

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 8, 2019

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. 2016-0359-PST-E; SOAH Docket No. 582-18-2957.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against Giving Good Luck, Inc. dba Four Seasons Mart & C K Group Enterprise, Inc. and requiring corrective action by C K Group Enterprise, Inc. in Aransas County, Texas; RN101833333; regarding underground storage tank violations pursuant to Tex. Water Code ch. 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Logan Harrell)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 [**Docket No. 2019-0441-MWD.**](#)

Consideration of the application by Norhill Energy, LLC, for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015666001, to authorize the discharge of treated domestic

wastewater at a daily average flow not to exceed 75,000 gallons per day. The facility will be located approximately 1,578 feet southwest of the intersection of County Road 412 and County Road 409, in Collin County, Texas 75069. 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., Michael Parr)

DISTRICTS MATTER

Item 3 **[Docket No. 2019-0175-DIS.](#)**

Consideration and hearing on a petition from TMRY Ridge Limited Partnership, for creation of Northlake Municipal Management District No. 2 of Denton County ("District"), pursuant to Chapter 375, Texas Local Government Code. The proposed District is comprised of approximately 316.3 acres of land within the corporate limits of the Town of Northlake, Denton County, Texas. (Pirainder Lall, Kayla Murray)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 **[Docket No. 2018-0880-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Eco Services Operations Corp. in Harris County; RN100220581; 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. (Amanda Diaz, Michael Parrish)

Item 5 **[Docket No. 2018-0586-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100210319; 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 6 **[Docket No. 2018-0096-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S.a r.l. in Victoria County; RN102663671; 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 7 [**Docket No. 2018-0587-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Total Petrochemicals & Refining USA, Inc. in Harris County; RN100212109; 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. (Soraya Bun, Michael Parrish)

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 8 [**Docket No. 2017-1536-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Lucky's Redi-Mix Co. LLC in Dewitt County; RN106526981; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Clayton Smith, Janice Hernandez)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 9 [**Docket No. 2018-1134-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Jose Espinoza in Williamson County; RN110443470; 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. (Jess Robinson, Janice Hernandez)

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 10 [**Docket No. 2018-0304-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texas Wildlife Supply, Inc. in McCulloch County; RN105715122; 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. (Stephanie McCurley, Michael Parrish)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 11

[Docket No. 2018-0506-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Monarch Utilities I L.P. in Wood County and Hood County; RN102287091 and RN102701471; 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)

Item 12

[Docket No. 2018-0330-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Oldcastle Materials Texas, Inc. in Jefferson County; RN110053246; for water quality and industrial and hazardous waste 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. (Abigail Lindsey, Michael Parrish)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 13

[Docket No. 2016-1627-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against Neil William Robinson in Fort Bend County; RN106518053; 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. (Jake Marx, Janice Hernandez)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 14

[Docket No. 2018-0290-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Joe D. Leggett, Jr. dba Alvin Greenwaste Recycling in Brazoria County; RN109841411; for municipal 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. (Stephanie McCurley, Michael Parrish)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 15

[Docket No. 2018-1082-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of El Campo in Wharton County; RN101607745; 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. (Harley Hobson, Michael Parrish)

Item 16

[Docket No. 2018-0606-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Corix Utilities (Texas) Inc. in Bastrop County; RN101018240; 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. (Abigail Lindsey, Michael Parrish)

Item 17

[Docket No. 2015-0851-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against IES Children and Family Services, Inc. fka INTERNATIONAL EDUCATIONAL SERVICES, INCORPORATED in Nueces County; RN102179124; 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. (Clayton Smith, Janice Hernandez)

OCCUPATIONAL LICENSING ENFORCEMENT DEFAULT ORDER

Item 18

[Docket No. 2018-0477-WOC-E.](#)

**Remanded
to the
Executive
Director**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Butch Hardie in Wise County; RN110128691; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Kathryn Schroeder, Janice Hernandez)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 19

