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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**

January 21, 2015

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 1 **[Docket No. 2014-0847-AIR.](#)**

Consideration of the application by Indeck Wharton, L.L.C., for Air Quality Permit No. 111724 and Prevention of Significant Deterioration Air Quality Permit No. PSDTX1374 to authorize the construction of the Indeck Wharton Energy Center at the west side of State Route 71, 3,350 feet south of the intersection of Route 71 and County Road 424 in Danevang, about 0.50 mile south of the center of Danevang, Wharton 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. (Jennifer Furrow, Sean O'Brien)

Deny all Hearing Requests; Grant Air Quality Permit No. 111724 and PSD Permit No. PSDTX1374 to Indeck Wharton, L.L.C. as recommended by the Executive Director in the corrected backup materials filed on January 15, 2015; and Adopt the Executive Director's Response to Comments. TB/ZC; all agree.

Item 2 [\*\*Docket No. 2014-1417-MWD.\*\*](#)

Consideration of the application by the West Park Municipal Utility District for a major amendment of TPDES Permit No. WQ0012346001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 500,000 gallons per day to a daily average flow not to exceed 990,000 gallons per day. The facility is located at 19310 Katy Freeway, Houston, in Harris County, Texas 77094. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Alicia Ramirez, Rebecca R. Moore)

Deny the Hearing Request filed by Annette Baldwin; Issue the Draft Permit Amendment to West Park Municipal Utility District as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. ZC/TB; all agree.

Item 3 [\*\*Docket No. 2014-1189-IHW.\*\*](#)

Consideration of the application by Ascend Performance Materials Texas Inc. for a 10-year renewal and major amendment of Industrial Hazardous Waste Permit and Compliance Plan No. 50189, which would authorize the continued management of on-site generated hazardous and non-hazardous Class 1 and Class 2 industrial solid waste on a non-commercial basis, post closure care of a closed landfill and a closed surface impoundment, and the installation and operation of new landfill and a new container storage area at the existing chemical manufacturing facility located on approximately 2,514 acres of land near Alvin, in Brazoria 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. (Diane Goss, Sarah Schreier)

Deny Dick Tyson's Hearing Request; Issue Renewed and Amended Hazardous Waste Permit No. 50189 to Ascend Performance Materials Texas Inc. as recommended by the Executive Director; and Adopt the Executive Director's Response to Public Comment. TB/ZC; all agree.

Item 4 [\*\*Docket No. 2014-1402-DIS.\*\*](#)

Consideration of the application by JPH Capital, Ltd. for the creation of Travis County Municipal Utility District No. 22 ("District") in Travis County. The proposed District would contain approximately 910.92 acres and would be located in southwest Travis County, approximately 1.7 miles southwest of the City of Bee Cave on Hamilton Pool Road, approximately 4 miles southwest of Highway 71 on Hamilton Pool Road and north of Hamilton Pool Road. The proposed District would be created pursuant to Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code. The purpose of the proposed District would be to provide water, wastewater and drainage facilities and services, provide park

and recreation facilities and services, and road improvements for the land within the boundaries of the proposed District, and the construction, purchase, acquisition, maintenance, ownership and operation of facilities and services for residential and related development. The proposed District is not located within the corporate limits or extraterritorial jurisdiction of any city. The commission will also consider all timely requests for hearing and related responses and replies. (Kayla Murray, Justin Taack)

Grant the Hearing Request of Hamilton Pool Road Matters; Refer the application to SOAH for a contested case hearing; and Refer the matter to ADR to coincide with the initiation of the SOAH scheduling process. ZC/TB; all agree.

### **TMDL MATTERS**

Item 5 **[Docket No. 2014-0266-TML.](#)**

Consideration for final approval of a draft Implementation Plan for Five Total Maximum Daily Loads for Indicator Bacteria in Four Austin Streams (Spicewood Tributary to Shoal Creek - 1403J; Taylor Slough South - 1403K; Walnut Creek - 1428B; Waller Creek - 1429C), in Travis County. (Ron Stein, Robert Brush) (Project No. 2014-014-TML-NR)

Joint Motion for Item Nos. 5 and 6.

