

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)).

AGENDA

November 18, 2015

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. 2013-1653-MSW-E; SOAH Docket No. 582-14-4716.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against and requiring certain actions of Keywinn Development, LLC in Parker County, Texas; RN106327521; regarding municipal solid waste violations pursuant to Tex. Water Code Chapter 7, Tex. Health & Safety Code Chapter 361, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Jennifer Cook)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 **[Docket No. 2015-1381-AIR.](#)**

Consideration of the application by Texas Eastern Transmission, LP for renewal of Air Quality Permit No. 56610 to authorize continued operation of an existing permitted plant consisting of three natural gas-fired reciprocating engines at a natural gas compressor station. The facility is located at 3009 Lilly Street, Longview, Gregg 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. (Benjamin Hansen, Jennifer Furrow)

Item 3 [**Docket No. 2015-1489-AIR.**](#)

Remanded
to the
Executive
Director

Consideration of the application by Halyard Energy Henderson, LLC for Air Quality Permit No. 122733 to authorize the construction of the Halyard Henderson Energy Center, an electric generating facility composed of two simple cycle gas-fired turbines. The plant is located on County Road 4402, approximately 0.30 miles west of the intersection of County Road 4402 and Texas Farm to Market 2588, near Larue, Henderson 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. (Joe Janecka, Sierra Redding)

Item 4 [**Docket No. 2015-1433-MWD.**](#)

Consideration of the application by AMDT LLC for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015274001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 20,000 gallons per day. The facility will be located approximately 1.7 miles north of the intersection of Farm-to-Market Road 723 and Farm-to-Market Road 359, in Fort Bend County, Texas 77471. The Commission will also consider requests for hearing or reconsideration, related to responses and replies, public comment, and the Executive Director's Responses to Comments. (John O. Onyenobi, Alicia Ramirez)

MISCELLANEOUS MATTERS

Item 5 [**Docket No. 2015-0730-RES.**](#)

Consideration of a resolution appointing six nominees to serve on the Municipal Solid Waste Management and Resource Recovery Advisory Council (Advisory Council) and the possible appointment of one member as the Advisory Council president. The Advisory Council reviews and evaluates the effect of state policies and programs on municipal solid waste (MSW) management; makes recommendations on matters relating to MSW management; recommends legislation to encourage the efficient management of MSW; recommends policies for the use, allocation, or distribution of the planning fund; and recommends special studies and projects to further the effectiveness of MSW management and recovery for Texas. (Steve Hutchinson, Ron Olson) (Project No. 2015-016-RES-NR)

Item 6 [**Docket No. 2015-1347-MIS.**](#)

Hyperlink
Update
11/09/2015
5:00 PM

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7 **[Docket No. 2015-0640-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Chevron Phillips Chemical Company LP in Harris County; RN103919817; 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. (Rachel Bekowies, Candy Garrett)

Item 8 **[Docket No. 2015-0600-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Enbridge Pipelines (Texas Gathering) L.P. in Wheeler County; RN106271232; 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, Candy Garrett)

Item 9 **[Docket No. 2014-1766-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. (Farhaud Abbaszadeh, Candy Garrett)

Item 10 **[Docket No. 2014-1746-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Flint Hills Resources Houston Chemical, LLC f/k/a PL Propylene LLC in Harris County; RN102576063; 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. (Jessica Schildwachter, Candy Garrett)

LANDSCAPE IRRIGATION LICENSING ENFORCEMENT

DEFAULT ORDERS

Item 11 [**Docket No. 2015-0189-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of James E. Moore, Jr. in Lampasas County; RN106315658; 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. (Colleen Lenahan, Lena Roberts)

Item 12 [**Docket No. 2015-0200-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of SERENE SCENES, LLC in Travis County; RN106371180; 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. (Amanda Patel, Lena Roberts)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 13 [**Docket No. 2015-0335-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Roscoe in Nolan County; RN101917581; for air quality, municipal solid waste, and water quality 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. (Michael Meyer, Candy Garrett)

Item 14 [**Docket No. 2015-0014-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NEW WATER SUPPLY CORPORATION in San Augustine County; RN105472716; for public drinking water and water quality violations pursuant to Tex. Health & Safety Code ch. 341, 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. (Epifanio Villarreal, Candy Garrett)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 15 [**Docket No. 2014-0053-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against

and requiring certain actions of Thomas E. Rutherford, William R. Rutherford, and Edina Bendure in Bell County; RN106643950; for municipal solid waste and air quality violations pursuant to Tex. Water Code chs. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 16 [**Docket No. 2014-1602-MWD-E.**](#)

Hyperlink
Update
11/12/2015
1:30 PM

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Nerro Supply, LLC in Chambers County; RN102342268; 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. (Tracy Chandler, Lena Roberts)

Item 17 [**Docket No. 2015-0519-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Tatum in Rusk County; RN101918407; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Austin Henck, Candy Garrett)

