

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

August 3, 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. 2016-0162-WR.](#)**

Consideration of the application by New Braunfels Utilities for new Water Use Permit No. 12469, seeking authorization: 1) to divert and use its historic and future surface water based and groundwater based return flows originating from its three wastewater treatment plants located on two unnamed tributaries of the Guadalupe River and the Guadalupe River, Guadalupe River Basin for subsequent municipal, industrial, and agricultural purposes in Comal, DeWitt, Gonzales, Guadalupe, and Victoria Counties; 2) use the bed and banks of the two unnamed tributaries of the Guadalupe River, Lake Dunlap, and the Guadalupe River to convey the return flows for subsequent diversion from Lake Dunlap on the Guadalupe River; and 3) for an exempt interbasin transfer for the authorized water to that portion of Guadalupe County within the San Antonio River Basin for municipal, industrial and agricultural purposes. The Commission will consider all timely filed hearing requests, related responses and replies, and public comments. (Sarah Henderson, Dinniah Tadema)

Item 2

[Docket No. 2016-0787-MWD.](#)

Consideration of the application by Nantucket Housing, LLC, for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015381001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 55,000 gallons per day. The facility will be located at 12321 Huffmeister Road, Cypress, in Harris County, Texas 77429. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Larry Diamond, Hollis Henley)

AUTHORIZATION TO CONSTRUCT

Item 3

[Docket No. 2016-1086-MWD.](#)

Consideration of an application by Nantucket Housing LLC for Authorization to Construct a new wastewater treatment facility, pursuant to Texas Water Code Sections 26.019 and 26.027. Nantucket Housing LLC has applied for new Texas Pollutant Discharge Elimination System Permit (TPDES) No. WQ0015381001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 27,500 gallons per day in the Interim phase and a daily average flow not to exceed 55,000 gallons per day in the Final phase. The plant site is located at 12321 Huffmeister Road, Cypress, in Harris County, Texas 77429. The treated effluent is proposed to be discharged to an enclosed stormwater pipe; thence to Cypress Creek in Segment No. 1009 of the San Jacinto River Basin. Nantucket Housing LLC requests the Authorization to Construct in order for the developer to have certainty that it will remain in compliance with a loan agreement for the development project. An order granting this application for Authorization to Construct would not constitute permit issuance or a guarantee of future permit issuance, and would not authorize operation of, or disposal of, effluent from the facility until Nantucket Housing LLC obtains a TPDES permit from the Commission. (Hollis Henley)

DISTRICTS MATTERS

Item 4

[Docket No. 2016-0249-DIS.](#)

Hyperlink
Update
8/2/2016
10:15 AM

Consideration of a petition by Kaufman County Fresh Water Supply District No. 6 ("District") for conversion of the District to a Municipal Utility District, pursuant to Texas Water Code Chapters 49 and 54; and Title 30 of the Texas Administrative Code, Chapter 293. (Sheresia Perryman, Hollis Henley) (TCEQ Internal Control No. D-10092015-021)

Item 5 [**Docket No. 2016-0609-DIS.**](#)

Consideration of a petition by Joseph Dow (Petitioner), for dissolution of Harris County Municipal Utility District No. 19 (District). The Petitioner requests that the Commission dissolve the District pursuant to Texas Water Code Chapter 49; and Title 30 of the Texas Administrative Code, Chapter 293. (Daniel Harrison, Hollis Henley) (TCEQ Internal Control No. D-03222016-047)

Item 6 [**Docket No. 2016-0783-DIS.**](#)

Consideration of a petition by Saint George Place Redevelopment Authority (Petitioner), for the creation of Saint George Place Management District of Harris County (District). The Petitioner requests that the Commission create the District pursuant to Texas Local Government Code Chapter 375; Texas Water Code Chapter 49; and Title 30 Texas Administrative Code, Chapter 293. (Ren Berra, Hollis Henley) (TCEQ Internal Control No. 04122016-010)

EMERGENCY ORDER

Item 7 [**Docket No. 2016-0997-UCR-E.**](#)

Consideration of whether to affirm, modify, or set aside the Emergency Order Appointing a Temporary Manager of a Water Utility issued on June 30, 2016, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Texas Water Code Chapters 5 and 13; Texas Health & Safety Code Chapter 341; and 30 Texas Administrative Code, Chapters 35,290, and 291 to address the abandonment of a retail public utility (Utility) by WEST OAKS PHOENIX CORP.; TCEQ PWS ID No. TX1160097; RN101246346; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order appointed Paula Weber as temporary manager of the Utility. (Meaghan Bailey)

MISCELLANEOUS MATTER

Item 8 [**Docket No. 2016-0036-RES.**](#)

Consideration of a Resolution appointing new members to the Water Utility Operator Licensing Advisory Committee (Advisory Committee). The resolution would appoint new members to replace outgoing members or appoint existing members to a second term and approve continuing the existence of the Advisory Committee until August 31, 2020. The Advisory Committee operates through the Occupational Licensing Section of the Permitting & Registration Support Division. The Advisory Committee assists and advises the commission on matters related to the training and licensing of water and wastewater operators.

