abstained.

EMERGENCY ORDER

Item 2 **Docket No. 2014-0124-WR.**

Consideration of whether to affirm, modify, or set aside an Executive Director's emergency order issued May 22, 2014, renewing the Commission's Emergency Order (EO) issued on February 27, 2014, to the Lower Colorado River Authority (LCRA). The Commission's EO expires on May 26, 2014. On May 5, 2014, LCRA filed this request for an extension of the Commission's EO until July 25, 2014, as well as waiver of the procedural requirements associated with the request to expedite processing the request under the Governor's Emergency Disaster Proclamation last renewed on April 11, 2014. Under the Commission's February 27, 2014 EO, LCRA does not have to make any releases from storage in Lakes Travis and Buchanan to downstream interruptible water customers for the duration of the EO. The Executive Director's emergency order extends the Commission's EO until July 25, 2014. (Kellye Rila, Robin Smith)

Affirm the Executive Director's Order issued on May 22, 2014 that extends the February 27, 2014 Emergency Order amending LCRA's 2010 Water Management Plan, Permit No. 5838. BS/TB; all agree. ZC abstained.

MISCELLANEOUS MATTER

Item 3 **Docket No. 2013-1161-UCR.**

Consideration of a request for a Commission Order approving a contract designating service areas between Millersview-Doole Water Supply Corporation (WSC), Certificate of Convenience and Necessity (CCN) No. 11493, and City of San Angelo, CCN No. 10242, in Tom Green County, Texas, pursuant to Texas Water Code Section 13.248. On or about December 20, 2010, the WSC and the City of San Angelo entered into a contract regarding an approximately 449.213 acre tract that is partially subject to the WSC's CCN, which is for facilities plus 200 feet. Under the contract, the two areas on the tract where the WSC has a water transmission line, consisting of approximately 21.685 acres, will be transferred to the City of San Angelo's CCN. No facilities will be transferred under the contract. There are no current customers in the tract. (Ruth Takeda, Sheresia Perryman)

Approve the contract designating service areas between the City of San Angelo and Millersview-Doole Water Supply Corporation under TWC § 13.248, which will result in approximately 21.685 acres of service area on the 449.213 acre Book Tract being decertified

from the WSC's water CCN and becoming certificated to the City's water CCN, and issue the Executive Director's revised Order. ZC/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 **[Docket No. 2013-1377-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Jefferson County; RN104964267; 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. (Katie Hargrove, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

Item 5 **[Docket No. 2012-1334-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against THB Construction L.L.C. in Dallas County; RN106429137; 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. (Jeffrey J. Huhn, Lena Roberts)

Approve the Agreed Order. TB/ZC; all agree.

Item 6 **[Docket No. 2013-2048-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Orange County; RN100215615; 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)

Approve the Agreed Order. TB/ZC; all agree.

Item 7 **[Docket No. 2013-1329-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CABOT CORPORATION in Gray County; RN100221761; 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. (Kimberly Morales, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 8 [Docket No. 2012-2547-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Duchman, Ltd. f/k/a DuchMandola, Ltd. in Hays County; RN104789094; 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. (Jeffrey J. Huhn, Lena Roberts)

Approve the Agreed Order. TB/ZC; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 9 [Docket No. 2012-0214-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Thomas H. Stone in Archer County; RN106268055; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health and Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Joel Cordero, Lena Roberts)

Approve the Agreed Order. TB/ZC; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 10 [Docket No. 2013-1911-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Timothy Lann McDonald in Shelby County; RN106878572; 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. (Michael Meyer, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 11 [Docket No. 2012-1920-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of New Boston in Bowie County; RN101920916; 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. (Heather Brister, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

Item 12 [**Docket No. 2013-0990-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Allegheny Development, LLC and Northshore Harbor Sewer Company, LLC in Navarro County; RN105384739; 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. (Cheryl Thompson, Candy Garrett)

Approve the Agreed Order. TB/ZC B; all agree.

Item 13 [**Docket No. 2013-2037-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Shamrock in Wheeler County; RN101609063; 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. (Remington Burklund, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 14 [**Docket No. 2013-0653-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JAMES J. FLANAGAN SHIPPING CORPORATION d/b/a James J. Flanagan Stevedores in Harris County; RN101880219; 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. (Jennifer Cook, Lena Roberts)

Approve the Agreed Order. TB/ZC; all agree.

