

*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**

December 7, 2016

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

Item 1 **[Docket No. 2010-1552-IWD.](#)**

Consideration of the application by The Premcor Refining Group Inc., which operates the Valero Port Arthur Refinery, a petroleum refinery, for a major amendment with renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0000309000 to authorize an increase in the effluent limits for all parameters at Outfall 001 due to an increase in production; the removal of concentration effluent limits for biochemical oxygen demand, chemical oxygen demand, oil and grease, ammonia nitrogen, sulfides, phenolics, total chromium, hexavalent chromium, total copper, cyanide, total lead, and total mercury at Outfall 001; the reduction of the monitoring frequency for biochemical oxygen demand, total suspended solids, chemical oxygen demand, oil and grease, ammonia nitrogen, sulfides, and phenolics from once per day to three times per week at Outfall 001; the reduction of the monitoring frequency for total copper and total lead from three times per week to once per quarter at Outfall 001; the removal of effluent limits and monitoring requirements for cyanide and total

mercury at Outfall 001; the removal of monitoring and reporting requirements for total silver at Outfall 001; the addition of the discharge of utility wastewater via Outfall 001; the addition of the definition of utility wastewater in the Other Requirements section of the permit; changing Other Requirement No. 9 to allow the discharge of concrete washout water with stormwater associated with construction activities; the revision of Other Requirement No. 10 regarding Aquashade and Azure Blue; establishing effluent limits and monitoring requirements for Enterococci at internal Outfall 101; the relocation of the sampling location at internal Outfall 101; a three-year compliance schedule for Enterococci to allow attainment of the water quality-based effluent limits at internal Outfall 101; and the deletion of chronic whole effluent toxicity limits at Outfall 001. The application also included a request for a temporary variance to the existing water quality standards for the site-specific uses and criteria for the Taylor Bayou Tidal (Jefferson County Drainage District No. 7 Main Outfall Canal) portion of the Intracoastal Waterway Tidal in Segment No. 0702 of the Neches-Trinity River Basin. On February 23, 2016, the Applicant withdrew its request for a temporary variance. The draft permit authorizes the discharge of process wastewater, utility wastewater, ballast water, domestic wastewater, remediation wastewater, hydrostatic test water, stormwater, and stormwater from construction activities at a daily average flow not to exceed 33,000,000 gallons per day via Outfall 001 hydrostatic test water, stormwater, and stormwater from construction activities on an intermittent and flow-variable basis via Outfalls 004, 005A, 005B, 005C, 006, and 008; and stormwater and stormwater associated with industrial activities from a concrete batch plant located on the permitted site and supporting construction activities at the site on an intermittent and flow-variable basis via Outfall 009. The facility is located approximately 0.5 mile north of the Martin Luther King Bridge on State Highway 82, southwest of the City of Port Arthur, Jefferson County, Texas 77640. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Monica Vallin-Baez, Kathy Humphreys)

Deny the hearing request and the request for reconsideration filed by Clean Air & Water, Inc.; Issue the amendments to TPDES Permit No. WQ0000309000 in the form as recommended by the Executive Director; and Adopt the Executive Director's Revised Response to Comments. TB/JN; all agree.

Item 2 [\*\*Docket No. 2016-1463-MWD.\*\*](#)

Consideration of the application by William Donald Smith for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015300001, to authorize the discharge of treated domestic

wastewater at a daily average flow not to exceed 40,000 gallons per day. The proposed facility will serve Garden City Mobile Home Park and will be located 1.5 miles west of the intersection of Farm-to-Market Road 47 and Interstate Highway 20, fronting on the north Interstate Highway 20 Service Road, Wills Point, in Van Zandt County, Texas 75169. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Sonia Bhuiya, Ashley McDonald)

Deny the hearing requests of James Keierleber and Larry Jan Sprague; Issue new TPDES Permit No. WQ0015300001 to William Donald Smith as recommended in the draft permit prepared by the Executive Director; and Adopt the Executive Director's Response to Comments. JN/TB; all agree.