The Advisory Committee was created pursuant to 30 Texas Administrative Code, Chapter 5, Advisory Committees and Groups. The Advisory Committee consists of 13 members, representing various water and wastewater regulated entities, from diverse geographic areas of the state, ethnic groups, businesses, government entities, and associations. (Paul Munguía, Alicia Ramirez) (Rule Project No. 2016-014-RES-NR)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 9

[Docket No. 2015-1438-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Austin Equipment Company, LC in Williamson County; RN104085717; 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. (Kingsley Coppinger, Melissa Cordell)

Item 10

[Docket No. 2015-1460-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Belco Manufacturing Company, Inc. in Bell County; RN100215524; 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 11

[Docket No. 2015-1664-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. (Kingsley Coppinger, Melissa Cordell)

Item 12

[Docket No. 2016-0072-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eastman Chemical Company in Harrison County; RN100219815; 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, Melissa Cordell)

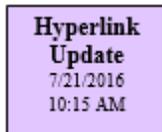
Item 13

[Docket No. 2015-1639-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EnLink Midstream Services, LLC in Wise County; RN102913225; 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. (David Carney, Melissa Cordell)

Item 14

[Docket No. 2015-1616-AIR-E.](#)



Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Harris County; RN102940103; 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 15

[Docket No. 2015-1793-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ExxonMobil Oil Corporation in Jefferson County; RN100542844; 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, Melissa Cordell)

Item 16

[Docket No. 2015-1741-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Chemical LP in Harris County; RN100211879; 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. (Kingsley Coppinger, Melissa Cordell)

Item 17

[Docket No. 2015-1816-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Chemical LP in Harris County;

RN100211879; 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. (Kingsley Coppinger, Melissa Cordell)

Item 18

[Docket No. 2015-1575-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Midstream Services LLC in Wise County; RN100238716; 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 19

[Docket No. 2015-1677-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Midstream Services LLC in Chambers County; RN100222900; 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)

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

Item 20

[Docket No. 2015-1253-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kiewit Offshore Services, Ltd. in San Patricio County; RN102905064; 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. (Rebecca Boyett, Melissa Cordell)

Item 21

[Docket No. 2015-0389-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SHAWCOR PIPE PROTECTION LLC FORMERLY KNOWN AS SOCOTHERM GULF OF MEXICO LLC in Harris County; RN106036494; for industrial solid waste violations pursuant to Tex. Health & Safety Code ch. 361, 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, Melissa Cordell)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 22 [**Docket No. 2015-1738-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Navasota Concrete, Inc. in Grimes County; RN104760962; 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 23 [**Docket No. 2015-0797-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WestRock Texas, L.P. f/k/a MeadWestvaco Texas, L.P. in Jasper County; RN102157609; 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)

LANDSCAPE IRRIGATOR ENFORCEMENT DEFAULT ORDERS

Item 24 [**Docket No. 2015-0605-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Geronimo Casabon in Travis County; RN107206658; 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. (Jim Sallans, Lena Roberts)

Item 25 [**Docket No. 2015-1475-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Sergio Ayala, Jr. in El Paso County; RN108306408; 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. (Isaac Ta, Lena Roberts)

MUTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 26

[Docket No. 2015-1096-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ECOLOGY REVOLUTION, INC. in Lampasas County; RN108245986; for industrial solid waste, air quality, water quality, municipal hazardous waste, and used oil violations pursuant to Tex. Health & Safety Code chs. 361, 371, and 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, Melissa Cordell)

Item 27

[Docket No. 2014-0372-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ENVIROCARE, INC. dba Southern Enterprises of Envirocare in McLennan County; RN102918315; for industrial and hazardous waste and used oil 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. (Abigail Lindsey, Melissa Cordell)

Item 28

[Docket No. 2014-0783-MLM-E.](#)

Hyperlink
Update
7/26/2016
9:45 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HAPPY HEN EGG FARMS, INC. in Gonzales County; RN105976088; for water quality and agriculture 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. (Ronica Rodriguez, Melissa Cordell)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 29

