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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

Chairman Bryan W. Shaw, Ph.D.
Commissioner Toby Baker

September 4, 2013

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

EMERGENCY ORDERS

Item 1 **[Docket No. 2013-1385-UCR-E.](#)**

Consideration of whether to affirm, modify, or set aside the Emergency Order issued on July 26, 2013, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by Michael Lantz O'Neill d/b/a Frontier Park Resort and Marina in Sabine County; TCEQ ID No. RN101278034; CCN12689; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order appointed John Broughton as temporary manager of the Utility. (Stephanie Frazee)

Joint Motion for Item Nos. 1-3.

Affirm the Executive Director's Emergency Order issued on July 26, 2013, which

appoints John Broughton as temporary manager for the public water system which holds CCN No. 12689, but modify the Emergency Order as recommended by the Executive Director. Affirm the Executive Director's Emergency Order issued on August 1, 2013, which appoints the Sabine River Authority of Texas as temporary manager for the public water system which holds CCN No. 12689, but modify the Emergency Order as recommended by the Executive Director. Affirm the Executive Director's Emergency Order issued on August 1, 2013, which appoints the Sabine River Authority of Texas as temporary manager for the wastewater treatment system which was formally associated with TCEQ Permit No. WQ00114015001, but modify the Emergency Order as recommended by the Executive Director. TB/BS; all agree.

Item 2 **Docket No. 2013-1429-UCR-E.**

Consideration of whether to affirm, modify, or set aside the Emergency Order issued on August 1, 2013, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by Michael Lantz O'Neill d/b/a Frontier Park Resort and Marina in Sabine County; TCEQ ID No. RN101278034; CCN12689; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order appointed Sabine River Authority as temporary manager of the Utility. (Stephanie Frazee)

Joint Motion for Item Nos. 1-3.

Affirm the Executive Director's Emergency Order issued on July 26, 2013, which appoints John Broughton as temporary manager for the public water system which holds CCN No. 12689, but modify the Emergency Order as recommended by the Executive Director. Affirm the Executive Director's Emergency Order issued on August 1, 2013, which appoints the Sabine River Authority of Texas as temporary manager for the public water system which holds CCN No. 12689, but modify the Emergency Order as recommended by the Executive Director. Affirm the Executive Director's Emergency Order issued on August 1, 2013, which appoints the Sabine River Authority of Texas as temporary manager for the wastewater treatment system which was formally associated with TCEQ Permit No. WQ00114015001, but modify the Emergency Order as recommended by the Executive Director. TB/BS; all agree.

Item 3 **Docket No. 2013-1405-UCR-E.**

Consideration of whether to affirm, modify, or set aside the Emergency Order issued on August 1, 2013, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5, 13, and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Sewer Utility) by Michael Lantz O'Neill d/b/a Frontier

Park Resort and Marina in Sabine County; TCEQ ID No. RN101278034; to ensure continued operation of the Sewer Utility and to provide continuous and adequate service to the customers. The Emergency Order appointed Sabine River Authority as temporary manager of the Sewer Utility. (Stephanie Frazee)

Joint Motion for Item Nos. 1-3.

Affirm the Executive Director's Emergency Order issued on July 26, 2013, which appoints John Broughton as temporary manager for the public water system which holds CCN No. 12689, but modify the Emergency Order as recommended by the Executive Director. Affirm the Executive Director's Emergency Order issued on August 1, 2013, which appoints the Sabine River Authority of Texas as temporary manager for the public water system which holds CCN No. 12689, but modify the Emergency Order as recommended by the Executive Director. Affirm the Executive Director's Emergency Order issued on August 1, 2013, which appoints the Sabine River Authority of Texas as temporary manager for the wastewater treatment system which was formally associated with TCEQ Permit No. WQ00114015001, but modify the Emergency Order as recommended by the Executive Director. TB/BS; all agree.

