

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 Jon Niermann

AGENDA

October 5, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 [**TCEQ Docket No. 2015-0727-PST-E; SOAH Docket No. 582-16-1301.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against Chapman Inc. and requiring certain actions of Chapman Inc. in Grayson County, Texas; RN103711321; regarding petroleum storage tank violations pursuant to Tex. Water Code ch. 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Ryan Rutledge)

Adopt the Administrative Law Judge's Proposed Order, as revised by the Executive Director's Exceptions, and further revise the Proposed Order by revising Finding of Fact No. 8 by replacing the period with a semicolon and adding the following language "however, it is unclear from the record on which date Respondent implemented the new procedures."; Further revise the Proposed Order Finding of Fact No. 9 by replacing the period with a semicolon and adding the following language "however,

because the date of compliance cannot be determined by the record, the 2014 Penalty Policy cannot provide an appropriate discount for a good faith effort to comply.”; Add a Finding of Fact before Finding of Fact No. 13 which reads “The Commission recognizes Respondent’s prompt efforts to come into compliance and prevent future violations from occurring.”; Revise Finding of Fact No. 13 to read “Based on the Commission’s consideration of other factors as justice may require, the Commission believes that the record warrants a penalty reduction of \$4,062.50 for a total administrative penalty of \$10,672.50.”; Revise Conclusion of Law No. 9 by replacing “\$13,110.00” with “\$10,672.50”; Revise Ordering Provision No. 1 by replacing “\$13,110.00” with “\$10,672.50”; Delete Ordering Provisions Nos. 2 and 3; and renumber the Order accordingly. JN/TB; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 [Docket No. 2016-1211-MSW.](#)

Consideration of an application by IESI Tx Landfill LP for Proposed Major Amendment, Permit No. 1983C, to authorize the vertical expansion of and increase the total waste disposal capacity of the existing IESI Ft. Worth C&D Landfill, a Type IV municipal solid waste landfill in Tarrant County, Texas. The existing facility is located at 4144 Dick Price Road in Tarrant County, Texas, approximately 15 miles southeast of downtown Fort Worth, and approximately 2.4 miles south of IH-20 and five miles east of IH-35W. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director’s Response to Comments. (Frank Zeng, Aaron Vargas)

Grant the hearing requests of Jessica Monreal, Lora Simpson, and Cliff Uranga; Deny the remaining hearing requests; Refer the matter to SOAH for a contested case hearing on the following issues: A) Whether the Applicant proposes adequate provisions to prevent nuisance odors; B) Whether the landfill will negatively impact the requesters’ health; and C) Whether the application for major amendment should be denied based on the Applicant’s compliance history; Specify that the maximum duration of the hearing is six months from the preliminary hearing to issuance of the Proposal for Decision. TB/JN; all agree.

Item 3 [Docket No. 2016-1402-MWD.](#)

Consideration of the application by the 633-4S Ranch, Ltd., and Stahl Lane, Ltd., for a major amendment to convert Texas Commission on Environmental Quality Permit No. WQ0015095001 to Texas Pollutant Discharge Elimination System Permit No. WQ0015095001 and to change the disposal method from land application to the discharge of treated domestic wastewater at a daily average flow not to exceed 480,000 gallons per day. The facility will be located approximately

6,500 feet north-northeast of the intersection of Smithson Valley Road and Farm-to-Market Road 1863, approximately 1,200 feet north of the confluence of Lewis Creek, and Dripping Springs Creek in Comal County, Texas 78163. 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, Kathy Humphreys)

Grant the hearing requests of Maranda Alexandre, Leslie and Kenneth Brothers, Carl Chapman, Yvonne Chapman, William Coe, Michael Heersche, Jeanne Howe, Melissa Laster, Theresa McClung, Emily Sauls, Cheryl Watson, Francesca Watson, Southwest Water Company, the Bulverde Neighborhood Alliance, and the Greater Edwards Aquifer Alliance; Deny the remaining hearing requests; Refer the matter to SOAH for a contested case hearing on the following issues: A) Whether the draft permit is protective of groundwater including the Edwards Aquifer and groundwater wells used for drinking water; B) Whether the draft permit is protective of surface water including the Upper Cibolo Creek; C) Whether the facility is cited pursuant to TCEQ rules including floodplain restrictions; D) Whether the draft permit meets the Texas Surface Water Quality Standards as outlined in 30 TAC Chapter 307; E) Whether the draft permit contains sufficient provisions to adequately protect the health and safety of the requesters and their families; F) Whether the draft permit is protective of the requester's use and enjoyment of their property in accordance with Texas Water Code Chapter 26 and the Commission's rules; G) Whether the need for the facility has been demonstrated; H) Whether the monitoring requirements in the draft permit are sufficient; I) Whether the applicant's Compliance History prevents issuance of the permit or requires specific permit terms in the draft permit; J) Whether the draft permit contains sufficient provisions to prevent nuisance odors; and K) Whether the discharge route is properly characterized; Specify that the maximum duration of the hearing is nine months from the preliminary hearing to issuance of the Proposal for Decision. JN/TB; all agree.

