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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

October 9, 2013

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

Item 1 **[Docket No. 2012-0786-UCR; SOAH Docket No. 582-12-6250.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the appeal by BFE Water Company of the ratemaking action of the City of Cresson and motion for interim rate relief, Application No. 37311-A in Parker County, Texas, pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291 and Texas Water Code Chapter 13. The Commission will also consider the application, record, timely related filings, exceptions and replies. (Kayla Murray, Brian Dickey)

Adopt the Administrative Law Judge's revised Proposed Order with the modifications proposed today by the Executive Director. TB/BS; all agree.

Item 2 **[Docket No. 2012-0996-PST-E.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Yahya Jafreh a/k/a John Jafreh in Walker County, Texas; RN102274438; 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. The Commission will also consider the record, timely related filings, exceptions and replies. (Steven M. Fishburn)

Adopt the Administrative Law Judge's Proposed Order with the Executive Director's exceptions as agreed to by the Administrative Law Judge in his letter dated July 30, 2013 and further revise Finding of Fact No. 3 to identify the violations as listed in Findings of Fact Nos. 17 -20. BS/TB; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3 **Docket No. 2013-1406-MSW.**

Consideration of an application by the North Texas Municipal Water District for proposed Permit Amendment No. 53-A to authorize the relocation and new construction of an existing Type V Transfer Station. The facility is located approximately 0.2 miles east of the intersection of N. Plano Road and E. Lookout Drive in Collin 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. (Steve Shepherd, Mario Perez)

Grant the hearing requests of Angie Baldwin, Jocelyn and Todd Bartz, Sherrill Bodie, Megan and Mike Davis, John Demattia, Mike Frizzell, Connie Gibbons, Sue Gordon, Mrs. John Harris, Mary Keene, Chris Klein, Gerald Long, Darren Mann, Jane Merz, Kurt Middelkoop, John Moisuk, Gay Riley, Carla Ann Scalf, Curt Vanlandingham, and Joseph Wilson; 2) Deny the hearing requests of Judy Baca, Katherine Cargile, Robert Alan Davis, Amy Marcy, Martin Parker, Sam and Sharon Ricks, and Phillip Rochelle; 3) Refer the matter to the Commission's Alternative Dispute Resolution program for a three week period and following the three week ADR referral period if the matter does not settle, then refer the matter to SOAH for a contested case hearing on the following issues: A) Whether the facility would be incompatible with land use in the area; B) Whether the application contains the required traffic information and whether the commission properly consider traffic impacts; C) Whether the proposed permit provides for screening or other measures to minimize noise pollution; D) Whether the application proposes adequate measures to control odors from the facility; E) Whether the application proposes adequate measures to control windblown material and litter from the facility; F) Whether the application proposes adequate measures to control and contain spills and contaminated water; G) Whether the application proposes adequate storage measures to prevent the provision of food or harborage for animals or vectors; H) Whether the proposed facility and draft permit will protect public health, welfare and physical property; and I) Whether the proposed facility and draft permit will protect surface water quality; and finally Specify that the maximum duration of the hearing is ten months from the preliminary hearing to issuance of the Proposal for Decision. TB/BS; all agree.

Item 4 **Docket No. 2013-1506-MSW.**

Consideration of Parts I and II of the application by Rancho Viejo Waste Management, LLC for a land-use only determination on proposed Permit No. 2374, which would authorize the construction and operation of a new Type I municipal solid waste landfill, a Type V liquid processing facility for grease trap and grit trap waste, and a recycling facility. The facility is proposed to be located in Webb County, Texas, approximately 20 miles east of Laredo and approximately five miles southeast of U.S. Highway 59 at Ranchitos Las Lomas. The Commission will also consider requests for hearing or reconsideration,

related responses and replies, public comment, and the Executive Director's Response to Comments. (Daniel Ingersoll, P. Hunt Prompungorn)

Grant the hearing requests filed by ANB Cattle Company, Ltd., Lilia G. Cavazos-Keller, Rosemary Jordan Contreras, John A. Meitzen, Hurd Enterprises Ltd., James Volz, Mary L. Wied, and Robert F. Wied; Refer to SOAH the hearing request filed by James Robert Jordan for an affectedness determination; Refer Issues 1-14 and 16 from the vote table as worded by the Executive Director, and Issue 15 worded as follows: "Whether the application adequately addresses easements in the immediate area;" and finally, specify the hearing duration as seven months. BS/TB; all agree.

