

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

September 10, 2014

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. 2013-1030-MLM-E; SOAH Docket No. 582-14-0625.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of David Wise, Administrator of the Estate of Bennie Byley; and Pamela Sue Sanderson in Bexar County; RN106531742; for water quality and industrial hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elizabeth Lieberknecht)

Adopt the ALJ's Proposed Order as amended by the Executive Director's Exceptions and agreed to by the ALJ in his letter dated August 6, 2014. ZC/TB; all agree.

HEARING REQUEST/REQUEST FOR RECONSIDERATION

Item 2 [**Docket No. 2014-0898-MWD.**](#)

Consideration of the application by the City of Asherton for a major amendment

of Texas Pollutant Discharge Elimination System Permit No. WQ0013746001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 180,000 gallons per day to a daily average flow not to exceed 200,000 gallons per day. The facility is located at 504 End Street, Asherton in Dimmit 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 Public Comment. (Kathy Humphreys, Phillip Urbany)

Grant the hearing request of Larry Votaw and refer the matter to the State Office of Administrative Hearings for a contested case hearing on the following issues: a) Whether the discharge route provided in the application is accurate; b) Whether the proposed discharge of wastewater will negatively impact groundwater; c) Whether the proposed discharge of wastewater will negatively impact human health and safety; and d) Whether the proposed discharge of wastewater will negatively impact wildlife, livestock, domestic animals and vegetation; Specify the maximum duration of the hearing as nine months from the Preliminary Hearing to issuance of the Proposal for Decision. TB/ZC; all agree.

WATERMASTER BUDGET MATTERS

Item 3 [**Docket No. 2014-0925-BGT.**](#)

Consideration of Fiscal Year 2015 assessment of annual costs for watermaster operations in the Concho River Watermaster Program. Pursuant to Texas Water Code Sections 11.329 and 11.558 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2014, and ending August 31, 2015, for appropriators in the Concho River Watermaster Program which consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in Concho County and approve \$175,003.93 as the amount to be assessed for annual costs. (Cindy Hooper, Ruth Takeda)

Joint Motion for Items 3-5.

Approve the Concho River, Rio Grande, and South Texas Watermaster budgets for Fiscal Year 2015; and Issue the Executive Director's three Proposed Orders assessing the annual costs of those Watermaster programs. ZC/TB; all agree.

Item 4 [**Docket No. 2014-0926-BGT.**](#)

Consideration of Fiscal Year 2015 assessment of annual costs for watermaster operations in the Rio Grande Water Division. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 303.71-303.73 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal

year beginning September 1, 2014, and ending August 31, 2015, for appropriators in the Rio Grande Water Division, which extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers and including that portion of the Nueces-Rio Grande Coastal Basin lying in Hidalgo, Cameron, Willacy, and Starr Counties whose source of water is the Rio Grande, and approve \$855,618.58 as the amount to be assessed for annual costs. (Cindy Hooper, Ruth Takeda)

Joint Motion for Items 3-5.

Approve the Concho River, Rio Grande, and South Texas Watermaster budgets for Fiscal Year 2015; and Issue the Executive Director's three Proposed Orders assessing the annual costs of those Watermaster programs. ZC/TB; all agree.

Item 5 **[Docket No. 2014-0927-BGT.](#)**

Consideration of Fiscal Year 2015 assessment of annual costs for watermaster operations in the South Texas Watermaster Program. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2014, and ending August 31, 2015, for appropriators in the South Texas Water Division which consists of the Nueces, San Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in Hidalgo, Cameron, Willacy, and Starr Counties, and approve \$660,780.06 as the amount to be assessed for annual costs. (Cindy Hooper, Ruth Takeda)

Joint Motion for Items 3-5.

Approve the Concho River, Rio Grande, and South Texas Watermaster budgets for Fiscal Year 2015; and Issue the Executive Director's three Proposed Orders assessing the annual costs of those Watermaster programs. ZC/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6 **[Docket No. 2014-0179-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Chambers County; RN100224377; 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. (Rachel Bekowies, Candy Garrett)

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

Item 7 **[Docket No. 2014-0337-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Davis Gas Processing, Inc. in Reagan County; RN100217686; 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, Candy Garrett)

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

Item 8 [**Docket No. 2014-0254-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rip Thornburg dba RRR Construction Enterprises in Erath County; RN106843428; 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, Candy Garrett)

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

Item 9 [**Docket No. 2013-1878-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SPA Pipe & Supply, L.P. dba Smith Pipe of Abilene in Taylor County; RN102054392; 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. (Amancio R. Gutierrez, Candy Garrett)

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

Item 10 [**Docket No. 2014-0213-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Houston Pipe Line Company, LP in Karnes County; RN104194931; 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. (Farhaudd Abbaszadeh, Candy Garrett)

