

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

October 4, 2017

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. 2017-0904-AIR.](#)**

Consideration of an application by RANGEN, INC. for renewal of Air Quality Permit Number 21318 to authorize continued operation of a feed mill located at 1500 East Cedar Street, Angleton, Brazoria County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Sarah Fuchs, Nicolas Parke)

Item 2 **[Docket No. 2017-1148-SLG.](#)**

Consideration of the application by Denali Water Solutions LLC for new TCEQ Permit No. WQ0005210000 to authorize the beneficial land application of wastewater treatment plant sewage sludge and water treatment plant sludge. This permit will not authorize a discharge of pollutants into water in the state. The sludge land application site will be located approximately 4.7 miles west of the intersection of Mile 16 Road and Farm-to-Market Road 2058, in Hidalgo and Starr Counties, Texas 78541. The Commission will also consider requests for hearing or

reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Nathan Sessions, Anthony Tatu)

PETITION FOR CONTESTED CASE HEARING ON REGULATORY TAKING

Item 3

[Docket No. 2017-0791-MSW.](#)

Consideration of a Petition for Contested Case Hearing on Regulatory Taking (Petition) filed by Pintail Landfill, LLC (Petitioner) regarding the Executive Director's return of the application for MSW Permit No. 2391. The application sought authorization for a landfill proposed to be located at 24644 Highway 6, Hempstead in Waller County, Texas. The Commission will also consider related responses and replies to the Petition filed by the Executive Director, the Office of Public Interest Counsel, and the Petitioner. (Chance Goodin, Anthony Tatu, and Aaron Vargas)

EMERGENCY ORDER

Item 4

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

**Hyperlink
Update**
9-19-2017
4:45 PM

Consideration of whether to affirm, modify, or set aside the Emergency Order Renewing the Appointment of a Temporary Manager of a Water Utility issued on August 18, 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 renewal of 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; TCEQ PWS ID No. TX1470007; RN101441095. The renewed Emergency Order renews the appointment of Matthew Douglas Martin as temporary manager of the Utility to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. (Meaghan Bailey)

MISCELLANEOUS MATTER

Item 5

[Docket No. 2017-1363-MIS.](#)

Consideration of the adoption of the renewal with amendment of Texas Pollutant Discharge Elimination System General Permit TXG340000 authorizing discharges of facility wastewater, contact stormwater, and stormwater associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals. Public notice of the proposed draft permit was published in the May 19, 2017, issue of the *Texas Register* (42 TexReg 2749). (Laurie Fleet, Robert Brush) (Non-Rule Project No. 2016-038-OTH-NR)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6

[Docket No. 2016-1944-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Alcoa World Alumina LLC in Calhoun County; RN100242577; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shelby Orme, Michael Parrish)

Item 7

[Docket No. 2016-1849-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF TOTAL Petrochemicals LLC in Jefferson County; RN100216977; 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 8

[Docket No. 2017-0048-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CROWN Cork & Seal USA, Inc. in Montgomery County; RN100711118; 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. 2017-0223-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OCI Beaumont LLC in Jefferson County; RN102559291; 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. (Epifanio Villarreal, Michael Parrish)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 10

[Docket No. 2017-0062-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GE Betz, Inc. in Jefferson County;

RN102601994; for water quality, air quality, and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 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. (Jonathan Nguyen, Michael Parrish)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS

Item 11 [**Docket No. 2017-0043-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Jose Angel Milera, Jr. and 4 J's Trucking, LLC in Webb County; RN109217174; for air quality, municipal solid waste, and used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361, 371, and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Clayton Smith, Janice Hernandez)

Item 12 [**Docket No. 2016-1016-MLM-E.**](#)

**Hyperlink
Update**
9-25-2017
4:45 PM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Manuel Barrera Jr. in Webb County; RN108786393; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ian Groetsch, Janice Hernandez)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 13 [**Docket No. 2016-1545-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against D-BAR-B WATER-WASTEWATER SUPPLY CORPORATION in Dallas County; RN101441293; 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. (Elizabeth Harkrider, Janice Hernandez)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 14 [Docket No. 2016-0027-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of QXY LLC and Sam Zamer dba Kirby Shell in Harris County; RN102144763; 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. (Elizabeth Lieberknecht, Janice Hernandez)

Item 15 [Docket No. 2016-1037-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against FREEPORT HOLDINGS, LLC dba Nikos Corner in Brazoria County; RN101383263; 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. (Epifanio Villarreal, Michael Parrish)

Item 16 [Docket No. 2016-1823-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Indus Interest, LLC dba Big Bens in Polk County; RN101815561; 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. (Jonathan Nguyen, Michael Parrish)

Item 17 [Docket No. 2017-0121-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MCDONALD TRANSIT, INC. in Travis County; RN102438959; 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 Stump, Michael Parrish)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 18 [Docket No. 2016-1426-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against NEW KADMUS TEXAS, INC. dba 154 Exxon Super Market in

Harrison County; RN101729812; 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 19

[Docket No. 2016-2087-PWS-E.](#)

**Hyperlink
Update**
10-3-2017
4:45 PM

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Barnhart Water Supply Corporation in Irion County; RN101265288; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Eric Grady, Janice Hernandez)

Item 20

[Docket No. 2017-0494-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Development, Inc. in Hunt County; RN101174514; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Claudia Corrales, Michael Parrish)

Item 21

[Docket No. 2016-2011-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Carbon in Eastland County; RN101391985; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sandra Douglas, Michael Parrish)

Item 22

[Docket No. 2017-0020-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Crowell in Foard County; RN101383636; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ariel Ramirez, Michael Parrish)

Item 23

[Docket No. 2016-1712-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lamar County Water Supply District in

Lamar County; RN101199313; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Michael Parrish)

Item 24 [**Docket No. 2017-0143-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tim A. Duncan dba Miller Mobile Home Park and Karen Duncan dba Miller Mobile Home Park in Lubbock County; RN101271518; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Michael Parrish)

Item 25 [**Docket No. 2017-0256-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of J&S Water Company, L.L.C. in Chambers County; RN101270080; 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)

WATER QUALITY ENFORCEMENT AGREED ORDERs

Item 26 [**Docket No. 2016-1521-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Duran Gravel Company, Inc. in Caldwell County; RN101153849; 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. (Isaac Ta, Janice Hernandez)

Item 27 [**Docket No. 2017-0180-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Edcouch in Hidalgo County; RN105864805; 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 28

[Docket No. 2017-0354-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tom Green County; RN105821615; 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)

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 29

[Docket No. 2016-1493-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Rainbow Landscape Materials, LLC in Somervell County; RN105695563; 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. (Jake Marx, Janice Hernandez)

PETITIONS FOR RULEMAKING

Item 30

[Docket No. 2017-1199-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 August 14, 2017, by the Irrigator Advisory Council (petitioner). The petitioner requests that the commission initiate rulemaking to amend Section 344.50 of 30 TAC Chapter 344, Landscape Irrigation, by requiring irrigation systems that are connected to potable water supplies to be considered health hazards and have appropriate backflow prevention. (James Hemple, Alicia Ramirez) (Project No. 2017-041-PET-NR)

Item 31

[Docket No. 2017-1198-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 August 14, 2017, by the Irrigator Advisory Council (petitioner). The petitioner requests that the commission initiate rulemaking to amend Section 344.52 of 30 TAC Chapter 344, Landscape Irrigation, by modifying the acceptable methods of backflow prevention. (James Hemple, Alicia Ramirez) (Project No. 2017-042-PET-NR)

PUBLIC COMMENT SESSION

Item 32 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 33 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 34 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 35 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 36 **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)**