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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

October 8, 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

Item 1

[TCEQ Docket No. 2012-1129-MSW-E; SOAH Docket No. 582-13-3283.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against Robert Paul Evans, d/b/a Terrell Sand & Recycling, Robert J. Evans, Jr. d/b/a Terrell Sand & Recycling in Kaufman County; RN104251616; 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. The Commission will also consider the record, timely related filings, exceptions and replies. (Jennifer N. Cook)

Adopt the ALJ's Proposed Order with the typographical revision to Conclusion of Law No. 7 recommended by the Executive Director in his Exceptions and agreed to by the ALJ in his June 27, 2014 letter; modify Conclusion of Law No. 12 to state that a reduction of the assessed penalty under other factors as justice may require is appropriate to reflect the Respondent's good faith efforts to clean-up the property; and replace references to \$8,000 with \$2,000 in Conclusion of Law No. 13 and Ordering Provision No. 1. ZC/TB; all agree.

Item 2 [**TCEQ Docket No. 2013-1088-PWS-E; SOAH Docket No. 582-14-1792.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Leroy Moody and Ernestine L. Moody d/b/a Leroy's Mobile Home Park in Bowie County, Texas; RN101264828; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Ryan Rutledge)

Adopt the ALJ's Proposed Order with the corrections to Conclusions of Law Nos. 2-4 and 7-9 and Ordering Provision Nos. 2, 5, 7 and 10 as recommended by the Executive Director in his Exceptions and agreed to by the ALJ in her Reply. TB/ZC; all agree.

MISCELLANEOUS MATTERS

Item 3 [**Docket No. 2014-1219-MIS.**](#)

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

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

Item 4 [**Docket No. 2014-1218-MIS.**](#)

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 [**Docket No. 2014-0120-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Diamond Shamrock Refining Company, L.P. in Moore County; RN100210517; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jessica Schildwachter, Candy Garrett)

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

Item 6 [**Docket No. 2014-0336-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. ZC/TB; all agree.

Item 7 [**Docket No. 2013-0736-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 Gutierrez, Candy Garrett)

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

Item 8 [**Docket No. 2014-0197-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Delek Refining, Ltd. in Smith County; RN100222512; 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 9 [**Docket No. 2012-0331-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, and 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 10 [**Docket No. 2013-1942-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Brazoria County; RN101619179; 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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 11 [Docket No. 2012-1922-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Richter-Land, LLC in Comal County; RN105645634; 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. (Jacquelyn Green, Candy Garrett)

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

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 12 [Docket No. 2013-1530-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Robert A. Garner in Coryell County; RN106244882; 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 ORDER

Item 13 [Docket No. 2013-2113-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bottom Line Food Processors, Inc. in Travis County; RN103029302; for air quality and Edwards Aquifer 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. (Rajesh Acharya, Candy Garrett)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 14 [Docket No. 2013-2142-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of D+A Financial Services, LLC dba Astro Autos in Hardin County; RN106489057; for used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 371, and the rules of the Texas

Commission on Environmental Quality. (Ryan Rutledge, Lena Roberts)

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

Item 15 [Docket No. 2013-2012-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Exterior Repair International, LLC in Johnson County; RN106798630; 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. (Ryan Rutledge, Lena Roberts)

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

Item 16 [Docket No. 2013-1903-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Rogelio Esquivel and Angelita Esquivel in Hidalgo County; RN106892961; 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. (Jeffrey J. Huhn, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 17 [Docket No. 2014-0296-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Deer Park in Harris County; RN101719839; 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. ZC/TB; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 18 [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)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER

Item 19 [Docket No. 2014-0090-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Palai, LLC. dba Lone Star Food in Harris County; RN101748283; 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. (Rebecca Boyett, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 20 [Docket No. 2013-2219-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Riviera Club Inc. dba Stop N Bye in Harris County; RN100887686; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 21 [Docket No. 2014-0623-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Byers in Clay County; RN101236404; 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 22 [Docket No. 2014-0243-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Burkburnett in Wichita County; RN102992385; 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 ORDERS

Item 23 [**Docket No. 2013-1930-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Shawn Mark Yarbrough d/b/a Walnut Ridge Estates Water System in Angelina County; RN101195857; 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 Default Order. ZC/TB; all agree.

Item 24 [**Docket No. 2014-0127-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. ZC/TB; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 25 [**Docket No. 2014-0235-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ST EML, LLC in Tarrant County; RN100768027; 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. ZC/TB; all agree.

PUBLIC COMMENT SESSION

Item 26 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.

No Action Taken.

EXECUTIVE MEETING

Item 27 **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 28 **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 29 **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.)