Item 15 [**Docket No. 2012-2268-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JACK'S GROCERY, INC. d/b/a Jack's Grocery 1 in Harris County; RN102487626; 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. (Joel Cordero, Lena Roberts)

Approve the Agreed Order. TB/ZC; all agree.

Item 16 [**Docket No. 2012-2370-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Hertz Corporation d/b/a Hertz Rent A Car 1606 12 in Harris County; RN103144507; 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. (Elizabeth Lieberknecht, Lena Roberts)

Approve the Agreed Order. TB/ZC; all agree.

Item 17 [**Docket No. 2013-1958-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Convenience Store Business Inc dba Quick Mart in Lamar County; RN101434173; 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, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

Item 18 [**Docket No. 2012-1842-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rafeeq Meghani d/b/a J Bunnys in Rusk County; RN102713096; 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. (Ryan Rutledge, Lena Roberts)

Approve the Agreed Order. TB/ZC; all agree.

Item 19 [**Docket No. 2013-1717-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Galveston Independent School District in Galveston County; RN101833457; 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. (Mike Pace, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 20 [**Docket No. 2013-0771-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against RAYS ACQUISITION COMPANY LLC in Waller County; RN105915656; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Joel Cordero, Lena Roberts)

Approve the Agreed Order. TB/ZC; all agree.

Item 21 **[Docket No. 2013-2108-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CALLAHAN COUNTY WATER SUPPLY CORPORATION in Callahan County; RN101206522; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sam Keller, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

Item 22 **[Docket No. 2013-2065-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Catholic Charities of the Archdiocese of Galveston-Houston in Grimes County; RN101195659; 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, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

Item 23 **[Docket No. 2013-2110-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BeGreen Recycling, L.L.C. dba Browns Corner RV in Karnes County; RN106357379; 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)

Approve the Agreed Order. TB/ZC; all agree.

Item 24 **[Docket No. 2013-2004-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Webb County Consolidated Independent School District in Webb County; RN101693596; 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)

Approve the Agreed Order. TB/ZC; all agree.

Item 25 **[Docket No. 2013-2089-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PURE UTILITIES, L.C. in Tyler County; RN101256998; 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, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

Item 26 [**Docket No. 2013-1563-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Elizabeth Perez d/b/a Busy Bs Kwik Stop f/k/a JD's Kwik Stop in Webb County; RN105486518; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Joel Cordero, Lena Roberts)

Approve the Agreed Order. TB/ZC; all agree.

Item 27 [**Docket No. 2013-1995-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ELITE PARADICE INVESTMENTS, LLC dba Cross Country Store in Brazoria County; RN101353308; 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, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

Item 28 [**Docket No. 2013-2010-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ROCHELLE WATER SUPPLY CORPORATION in McCulloch County; RN101188290; 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, Candy Garrett)

Approve the Agreed Order. TB/ZC; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 29 [**Docket No. 2013-1472-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Richard J. Duda in Kaufman County; RN105362529; 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. (Ryan Rutledge, Lena Roberts)

Approve the Default Order. TB/ZC; all agree.

Item 30 [**Docket No. 2013-1393-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Paula Reagan d/b/a Lucky Roadhouse BBQ in Denton County; RN106096514; 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. (Ryan Rutledge, Lena Roberts)

Approve the Default Order. TB/ZC; all agree.

UTILITIES ENFORCEMENT DEFAULT ORDER

Item 31 **Docket No. 2013-1360-UTL-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Barbara Miller DBA Turner Water Service in Fort Bend County; RN101243129; for public drinking water violations pursuant to Tex. Water Code ch. 13, Tex. Health Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

Approve the Default Order. TB/ZC; all agree.

EXECUTIVE MEETING

Item 32 **Docket No. 2014-0001-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.

The Commission did not meet in Executive Meeting.

Item 33 **Docket No. 2014-0002-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.

The Commission did not meet in Executive Meeting.

Item 34 **Docket No. 2014-0003-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.

The Commission did not meet in Executive Meeting.

(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.)

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)**

/s/ Tim Reidy
Assistant General Counsel
Timothy Reidy

6/6/2014
Date