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*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 Jon Niermann

## **AGENDA**

April 6, 2016

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1      **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**  
**[Docket No. 2015-1790-MWD.](#)**  
Consideration of the application by The Villas at Timberwood Homeowners Association, Inc., for a renewal of TCEQ Permit No. WQ0014670001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 18,000 gallons per day via a non-public access subsurface drip irrigation system. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment facility and disposal site are located 820 feet southeast of the intersection of Harmony Hills and Shady Acres, and the disposal area is located 1,600 feet southeast of the intersection of Harmony Hills and Shady Acres, in Bexar County, Texas 78260. 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, Anthony Tatu)

Continued to the June 22, 2016 Commissioners' Agenda by the Office of the General Counsel on March 30, 2016.

Item 2

**Docket No. 2016-0022-MWD.**

Consideration of the application by West Travis County Public Utility Agency for a renewal of TCEQ Permit No. WQ0013594001 to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 1,000,000 gallons per day via surface irrigation of 350 acres of public access land. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment facility and disposal site are located at 3100 Napa Drive, Austin, in Travis County, Texas 78738 (Site A). Effluent Pond No. 1 is located approximately 8,000 feet northwest of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The irrigation site (Spillman Ranch) is also located approximately 8,000 feet northwest of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. The irrigation site (CCNG) is located approximately 2,500 feet south of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas 78738. Effluent Pond No. 2 and another treatment facility are located approximately 3,000 feet northwest of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas 78738 (Site B). 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)

Find that there is a right to a hearing on this application pursuant to TWC § 26.028(d); Grant the hearing requests filed by M.E. Cook, Frederick W. Goff, Alan Kirshbom, Johanna Nabben, Brian Newell, Donna Ruiz, Robert M. Ruiz, Mark Shade, Patricia Sinnott and Ty Wenglar; Deny all remaining hearing requests; Refer the following issues to SOAH for a contested case hearing: 1) Whether the draft permit contains sufficient provisions to prevent nuisance odors; 2) Whether additional permit provisions are necessary to ensure the facility operates in compliance with its permit and applicable regulations and 3) Whether the draft permit contains sufficient provisions to adequately protect the health of the requesters and their families; and Set a hearing duration of six months. TB/JN; all agree.

Item 3

**Docket No. 2016-0144-MWD.**

Consideration of the application by Ventana Development McCrary, Ltd., for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015241001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day. The wastewater treatment facility will be located approximately 0.25 mile north of the intersection of Brandt Road and McCrary Road, on the east side of McCrary Road, in Fort Bend County, Texas 77406. The Commission will also consider requests for hearing or reconsideration, related responses and replies, related withdrawals, public comment, and the Executive Director's response to comments. (David Akoma, Celia Castro)

Grant the hearings requests of Clark and Sara Blair; Deny the remaining hearing requests based on the failure to qualify as affected persons; Refer the application to SOAH with a concurrent ADR referral for a contested case hearing on the following issue: Whether the proposed facility will be adequately protected from inundation and damage under the Commission's siting requirements under 30 TAC § 309.13(a); and Set a hearing duration of five months. JN/TB; all agree.

**USE DETERMINATION APPEAL MATTER**

Item 4 [Docket No. 2016-0057-MIS-U.](#)

Consideration of the appeal filed by the Wise County Appraisal District regarding the 100% Positive Use Determination issued by the Executive Director to DCP Southern Hills Pipeline, LLC on Application No. 19575 in Wise County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Ron Hatlett, Don Redmond)

No action taken.

**TOTAL MAXIMUM DAILY LOAD MATTER**

Item 5 [Docket No. 2015-1017-TML.](#)

Consideration for approval of a draft Implementation Plan for Three Total Maximum Daily Loads for Bacteria in the Upper San Antonio Watershed in Bexar, Karnes, and Wilson Counties. (Chris Loft, Robert Brush) (Project No. 2015-034-TML-NR)

Approve the Implementation Plan for Three Total Maximum Daily Loads for Bacteria in the Upper San Antonio Watershed in Bexar, Karnes, and Wilson Counties as recommended by the Executive Director. TB/JN; all agree.