MISCELLANEOUS MATTER

Item 4 [**Docket No. 2013-1165-WR.**](#)

Consideration of a petition from the Gonzales County Underground Water Conservation District (District) requesting to expand its authority to include management of the Yegua-Jackson aquifer within its territorial boundaries pursuant to 30 Texas Administrative Code Chapter 293. The petition was approved by the District's Board of Directors on January 8, 2013. The District was created by order of the Texas Natural Resource Conservation Commission on November 12, 1993, in the area delineated as Management Area 3 of the Carrizo-Wilcox aquifer in Gonzales County. The District operates in Gonzales and Caldwell Counties and is currently authorized to manage the Carrizo-Wilcox, Queen City, and Sparta aquifers. (Kelly Mills, Christiaan Siano)

Adopt the Executive Director's Proposed Order amending the 1993 Commission Order creating the Gonzales County Underground Water Conservation District, as recommended by the Executive Director. BS/TB; all agree.

WATERMASTER BUDGET MATTERS

Item 5 [**Docket No. 2013-1084-BGT.**](#)

Consideration of Fiscal Year 2014 Assessment of Annual Costs for Watermaster operations in the Concho River Watermaster Program. Pursuant to Texas Water Code Sections 11.329 and 11.558 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61-304.63 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year

beginning September 1, 2013, and ending August 31, 2014, for appropriators in the Concho River Watermaster Program which consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in Concho County and approve \$175,138.58 as the amount to be assessed for annual costs. (Cindy Hooper, Dinniah Tadema)

Joint Motion for Item Nos. 5-7.

Approve the Concho River, Rio Grande and the South Texas Watermaster budgets for Fiscal Year 2014; and Issue the Executive Director's three Proposed Orders assessing the annual costs of those Watermaster programs. TB/BS; all agree.

Item 6 **Docket No. 2013-1085-BGT.**

Consideration of Fiscal Year 2014 Assessment of Annual Costs for Watermaster operations in the Rio Grande Water Division. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 303.71-303.73 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2013, and ending August 31, 2014, for appropriators in the Rio Grande Water Division which extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers and including that portion of the Nueces-Rio Grande Costal Basin lying in Hidalgo, Cameron, Willacy, and Starr Counties and approve \$825,655.86 as the amount to be assessed for annual costs. (Cindy Hooper, Dinniah Tadema)

Joint Motion for Item Nos. 5-7.

Approve the Concho River, Rio Grande and the South Texas Watermaster budgets for Fiscal Year 2014; and Issue the Executive Director's three Proposed Orders assessing the annual costs of those Watermaster programs. TB/BS; all agree.

Item 7 **Docket No. 2013-1086-BGT.**

Consideration of Fiscal Year 2014 Assessment of Annual Costs for Watermaster operations in the South Texas Watermaster Program. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61-304.63 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2013, and ending August 31, 2014, for

appropriators in the South Texas Water Division which consists of the Nueces, San Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in Hidalgo, Cameron, Willacy, and Starr Counties and approve \$616,050.01 as the amount to be assessed for annual costs. (Cindy Hooper, Dinniah Tadema)

Joint Motion for Item Nos. 5-7.

Approve the Concho River, Rio Grande and the South Texas Watermaster budgets for Fiscal Year 2014; and Issue the Executive Director's three Proposed Orders assessing the annual costs of those Watermaster programs. TB/BS; all agree.

WATERMASTER EVALUATIONS

Item 8 **Docket No. 2013-1164-MIS.**

Consideration of the Executive Director's findings and recommendations on whether a Watermaster should be appointed for the Trinity River Basin, the Trinity-San Jacinto Coastal Basin, the San Jacinto River Basin, or the San Jacinto-Brazos Coastal Basin. Texas Water Code, Section 11.326(g) requires that in river basins where no watermaster has been appointed, the executive director shall evaluate the river basin at least once every 5 years to determine whether a watermaster should be appointed, and report the findings and make recommendations to the commission. The commission shall include the findings and recommendations in the commission's biennial report to the Legislature. (Kellye Rila)

No Action Taken.

