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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**

November 19, 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. 2014-1317-MWD.](#)**

Consideration of the application by Nueces River Authority for a new permit, TCEQ Permit No. WQ0015083001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 360,000 gallons per day via surface irrigation of 93.5 acres of public access pastureland. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment facility and disposal site will be located at 64 Stanford Hollow Road, approximately two miles south of the intersection of U.S. Highway 83 and Ranch Road 337, on the west side of U.S. Highway 83, Leakey, in Real County, Texas 78873. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Public Comment. (Anthony Tatu, Dex Dean)

Find that the Hearing Requests of Jean C. and Dan Huffman have been withdrawn; Issue the Permit in the form of the Executive Director's Draft Permit; and Adopt the Executive Director's Response to Comments. TB/ZC; all agree.

**SUPERFUND MATTER**

Item 2 **[Docket No. 2014-1054-SPF.](#)**

Consideration of a Final Administrative Order, as authorized under Subchapter F of the Texas Solid Waste Disposal Act, Tex. Health & Safety Code §§ 361.181-361.202, for the First Quality Cylinders State Superfund site, RN100645977. The Order lists the site on the state registry of Superfund sites, describes the selected remedial action, and includes a determination of responsible parties. The First Quality Cylinders State Superfund site is located at 931 West Laurel Street in the Five Points area of San Antonio, Bexar County. (Monica Harris, P.G., Patricia Scott)

Adopt the Final Administrative Order as proposed by the Executive Director. ZC/TB; all agree.

**MISCELLANEOUS MATTER**

Item 3 **[Docket No. 2014-1553-MIS.](#)**

Presentation on ozone health effects by Dr. Julie Goodman.

No action taken.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4 **[Docket No. 2014-0381-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Moore County; RN100220052; 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 5 **[Docket No. 2014-0451-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of James Hardie Building Products Inc. in Johnson County; RN100763895; 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 6 [\*\*Docket No. 2014-0776-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KM Liquids Terminals LLC in Harris County; RN100237452; 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 7 [\*\*Docket No. 2014-0252-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ConocoPhillips Company in Hutchinson County; RN102495884; 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 8 [\*\*Docket No. 2014-0410-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Hutchinson County; RN100216613; 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 9 [\*\*Docket No. 2013-2130-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. (Farhaud Abbaszadeh, Candy Garrett)

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

Item 10 [\*\*Docket No. 2013-1983-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GSF Energy, L.L.C. in Harris County; RN100222710; 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. (Carol McGrath, Candy Garrett)

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

Item 11 [\*\*Docket No. 2013-2018-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bio Energy (Austin), LLC in Bexar County; RN100632629; 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 12 [\*\*Docket No. 2014-0724-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CCP Composites US LLC in Harris County; RN100692219; 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. (Farhau Abbaszadeh, Candy Garrett)

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

Item 13 [\*\*Docket No. 2011-0837-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gulf Coast Waste Disposal Authority in Harris County; RN100219211; 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 14 [\*\*Docket No. 2014-0496-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Brazoria County; RN100238708; 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 15 **[Docket No. 2014-0499-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of James E. Angel dba FABRITECH in Tarrant County; RN105327969; 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 16 **[Docket No. 2014-0583-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Red River Oilfield Services, LLC in Parker County; RN105713226; 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 17 **[Docket No. 2014-0374-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LyondellBasell Acetyls, LLC in Harris County; RN100224450; 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.

**DRY CLEANER ENFORCEMENT DEFAULT ORDER**

Item 18 **[Docket No. 2013-0995-DCL-E.](#)**

Consideration of a Default Order assessing administrative penalties against Taufiq Ahmed in Tarrant County; RN104059241, RN104963939, RN105495469, and RN100714526; for dry cleaner 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. (Elizabeth Lieberknecht, Lena Roberts)

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

**INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 19 [Docket No. 2014-0330-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against SHELL OIL COMPANY in Harris County; RN100211879; for industrial and hazardous 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. (Steven Van Landingham, Candy Garrett)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 20 [Docket No. 2014-0262-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bayshore Industrial, LLC in Harris County; RN101613370; 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. (Katie Hargrove, Candy Garrett)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 21 [Docket No. 2013-1029-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KC Fabricare, LLC dba Koalaty Cleaners in Tarrant County; RN105190037; for dry cleaner and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mike Pace, Candy Garrett)

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

Item 22 [Docket No. 2014-0031-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Interstate Improvement, Inc. 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. TB/ZC; all agree.

Item 23 **[Docket No. 2013-1667-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ETS Oilfield Services, L.P. in Atascosa County; RN106842990; for water quality, public drinking water, municipal solid waste, and used oil violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 341, 361, and 371, 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.