Item 3 **Docket No. 2016-1876-MWD.**

Consideration of the application by Green Valley Special Utility District for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015360001 to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 5,000,000 gallons per day. The facility will be located at 3930 Linne Road, Seguin, in Guadalupe County, Texas 78155. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Larry Diamond, Stefanie Skogen)

Grant the hearing requests of the City of Cibolo and Cibolo Creek Municipal Authority; Deny the remaining hearing requests and all requests for reconsideration; Refer the matter to SOAH for a contested case hearing on the following issues: A) Whether the draft permit authorizes the discharge of domestic wastewater effluent within the Cibolo Creek regional area defined by 30 Texas Administrative Code Chapter 351, Subchapter F; B) Whether the application demonstrates compliance with the Commission's regionalization policy; C) Whether the draft permit contains sufficient provisions to prevent nuisance odors; D) Whether the Applicant has demonstrated that it needs the Final phase of the draft permit; E) Whether the draft permit complies with the TCEQ's antidegradation requirements including its impact on the bacteria impairment in Segment 1902 of the San Antonio River Basin; F) Whether the draft permit would adversely affect the human health of the residents living within the district boundaries of CCMA and within the corporate limits or ETJ of the City of Cibolo; and G) Whether the draft permit would adversely affect livestock and terrestrial wildlife; and Specify the maximum duration of the hearing as nine months from the preliminary hearing to issuance of the Proposal for Decision. TB/JN; all agree.

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4 **[Docket No. 2016-0770-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Air Liquide Large Industries U.S. LP in Brazoria County; RN100215334; 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.

Item 5 **[Docket No. 2016-0423-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Copano Field Services/South Texas LLC in Karnes County; RN106561525; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Raime Hayes-Falero, Michael Parrish)

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

Item 6 **[Docket No. 2016-0621-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against DCP Midstream, LP in Andrews County; RN100218684; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Raime Hayes-Falero, Michael Parrish)

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

Item 7 **[Docket No. 2016-0454-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ExxonMobil Oil Corporation in Jefferson County; RN102450756; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including

specifically 30 Tex. Admin. Code ch. 60. (Raime Hayes-Falero, Michael Parrish)

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

Item 8 [\*\*Docket No. 2015-0799-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Brazoria County; RN100238708; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shelby Orme, Michael Parrish)

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

Item 9 [\*\*Docket No. 2016-0773-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lone Star NGL Fractionators LLC in Chambers County; RN106018260; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Raime Hayes-Falero, Michael Parrish)

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

Item 10 [\*\*Docket No. 2016-0463-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Raime Hayes-Falero, Michael Parrish)

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

Item 11 [\*\*Docket No. 2011-2300-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Premcor Refining Group Inc. in Jefferson County; RN102584026; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Abigail Lindsey, Michael Parrish)

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

Item 12 [\*\*Docket No. 2013-0839-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Premcor Refining Group Inc. in Jefferson County; RN102584026; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Abigail Lindsey, Michael Parrish)

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

Item 13 [\*\*Docket No. 2015-1417-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against CRAFTMASTERS POWDER COATING, INC. in McLennan County; RN105508436; 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 Carroll Harkrider, Ryan Rutledge)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 14 [\*\*Docket No. 2016-0439-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Downstream Environmental, L.L.C. in Harris County; RN101662617; 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. (Ross Luedtke, Michael Parrish)

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

**LANDSCAPE IRRIGATOR INSTALLER ENFORCEMENT  
DEFAULT ORDERS**

Item 15 [Docket No. 2015-1012-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against Hillger Ventures, Inc. in Parker County; RN107960320; 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. (Adam Taylor, Ryan Rutledge)

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

Item 16 [Docket No. 2016-0511-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Jose Damyan D. Valadez in Williamson County; RN105827331; for landscape irrigation advertisement 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, Ryan Rutledge)

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

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 17 [Docket No. 2015-1570-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Loyal Lybarger d/b/a Ponderosa Mobile Home Park in Harris County; RN101456333; for public water supply and water utility violations pursuant to Tex. Water Code ch. 13, Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Eric Grady, Ryan Rutledge)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED  
ORDERS**

Item 18 [Docket No. 2016-0506-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Miguel A. Lozano and COWBOY FOUNDATIONS AND CONSTRUCTION, INC. in Bexar County; RN104666227; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Danielle Porras, Michael Parrish)

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

Item 19 [Docket No. 2015-1836-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Maria E. Rosas in Hudspeth County; RN106494479; 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. (Elizabeth Lieberknecht, Ryan Rutledge)

Remand Item 19 to the Executive Director to revise the Order to waive the remaining penalty of \$1,100. JN/TB; all agree.

