

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

April 26, 2017

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. 2017-0031-AIR.](#)**

Consideration of application by Jagoe-Public Company, for Air Quality Permit No. 139756, to authorize a hot mix asphalt plant located at 3020 Fort Worth Drive, Denton, Denton County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Bill Moody, Becky Petty)

Grant the hearing requests of Judith and Charles Stoughton; Refer the application to SOAH for a contested case hearing on the following issue: Whether the plant will negatively affect air quality and Judith and Charles Stoughton's health; Set a hearing duration for four months from the first date of the preliminary until the Proposal for Decision is issued. TB/JN; all agree.

WATER USE PERMIT APPLICATION MATTERS

Item 2 **[Docket No. 2011-0087-WR.](#)**

Consideration of an application by George E. Bingham, Juanita Sue Bingham, Brian Bingham, Kellie Bingham, and Carey Bingham (Applicants) to extend the term authorization for diversion under Water Use Permit No. 4264B. The Permit authorizes use of an exempt reservoir on an unnamed tributary of Martins Creek, tributary of Copperas (Rush) Creek, tributary of the Leon River, Brazos River Basin. The Permit also authorizes the diversion of 40 acre-feet per year from the reservoir for agricultural use in Comanche County. The authorization to divert 40 acre-feet expired on December 31, 2009, and the Applicants timely requested an extension of the term. The Executive Director recommends denial of Application No. 4264C because appropriated but unused water is not available for extension of the term authorization. The Commission will consider the application, timely filed and pending request(s) for hearing and any related responses or filings on this application. (Calvin Clary, Ruth Takeda)

Deny the application to amend Water Use Permit No. 4264B filed by George E. Bingham, Juanita Sue Bingham, Brian Bingham, Kellie Bingham, and Carey Bingham; Order the applicants to cease use of the subject reservoir except as is authorized by Texas Water Code § 11.142; and Instruct the Chief Clerk to forward the Commission's Order to all affected persons. JN/TB; all agree.

Item 3 **[Docket No. 2016-0398-WR.](#)**

Consideration of an application by Michael R. Bingham (Applicant) to extend the term authorization for diversions under Certificate of Adjudication No. 12-3573C. The Certificate authorizes use of an exempt reservoir with a capacity of 115 acre-feet located on an unnamed tributary of Copperas (Rush) Creek, tributary of the Leon River, Brazos River Basin. The Certificate also authorizes the diversion of 60 acre-feet from the reservoir for agricultural use in Comanche County. The authorization to divert 60 acre-feet expired on December 31, 2009, and the Applicant timely requested an extension of the term. The Executive Director recommends denial of Application No. 12-3573D because appropriated but unused water is not available for extension of the term authorization. The Commission will consider the application, timely filed and pending request(s) for hearing and any related responses or filings on this application. (Calvin Clary, Ruth Takeda)

Deny the application of Michael Bingham to amend Certificate of Adjudication No. 12-3573C; Order Michael Bingham to cease use of the subject reservoir except as is

authorized by Texas Water Code § 11.142; and Instruct the Chief Clerk to forward a copy of the Commission's Order to all affected persons. TB/JN; all agree.

Item 4 **Docket No. 2016-1846-WR.**

Consideration of an application by Ronnie N. Love and Barbara Ann Love (Applicants) to extend or delete the term authorization for diversions under Certificate of Adjudication No. 12-3486D. The certificate authorizes the maintenance of three exempt reservoirs with capacities of 15, 170, and 40 acre-feet (reservoirs 1, 2, and 3 respectively) on an unnamed tributary of Salt Branch and Salt Branch, tributary of the Leon River, Brazos River Basin. The certificate also authorizes the diversion and use of 150 acre-feet of water per year for agricultural use in Eastland County; and the diversion and use of 148 acre-feet of water per year from the reservoir authorized by Certificate of Adjudication No. 12-3485, located on Salt Branch, for agricultural use in Eastland County. The authorization to divert the total of 298 acre-feet expired on December 31, 2009, and the Applicants timely requested an extension or deletion of the term. The Executive Director recommends denial of Application No. 12-3486E because unappropriated water is not available for a perpetual authorization and appropriated but unused water is not available for extension of the term authorization. The Commission will consider the application, timely filed and pending request(s) for hearing and any related responses or filings on this application. (Calvin Clary, Ruth Takeda)

Deny the application of Ronnie N. Love and Barbara Ann Love to amend Certificate of Adjudication No. 12-3486D; Order Ronnie N. Love and Barbara Ann Love to cease use of the existing exempt reservoirs 1, 2, and 3 except as is authorized by Texas Water Code § 11.142; and Instruct the Chief Clerk to forward a copy of the Commission's Order to all affected persons. JN/TB; all agree.