[Docket No. 2013-1457-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Colorado City in Mitchell County; RN102335726; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Danielle Porras, Melissa Cordell)

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

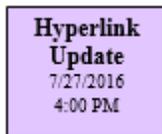
Item 30

[Docket No. 2015-0067-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Trident Environmental Resource Consulting, LLC in Fannin County; RN100735208; 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. (J. Amber Ahmed, Lena Roberts)

Item 31

[Docket No. 2015-1454-MSW-E.](#)



Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Juan Castro in Cameron County; RN106035553; for used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 371, and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCMEENT AGREED ORDERS

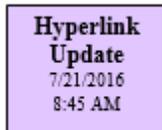
Item 32

[Docket No. 2015-0136-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bell County Water Control and Improvement District No. 3 in Bell County; RN101919215; 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 33

[Docket No. 2015-1787-MWD-E.](#)



Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Grand Saline in Van Zandt County; RN102330081; 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)

Item 34

[Docket No. 2015-1494-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kingsville in Kleberg County; RN101612976; 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. (Had Darling, Melissa Cordell)

Item 35

[Docket No. 2014-1751-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Normangee in Leon County; RN101916385; 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. (Caleb Olson, Melissa Cordell)

Item 36

[Docket No. 2015-1224-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Wichita Falls in Wichita County; RN101611051; 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. (Melissa Castro, Melissa Cordell)

Item 37

[Docket No. 2015-1779-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Faulkey Gully Municipal Utility District in Harris County; RN102178993; 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. (Ronica Rodriguez, Melissa Cordell)

Item 38

[Docket No. 2015-0761-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION in Jackson County; RN103015053; 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. (Jason Fraley, Melissa Cordell)

Item 39

[**Docket No. 2015-0239-MWD-E.**](#)

Hyperlink
Update
7/27/2016
4:00 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Webb County; RN101717601; 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)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 40

[**Docket No. 2015-1643-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against RACETRAC PETROLEUM, INC. in Dallas County; RN102264397, RN102279429, RN102264082, and RN102262268; 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 41

[**Docket No. 2015-1304-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Universal Health Services, Inc. dba University Behavioral Health of Denton in Denton County; RN101532604; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven Van Landingham, Melissa Cordell)

Item 42

[**Docket No. 2015-0517-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Western Refining Retail, LLC dba Howdys 6081 in El Paso County; RN107360125; 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 43

[**Docket No. 2015-1245-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Saeb Kutob d/b/a ARP Food Store in Smith County; RN105187041; 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. (Ian Groetsch, Lena Roberts)

Item 44 [**Docket No. 2015-0359-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of ROY STATION COMPANY in Williamson County; RN101489730; 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. (Jacquelyn Boutwell, Lena Roberts)

Item 45 [**Docket No. 2015-0552-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Prakesh Patel in Hunt County; RN102392776; 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)

Item 46 [**Docket No. 2014-1866-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Jet Center of Dallas, LLC in Dallas County; RN103017257; 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 Sallans, Lena Roberts)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 47 [**Docket No. 2015-1406-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Maher Abdelrahim Zardeh in Tarrant County; RN102277415; 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. (Isaac Ta, Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 48 [**Docket No. 2016-0212-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of La Feria in Cameron County; RN101418325; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Larry Butler, Melissa Cordell)
- Item 49 [**Docket No. 2015-1646-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Opdyke West in Hockley County; RN103788832; 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 50 [**Docket No. 2015-1611-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of IRA WATER SUPPLY CORPORATION in Scurry County; RN101453991; 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. (Steven Hall, Melissa Cordell)
- Item 51 [**Docket No. 2015-0449-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAKESHORE UTILITY COMPANY in Henderson County; RN102673712; 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. (Michaëlle Garza, Melissa Cordell)
- Item 52 [**Docket No. 2015-1120-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAKESHORE UTILITY COMPANY in Smith County; RN101174902; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaëlle Garza, Melissa Cordell)

Item 53

[Docket No. 2016-0183-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Monarch Utilities I L.P. in Henderson County; RN101380889; 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 54

[Docket No. 2016-0044-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Red River Authority of Texas in Foard County; RN101233062; 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, Melissa Cordell)

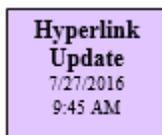
Item 55

[Docket No. 2015-1749-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shawn Sharafi dba Country Living Apartments and Farzanh Mozafrian dba Country Living Apartments in Harris County; RN101223824; 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, Melissa Cordell)

