

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

May 9, 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 **[Docket No. 2018-0287-AIR.](#)**

Consideration of application by Oilfield Solutions, Ltd. for renewal of Air Quality Permit No. 55380 to authorize continued operation of an existing permitted plant used to blend, store, and distribute various chemicals used for oilfield applications. The plant is located at 2614 South County Road 1257, Midland, Midland 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. (Beth Akers, Sierra Redding)

PETITION FOR INQUIRY

Item 2 **[Docket No. 2018-0194-MIS.](#)**

Consideration of the Petition for Inquiry filed by Fred C. Russell regarding the activities of Post Oak Savannah Groundwater Conservation District pursuant to Tex. Water Code § 36.3011 and 30 Tex. Admin. Code § 293.23. Post Oak Savannah Groundwater Conservation District is part of Ground Water Management Area

(GMA) 12. GMA 12 also includes Brazos Valley Groundwater Conservation District, Fayette County Groundwater Conservation District, Lost Pines Groundwater Conservation District, and Mid-East Texas Groundwater Conservation District. The Petition for Inquiry alleges that: i) the groundwater in the management area is not adequately protected by the rules adopted by the district; and ii) the groundwater in the management area is not adequately protected due to the failure of the district to enforce substantial compliance with its rules. (Bastrop, Brazos, Burleson, Falls, Fayette, Freestone, Lee, Leon, Limestone, Madison, Milam, Navarro, Robertson, and Williamson Counties). (Robin Smith)

EMERGENCY ORDER

Item 3 [**Docket No. 2017-1413-UCR-E.**](#)

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 April 2, 2018, by the Interim Executive Director of the Texas Commission on Environmental Quality 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, to address the abandonment of a retail public utility (Utility) by Crazy Horse Ranchos Property Owners Association and New Progress Water Supply Corporation; TCEQ PWS ID No. TX1840024; RN101185189; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order appointed Mark Patterson as temporary manager of the Utility. (Meaghan Bailey)

MISCELLANEOUS MATTER

Item 4 [**Docket No. 2018-0228-MIS.**](#)

Consideration of the adoption of revisions to Texas Emissions Reduction Plan: Guidelines for Emissions Reduction Incentive Grants (RG-388) and Texas Emissions Reduction Plan: Guidelines for the Drayage Truck Incentive Program (RG-524). The Guidelines for Emissions Reduction Incentive Grants establish criteria for implementation of the Diesel Emissions Reduction Incentive Program (DERIP) under the Texas Emissions Reduction Plan (TERP). The Guidelines for the Drayage Truck Incentive Program establish criteria for implementation of the Drayage Truck Incentive Program (DTIP). The changes to the DERIP and DTIP guidelines incorporate changes made to the DERIP and DTIP rules in 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K. The rules were amended to implement portions of Senate Bill (SB) 1731, 85th Texas Legislature, 2017, Regular Session. These changes include a change to the name of the DTIP to the Seaport and Rail Yard Areas Emissions

Reduction Program. Additional changes are proposed by the executive director to clarify requirements and establish more specific criteria for implementing the program rules. The proposed revisions to the DERIP and DTIP guidelines were made available for public comment. Comments received have been considered and responded to in the Response to Comments. (Steve Dayton, Dylan Dobecki) (Non-Rule Project No. 2018-011-OTH-NR)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5

[Docket No. 2017-1252-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enbridge Pipelines (Texas Gathering) L.P. in Wheeler County; RN106175219; 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 6

[Docket No. 2016-1536-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against UNITED FIBERGLASS, INC. in Randall County; RN105915011; 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)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 7

[Docket No. 2016-0434-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Mark Paul in Orange County; RN108780917; 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. (Clayton Smith, Janice Hernandez)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 8

[Docket No. 2016-0190-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of East Texas Municipal Utility District of Smith County in Smith County; RN102335874; 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)

Item 9 [**Docket No. 2016-1432-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Goree in Knox County; RN102187150; 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. (Alejandro Laje, Michael Parrish)

Item 10 [**Docket No. 2017-0558-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rhome in Wise County; RN102181815; 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 11 [**Docket No. 2016-1535-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harris County Municipal Utility District No. 387 in Harris County; RN103907028; 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. 2017-0246-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JOMOVSM LLC in Tarrant County; RN101202836; 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. (Ross Luedtke, Michael Parrish)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 13

[Docket No. 2017-0030-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Circle K Stores Inc. in Travis County; RN104165980; 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 Paul Fennell, Michael Parrish)

Item 14

[Docket No. 2017-0277-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of ACOSTA BUSINESS INC. dba Acosta Food Mart in Harris County; RN100523521; 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. (Ryan Rutledge, Janice Hernandez)

Item 15

[Docket No. 2017-0006-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of H & K JOLLY LLC dba Jolly Truck Stop in Clay County; RN102078334; 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 16

[Docket No. 2017-0811-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Idealease of Houston, L.L.C. in Harris County; RN102238789; 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. (Carlos Molina, Michael Parrish)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 17

[Docket No. 2017-0449-PST-E.](#)

**Remanded
to the
Executive
Director**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of TOCOR ENTERPRISES LLC dba Snappys in Cameron County; RN102466687; 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. (Ian Groetsch, Janice Hernandez)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 18

[Docket No. 2016-1850-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ABRAXAS CORPORATION in Parker County; RN102678885; 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)

Item 19

[Docket No. 2017-0714-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Comanche in Comanche County; RN101200962; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Boyle, Michael Parrish)

Item 20

[Docket No. 2015-1478-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Corpus Christi in Nueces County; RN101385151; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Audrey Liter, Janice Hernandez)

Item 21

[Docket No. 2017-1106-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lott in Falls County; RN102697786; for public drinking water violations pursuant to Tex.

Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Boyle, Michael Parrish)

Item 22

[Docket No. 2016-1022-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Goodrich in Polk County; RN101193266; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sarah Kim, Michael Parrish)

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 23

[Docket No. 2016-0905-PWS-E.](#)

**Hyperlink
Update**
5-8-2018
4:45 PM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of OAKHOLLOW MH PARK, LLC in Brazoria County; RN101453843; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jess Robinson, Janice Hernandez)

Item 24

[Docket No. 2017-0672-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Donald E. Schigut dba Schigut Property WS and Virginia A. Schigut dba Schigut Property WS in Burnet County; RN107033318; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Logan Harrell, Janice Hernandez)

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 25

[Docket No. 2017-0371-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Palmhurst in Hidalgo County; RN105593149; 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. (Audrey Liter, Janice Hernandez)

Item 26

[Docket No. 2017-1223-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ingram Readymix No. 87, L.L.C. in Val Verde County; RN101985398; 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)

Item 27

[Docket No. 2017-1224-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Landers Precast Concrete, LLC in Tom Green County; RN109225029; 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)

RULE MATTERS

Item 28

[Docket No. 2017-1641-RUL.](#)

Consideration for publication of, and hearing on, proposed amendments to 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, Sections 116.114, 116.160, 116.164, 116.196, 116.198, 116.310, 116.611, and 116.615; Chapter 122, Federal Operating Permits Program, Sections 122.143, 122.146, 122.165, 122.204, 122.210, 122.241, 122.320, 122.345, 122.503, 122.504, and 122.505; and corresponding revisions to the state implementation plan and the Texas federal operating permits program. The proposed rulemaking would implement provisions of House Bill 4181, 85th Texas Legislature (2017), Regular Session, which granted the commission with the authority to provide certain notices relating to New Source Review air permitting and federal operating permits in an electronic format. The proposed rules would: clarify notification and registration requirements for changes at facilities authorized by air quality standard permits; clarify requirements for Prevention of Significant Deterioration review of greenhouse gas emissions; clarify renewal requirements for Plant-wide Applicability Limit Permits; clarify requirements for federal operating permit compliance certifications; revise the documentation required for certain federal operating permit actions; allow for the use of an electronic method to transmit renewal notices to permit holders of Site Operating Permits and General Operating Permits; and make various updates and revisions to sections in Chapters 116 and 122. (Michael Wilhoit, Nimasha Weliwitigoda) (Rule Project No. 2018-003-116-AI)

Item 29

Docket No. 2016-1919-RUL.

Consideration of the adoption of amendments to Sections 334.2, 334.4, 334.6, 334.7, 334.10, 334.19, 334.42, 334.45 - 334.52, 334.54, 334.55, 334.72, 334.74, 334.123 - 334.125, 334.127, 334.208, 334.407, 334.424, 334.491, 334.496, 334.499, 334.602, 334.603, and 334.605 of 30 TAC Chapter 334, Underground and Aboveground Storage Tanks. The adoption would include federal rule updates required by the United States Environmental Protection Agency (EPA) pertaining to underground storage tanks (USTs). In addition to updates to EPA's UST regulations, this rulemaking also adopts minor rule revisions relating to fee on delivery of petroleum products and the funding of the Petroleum Storage Tank Remediation account (House Bill 7, 84th Texas Legislature, 2015, Regular Session, which amended Texas Water Code (TWC), Section 26.3574(b-1)), and rule revisions related to the fee on the delivery of certain petroleum products (Senate Bill 1557, 85th Texas Legislature, 2017, Regular Session, which amended TWC, Section 26.3574(a) - (i)). The proposed rules were published in the December 1, 2017, issue of the *Texas Register* (42 TexReg 6709). (Cynthia Gandee, Isaac Ta) (Rule Project No. 2016-019-334-CE)

Item 30

Docket No. 2017-0744-RUL.

Consideration of the adoption of amended Sections 39.411 and 39.603 of 30 TAC Chapter 39, Public Notice, and amended Section 55.152 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; and corresponding revisions to the State Implementation Plan (SIP). If adopted, the amendments to Sections 39.411(e)(10) and (11)(A)(v) and (vi) and (F), (f) (introductory paragraph), and (f)(8); 39.603; and 55.152(a)(3), (4), (7), and (8) would be submitted to the United States Environmental Protection Agency as revisions to the SIP. The adoption would implement Senate Bill 1045 from the 85th Texas Legislature, 2017, Regular Session, relating to consolidation of public notice requirements for certain air quality permit applications. The proposed rules were published in the December 1, 2017, issue of the *Texas Register* (42 TexReg 6676). (Janis Hudson) (Rule Project No. 2017-027-039-LS)

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)**