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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)).

Chairman Bryan W. Shaw, Ph.D., P.E.
Commissioner Toby Baker
Commissioner Zak Covar

AGENDA

August 6, 2014

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. 2013-1191-AIR; SOAH Docket No. 582-13-5205.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Corpus Christi Liquefaction, LLC for Air Quality Permit Nos. 105710 and PSDTX1306, for the construction of a natural gas liquefaction and export terminal with regasification capabilities, in San Patricio County, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Booker Harrison)

Adopt the Administrative Law Judge's Proposed Order as revised by the Response letter dated July 1, 2014 with the following changes: Delete Finding of Fact No. 32 as it is unnecessary as recommended by the Executive Director in his Exceptions to the Proposal for Decision and Order; Renumber the Findings of Fact accordingly; Issue Air Quality Permit Nos. 105710 and PSDTX1306 to Corpus Christi Liquefaction, LLC; and Adopt the Executive Director's Response to Public Comment. TB/BS; ZC abstained.

HEARING REQUEST/REQUEST FOR RECONSIDERATION

Item 2 [**Docket No. 2014-0526-AIR.**](#)

Consideration of application by FML Sand, LLC, for Air Quality Permit No. 97199, to authorize the construction of an industrial sand plant located on the north side of Ranch Road 1222, near Katemcy, Mason 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. (Alex Berksan, Becky Petty)

Grant the hearing request of James R. Bode and the Mason County Rural Preservation Society; Deny the remaining hearing requests: Refer the matter to the Commission's Alternative Dispute Resolution Program concurrent with the referral to SOAH for a contested case hearing on the following issues: A) Whether the air emissions from the proposed facility will adversely impact air quality in the area; B) Whether air emissions from the proposed facility will adversely impact the health and welfare of the requesters and their families; C) Whether the proposed facility will adversely impact the requesters physical property, vegetation, or livestock; D) Whether emissions from the proposed plant will cause a nuisance condition; E) Whether the Applicant's proposed control technology constitutes BACT; F) Whether the Applicant submitted a complete application in accordance with applicable statutes and regulations; and G) Whether the applicant's air dispersion modeling was conducted in accordance with applicable statutes and regulations; and Specify the maximum duration of the hearing as eight months from the Preliminary Hearing to issuance of the Proposal for Decision. ZC/TB; all agree.

EMERGENCY ORDER

Item 3 **[Docket No. 2014-1044-WR.](#)**

Consideration of whether to affirm, modify, or set aside the Executive Director's Emergency Order issued on July 24, 2014, granting a request from the Lower Colorado River Authority (LCRA) for an Emergency Order under Tex. Water Code §11.139 to temporarily change the process required in its 2010 Water Management Plan (WMP), Permit No. 5838, for curtailment of interruptible stored water. LCRA filed this request on July 3, 2014. LCRA has the right to divert and use up to 1.5 million acre feet (MAF) from Lakes Buchanan and Travis, in Travis, Llano, and Burnet Counties, Texas, under Certificates of Adjudication Nos. 14-5478 and 14-5482. These certificates require LCRA to develop the WMP, Permit No. 5838, which provides how LCRA makes water available from these lakes to help meet "firm" water customer needs, downstream interruptible irrigation demands, and environmental flow needs of Matagorda Bay and the lower Colorado River, and how LCRA will manage and curtail supplies from the lakes during times of drought including through a repeat of the Drought of Record. The Executive Director's Emergency Order allows LCRA to make no releases of stored water for interruptible customers in the Gulfcoast, Lakeside, and Pierce Ranch irrigation operations for the duration of the Emergency Order.

Affirm the Emergency Order issued by the Executive Director on July 24, 2014, which granted The Lower Colorado River Authority's request to amend its 2010 Water Management Plan, Permit No. 5838. TB/ZC; all agree.

