

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 13, 2017

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. 2015-1825-WQ-E; SOAH Docket No. 582-17-0377.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against and requiring certain actions of TEXAS ARCHITECTURAL AGGREGATE, INC. in Llano County, Texas; RN108724238; regarding water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Jess Robinson)

Adopt the ALJ's Proposed Order as modified by the Executive Director's Exceptions to the ALJ's Proposed Order, along with the following additional changes to alternatively allow the Respondent to cease all unauthorized discharges; Revise Ordering Provision Number 3 of the ALJ's Proposed Order to read as follows: "The Respondent must a) immediately cease all unauthorized discharges at the site by removing equipment and

stabilizing the site and returning it to a post mining use consistent with the MSGP; or b) within 30 days after the effective date of this order 1) develop and implement a storm water pollution prevention plan in accordance with TPDES GP No. TXR050000 and 2) Submit an NOI requesting coverage under TPDES GP No. TXR050000 and associated fees to Stormwater Processing Center, Water Quality Division, MC-228, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087;" and revise the first sentence of Ordering Provision No. 4 of the ALJ's Proposed Order to read as follows: "within 45 days after the effective date of this order, respondent must submit written certification to demonstrate compliance with either Ordering Provision Number. 3.a or 3.b." TB/BS; JN oppose.

DISTRICTS MATTER

Item 2 **Docket No. 2017-1419-DIS.**

Consideration of a Petition filed by MSV Limited (Petitioner) seeking Texas Commission on Environmental Quality consent for the annexation of approximately 72.52 acres of land into Jefferson County Water Control and Improvement District No. 10 pursuant to the provisions of Tex. Local Gov't Code §§ 42.0425 and 42.042 and Chapters 49 and 51 of the Tex. Water Code. The Petitioner's land is located wholly in the extraterritorial jurisdiction of the City of Nederland in Jefferson County, Texas. The Commission will also consider related responses and replies to the Petition. (Linda Horng)

Determine that the City failed to provide consent for annexation of the Petitioner's land into the District and failed to enter into a mutually agreed commitment to provide water and wastewater service to the land based on the information provided in the Petition; Grant the Petition request for TCEQ consent to the proposed annexation of the land into the District pursuant to Texas Local Government Code Sections 42.0425 and 42.042; and instruct the Office of General Counsel to draft a Commission Order memorializing the determination. JN/TB; all agree.

MISCELLANEOUS MATTERS

Item 3 **Docket No. 2017-1483-MIS.**

Consideration of the nomination and appointment of seven positions on the Tax Relief for Pollution Control Property Advisory Committee. House Bills 3206 and 3544, 81st Legislature, 2009, amended Texas Tax Code (TTC), Section 11.31 to require the Texas Commission on Environmental Quality (TCEQ) to form a permanent advisory committee that will make recommendations to the TCEQ commissioners regarding the use of pollution control property on matters relating to property tax exemptions. TTC, Section 11.31(n) requires the advisory committee to have representatives from industry, appraisal districts, taxing units, environmental groups, and members

who are not representatives of any of the aforementioned entities but have substantial technical expertise in pollution control technology and environmental engineering. House Bill 2280, 82nd Legislature, 2011, amended TTC, Section 11.31(n) to require that at least one member of the advisory committee be a representative of a school district or junior college district in which property is located that is or previously was subject to an exemption under this section. This proposal is for the following positions: three representatives from industry, two representatives from appraisal districts, one representative from taxing units, and one independent technical expert. (Elizabeth Sartain, Don Redmond) (Non-Rule Project No. 2017-038-MIS-NR)

Reappoint the following individuals to serve for four year terms expiring on December 31, 2021: Bob Adair, representing industry; Roland Bieber, representing appraisal districts; Timothy Jones, representing industry; C. Wayne Frazell, representing appraisal districts; Michael Ford, representing industry; Charles Allred, representing the independent technical expert; and Appoint Bill Longley, representing taxing units to serve for a four year term expiring December 31, 2021. TB/JN; all agree.

Item 4 **Docket No. 2017-1587-MIS.**

Consideration of a resolution granting the Executive Director of the Texas Commission on Environmental Quality approval and authority to request the Texas Facilities Commission to delegate leasing authority to the Commission to enter into a lease agreement with Texas A&M University for office space located at 6300 Ocean Drive, Unit 5839, Corpus Christi Texas 78412-5839. (John Racanelli)