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

Item 11 [**Docket No. 2013-1183-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Arnold Crushed Stone, Inc. in Hill and Hood Counties; RN100835222 and RN105601439; 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.
(Amancio R. Gutierrez, Candy Garrett)

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

Item 12 **Docket No. 2014-0212-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Frio LaSalle Pipeline, LP in Frio County; RN106040488; 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.
(Rachel Bekowies, Candy Garrett)

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

Item 13 **Docket No. 2014-0300-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Dow Chemical Company in Harris County; RN102414232; 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.
(Amancio R. Gutierrez, Candy Garrett)

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

Item 14 **Docket No. 2014-0117-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of William Marsh Rice University dba Rice University in Harris County; RN100245968; 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. (Amancio R. Gutierrez, Candy Garrett)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 15 **Docket No. 2013-1905-AIR-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Eric Martinez d/b/a Xtreme Customs in El Paso County; RN106657463; 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.
(Elizabeth Lieberknecht, Lena Roberts)

Remanded to the Executive Director. ZC/TB; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 16 [Docket No. 2012-2360-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Austin Equipment Company, LC in Williamson County; RN104543780; 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. (Jim Sallans, Lena Roberts)

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

Item 17 [Docket No. 2014-0419-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Apple Inc. in Travis County; RN105366561; 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. (Alejandro Laje, Candy Garrett)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 18 [Docket No. 2013-1274-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HC OILFIELD SERVICES, LLC in Frio County; RN106698046; for air quality, used oil, and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361, 371, and 382, 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. ZC/TB; all agree.

Item 19 [Docket No. 2014-0231-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against The LETCO Group, LLC dba Living Earth Technology in Harris County; RN104887468; for municipal solid waste, air quality and water quality violations pursuant to Tex. Health & Safety Code chs. 361 and 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, Candy Garrett)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 20 [Docket No. 2013-0757-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Sandra Ortega in Irion County; RN106542483; for water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Lieberknecht, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 21 [Docket No. 2012-2315-MSW-E.](#)

Consideration of an Agreed Order requiring certain actions of Catherine Ann Wagner in Irion County; RN106343395; 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. (David A. Terry, Lena Roberts)

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

Item 22 [Docket No. 2013-1289-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WEIR BROS., INC. d/b/a Weir Brothers Sand Pit in Denton County; RN100755727; 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. (Jennifer Cook, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 23 [Docket No. 2013-1964-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marine Quest-Hidden Cove, L.P. in Denton County; RN102094950; 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. (David A. Terry, Lena Roberts)

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

Item 24 [**Docket No. 2013-1833-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Annona in Red River County; RN101721132; 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. (Alan Barraza, Candy Garrett)

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

Item 25 [**Docket No. 2012-2160-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Mustang in Navarro County; RN102807864; 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. (Jennifer Graves, Candy Garrett)

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

Item 26 [**Docket No. 2014-0074-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Mauriceville Special Utility District in Orange County; RN102286952; 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, Candy Garrett)

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

Item 27 [**Docket No. 2013-1768-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of East Tawakoni in Rains County; RN101917847; 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. (Raymond Mejia, Candy Garrett)

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

Item 28 [**Docket No. 2013-2221-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texas Department of Criminal Justice in Brazoria County; RN102341401; 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, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 29 **[Docket No. 2014-0189-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Kashiz Shah dba Vidor Superette 2 in Orange County; RN106065303; for petroleum storage tank 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. (Mike Pace, Candy Garrett)

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

Item 30 **[Docket No. 2014-0091-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Mohammad Aleem dba Camden Store in Harris County; RN102266442; for petroleum storage tank 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. (Rebecca Boyett, Candy Garrett)

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

Item 31 **[Docket No. 2012-2581-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bri-Mon Enterprises, Inc. in Hidalgo County; RN101680817 and RN102404498; 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. ZC/TB; all agree.

Item 32 **[Docket No. 2013-1373-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Formosa Retail, Inc. d/b/a Wez Mart 2 in Bexar County; RN102050994; 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. (J. Amber Ahmed, Lena Roberts)

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

Item 33 [**Docket No. 2012-2695-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Federal Aviation Administration in Harris County; RN106588007, RN105572044, RN105572069, RN102858727, and RN102956729; 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. ZC/TB; all agree.

Item 34 [**Docket No. 2013-1302-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INS EMERALD, L.L.C. d/b/a Luna Mart in Dallas County; RN101562726; 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. ZC/TB; all agree.

Item 35 [**Docket No. 2013-1519-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of La Maredia Investments Nome LLC d/b/a Big D's in Jefferson County; RN104949797; 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. (J. Amber Ahmed, Lena Roberts)

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

Item 36 [**Docket No. 2014-0190-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against MARY ANNE INC. dba US Trux Stop in Waller County; RN101432938; 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. (Steven Van Landingham, Candy Garrett)

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

Item 37 [**Docket No. 2013-2203-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Western Refining Wholesale, Inc. dba C & R Fuel Control 51 in El Paso County; RN102790995; 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. ZC/TB; all agree.