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 20 [Docket No. 2016-0547-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against Lee Ann Potter and Chad Simons, d/b/a Tire Gauge in Llano County; RN109021477; 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. (Lena Roberts, Ryan Rutledge)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 21 [Docket No. 2015-1474-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Utilities, Inc. in Hays County; RN101513729; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental

Quality, including specifically 30 Tex. Admin. Code ch. 60. (Farhaud Abbaszadeh, Michael Parrish)

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

Item 22 [\*\*Docket No. 2015-0206-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hawk Cove in Hunt County; RN104265848; for water quality violations pursuant to Tex. Water Code chs. 7, 26, and 37 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ross Luedtke, Michael Parrish)

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

Item 23 [\*\*Docket No. 2014-1303-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of J&S Water Company, L.L.C. in Harris County; RN102361458; 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. (Ross Luedtke, Michael Parrish)

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

Item 24 [\*\*Docket No. 2015-0230-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TEXAS RENAISSANCE FESTIVALS, INC. in Grimes County; RN102860368; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Farhaud Abbaszadeh, Michael Parrish)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 25 [\*\*Docket No. 2016-0762-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cimarron Produce Corporation dba Chikita Express Store in Hidalgo County; RN101684306; 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, Michael Parrish)

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

Item 26 **[Docket No. 2016-0617-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CIRCLE K STORES INC. dba Circle K 2704031 and Circle K 2704035 in Bastrop and DeWitt Counties; RN102347465 and RN102016367; 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. (Danielle Porras, Michael Parrish)

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

Item 27 **[Docket No. 2016-0432-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NEW BERNARD, LLC dba Churchill Grocery in Brazoria County; RN101906204; 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, Michael Parrish)

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

Item 28 **[Docket No. 2016-0504-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against PRICEWISE LLC dba Pricewise 105 in Jefferson County; RN101617165; 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, Michael Parrish)

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

Item 29 [\*\*Docket No. 2016-1078-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S TUM CORPORATION dba C & C Grocery in Brazoria County; RN101233823; 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. (Anthony Rios, Michael Parrish)

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

Item 30 [\*\*Docket No. 2016-0928-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sandeep Kaur dba City Mart in Grayson County; RN101542322; 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. (Tiffany Maurer, Michael Parrish)

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

Item 31 [\*\*Docket No. 2016-0594-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SILVER TREE DEVELOPMENTS #3, LLC dba Guadalupe Express in Bexar County; RN101750925; 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. (Jonathan Nguyen, Michael Parrish)

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

Item 32 [\*\*Docket No. 2016-0581-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TARK-CEP LLC dba Millers Cove Grocery in Titus County; RN105016620; 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 Stump, Michael Parrish)

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

Item 33 **[Docket No. 2016-0329-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against ARNY BUSINESS LLC d/b/a 288 Angleton Food Mart in Brazoria County; RN101440758; 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. (Ian Groetsch, Ryan Rutledge)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**

Item 34 **[Docket No. 2015-0795-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Mukhtar Farooqui d/b/a Cypress Chevron in Harris County; RN101651214; 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.