Item 56

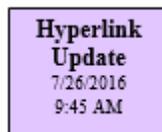
[Docket No. 2015-1698-PWS-E.](#)



Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SILVERLAKE CHURCH in Brazoria County; RN101244986; 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 57

[Docket No. 2015-1542-PWS-E.](#)



Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WTG FUELS, INC. in Midland County; RN102252459; 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 58

[Docket No. 2015-1007-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against BLS RE1, LLC in Midland County; RN105736722; for public

drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (J. Amber Ahmed, Lena Roberts)

Item 59 [**Docket No. 2015-1283-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Carl's Corner in Hill County; RN101391852; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 60 [**Docket No. 2015-1187-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of William E. Vlasek d/b/a Village West Water System in Kerr County; RN101189660; 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. (Jacquelyn Boutwell, Lena Roberts)

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 61 [**Docket No. 2015-1761-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Balch Springs in Dallas County; RN105552640; 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 62 [**Docket No. 2013-1545-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Killeen in Bell County; RN103174306; 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, Melissa Cordell)

Item 63

[Docket No. 2016-0070-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Mansfield in Tarrant County; RN103098638; 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. (Melissa Castro, Melissa Cordell)

Item 64

[Docket No. 2015-0854-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against PAPPY'S SAND & GRAVEL, INC. in Kaufman County; RN100786698; for aggregate production operation violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Farhaud Abbaszadeh, Melissa Cordell)

Item 65

[Docket No. 2015-1490-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Addison in Dallas County; RN105489736; 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. (Had Darling, Melissa Cordell)

Item 66

[Docket No. 2015-1186-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against VENABLE'S WELDING & ROUSTABOUT, INC. in Moore County; RN106681638; for aggregate production operation violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Farhaud Abbaszadeh, Melissa Cordell)

Item 67

[Docket No. 2015-1042-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WOODY BUTLER HOMES, INC. in McLennan County; RN106081391; 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)

Item 68

[Docket No. 2015-0997-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of ESPINOZA STONE, INC. in Shackelford County and Mills County; RN106352875 and RN108638545; for water quality violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Lena Roberts)

RULE MATTERS

Item 69

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

Consideration for publication of, and hearing on, proposed new Section 11.202 of 30 Texas Administrative Code Chapter 11, Contracts, 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 2261.235(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. Accordingly, 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 70

[Docket No. 2016-0578-RUL.](#)

Consideration for publication of, and hearing on, proposed amended Sections 336.2, 336.315, 336.357, 336.1105, and 336.1113 of 30 Texas Administrative Code Chapter 336, Radioactive Substance Rules. The proposed rulemaking would modify definitions in Sections 336.2 and 336.1105; modify the rules regarding general requirements for surveys and monitoring in Section 336.315; modify the rules regarding physical protection of category 1 and 2 quantities of radioactive materials in Section 336.357 to update a cross-reference, update contact information, and add a rule requiring protection of information against unauthorized disclosure; and modify Section 336.1113 to add a condition for when the licensee must notify the Texas Commission on Environmental Quality. (Charles Maguire, Amie Robinson) (Rule Project No. 2016-035-336-WS)

Item 71

[Docket No. 2015-1650-RUL.](#)

Consideration of the adoption of proposed amendments to Section 114.680 and Section 114.682 of 30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K,

Division 8, and corresponding revisions to the state implementation plan. The adoption revises the criteria for the Drayage Truck Incentive Program (DTIP) in order to achieve the program goals. Under Texas Health and Safety Code (THSC), Section 386.183(f), the commission is authorized to modify the DTIP to improve its effectiveness or further the goals of the Texas Emissions Reduction Plan established under THSC, Chapter 386. The revisions to Division 8 make changes to the DTIP to revise the definition of a drayage truck to include other cargo handling equipment and to revise the definition of a seaport to include publically or privately owned property within a ship channel security district established under Texas Water Code, Chapter 68. The revisions also remove the requirement that the drayage truck being purchased have a day cab only. The proposed rules were published in the March 18, 2016, issue of the *Texas Register* (41 TexReg 2127). (Steve Dayton, Sierra Redding) (Rule Project No. 2016-004-114-AI)

MISCELLANEOUS MATTER

Item 72

Docket No. 2015-1819-MIS.

