

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 12, 2017

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. 2015-1268-UIC; SOAH Docket No. 582-16-0967.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the withdrawal of URI, INC.'s application to renew and amend UIC Permit No. UR02827 pursuant to rules of the Texas Commission on Environmental Quality and Tex. Water Code ch. 27. The permit authorizes Class III underground injection wells for the in situ recovery of uranium and aquifer restoration at the Kingsville Dome Mine in Kleberg County, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Don Redmond)

Item 2 [**TCEQ Docket No. 2012-0905-MSW; SOAH Docket No. 582-15-2498.**](#)

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the Application of Post Oak Clean Green, Inc., for new Type I Municipal Solid Waste Landfill Permit No. 2378 pursuant to

rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code ch. 361. The facility is proposed to be located at 7787 Farm to Market Road 1150, approximately 12 miles east of Seguin in Guadalupe County. The Commission will also consider the application; timely public comments and the Executive Director's Response to Comments; the record; and timely related filings, exceptions and replies. (Steven Shepherd, Kathy Humphreys)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3

Docket No. 2016-2137-WR.

Consideration of an application by MCCC, LLC (Applicant) to extend the term authorization for diversions under Certificate of Adjudication No. 12-3013B. The existing certificate authorizes the maintenance of a reservoir with a capacity of 10 acre-feet on Salado Creek, tributary of the Lampasas River, Brazos River Basin. The existing certificate also authorizes the diversion and use of 168 acre-feet of water per year on a perpetual basis from the reservoir and the diversion and use of 168 acre-feet of water per year on a term basis from a point on Salado Creek, for agricultural use in Bell County. The term authorization expired on December 31, 2009. The Executive Director recommends denial of Application No. 12-3013C because appropriated but unused water is not available for extension of the term authorization. The Commission will consider the application, timely filed request(s) for hearing, and timely related responses or filings. (Calvin Clary, Ruth Takeda)

Item 4

Docket No. 2011-0086-WR.

Consideration of an application by William D. Carroll and Mary L. Carroll (Applicants) to extend or delete the term authorization for diversions under Water Use Permit No. 5161B. The existing permit authorizes use of an exempt reservoir with a capacity of 97.7 acre-feet located on an unnamed tributary of Copperas (Rush) Creek, tributary of the Leon River, Brazos River Basin, and use of an off-channel reservoir with a capacity of 52.7 acre-feet. The existing permit also authorizes the diversion of 54 acre-feet from the exempt reservoir for agricultural use in Comanche County. The authorization to divert 54 acre-feet expired on December 31, 2009. The Executive Director recommends denial of Application No. 5161C because unappropriated water is not available for a perpetual authorization and appropriated but unused water is not available for extension of the term authorization. The Commission will consider the application, timely filed request(s) for hearing, and timely related responses or filings. (Calvin Clary, Ruth Takeda)

Item 5

[Docket No. 2011-0085-WR.](#)

**Hyperlink
Update**
3-29-2017
2:00 PM

Consideration of an application by Don Frazier Clark, Donna Clark Jones, Dustin K. Jones, Donna Clark Jones, individually, and Donna Clark Jones as Trustee for Caden R. Jones and Colten H. Jones (Applicants) to extend the term authorization for diversions under Water Use Permit No. 3808B. The existing permit authorizes the maintenance of a reservoir with a capacity of 1,271 acre-feet of water on Copperas (Rush) Creek, tributary of the Leon River, Brazos River Basin. The existing permit also authorizes the diversion and use of 1,060 acre-feet of water per year from the reservoir and Copperas (Rush) Creek for agricultural use in Comanche and Eastland Counties. The authorization to divert 1,060 acre-feet expired on December 31, 2009. The Executive Director recommends denial of Application No. 3808C because appropriated but unused water is not available for extension of the term authorization. The Commission will consider the application, timely filed request(s) for hearing, and timely related responses or filings. (Calvin Clary, Ruth Takeda)

EMERGENCY ORDER

Item 6

[Docket No. 2017-0214-UCR-E.](#)

Consideration of whether to affirm, modify, or set aside an Emergency Order Appointing a Temporary Manager of a Water Utility issued on February 17, 2017, by the Executive Director pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. The Emergency Order addresses the abandonment of a retail public utility (Utility) by Rocky Wadlington and Steven Stewart d/b/a Farrar WSC in Limestone County; RN101441095. The Emergency Order appointed Matthew Douglas Martin as temporary manager of the Utility to ensure continued operation of the Utility and provide continuous and adequate service to the customers. (Meaghan Bailey)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7

[Docket No. 2016-0903-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Formosa Plastics Corporation, Texas in Calhoun County; RN100218973; 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 8 [**Docket No. 2016-1120-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jagoe-Public Company in Denton County; RN102745213; 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)

Item 9 [**Docket No. 2016-1166-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LYONDELL CHEMICAL COMPANY in Harris County; RN100633650; 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. (Abigail Lindsey, Michael Parrish)

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT
AGREED ORDERS**

Item 10 [**Docket No. 2015-1335-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Carl Randle Beard in Ector County; RN100584291; 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. (Holly Kneisley, Michael Parrish)

Item 11 [**Docket No. 2016-0522-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against DAL-TILE CORPORATION in Dallas County; RN100216779; for industrial and hazardous 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. (Keith Frank, Michael Parrish)

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED
ORDER**

Item 12 [**Docket No. 2016-0122-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EXXONMOBIL OIL CORPORATION in Jefferson County; RN102450756; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Farhaud Abbaszadeh, Michael Parrish)