MISCELLANEOUS MATTERS

Item 5 **Docket No. 2017-0422-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 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 December 1, 2016 to February 28, 2017 contained in the TCEQ Interoffice Memorandum to the Commissioners and Executive

Director dated March 27, 2017 with the caption of Docket Number 2017-0422-MIS. TB/JN; all agree.

Item 6 **Docket No. 2016-1179-MIS.**

Consideration for approval to publish for public comment a proposed update to the Texas Nonpoint Source Management Program. This update is required to be submitted through the Governor's Office to the United States Environmental Protection Agency for continued eligibility for Section 319 Nonpoint Source Grant funds under the federal Clean Water Act. This update represents the joint submission of both the Texas Commission on Environmental Quality and the Texas State Soil and Water Conservation Board. (Kerry Niemann, Ashley McDonald) (Project No. 2016-043-MIS-NR)

Approve the publication for public comment on a proposed update to the Texas Nonpoint Source Management Program as recommended by the Executive Director. JN/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7 **Docket No. 2016-1118-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Akzo Nobel Chemicals LLC in Harris County; RN102177391; 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. TB/JN; all agree.

Item 8 **Docket No. 2016-1091-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ascend Performance Materials Texas Inc. in Brazoria County; RN100238682; 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. (Juliana Whitehead, Michael Parrish)

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

Item 9 [**Docket No. 2016-1355-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Baytex USA Development, LLC in Karnes County; RN106173891; 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. TB/JN; all agree.

Item 10 [**Docket No. 2016-1281-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Moore County; RN100220052; 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. TB/JN; all agree.

Item 11 [**Docket No. 2016-1266-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. (Carol McGrath, Michael Parrish)

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

Item 12 [**Docket No. 2014-1561-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nalco Company f/k/a Champion Technologies, Inc. in Fort Bend County; RN101618882; 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. TB/JN; all agree.

Item 13 **[Docket No. 2016-1065-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Owens Corning Insulating Systems, LLC in Ellis County; RN100223585; 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. TB/JN; all agree.

Item 14 **[Docket No. 2016-1666-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against PCI Nitrogen, 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. (Shelby Orme, Michael Parrish)

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

Item 15 **[Docket No. 2015-1408-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Hutchinson County; RN102495884; 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. TB/JN; all agree.

Item 16 **[Docket No. 2016-1090-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against DCP Midstream, LP in Jackson County; RN106037690; 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. TB/JN; all agree.

**INDUSTRIAL AND/OR HAZARDOUS WASTE
ENFORCEMENT AGREED ORDERS**

Item 17 **Docket No. 2015-1619-IHW-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Durable Printed Products, Inc. d/b/a Anodizing Graphics of Texas in Fort Bend County; RN108194986; for industrial solid and/or hazardous 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, Janice Hernandez)

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

Item 18 **Docket No. 2016-0668-IHW-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of United States Department of Energy in Carson County; RN100210756; for industrial and hazardous 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. (Epifanio Villarreal, Michael Parrish)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED
ORDER**

Item 19 **Docket No. 2016-1505-IWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of D.B. Western, Inc. - Texas in Harris County; RN100897362; 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. TB/JN; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 20 **[Docket No. 2016-1480-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Big Wells in Dimmit County; RN107547135; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, 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. TB/JN; all agree.

Item 21 **[Docket No. 2015-1436-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of C & C ERAE, INC. d/b/a Agape Cleaners in Tarrant County; RN100607811; for dry cleaning and industrial hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 374 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Lieberknecht, Janice Hernandez)

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

Item 22 **[Docket No. 2015-1329-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of EOLA WATER SUPPLY CORPORATION in Concho County; RN101611945 and RN102673183; for public drinking water, water rights, and water quality violations pursuant to Tex. Water Code chs. 5, 7, 11, and 26, Tex. Health and Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ian Groetsch, Janice Hernandez)

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

Item 23 **[Docket No. 2015-0506-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRIPLE R DIESEL SERVICE, INC. in Bexar County; RN102845450; for municipal solid waste, used oil, and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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. TB/JN; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 24 [**Docket No. 2016-1398-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Duval County in Duval County; RN101921286; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Epifanio Villarreal, Michael Parrish)

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

Item 25 [**Docket No. 2016-1344-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Baymon Acme LP in Collin County; RN109268219; 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, Janice Hernandez)

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

Item 26 [**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, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 27 [**Docket No. 2016-0241-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Canutillo Independent School District in El Paso County; RN101702280; 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, Melissa Cordell)

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

Item 28 [**Docket No. 2016-0226-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jefferson County Water Control and Improvement District No. 10 in Jefferson County; RN101607448; 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. TB/JN; all agree.