GENERAL PERMIT

Item 9 **Docket No. 2013-0886-MIS.**

Consideration of the adoption of the renewal, with amendment, of the Texas Pollutant Discharge Elimination System (TPDES) general permit number TXG830000, authorizing the discharge of waters contaminated with petroleum fuel or petroleum substances into water in the state and consideration of adoption of the Response to Comment. Public notice of the proposed draft permit was published in the April 26, 2013 issue of the *Texas Register* (38 TexReg 2662). (Laurie Fleet, Robert Brush) (Non-Rule Project No. 2013-007-OTH-NR)

Adopt the Proposed Resolution amending and renewing General Permit No. TXG830000, and adopt the Executive Director's Response to Comments. TB/BS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 10 [**Docket No. 2013-0104-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WM Resource Recovery & Recycling Center, Inc. in Chambers County; RN100922392; 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 Texas Administrative Code ch. 60. (Kimberly Morales, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 11 [**Docket No. 2013-0294-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAINT-GOBAIN CERAMICS & PLASTICS, INC. in Brazos County; RN100213859; 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 Texas Administrative Code ch. 60. (Amancio R. Gutierrez, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 12 [**Docket No. 2013-0671-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, 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 Texas Administrative Code ch. 60. (Rachel Bekowies, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 13 [**Docket No. 2013-0250-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Prism Gas Systems I, L.P. in Harrison County; RN102558939; 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 Texas Administrative Code ch. 60. (Nadia Hameed, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 14 [**Docket No. 2013-0198-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of APAC-Texas, Inc. in McLennan County; RN100829498; 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 Texas Administrative Code ch. 60. (Amancio R. Gutierrez, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 15 **[Docket No. 2013-0028-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Arrowhead Pipeline, L.P. in Brazoria County; RN100212000; 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 Texas Administrative Code ch. 60. (Amancio R. Gutierrez, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 16 **[Docket No. 2013-0400-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF Corporation in Jefferson County; RN100634922; 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 Texas Administrative Code ch. 60. (Heather Podlipny, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 17 **[Docket No. 2013-0312-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Jefferson County; RN100209857; 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 Texas Administrative Code ch. 60. (Rajesh Acharya, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 18 **[Docket No. 2013-0164-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Flint Hills Resources Port Arthur, LLC in Jefferson County; RN100217389; 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 Texas Administrative Code ch. 60. (Nadia Hameed, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 19 [Docket No. 2013-0266-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF Corporation in Brazoria County; RN100218049; 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 Texas Administrative Code ch. 60. (Heather Podlipny, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 20 [Docket No. 2011-2251-AIR-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jesus Montoya dba Montoyas Sandblasting in Trinity County; RN105732218; 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. (Jeffrey J. Huhn, Lena Roberts)

Approve the Default Order. BS/TB; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 21 [Docket No. 2012-2354-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Weatherford U.S., L.P. in Harris County; RN102586088; 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 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 22 [Docket No. 2011-1927-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Federico Zavala in Harris County; RN106073695; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Elizabeth Lieberknecht, Lena Roberts)

Approve the Default Order. BS/TB; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 23 **[Docket No. 2012-1882-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vidal Lopez and AJ's Logistic Services, LLC in Jim Wells County; RN104709241; for water quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jacquelyn Green, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 24 **[Docket No. 2012-1806-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EMPIRE DISPOSAL, LTD. in Tarrant County; RN105246409; for air quality, municipal solid waste, and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 25 **[Docket No. 2011-0578-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bynum in Hill County; RN101612943; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 26 **[Docket No. 2013-0410-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Walnut Springs in Bosque County; RN101918472; 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 Texas Administrative Code ch. 60. (Remington Burklund, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 27 [**Docket No. 2012-2478-MWD-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Marine Quest-Hidden Cove, L.P. in Denton County; RN102094950; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

Approve the Default Order. BS/TB; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 28 [**Docket No. 2013-0172-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Sonny Jai, Inc. dba Country Stop in Brown County; RN102281417; 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 Texas Administrative Code ch. 60. (Joel McAlister, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 29 [**Docket No. 2011-2157-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TIMALSINA BROTHERS ENTERPRISE, INC. d/b/a Eastex Truck Stop in Harris County; RN101738870; 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. (Rudy Calderon, Lena Roberts)

Approve the Agreed Order. BS/TB; all agree.