Item 4 **[Docket No. 2016-1129-DIS.](#)**

Consideration of a petition by Franklin Meyer, Deloris Meyer, Terry Meyer, and Vicky Lynn Meyer Graves (Petitioners) for the creation of Meyer Ranch Municipal Utility District of Comal County (District). The Petitioners request that the Commission create the District pursuant to Article XVI, Section 59, of the Texas Constitution, Chapters 49 and 54, Texas Water Code; and Chapter 293, Title 30 Texas Administrative Code. The proposed District is comprised of approximately 691.451 acres of land in Comal County. The proposed District is not located within the corporate limits or extraterritorial jurisdiction of any municipality. The Commission will consider all timely filed hearing requests and related responses and replies. (Ren Berra, Linda Horng) (TCEQ Internal Control No. D 11122015 056)

Deny the hearing request of Corey Henderson; Grant the petition for the creation of Meyer Ranch Municipal Utility District of Comal County; and Issue the Executive Director's Proposed Order for Granting the District and Appointing Five Temporary Directors. TB/JN; all agree.

POST CLOSURE ORDER

Item 5 [**Docket No. 2013-1897-IHW.**](#)

Consideration of the application by Formosa Plastics Corporation for issuance of a post-closure order to authorize post-closure care of solid and hazardous waste units pursuant to Tex. Health & Safety Code ch. 361; Tex. Water Code ch. 7; 40 Code of Federal Regulations Parts 264, 265, 270 and 271; and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code Ch. 335. The facility is located at 201 Formosa Drive on approximately 1800 acres north of State Highway 35 and east of Farm-to-Market (FM) Road 1593 near Point Comfort in Jackson and Calhoun Counties, Texas. (Shannon Love, Cynthia Palomares and Amie Dutta Robinson)

Approve the Post-Closure Order between Formosa Plastics Corporation and the Commission. JN/TB; all agree.

MISCELLANEOUS MATTER

Item 6 [**Docket No. 2016-1538-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. (LaTresa Stroud)

Approve issuance of the Resolution that acknowledges the material changes to the contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code for the time period of May 1, 2016 – August 31, 2016 contained in the TCEQ Interoffice Memorandum to the Commissioners and Executive Director dated September 19, 2016 with the caption of docket number 2016-1538-MIS. TB/JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7 [**Docket No. 2016-0210-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Jefferson County; RN100209451; 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, Michael Parrish)

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

Item 8 [**Docket No. 2016-0081-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Chemical LP in Harris County; RN100211879; 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. (Kingsley Coppinger, Michael Parrish)

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

Item 9 [**Docket No. 2016-0406-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Chemical LP in Harris County; RN100209832; 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, Michael Parrish)

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

Item 10 [**Docket No. 2016-0357-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Sunoco Partners Marketing & Terminals L.P. in Jefferson County; RN100214626; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Carol McGrath, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 11 [**Docket No. 2015-1428-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Webb County in Webb County; RN102698719; for water quality violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 341 and 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jake Marx, Ryan Rutledge)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 12 [Docket No. 2015-0982-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of R&K Fabricating Inc. in Liberty County; RN104085956; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7 and Tex. Health & Safety Code chs. 361 and 382 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Carroll Harkrider, Ryan Rutledge)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 13 [Docket No. 2015-1657-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Donna in Hidalgo County; RN102080751; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven Van Landingham, Michael Parrish)

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

Item 14 [Docket No. 2016-0429-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of New Braunfels Utilities in Comal County; RN102078011; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on

Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Boyle, Michael Parrish)

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

Item 15 **Docket No. 2016-0067-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Texas Municipal Water District in Collin County; RN102342144; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Claudia Corrales, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 16 **Docket No. 2015-1311-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against Fuel Centers Environmental Management, LLC d/b/a **Fuel** Center of Legacy in Collin County; RN101564391; 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, Ryan Rutledge)

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

Item 17 **Docket No. 2015-1222-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against SPEEDEXX ENTERPRISE INC. d/b/a Speedexx Food Store in Harris County; RN101804599; 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, Ryan Rutledge)

