

*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**

November 14, 2018

### **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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

#### **PROPOSAL FOR DECISION**

Item 1 [\*\*TCEQ Docket No. 2017-0407-PST-E; SOAH Docket No. 582-18-0693.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against INU USA INC dba Little Elm Gas & More in Denton County, Texas; RN106394455; regarding underground storage tank violations pursuant to Tex. Water Code ch. 7 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Clayton Smith)

#### **MISCELLANEOUS MATTER**

Item 2 [\*\*Docket No. 2018-0793-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)

## **AGRICULTURE ENFORCEMENT AGREED ORDER**

Item 3 [\*\*Docket No. 2017-1084-AGR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Charles Wesley Graham dba Graham Land and Cattle in Gonzales County; RN101527000; 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)

## **AIR QUALITY ENFORCEMENT AGREED ORDER**

Item 4 [\*\*Docket No. 2017-1115-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Richfield Sulphur Solutions, Inc. in Galveston County; RN108585910; 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)

## **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 5 [\*\*Docket No. 2017-0493-MLM-E.\*\*](#)

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11-5-2018  
4:15 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Wilmer in Dallas County; RN101414332; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Byer, Michael Parrish)

Item 6 [\*\*Docket No. 2016-1986-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hidalgo County in Hidalgo County; RN105335459; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tyler Gerhardt, Michael Parrish)

Item 7 [\*\*Docket No. 2017-1326-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of MORGAN BUILDING & SPA MANUFACTURING CORPORATION in Lavaca County; RN101924793; for municipal solid waste, industrial and hazardous waste, air quality, and water quality violations pursuant to Tex. Water Code chs. 7 and 26, 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. (Jess Robinson, Janice Hernandez)

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

Item 8 [Docket No. 2017-0146-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Leland Duncan in Lubbock County; RN101810364; for municipal solid waste and petroleum storage tank violations pursuant to Tex. Water Code chs. 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. (Amanda Patel, Janice Hernandez)

#### **MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 9 [Docket No. 2017-1537-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Tommy Kear in Freestone County; RN103045100; 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. (Audrey Liter, Janice Hernandez)

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

Item 10 [Docket No. 2017-0831-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kemp in Kaufman County; RN102218435; 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. (Chase Davenport, Michael Parrish)

Item 11

**[Docket No. 2017-0207-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Springtown in Parker County; RN101920445; 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. 2017-1270-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Spur in Dickens County; RN102180197; 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. (Claudia Corrales, Michael Parrish)

Item 13

**[Docket No. 2017-0561-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Winter Garden Park Corporation in Cameron County; RN101527695; 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)

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 14

**[Docket No. 2018-0066-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints in Dallas County; RN100731199; 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. (Margarita Dennis, Michael Parrish)

Item 15

**[Docket No. 2017-0824-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FRM ENTERPRISES, INC. dba Happy Kampers in Cooke County; RN101795466; 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. (Berenice Munoz, Michael Parrish)

Item 16

**[Docket No. 2017-0749-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TUCKER FUEL & OIL, CO. in Dallas County; RN100524263; 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. (Ken Moller, Michael Parrish)

Item 17

**[Docket No. 2017-1349-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of JAYALAKSHMI GROUP LLC dba Ice House in Guadalupe County; RN102354974; 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. (Taylor Pearson, Janice Hernandez)

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 18

**[Docket No. 2017-0812-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ASHLEY AND FAGAN INVESTMENTS CO. INC. dba Rio Brazos Water System in Scurry County; RN103105805; 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 19

**[Docket No. 2017-1086-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Ackerly in Dawson County; RN101174985; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Austin Henck, Michael Parrish)

Item 20

**[Docket No. 2018-0121-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of IBG ENTERPRISES, LLC in Bexar County; RN101653723; for public drinking water violations pursuant to

Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Soraya Bun, Michael Parrish)

Item 21 **[Docket No. 2018-0017-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MAPLE WATER SUPPLY CORPORATION in Bailey County; RN101458156; 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. (Ross Luedtke, Michael Parrish)

Item 22 **[Docket No. 2017-1147-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MOUNTAIN BREEZE, L.L.C. in Comal County; RN101202505; 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 23 **[Docket No. 2017-0927-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against R-1 Management, LLC in Fort Bend County; RN105178214; 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. 2018-0120-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rosebud-Lott Independent School District in Falls County; RN101194082; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Toni Red, Michael Parrish)

Item 25 **[Docket No. 2018-0131-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sunset Water, LLC in Moore County; RN101232916; for public drinking water violations pursuant to Tex.

