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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

## **OLD BUSINESS AGENDA**

August 20, 2014

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the August 6, 2014 Commissioners' Agenda.

Item 1      **[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)

Adopt the amendments to 30 Texas Administrative Code Sections 290.41, 290.45, and 290.46 and the creation of new Section 291.200, as recommended by the Executive Director. TB/ZC; all agree.

# AGENDA

August 20, 2014

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

### **HEARING REQUEST/REQUEST FOR RECONSIDERATION**

Item 1

#### **Docket No. 2014-0851-RAW.**

Consideration of an application by Waste Control Specialists LLC License No. R04100, to authorize the modifications of certain waste streams, facility expansions, increases in certain volume and waste capacity, additional processes for decay corrected radioactivity, and decrease in financial assurance at the low-level radioactive waste disposal, storage and processing facility located at 9998 State Highway 176 West, Andrews, Andrews 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. The financial assurance amount as requested in this amendment for the Commission's consideration and possible approval is also presented as the annual review at an open meeting pursuant to 30 TAC §§ 336.736(c), 336.737(c), and 336.738(b). (Bobby Janecka, Monica Sullivan, Amie Richardson)

Deny the hearing request of Texas Representative Lon Burnham and grant the permit amendment to Waste Control Specialists LLC, Radioactive Material License No. R04100. ZC/TB; all agree.

Approve Waste Control Specialist's financial assurance mechanism and cost estimates, as recommended by the Executive Director. ZC/TB; all agree.

### **DISTRICT MATTERS**

Item 2

#### **Docket No. 2014-0559-DIS.**

Consideration of an application from the Board of Directors of the Oak Point Water Control and Improvement District No.2 of Denton County ("District") for the conversion of the District to a Municipal Utility District, pursuant to the Texas Water Code, Chapters 49 and 54, and 30 Texas Administrative Code Section 293.15. The Commission will conduct the hearing to determine whether or not the conversion would serve the best interest of the District and would be a benefit to the land and property included in the District. The District is comprised of approximately 55.68 acres of land in Denton County, Texas.

(Linda Horng, Ren Berra)

Grant the Municipal Utility District conversion request and additional road powers request of Oak Point Water Control and Improvement District No. 2 of Denton County, and issue the Executive Director's Proposed Order. TB/ZC; all agree.

Item 3 **Docket No. 2014-0551-DIS.**

Consideration of an application from the Board of Directors of the Matagorda County Water Control and Improvement District No.2 ("District") for the conversion of the District to a Municipal Utility District, pursuant to the Texas Water Code, Chapters 49 and 54, and 30 Texas Administrative Code Section 293.15. The Commission will conduct the hearing to determine whether or not the conversion would serve the best interest of the District and would be a benefit to the land and property included in the District. The District is comprised of approximately 759.6 acres of land in Matagorda County, Texas.  
(Linda Horng, Ren Berra)

Grant the Municipal Utility District conversion request and additional road powers request of Matagorda County Water Control and Improvement District No. 2, and issue the Executive Director's Proposed Order. ZC/TB; all agree.

**MISCELLANEOUS MATTERS**

Item 4 **Docket No. 2014-0660-MIS.**

Consideration of the adoption of Texas Emissions Reduction Plan: Guidelines for the Drayage Truck Incentive Program (RG-524). The guidelines would implement the new Drayage Truck Incentive Program established in Texas Health and Safety Code (THSC), Chapter 386, Subchapter D-1, Drayage Truck Incentive Program, by Senate Bill (SB) 1727, 83rd Texas Legislature, 2013, Regular Session, and the corresponding rules for the program in 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K, Mobile Source Incentive Programs, Division 8, Drayage Truck Incentive Program. SB 1727 directed the commission to develop a purchase incentive program to encourage owners to replace drayage trucks with pre-2007 model year engines with newer drayage trucks and to adopt guidelines necessary to implement the program. The guidelines establish the procedures and criteria for the program. The guidelines were made available for public comment. Comments received have been considered and responded to in the Executive Director's Response to Comments. (Steve Dayton, Terry Salem) (Non-Rule Project No. 2014-021-OTH-NR)

Joint Motion for Item Nos. 4-5.

Adopt the new and revised Guidelines and the Executive Director's Responses to Comments, and authorize the Executive Director to make any non-substantive revisions to the Guidelines necessary for final publication. TB/ZC; all agree.