MOTIONS TO OVERTURN

Item 4 **[Docket No. 2014-0944-UCR.](#)**

Consideration of a Motion to Overturn filed by Royce World Land, LP regarding the Executive Director's May 28, 2014 granting of Royce World Land, LP's petition for the expedited release of approximately 239.104 from Certificate of Necessity No. 10850 held by Talty Water Supply Corporation in Kaufman County. The Commission will also consider timely filed responses and replies to the Motion to Overturn.

Set aside the Executive Director's May 28, 2014 granting of Royce World Land, LP's petition for expedited release of approximately 239.104 acres of land from Certificate of Convenience and Necessity No. 10850, held by Talty Water Supply Corporation in Kaufman County; Remand the petition to the Executive Director with instructions to grant Royce World Land, LP's June 9, 2014 withdrawal of its petition. ZC/TB; all agree.

Item 5 **[Docket No. 2014-0943-UCR.](#)**

Consideration of a Joint Motion to Overturn filed by Meadow Ridge Farm, LP and High Point Water Supply Corporation regarding the Executive Director's May 28, 2014 granting of Meadow Ridge Farm, LP's petition for the expedited release of approximately 418.3131 from Certificate of Necessity No. 10841 held by High Point Water Supply Corporation in Kaufman County. The Commission will also consider timely filed responses and replies to the Motion to Overturn.

Set aside the Executive Director's May 28, 2014 granting of Meadow Ridge Farm, LP filed pursuant to TWC § 13.254 for the petition for expedited release of approximately 418.3131 acres of land from Certificate of Convenience and Necessity No. 10841 held by High Point Water Supply Corporation in Kaufman County; Remand the petition to the Executive Director with instructions to grant Meadow Ridge Farm, LP's June 13, 2014 withdrawal of its petition. TB/ZC; all agree.

MISCELLANEOUS MATTER

Item 6 **[Docket No. 2013-1459-UCR.](#)**

Consideration of a request for a Commission Order approving an Annexation Agreement (Agreement) designating service areas between New Caney Municipal Utility District (New Caney), water Certificate of Convenience and Necessity (CCN) No. 11969 and sewer CCN No. 20575, and White Oak Developers, Inc. (White Oak), water CCN No. 12894 and sewer CCN No. 20859, in Montgomery County, Texas, pursuant to section 13.248 of the Texas Water Code. Currently, White Oak holds water and sewer CCNs for the area covered by the Agreement. Under the Agreement, White Oak will transfer approximately 71.247 acres in its water and sewer CCNs to New Caney. New Caney will be the sole retail water and sewer service provider in the area and requests its inclusion in New Caney's water and sewer CCNs. The area does not have any current customers and the Agreement does not include any transfer of facilities. (Hollis Henley, John Lock)

Approve the contracts designating service areas between New Caney Municipal Utility District and White Oak Developers, Inc. under Texas Water Code §13. 248, which will result in approximately 71.247 acres of service area described in Exhibit "A" to the agreement being decertified from the White Oak's water and sewer CCNs and becoming certificated to the District's CCNs, and issue the Executive Director's Proposed Order, but identify the acreage involved as 71.247 acres. ZC/BS.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7 **[Docket No. 2014-0047-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against JX Nippon Chemical Texas Inc. in Harris County; RN102887270; 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. (David Carney, Candy Garrett)

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

Item 8 **[Docket No. 2013-1243-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S.a r.l. in Orange County; RN104392626; 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. (Amancio Gutierrez, Candy Garrett)

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

Item 9 **[Docket No. 2013-0885-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Jefferson County; RN100209451; 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. (Amancio R. Gutierrez, Candy Garrett)

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

Item 10 **[Docket No. 2013-1835-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF TOTAL Petrochemicals LLC in Jefferson County; RN100216977; 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. (Rachel Bekowies, Candy Garrett)

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

Item 11 **[Docket No. 2013-1536-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Mockingbird Midstream Gas Services, L.L.C. in La Salle, Dimmit, and Zavala Counties; RN106153554, RN106501398, RN106449283, RN106388085, and RN106083900; 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. (Amancio R. Gutierrez, Candy Garrett)