Item 5 **Docket No. 2013-1281-MWD.**

Consideration of the application by Victorian Gardens, Ltd. for a new permit, proposed TCEQ Permit No. WQ0015056001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 600,000 gallons per day. The facility will be located 1,640 feet northwest of the intersection of Bissonnet Street and Clodine Road in northeast Fort Bend 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. (Stephanie Skogen, Dex Dean)

Deny the hearing request and issue the Executive Director's draft permit to Victorian Gardens, Ltd. and adopt the Executive Director's Response to Comments. TB/BS; all agree.

MISCELLANEOUS MATTERS

Item 6 **Docket No. 2013-1762-WR.**

Consideration of whether to affirm, modify, or set aside the Executive Director's Order suspending certain water rights in the Colorado River Basin, San Saba River, signed on August 26, 2013. On August 19, 2013, Nick Singleton, and on August 21, 2013, Mary Donley, made a "senior call" for riparian domestic and livestock use. The Order was issued by the Executive Director pursuant to Texas Water Code Section 11.053 and 30 Tex. Admin. Code Chapter 36. The Order has a term until February 21, 2014, unless modified or terminated, and was issued by the Executive Director without a hearing. Water rights junior to 1900 were suspended for Nick Singleton, except for one municipal water right. Two upstream water rights were suspended for Mary Donley. The Order allows diversion and impoundment by the suspended water rights holders during certain higher flow levels if conditions change to cause temporary higher flow levels in the San Saba River watershed during the term of the Order. The Order affects certain water rights in Menard, McCulloch, and Schleicher Counties. (Kellye Rila, Robin Smith)

Affirm the Executive Director's Order suspending and adjusting water rights on the San Saba for a senior call. BS/TB; all agree.

Item 7 **Docket No. 2013-1083-UCR.**

Consideration of a request for a Commission order approving a contract designating service areas between B H P WSC ("BHP"), water Certificate of Convenience and Necessity ("CCN") No. 10064, and the City of Royse City,

water CCN No. 12827, in Collin County, Texas pursuant to section 13.248 of the Texas Water Code. Currently, BHP and the City of Josephine hold dual certifications to an area of land consisting of approximately 11.77 acres. Under the Agreement, BHP will transfer its certification to the 11.77-acre area to the City of Royse City, making that area dually certified to the City of Royse City and the City of Josephine. Additionally, BHP and the City of Royse City hold dual certifications to an area of land consisting of approximately 76.23 acres. Under the Agreement, BHP will release its certification to the 76.23-acre area, making that area singly certified to the City of Royse City. No customers or facilities are proposed to be transferred. (Jessica Rogers, John Lock)

Approve the clarification of a portion of the agreement designating service areas between B H P Water Supply Corporation and the City of Royse City under TWC § 13.248, which will result in B H P WSC transferring its dual certification in the 11.77 acre area to Royse City to be dually certified to Royse City and the City of Josephine, and B H P WSC releasing its dual certification interest in the 76.23 acre area to be singly certified to Royse City; and Issue the Executive Director's Proposed Order, but identify the contract service agreement and the application clarification letter as the "Agreement" in paragraph two and attach the application clarification letter dated January 4, 2013 to the Order. TB/BS; all agree.

Item 8 **[Docket No. 2013-1655-MIS.](#)**

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Elizabeth West)

Approve the issuance of the resolution that acknowledges the material changes to the contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code. BS/TB; all agree.

Item 9 **[Docket No. 2013-1657-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)

Approve the issuance of the resolution that acknowledges the Executive Director's acceptance of these gifts. TB/BS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 10 **[Docket No. 2013-0470-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shintech Incorporated in Brazoria County; RN100213198; 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, Candy Garrett)

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

Item 11 **[Docket No. 2012-2572-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100216761; 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. (Rebecca Johnson, Candy Garrett)

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

Item 12 [**Docket No. 2013-0295-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AKZO NOBEL POLYMER CHEMICALS LLC in Harris County; RN104262704; 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, Candy Garrett)