Adopt the Five Total Maximum Daily Loads for Indicator Bacteria and Approve the corresponding Implementation Plan as recommended by the Executive Director. TB/ZC; all agree.

Item 6 **[Docket No. 2014-0267-TML.](#)**

Consideration for adoption of Five Total Maximum Daily Loads for Indicator Bacteria corresponding to five assessment units in four segments in four Austin streams (Spicewood Tributary to Shoal Creek - 1403J; Taylor Slough - 1403K; Walnut Creek - 1428B; and Walnut Creek - 1429C) in Travis County. (Ron Stein, Robert Brush) (Project No. 2014-015-TML-NR)

Joint Motion for Item Nos. 5 and 6.

Adopt the Five Total Maximum Daily Loads for Indicator Bacteria and Approve the corresponding Implementation Plan as recommended by the Executive Director. TB/ZC; all agree.

Item 7 **[Docket No. 2014-1181-TML.](#)**

Consideration for approval to publish and solicit public comment on a draft Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria, Dissolved Oxygen, and pH in Adams Bayou, Cow Bayou, and

Their Tributaries in Nine Segments (Segments 0508, 0508A, 0508B, 0508C, 0511, 0511A, 0511B, 0511C, and 0511E) in Orange, Jasper, and Newton Counties. (Ron Stein, Robert Brush) (Project No. 2014-034-TML-NR)

Approve the publication of and solicitation of public comment on an Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria, Dissolved Oxygen, and pH in Adams Bayou, Cow Bayou, and other Tributaries as recommended by the Executive Director. ZC/TB; all agree.

Item 8 **[Docket No. 2014-1222-TML.](#)**

Consideration for approval to publish and solicit public comment on Six Draft Total Maximum Daily Loads for Indicator Bacteria in Six Segments in the Armand Bayou Watershed of the San Jacinto-Brazos Coastal Basin, in Harris County. (Ron Stein, Robert Brush) (Project No. 2014-037-TML-NR)

Approve the Six Total Maximum Daily Loads for Indicator Bacteria in the Armand Bayou Watershed for publication and public comment as recommended by the Executive Director. TB/ZC; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 9 **[Docket No. 2014-0843-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical LLC in Jefferson County; RN100219252; 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 10 **[Docket No. 2013-0502-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PHILLIPS 66 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. ZC/TB; all agree.

Item 11 **[Docket No. 2014-0743-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 12 [\*\*Docket No. 2014-0803-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BP Amoco Chemical Company in Galveston County; RN102536307; 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 13 [\*\*Docket No. 2013-1608-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Lubrizol Corporation in Harris County; RN101058410; 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 14 [\*\*Docket No. 2013-1786-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Maverick Drilling & Exploration USA, Inc. in Fort Bend County; RN106755267 and RN106741770; 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. ZC/TB; all agree.

Item 15 [\*\*Docket No. 2013-1814-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lucite International, Inc. in Jefferson County; RN102736089; 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 16 **Docket No. 2012-1411-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against General Motors LLC in Tarrant County; RN102505963; 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 17 **Docket No. 2014-0670-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Enbridge G & P (North Texas) L.P. in Jack County; RN102888377; 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. ZC/TB; all agree.

**AIR QUALITY ENFORCEMENT DEFAULT ORDER**

Item 18 **Docket No. 2014-0537-AIR-E.**

Consideration of a Default Order assessing administrative penalties against ARRIOLA OPERATING & CONSULTING INC. in Wilson County; RN106565906; 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. ZC/TB; all agree.

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 19 **Docket No. 2014-0435-MLM-E.**

Consideration of an Agreed Order assessing administrative penalties against Tomahawk Resources, LLC in Nueces County; RN107088726; 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. (Michael Meyer, Candy Garrett)

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

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS**

Item 20 [Docket No. 2012-2141-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against SAVS Investments, Inc. d/b/a Friday's General Store in Blanco County; RN104711163; for petroleum storage tank and public water system violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Lena Roberts)

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

Item 21 [Docket No. 2013-0347-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against Rocky Wadlington in Limestone County; RN101441095; for water rights and public drinking water violations pursuant to Tex. Water Code ch. 11, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS**