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

Item 26

**[Docket No. 2016-2010-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of STAFF WATER SUPPLY CORPORATION in Eastland County; RN101198711; 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 ORDER**

Item 27

**[Docket No. 2017-1051-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Cleburne in Johnson County; RN101388528; 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)

**MONTHLY ENFORCEMENT REPORT**

Item 28

**[Docket No. 2018-0612-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)

**PETITIONS FOR RULEMAKING**

Item 29

**[Docket No. 2018-1422-PET.](#)**

**Hyperlink  
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11-13-2018  
4:15 PM

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 October 5, 2018 by Birch, Becker & Moorman, LLP on behalf of Beneficial Land Management, L.L.C. (petitioner). The petitioner requested that the commission revise Section 332.2 of 30 TAC Chapter 332, Composting, to add six definitions (domestic sludge, domestic wastewater, grease trap, grease trap waste, grit trap, and grit trap waste); and revise Sections 332.3 and 332.41 of 30 TAC Chapter 332, to add the acceptance of grit trap and industrial solid waste feedstocks to compost permit operations. (Mario A. Perez, Anthony Tatu) (Project No. 2019-038-PET-NR)

Item 30

[Docket No. 2018-1421-PET.](#)

**Hyperlink  
Update**  
11-13-2018  
4:15 PM

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 October 5, 2018 by Birch, Becker & Moorman, LLP on behalf of Beneficial Land Management, L.L.C. (petitioner). The petitioner requested that the commission amend 30 Texas Administrative Code Title (TAC) Section 312.3, Exclusions, to authorize beneficial use of sewage sludge processed with grease trap waste, grit trap waste, and/or domestic septage at a domestic wastewater treatment facility (WWTF). The petitioner requests amendment of Section 312.3 to limit the percentage of these wastes in relation to the total amount of influent processed at the WWTP; and requirements for calculating and reporting of percentages. Additionally, the petitioner requests that the commission amend 30 TAC Section 312.8, Definitions, to include new definitions for “domestic sludge”, “domestic wastewater”, “grease trap waste” and “grease trap”; and to revise the existing definition of “sewage sludge.” The petitioner states that the requested changes to the definitions section are to support the requested amendments to Section 312.3. (Brian Sierant, Anthony Tatu) (Project No. 2019-039-PET-NR)

Item 31

[Docket No. 2018-1444-PET.](#)

Consideration of two petitions for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petitions were filed with the Texas Commission on Environmental Quality (commission) on October 9, 2018, by Frederick, Perales, Allmon & Rockwell, P.C. on behalf of Wimberly Valley Watershed Association (petitioner). The petitioner requested that the commission amend Sections 39.405 and 39.411 of 30 TAC Chapter 39, Public Notice, to add requirements regarding notice of internet availability of certain commission permit applications. (Janis Hudson) (Project No. 2019-040-PET-NR)

**RULE MATTER**

Item 32

[Docket No. 2018-0252-RUL.](#)

Consideration of the adoption of amended Section 305.62 of 30 TAC Chapter 305, Consolidated Permits; Sections 331.84 and 331.107 of 30 TAC Chapter 331, Underground Injection Control; and Section 336.1115 of 30 TAC Chapter 336, Radioactive Substance Rules. The adoption would implement a federal rule update as well as respond to a petition filed by Lloyd Gosselink on behalf of the Owner/Operator Members of the Uranium Committee of the Texas Mining and Reclamation Association in October 2016 (Project No. 2017-005-PET-NR; approved



on December 15, 2016 to initiate rulemaking) to modify rules in 30 Texas Administrative Code in order to fulfill the requirements of an Agreement State program for in-situ uranium mining operations and also to clarify and streamline rules. The proposed rules were published in the July 13, 2018, issue of the *Texas Register* (43 TexReg 4702). (Bobby Janecka, Colleen Ford) (Rule Project No. 2018-017-336-WS)

## **MISCELLANEOUS MATTERS**

Item 33

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

**Hyperlink  
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11-13-2018  
4:15 PM

Consideration for approval of 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 34

### **[Docket No. 2018-1491-MIS.](#)**

Executive Director's staff follow-up report on a petition, filed on August 15, 2018, with the Texas Commission on Environmental Quality (commission) by Ms. Nancy Hernandez (petitioner). The petitioner requested that the commission amend Section 213.23(a)(2) of 30 TAC Chapter 213, Edwards Aquifer, Subchapter B, Plan Processing and Approval, to modify the rule to enhance Edwards Aquifer processes. (Anne Ruthstrom, Michael Parr) (Project No. 2019-050-MIS-NR)

## **PUBLIC COMMENT SESSION**

Item 35

### **[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 36      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 37      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 38      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 39      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 TCEQ MEETINGS ON THE TCEQ YOUTUBE CHANNEL AT NO COST, AT:  
[HTTPS://WWW.TCEQ.TEXAS.GOV/AGENCY/DECISIONS/AGENDAS/WEBCASTS.HTML](https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html)**