**MISCELLANEOUS MATTER**

Item 6 [Docket No. 2016-0268-MIS.](#)

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Elizabeth West)

Approve the issuance of the Resolution that acknowledges the material changes to contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code for the time period of October 1, 2015 to January 31, 2016 contained in the TCEQ Interoffice Memorandum to the Commissioners and the Executive Director dated March 18, 2016 with the caption of docket number 2016-0268-MIS. JN/TB; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 7 [Docket No. 2015-0852-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Air Products LLC in Harris County;

RN102041282; 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. (Jennifer Nguyen, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 8 **Docket No. 2015-0900-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF Corporation in Brazoria County; RN100218049; 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, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 9 **Docket No. 2015-1609-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. (Rajesh Acharya, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 10 **Docket No. 2015-0592-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100210319; 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, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 11 **Docket No. 2015-1144-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Rentech Nitrogen Pasadena, LLC in Harris County; RN101621944; 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, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

- Item 12     [Docket No. 2015-0435-AIR-E.](#)  
Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Moises Enrique Martinez d/b/a Moy's Custom Paint & Body Shop in Fort Bend County; RN106200603; 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. (Jess Robinson, Lena Roberts)

Adopt the Agreed Order. TB/JN; all agree.

**LANDSCAPE IRRIGATOR INSTALLER ENFORCEMENT  
DEFAULT ORDERS**

- Item 13     [Docket No. 2015-0652-LII-E.](#)  
Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Gilbert Molina in Bexar County; RN107510547; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Audrey Liter, Lena Roberts)

Adopt the Default Order. TB/JN; all agree.

- Item 14     [Docket No. 2015-0766-LII-E.](#)  
Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Willis C. Aldridge in Dallas County; RN104137526; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Jess Robinson, Lena Roberts)

Adopt the Default Order. TB/JN; all agree.

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**  
[Docket No. 2014-1560-MLM-E.](#)

- Item 15     Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pilgrim's Pride Corporation in Nacogdoches County; RN102178597 and RN107933368; for industrial and hazardous waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Had Darling, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 16     [Docket No. 2013-0450-MLM-E.](#)  
Consideration of an Agreed Order assessing administrative penalties against Forester Estates, LLC in Brazoria County; RN103118980; for water quality and public drinking water violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Lena Roberts)

Adopt the Agreed Order. TB/JN; all agree.

Item 17     [Docket No. 2014-1341-MLM-E.](#)  
Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Joe Johnson and Frosty Farquhar d/b/a B & J Sand & Gravel in Llano County; RN105807598; for 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. (Elizabeth Harkrider, Lena Roberts)

Remanded to the Executive Director by the Office of the General Counsel on April 5, 2016.

Item 18     [Docket No. 2015-1395-MLM-E.](#)  
Consideration of an Agreed Order assessing administrative penalties against Jawaid W. Samana, KJ HOLDINGS, INC., and H. Erwin Wilbanks in Harris County; RN102398427; 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)

Adopt the Agreed Order. TB/JN; all agree.

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 19     [Docket No. 2015-0264-MSW-E.](#)  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of John M. Brown dba Brown Scrap Tires in Van Zandt County; RN104345350; for used tires violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Margarita Dennis, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 20 [\*\*Docket No. 2015-0626-MWD-E.\*\*](#)  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Commerce in Hunt County; RN102178233; 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, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 21 [\*\*Docket No. 2014-1759-MWD-E.\*\*](#)  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Edna in Jackson County; RN100525328; 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, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 22 [\*\*Docket No. 2015-0099-MWD-E.\*\*](#)  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hackberry in Denton County; RN102077054; 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. (Christopher Bost, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 23 [\*\*Docket No. 2015-1115-MWD-E.\*\*](#)  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pharr in Hidalgo County; RN102928041; 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. (Larry Butler, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 24 [\*\*Docket No. 2015-0597-MWD-E.\*\*](#)  
Consideration of an Agreed Order assessing administrative penalties against the City of San Benito in Cameron County; RN103935599; 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, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