Item 38 [**Docket No. 2014-0092-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S & A OIL CO., INC. dba Handi Stop 104 in Fort Bend County; RN101803153; 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. (Danielle Porras, Candy Garrett)

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

Item 39 [**Docket No. 2013-1676-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TWINCITY C-STORE INC dba Super Stop 24 in Jefferson County; RN102353182; 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. (Amancio R. Gutierrez, Candy Garrett)

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

Item 40 [**Docket No. 2013-0910-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Highway 90, Inc. dba Village Food Store 1 in Bexar County; RN101729853; 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. (Rebecca Boyett, Candy Garrett)

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

Item 41 [**Docket No. 2013-0259-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COYANOSA COOPERATIVE GIN dba Coyanosa Fuel Center in Pecos County; RN104254941; 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. (Steven Van Landingham, Candy Garrett)

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

Item 42 [**Docket No. 2013-1623-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CENTRAL FOODS, INC. d/b/a Pik Nik Foods 14 in Bexar County; RN101739795; 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. (Meaghan M. Bailey, Lena Roberts)

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

Item 43 [**Docket No. 2013-1997-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against ALIMO INVESTMENTS, INC. d/b/a Shop Rite in Jefferson County; RN101443729; 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. (Meaghan M. Bailey, Lena Roberts)

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

Item 44 [**Docket No. 2013-0851-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Juan Guerrero d/b/a E-Z Mart in Hidalgo County; RN101687986; 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. (David A. Terry, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 45 [**Docket No. 2014-0224-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of DEVELOPMENT II PARTNERS, INC.

d/b/a Katy Exxon in Harris County; RN101889301; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 46 **[Docket No. 2013-1960-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of S.R.R. INVESTMENTS, INC. d/b/a Elroy Country Corner in Travis County; RN101488880; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 47 **[Docket No. 2013-1707-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of HAIDER A., 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, 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)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 48 **[Docket No. 2014-0137-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tommy Fisher dba Acuff Steak House in Lubbock County; RN102319571; 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. ZC/TB; all agree.

Item 49 **[Docket No. 2013-2056-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tri Hue Thich d/b/a Linh Son Temple Water System in Harris County; RN102317807; 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. (Jess Robinson, Lena Roberts)

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

Item 50 [**Docket No. 2014-0207-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BRAZOS VALLEY SEPTIC & WATER, INC. in Robertson County; RN102692811; 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. ZC/TB; all agree.

Item 51 [**Docket No. 2014-0237-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Utilities, Inc. in Harris County; RN102681095; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lisa Westbrook, Candy Garrett)

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

Item 52 [**Docket No. 2013-1880-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the 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. (Sam Keller, Candy Garrett)

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

Item 53 [**Docket No. 2014-0088-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ROWENA WATER SUPPLY CORPORATION in Runnels County; RN101450757; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lisa Westbrook, Candy Garrett)

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

Item 54 [**Docket No. 2013-2212-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of James W. Jeffcoat d/b/a Lakeshore Sites Water in Haskell County; RN101207108; 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)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 55 [**Docket No. 2013-2171-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Southern Methodist University in Dallas County; RN106949894; 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. (Greg Zychowski, Candy Garrett)

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

RULE PETITIONS

Item 56 [**Docket No. 2014-0902-RUL.**](#)

Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality on July 21, 2014, by Waste Control Specialists LLC (petitioner). The petitioner requested that the commission amend 30 TAC Chapter 336, Radioactive Substances Rules, by modifying certain provisions related to regulatory criteria for certain types of radioactive wastes so as to better align certain definitions and disposal criteria in Chapter 336 with state and federal statutes and regulations. (Charles Maguire, Amie Richardson) (Project No. 2014-028-PET-NR)

Direct the Executive Director to initiate rulemaking to examine the issues raised in the petition for rulemaking filed by Waste Control Specialists LLC concerning amendments to 30 Texas Administrative Code Chapter 336 and adopt the Executive Director's Proposed Order. TB/ZC; all agreed.

Item 57 [**Docket No. 2014-1017-PET.**](#)

Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality on July 16, 2014, by Jed Anderson (petitioner). The petitioner requests a revision to the Texas State Implementation Plan (SIP) to reflect the impact of foreign greenhouse gas emissions and climate change on ozone nonattainment areas throughout the State of Texas. The petitioner also requests the commission submit a Federal Clean Air Act, Section 179B petition and SIP revision to the United States Environmental Protection Agency to reduce compliance requirements in affected ozone nonattainment areas. (Walker Williamson, Jennifer Furrow) (Project No. 2014-030-PET-NR)

Deny the petition for rulemaking and adopt the Executive Director's Proposed Order. ZC/TB; all agree.