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

Item 13 [**Docket No. 2013-0119-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against WTG Gas Processing, L.P. in Howard County; RN100211473; 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, Candy Garrett)

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

Item 14 [**Docket No. 2013-0369-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KM Liquids Terminals LLC in Harris County; RN100224815; 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, Candy Garrett)

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

Item 15 [**Docket No. 2013-0368-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Diamond Shamrock Refining Company, L.P. in Moore County; RN100210517; 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, Candy Garrett)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 16 [Docket No. 2013-0501-AIR-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jose Alberto Trevino in Webb County; RN104402961; 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. (Elizabeth Lieberknecht, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 17 [Docket No. 2013-0224-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lucite International, Inc. in Jefferson County; RN102736089; 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. (Christopher Bost, Candy Garrett)

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

Item 18 [Docket No. 2013-0248-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Valero Refining-Texas, L.P. in Nueces County; RN100211663; 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. (Heather Brister, Candy Garrett)

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

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 19 [Docket No. 2013-0638-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Stephen Hall d/b/a Hall's Landscape in Collin County; RN106019797; 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. (Steven M. Fishburn, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 20 [Docket No. 2012-2252-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of SOUTH TEXAS ROLL-OFFS, LLC in Gonzales County; RN106507601; for municipal solid waste and air quality 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. (Jim Sallans, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21 [**Docket No. 2012-1290-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Charlotte in Atascosa County; RN101721033; 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. (Heather Brister, Candy Garrett)

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

Item 22 [**Docket No. 2012-1467-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Big Wells in Dimmit County; RN101720357; 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. (Nick Nevid, Candy Garrett)

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

Item 23 [**Docket No. 2013-0634-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bosque Utilities Corporation in Navarro County; RN102342821; 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. (Lanae Foard, Candy Garrett)

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

Item 24 [**Docket No. 2013-0481-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Aqua Texas, Inc. in Harris County; RN102341666; 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, Candy Garrett)

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

Item 25 [**Docket No. 2013-0162-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HUFFSMITH-KOHRVILLE, INC. in Harris County; RN101526044; 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. (Christopher Bost, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 26 [**Docket No. 2013-0492-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against 6965 S. L. INC. dba Simon's Korner in Fort Bend County; RN101828507; 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. (Troy Warden, Candy Garrett)

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

Item 27 [**Docket No. 2012-2434-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Amirali Makojoia dba Doc's Country Store in Bastrop County; RN104990957; 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. (Mike Pace, Candy Garrett)

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

Item 28 [**Docket No. 2012-2656-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against GJN L.L.C. dba Sunmart 141 in Harris County; RN101954907; 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. (Theresa Stephens, Candy Garrett)

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

Item 29 [**Docket No. 2013-0234-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PANTRY CONVENIENCE STORES, INC. in Bee County; RN103015913, RN101444537, and RN103016838; 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. (Thomas Greimel, Candy Garrett)

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

Item 30 [**Docket No. 2013-0335-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TAAS Corporation dba Mac's Corner in Tarrant County; RN102354198; 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, Candy Garrett)

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

Item 31 [**Docket No. 2013-0463-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KT CORPORATION dba Lamp Post in Hill County; RN101665818; 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. (Margarita Dennis, Candy Garrett)

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

Item 32 [**Docket No. 2013-0106-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Abdulali K. Tejani dba FM Express Mart in Tarrant County; RN102367117; 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, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 33 [**Docket No. 2012-0079-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against Our G & G, Inc. d/b/a DJs Country Store in Chambers County; RN102039450; 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. (Rudy Calderon, Lena Roberts)

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

Item 34 [**Docket No. 2012-2404-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against Moutawakil Investments, L.L.C. d/b/a Super Food Mart 36 in Smith County; RN102234473; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 35 [**Docket No. 2012-2236-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of SIRAJ MINARA, INC. d/b/a Grocery Plus in Orange County; RN101878908; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Lena Roberts)

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

Item 36 [**Docket No. 2013-0232-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Raja & Aliah Investments, Inc. d/b/a Rogers Food Mart in Guadalupe County; RN101913390; 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 Default and Shutdown Order. BS/TB; all agree.

Item 37 [**Docket No. 2013-0080-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of PEACE BUSINESS, INC. d/b/a Sun Coast Food Mart in Harris County; RN102261914; 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 Default Order. BS/TB; all agree.

