

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)).

OLD BUSINESS AGENDA

AGENDA

September 7, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.
12100 Park 35 Circle
Room 201S, Bldg. E

Item continued from the August 24, 2016 Agenda.

Item 1 **[Docket No. 2015-1024-RUL.](#)**

**Hyperlink
Update**
8-30-2016
6:45 PM

Consideration of the adoption of amended Sections 30.3, 30.7, 30.10, 30.18, 30.20, 30.24, 30.26, 30.30, 30.81, 30.117, 30.120, 30.122, 30.231, 30.240, 30.279, 30.307, 30.331, 30.340, 30.390, 30.506, and 30.507; the repeal of Section 30.247; and the repeal and simultaneous adoption of Section 30.28 of 30 TAC Chapter 30, Occupational Licenses and Registrations. The adoption would implement Senate Bills 807 and 1307, 84th Texas Legislature, 2015, Regular Session, by incorporating new provisions regarding veteran licensure. The adopted rulemaking would also identify approved training delivery methods, increase licensing examination security, remove outdated and redundant references, and improve readability of the chapter. The proposed rules were published in the April 22, 2016, issue of the *Texas Register* (41 TexReg 2827). (Ivan Messer, Alicia Ramirez) (Rule Project No. 2015-026-030-WS)

AGENDA

September 7, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.
12100 Park 35 Circle
Room 201S, Bldg. E

PROPOSALS FOR DECISION

Item 1 **[TCEQ Docket No. 2015-0563-MWD; SOAH Docket No. 582-15-4945.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Clear Lake City Water Authority for renewal and major amendment of Texas Pollutant Discharge Elimination System Permit No. WQ0010539001 pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapters 305 and 307. The major amendment seeks the establishment of two additional outfalls at an existing wastewater treatment facility with a combined annual average flow not to exceed 10,000,000 gallons per day. The facility is located at 14210 Middlebrook Drive, in Houston, Harris County, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, and timely related filings, exceptions and replies. (Michael Parr)

Item 2 **[TCEQ Docket No. 2015-0875-LIC; SOAH Docket No. 582-15-4545.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the denial of Greg R. Gill's application for Underground Storage Tank On-Site Supervisor Licenses A and B based on criminal history, pursuant to Texas Water Code Chapter 37, Texas Occupations Code Chapter 53, and 30 Texas Administrative Code Chapter 30. The Commission will also consider the record, timely related filings, exceptions and replies. (Alicia Ramirez)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3 **[Docket No. 2016-0531-WR.](#)**

Consideration of an application to amend Certificate of Adjudication No. 14-5434 by the Lower Colorado River Authority (LCRA) to add additional diversion points both upstream and downstream of the existing diversion point authorized in Certificate of Adjudication No. 14-

5434 on the Colorado River. These additional diversion points are: two diversion points in Bastrop County on the Colorado River and Spicer Creek authorized in Certificate of Adjudication No. 14-5473; two diversion points in Fayette County on the Colorado River and Cedar Creek authorized in Certificate of Adjudication No. 14-5474; three diversion points authorized from reservoirs on the Colorado River in Wharton and Matagorda County in Certificate of Adjudication No. 14-5476; two diversion points (one from a reservoir) in Colorado County and on the Colorado River authorized in Certificate of Adjudication No. 14-5475; one diversion point located in Wharton County on the Colorado River authorized by Certificate of Adjudication No. 14-5477; and one diversion point in Matagorda County on the Colorado River authorized by Certificate of Adjudication No. 14-5437. LCRA also seeks to divert and use the water from anywhere on the perimeter of Lady Bird Lake (formerly known as Town Lake) and Lake Austin, authorized by Certificate of Adjudication No. 14-5471, and Lake Travis, authorized by Certificate of Adjudication 14-5482. Water diverted from reservoirs will not be diverted from storage in the reservoirs. LCRA currently owns a portion of Certificate of Adjudication No. 14-5434, which authorizes the Owner to maintain an overflow type structure and a reservoir on the Colorado River, Colorado River Basin, and temporarily impound therein not to exceed 86 acre-feet of water in Colorado County. The Certificate also authorizes the LCRA to divert and use not to exceed 133,000 acre-feet of water per year from a point on the Colorado River for municipal, industrial, and agricultural purposes in Colorado, Wharton, Travis, Bastrop, Fayette, and Matagorda Counties within the Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and the Brazos-Colorado Coastal Basin at a maximum rate of 600.00 cfs. The Commission will also consider all timely filed requests for hearing or reconsideration, related responses and replies, and public comment. (Sarah Henderson, Robin Smith)

