

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

December 12, 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. 2018-1303-AIR.](#)**

Consideration of the application by Vulcan Construction Materials, LLC for Air Quality Permit No. 147392L001, to authorize the construction of a rock crusher located on property whose northeast corner is the southwest corner of the intersection of Highway 46 and Farm-to-Market Road 3009, Bulverde, Comal County, Texas 78132. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Joel Stanford, Nicolas Parke)

Item 2 **[Docket No. 2018-1304-AIR.](#)**

Consideration of the application by Rio Grande LNG LLC, for Air Quality Permit No. 104792, Prevention of Significant Deterioration Air Quality Permit No. PSDTX1498, and Greenhouse Gas Prevention of Significant Deterioration Air Quality Permit No. GHGPSDTX158 to authorize the construction of the Rio Grande LNG and Rio Bravo Pipeline Facility located on State Highway 48 approximately 15.2 miles to the east-northeast of the intersection of State Highway 48 and State

Highway 4. The facility's southern border is the Brownsville ship channel, Brownsville, Cameron County, Texas 78521. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Michael Cheek, Nicolas Parke)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 3

[Docket No. 2017-1236-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Air Liquide Large Industries U.S. LP in Harris County; RN100233998; 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 4

[Docket No. 2017-1039-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Covestro LLC in Chambers County; RN100209931; 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. (Jo Hunsberger, Michael Parrish)

Item 5

[Docket No. 2018-0130-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of McMahan Contracting, L.P. in Dallas County; RN105829246; 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. 2017-1144-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SI Group, Inc. in Brazoria County; RN100218999; 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)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 7 [**Docket No. 2017-0839-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CULP & SON, LTD in Williamson County; RN105665319; 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. (Alejandro Laje, Michael Parrish)

Item 8 [**Docket No. 2017-1455-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sage-Monterey Oaks, Ltd. in Travis County; RN102761855; 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. (Farhaud Abbaszadeh, Michael Parrish)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 9 [**Docket No. 2018-0031-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Nalco Company LLC in Brazoria County; RN102185717; 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)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 10 [**Docket No. 2017-0923-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hillsboro in Hill County; RN102844180; 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. (Sandra Douglas, Michael Parrish)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 11 [**Docket No. 2017-1748-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chris Pena dba Texas Lonestar Recycling in Hale County; RN110032232; for used tires 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. (Rahim Momin, Michael Parrish)

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 12 [**Docket No. 2016-1433-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Martin Parker dba Bird's Tire Service in Travis County; RN100645985; 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. (John S. Mercurief II, Janice Hernandez)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 13 [**Docket No. 2017-1770-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Beaumont in Jefferson County; RN101612224; 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. (Steven Van Landingham, Michael Parrish)

Item 14 [**Docket No. 2017-0188-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SHEFFIELD WATER SUPPLY CORPORATION in Pecos County; RN102077823; 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 15 [**Docket No. 2018-0403-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SUNDOWN RANCH, INC. in Van Zandt County; RN108792565; 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. (Sandra Douglas, Michael Parrish)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 16

[Docket No. 2017-1190-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BARI GROUP, INC. dba Mini Mart in Anderson County; RN101432847; 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. (Marla Waters, Michael Parrish)

Item 17

[Docket No. 2018-0022-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jorawhar Inc. dba Star Mart in Upshur County; RN101730075; 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. (Rahim Momin, Michael Parrish)

Item 18

[Docket No. 2017-1036-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RYDER TRUCK RENTAL, INC. in Dallas County; RN102478518; 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 19

[Docket No. 2017-1307-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against S.S.G. FUEL SERVICE, INC dba King Shell in Harris County; RN101268472; for petroleum storage tank and fee violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tracy Chandler, Janice Hernandez)

Item 20

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

Consideration of an Agreed Order assessing administrative penalties against 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)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 21 [**Docket No. 2018-0335-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of George Brown and Donna Brown in Brazoria County; RN101791242; 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)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 22 [**Docket No. 2017-1502-PST-E.**](#)