Item 5

**Docket No. 2014-0618-MIS.**

Consideration of the adoption of revisions to Texas Emissions Reduction Plan: Guidelines for Emissions Reduction Incentive Grants (RG-388). The revisions to the guidelines would implement changes to Texas Health and Safety Code (THSC), Chapter 386, Subchapter C, Diesel Emissions Reduction Incentive Program, under Senate Bill (SB) 1727, 83rd Texas Legislature, 2013, Regular Session, and corresponding changes to the Texas Emissions Reduction Plan (TERP) rules, 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K, Mobile Source Incentive Programs, Division 3, Diesel Emissions Reduction Incentive Program for On-Road and Non-Road Vehicles. Additional revisions to the guidelines were also proposed by the executive director. SB 1727 included changes and additions to the TERP eligibility criteria, including: removal of the maximum limit on the cost-effectiveness of a project; authorization for the agency to establish minimum percentage reduction standards alternative to the standards established for other projects as an incentive for the conversion of heavy-duty on-road and non-road engines to operate under a dual-fuel configuration using natural gas and diesel; and authorization for the agency to consider test information to demonstrate reductions in emissions from a dual-fuel conversion system if the emissions certification requirements do not fully account for the emissions reductions. The revisions make the guidelines consistent with the statutory and regulatory changes. Additional changes proposed by the executive director clarify existing requirements and procedures. The proposed revisions to the guidelines were made available for public comment. Comments received have been considered and responded to in the Executive Director's Response to Comments. (Steve Dayton, Terry Salem) (Non-Rule Project No. 2014-021-OTH-NR)

Joint Motion for Item Nos. 4-5.

Adopt the new and revised Guidelines and the Executive Director's Responses to Comments, and authorize the Executive Director to make any non-substantive revisions to the Guidelines necessary for final publication. TB/ZC; all agree.

Item 6

**Docket No. 2014-0924-MIS.**

Consideration of the Executive Director's findings and recommendations on whether a watermaster should be appointed for the Sabine River Basin, the Neches River Basin, or the Neches-Trinity 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.

Item 7 [\*\*Docket No. 2014-0985-MIS.\*\*](#)

Discussion of the Office of Public Interest Counsel Annual Report to the Commission made pursuant to Texas Water Code, Section 5.2725, Annual Report; Performance Measures. (Vic McWherter)

No Action Taken.

Item 8 [\*\*Docket No. 2014-1079-AUD.\*\*](#)

Consideration and Approval of the TCEQ Chief Auditor's Office Fiscal Year 2015 Audit Plan. (Gary Leach)

Approve the Chief Auditor's Fiscal Year 2015 Audit Plan. ZC/TB; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 9 [\*\*Docket No. 2013-1985-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Argent Energy (US) Holdings Inc. in Fayette County; RN106900517, RN106908031, and RN106908056; 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 10 [\*\*Docket No. 2013-1938-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Camden Resources, LLC in Liberty County; RN106869704; 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 11 [\*\*Docket No. 2013-1125-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CITGO Refining and Chemicals Company L.P. in Nueces County; RN100238799; 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 Agreed Order. TB/ZC; all agree.

Item 12 [\*\*Docket No. 2013-1583-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Kleberg County; RN102488517; 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 13 [\*\*Docket No. 2013-2180-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. (Rajesh Acharya, Candy Garrett)

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

Item 14 [\*\*Docket No. 2013-2022-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the DCP Midstream, LP in Sterling County; RN104920855; for air 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 15 [\*\*Docket No. 2013-1836-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Rentech Nitrogen Pasadena, LLC in Harris County; RN101621944; 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 16 [\*\*Docket No. 2013-2175-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Oiltanking Houston, L.P. in Harris County; RN100224740; 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.

**AIR QUALITY ENFORCEMENT DEFAULT ORDERS**

Item 17 [\*\*Docket No. 2012-0702-AIR-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Israel Joel Daniels in Dallas County; RN106343460; 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 Default Order. TB/ZC; all agree.

Item 18 [\*\*Docket No. 2013-2214-AIR-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Ismael Gamboa d/b/a Chico's Expert Collision in Angelina County; RN105743348; 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. (Jess Robinson, Lena Roberts)

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

**DRY CLEANER ENFORCEMENT AGREED ORDER**

Item 19 [\*\*Docket No. 2013-1961-DCL-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Elvi L. Arias-Chavez d/b/a Mockingbird Cleaners in Dallas County; RN104101035; for dry cleaner registration and performance standards violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code chs. 361 and 374, and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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



## **EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS**

Item 20 [\*\*Docket No. 2014-0039-EAQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against J&J STONE COMPANY, INC. in Williamson County; RN106848443; for Edwards Aquifer 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.