Item 4

[Docket No. 2016-0923-AIR.](#)

Consideration of an application by Georgia-Pacific Gypsum LLC for a New Source Review Authorization under Texas Clean Air Act Section 382 that would authorize the modification of a gypsum wallboard manufacturing plant located at 4164 Highway 285, Quanah, Hardeman County, Texas. This permit application is for a permit amendment of Air Quality Permit No. 20851. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Patrick Agumadu, Katie Moore)

WATERMASTER BUDGET MATTERS

Item 5 **[Docket No. 2016-0970-BGT.](#)**

Consideration of Fiscal Year 2017 Assessment of Annual Costs for Watermaster operations in the Concho River Watermaster Program. Pursuant to Texas Water Code Sections 11.329 and 11.558 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2016, and ending August 31, 2017, for water right holders in the Concho River Watermaster Program which consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (Latitude 31.543484° N and Longitude 99.828246° W) in Concho County and approve \$182,635.91 as the amount to be assessed for annual costs. (Amy Settemeyer, Dinniah Tadema)

Item 6 **[Docket No. 2016-0971-BGT.](#)**

Consideration of Fiscal Year 2017 Assessment of Annual Costs for Watermaster operations in the Rio Grande Water Division. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 303.71-303.73 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2016, and ending August 31, 2017, for water right holders in the Rio Grande Water Division, which extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers and including that portion of the Nueces-Rio Grande Costal Basin lying in Hidalgo, Cameron, Willacy, and Starr Counties whose source of water is the Rio Grande, and approve \$934,338.78 as the amount to be assessed for annual costs. (Amy Settemeyer, Dinniah Tadema)

Item 7 **[Docket No. 2016-0972-BGT.](#)**

Consideration of Fiscal Year 2017 Assessment of Annual Costs for Watermaster operations in the South Texas Watermaster Program. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2016, and ending August 31, 2017, for water right holders in the South Texas Water Division which consists of the Nueces, San

Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in Hidalgo, Cameron, Willacy, and Starr Counties, and approve \$686,582.56 as the amount to be assessed for annual costs. (Amy Settemeyer, Dinniah Tadema)

Item 8 [**Docket No. 2016-0973-BGT.**](#)

Consideration of Fiscal Year 2017 Assessment of Annual Costs for Watermaster operations in the Brazos Watermaster Program. Pursuant to Texas Water Code Sections 11.329 and 11.455 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2016, and ending August 31, 2017, for water right holders in the portion of the Brazos River Basin including and below Possum Kingdom Lake, and approve \$561,933.68 as the amount to be assessed for annual costs. (Amy Settemeyer, Dinniah Tadema)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 9 [**Docket No. 2015-0668-AIR-E.**](#)

**Hyperlink
Update**
9-2-2016
8:15 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Blanchard Refining Company LLC in Galveston County; RN102535077; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rajesh Acharya, Michael Parrish)

Item 10 [**Docket No. 2015-0195-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical LLC in Jefferson County; RN100219252; 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)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 11 [**Docket No. 2015-1640-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of San Miguel Electric Cooperative, Inc. in Atascosa County; RN102342961; 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. (Larry Butler, Michael Parrish)

Item 12 **[Docket No. 2015-1483-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Southwest Convenience Stores, LLC in Wilbarger County; RN102349438; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Cheryl Thompson, Michael Parrish)

**LANDSCAPE IRRIGATION LICENSING ENFORCEMENT
DEFAULT ORDER**

Item 13 **[Docket No. 2015-1712-LII-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Roger Alan Biggs in Denton County and Collin County; RN103232138; 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)

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED
ORDER**

Item 14 **[Docket No. 2015-1027-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Thomas H. Stone in Archer County; RN106268055; 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. (Ryan Rutledge, Lena Roberts)

