

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

April 27, 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. 2016-0048-WR.](#)

Remanded
to the
Executive
Director

Consideration of the application by NuStar Terminals Partners TX L.P. for new Water Use Permit No. 12866, seeking authorization to divert and use not to exceed 62 acre-feet of water per year at a maximum diversion rate of 3.34 cfs (1,500 gpm) from a point on the Lower Galveston Bay, San Jacinto-Brazos Coastal Basin, located 7.5 miles northwesterly from Galveston and 0.93 mile southeasterly from Texas City, for non-consumptive industrial purposes, with all water returned to the Lower Galveston Bay in Galveston County. The Commission will consider all timely filed hearing requests and related responses and replies. (Chris Kozlowski, Linda Horng)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 2

[Docket No. 2015-0959-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Houston Refining LP in Harris County; RN100218130; 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. (Amancio R. Gutierrez, Melissa Cordell)

Item 3 **[Docket No. 2015-1409-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Lower Colorado River Authority in Bastrop County; RN102038486; 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, Melissa Cordell)

Item 4 **[Docket No. 2015-0924-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of South Texas Aggregates, Inc. in Tom Green County; RN102765161; 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, Melissa Cordell)

Item 5 **[Docket No. 2015-0097-AIR-E.](#)**

Hyperlink
Update
4/13/2016
9:45 AM

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Noltex L.L.C. in Harris County; RN101049518; 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. (David A. Terry, Lena Roberts)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 6 **[Docket No. 2015-1029-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COBRA STONE, INC in Williamson County; RN105485460; for Edwards Aquifer and 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. (Chris Bost, Melissa Cordell)

Item 7 [**Docket No. 2014-1341-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Joe Johnson and Frosty Farquhar d/b/a B & J Sand & Gravel in Llano County; RN105807598; for water quality 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. (Elizabeth Harkrider, Lena Roberts)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 8 [**Docket No. 2015-1111-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Bennie Len Gallier in Orange County; RN106538929; 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. (David A. Terry, Lena Roberts)

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 9 [**Docket No. 2015-1214-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Jessica Waggoner Cronin in Travis County; RN107944365; 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, Lena Roberts)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 10 [**Docket No. 2015-0362-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CHOI'S FOUR SEASONS INC dba US Mart 109 in Harris County; RN105636674; 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, Melissa Cordell)

Item 11 **[Docket No. 2015-1449-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nebular 2000, Inc. dba Kwik Stop in Dallas County; RN102887502; 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, Melissa Cordell)

Item 12 **[Docket No. 2015-1260-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of REEVES OIL CO., INC. in Gregg County; RN100553734; 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, Melissa Cordell)

Item 13 **[Docket No. 2015-1011-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Northline Enterprises Inc. dba Quick Food Store 19 in Harris County; RN101791770; 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, Melissa Cordell)

Item 14 **[Docket No. 2015-0293-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of CIPERCEN LLC d/b/a Meineke 4156 in Travis County; RN100532290; 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. (David Terry, Lena Roberts)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 15 **[Docket No. 2014-1865-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of AFEEF Investments Inc. in Bexar County; RN101763621; 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. (J. Amber Ahmed, Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 16 **[Docket No. 2015-1516-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Eagle Pass Water Works System in Maverick County; RN101387710; 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, Melissa Cordell)

Item 17 **[Docket No. 2015-1597-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of J & K HARPER, LLC dba Midessa Oilpatch RV Park in Midland County; RN101230688; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Holly Kneisley, Melissa Cordell)

Item 18 **[Docket No. 2015-1543-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NOGALUS-CENTRALIA WATER SUPPLY CORPORATION in Trinity County; RN101452076; 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, Melissa Cordell)

Item 19 **[Docket No. 2015-1318-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Alamo Water Supply Corporation in Hidalgo County; RN101247922; 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, Melissa Cordell)

Item 20 **[Docket No. 2015-1131-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nueces County Water Control and Improvement District No. 5 in Nueces County; RN101427037; 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, Melissa Cordell)

Item 21 **[Docket No. 2015-1364-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ROUGH CANYON CONDOS, L.L.C. in Val Verde County; RN101452266; 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, Melissa Cordell)

Item 22 **[Docket No. 2015-1121-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of West Wise Special Utility District in Wise County; RN101190270; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Alejandro Laje, Melissa Cordell)

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 23 **[Docket No. 2015-1413-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Dalworthington Gardens in Tarrant County; RN105478143; 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, Melissa Cordell)

Item 24 **[Docket No. 2014-1572-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Wilmer in Dallas County; RN101403483; 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. (Jill Russell, Melissa Cordell)

Item 25 **[Docket No. 2014-1896-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Texas Health Presbyterian Hospital Dallas in Dallas County; RN102209616; 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, Melissa Cordell)

RULE MATTERS

Item 26

[Docket No. 2015-0935-RUL.](#)

Remanded
to the
Executive
Director

Consideration for publication of, and hearing on, proposed new Section 11.202 of 30 TAC Chapter 11, Contract, Subchapter E, Contract Monitoring Roles and Responsibilities. The proposed rulemaking would implement Senate Bill 20, 84th Texas Legislature, 2015, Regular Session, that added Texas Government Code, Section 2261.253(c), which requires state agencies to establish by rule a procedure to identify each contract that requires enhanced contract or performance monitoring, and submit information to the agencies' governing bodies. The commission is proposing this rulemaking to add a new section regarding contracts. (LaTresa Stroud, Elizabeth West) (Rule Project No. 2015-030-011-AD)