Consideration of the adoption of revisions to Texas Emissions Reduction Plan: Guidelines for Emissions Reduction Incentive Grants (RG-388) and Texas Emissions Reduction Plan: Guidelines for the Drayage Truck Incentive Program (RG-524). The Guidelines for Emissions Reduction Incentive Grants establish criteria for implementation of the Diesel Emissions Reduction Incentive (DERI) Program under the Texas Emissions Reduction Plan (TERP). The Guidelines for the Drayage Truck Incentive Program establish criteria for implementation of the Drayage Truck Incentive Program (DTIP). Revisions to the DTIP guidelines are needed to be consistent with changes made to the DTIP rules in 30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K, Division 3. The changes to the DTIP rules added "cargo handling equipment" as eligible for replacement under the DTIP and removed the requirement that a drayage truck purchased under the DTIP must have a day cab only. The DTIP rules also were revised to expand the definition of a seaport to include publically and privately owned property within a ship channel security district established under Texas Water Code, Chapter 68. The revisions to the DTIP guidelines incorporate changes consistent with the revised DTIP rules. Additional revisions to the DERI and DTIP guidelines were also proposed by the executive director. These changes included removing the authorization for the executive director to allow an engine replaced under the DERI program or the DTIP to be sent to a remanufacturing facility in lieu of destruction. Additional changes proposed by the executive director clarify existing requirements and procedures. The proposed revisions to the DERI and DTIP guidelines were made available for public comment.

Comments received have been considered and responded to in the Response to Comments. (Steve Dayton, Sierra Redding) (Non-Rule Project No. 2016-011-OTH-NR)

STATE IMPLEMENTATION PLAN

Item 73 **[Docket No. 2016-0399-SIP.](#)**

Consideration of the approval of the designation recommendation for the 2015 eight-hour ozone National Ambient Air Quality Standards (NAAQS) for submittal to the governor for consideration and transmittal to the United States Environmental Protection Agency (EPA). The EPA will consider the state recommendation in making final designations and area boundary determinations for the 2015 ozone NAAQS. The EPA revised the eight-hour ozone NAAQS on October 1, 2015, lowering the standard from 0.075 parts per million (ppm) to 0.070 ppm. The Federal Clean Air Act requires that state designation recommendations be sent to the EPA within one year of NAAQS promulgation, or by October 1, 2016. Staff recommends that all counties in the State of Texas with regulatory ozone monitors exceeding the revised NAAQS, based on certified 2013 through 2015 monitoring data, as well as all counties designated nonattainment for the 2008 ozone NAAQS, be designated nonattainment for the 2015 ozone NAAQS. Staff also recommends that the recommendation for any of these areas that subsequently meet the standard based on 2016 monitoring data be changed to an attainment recommendation. Additionally, staff recommends that all counties in the State of Texas that have regulatory ozone monitors with complete data meeting the revised NAAQS and are not currently located in an area designated nonattainment for the 2008 ozone NAAQS be designated attainment. Finally, staff recommends that all other counties of the state be designated as unclassifiable/attainment. (Kristin Patton, Amy Browning, Sierra Redding) (Project No. 2016-009-SIP-NR)

BUDGET/LEGISLATIVE APPROPRIATIONS REQUEST MATTERS

Item 74 **[Docket No. 2016-1100-BGT.](#)**

Consideration and Approval of the Agency's FY 2017 Operating Budget and FY 2018/2019 Legislative Appropriations Request (LAR). (Elizabeth Sifuentez Koch)

Item 75 **[Docket No. 2016-1161-BGT.](#)**

Status Update on, and Discussion of, the Article IX, Sec. 18.01 Water Resource Management Account No. 153 Study. (Elizabeth Sifuentez Koch)

LOCAL SOLID WASTE MANAGEMENT PLAN

Item 76 **[Docket No. 2016-1101-MIS.](#)**

Consideration and Adoption of the City of Dallas Local Solid Waste Management Plan. The adoption would approve the City of Dallas Local Solid Waste Management Plan, Volume I. The executive director has made a preliminary determination that the submitted local plan conforms to the adopted North Central Texas Council of Governments Regional Solid Waste Management Plan and to the requirements of Texas Health and Safety Code, Chapter 363, Subchapter D, and 30 Texas Administrative Code, Chapter 330, Subchapter O. Following the commission's adoption of Volume I of the local plan, the executive director may proceed with approval of Volume II of the local plan. (Cheryl Untermeyer, Diane Goss)

PUBLIC COMMENT SESSION

Item 77 **[Docket No. 2016-0004-PUB.](#)**

The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.

EXECUTIVE MEETING

Item 78 **[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 79 **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 80 **Docket No. 2016-0002-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)**