Item 30 [**Docket No. 2012-0914-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against RASHMEE, INC. d/b/a MACS in Dallas County; RN101563450; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

Approve the Agreed Order. BS/TB; all agree.

Item 31 [**Docket No. 2012-1243-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Mustafa Nadaf d/b/a Ephriham Mini-Mart in Tarrant County; RN102646395; 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. (Kari L. Gilbreth, Lena Roberts)

Approve the Agreed Order. BS/TB; all agree.

Item 32 [**Docket No. 2012-1874-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MOCKINGBIRD SKILLMAN MOBIL, INC. d/b/a Mockingbird Mobil in Dallas County; RN102765773; 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. (Rebecca M. Combs, Lena Roberts)

Approve the Agreed Order. BS/TB; all agree.

Item 33 [**Docket No. 2011-1298-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jaspal Singh Grewal in Grayson County; RN101556728; 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. (Jennifer Cook, Lena Roberts)

Approve the Agreed Order. BS/TB; all agree.

Item 34 [**Docket No. 2013-0491-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against INDUSTRIAL GOLD RUSH LTD. dba Fuel City II in Dallas County; RN101566479; for petroleum storage tank 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 Texas Administrative Code ch. 60. (Judy Kluge, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 35 [**Docket No. 2013-0120-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Lisa Soto in Harris County; RN104751151; 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 Texas Administrative Code ch. 60. (Rebecca Boyett, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 36 [**Docket No. 2012-1284-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against HICHI CORPORATION dba H & L Discount Foods in Potter County; RN102283561; 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 Texas Administrative Code ch. 60. (Kimberly Morales, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 37 [**Docket No. 2012-2560-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against CYPRESS PINE INVESTMENTS, INC. dba Lake Houston Marina in Harris County; RN101798825; 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 Texas Administrative Code ch. 60. (Joel McAlister, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 38 [**Docket No. 2012-1115-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KHURSA ENTERPRISES INC d/b/a Let's Stop in Tarrant County; RN101433308; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

Approve the Agreed Order. BS/TB; all agree.

Item 39 [**Docket No. 2013-0129-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MARSHALL I20E PROPERTIES LLC in Harrison County; RN101770857; 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. (Jennifer Cook, Lena Roberts)

Approve the Agreed Order. BS/TB; all agree.

Item 40 [**Docket No. 2012-1788-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of METROPLEX LUCKY STAR, LLC d/b/a Chevron Food Mart 2 in Dallas County; RN102966603; 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. (Jacquelyn Boutwell, Lena Roberts)

Approve the Agreed Order. BS/TB; all agree.

Item 41 [**Docket No. 2013-0423-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against TEJANO ENTERPRISES, INC. dba Segovia Truck Stop in Kimble County; RN101617074; 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 Texas Administrative Code ch. 60. (Judy Kluge, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 42 [**Docket No. 2012-2487-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against Overseas Venture LLC in Polk County; RN101913606; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

Approve the Default Order. BS/TB; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 43 [**Docket No. 2013-0349-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Jefferson in Marion County; RN101221471; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

Item 44 [**Docket No. 2012-2211-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SNI CORPORATION d/b/a Broadway Food Mart in Colorado County; RN101252732; 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. (Jim Sallans, Lena Roberts)

Approve the Agreed Order. BS/TB; all agree.