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 24 **[Docket No. 2013-1030-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Bennie Joe Byley and Virginia Lynn Galloway in Bexar County; RN106531742; for solid waste and water quality violations pursuant to Tex. Water Code chs. 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. (Elizabeth Lieberknecht, Lena Roberts)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 25 **[Docket No. 2013-1135-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sienna Mulch, Inc. in Fort Bend County; RN104298302; 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.

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS**

Item 26 **[Docket No. 2014-0298-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Dustin Lynch in Hardin County; RN105978670; 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. (Michael Vitris, Lena Roberts)

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

Item 27 [\*\*Docket No. 2013-1434-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of John Roberts in Willacy County; RN106779572; 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 Mitchell, Lena Roberts)

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

Item 28 [\*\*Docket No. 2013-2155-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Randy Bowen a/k/a Randall G. Bowen d/b/a Bowens Tree Service in Johnson County; RN106664188; 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. (Elizabeth Carroll Harkrider, Lena Roberts)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 29 [\*\*Docket No. 2014-0297-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Texas, Inc. in Harris County; RN102343217; 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. (Katelyn Samples, Candy Garrett)

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

Item 30 [\*\*Docket No. 2014-0145-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bacliff Municipal Utility District in Galveston County; RN101918555; 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. TB/ZC; all agree.

Item 31 [\*\*Docket No. 2013-1340-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of George West in Live Oak County; RN101651495; 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.

Item 32 [\*\*Docket No. 2012-1838-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Newark in Wise County; RN102287984; 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.

Item 33 [\*\*Docket No. 2012-2342-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Northside Subdivision Water Plant and Distribution Corp. in Erath County; RN101190643; 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. (Remington Burklund, Candy Garrett)

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

Item 34 [\*\*Docket No. 2014-0369-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Orange County Water Control and Improvement District No. 1 in Orange County; RN102182755; 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.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 35 [\*\*Docket No. 2013-0009-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KRMN GROUP LLC d/b/a Fuel Zone in Dallas County; RN105118889; for petroleum storage tank violations pursuant to Tex.

Water Code chs. 7 and 26, Tex. Health and 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 36 **[Docket No. 2013-1466-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CHCA MAINLAND, L.P. dba Mainland Medical Center in Galveston County; RN101901809; 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 Pace, Candy Garrett)

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

Item 37 **[Docket No. 2013-1146-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against PROTON PRC, LTD. d/b/a Texoma Beverages and d/b/a C Store 122 in Grayson County; RN103059218 and RN103757621; 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 38 **[Docket No. 2013-1276-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Maha Matar in Harris County; RN102929205; 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 Agreed Order. TB/ZC; all agree.

Item 39 **[Docket No. 2013-2115-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COUNTRY SIDE INC dba Country Mart in Lamar County; RN102034725; 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. (Tiffany Maurer, Candy Garrett)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 40 [Docket No. 2012-2532-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against Hafsa Corporation d/b/a S Mart in Morris County; RN102232196; 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.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 41 [Docket No. 2014-0584-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mullin Independent School District in Mills County; RN101256550; 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 42 [Docket No. 2013-1883-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BRUSH COUNTRY DEVELOPMENT CORPORATION in Duval County; RN106103765; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tammy Mitchell, Lena Roberts)

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

Item 43 [Docket No. 2014-0365-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Eden in Concho County; RN101405439; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Candy Garrett)

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

Item 44 [Docket No. 2013-2179-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tom Green County Fresh Water Supply District 2 in Tom Green County; RN101426047; for public drinking water violations

pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jess Robinson, Lena Roberts)

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

Item 45 [\*\*Docket No. 2013-1210-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LIVE OAK RESORT, INC. in Washington County; RN101269926; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (David A. Terry, Lena Roberts)

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

Item 46 [\*\*Docket No. 2014-0131-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of IBG ENTERPRISES, LLC d/b/a Lazy Acres Trailer Park in Bexar County; RN101653723; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Meaghan M. Bailey, Lena Roberts)

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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 47 [\*\*Docket No. 2014-0316-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Kyle Freeman DBA Lamplighter Mobile Home Park in Johnson County; RN106672165; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Michael Vitris, Lena Roberts)

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

Item 48 [\*\*Docket No. 2013-2066-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Ms. Molly's LLC in Colorado County; RN104909882; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Tammy L. Mitchell, Lena Roberts)