Item 35 **[Docket No. 2014-1311-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against LCTL, LLC in Irion County; RN102438462; 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. (Lena Roberts, Ryan Rutledge)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER**

Item 36 [\*\*Docket No. 2016-0239-PST-E.\*\*](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of CHAKLASHIA ENTERPRISES, INC. d/b/a H & Y Shell in Brazoria County; RN101882975; 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. (Amanda Patel, Ryan Rutledge)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 37 [\*\*Docket No. 2016-0323-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 7-ELEVEN, INC. in Victoria County; RN101500031; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Michael Parrish)

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

Item 38 [\*\*Docket No. 2016-1019-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Decatur in Wise County; RN101391019; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Claudia Corrales, Michael Parrish)

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

Item 39 [\*\*Docket No. 2016-0422-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Tyler in Smith County; RN101385870; 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 40 [\*\*Docket No. 2016-0251-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HUDSPETH COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 1 in Culberson County; RN101417293; 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, Michael Parrish)

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

Item 41 [\*\*Docket No. 2015-1319-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kenedy County; RN101271542; 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. (Larry Butler, Michael Parrish)

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

Item 42 [\*\*Docket No. 2016-0716-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION in Polk County; RN101280790; 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, Michael Parrish)

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

Item 43 [\*\*Docket No. 2016-0006-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against LUBBOCK INVESTMENTS, LLC, A Nevada Corporation dba Pecan Grove Mobile Home Park in Lubbock County; RN102692167; 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 44 [\*\*Docket No. 2016-0476-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lubbock Reese Redevelopment Authority in Lubbock County; RN102595774; 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, Michael Parrish)

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

Item 45 [\*\*Docket No. 2016-0990-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of U.S. Steel Tubular Products, Inc. in Morris County; RN102955135; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sandra Douglas, Michael Parrish)

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

Item 46 [\*\*Docket No. 2016-0739-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Walnut Creek Special Utility District in Parker County; RN101190056; 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 47 [\*\*Docket No. 2016-0084-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kenedy in Karnes County; RN101428274; 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 48 [\*\*Docket No. 2015-1751-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of James McIntire d/b/a Holiday Trav L Park in Val Verde County; RN101197895; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jess Robinson, Ryan Rutledge)

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

Item 49 [\*\*Docket No. 2015-1435-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of MINSA CORPORATION in Bailey County; RN102597200; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Audrey Liter, Lena Roberts)

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

**WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 50 [\*\*Docket No. 2016-0265-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bellmead in McLennan County; RN105594980; 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 51 [\*\*Docket No. 2016-0683-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Miller Springs Materials, L.L.C. in Bell County; RN107249989; for aggregate production operation violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Larry Butler, Michael Parrish)

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

Item 52 [Docket No. 2016-0549-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Nobles Road Construction, Inc. in Mitchell County; RN109103234; for aggregate production operation violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Claudia Corrales, Michael Parrish)

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

**MONTHLY ENFORCEMENT REPORT**

Item 53 [Docket No. 2016-1874-MIS.](#)

Consideration of the Texas Commission on Environmental Quality Monthly Enforcement Report, submitted for discussion in accordance with Texas Water Code § 7.003 (Bryan Sinclair, Melissa Cordell)

No action taken.

**RULE MATTERS**

Item 54 [Docket No. 2016-0335-RUL.](#)

Consideration of the adoption of amended Sections 210.81 - 210.85 of 30 TAC Chapter 210, Use of Reclaimed Water; and amended Section 285.80, repealed Section 285.81, and simultaneous new Section 285.81 of Chapter 285, On-Site Sewage Facilities. The adoption implements House Bill 1902, 84th Texas Legislature, 2015, Regular Session, relating to the regulation and use of graywater and alternative onsite water. The proposed rules were published in the July 22, 2016, issue of the *Texas Register* (41 TexReg 5366). (Laurie Fleet, Michael Parr) (Rule Project No. 2015-028-210-OW)

Adopt the amended, new and repealed Sections of 30 Texas Administrative Code Chapters 210 and 285 as recommended by the Executive Director. TB/JN; all agree.