RULE MATTERS

Item 58 **Docket No. 2013-1392-RUL.**

Consideration of the adoption of amended Sections 115.10, 115.221, 115.222, 115.224 – 115.227, and 115.229 of 30 Texas Administrative Code Chapter 115, Control of Air Pollution from Volatile Organic Compounds and corresponding revisions to the state implementation plan. The adoption would revise Chapter 115, Subchapter A and Subchapter C, Division 2, concerning the requirements for Stage I vapor recovery testing to preserve existing Stage I testing requirements in ozone nonattainment counties and to specify Stage I testing requirements for gasoline dispensing facilities located in the 12 ozone nonattainment and four ozone maintenance counties that will be affected by the decommissioning of the Stage II vapor recovery equipment rule revision and in the 95 counties that are subject to the state Stage I rule but not Stage II requirements. The adopted Stage I rule revision would establish testing requirements that are more consistent with federal Stage I testing in 40 Code of Federal Regulations Part 63, Subpart CCCC. The adopted rules were published in the April 11, 2014, issue of the *Texas Register* (39 TexReg 2760). (Sarah Thomas, Terry Salem & Becky Petty) (Rule Project No. 2013-022-115-AI)

Approve the adoption of amended Sections 115.10, 115.221, 115.222, 115.224 – 115.227, and 115.229 of 30 Texas Administrative Code Chapter 115 and corresponding revisions to the State Implementation Plan as recommended by the Executive Director. TB/ZC; all agree.

Item 59 **Docket No. 2013-1869-RUL.**

Consideration for the adoption of amended Sections 114.301, 114.306, 114.307, 114.309, and repealed Section 114.304 of 30 Texas Administrative Code, Chapter 114, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the state implementation plan. The adoption will remove the prohibition on the increased use of methyl-tertiary-butyl-ether (MTBE) in gasoline to conform to the low Reid vapor pressure (RVP) gasoline requirements; remove the registration requirements for gasoline producers and importers that supply low RVP gasoline to the affected counties; remove the annual reporting and certification requirements on the use of MTBE in low RVP gasoline; and make other non-substantive clarifying changes as needed for accuracy and consistency. The proposed rules were published in the April 11, 2014, issue of the *Texas Register* (39 TexReg 2753). (Morris Brown, Terry Salem) (Rule Project No. 2014-002-114-AI)

Approve the adoption of amended Sections 114.301, 114.306, 114.307, 114.309, and repealed Section 114.304 of 30 Texas Administrative Code, Chapter 114 and the corresponding revisions to the State Implementation Plan as recommended by the Executive Director. ZC/TB; all agree.

Item 60 [**Docket No. 2014-0101-RUL.**](#)

Consideration of the adoption of Sections 312.4, 312.8, 312.10 - 312.13, 312.41, 312.42, 312.44, 312.45, 312.47, 312.50, 312.65, and 312.81 - 312.83 of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The adopted rulemaking would address nuisance odors and unauthorized discharges of bulk sewage sludge by establishing new "core requirements" applicable to all classes of sewage sludge, establishing a new classification structure with corresponding requirements based upon treatment processes, and clarifying the executive director's authority to include additional requirements as needed to address nuisance odors. The proposed rules were published in the April 11, 2014, issue of the *Texas Register* (39 TexReg 2773). (Brian Sierant, Michael Parr) (Project No. 2014-010-312-OW)

Adopt the amendments to 30 Texas Administrative Code Chapter 312 as recommended by the Executive Director. TB/ZC; all agree.

Item 61 [**Docket No. 2014-0617-RUL.**](#)

Consideration for publication of, and hearing on, proposed amendment of Section 305.541 of 30 TAC Chapter 305, Subchapter P, Effluent Guidelines and Standards for Texas Pollutant Discharge Elimination System Permits. The proposed rulemaking would amend Section 305.541 to adopt by reference revisions to 40 Code of Federal Regulations Part 450 as published on March 6, 2014, in the Federal Register (79 FedReg 12661 - 12667). (Laurie Fleet, Robert Brush) (Rule Project No. 2014-020-305-OW)

Approve the publication of, and hearing on, the proposed amendments to 30 Texas Administrative Code Section 305.541 as recommended by the Executive Director. ZC/TB; all agree.

PUBLIC COMMENT SESSION

Item 62 The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §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.

No Action Taken.

EXECUTIVE MEETING

Item 63 [**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.

No Action Taken.

Item 64 **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.

No Action Taken.

Item 65 **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.

No Action Taken.

(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)

<u>/s/ Tim Reidy</u>	<u>9/18/2014</u>
Assistant General Counsel	Date
Timothy Reidy	