Adopt the Resolution proposed by the Executive Director but modify it as follows: 1) Add a new paragraph after the first paragraph which reads "Whereas the Commission is an Agency of the State of Texas;" 2) Revise the first paragraph by removing the quotation marks located inside the paragraph's two parentheses; 3) Add a new paragraph between the current 7th and 8th paragraph which reads as follows: "Whereas the Commission has sufficient funds available to pay for the lease and any services associated with the lease;" and 4) Revise the last paragraph by inserting the word 'that' between the words 'request' and 'the.' JN/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 **Docket No. 2017-0232-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Cowtown Gas Processing Partners L.P. in Hood County; RN105471551; 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 6 [**Docket No. 2016-0924-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gulfwest Waste Solutions, LLC in Chambers County; RN100922392; 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 7 [**Docket No. 2016-0031-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OCI Beaumont LLC in Jefferson County; RN102559291; 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.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 8 [**Docket No. 2016-0835-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pearsall in Frio County; RN103016275; 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. (Larry Butler, Michael Parrish)

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

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT
ORDERS**

Item 9 [**Docket No. 2017-0129-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Ann Kim Nguyen dba Journeys Cleaners in Harris County; RN103952693; for dry cleaner and industrial solid and/or hazardous waste violations pursuant to Tex. Water Code ch. 7, 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. (Ryan Rutledge, Janice Hernandez)

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

Item 10 [**Docket No. 2016-1690-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of B.V.S. Construction, Inc. in Milam County ("Site 1"); RN107290504; and Brazos County ("Site 2"); RN104895198; for water quality violations pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Janice Hernandez)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED
ORDERS**

Item 11 [**Docket No. 2017-0472-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Alton in Hidalgo County; RN109705665; 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. (Jonathan Nguyen, Michael Parrish)

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

Item 12 [**Docket No. 2016-1567-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Texas Land Reclamation, LLC dba UTW Transportation in Hidalgo County; RN106145972; 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. (Audrey Liter, Janice Hernandez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 13 [**Docket No. 2016-1026-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Silvia Arenales dba 4 Brothers Enterprises in Menard County; RN109113050; 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. (Amanda Patel, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 14 [**Docket No. 2016-2054-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Alba in Wood County; RN101721405; 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. TB/JN; all agree.

Item 15 [**Docket No. 2016-1904-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Canadian in Hemphill County; RN101613313; 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. TB/JN; all agree.

Item 16 [Docket No. 2015-1740-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Throckmorton in Throckmorton County; RN103138111; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alejandro Laje, Michael Parrish)

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

Item 17 [Docket No. 2017-0424-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Harker Heights in Bell County; RN101920395; 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. (Elizabeth Carroll Harkrider, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 18 [Docket No. 2016-2042-MWD-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Texas Rain Holding Company, Inc. in Hunt County; RN103014973; 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. (Lena Roberts, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 19 [**Docket No. 2017-0434-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fort Worth Transportation Authority in Tarrant County; RN102029121; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Keith Frank, Michael Parrish)

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

Item 20 [**Docket No. 2017-0435-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAM LIM, INC. dba J & J Quickstop in Tarrant County; RN101444446; 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. (James Baldwin, Michael Parrish)

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

Item 21 [**Docket No. 2017-0513-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ZRPRASLA INC. dba Friendly Food Mart in Grimes County; RN101672285; 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. (Ken Moller, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 22 [**Docket No. 2016-1720-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Root Fuel, LLC dba Root Fuel Wallisville in Harris County; RN102480407; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Janice Hernandez)

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

Item 23 [**Docket No. 2017-0071-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of SAHAD INVESTMENTS, INC. dba Riverside Market in Kendall County; RN102028925; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 24 [**Docket No. 2016-1199-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Blue Ridge West Municipal Utility District in Fort Bend County; RN102684875; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Soraya Peters, Michael Parrish)

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

Item 25 [**Docket No. 2017-0403-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jameson Place, L.P. in Parker County; RN107845679; 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. TB/JN; all agree.

Item 26 [**Docket No. 2016-2140-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Old Alton Estates Home Owners Association in Denton County; RN106123128; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 27 **[Docket No. 2017-0096-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Fazio Family Investments, Inc. dba Kid Korral in Bandera County; RN106618432; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Janice Hernandez)

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

Item 28 **[Docket No. 2015-1767-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of the City of Danbury in Brazoria County; RN101253607; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Isaac Ta, Janice Hernandez)

Remanded to the Executive Director on December 11, 2017.

MONTHLY ENFORCEMENT REPORT

Item 29 **[Docket No. 2017-1612-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.

PUBLIC COMMENT SESSION

Item 30 **[Docket No. 2017-0005-PUB.](#)**

The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ in accordance with Texas Water Code Section 5.112, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code Section 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. Please note that the Commission's discussion of subjects for which public notice has not been given are limited to statements of specific factual responses and recitation of existing policy.

No action taken.

EXECUTIVE MEETING

Item 31 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 32 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 33 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 34 **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/ Greg Merrell
Assistant General Counsel
Greg Merrell

12/18/17
Date