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

Item 12 **[Docket No. 2013-1610-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 Tex. Admin. Code ch. 60. (David Carney, Candy Garrett)

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

Item 13 **[Docket No. 2013-2193-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. (Jessica Schildwachter, Candy Garrett)

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

Item 14 **[Docket No. 2013-1952-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Copano Processing, L.P. in Colorado County; RN101271419; 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. (Farhaud Abbaszadeh, Candy Garrett)

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

Item 15 **Docket No. 2013-1862-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Premcor Refining Group Inc. in Jefferson County; RN102584026; 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. (Katie Hargrove, Candy Garrett)

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

Item 16 **Docket No. 2014-0265-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of UTLX Manufacturing LLC in Harris County; RN100212828; 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. (Rachel Bekowies, Candy Garrett)

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

Item 17 **Docket No. 2012-1326-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Attebury Grain, LLC in Tarrant County; RN102420569; 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. (Jennifer Cook, Lena Roberts)

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

DRY CLEANER ENFORCEMENT AGREED ORDER

Item 18 **Docket No. 2013-1346-DCL-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DRY CLEAN WORLD, LTD. in Collin County; RN104860093; for dry cleaner performance standards and registration violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Jeffrey J. Huhn, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 19 **[Docket No. 2013-2104-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against E. I. du Pont de Nemours and Company in Harris County; RN100225085; 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. (Jason Fraley, Candy Garrett)

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

Item 20 **[Docket No. 2013-1539-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Frito-Lay, Inc. in Fort Bend County; RN100219229; for water quality violations pursuant to Tex. Water Code chs. 5, 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. (Cheryl Thompson, Candy Garrett)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 21 **[Docket No. 2013-2159-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NYTEX Automatic Products, Inc. in Gillespie County; RN106417504; for industrial hazardous waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Keith Frank, Candy Garrett)

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

Item 22 **[Docket No. 2012-2168-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lewis Henderson in Limestone County; RN104253638; for municipal solid waste and air quality 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 Tex. Admin. Code ch. 60. (Margarita Dennis, Candy Garrett)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 23 [**Docket No. 2013-2187-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ESM Land Group, LLC in Hidalgo County; RN106966104; 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. (Michael Meyer, Candy Garrett)

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

Item 24 [**Docket No. 2014-0034-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bryan Iron & Metal, Ltd. dba Texas Commercial Waste in Brazos County; RN103157715; 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. (Thomas Greimel, Candy Garrett)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 25 [**Docket No. 2013-1553-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pasadena in Harris County; RN101609774; 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. (Jacquelyn Green, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 26 [**Docket No. 2014-0051-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against DURGA ENTERPRISES INC dba Omni Gas in Galveston County; RN102873395; 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 Tex. Admin. Code ch. 60. (James Baldwin, Candy Garrett)

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

Item 27 [**Docket No. 2013-1777-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Joe's & Cho, Inc. d/b/a Joe's Future Food Mart in Tarrant County; RN101432268; for petroleum storage tank violations pursuant to Texas Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

Item 28 [**Docket No. 2013-1492-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against STAR 1485 WEST, INC. in Montgomery County; RN101866978; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 29 [**Docket No. 2013-0399-PST-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 petroleum storage tank and past-due fee violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 341, 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. TB/ZC; all agree.

Item 30 [**Docket No. 2013-1074-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RF FOOD AND GAS, INC. d/b/a E-Z Stop 1 in Bexar County; RN101512036; 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. (Tammy L. Mitchell, Lena Roberts)

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

Item 31 [**Docket No. 2013-1917-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of DHP Sales & Services Inc dba Champs Food Mart in Harris County; RN102236270; 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. (David Carney, Candy Garrett)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 32 **[Docket No. 2014-0070-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GLASSEL PROPERTIES, LLC in Montgomery County; RN104375977; 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. TB/ZC; all agree.

