

*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**

September 19, 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. 2018-1036-MWD.](#)**

**Hyperlink  
Update**  
9-18-2018  
9:30 PM

Consideration of the application by City of Seabrook for new TPDES Permit No. WQ0010671002 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 2,500,000 gallons per day. The facility will be located approximately 930 feet north of the intersection of Park Drive and Red Bluff Drive, in Harris County, Texas 77586. Treated effluent will be discharged to Pine Gully to Upper Galveston Bay, Segment No. 2421 of the Bays and Estuaries. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Rebecca Moore, Stefanie Skogen)

## **MISCELLANEOUS MATTER**

Item 2

### **[Docket No. 2018-0792-MIS.](#)**

**Hyperlink  
Update**  
9-11-2018  
1:30 PM

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 3

### **[Docket No. 2017-0855-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN103919817; 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 4

### **[Docket No. 2017-1328-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN103919817; 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 5

### **[Docket No. 2017-1078-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Operating Company, LP in Live Oak County; RN100542794; 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 6

### **[Docket No. 2016-1858-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Kleberg County; RN102488517; 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 7 [\*\*Docket No. 2017-0884-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. (Carol McGrath, Michael Parrish)

Item 8 [\*\*Docket No. 2017-1075-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LyondellBasell Acetyls, LLC in Harris County; RN100224450; 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. (Rebecca Johnson, Michael Parrish)

Item 9 [\*\*Docket No. 2016-1975-AIR-E.\*\*](#)

**Hyperlink  
Update**  
9-13-2018  
11:30 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mobile Crushing & Screening, Inc. in Reagan County; RN109123059; 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 10 [\*\*Docket No. 2016-1282-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nalco Company LLC in Fort Bend County; RN102895745; 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 11 [\*\*Docket No. 2017-1619-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Stolthaven Houston, Inc. in Harris County; RN100210475; 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)

Item 12 [\*\*Docket No. 2017-1234-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; 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)

Item 13 [\*\*Docket No. 2017-1635-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Ryan C. Hoerauf, Inc. in Henderson County; RN104845342; 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)

**EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 14 [\*\*Docket No. 2017-0609-EAQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Texas Department of Transportation in Bexar County; RN109458919; for Edwards Aquifer 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)

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 15 [\*\*Docket No. 2017-0705-IHW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Orange County; RN100542711; 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. (Danielle Porras, Michael Parrish)

**LANDSCAPE IRRIGATOR INSTALLER ENFORCEMENT  
DEFAULT ORDER**

Item 16

**[Docket No. 2016-0736-LII-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Thomas A. Brown, Sr. in Tarrant County and Wise County; RN106101066; 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. (Logan Harrell, Janice Hernandez)

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 17

**[Docket No. 2014-1208-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Anton in Hockley County; RN101720589; for water quality and air quality 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. (Had Darling, Michael Parrish)

Item 18

**[Docket No. 2016-2119-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gulfwest Waste Solutions, LLC in Chambers County; RN100922392; for municipal solid waste and 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. (Epifanio Villarreal, Michael Parrish)

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 19

**[Docket No. 2017-0159-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Michele Audrey Shackelford dba Shelcon Services in Tarrant County; RN104422282; for public drinking water and water rights violations pursuant to TEX. WATER CODE ch. 11, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 20

**[Docket No. 2017-1001-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of KELLEY'S USED AUTO PARTS, INC. in McLennan County; RN103759957; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Adam Taylor, Janice Hernandez)

Item 21

**[Docket No. 2017-0807-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of D&A Recycling Center, LLC in Bexar County; RN109742890; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Janice Hernandez)

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 22

**[Docket No. 2017-0520-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Utilities, Inc. in Burnet, Denton, Hays, and Brazoria Counties; RN101518926, RN102956448, RN102094240, and RN102674751; 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 23

**[Docket No. 2017-0038-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against ALLSUP PETROLEUM, INC. dba Allsups 242 in Motley County; RN102052362; 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. 2017-0584-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NAA ENTERPRISES INC. dba In & Out Express 3 in Bexar County; RN102273893; 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 25