Consideration of a Default Shutdown Order assessing administrative penalties against and requiring certain actions of Richard Guerra in Young County; RN102458429; 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)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 23 [**Docket No. 2018-0016-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Leona in Leon County; RN101404002; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Michael Parrish)

Item 24 [**Docket No. 2017-0914-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PALO DURO SERVICE COMPANY, INC. in Parker County; RN101185684; 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)

MONTHLY ENFORCEMENT REPORT

Item 25 [**Docket No. 2018-0613-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)

RULE MATTERS

Item 26 [**Docket No. 2017-0766-RUL.**](#)

**Hyperlink
Update**
12-11-2018
12:00PM

Consideration for publication of, and hearing on, proposed amended Sections 342.1 and 342.25 of 30 TAC Chapter 342, Regulation of Certain Aggregate Production Operations. The proposed rulemaking would implement House Bill 2582, 85th Texas Legislature, 2017, relating to an exemption for certain quarries from regulation as aggregate production operations. (Laurie Fleet, Michael Parr) (Rule Project No. 2017-026-342-OW)

Item 27 [**Docket No. 2017-0065-RUL.**](#)

**Hyperlink
Update**
12-11-2018
5:45 PM

Consideration of the adoption of amended and the repeal of sections in 30 TAC Chapter 35, Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions; Chapter 37, Financial Assurance; Chapter 50, Action on Applications and Other Authorizations; Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; Chapter 80, Contested Case Hearings; Chapter 281, Applications Processing; Chapter 290, Public Drinking Water; Chapter 291, Utility Regulations; and Chapter 293, Water Districts. The rulemaking would implement House Bill (HB) 1600 and Senate Bill (SB) 567, 83rd Texas Legislature, 2013, Regular Session, and HB 294 and SB 1842, 85th Texas Legislature, 2017, Regular Session, to amend sections to reflect changes to Texas Water Code, Chapters 5 and 11 - 13. This rulemaking would amend and repeal obsolete Texas Commission on Environmental Quality's rules relating to the economic regulation of water and sewer utilities as directed by the legislature; and amend Section 291.76 to facilitate the ability to convert the Regulatory Assessment Fee to an on-line reporting application. The proposal was published in the July 13, 2018, issue of the *Texas Register* (43 TexReg 4634). (Brian Dickey, Dinniah Tadema) (Rule Project No. 2013-057-291-OW)

STATE IMPLEMENTATION PLAN MATTERS

Item 28

Docket No. 2018-1506-SIP.

Consideration for publication of, and hearing on, the proposed Dallas-Fort Worth (DFW) Redesignation Request and Maintenance Plan State Implementation Plan (SIP) revision for the One-Hour and 1997 Eight-Hour Ozone National Ambient Air Quality Standards (NAAQS). The proposed SIP revision would include a request that the United States Environmental Protection Agency redesignate the DFW area to attainment for the one-hour (Collin, Dallas, Denton, and Tarrant Counties) and the 1997 eight-hour ozone (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties) NAAQS and provide a maintenance plan that will ensure the area remains in attainment of both NAAQS through 2032. (Kathy Singleton, Terry Salem) (Project No. 2018-028-SIP-NR)

Item 29

Docket No. 2018-0955-SIP.

Consideration of the adoption of the Houston-Galveston-Brazoria (HGB) Redesignation Request and Maintenance Plan State Implementation Plan (SIP) revision for the One-Hour and 1997 Eight-Hour Ozone National Ambient Air Quality Standards (NAAQS). The SIP revision includes a request that the United States Environmental Protection Agency redesignate the HGB area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties) to attainment for the one-hour and the 1997 eight-hour ozone NAAQS and provides a maintenance plan that will ensure the area remains in attainment of both NAAQS through 2032. (Lola Brown, John Minter) (Project No. 2018-026-SIP-NR)

PUBLIC COMMENT SESSION

Item 30

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 31 **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 32 **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 33 **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 34 **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

BRILLE 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)**