Item 33 **[Docket No. 2014-0016-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jim Hogg County Water Control and Improvement District 2 in Jim Hogg County; RN101415925; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lisa Westbrook, Candy Garrett)

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

Item 34 **[Docket No. 2013-2177-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mason in Mason County; RN101240836; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Candy Garrett)

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

Item 35 **[Docket No. 2013-1775-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Linden in Cass County; RN101220986; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Candy Garrett)

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

Item 36 [**Docket No. 2014-0271-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Chillicothe in Hardeman County; RN101389542; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lanae Foard, Candy Garrett)

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

Item 37 [**Docket No. 2013-2117-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AMK Properties L L C dba Amigos Fuel Center in Frio County; RN105187181; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jessica Schildwachter, Candy Garrett)

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

Item 38 [**Docket No. 2013-2106-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BRANDON-IRENE WATER SUPPLY CORPORATION in Hill County; RN101437325; 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. TB/ZC; all agree.

Item 39 [**Docket No. 2013-2123-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Utilities, Inc. in Nueces County; RN102671880; 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. TB/ZC; all agree.

Item 40 [**Docket No. 2014-0223-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION in Trinity County; RN101452621; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Margarita Dennis, Candy Garrett)

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

Item 41 [**Docket No. 2014-0167-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Allsup's Convenience Stores, Inc. in Lamb County; RN101215127; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jessica Schildwachter, Candy Garrett)

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

Item 42 [**Docket No. 2013-2036-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Leona Bullock dba Blue Ridge Mobile Home Park in Kerr County; RN101226538; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Candy Garrett)

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

Item 43 [**Docket No. 2013-2053-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 and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

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

Item 44 [**Docket No. 2014-0089-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SHINTECH INCORPORATED in Brazoria County; RN100213198; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Allyson Plantz, Candy Garrett)

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

Item 45 [**Docket No. 2013-2002-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Hunt Special Utility District in Hunt County; RN101189322; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sam Keller, Candy Garrett)

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

Item 46 [**Docket No. 2014-0042-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Golden Spread Electric Cooperative, Inc. in Yoakum County; RN101286433; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Candy Garrett)

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

Item 47 [**Docket No. 2013-2191-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Howard Water Supply Corporation in Ellis County; RN101233955; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Candy Garrett)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 48 [**Docket No. 2013-2122-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Westlake in Denton County; RN107003600; 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 Bost, Candy Garrett)

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

RULE MATTERS

Item 49 [**Docket No. 2013-2090-RUL.**](#)

Consideration of adoption of amended Sections 17.4, 17.12, and 17.14 of 30 Texas Administrative Code (TAC) Chapter 17, Tax Relief for Property Used for Environmental Protection Sections 18.2, 18.10, 18.15, 18.25, 18.30, and 18.35 of 30 TAC Chapter 18, Rollback Relief for Pollution Control Requirements; and new Section 18.26, Expedited Review List, in 30 TAC Chapter 18, Rollback Relief for Pollution Control Requirements. The adoption implements House Bill 1897, 83rd Legislature, 2013 Regular Session, by limiting the technical review of applications to 230 days from the date the application is declared to be administratively complete. In addition, a reference to a section repealed by previous rulemaking was removed and the required at least once every three-year review of the Expedited Review List was conducted. Chapter 18 is amended by removing unneeded definitions, replacing the Equipment and Categories List with the Tier I Table and establishing the Expedited Review List. The proposed rules were published in the March 14, 2014 issue of the *Texas Register* (39 TexReg 1823 and 1828) (Ron Hatlett, Don Redmond) (Rule Project No. 2013-045-017-AI)

Adopt the amendments to 30 TAC Chapter 17 and new Section and amendments to 30 TAC Chapter 18, as recommended by the Executive Director. ZC/TB; all agree.

