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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

September 24, 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. 2014-0913-WR.](#)

Consideration of the application by North Texas Municipal Water District (NTMWD) for Water Use Permit No. 12151 to construct and maintain a dam and reservoir (Lower Bois d'Arc Creek Reservoir) on Bois d'Arc Creek, Red River Basin, in Fannin County, for recreational purposes and to divert and use not to exceed 175,000 acre-feet of water per year from any point on the perimeter of the proposed reservoir for municipal, industrial, agricultural, and recreational purposes. NTMWD indicates that diversions may overdraft the firm yield of the reservoir as part of a system operation with existing NTMWD supplies, and requests authorization to divert and reuse the return flows generated from the diversion and use of water from the proposed reservoir. The Applicant further requests an interbasin transfer to the Trinity River and Sulphur River Basins within its service area within Collin, Dallas, Denton, Fannin, Hopkins, Hunt, Kaufman, Rains and Rockwall Counties. The Commission will consider all timely filed hearing requests and related responses and replies. (Chris Kozlowski, Robin Smith)

Grant the hearing requests of R.P. Crawford, Bois d'Arc Municipal Water District, Citizens to Save Bois d'Arc Creek, Monika Blaine, Ronnie Knight, Rebecca Knight, Cathy Ryser, Charles Ryser, Harold D. Witcher Jr., Donna Ryser, Chad Knight, Renea Knight, Dustin Knight, Charles M. Yarbrough, John Edward Yarbrough, Carlos Pardo, Wes Reed, Joseph Reed, John Reed, Larry D. Franklin, and Nathan Ryser; Direct the Chief Clerk to refer the granted hearing requests to the State Office of Administrative Hearings; and Deny all remaining hearing requests. TB/ZC; all agree.

USE DETERMINATION APPEAL MATTERS

Item 2 **[Docket No. 2008-0830-MIS-U.](#)**

Consideration of the appeal filed by Tenaska Gateway Partners, Ltd. with regard to the Executive Director's negative use determination on Application No. 07-11914, dated June 5, 2014, for certain property at the Tenaska Gateway Generation Station in Rusk County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 3 **[Docket No. 2008-0832-MIS-U.](#)**

Consideration of the appeal filed by Borger Energy Associates, LP with regard to the Executive Director's negative use determination on Application No. 07-11971, dated June 5 and 17, 2014, for certain property at the Blackhawk Station in Hutchinson County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 4 **[Docket No. 2012-1683-MIS-U.](#)**

Consideration of the appeal filed by EIF Channelview Cogeneration, LLC with regard to the Executive Director's negative use determination on Application No. 12826, dated June 5, 2014, for certain property at the Channelview Cogeneration Facility in Harris County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 5 **[Docket No. 2008-0849-MIS-U.](#)**

Consideration of the appeal filed by Brazos Valley Energy Center LLC with regard to the Executive Director's negative use determination on Application No. 07-11969, dated June 5 and 17, 2014, for certain property at the Brazos Valley Energy Center in Fort Bend County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 6 **[Docket No. 2008-0850-MIS-U.](#)**

Consideration of the appeal filed by Freeport Energy Center, LLC with regard to the Executive Director's negative use determination on Application No. 07-11994, dated June 5 and 17, 2014, for certain property at the Freeport Energy Center in Brazoria County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 7 **[Docket No. 2008-0831-MIS-U.](#)**

Consideration of the appeal filed by Freestone Power Generation, LLC with regard to the Executive Director's negative use determination on Application No. 07-11966, dated June 5 and 17, 2014, for certain property at the Freestone Energy Center in Freestone County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 8 **[Docket No. 2012-1586-MIS-U.](#)**

Consideration of the appeal filed by Wolf Hollow I, LP with regard to the Executive Director's negative use determination on Application No. 12268, dated June 5, 2014, for certain property at the Wolf Hollow Power Plant in Hood County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 9 **[Docket No. 2012-1587-MIS-U.](#)**

Consideration of the appeal filed by South Texas Electric Cooperative, Inc. with regard to the Executive Director's negative use determination on Application No. 13534, dated June 5, 2014, for certain property at the Sam Rayburn Power Plant in Victoria County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 10 **[Docket No. 2008-0851-MIS-U.](#)**

Consideration of the appeal filed by CER-Colorado Bend Energy, LLC (formerly known as Navasota Wharton Energy Partners, L.P.) with regard to the Executive Director's negative use determination on Application No. 07-11926, dated June 5 and 17, 2014, for certain property at the Colorado Bend Facility in Wharton County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 11 **[Docket No. 2012-1559-MIS-U.](#)**