- Item 25     **Docket No. 2014-1035-MWD-E.**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Clear Lake City Water Authority in Harris County; RN101440485; 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, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

- Item 26     **Docket No. 2015-0942-MWD-E.**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Raymondville in Willacy County; RN100525955; 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, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

- Item 27     **Docket No. 2013-0314-MWD-E.**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vaithi Development, Inc. in Harris County; RN101521730; 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. (Larry Butler, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

- Item 28     **Docket No. 2015-1341-PST-E.**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of A SHAFAF INVESTMENTS INC dba Discount Gas & Food Mart in Dallas County; RN101545572; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Keith Frank, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 29     **Docket No. 2014-1465-PST-E.**  
Consideration of an Agreed Order assessing administrative penalties against M.I.S C-STORE L.L.C. in Caldwell County; RN102346202; 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. (Jess Robinson, Lena Roberts)

Adopt the Agreed Order. TB/JN; all agree.

Item 30     **Docket No. 2015-0726-PST-E.**  
Consideration of an Agreed Order assessing administrative penalties against NAYEB HOLDING, INC. d/b/a Shop N Go #6 in Collin County; RN101636090; 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. (Jake Marx, Lena Roberts)

Adopt the Agreed Order. TB/JN; all agree.

Item 31     **Docket No. 2015-0656-PST-E.**  
Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of RAI INVESTMENTS INC d/b/a Deesway Grocery 126 in Dallas County; RN101545853; 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)

Adopt the Agreed Order. TB/JN; all agree.

Item 32     **Docket No. 2014-1837-PST-E.**  
Consideration of an Agreed Order assessing administrative penalties against GLORIA FOOD MART INC d/b/a Gloria Food Mart in Bexar County; RN101723856; 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 Carroll Harkrider, Lena Roberts)

Adopt the Agreed Order. TB/JN; all agree.

Item 33     **Docket No. 2015-0120-PST-E.**  
Consideration of an Agreed Order assessing administrative penalties against TAHIR ENTERPRISES, INC. d/b/a Buy N Bye Drive In in Hardin County; RN101782043; 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)

Adopt the Agreed Order. TB/JN; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 34

**[Docket No. 2015-0468-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Rebecca R. Norris d/b/a Papa Soliz Tacos in Harris County; RN104367073; 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. (Jim Sallans, Lena Roberts)

Adopt the Default Order. TB/JN; all agree.

**PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDERS**

Item 35

**[Docket No. 2015-1279-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the CENTER FOR CHRISTIAN GROWTH, INC. in Travis County; RN101234060; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 36

**[Docket No. 2015-1391-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Petrolia in Clay County; RN102677937; 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, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 37

**[Docket No. 2015-1399-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dimitrios N. Manetas dba Dimitri's Cabaret in Galveston County; RN102318227; 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. (Katy Montgomery, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 38     **[Docket No. 2015-1566-PWS-E.](#)**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GARY WATER SUPPLY CORPORATION in Panola County; RN101436004; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sarah Kim, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 39     **[Docket No. 2015-1520-PWS-E.](#)**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Greenwood Independent School District in Midland County; RN101255503; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Hall, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 40     **[Docket No. 2015-1107-PWS-E.](#)**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OCCIDENTAL PERMIAN, LTD. dba Wasson CO2 Recovery Plant in Yoakum County; RN103119533; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Montgomery, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 41     **[Docket No. 2015-1227-PWS-E.](#)**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAN AUGUSTINE RURAL WATER SUPPLY CORPORATION in San Augustine County; RN101450054; 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, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

Item 42     **[Docket No. 2015-0859-PWS-E.](#)**  
Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of OZARK BOTTLED WATER, INC. d/b/a Hill Country Springs in Travis County; RN101179521; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ian Groetsch, Lena Roberts)

Adopt the Agreed Order. TB/JN; all agree.