Item 38 [**Docket No. 2013-0390-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Omar Hosch d/b/a Money Saver in Navarro County; RN102655602; 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)

Remanded to the Executive Director.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 39 [**Docket No. 2013-0380-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Gladewater in Gregg County; RN101176832; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Montgomery, Candy Garrett)

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

Item 40 [**Docket No. 2013-0218-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Robert F. Bryer dba Bentwood Estates Mobile Home Park in Harris County; RN102682192; 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, Candy Garrett)

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

Item 41 [**Docket No. 2012-2383-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of STONE GATE GOLF COURSE, L.C. in Lubbock County; RN101193332; 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, Candy Garrett)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 42 [**Docket No. 2012-2202-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of JAMIE'S HOUSE CHARTER SCHOOL, INC. and Ollie J. Hilliard in Harris County; RN104074125; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 43 **[Docket No. 2012-1527-WQ-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of ELLISON CONSTRUCTION COMPANY, LLC in Parker County and Tarrant County; RN105689392; 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. (Jennifer Cook, Lena Roberts)

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

RULE MATTER

Item 44 **[Docket No. 2012-2362-RUL.](#)**

Consideration of the adoption of amended Sections 115.240, 115.242 - 115.246, new Section 115.241, and repeal of Sections 115.241, 115.247, and 115.249 of 30 TAC Chapter 115, corresponding revisions to the state implementation plan, and consideration of the withdrawal from the United States Environmental Protection Agency amendments to Section 115.247, as adopted by the Commission on June 27, 2007, as a revision to the state implementation plan. The adopted rulemaking revises Chapter 115, Subchapter C, Division 4 establishing that owners and operators of gasoline dispensing facilities are no longer required to install Stage II equipment and requiring the decommissioning of Stage II equipment at all gasoline dispensing facilities no later than August 31, 2018. Gasoline dispensing facilities electing to retain Stage II equipment until the mandatory removal date of August 31, 2018 would be required to comply with current Stage II rules. The proposed rules were published in the May 10, 2013 issue of the *Texas Register* (38 TexReg 2823). (Santos Olivarez, Terry Salem/Becky Petty) (Rule Project No.2013-001-115-AI)

Joint Motion for Item Nos. 44-45.

Adopt amended, new, and repealed Sections 30 TAC Chapter 115, corresponding revisions to the SIP, and the withdrawal of the SIP revision from the U.S. EPA regarding amendments to 30 TAC Section 115.247 adopted by the Commission on June 27, 2007, as recommended by the Executive Director. TB/BS; all agree.

STATE IMPLEMENTATION PLAN MATTER

Item 45 **[Docket No. 2012-2361-SIP.](#)**

Consideration of the adoption of revisions to the Stage II Vapor Recovery Program State Implementation Plan (SIP) revision. The adopted SIP revision incorporates revisions to Chapter 115, Subchapter C, Division 4 (Rule Project No. 2013-001-115-AI) establishing that owners and operators of gasoline dispensing facilities are no longer required to install Stage II equipment and requiring the decommissioning of Stage II equipment at all gasoline dispensing facilities no later than August 31, 2018. Gasoline dispensing facilities electing to retain Stage II equipment until the mandatory removal date of August 31, 2018 would be required to comply with current Stage II rules. The SIP revision includes a detailed assessment demonstrating that decommissioning of Stage II

vapor controls does not interfere with attainment or maintenance of areas classified as moderate or above for the ozone National Ambient Air Quality Standards. (Santos Olivarez, Terry Salem/Becky Petty) (SIP Project No. 2013-002-SIP-NR)

Joint Motion for Item Nos. 44-45.

Adopt amended, new, and repealed Sections 30 TAC Chapter 115, corresponding revisions to the SIP, and the withdrawal of the SIP revision from the U.S. EPA regarding amendments to 30 TAC Section 115.247 adopted by the Commission on June 27, 2007, as recommended by the Executive Director. TB/BS; all agree.

EXECUTIVE MEETING

Item 46 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 Executive Meeting.

Item 47 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 Executive Meeting.

Item 48 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 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/ Tracy Gross _____
Assistant General Counsel
Tracy Gross

10/15/13 _____
Date