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

Item 18 [**Docket No. 2016-0542-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against KWIK CHEK FOOD STORES, INC. dba Kwik Chek 32 in Grayson County; RN104524202; 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. (Keith Frank, Michael Parrish)

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

Item 19 [**Docket No. 2016-0305-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marisol Mgt. LLC dba Marisols Convenience Store in Webb County; RN104891338; 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. (Anthony Rios, Michael Parrish)

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

Item 20 [**Docket No. 2015-1797-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of IDEAL BUSINESS, INC. dba Quick Mart in Harris County; RN102031473; 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. (James Baldwin, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 21 [**Docket No. 2015-1728-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of RASSO'S LYTLE CORPORATION d/b/a Lytle Exxon Food Mart in Atascosa County; RN102278314; 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. (Amanda Patel, Ryan Rutledge)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 22 **Docket No. 2014-1237-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Batesville One Stop Inc d/b/a Batesville Foodmart in Zavala County; RN102779774; 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, Ryan Rutledge)

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

Item 23 **Docket No. 2015-0713-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Myung Cha Cha d/b/a Youngs Mart 3 in Jim Wells County; RN102048444; 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, Ryan Rutledge)

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

Item 24 **Docket No. 2016-0165-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of SARVODAY ENTERPRISES LLC d/b/a Times Market in Bexar County; RN101811081; 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, Ryan Rutledge)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 25 **[Docket No. 2014-1809-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Larry E. Smith in Bexar County; RN106357403; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (J. Amber Ahmed, Ryan Rutledge)

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

Item 26 **[Docket No. 2015-1721-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of United States Army Corps of Engineers in Chambers County; RN102401130; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Ryan Rutledge)

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

Item 27 **[Docket No. 2016-0315-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BIG STAR RV PARK, LLC in Howard County; RN107923195; 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, Michael Parrish)

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

Item 28 **[Docket No. 2016-0242-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of G-M Water Supply Corporation in Sabine County; RN101261691; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (David Carney, Michael Parrish)

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

Item 29 [**Docket No. 2016-0257-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA in Wise County; RN101285245; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Michael Parrish)

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

Item 30 [**Docket No. 2016-0223-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Horsemans Ranch Morgan Mill Homeowners Association Incorporated in Erath County; RN104497441; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Michael Parrish)

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

Item 31 [**Docket No. 2016-0253-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Juan Carlos Garza as Trustee of Valley Hi Congregation of Jehovah's Witnesses, Mario A. Cortes as Trustee of Valley Hi Congregation of Jehovah's Witnesses and Francisco C. Sanchez as Trustee of Valley Hi Congregation of Jehovah's Witnesses in Bexar County; RN106540115; 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, Michael Parrish)

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

Item 32 [**Docket No. 2015-1826-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MARINA QUEST, INC. dba Texoma Marina and Resort in Grayson County; RN102071990; 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, Michael Parrish)

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

Item 33 **[Docket No. 2016-0286-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Millersview-Doole Water Supply Corporation in Concho County; RN101457786; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ross Luedtke, Michael Parrish)

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

Item 34 **[Docket No. 2016-0428-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Monarch Utilities I L.P. in Grayson County; RN101450286; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Farhaud Abbaszadeh, Michael Parrish)

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

Item 35 **[Docket No. 2016-0438-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Red River Authority of Texas in Grayson County; RN101237527; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Carol McGrath, Michael Parrish)

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

Item 36 **[Docket No. 2016-0007-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAM RAYBURN WATER, INC. in San

Augustine County; RN101274165; 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, Michael Parrish)

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

Item 37 [**Docket No. 2016-0087-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAM RAYBURN WATER, INC. in San Augustine County; RN101189736; 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. (Steven Hall, Michael Parrish)

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

Item 38 [**Docket No. 2016-0280-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of THE CONSOLIDATED WATER SUPPLY CORPORATION in Houston County; RN102684966; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Baldwin, Michael Parrish)

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

Item 39 [**Docket No. 2016-0026-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of United Skates Inc. dba Adventures USA in Lubbock County; RN101196434; 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, Michael Parrish)

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

SLUDGE ENFORCEMENT DEFAULT ORDER

Item 40 [**Docket No. 2015-0996-SLG-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Donald Rancher and Rebecca Rancher in Montgomery County; RN103162954; 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. (Tracy Chandler, Ryan Rutledge)

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

PUBLIC COMMENT SESSION

Item 41 **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 42 **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 meet in Executive Meeting.

Item 43 **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 meet in Executive Meeting.

Item 44 **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 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.)

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/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

10/7/2016
Date