

*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**

February 7, 2018

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the December 14, 2017 Work Session.

Item 1      **[Docket No. 2018-0064-MIS.](#)**

**Hyperlink  
Update**  
1-30-2018  
4:30 PM

Discussion of public water systems and enforcement policy relating to notice violations. (Bryan Sinclair)

# AGENDA

February 7, 2018

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

### **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 1

Hyperlink  
Update  
2-5-2018  
10:30 AM

#### **[Docket No. 2017-1656-WDW.](#)**

Consideration of the application by NOVUS INTERNATIONAL, INC., for two new Class I injection well permits, WDW452 and WDW453, to authorize noncommercial, onsite disposal of hazardous waste generated at the new Green Lake Facility. The facility will be located four miles north of the intersection of State Highway 185 and State Highway 35 in Calhoun 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. (David Murry, Don Redmond)

Item 2

#### **[Docket No. 2017-1727-AIR.](#)**

Consideration of the application by J.R. THOMPSON, INC., for Air Quality Permit No. 92504L002, to authorize a change of location of a rock crushing plant. The plant is proposed to be located at the following driving directions: from the intersection of Farm-to-Market Road 373 and County Road 337, travel northeast on County Road 337 for approximately 1.1 miles. The proposed site is located to the south of Muenster, Cooke County. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Bill Moody, Nicolas Parke)

### **MISCELLANEOUS MATTERS**

Item 3

#### **[Docket No. 2017-0968-MIS.](#)**

Consideration of the adoption of the renewal with amendment of Texas Pollutant Discharge Elimination System General Permit Number TXR150000, which authorizes discharges of stormwater and certain allowable non-stormwater discharges from regulated construction activities into or adjacent to surface water in the state. Public notice of the proposed draft permit was published in the August 18, 2017, issue of

the *Texas Register* (42 TexReg 4169). (Gordon Cooper, Robert Brush)  
(Non-Rule Project No. 2017-002-OTH-NR)

Item 4 [\*\*Docket No. 2017-1666-MIS.\*\*](#)  
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)

Item 5 [\*\*Docket No. 2017-1720-MIS.\*\*](#)  
Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Chris Gobert)

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

Item 6 [\*\*Docket No. 2017-0526-AIR-E.\*\*](#)  
Consideration of an Agreed Order assessing administrative penalties against Air Liquide Large Industries U.S. LP in Brazoria County; RN100215334; 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 7 [\*\*Docket No. 2017-0665-AIR-E.\*\*](#)  
Consideration of an Agreed Order assessing administrative penalties against BASF Corporation in Harris County; RN100223379; 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. (Sandra Douglas, Michael Parrish)

Item 8 [\*\*Docket No. 2017-0352-AIR-E.\*\*](#)  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eco Services Operations Corp. in Harris County; RN100220581; 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. 2017-0174-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Harris County; RN100210665; 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 10

**[Docket No. 2017-0057-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Jefferson County; RN100209451; 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)

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 11

**[Docket No. 2016-1002-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Linde Gas North America LLC in Harris County; RN100217207; 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)

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 12

**[Docket No. 2016-0834-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ann Marie Jones and John S. Jones in Tom Green County; RN109189027; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 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)

Item 13

**[Docket No. 2015-1637-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Sabinal in Uvalde County;

RN100629906; for municipal solid waste, occupational licensing, and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Baldwin, Michael Parrish)

#### **MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 14

##### **[Docket No. 2016-1999-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of ACCURATE COLLISION CENTER WEST, INC. in El Paso County; RN101656635; for violations pursuant to Tex. Water Code ch. 7, Tex. Health and Safety Code chs. 371 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Janice Hernandez)

#### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 15

##### **[Docket No. 2016-0800-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Arp in Smith County; RN101720498; 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 16

##### **[Docket No. 2016-0829-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Kyle in Hays County; RN102182680; 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 17

##### **[Docket No. 2017-0293-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lawn in Coleman County; RN106343510; 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, Michael Parrish)

Item 18 [\*\*Docket No. 2016-0726-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Johnson County Special Utility District in Johnson County; RN101992089; 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)

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER**

Item 19 [\*\*Docket No. 2017-0821-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of NEW K & T QUICK STOP, INC. dba K & H FOOD STORE in Tarrant County; RN101570570; 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. (Clayton Smith, Janice Hernandez)

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**

Item 20 [\*\*Docket No. 2016-1893-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of ABHH INTERNATIONAL LLC and Mohammad H. Khan in Jefferson County; RN101630572; 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, Janice Hernandez)