Item 21 [\*\*Docket No. 2013-1203-EAQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Vineyard Shopping Center II, L.P. in Bexar County; RN102747243; for Edwards Aquifer 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. (Cheryl Thompson, Candy Garrett)

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

## **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 22 [\*\*Docket No. 2014-0113-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Igloo Products Corp. in Waller County; RN101919280; 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. (Alejandro Laje, Candy Garrett)

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

## **IRRIGATION LICENSING ENFORCEMENT AGREED ORDER**

Item 23 [\*\*Docket No. 2013-1968-LII-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harvey Ray Hawkins in Tom Green County; RN103510830; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Farhaud Abbaszadeh, Candy Garrett)

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

## **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 24 [\*\*Docket No. 2013-2031-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of K & D MARINE, LLC dba Dustin Gulf Seafood in Jefferson County; RN104919832; for industrial and hazardous waste and used oil 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 Tex. Admin. Code ch. 60. (Thomas Greimel, Candy Garrett)

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

#### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 25 [\*\*Docket No. 2013-0756-MSW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vista International Technologies, Inc. in Dallas County; RN100750645; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, 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 26 [\*\*Docket No. 2013-1999-MSW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against MO-VAC SERVICE COMPANY in Jim Wells County; RN104148069; 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. (Had Darling, Candy Garrett)

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

#### **MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS**

Item 27 [\*\*Docket No. 2013-2016-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Zack Griffin d/b/a Big Zacks Tire Shack 2 in Bell County; RN106596141; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, 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 Default Order. TB/ZC; all agree.

Item 28 [\*\*Docket No. 2013-1752-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and

requiring certain actions of Eureka! Computer Scrap Recycler's L.L.C in Rockwall County; RN106875099; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

Remanded to the Executive Director.

Item 29 **Docket No. 2013-1461-MSW-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Steve Jones in Hockley County; RN106568181; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, 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. TB/ZC; all agree.

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 30 **Docket No. 2013-2127-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Godley in Johnson County; RN101919397; 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. (Raymond Mejia, Candy Garrett)

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

Item 31 **Docket No. 2013-1621-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Robert Lee in Coke County; RN101920163; 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. (Jill Russell, Candy Garrett)

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

Item 32 **Docket No. 2013-1224-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lake Whitney Resorts, LLC in Hill County; RN105503379; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality,

including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Lena Roberts)

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

Item 33 **Docket No. 2013-1596-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Moore Water Supply Corporation in Frio County; RN103014924; 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. (Cheryl Thompson, Candy Garrett)

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

**ON SITE SEWAGE FACILITY AUTHORIZATION ENFORCEMENT  
DEFAULT ORDER**

Item 34 **Docket No. 2013-2185-OSS-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Omar Salinas in Duval County; RN106097876; for on-site sewage disposal system violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Meaghan M. Bailey, Lena Roberts)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 35 **Docket No. 2012-1943-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rizwan Malik dba Texan Stop in Gregg County; RN101748770; 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 Green, Candy Garrett)

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

Item 36 **Docket No. 2013-2052-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against Galveston County; RN101737179; 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. (Lanae Foard, Candy Garrett)

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

Item 37 [\*\*Docket No. 2014-0061-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against BUDGET RENT-A-CAR OF EL PASO, INC. in El Paso County; RN102590932; 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. (John Fennell, Candy Garrett)

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

Item 38 [\*\*Docket No. 2013-2213-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Ahluwalia Investments, Inc. dba Buy and Ride 2 in Dallas County; RN102360716; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Baldwin, Candy Garrett)

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

Item 39 [\*\*Docket No. 2013-0220-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FANNETT, LLC dba Fannett Drive In in Jefferson County; RN101750834; 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. (John Fennell, Candy Garrett)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**

Item 40 [\*\*Docket No. 2013-1794-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of David Sommer d/b/a Goat Hill Country Store in Trinity County; RN101447084; 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. (Jess Robinson, Lena Roberts)

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

Item 41 [\*\*Docket No. 2013-0843-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against ALL L SAVER FOOD INC d/b/a SUPER FOOD MART 37 in Henderson County; RN101382042; 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. (J. Amber Ahmed, Lena Roberts)

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

Item 42 [\*\*Docket No. 2013-0390-PST-E.\*\*](#)