Item 18 [**Docket No. 2015-0469-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of McMullen County Water Control and Improvement District No. 1 and McMullen County; RN101919611; 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. (Jennifer Graves, Candy Garrett)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 19 [**Docket No. 2015-0412-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against ALMEDA OST MED CENTER, L.L.C. d/b/a Med Center Shell in Harris County; RN101382745; 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, Lena Roberts)

Item 20 [Docket No. 2014-1302-PST-E.](#)

Hyperlink
Update
11/12/2015
5:15 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PETROLEUM PRODUCTS, INC. dba Charlies in Limestone County; RN101670883; 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, Candy Garrett)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 21 [Docket No. 2014-1883-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of INSHALA CHARITIES, INC. in Harris County; RN102398427; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 22 [Docket No. 2014-1161-PST-E.](#)

Hyperlink
Update
11/16/2015
2:45 PM

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of MAREDIA, INC. d/b/a Convenient Food Mart 4 in Grimes County; RN102345550; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Meaghan M. Bailey, Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 23 [Docket No. 2015-0681-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Camp Wood in Real County; RN101428381; 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, Candy Garrett)

- Item 24 [**Docket No. 2015-0695-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hamlin in Jones County; RN101392504; 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, Candy Garrett)
- Item 25 [**Docket No. 2015-0709-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kerrville in Kerr County; RN101425296; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jessica Schildwachter, Candy Garrett)
- Item 26 [**Docket No. 2015-0682-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Munday in Knox County; RN101268829; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Farhaud Abbaszadeh, Candy Garrett)
- Item 27 [**Docket No. 2015-0733-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rule in Haskell County; RN101400836; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Candy Garrett)
- Item 28 [**Docket No. 2015-0384-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DOSS COMMUNITY IMPROVEMENT CLUB, INC. in Gillespie County; RN101265874; 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, Candy Garrett)
- Item 29 [**Docket No. 2015-0584-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Guadalupe-Blanco River Authority in Calhoun County; RN102671674; for public drinking water violations pursuant to

Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villareal, Candy Garrett)

Item 30 [**Docket No. 2015-0214-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of James Adamoli, Jr. dba Northwoods Mobile Home Park and Mark Adamoli dba Northwoods Mobile Home Park in Harris County; RN102673779; 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, Candy Garrett)

Item 31 [**Docket No. 2015-0327-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LASS WATER COMPANY INC in Limestone County; RN104443734; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villareal, Candy Garrett)

Item 32 [**Docket No. 2015-0357-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SHADY GROVE NO. 2 WATER SUPPLY CORPORATION in Hopkins County; RN101457760; 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, Candy Garrett)

Item 33 [**Docket No. 2015-0345-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S.S.G. FUEL SERVICE, INC. dba King Shell in Harris County; RN101268472; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Candy Garrett)

Item 34 [**Docket No. 2015-0697-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cole DG Lubbock (FM 40) TX, LLC dba Dollar General Store 14889 in Lubbock County; RN106882061; 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, Candy Garrett)

SLUDGE ENFORCEMENT DEFAULT ORDER

Item 35 [**Docket No. 2015-0191-SLG-E.**](#)

Hyperlink
Update
11/16/2015
2:45 PM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Daniel Dennis Hartman d/b/a Northside Wastewater Systems in Montgomery County; RN105715874; for municipal solid waste and 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. (Jennifer Cook, Lena Roberts)

RULE MATTERS

Item 36 [**Docket No. 2015-0984-RUL.**](#)

Consideration for the publication of, and hearing on, the proposed amendment to Section 291.51 of 30 TAC Chapter 290, Public Drinking Water. The proposed rulemaking would implement House Bill 1, Article IX, Section 18.01 (General Appropriations Act), 84th Texas Legislature (2015), Regular Session, which instructed the agency to raise fee rates by rule to ensure adequate revenue is available to support the agency water appropriation. The proposed rulemaking provides the commission the ability to increase the Public Health Services fee on an annual basis in order to address future funding shortages. (Greg Yturralde, Todd Galiga) (Rule Project No. 2015-031-290-AD)

Item 37 [**Docket No. 2015-0829-RUL.**](#)

Consideration of the adoption of amended Sections 290.46 and 290.47 of 30 TAC Chapter 290, Public Drinking Water. The adopted rulemaking would implement House Bill (HB) 1146, 84th Texas Legislature, 2015, Regular Session, relating to allowing public water systems to use volunteer licensed operators and the maintenance of certain records for each volunteer. HB 1146 adds Section 341.033(a-1) and amends Section 341.034(a) of the Texas Health and Safety Code and requires the commission to adopt rules no later than December 1, 2015. The proposed rules were published in the August 21, 2015, issue of the *Texas Register* (40 TexReg 5268). (James Beauchamp, Ron Olson) (Rule Project No. 2015-020-290-OW)

EXECUTIVE MEETING

Item 38 **Docket No. 2015-0001-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.

Item 39 **Docket No. 2015-0002-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.

Item 40 **Docket No. 2015-0003-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.

(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.)

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)**