Consideration of the appeal filed by Topaz Power Group, LLC with regard to the Executive Director's negative use determinations on Application Nos. 12210 and 12211, dated June 5, 2014, for certain property at the Barney Davis Power Station (Application No. 12210) and the Nueces Bay Power Station (Application No. 12211) in Nueces County, Texas. The Commission will also consider the applications and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 12 **[Docket No. 2012-1562-MIS-U.](#)**

Consideration of the appeal filed by Cottonwood Energy Company, LP with

regard to the Executive Director's negative use determinations on Application Nos. 15505, 16410, 16411, and 16412, dated June 5 and 17, 2014, for certain property at the Cottonwood Energy Center in Newton County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 13 **[Docket No. 2012-1635-MIS-U.](#)**

Consideration of the appeal filed by Brazos Electric Cooperative, Inc. with regard to the Executive Director's negative use determination on Application No. 13544, dated June 5, 2014, for certain property at the Johnson County Generation Facility in Johnson County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 14 **[Docket No. 2012-1648-MIS-U.](#)**

Consideration of the appeal filed by Brazos Electric Cooperative, Inc. with regard to the Executive Director's negative use determination on Application No. 16413, dated June 5, 2014, for certain property at the Jack County Generation Facility in Jack County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 15 **[Docket No. 2012-1660-MIS-U.](#)**

Consideration of the appeal filed by Wise County Power Company, LLC with regard to the Executive Director's negative use determination on Application No. 12202, dated June 5 and 17, 2014, for certain property at the Wise County Power Plant in Wise County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 16 [**Docket No. 2012-1662-MIS-U.**](#)

Consideration of the appeal filed by Ennis Power Company, LLC with regard to the Executive Director's negative use determination on Application No. 12203, dated June 5 and 17, 2014, for certain property at the Ennis Power Plant in Ellis County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 17 [**Docket No. 2012-1650-MIS-U.**](#)

Consideration of the appeal filed by Midlothian Energy Limited, LLC with regard to the Executive Director's negative use determination on Application No. 12271, dated June 5 and 17, 2014, for certain property at the Midlothian Energy Plant in Ellis County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

Item 18 [**Docket No. 2012-1682-MIS-U.**](#)

Consideration of the appeal filed by Hays Energy, LLC's with regard to the Executive Director's negative use determination on Application No. 12272, dated June 5 and 17, 2014, for certain property at the Hays Energy Plant in Hays County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Joint Motion for Items 2-18.

Affirm the Executive Director's Negative Use Determinations and deny all of the appeals. BS/TB; all agree. ZC abstained.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 19 [**Docket No. 2014-0046-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in

Jefferson County; RN102457520; 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. ZC/TB; all agree.

Item 20 **[Docket No. 2014-0395-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100542281; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Raime Hayes-Falero, Candy Garrett)

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

Item 21 **[Docket No. 2014-0048-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 Tex. Admin. Code ch. 60. (Jessica Schildwachter, Candy Garrett)

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

Item 22 **[Docket No. 2013-1854-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enbridge G & P (North Texas) L.P. in Palo Pinto County; RN100209469; 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. ZC/TB; all agree.

Item 23 **[Docket No. 2014-0424-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. R. Carpenter, L.P. in Harris County; RN100210830; 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. ZC/TB; all agree.

Item 24 **Docket No. 2013-2215-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Dow Chemical Company in Brazoria County; RN100225945; 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. ZC/TB; all agree.

Item 25 **Docket No. 2014-0229-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Wyman-Gordon Forgings, Inc. in Harris County; RN100217413; 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. ZC/TB; all agree.

Item 26 **Docket No. 2014-0115-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. (Amancio R. Gutierrez, Candy Garrett)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDERS

Item 27 **Docket No. 2014-0327-AIR-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of High Tech Auto Restyling Inc. in El Paso County; RN104713060; 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. ZC/TB; all agree.