Item 22 [Docket No. 2014-0582-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Chad Stanley in Caldwell County; RN106829427; 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. (Laura Evans, Lena Roberts)

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

Item 23 [Docket No. 2013-2030-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Donald E. Ladner, Sr. in Taylor County; RN106623044, RN106623051, and RN106623077; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 24 **Docket No. 2013-2029-MSW-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Donald E. Ladner, Sr. and Margie E. Ladner in Taylor County; RN106623093 and RN106623127; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 25 **Docket No. 2014-0210-MSW-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Ian W. Allen and Tracy W. Lawson in Tom Green County; RN103777587; 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. (Laura Evans, Lena Roberts)

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

Item 26 **Docket No. 2013-1921-MSW-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of GARRETT CONSTRUCTION CO. in San Patricio County; RN101735207; 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. (Jacquelyn Boutwell, Lena Roberts)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 27 **Docket No. 2013-0774-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Carolina Creek Christian Camp in Walker County; RN103196770; 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. ZC/TB; all agree.

Item 28 [\*\*Docket No. 2012-1868-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against North Orange Water & Sewer, LLC in Orange County; RN102078896; 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. (Alan Barraza, Candy Garrett)

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

Item 29 [\*\*Docket No. 2014-0878-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Texas Department of Criminal Justice in Anderson County; RN102315553; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jason Fraley, Candy Garrett)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 30 [\*\*Docket No. 2014-0790-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against S & K KHAIRANI CORPORATION dba Time Saver Food Store in Harris County; RN103935227; 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. (Mike Pace, Candy Garrett)

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

Item 31 [\*\*Docket No. 2014-0556-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Frontier Tank Lines, Inc. in Collin and Denton Counties; RN107152720; 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. (Keith Frank, Candy Garrett)

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

Item 32 [\*\*Docket No. 2014-0636-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TAYLOR DISTRIBUTING COMPANY, INC. dba Jesse Taylor Oil in Tarrant County; RN101567188; 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. ZC/TB; all agree.

Item 33 [\*\*Docket No. 2014-0820-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Athens Twin Ventures, Inc. dba Twin Stop 4 in Henderson County; RN101763852; 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. (Allyson Plantz, Candy Garrett)

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

Item 34 [\*\*Docket No. 2014-0681-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nancy Overall dba Overall Grocery in Montgomery County; RN102277308; 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. (Rebecca Boyett, Candy Garrett)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**

Item 35 [\*\*Docket No. 2013-1641-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against Amirali Makanojia d/b/a Doc's Country Store in Travis County; RN104990957; 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.

Item 36 [\*\*Docket No. 2014-0545-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Charles F. Bell in Bastrop County; RN102434602; 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.

Item 37 [\*\*Docket No. 2014-0172-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against CROCKETT ENTERPRISES INC d/b/a Easy Shop in Houston County; RN101893097; 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. (Meaghan M. Bailey, Lena Roberts)

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

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

Item 38 [\*\*Docket No. 2013-2166-PST-E.\*\*](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of CRYSTAL INTERNATIONAL, INC. d/b/a Fuel Stop in Dallas County; RN102848744; 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. (Joel Cordero, Lena Roberts)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 39 [\*\*Docket No. 2014-0907-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of STX Process Equipment LLC in Duval County; RN105830186; 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 40 [\*\*Docket No. 2014-0849-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SILVER CREEK VILLAGE WATER SUPPLY CORPORATION in Burnet County; RN101459725; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Candy Garrett)

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

Item 41 [\*\*Docket No. 2014-0789-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Oak Manor Municipal Utility District in Brazoria County; RN101186526; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Candy Garrett)

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

Item 42 [\*\*Docket No. 2014-0154-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Peachleaf Associates Venture #1, L.P. in Harris County; RN101183499; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Green, Candy Garrett)

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

Item 43 [\*\*Docket No. 2014-0592-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of West Park Municipal Utility District in Harris County; RN101276582; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katie Hargrove, Candy Garrett)

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

Item 44 [\*\*Docket No. 2014-0995-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ST. PAUL UNITED METHODIST CHURCH - HUNTSVILLE in Walker County; RN105915268; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katie Hargrove, Candy Garrett)