Item 55 [Docket No. 2015-1820-RUL.](#)

Consideration of the adoption of amended Sections 114.100 and 114.305, and repealed Subchapter F, Division 2, Sections 114.211 -

114.217 and 114.219 of 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the state implementation plan. The adopted rulemaking will remove the Voluntary Accelerated Vehicle Retirement program regulations; update references to obsolete test methods; and make other non-substantive clarifying changes as needed for accuracy and consistency. The proposed rules were published in the July 22, 2016, issue of the *Texas Register* (41 TexReg 5361) and are adopted without changes. (Michael Regan, Sierra Redding) (Rule Project No. 2016-010-114-AI)

Adopt amended Sections 114.100 and 114.305 and repealed Subchapter F, Division 2, Sections 114.211 - 114.217 and 114.219 of 30 Texas Administrative Code Chapter 114 and corresponding revisions to the State Implementation Plan as recommended by the Executive Director. JN/TB; all agree.

Item 56 [\*\*Docket No. 2016-0293-RUL.\*\*](#)

Consideration of the adoption of amendments to Sections 331.9 and 331.131 of 30 TAC Chapter 331, Underground Injection Control. The adoption would implement provisions of House Bill 2230, 84th Texas Legislature, 2015, Regular Session, which provides authority for the Texas Commission on Environmental Quality to authorize an injection well used for oil and gas waste disposal permitted by the Railroad Commission of Texas to be used for the disposal of nonhazardous brine generated by a desalination operation or nonhazardous drinking water treatment residuals. The proposed rules were published in the July 22, 2016, issue of the *Texas Register* (41 TexReg 5383). (Kathryn Hoffman, Diane Goss) (Rule Project No. 2016-021-331-WS)

Adopt the amendments to 30 TAC Chapter 331 as recommended by the Executive Director. TB/JN; all agree.

Item 57 [\*\*Docket No. 2016-0484-RUL.\*\*](#)

Consideration of the adoption of amended Sections 39.411 and 39.603 of 30 TAC Chapter 39, Public Notice, and amended Section 55.152 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; and corresponding revisions to the State Implementation Plan. The adopted rulemaking would amend existing public participation rules to allow for consolidation of Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision for an Air Quality Standard Permit for Concrete Batch Plants and to provide for a 30-day period for submitting comments, and requests for public meeting or contested case hearing. The proposed rules were published in the July 22, 2016, issue of the

*Texas Register* (41 TexReg 5331). (Janis Hudson, Tasha Burns) (Rule Project No. 2016-030-039-LS)

Adopt the amendments to 30 Texas Administrative Code Chapters 39 and 55 and corresponding revisions to the State Implementation Plan as recommended by the Executive Director. JN/TB; all agree.

Item 58 **Docket No. 2016-0344-RUL.**

Consideration of the adoption of amendments to Sections 113.100, 113.120, 113.190, 113.200, 113.290, 113.300, 113.320, 113.330, 113.340, 113.350, 113.380, 113.430, 113.560, 113.610, 113.640, 113.660, 113.670, 113.690, 113.700, 113.710, 113.720, 113.730, 113.750, 113.780, 113.810, 113.860, 113.1040, 113.1090, 113.1130, 113.1300, and 113.1390; and new Sections 113.450, 113.1190, and 113.1200 of 30 TAC Chapter 113, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants. The adoption would include updates to federal maximum achievable control technology (MACT) and generally available control technology (GACT) standards. The adopted rulemaking would amend numerous existing sections of 30 TAC Chapter 113 to incorporate changes made to MACT and GACT standards by the United States Environmental Protection Agency (EPA) and would incorporate by reference three new MACT and GACT standards recently promulgated by the EPA. The proposed rules were published in the July 22, 2016, issue of the *Texas Register* (41 TexReg 5350). (Michael Wilhoit, Terry Salem) (Rule Project No. 2016-032-113-AI)

Adopt the new and amended sections of 30 Texas Administrative Code Chapter 113 as recommended by the Executive Director. TB/JN; all agree.

**MISCELLANEOUS MATTER**

Item 59 **Docket No. 2016-1254-BGT.**

Discussion and consideration of, the Article IX, Sec. 18.01 Water Resource Management Account No. 153 Study. (Elizabeth Sifuentez Koch, Liz Day)

No action taken.

**PUBLIC COMMENT SESSION**

Item 60 **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 61      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.

No action taken.

**Item 62      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.

No action taken.

**Item 63      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.

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.)**

**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

12/8/2016  
Date