

*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 2, 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. 2015-1656-PST-E; SOAH Docket No. 582-16-5120.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against THE DYNAMITE INC dba Country Food Mart in Montgomery County, Texas; RN102271053; regarding petroleum storage tank violations pursuant to Tex. Water Code ch. 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies.  
(Adam Taylor)

Item 2 [\*\*TCEQ Docket No. 2016-0666-IWD; SOAH Docket No. 582-16-5474.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order regarding the Application of Clean Harbors San Leon, Inc., for a Major Amendment of Texas Pollutant Discharge Elimination System Permit No. WQ0004086000. The existing facility is located at 2700 Avenue S, San Leon, in Galveston County. The Commission will also consider timely public comments and the

Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Ashley McDonald)

### **DISTRICTS MATTER**

Item 3

#### **[Docket No. 2017-0908-DIS.](#)**

**Hyperlink  
Update**  
8-1-2017  
12:00 PM

Consideration and hearing on a petition from HP Gibbs, LP for creation of Northlake Municipal Management District No.1 of Denton County ("District"), pursuant to Article III, §§ 52 and 52(a) and Article XVI, § 59 of the Texas Constitution; Chapter 375, Texas Local Government Code; and Chapter 49, Texas Water Code. The proposed District is comprised of approximately 386.8295 acres of land within the corporate limits of the Town of Northlake, Denton County, Texas. (Pirainder Lall, Kayla Murray)

### **MISCELLANEOUS MATTER**

Item 4

#### **[Docket No. 2017-0907-MIS.](#)**

**Hyperlink  
Update**  
8-1-2017  
12:00 PM

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

### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 5

#### **[Docket No. 2016-1778-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Brazoria County; RN100825249; 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, Michael Parrish)

Item 6

#### **[Docket No. 2017-0123-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hayward Baker, Inc. in Collin County; RN109241372; 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, Michael Parrish)

Item 7 [\*\*Docket No. 2015-0096-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pasadena Refining System, Inc in Harris County; RN100716661; 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. 2016-1939-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Brazoria County; RN101619179; 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, Michael Parrish)

Item 9 [\*\*Docket No. 2016-0645-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Pipeline Mid-Continent WestTex LLC in Reagan County; RN100213701; 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, Michael Parrish)

Item 10 [\*\*Docket No. 2016-1322-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Chemours Company FC, LLC in Harris County; RN108202599; 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, Michael Parrish)

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 11 [\*\*Docket No. 2016-1501-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Graham in Young County; RN101916880; 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, Michael Parrish)

Item 12

**[Docket No. 2011-2180-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Hackberry in Denton County; RN102077054; 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, Michael Parrish)

Item 13

**[Docket No. 2017-0149-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Queen City in Cass County; RN101918910; 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. (Ariel Ramirez, Michael Parrish)

Item 14

**[Docket No. 2015-0916-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Delta County Municipal Utility District in Delta County; RN101608990; 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, Michael Parrish)

Item 15

**[Docket No. 2015-1499-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marc Roger Meeker in Montgomery County; RN101512291; 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, Michael Parrish)

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 16

**[Docket No. 2015-1394-PST-E.](#)**

**Hyperlink  
Update**  
7-25-2017  
4:15 PM

Consideration of an Agreed Order assessing administrative penalties against St. Mina Investments, LLC d/b/a Texas Food Mart in Tarrant County; RN101541555; 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. (Jake Marx, Janice Hernandez)

Item 17

**[Docket No. 2016-2000-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lufkin Travel Plaza LLC in Angelina County; RN103730917; 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)

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 18

**[Docket No. 2017-0197-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SHRI SWAMIKRUPA, INC. in Colorado County; RN101442291; 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. (Michaelle Garza, Michael Parrish)

Item 19

**[Docket No. 2016-2025-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of THE BURKE FOUNDATION in Hays County; RN108344714; 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, Michael Parrish)

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 20

**[Docket No. 2016-2043-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Burleson in Johnson County; RN101387264; 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)

## **PETITION FOR RULEMAKING**

Item 21 **Docket No. 2017-0820-PET.**

Consideration of a petition for rulemaking under Section 20.15 of 30 Texas Administrative Code (TAC) Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality (commission) on June 5, 2017 by Ben Dickson, P.E. (petitioner). The petitioner requested that the commission amend 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds, Subchapter B, Combustion Control at Major Industrial, Commercial, and Institutional Sources in Ozone Nonattainment Areas, Divisions 3 and 4, Houston-Galveston-Brazoria Ozone Nonattainment Area Major Sources and Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Major Sources. The petitioner is requesting to revise Sections 117.310(f) and 117.410(f) by deleting both rule subsections in their entirety thereby eliminating the operating restrictions for stationary diesel and dual-fuel engines started or operated for testing or maintenance between the hours of 6:00 a.m. and noon. The petitioner states that the operating restrictions do not protect the environment, are inadequately explained, are burdensome on personnel and contractors, and require burdensome and unnecessary recordkeeping. (Javier Galván, Sierra Redding) (Project No. 2017-029-PET-NR)

## **PUBLIC COMMENT SESSION**

Item 22 **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 23 **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 24      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 25      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 26      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)**