[Docket No. 2018-0518-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Austin Boon enterprises, Inc. dba Food Basket in Hays County; RN102372174; 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. (Berenice Munoz, Michael Parrish)

Item 20 [**Docket No. 2018-0343-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Costco Wholesale Corporation dba Costco Gasoline 489 in Tarrant County; RN102255312; 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 21 [**Docket No. 2018-0241-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAB ENTERPRISE INC. dba Nolan Express in Bexar County; RN101432649; 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. (Tyler Richardson, Michael Parrish)

Item 22 [**Docket No. 2018-0396-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Samad Brothers LLC dba Kingsley One Stop Foodmart in Dallas County; RN100525195; 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 AND SHUTDOWN ORDERS

Item 23 [**Docket No. 2018-0266-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Devine Convenience LLC dba Super Mart in Medina County; RN101856219; 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)

Item 24 [**Docket No. 2018-0850-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of NAS STAR ENTERPRISES, INC. dba 909 Grocery in Montgomery County; RN104710785; 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. (Logan Harrell, Janice Hernandez)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 25 [**Docket No. 2018-0913-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Camp Balcones Springs, L.P. in Burnet County; RN101239473; 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 26 [**Docket No. 2018-0578-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rhineland Water Supply Corporation in Knox County; RN101196376; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Moreno, Michael Parrish)

Item 27 [**Docket No. 2018-0975-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of UMBARGER COMMUNITY WATER SUPPLY CORPORATION in Randall County; RN101451268; 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)

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 28 [**Docket No. 2018-0435-PWS-E.**](#)

**Hyperlink
Update**
5-6-2019
10:15 AM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Mark Stewart in Cass County; RN101194447; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

Item 29 [**Docket No. 2018-1481-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against Ron C. King dba Anchor Road Mobile Home Park in Brazoria County; RN101204725; 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 30 [**Docket No. 2018-0685-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against AUSTIN WOOD RECYCLING LTD in Travis County; RN105388367; 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 31 [**Docket No. 2018-0457-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Built Right Homes LLC in Montgomery County; RN109786061; 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 32 [**Docket No. 2018-0658-WQ-E.**](#)

Consideration of an Agreed Order assessing reasonable service charges against the United States Department of the Air Force in Wichita County; RN103177531; 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. (Ryan Rutledge, Janice Hernandez)

QUADRENNIAL RULE REVIEWS

- Item 33 [**Docket No. 2018-1324-MIS.**](#)
- Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 3, Definitions. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years. The proposal was published in the December 21, 2018, issue of the *Texas Register* (43 TexReg 8481). (Kathy Humphreys) (Project No. 2019-006-003-LS)
- Item 34 [**Docket No. 2018-1146-MIS.**](#)
- Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 10, Commission Meetings. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years. The proposal was published in the November 23, 2018, issue of the *Texas Register* (43 TexReg 7686). (Brad Patterson, Janis Hudson) (Project No. 2018-039-010-AD)
- Item 35 [**Docket No. 2018-1180-MIS.**](#)
- Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 106, Permits by Rule. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years. The proposal was published in the November 23, 2018, issue of the *Texas Register* (43 TexReg 7686). (Michael Wilhoit, Booker Harrison) (Project No. 2018-047-106-AI)
- Item 36 [**Docket No. 2018-1246-MIS.**](#)
- Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 205, General Permits for Waste Discharges. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years. The proposal was published in the November 23, 2018, issue of the *Texas Register* (43 TexReg 7686). (Laurie Fleet, Hollis Henley) (Project No. 2018-051-205-OW)
- Item 37 [**Docket No. 2018-1182-MIS.**](#)
- Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 326, Medical Waste Management. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for re-adoption each of

their rules every four years. The proposal was published in the November 9, 2018, issue of the *Texas Register* (43 TexReg 7474). (Charly Fritz, Kathy Humphreys) (Project No. 2018-045-326-WS)

PUBLIC COMMENT SESSION

Item 38 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, except for 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 39 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 40 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 41 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 42 **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)