Item 45 [**Docket No. 2013-0626-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Henrietta in Clay County; RN101258978; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Johnson, Debra Barber)

Approve the Agreed Order. BS/TB; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 46 [**Docket No. 2013-0359-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Yetta Hustead dba High Five Bar & Grill in Brazoria County; RN101221240; 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. (Jennifer Cook, Lena Roberts)

Approve the Default Order. BS/TB; all agree.

RULE MATTERS

Item 47 [**Docket No. 2013-0348-RUL.**](#)

Consideration for adoption of amended Section 7.119 of 30 TAC Chapter 7, Memoranda of Understanding. The rulemaking would adopt, by reference, the rules of the Texas Department of Transportation (TxDOT) in 43 Texas Administrative Code (TAC) Chapter 2, Subchapter I, Memorandum of Understanding with the Texas Commission on Environmental Quality. 43 TAC Subchapter I contains an updated Memorandum of Understanding (MOU) between the Texas Commission on Environmental Quality (TCEQ, agency) and TxDOT addressing the TCEQ environmental reviews of TxDOT highway (transportation) projects. The updates to the MOU implement requirements in Sections 1 and 5 of Senate Bill (SB) 548, Section 18 of SB

1420, and Sections 1 and 5 of House Bill 630, 82nd Legislature, 2011, and make additional changes to the MOU. The primary change to the updated MOU addresses the requirement in Texas Transportation Code §201.607, that the MOU include language specifying that comments submitted to TxDOT later than the available 45-day review period will be considered by TxDOT to the extent possible. The updated MOU also changes the triggers for review of a project and allows TxDOT to coordinate review of environmental reports with the TCEQ. The updated MOU also changes the reference to the TCEQ's agency's name from the Texas Natural Resource Conservation Commission (TNRCC) to the Texas Commission on Environmental Quality and includes other changes. The proposed rule was published in the *Texas Register* on June 7, 2013 (38 TexReg 3495). (Angela Burnett) (Rule Project No. 2013-019-007-LS)

Adopt amended 30 Texas Administrative Code Section 7.119 and the associated revisions to the Memorandum of Understanding between TCEQ and the Texas Department of Transportation, as recommended by the Executive Director. TB/BS; all agree.

Item 48 **[Docket No. 2012-2484-RUL.](#)**

Consideration for publication of, and hearing on, new Sections 298.400, 298.405, 298.410, 298.415, 298.425, 298.430, 298.435, 298.440, 298.450, 298.455, 298.460, 298.465, 298.470, 298.475, 298.480, 298.485, 298.490, 298.500, 298.505, 298.510, 298.515, 298.520, 298.525, 298.530, 298.535, and 298.540 of 30 TAC Chapter 298, Environmental Flow Standards for Surface Water. The proposed rulemaking would implement House Bill 3 and Senate Bill 3, 80th Legislature, 2007, Regular Session, relating to the establishment of environmental flow standards included in a permit or amended water right in the river and bay systems consisting of the Nueces River and Corpus Christi and Baffin Bays; the Rio Grande, Rio Grande estuary, and Lower Laguna Madre; and the Brazos River and its associated bay and estuary system. (Ron Ellis, Robin Smith) (Rule Project No. 2013-009-298-OW)

Approve the publication of, and hearing on, Subchapters F, G, and H of 30 TAC Chapter 298, as recommended by the Executive Director. BS/TB; all agree.

EXECUTIVE MEETING

Item 49 **Docket No. 2013-0001-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 and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the 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 Government Code.

The Commission did not meet in an Executive Meeting.

Item 50 **Docket No. 2013-0002-EXE.**

The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

Item 51 **Docket No. 2013-0003-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 Open Meetings Act, Codified as Chapter 551 of the 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 Government Code.

The Commission did not meet in an Executive Meeting.

(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.)

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 AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT:
[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)

/s/ Greg Merrell

Assistant General Counsel

Greg Merrell

9/18/13

Date