

*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**

February 13, 2019

### **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. 2018-1619-MWD.](#)**

Consideration of the application by Aqua Texas, Inc. for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015642001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 150,000 gallons per day. The facility will be located approximately 3,025 feet northwest of the intersection of Farm-to-Market Road 359 and Farm-to-Market Road 723, in Fort Bend County, Texas 77406. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Julian Centeno, Jr., Kathy Humphreys)

Item 2 **[Docket No. 2018-1620-MWD.](#)**

Consideration of the application by Norhill Energy, LLC, for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015665001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 90,000 gallons per day. The facility will be located approximately 992 feet northeast of the

intersection of Pinon Trail and White Pine Drive, in Rockwall County, Texas 75189. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (John O. Onyenobi, Robert Brush)

Item 3 [\*\*Docket No. 2018-1750-MWD.\*\*](#)

Consideration of the application by Louis Vuitton U.S. Manufacturing, Inc., for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015622001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 13,000 gallons per day. The facility will be located at 5520 County Road 316, in Johnson County, Texas 76009. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Julian Centeno, Jr., Ashley McDonald)

**DISTRICTS MATTER**

Item 4 [\*\*Docket No. 2018-1540-DIS.\*\*](#)

Consideration and hearing on a petition from The Nehemiah, LLC for creation of Karis Municipal Management District of Tarrant County ("District"), pursuant to Chapter 375, Texas Local Government Code. The proposed District is comprised of approximately 597 acres of land within the corporate limits of the City of Crowley, Tarrant County, Texas. (Randy Waclawczyk, Kayla Murray)

**MISCELLANEOUS MATTERS**

Item 5 [\*\*Docket No. 2018-1462-RES.\*\*](#)

**Hyperlink  
Update  
2-8-2019  
8:15 AM**

Consideration of the nomination and appointment of one person to fill the remainder of the term of the open position for an appraisal district representative on the Tax Relief for Pollution Control Property Advisory Committee. Texas Tax Code, Section 11.31 requires the Texas Commission on Environmental Quality (TCEQ) to form a permanent advisory committee that will make recommendations to the TCEQ commissioners on matters relating to property tax exemptions for pollution control property. Texas Tax Code, Section 11.31(n) requires the advisory committee to have representatives from industry, appraisal districts, taxing units, environmental groups, a school district or junior college, and other members who have substantial technical expertise in pollution control technology and environmental engineering. A request for applications for nomination was published in the November 2, 2018,

issue of the *Texas Register* (43 TexReg 7393). (Kelly Mackenzie, Don Redmond) (Non-Project No. 2019-042-RES-NR)

Item 6 [\*\*Docket No. 2019-0008-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)

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 7 [\*\*Docket No. 2016-0828-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Orange County; RN100215615; 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 8 [\*\*Docket No. 2017-0910-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CROWN Cork & Seal USA, Inc. in Montgomery County; RN100711118; 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 9 [\*\*Docket No. 2017-1373-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Operating Company, LP in Hutchinson County; RN100216613; 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 10 [\*\*Docket No. 2017-1401-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lucite International, Inc. in Jefferson

County; RN102736089; 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 11 **[Docket No. 2018-0135-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mauser USA, LLC in Harris County; RN100211002; 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. (Johnnie Wu, Michael Parrish)

Item 12 **[Docket No. 2017-1625-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Harris County; RN100219526; 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)

**INDUSTRIAL AND/OR HAZARDOUS WASTE  
ENFORCEMENT AGREED ORDER**

Item 13 **[Docket No. 2017-1406-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Arturo Briseno, Madeleine Briseno, DAIRY FARMERS OF AMERICA, INC., and Western Dairy Transport, L.L.C. in Erath County; RN102096468, RN110012945, and RN101261097; for industrial solid 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. (Ken Moller, Michael Parrish)

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 14 **[Docket No. 2017-1121-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Fairfield in Freestone County; RN101607778; 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. (Aaron Vincent, Michael Parrish)