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

**STATE IMPLEMENTATION PLAN MATTER**

Item 49 **Docket No. 2014-1248-SIP.**

Consideration for publication of, and hearing on, the proposed State Implementation Plan (SIP) Revision for the Houston-Galveston-Brazoria (HGB) Area Redesignation Substitute for the One-Hour Ozone National Ambient Air Quality Standard (NAAQS). The proposed redesignation substitute SIP revision would satisfy the anti-backsliding obligations for the revoked one-hour ozone NAAQS and ensure that the substance of the redesignation requirements is met for the HGB area. This redesignation substitute would take the place of a redesignation request and maintenance plan, which the United States Environmental Protection Agency normally requires under a standard that has not been revoked. (Melanie Rousseau, John Minter) (Project No. 2014-011-SIP-NR)

Approve for publication of, and hearing on, the SIP Revision for the Houston-Galveston-Brazoria Area Redesignation Substitute for the One-Hour Ozone NAAQS as recommended by the Executive Director. ZC/TB; all agree.

**RULE MATTERS**

Item 50 **Docket No. 2014-0426-RUL.**

Consideration of the adoption of amendments to: Section 55.201 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; Sections 305.49 and 305.154 of 30 TAC Chapter 305, Consolidated Permits; Sections 331.82, 331.107, 331.108 and 331.122, and new Section 331.110 of 30 TAC Chapter 331, Underground Injection Control. The adoption would implement House Bill 1079, 83rd Legislature, 2013, Regular Session. The rulemaking requires that all new, amended, or renewed Class III Underground Injection Control permits include a permit range table. This table will have concentration ranges for each of the groundwater quality parameters listed in the restoration table of each Production Area Authorization (PAA) associated with a permit. The restoration table values of the PAA must be within the respective ranges in the permit range table. If a permittee requests revision of a restoration table value, the requested revised value must be within the respective range of the permit range table; otherwise the permit range table must be amended, which is subject to opportunity for a contested case hearing. The rulemaking also changes the conditions that determine when an application for a PAA may be subject to opportunity for a contested case hearing, consistent with the requirements of HB 1079. The proposed rules were published in the May 30, 2014, issue of the *Texas Register* (39 TexReg 4125, 4160, and 4165). (David Murry, Don Redmond) (Rule Project No. 2013-058-331-WS).

Adopt the new and amended Sections of 30 TAC Chapters 55, 305, and 331 as recommended by the Executive Director. TB/ZC; all agree.

Item 51 [\*\*Docket No. 2014-1223-RUL.\*\*](#)

Consideration for publication of, and hearing on, proposed revisions to 30 TAC Chapter 37, Financial Assurance, and Chapter 336, Radioactive Substance Rules. This rulemaking would implement Senate Bill 347, 83rd Texas Legislature, 2013, Regular Session, by amending 30 TAC Sections 37.9045 and 37.9050, which would reference the new environmental perpetual care account and by amending 30 TAC Sections 336.2, 336.105, 336.1111, and 336.1127, and proposing new Section 336.739, to provide for volume reduction of low-level radioactive waste and to meet federal compatibility standards. The proposed rulemaking would also implement changes to license application requirements for source material recovery or by-product disposal licenses regarding notification to landowners. (Bobby Janecka, Amie Richardson) (Rule Project No. 2013-056-037-WS)

Approve publication of and hearing on revisions to 30 TAC Chapter 37, Financial Assurance, and Chapter 336, Radioactive Substance Rules. ZC/TB; all agree.

Item 52 [\*\*Docket No. 2014-0953-RUL.\*\*](#)

Consideration for publication of, and hearing on, proposed amendments to Sections 114.2, 114.7, 114.53, 114.60, 114.62, 114.64, 114.70, and 114.87 of 30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter A, Definitions, and Subchapter C, Vehicle Inspection and Maintenance; Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program; and Early Action Compact Counties. Amendments to Sections 114.2, 114.53, and 114.87, if adopted, will be submitted to the United States Environmental Protection Agency as a revision to the state implementation plan. The proposed rulemaking would establish a formal procedure to allow a county that participates in the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) to opt out of the program, which includes ending the LIRAP contract between the county and the executive director and removing the LIRAP fee from the state fees assessed during annual vehicle inspection and remitted by vehicle owners during vehicle registration. The proposed rule revisions would differentiate between eligible counties that participate in the LIRAP and those that do not. (Jamie Zech, Sierra Redding) (Rule Project No. 2014-027-114-AI)

Approve for publication of, and hearing on, proposed amendments to 30 TAC Chapter 114 and the proposed revisions to the SIP. 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.

No action taken.

**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.

Appoint Tucker Royall as the TCEQ General Counsel, effective December 1, 2014.  
BS/TB; all agree.

**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/ Tim Reidy

11/24/2014

Assistant General Counsel  
Tim Reidy

Date