Item 29 [**Docket No. 2014-1895-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Presbyterian Mo Ranch Assembly in Kerr County; RN101528446; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Cheryl Thompson, Michael Parrish)

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

Item 30 [**Docket No. 2016-0121-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of St. Paul Water Supply Corporation in San Patricio County; RN101518421; 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. TB/JN; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 31 **[Docket No. 2014-1308-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BKK Holdings inc. dba Adam Food Mart in Parker County; RN101550200; 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. TB/JN; all agree.

Item 32 **[Docket No. 2016-1436-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COWBOYS SPEEDY LLC dba Speedy in Rockwall County; RN102272390; 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. TB/JN; all agree.

Item 33 **[Docket No. 2016-0300-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Fort Bend Independent School District in Fort Bend County; RN102469665; 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. TB/JN; all agree.

Item 34 [Docket No. 2016-1331-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Lone Star Carriers, Inc. in Hill and McLennan Counties; RN109187518; 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. (Holly Kneisley, Michael Parrish)

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

Item 35 [Docket No. 2016-1148-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of QUIROGA PROPERTIES, L.L.C. dba Pantry East and QUIROGA PROPERTIES, L.L.C. dba Pantry West in Bee County; RN101444537 and RN103016838; 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. (Abigail Lindsey, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 36 [Docket No. 2016-1001-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against CYDIA INC d/b/a Kerens Quik Stop in Navarro County; RN101546703; 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. (Audrey Liter, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 37 [Docket No. 2016-1158-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of

CLIFTON FOOD MART, L.L.C. dba Clifton Food Mart in Bosque County; RN101662724; 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. (Clayton Smith, Janice Hernandez)

Remanded to the Executive Director on April 25, 2017.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 38 **[Docket No. 2016-1005-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Los Fresnos in Cameron County; RN101392009; 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. TB/JN; all agree.

Item 39 **[Docket No. 2016-0772-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Morgan's Point Resort in Bell County; RN102677366; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Raime Hayes-Falero, Michael Parrish)

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

Item 40 **[Docket No. 2016-1112-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of River Oaks in Tarrant County; RN101203842; 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. TB/JN; all agree.

Item 41 [**Docket No. 2016-0374-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Roscoe in Nolan County; RN101430924; 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. TB/JN; all agree.

Item 42 [**Docket No. 2016-1748-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rotan in Fisher County; RN101428282; 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. TB/JN; all agree.

Item 43 [**Docket No. 2016-1303-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HERITAGE FINANCIAL GROUP, INC. in Harrison County; RN101512614; 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. TB/JN; all agree.

Item 44 [**Docket No. 2016-1384-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ROCK CREEK WATER SUPPLY CORPORATION in Palo Pinto County; RN105472757; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Fisher, Michael Parrish)

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

Item 45 [**Docket No. 2016-0743-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Surjit Singh dba Santa Fe Market in Galveston County; RN101260974; 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, Michael Parrish)

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

Item 46 [Docket No. 2016-1032-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Travis County Water Control and Improvement District 18 in Travis County; RN101410405; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Fisher, Michael Parrish)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 47 [Docket No. 2015-1688-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Brian Fabre d/b/a Fay Ben Mobile Home Park in Lubbock County; RN101247328; 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. (Adam Taylor, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 48 [Docket No. 2014-1370-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Weiss Sand and Clay, LP in Fort Bend County; RN105427744; for water quality and aggregate production operation 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. (Had Darling, Michael Parrish)

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

Item 49 **MONTHLY ENFORCEMENT REPORT**

Docket No. 2017-0294-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.

EXECUTIVE MEETING

Item 50 **Docket No. 2017-0001-EXE.**

The Commission will conduct a closed meeting to receive legal advice from its attorney(s) and will discuss pending or contemplated litigation, and/or settlement offers, as permitted by Section 551.071 of the Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas Government Code.

The Commission did not meet in Executive Meeting.

Item 51 **Docket No. 2017-0002-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, General Counsel, Chief Clerk, Public Interest Counsel, or Chief Auditor as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas Government Code.

The Commission did not meet in Executive Meeting.

Item 52 **Docket No. 2017-0003-EXE.**

The Commission will conduct a closed meeting to discuss the employment, evaluation, reassignment, duties, discipline or dismissal of

a specific Commission employee(s) as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas Government Code.

The Commission did not meet in Executive Meeting.

Item 53 **Docket No. 2017-0004-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 Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas 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/ Tracy Gross
Assistant General Counsel
Tracy Gross

5/1/2017
Date