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT
ORDER**

Item 15 **[Docket No. 2015-1695-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Affordable Sand and Material

LLC in Hunt County; RN106038656; for municipal solid waste 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. (Jacquelyn Boutwell, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 16 **[Docket No. 2015-0086-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lake Lavon Baptist Encampment in Collin County; RN101512424; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Cheryl Thompson, Michael Parrish)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 17 **[Docket No. 2015-1334-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Allied Waste Services of Fort Worth, LLC in Tarrant County; RN101443307; 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. (Margarita Dennis, Michael Parrish)

Item 18 **[Docket No. 2015-1503-PST-E.](#)**

**Hyperlink
Update**
9-2-2016
8:30 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PESHAWAR INC dba Super Stop 4 in Orange County; RN103001798; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Baldwin, Michael Parrish)

Item 19 **[Docket No. 2015-1305-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of KRZ Texas Enterprise Inc. dba County Line Trading Post in Hunt County; RN105487599; 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 A. Terry, Lena Roberts)

Item 20 **[Docket No. 2015-1487-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Rathana Sarey Khey d/b/a Blue Diamond Convenience Store in Harrison County; RN101900678; 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. (Adam Taylor, Lena Roberts)

Item 21 **[Docket No. 2015-1526-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of MIDWAY AUTOMOTIVE, INC. in Wilson County; RN101783181; 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. (Amanda Patel, Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 22 **[Docket No. 2015-1585-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Nome in Jefferson County; RN101387843; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Michael Parrish)

Item 23 **[Docket No. 2016-0120-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Girl Scouts of Texas Oklahoma Plains, Inc. in Crosby County; RN101239234; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Raime Hayes-Falero, Michael Parrish)

Item 24 **[Docket No. 2015-1098-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAKESHORE UTILITY COMPANY in Smith County; RN104966544; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas

Commission on Environmental Quality. (Michaelle Garza, Michael Parrish)

SLUDGE ENFORCEMENT AGREED ORDER

Item 25 **[Docket No. 2015-1390-SLG-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ALL-PRO SEPTIC, LLC in Montgomery County; RN103017596; 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. (Farhaud Abbaszadeh, Michael Parrish)

RULE MATTER

Item 26 **[Docket No. 2016-0564-RUL.](#)**

Consideration for publication of, and hearing on, proposed amendments to 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Section 114.7, Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program Definitions, and Section 114.64, LIRAP Requirements. The proposed rulemaking would amend Chapter 114 to incorporate the federal Tier 3 emission standards, established under 40 Code of Federal Regulations Section 86.1811-17, as an eligibility component for replacement vehicles and as a determinant for the replacement compensation amount. The proposed amendments would also specify that no more than \$600 in assistance may be granted annually per vehicle for emissions-related repairs to pass the required annual emissions inspection. Finally, the proposed rulemaking would provide more detail to the definition of “engine” and make other non-substantive clarifying changes as needed for accuracy and consistency. (Alison Stokes, Sierra Redding) (Rule Project No. 2016-031-114-AI)

STATE IMPLEMENTATION PLAN

Item 27 **[Docket No. 2015-1654-SIP.](#)**

Consideration of the adoption of the Carbon Monoxide (CO) Limited Maintenance Plan State Implementation Plan (SIP) Revision for El Paso. This SIP revision would satisfy Section 175A(b) of the Federal Clean Air Act, which requires states to submit an additional revision to the SIP eight years after redesignation of any area to attainment. This second maintenance plan must demonstrate continued attainment of the standard for 10 years after the expiration of the initial maintenance period. The SIP revision would demonstrate continued maintenance of the CO National Ambient Air Quality Standard for the period of October

2018 through October 2028. (Margaret Earnest, Nicolas Parke) (Non-Rule Project No. 2015-015-SIP-NR)

MISCELLANEOUS MATTER

Item 28 **[Docket No. 2016-1403-MIS.](#)**

Consideration and discussion of proposed legislative recommendations made by TCEQ. (Mark Harmon)

PUBLIC COMMENT SESSION

Item 29 **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 30 **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 31 **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 32 **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)**