**LANDSCAPE IRRIGATION LICENSING ENFORCEMENT
DEFAULT ORDER**

Item 13 [Docket No. 2015-1810-LII-E.](#)

**Remanded
to the
Executive
Director**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of DFW Pro Lawn Care, LLC d/b/a Pro Lawn Care in Tarrant County; RN109228726; 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, Janice Hernandez)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 14 [Docket No. 2016-0042-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Olney in Young County; RN101610335; 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, Michael Parrish)

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED
ORDER**

Item 15 [Docket No. 2016-0760-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Southwest Landfill TX, LP in Randall County; RN102064151; 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. (Keith Frank, Michael Parrish)

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED
ORDERS**

Item 16 [Docket No. 2016-0622-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Italy in Ellis County; RN102336310; 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. (Steven Van Landingham, Michael Parrish)

Item 17

[Docket No. 2016-0943-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Robert Lee in Coke County; RN101920163; for water quality violations pursuant to Tex. Water Code chs. 7, 26, and 37 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Farhaud Abbaszadeh, Michael Parrish)

Item 18

[Docket No. 2016-0930-MWD-E.](#)

**Hyperlink
Update**
3-28-2017
4:00 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Skidmore Water Supply Corporation in Bee County; RN102342201; 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. (Sandra Douglas, Michael Parrish)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 19

[Docket No. 2015-1733-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Kulsoom Yousuf, individually; Dallas Alishah Enterprises Inc.; and Yushra Investment, Inc. d/b/a Store T-24 2 in Dallas County; RN102254091; 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. (Eric Grady, Janice Hernandez)

Item 20

[Docket No. 2016-0592-PST-E.](#)

**Hyperlink
Update**
4-5-2017
4:37 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AMERICAN GENERAL REALTY INVESTMENT CORPORATION in Potter County; RN105668479; 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, Michael Parrish)

Item 21

[Docket No. 2016-1135-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ross Midland LLC dba Avion Flight Centre North Fuel Farm in Midland County; RN102851771; 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. (Alejandro Laje, Michael Parrish)

Item 22

[Docket No. 2016-1360-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SANDFORD PETROLEUM, INC. dba Hudco Automated Fuel Station in Wise County; RN101546257; 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, Michael Parrish)

Item 23

[Docket No. 2016-1201-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sashi International Corporation dba Total Stop Mt Pleasant in Titus County; RN102379286; 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, Michael Parrish)

Item 24

[Docket No. 2016-1233-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Trishell, LLC dba Tri Gaz 4 in Tarrant County; RN101548576; 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. (Danielle Porras, Michael Parrish)

Item 25

[Docket No. 2016-0571-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 786 K & H LLC dba S Mart in Morris County; RN102232196; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Baldwin, Michael Parrish)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 26

[Docket No. 2016-1045-PST-E.](#)

**Hyperlink
Update**
3-29-2017
10:45 AM

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of PERVEN, LLC d/b/a STOP N DRIVE 2 in Jefferson County; RN101433019; 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, Janice Hernandez)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 27

[Docket No. 2016-1810-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Silverton in Briscoe County; RN102314796; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Isaac Ta, Janice Hernandez)

Item 28

[Docket No. 2015-1827-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of James T. Thomas, Sr. in Victoria County; RN105552707; for public drinking water violations pursuant to Tex. Water Code ch. 5 and Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Adam Taylor, Janice Hernandez)

Item 29

[Docket No. 2016-0227-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ivest, L.P. dba Guardian Management in Harris County; RN102675162; 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, Michael Parrish)

Item 30

[Docket No. 2016-1385-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ROCHELLE WATER SUPPLY CORPORATION in McCulloch County; RN101188290; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Fisher, Michael Parrish)

Item 31

[Docket No. 2016-1396-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Athens in Henderson County; RN101215309; for public drinking water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Michael Parrish)

Item 32

[Docket No. 2015-1676-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Palestine in Anderson County; RN101384576; 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, Michael Parrish)

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 33

[Docket No. 2016-0568-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Jim Dollins in McLennan County; RN105464119; for aggregate production operation 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. (Eric Grady, Janice Hernandez)

Item 34

[Docket No. 2016-0691-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Denton in Denton County; RN105594865; 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, Michael Parrish)

Item 35 **Docket No. 2016-0867-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties against River Bottom Sand LLC in Brazoria County; RN109145607; for aggregate production operation and 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. (Ross Luedtke, Michael Parrish)

Item 36 **Docket No. 2016-0909-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kickin' A Inc. in Hood County; RN107114142; for aggregate production operations and 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. (Ross Luedtke, Michael Parrish)

PUBLIC COMMENT SESSION

Item 37 **Docket No. 2017-0005-PUB.**

The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ in accordance with Texas Water Code Section 5.112, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code Section 2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour. Please note that the Commission's discussion of subjects for which public notice has not been given are limited to statements of specific factual responses and recitation of existing policy.

EXECUTIVE MEETING

Item 38 **Docket No. 2017-0001-EXE**

The Commission will conduct a closed meeting to receive legal advice from its attorney(s) and will discuss pending or contemplated litigation, and/or settlement offers, as permitted by Section 551.071 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this

matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

Item 39 Docket No. 2017-0002-EXE

The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, General Counsel, Chief Clerk, Public Interest Counsel, or Chief Auditor as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

Item 40 Docket No. 2017-0003-EXE

The Commission will conduct a closed meeting to discuss the employment, evaluation, reassignment, duties, discipline or dismissal of a specific Commission employee(s) as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

Item 41 Docket No. 2017-0004-EXE

The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

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)**