- Item 43      **[Docket No. 2015-0487-PWS-E.](#)**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRI TRY WATER CORP. in Stonewall County; RN106903289; 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, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

- Item 44      **WATER QUALITY ENFORCEMENT AGREED ORDER**  
**[Docket No. 2015-1533-WQ-E.](#)**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lacy Lakeview in McLennan County; RN105559736; 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. (Larry Butler, Melissa Cordell)

Adopt the Agreed Order. TB/JN; all agree.

- Item 45      **RULE PETITIONS**  
**[Docket No. 2016-0277-PET.](#)**  
Consideration of a petition for rulemaking under Section 20.15 of 30 Texas Administrative Code (TAC) Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality (commission) on February 24, 2016, by Jackson Walker LLP on behalf of the Texas Forestry Association. The petitioner requested that the commission amend 30 TAC Chapter 111, Subchapter B, to provide specific requirements for prescribed burning conducted by Certified and Insured Prescribed Burn Managers who are certified by the Prescribed Burning Board of the Texas Department of Agriculture. (Kati Wooten, Amy Prescott) (Project No. 2016-024-PET-NR)

Direct the Executive Director to initiate rulemaking to examine the issues raised in the petition for rulemaking submitted by the Texas Forestry Association concerning amendments to 30 Texas Administrative Code Chapter 111, Subchapter B and issue the Executive Director's proposed order. JN/TB; all agree.

- Item 46      **[Docket No. 2016-0284-PET.](#)**  
Consideration of a petition for rulemaking under Section 20.15 of 30 Texas Administrative Code (TAC) Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality (commission) on February 26, 2016, by the Texas Aggregates and Concrete Association. The petitioner requests the commission amend

public notice rules applicable to registration requests for standard permit authorization of concrete batch plants without enhanced controls in 30 TAC Sections 39.411(e)(11)(A)(iii) and 39.603(a) - (b) to provide for one 30-day notice of registration. (Janis Hudson) (Project No. 2016-025-PET-NR)

Direct the Executive Director initiate rulemaking to examine the issues raised in the petition for rulemaking submitted by the Texas Aggregates and Concrete Association concerning amendments to 30 Texas Administrative Code Chapter 39 relating to notice for standard permit authorization of concrete batch plants without enhanced controls and issue the Executive Director's proposed order. TB/JN; all agree.

**RULE MATTER**

Item 47

**Docket No. 2015-1024-RUL.**

Consideration for publication of, and hearing on, proposed amended Sections 30.3, 30.7, 30.10, 30.18, 30.20, 30.24, 30.26, 30.30, 30.81, 30.117, 30.120, 30.122, 30.231, 30.240, 30.279, 30.307, 30.331, 30.340, 30.390, 30.506, and 30.507; the repeal of Section 30.247; and the repeal and simultaneous proposal of Section 30.28 of 30 Texas Administrative Code (TAC) Chapter 30, Occupational Licenses and Registrations. The proposed rulemaking would implement Senate Bills 807 and 1307, 84th Texas Legislature, 2015, Regular Session, by incorporating new provisions regarding veteran licensure. The proposed rulemaking will also identify approved training delivery methods, increase licensing examination security, remove outdated and redundant references, and improve readability of the chapter. (Michael Parrish, Alicia Ramirez) (Rule Project No. 2015-026-030-WS)

Approve for publication of, and hearing on, proposed amendments to 30 Texas Administrative Code Chapter 30, the repeal of Section 30.247 and the repeal and simultaneous proposal of Section 30.28 as recommended by the Executive Director. JN/TB; all agree.

**PUBLIC COMMENT SESSION**

Item 48

**Docket No. 2016-0004-PUB.**

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 49 **Docket No. 2016-0001-EXE.**

The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meeting in Executive Meeting.

Item 50 **Docket No. 2016-0002-EXE.**

The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meeting in Executive Meeting.

Item 51 **Docket No. 2016-0003-EXE.**

The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meeting 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.)**

**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)**

/s/ Greg Merrell  
Assistant General Counsel  
Greg Merrell

4-8-2016  
Date