Item 27

[Docket No. 2015-1448-RUL.](#)

Hyperlink
Update
4/22/2016
8:00 AM

Consideration of the adoption of new Sections 326.1, 326.3, 326.5, 326.7, 326.17, 326.19, 326.21, 326.23, 326.31, 326.37, 326.39, 326.41, 326.43, 326.53, 326.55, 326.61, 326.63, 326.65, 326.67, 326.69, 326.71, 326.73, 326.75, 326.77, 326.85, 326.87, and 326.89 of 30 TAC Chapter 326, Medical Waste Management; amended Sections 330.1, 330.9, 330.11, 330.13, 330.103, 330.171, and 330.219, and the repeal of Sections 330.1201, 330.1203, 330.1205, 330.1207, 330.1209, 330.1211, 330.1213, 330.1215, 330.1217, 330.1219, and 330.1221 of 30 TAC Chapter 330, Municipal Solid Waste; and amended Section 335.508 of 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste. The adopted rulemaking will implement House Bill 2244, 84th Texas Legislature, 2015, Regular Session, which requires that Texas Commission on Environmental Quality add and amend provisions that will specifically regulate medical waste; handling, transportation, storage, and disposal in the state. The proposed rules were published in the December 25, 2015, issue of the *Texas Register* (40 TexReg 9507, 9540, and 9601). (Mario Perez, Steve Shepherd) (Rule Project No. 2015-019-326-WS)

Item 28

[Docket No. 2015-0870-RUL.](#)

Consideration of the adoption of amended Section 39.651 of 30 TAC Chapter 39, Public Notice; the repeal of Sections 295.21 and 295.22, new Section 295.21, and amended Section 295.202 of 30 TAC Chapter 295, Water Rights, Procedural; amended Sections 297.1, 297.13, and

297.19 of Chapter 297, Water Rights, Substantive; and amended Sections 331.2, 331.7, 331.11, and 331.181 - 331.186 of 30 TAC Chapter 331, Underground Injection Control. The adopted rulemaking would implement House Bill 655, 84th Texas Legislature, 2015, Regular Session, relating to criteria for aquifer storage and recovery projects, including injection and recovery of appropriated water. The proposed rules were published in the December 25, 2015, issue of the *Texas Register* (40 TexReg 9487). (David Murry, Don Redmond) (Rule Project No. 2015-022-331-WS)

Item 29 **Docket No. 2015-1000-RUL.**

Consideration of the adoption of amendments to 30 TAC Chapter 293, Water Districts, Sections 293.17, 293.20, 293.22, and 293.23. The adoption would implement House Bill 2767, 84th Texas Legislature, 2015, Regular Session, by updating the definition of "affected person" and citations in Chapter 293 to conform to changes made to Texas Water Code (TWC), Chapter 36, by the bill and to delete language from the rule that the bill removed from the TWC. The proposed rules were published in the November 20, 2015, issue of the *Texas Register* (40 TexReg 8172). (Mike Chadwick, Kayla Murray) (Rule Project No. 2015-025-293-OW)

STATE IMPLEMENTATION PLAN MATTERS

Item 30 **Docket No. 2015-1651-SIP.**

Consideration for publication of, and hearing on, the proposed Collin County Redesignation Request and Maintenance Plan State Implementation Plan (SIP) Revision for the 2008 Lead National Ambient Air Quality Standard (NAAQS). The proposed SIP revision would request that the United States Environmental Protection Agency redesignate the Collin County area to attainment for the 2008 lead NAAQS and provide a maintenance plan that will ensure the area remains in attainment of the NAAQS through 2028. (Brian Foster, Amy Browning) (Non-Rule Project No. 2016-003-SIP-NR)

Item 31 **Docket No. 2015-0232-SIP.**

Consideration of the adoption of the Houston-Galveston-Brazoria (HGB) Area Redesignation Substitute for the 1997 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) State Implementation Plan (SIP) Revision. This redesignation substitute SIP revision formally documents the anti-backsliding obligations for the revoked 1997 eight-hour ozone NAAQS and ensures that the substance of the redesignation requirements is met for the HGB area. Per United States Environmental Protection Agency (EPA) guidance, this redesignation substitute takes

the place of a redesignation request and maintenance plan, which the EPA normally requires under a standard that has not been revoked. (Lola Brown, John Minter) (Non-Rule Project No. 2015-001-SIP-NR)

Item 32 **Docket No. 2015-0233-SIP.**

Consideration of the adoption of the Dallas-Fort Worth (DFW) Area Redesignation Substitute for the One-Hour and 1997 Eight-Hour Ozone National Ambient Air Quality Standards (NAAQS) State Implementation Plan (SIP) Revision. This redesignation substitute SIP revision formally documents the anti-backsliding obligations are met for the revoked one-hour and revoked 1997 eight-hour ozone NAAQS and ensures that the United States Environmental Protection Agency's (EPA) requirements for the redesignation of revoked ozone standards are met for the DFW area. This redesignation substitute would take the place of a redesignation request and maintenance plan for both the one-hour and 1997 eight-hour ozone NAAQS, which the EPA normally requires under a standard that has not been revoked. (Melanie Rousseau, Terry Salem) (Project No. 2015-002-SIP-NR)

EXECUTIVE MEETING

Item 33 **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.

Item 34 **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.

Item 35

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.

(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)**