**[Docket No. 2016-1772-PST-E.](#)**

**Hyperlink  
Update**  
9-13-2018  
11:30 AM

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Southwest Convenience Stores, LLC dba 7 Eleven 57410, dba 7 Eleven 57411, and dba 7 Eleven 57413 in Lubbock County; RN102408812, RN102410446, and RN102408416; 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. (Ryan Rutledge, Janice Hernandez)

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 26

**[Docket No. 2017-1609-PST-E.](#)**

**Remanded  
to the  
Executive  
Director**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Jai Mahavir Corporation dba Chevron Quick Stop in Dallas County; RN101537850; 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 27

**[Docket No. 2017-0406-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Beaumont in Jefferson County; RN101253094; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Hall, Michael Parrish)

Item 28

**[Docket No. 2016-1851-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of La Grange in Fayette County; RN101389666; for public drinking water violations pursuant to Tex.

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

Item 29 [\*\*Docket No. 2017-1681-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rio Hondo in Cameron County; RN101209195; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Hall, Michael Parrish)

Item 30 [\*\*Docket No. 2018-0007-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ENGLISH ENTERPRISES, LLC in Montgomery County; RN101459048; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Michael Parrish)

Item 31 [\*\*Docket No. 2017-1573-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gary C. Aardal dba Pigeon Road Estates in Erath County; RN102693918; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Soraya Peters, Michael Parrish)

Item 32 [\*\*Docket No. 2016-2115-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Reyes Cantu dba Mi Taco Village and Ernesto Cantu dba Mi Taco Village in Lubbock County; RN103140802; 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)

Item 33 [\*\*Docket No. 2016-2052-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of William Brent Davis dba Cypresswood Estates in Montgomery County; RN101176287; 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. (Sarah Kim, Michael Parrish)

### **SLUDGE ENFORCEMENT AGREED ORDER**

Item 34 [\*\*Docket No. 2017-1710-SLG-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of T.O.F.S., LLC in Lynn County and Lubbock County; RN106901150; for municipal solid waste and water quality violations pursuant to Tex. Water Code ch. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jake Marx, Janice Hernandez)

### **WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 35 [\*\*Docket No. 2017-0532-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against S. W. Johnson Construction Co., INC. in Bandera County; RN105930374; 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. (Sandra Douglas, Michael Parrish)

### **MONTHLY ENFORCEMENT REPORT**

Item 36 [\*\*Docket No. 2018-0609-MIS.\*\*](#)

Consideration of the Texas Commission on Environmental Quality Monthly Enforcement Report, submitted for discussion in accordance with Texas Water Code § 7.003. (Bryan Sinclair, Melissa Cordell)

### **MISCELLANEOUS MATTERS**

Item 37 [\*\*Docket No. 2018-1077-MIS.\*\*](#)

Consideration for publication of, and public hearing on, the recertification of the Houston-Galveston Area Emission Reduction Credit Organization (AERCO) for another 12-year term. Texas Health and Safety Code (THSC), Chapter 384 gives the regional council of governments in an ozone nonattainment area the authority to establish an AERCO with the commission's approval. On July 12, 2018, the Houston-Galveston Area Council submitted a petition to the commission requesting recertification of the Houston-Galveston AERCO. The recertification would prevent dissolution of the Houston-

Galveston AERCO, per THSC, Section 384.018. (Lindley Anderson, Amy Browning)

Item 38 **Docket No. 2017-1199-PET.**

Executive Director's staff follow-up report on a petition, filed on August 14, 2017, with the Texas Commission on Environmental Quality (commission) by the Irrigator Advisory Council (petitioner). The petitioner requested 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. (Melissa Keller, Alicia Ramirez) (Project No. 2017-041-PET-NR)

Item 39 **Docket No. 2017-1198-PET.**

Executive Director's staff follow-up report on a petition, filed on August 14, 2017, with the Texas Commission on Environmental Quality (commission) by the Irrigator Advisory Council (petitioner). The petitioner requested 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. (Melissa Keller, Alicia Ramirez) (Project No. 2017-042-PET-NR)

**EXECUTIVE MEETING**

Item 40 **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 41 **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 42 **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 43 **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)**