Item 15

**[Docket No. 2017-1053-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Plainview in Hale County; RN103124327; 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 16

**[Docket No. 2017-0299-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Terrell in Kaufman County; RN109425769; for air quality and municipal solid waste 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. (Ryan Rutledge, Janice Hernandez)

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 17

**[Docket No. 2017-0165-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TIRE DISTRIBUTORS BLACK GOLD INC in Hidalgo County; RN109572016; 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. (John Paul Fennell, Michael Parrish)

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 18

**[Docket No. 2017-0924-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Alvord in Wise County; RN102476272; 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 19

**[Docket No. 2017-0773-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Corix Utilities (Texas) Inc. in Colorado County; RN101522266; 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 20

**[Docket No. 2017-1590-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harris County Municipal Utility District No. 285 in Harris County; RN101521474; 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. (Christopher Moreno, Michael Parrish)

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 21

**[Docket No. 2016-1051-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CIRCLE K STORES INC. in Kaufman County, Gonzales County, Dewitt County, and Lavaca County; RN102004868, RN102346343, RN102347671, and RN102020179; 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 22

**[Docket No. 2017-1267-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against CRSR International Inc dba Linden Food Mart in Cass County; RN101433043; 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 23

**[Docket No. 2017-1067-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KSF Realty Group LLC dba Caddo Mills Food Mart in Hunt County; RN101536852; 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 24 [\*\*Docket No. 2018-0044-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NABI & RAAIA LLC dba Poco Loco Market in Hays County; RN107244337; 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. (Stephanie McCurley, Michael Parrish)

Item 25 [\*\*Docket No. 2017-1485-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RED RIVER FARM CO-OP, INC. in Cooke County; RN100763770; 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 26 [\*\*Docket No. 2016-1509-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Southwest Independent School District in Bexar County; RN102406766; 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 27 [\*\*Docket No. 2017-0746-PST-E.\*\*](#)

**Hyperlink  
Update**  
2-11-2019  
4:00 PM

Consideration of an Agreed Order assessing administrative penalties against Karim S. Karedia dba QS 346 in Bexar County; RN104212014; 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 28 [\*\*Docket No. 2017-1594-PST-E.\*\*](#)

**Hyperlink  
Update**  
2-12-2019  
4:30 PM

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of KIRK SHEET METAL COMPANY, INC. in Dallas County; RN101554947; 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 29

### **[Docket No. 2018-0100-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AMERICAN PETROLEUM WELDING, INC. in Lubbock County; RN105368120; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Soraya Bun, Michael Parrish)

Item 30

### **[Docket No. 2018-0134-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Atascosa Rural Water Supply Corporation in Bexar County; RN101439024; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Margarita Dennis, Michael Parrish)

Item 31

### **[Docket No. 2017-0501-PWS-E.](#)**

**Hyperlink  
Update**  
2-12-2019  
4:30 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BEECHWOOD WATER SUPPLY CORPORATION in Sabine County; RN101199404; 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 32

### **[Docket No. 2018-0281-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FOREST WATER SUPPLY CORPORATION in Cherokee County; RN101183465; 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 33 **Docket No. 2018-0018-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harris County Fresh Water Supply District 1-B in Harris County; RN102944147; 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 34 **Docket No. 2018-0099-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Llano County Municipal Utility District 1 in Llano County; RN101425544; 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 35 **Docket No. 2017-0846-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Los Botines Water Supply Corporation in Webb County; RN106716442; 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 36 **Docket No. 2017-1645-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of LAGUNA VISTA, LIMITED in Hood County; RN101276806; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Janice Hernandez)

**PUBLIC COMMENT SESSION**

Item 37 **Docket No. 2019-0005-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 38      Docket No. 2019-0001-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 39      Docket No. 2019-0002-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 40      Docket No. 2019-0003-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 41      Docket No. 2019-0004-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)**