Item 21 [\*\*Docket No. 2017-0230-PST-E.\*\*](#)

**Remanded  
to the  
Executive  
Director**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Albo Enterprises, Inc. in El Paso County; RN100810555; 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, Janice Hernandez)

## **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 22

### **[Docket No. 2017-0979-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 439 WATER SUPPLY CORPORATION in Bell County; RN102689155; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Paige Bond, Michael Parrish)

Item 23

### **[Docket No. 2017-0573-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BUCHANAN LAKE VILLAGE, INC. in Llano County; RN101224988; 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. (James Fisher, Michael Parrish)

Item 24

### **[Docket No. 2016-1471-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Maverick County; RN101253565; 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)

## **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 25

### **[Docket No. 2016-1881-PWS-E.](#)**

**Hyperlink  
Update**  
1-30-2018  
5:00 PM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of The Campground Investment Group, Inc. dba American Campground in Val Verde County; RN102676715; 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. (Ryan Rutledge, Janice Hernandez)

## **WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 26

### **[Docket No. 2016-1766-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of VICKERY DIRT, L.L.C. and Brandy Vickery in Polk County; RN106094071 and RN109211888; 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. (Claudia Corrales, Michael Parrish)

### **WATER QUALITY ENFORCEMENT DEFAULT ORDER**

Item 27 [\*\*Docket No. 2017-0282-WQ-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Luciano Trevino in Bastrop County; RN109241158; for 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. (Clayton Smith, Janice Hernandez)

### **PETITION FOR RULEMAKING**

Item 28 [\*\*Docket No. 2017-1761-PET.\*\*](#)

Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality (commission) on December 18, 2017, by Dispensing Equipment Alliance (petitioner). The petitioner requests that the commission amend 30 TAC Section 290.38(2) to modify the definition of "air gap" by using the American Society of Mechanical Engineers (ASME) A112.1.3 standard. (Joel Klumpp, Linda Horng) (Project No. 2018-014-PET-NR)

### **RULE MATTERS**

Item 29 [\*\*Docket No. 2017-1482-RUL.\*\*](#)

Consideration for publication of, and hearing on, proposed amended Sections 80.4 and 80.252 of 30 TAC Chapter 80, Contested Case Hearings; proposed amended Sections 288.1 and 288.30 of 30 TAC Chapter 288, Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements; proposed new Sections 295.73, 295.121, and 295.122, the repeal of Sections 295.121 - 295.126, and amended Sections 295.151 - 295.153 of 30 TAC Chapter 295, Water Rights, Procedural; and, proposed amended Section 297.46 of 30 TAC Chapter 297, Water Rights, Substantive. The proposed rulemaking would implement House Bill (HB) 1600 and Senate Bill (SB) 567, 83rd Texas Legislature, 2013, Regular Session, to amend requirements related to the transfer of the utilities and rates program to the Public Utility Commission of Texas; HB 1648, 85th Texas Legislature, 2017, Regular Session, to amend requirements relating to certain retail public utilities and their designation of a water conservation coordinator; HB 3735, 85th Texas Legislature, 2017, Regular Session, to amend specific map requirements and to codify the commission's practice regarding



consideration of the public welfare in water rights applications; SB 864, 85th Texas Legislature, 2017, Regular Session, to amend notice requirements relating to alternate sources of water used in water rights applications; and SB 1430, 85th Texas Legislature, 2017, Regular Session, and HB 3735 to amend provisions relating to applications to change the diversion point for existing non-saline surface water rights when the applicant begins using desalinated seawater. (Kathy Ramirez, Robin Smith) (Rule Project No. 2017-034-295-OW)

Item 30 **Docket No. 2016-1070-RUL.**

Consideration of the adoption of amended Sections 307.2, 307.3, 307.6, 307.7, 307.9, and 307.10 of 30 TAC Chapter 307, Texas Surface Water Quality Standards. The adoption would revise the State's surface water quality standards, as provided for in the Texas Water Code, Section 26.023 and required by the federal Clean Water Act, Section 303(c). The proposed rules were published in the September 8, 2017, issue of the *Texas Register* (42 TexReg 4565). (Debbie Miller, Stefanie Skogen) (Rule Project No. 2016-002-307-OW)

**Executive Director's Handout from the February 7, 2018 Commissioners' Agenda.**

**PUBLIC COMMENT SESSION**

Item 31 **Docket No. 2018-0005-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 32 **Docket No. 2018-0001-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 33 **Docket No. 2018-0002-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 34 **Docket No. 2018-0003-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 35 **Docket No. 2018-0004-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)**