Item 50 **Docket No. 2013-1383-RUL.**

Consideration of the adoption of amendments to Sections 290.41, 290.45, and 290.46 of 30 TAC Chapter 290, Public Drinking Water, and adopted new Section 291.200 of 30 TAC Chapter 291, Utility Regulations. The adoption would implement House Bill (HB) 252, HB 1973, Senate Bill 1086, Sections 1 and 2, 83rd Legislature, 2013, Regular Session, and HB 1814, Section 2, 82nd Legislature, 2011, Regular Session, relating to requiring retail public utilities and the system(s) that provides the utility's wholesale water service to provide the commission a report on the status of their water supply once the supply is less than 180 days. The adopted rulemaking would also develop standards for municipalities to require a utility to maintain a sufficient water flow and pressure to fire hydrants in a residential area or an industrial district located in the municipality or the municipality's extraterritorial jurisdiction for purposes of emergency fire suppression. The proposed rules were published in the March 14, 2014, issue of the *Texas Register* (39 TexReg 1835) for Chapter 290, and (39 TexReg 1857) for Chapter 291. (Cindy Haynie, Ron Olson) (Rule Project No. 2013-047-290-OW)

Continued to the August 20, 2014 Commissioners' Agenda. TB/ZC; all agree.

Item 51 **Docket No. 2013-1976-RUL.**

Consideration of the adoption of new Section 295.177 of 30 TAC Chapter 295, Water Rights, Procedural and amended Sections 295.13 and 295.155 of Chapter 295 and Section 297.18 of 30 TAC Chapter 297, Water Rights, Substantive. The adoption would implement House Bill 3233 from the 83rd Legislature, 2013,

Regular Session, relating to modifying the requirements of the permitting process for interbasin transfers of surface water. The proposed rules were published in the March 14, 2014, issue of the *Texas Register* (39 TexReg 1860). (Tracie Donnelly, Dinniah Tadema) (Rule Project No. 2013-055-295-OW)

Adopt the new and amended Sections of 30 TAC Chapters 294 and 297 relating to interbasin transfers, as recommended by the Executive Director. ZC/TB; all agree.

Item 52 **Docket No. 2014-0488-RUL.**

Consideration for publication of, and hearing on, proposed amended Sections 335.1, 335.29, 335.155, 335.211, 335.261, 335.431, 335.503, and 335.504 of 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste. The proposed rulemaking would update 30 TAC Chapter 335 to include federal rule changes that are optional and are set forth in parts of the U. S. Environmental Protection Agency's (EPA) Resource Conservation and Recovery Act Clusters XXI-XXIII. The proposed amendments would establish an alternative land disposal treatment standard for carbamate wastes; make two technical corrections to the hazardous waste regulations in final rules previously published in the Federal Register; revise the definition of "solid waste" to conditionally exclude solvent-contaminated wipes that are cleaned and reused; and revise the definition of "hazardous waste" to conditionally exclude solvent-contaminated wipes that are disposed; exclude hazardous carbon dioxide streams from the definition of "hazardous waste" provided they are captured from emission sources and injected into Underground Injection Control Class VI wells for purposes of geologic sequestration. Finally, this rulemaking initiative will include corrections to existing rules in 30 TAC Chapter 335. These changes will revise language and correct typographical errors, incorrect or outdated citations, and omissions as recommended by the EPA. (Cynthia Palomares, Susan White) (Rule Project No. 2014-019-335-WS)

Approve publication of, and hearing on, the proposed amendments to 30 TAC Chapter 335, as recommended by the Executive Director. TB/ZC; all agree.

PUBLIC COMMENT SESSION

Item 53 The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §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.

Cyrus Reed, representing the Sierra Club, and Adam Zerrenner, representing the U.S. Fish and Wildlife Service provided public comment.

EXECUTIVE MEETING

Item 54 Docket No. 2014-0001-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.

No Action Taken.

Item 55 Docket No. 2014-0002-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.

No Action Taken.

Item 56 Docket No. 2014-0003-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.

No Action Taken.

(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/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

8/21/2014
Date