Consideration of a Default 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. (Tammy Mitchell, Lena Roberts)

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

Item 43 [\*\*Docket No. 2013-0818-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against RICK & KIM INC. d/b/a CJ's Convenience in Henderson County; RN101826576; 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 A. Terry, Lena Roberts)

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

Item 44 [\*\*Docket No. 2013-1318-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of TEXAN SINGH, INC. d/b/a Dhillon's Gas & Food Mart in Jefferson County; RN101817757; 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 Default Order. TB/ZC; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS**

Item 45 [\*\*Docket No. 2013-1355-PST-E.\*\*](#)

Consideration of a Default and Shutdown Order assessing administrative

penalties and requiring certain actions of HAANA BUSINESS, LLC d/b/a Haana Food Mart in Hidalgo County; RN101436400; 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 Mitchell, Lena Roberts)

Approve the Default and Shutdown Order. TB/ZC; all agree.

Item 46 **[Docket No. 2013-2070-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of ZZQ Enterprises, Inc. d/b/a Mini Mart Food Store in Dallas County; RN102356078; 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)

Remanded to the Executive Director.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 47 **[Docket No. 2013-1956-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CASTLE WATER, INC. in Hood County; RN101283679; 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 48 **[Docket No. 2014-0238-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Aqua Utilities, Inc. in Hunt County; RN102691276; 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 49 **[Docket No. 2014-0059-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Dodson in Collingsworth County; RN101195014; 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 50 [\*\*Docket No. 2013-2178-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PERRY WATER SUPPLY CORPORATION in Falls County; RN101454684; 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 51 [\*\*Docket No. 2014-0026-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Reyna A. Martinez dba Reyna's Deli in Midland County; RN106283666; 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 52 [\*\*Docket No. 2014-0043-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bardwell in Ellis County; RN101238608; 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 53 [\*\*Docket No. 2014-0087-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRENT WATER WORKS, INC. in Brazoria County; RN101202752; 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 54 [\*\*Docket No. 2014-0157-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Edgewood in Van Zandt County; RN101404887; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental



Quality. (James Baldwin, Candy Garrett)

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

Item 55 [\*\*Docket No. 2014-0106-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NORTH RUNNELS WATER SUPPLY CORPORATION in Runnels County; RN101222081; 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 56 [\*\*Docket No. 2011-1863-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of McKEN, LLC d/b/a Hill Country RV Park in Kerr County; RN101266435; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 57 [\*\*Docket No. 2013-1774-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Allen Watts d/b/a Lago Vista Water System in Guadalupe County; RN102676350; 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. (Joel Cordero, Lena Roberts)

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

Item 58 [\*\*Docket No. 2012-2346-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against Pamela Sue Hughes d/b/a Big Q Mobile Home Estates in Lubbock County; RN102319464; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

## **WATER QUALITY ENFORCEMENT DEFAULT ORDER**

Item 59 **Docket No. 2013-1991-WQ-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Wayne Lee and Paula Lee d/b/a The Pines Mobile Home Park in Hardin County; RN103098919; 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. (Jake Marx, Lena Roberts)

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

## **RULE MATTER**

Item 60 **Docket No. 2013-1913-RUL.**

Consideration of the adoption of amendments to Section 11.102, 30 TAC Chapter 11, Contracts; and Section 14.9, 30 TAC Chapter 14, Grants. The adopted rules would implement House Bill (HB) 586, 83rd Legislature, 2013, Regular Session, to reflect the exemption of sovereign immunity for state-related breach of contract for engineering, architectural, or construction services, or for material related to those professional services as authorized under Texas Civil Practice and Remedies Code, Chapter 114 or the Texas Government Code, Chapter 2260. The adopted rules would also implement HB 1487, 83rd Legislature, 2013, Regular Session, to reflect the new requirement to make grant awards in excess of \$25,000 available to the public on the agency's generally accessible Internet website, and to state the purpose for which the grant was awarded. (Greg Yturralde, Kenley Maddux) (Rule Project No. 2013-051-011-AS)

Adopt the amendments to Section 11.102 of 30 TAC Chapter 11, and Section 14.9 of 30 TAC Chapter 14, as recommended by the Executive Director. ZC/TB; all agree.

## **EXECUTIVE MEETING**

Item 61 **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 62 **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.

Appoint Vic McWherter as Director of the Office of Public Interest Counsel. BS/TB; all agree.

Item 63 **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/ Barham A. Richard      8/29/2014  
Assistant General Counsel      Date  
Barham Richard