

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

October 9, 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. 2017-0550-PST-E; SOAH Docket No. 582-18-3786.**](#)

Continued
to the
10-23-2019
Agenda

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against and requiring corrective action of SKYPAK CORP dba Country Food Store in Jasper County, Texas; RN101444941; regarding underground storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Ian Groetsch)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 [**Docket No. 2019-0903-AIR.**](#)

Consideration of application by Soto Ready Mix, Inc. for Air Quality Registration No. 151715, to authorize the construction and operation of a permanent concrete batch plant to be located at 3411 De Soto Street, Houston, Harris County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies,

public comment, and the Executive Director's Response to Comments.
(Don Nelson, Katie Moore)

Item 3 **[Docket No. 2019-1047-AIR.](#)**

Consideration of an application by STX Beef Company, LLC (formally known as Sam Kane Beef Processors, LLC) for renewal of Air Quality Permit Number 3806 to authorize continued operation of an existing rendering plant located at 9001 Leopard Street, Corpus Christi, Nueces County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Bonnie Evridge, Colleen Ford)

Item 4 **[Docket No. 2019-1048-MWD.](#)**

Consideration of the application by Lake View Management and Development District for new TCEQ Permit No. WQ0015631001 to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 39,000 gallons per day via surface irrigation of 13.5 acres of non-public access land. The wastewater treatment facility and disposal site will be located 700 feet west of the intersection of County Road 1400 and County Road 1410, north of the City of Malakoff, in Henderson County, Texas 75148. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (J. Alfonso Martinez III, Michael T. Parr II)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 **[Docket No. 2017-1540-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Brazoria County; RN100238708; 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. 2018-1588-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against R2R and D, LLC in Howard County; RN106162084; 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. (Margarita Dennis, Michael Parrish)

Item 7 [**Docket No. 2018-0828-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Southcross Gathering Ltd. in Montgomery County; RN102892965; 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 8 [**Docket No. 2018-0882-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Suncot Gin, LLC in Yoakum County; RN102213063; 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)

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 9 [**Docket No. 2018-0861-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Chelsea Watson dba Triple 777 Deer Blinds in Leon County; RN109971044; 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)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 10 [**Docket No. 2018-1436-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Cooper Stone, LLC in Williamson County; RN104556725; for Edwards Aquifer and 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)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 11

[Docket No. 2018-1315-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Matthew T. Tamplen in Foard County; RN110459864; 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)

OCCUPATIONAL LICENSING ENFORCEMENT DEFAULT ORDER

Item 12

[Docket No. 2019-0264-WOC-E.](#)

Consideration of a Default Order assessing administrative penalties against Cody L. Cain in Crockett County; RN107295016; for occupational licensing 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. (Logan Harrell, Janice Hernandez)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 13

[Docket No. 2018-1269-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texas National Municipal Utility District in Montgomery County; RN102916749; 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)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 14

[Docket No. 2017-1293-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of RR GOLAY LLC dba Rite Track 11 in Morris County; RN101864114; 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. (Clayton Smith, Janice Hernandez)

Item 15

[Docket No. 2018-1430-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ACG INVESTMENTS L.L.C. dba Galloway Exxon & U Haul in Polk County; RN101729507; 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 16

[Docket No. 2018-1640-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PETROLEUM TRANSPORT, INC. in Deaf Smith County; RN104565056; 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. 2018-1280-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tina's Mexican Kitchen, LLC dba Tina's Mini-Mart in Jim Hogg County; RN101680759; 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. (Danielle Porras, Michael Parrish)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 18

[Docket No. 2018-0847-PWS-E.](#)

**Hyperlink
Update**
10-3-2019
11:00 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bao Hoai Tran dba JT Brothers RV Park and Miriam Zambrana dba JT Brothers RV Park in Ector County; RN109514026; 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 19

[Docket No. 2018-0912-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DAVE'S ROOFING, SIDING AND METAL BUILDINGS, LLC in Lubbock County; RN101190007; for public drinking water violations pursuant to Tex. Health & Safety Code

ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marla Waters, Michael Parrish)

Item 20 [**Docket No. 2018-1229-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Heritage Ministries in McLennan County; RN109792440; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ronica Rodriguez, Michael Parrish)

Item 21 [**Docket No. 2018-1376-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ROCHELLE WATER SUPPLY CORPORATION in McCulloch County; RN101188290; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Duncan, Michael Parrish)

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 22 [**Docket No. 2018-0937-PWS-E.**](#)

**Hyperlink
Update**
10-7-2019
1:00 PM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Deyma Davila dba DEYS RV AND MOBILE PARK in Andrews County; RN106914047; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jaime C. Garcia, Janice Hernandez)

Item 23 [**Docket No. 2017-0083-PWS-E.**](#)

**Hyperlink
Update**
10-3-2019
11:00 AM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of RANGER UTILITY COMPANY in Harris County; RN101249910; 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. (Ryan Rutledge, Janice Hernandez)

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 24 [**Docket No. 2017-0211-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Interstate Pipeline Utility Construction, LLC in Denton County; RN109435610; 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. (Elizabeth Lieberknecht, Janice Hernandez)

RULE MATTER

Item 25 **[Docket No. 2019-0391-RUL.](#)**

Consideration for publication of, and hearing on, proposed amendments to Sections 312.1 - 312.13, 312.41 - 312.50, 312.61 - 312.68, 312.81 - 312.83, 312.121, 312.122, 312.141 - 312.145, 312.147, 312.149, and 312.150; repeal of Section 312.123; and new Sections 312.123 - 312.130 of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The proposed rulemaking would clarify the intent of existing rule requirements, remove inconsistencies, and improve readability. (Brian Sierant, Anthony Tatu) (Rule Project No. 2017-035-312-OW)

QUADRENNIAL RULE REVIEWS

Item 26 **[Docket No. 2019-0108-MIS.](#)**

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 14, Grants. 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 May 10, 2019, issue of the *Texas Register* (44 TexReg 2375). (Christopher Gobert, Amy Mendez) (Project No. 2019-083-014-AS)

Item 27 **[Docket No. 2019-0028-MIS.](#)**

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles. 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 May 10, 2019, issue of the *Texas Register* (44 TexReg 2375). (Javier Galván, Sierra Redding) (Project No. 2019-071-114-AI)

Item 28 **[Docket No. 2019-0025-MIS.](#)**

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 290, Public Drinking Water. 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 May 10, 2019, issue of the *Texas Register* (44 TexReg 2375). (Gary Chauvin, Ruth Takeda) (Project No. 2019-068-290-OW)

Item 29 **[Docket No. 2019-0024-MIS.](#)**

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 330, Municipal Solid Waste. 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 May 10, 2019, issue of the *Texas Register* (44 TexReg 2376). (Charly Fritz, Aaron Vargas) (Project No. 2019-066-330-WS)

Item 30 **[Docket No. 2019-0022-MIS.](#)**

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste. 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 May 10, 2019, issue of the *Texas Register* (44 TexReg 2376). (Charly Fritz, Diane Goss) (Project No. 2019-067-335-WS)

Item 31 **[Docket No. 2018-1396-MIS.](#)**

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 351, Regionalization. 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 May 10, 2019, issue of the *Texas Register* (44 TexReg 2376). (Laurie Fleet, Stefanie Skogen) (Project No. 2019-029-351-OW)

PUBLIC COMMENT SESSION

Item 32 **[Docket No. 2019-0005-PUB.](#)**

The Commission will receive comments from the public on any matters within the jurisdiction of the Texas Commission on Environmental Quality 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 33 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 34 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 35 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 36 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)**