Item 28 **Docket No. 2014-0153-AIR-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of MACC Collision Repair Experts, Inc. in El Paso County; RN100598762; 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. (Laura Evans, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 29 [Docket No. 2014-0038-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Western Dairy Transport, L.L.C. in Erath County; RN101261097; 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. (Had Darling, Candy Garrett)

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

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDERS

Item 30 [Docket No. 2013-0808-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against Joshua G. Duke in Gregg County; RN105764138; 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. (J. Amber Ahmed, Lena Roberts)

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

Item 31 [Docket No. 2013-1401-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jeremy Bellman in Bexar County and Wilson County; RN106155385; 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. (Ryan Rutledge, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 32 [Docket No. 2014-0032-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Kerry Trest in Hardin County; RN106955693; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, 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. (Keith Frank, Candy Garrett)

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

Item 33 [**Docket No. 2013-2014-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Webb County in Webb County; RN102698719; for public water supply, water quality, and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 341 and 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 34 [**Docket No. 2014-0531-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Pharr in Hidalgo County; RN102928041; 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 Graves, Candy Garrett)

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

Item 35 [**Docket No. 2014-0173-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Ore City in Upshur County; RN101920122; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Remington Burklund, Candy Garrett)

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

Item 36 [**Docket No. 2012-2085-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Greatwood Hospitality, Inc. in Fort Bend County; RN105813331; 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. ZC/TB; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 37 [Docket No. 2012-2343-MWD-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of 8 Mile Park, L.P. in Brazoria County; RN101614212; 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. (Jeffrey J. Huhn, Lena Roberts)

Continued to the October 8, 2014 Commissioners' Agenda.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 38 [Docket No. 2013-0189-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RIVER MART, INC. in Hidalgo County; RN103046116; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rebecca Boyett, Candy Garrett)

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

Item 39 [Docket No. 2013-1077-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Blue Streak Transportation, Inc. in Midland County; RN105858005; 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. (Colleen Lenahan, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 40 [Docket No. 2013-2080-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against PANJGRAYIAN INC. d/b/a 2 GS Country Store in Liberty County; RN103028742; 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. ZC/TB; all agree.

Item 41 [Docket No. 2013-1043-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Leldon B. Higgs in Waller County; RN101841609; 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. ZC/TB; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 42 [Docket No. 2013-1447-PST-E.](#)

Hyperlink
Update
9/19/2014
4:43 PM

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of HNQ, INC. DBA Kool Corner in Travis County; RN101496644; 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. (Michael Vitris, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 43 [Docket No. 2014-0491-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of James L. Oxford dba Country Villa Mobile Home Park in Bee County; RN101441764; 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. ZC/TB; all agree.

Item 44 [Docket No. 2014-0293-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WTG FUELS, INC. dba Uncles 130205 in Midland County; RN102252459; 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. ZC/TB; all agree.

Item 45 [Docket No. 2014-0158-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Dow Chemical Company in Brazoria County; RN100225945; for public drinking water violations pursuant to Tex. Health &

Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rachel Bekowies, Candy Garrett)

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

Item 46 [**Docket No. 2014-0455-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MILBERGER LANDSCAPING, INC. in Bexar County; RN106799042; 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. ZC/TB; all agree.

Item 47 [**Docket No. 2014-0478-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Riesel in McLennan County; RN101386043; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaëlle Garza, Candy Garrett)

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

Item 48 [**Docket No. 2014-0310-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sharon Stephenson in La Salle County; RN106637705; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jennifer Graves, Candy Garrett)

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

Item 49 [**Docket No. 2014-0416-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Terry Bourbon dba River View Estates in El Paso County; RN101275873; 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. ZC/TB; all agree.

Item 50 [**Docket No. 2013-2146-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of DEER CREEK RANCH, INC. and Deer Creek Ranch Water Co., LLC in Travis County; RN100822527; 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. ZC/TB; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 51 [Docket No. 2013-1012-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Curtis White and Brenda White d/b/a El Pinon Estates Water System in San Augustine County; RN102675303; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Joel Cordero, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 52 [Docket No. 2013-1868-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Plano in Collin County; RN103099156; 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. ZC/TB; all agree.

RULE PETITION

Item 53 [Docket No. 2014-1114-PET.](#)

Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality on August 1, 2014, by Aqua Texas, Inc. The petitioner requested that the commission amend: Section 290.44(c) to address line sizes for new construction and existing water lines; Section 290.45(f) to revise the supply requirements for a purchased water contract; Section 290.46(f) to allow for the use of methods other than a site visit by the operator to obtain operational data regarding the public water system; and Section 290.110(c) to allow operators to visit water system sites less frequently. (Brian Dickey, Ruth Takeda) (Project No. 2014-033-PET-NR)

Deny the petition for rulemaking and adopt the Executive Director's Proposed Order. TB/ZC; all agree.

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.

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.

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.

(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