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

Item 45 [\*\*Docket No. 2014-0321-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of James A. Hernandez dba Zebra Show Bar in El Paso County; RN105449151; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Green, Candy Garrett)

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

Item 46 [\*\*Docket No. 2014-0050-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SILVERLAKE CHURCH in Brazoria County; RN101244986; 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 47 [\*\*Docket No. 2014-0445-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Beachview Acres Water Association in Hill County; RN101437135; 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. (Jim Fisher, Candy Garrett)

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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 48 [\*\*Docket No. 2014-0360-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Rocky Wadlington in Limestone County; RN101441095; 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. (Laura Evans, Lena Roberts)

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

Item 49 [\*\*Docket No. 2014-0442-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Loyal Lybarger d/b/a Ponderosa Mobile Home Park in Harris County; RN101456333; 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 Bailey, Lena Roberts)

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

Item 50 [\*\*Docket No. 2013-2111-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of MIRANDO CITY WATER SUPPLY CORPORATION in Webb County; RN101195360; 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. (Colleen Lenahan, Lena Roberts)

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

**WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 51 [\*\*Docket No. 2014-0766-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Block House Municipal Utility District in Williamson County; RN100976885; 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. ZC/TB; all agree.

Item 52 [\*\*Docket No. 2014-0722-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against TEXAS SAND & GRAVEL CO., INC. in Potter County; RN106540628; for water quality violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jason Fraley, Candy Garrett)

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

Item 53 [\*\*Docket No. 2014-0600-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Envoy Air Inc. (formerly known as AMERICAN EAGLE AIRLINES, INC.) in Dallas County; RN102993144; 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.

**RULE MATTERS**

Item 54 [\*\*Docket No. 2014-0615-RUL.\*\*](#)

Consideration for publication of, and hearing on, proposed amendments to Sections 290.38, 290.39, 290.41 - 290.47, 290.110, 290.111 and 290.116 of 30 TAC Chapter 290, Public Drinking Water. The proposed rulemaking would amend Chapter 290 for consistency with Texas Water Code, Section 12.013 and Chapter 13; existing federal regulations and guidance; and provide clarification on existing state rules. The proposed rulemaking will address: federal changes to the lead and Escherichia Coli thresholds; desalination; chloramination; plan review submittal process; enforceability of exceptions; and other drinking water matters. (Marlo Wanielista Berg, P.E., Ruth Takeda) (Rule Project No. 2013-046-290-OW)

Approve the publication of, and hearing on, the proposed amendments to 30 TAC Chapter 290 as recommended by the Executive Director. TB/ZC; all agree.

Item 55 [\*\*Docket No. 2013-1381-RUL.\*\*](#)

Consideration for publication of, and hearing on, an amendment to 30 TAC Chapter 331, Underground Injection Control, Subchapter A, General Provisions, Section 331.19, Injection Into or Through the Edwards Aquifer. The proposed rulemaking would implement Senate Bill 1532, 83rd Texas Legislature, 2013, Regular Session, relating to the authority the Texas Commission on Environmental Quality has to authorize certain injection wells that transect or terminate in the Edwards Aquifer. The proposed rulemaking would add definitions and change the types of injection activities authorized or prohibited in the Edwards Aquifer. (Kathryn Hoffman, Don Redmond) (Rule Project No. 2013-053-331-WS)

Approve for publication of, and hearing on, amendments to 30 TAC Chapter 331, Underground Injection Control, Section 331.19, Injection Into or Through the Edwards Aquifer as recommended by the Executive Director. ZC/TB; all agree.

## **PUBLIC COMMENT SESSION**

### **Item 56 Docket No. 2015-0004-PUB.**

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.

Jill Savory provided public comment. No action taken.

## **EXECUTIVE MEETING**

### **Item 57 Docket No. 2015-0001-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.

The Commission did not meet in Executive Meeting.

### **Item 58 Docket No. 2015-0002-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.

The Commission did not meet in Executive Meeting.

### **Item 59 Docket No. 2015-0003-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.



The Commission did not meet in Executive Meeting.

**(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/ Tracy Gross  
Assistant General Counsel  
Tracy Gross

1/26/2015  
Date