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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

March 4, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 [**TCEQ Docket No. 2012-1799-AIR-E; SOAH Docket No. 582-13-5326.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of Citgo Refining and Chemicals Company, L.P. in Nueces County, Texas; RN102555166; for air quality violations pursuant to Tex. Health & Safety Code Chapter 382 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Jennifer Cook)

Adopt the ALJ's Proposed Order with the following changes: 1) Adopt the four changes to Finding of Fact No. 7.a., Conclusion of Law No. 10 and Ordering Provisions Nos. 1 and 6 as recommended by the Executive Director's Exceptions and supported by the ALJ's Reply and 2) Amend Ordering Provision No. 1 to identify a \$9,775 administrative penalty amount. ZC/TB; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 [**Docket No. 2014-1673-IWD.**](#)

Consideration of the application by the United States Department of the Navy

for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002335000, which authorizes the discharge of treated groundwater from Area M and other groundwater on an intermittent and flow-variable basis via Outfall 001. The facility is located at 1701 Bluebonnet Parkway, just west of State Highway 317, bounded on the south by Farm-to-Market Road 2671 and on the north by the St. Louis Southwestern Railway, southwest of the City of McGregor, Coryell County, Texas 76657. 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. (Monica Vallin-Baez , Ashley McDonald, Daniel Ingersoll)

Find that there is no right to a hearing on this application pursuant to Texas Water Code § 26.028(d); Deny the Hearing Request filed by Tim Fegette; Issue the renewal of TPDES Permit No. WQ0002335000 to the United States Department of the Navy as recommended by the Executive Director and Adopt the Executive Director's Response to Comments. TB/ZC; all agree.

Item 3 **[Docket No. 2014-1445-IWD.](#)**

Consideration of the application by Calpine Hidalgo Energy Center, L.P., Brownsville Public Utilities Board (owners), and Calpine Operating Services Company, Inc. (operator) for a major amendment without renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004138000 to authorize an increase in daily average and daily maximum ammonia limits, authorize the discharge of closed-loop cooling water, and update total residual chlorine requirements. The existing permit authorizes the discharge of cooling tower blowdown and previously monitored effluent (low volume waste sources and metal cleaning wastes) at a daily average flow not to exceed 920,000 gallons per day at Outfall 001. The facility is located at 4005 North Seminary Road, at the northwest corner of the intersection of Monte Cristo Road (Farm-to-Market Road 1925) and Seminary Road in the City of Edinburg, Hidalgo County, Texas 78541. 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. (Merrit McKelvy, Alicia Ramirez)

Deny the Request for a Contested Case Hearing filed by Javier Ledesma; Deny the Request for Reconsideration filed by Javier Ledesma; Issue TPDES Permit No. WQ0004138000, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments with the following revision: Revise the Executive Director's Response to Comment by amending the first sentence of Section B "Procedural Background" to read, "The application for major amendment was received on October 11, 2013 and declared administratively complete on December 17, 2014." ZC/TB; all agree.

Item 4 **[Docket No. 2014-1706-MWD.](#)**

Consideration of the application by Lerin Hills Municipal Utility District for a renewal of TPDES Permit No. WQ0014712001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 490,000

gallons per day. The facility will be located on the north side of State Highway 46, approximately 4.1 miles west of Interstate Highway 10, as measured along State Highway 46, northeast of Deep Hollow Drive in Kendall County, Texas 78006. 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. (Jose Alfonso Martinez, Ashley McDonald)

Find there is no right to a hearing on this application pursuant to Texas Water Code § 26.028(d); Deny the Hearings Requests of Robert Webster and William Rick Wood; Issue the renewal of TPDES Permit No. WQ0014712001 to Lerin Hills Municipal Utility District as recommended by the Executive Director and Adopt the Executive Director's Response to Comments. TB/ZC; all agree.

Item 5 **Docket No. 2014-1720-MWD.**

Consideration of the application by the City of Liberty Hill for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014477001 to authorize an increase in the discharge of treated domestic wastewater from an annual average flow not to exceed 1,200,000 gallons per day to an annual average flow not to exceed 4,000,000 gallons per day. The facility is located approximately 5,000 feet north of the South Fork San Gabriel River and 2,000 feet east of US Highway 183 in Williamson County, Texas 78641. 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. (Julian Centeno, Jr., Stefanie Skogen)

Deny the Hearing Requests filed by the City of Leander, Audrey Swearingen, Dean Swearingen and the Save the South San Gabriel Organization; Grant the Hearing Requests filed by Sharon Cassady and Terry Cassady; Refer the matter to ADR concurrent with the SOAH scheduling process; Refer the following issues for hearing: a) Whether the proposed discharge will cause excessive algal growth in the receiving water; b) Whether the proposed discharge will maintain the receiving water's designated primary contact recreation use; c) Whether the proposed discharge will interfere with the Requestors' use and enjoyment of the property; and d) Whether the proposed effluent limitation for total phosphorus in the Final phase of the draft permit is sufficient to protect water quality; and Specify a maximum hearing duration of nine months from the date of the preliminary hearing to the issuance of the PFD. ZC/TB; all agree.

Item 6 **Docket No. 2014-1834-MWD.**

Consideration of the application by the City of Temple for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010470002, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 7,500,000 gallons per day, and to authorize a substantial modification of its pretreatment program. The wastewater treatment facility is located at 2515 East Avenue H, Temple on the west side of

State Highway Loop 363, approximately one mile south of the intersection of State Highway 53 and State Highway Loop 363, in Bell County, Texas 76501. 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. (Sonia Bhuiya, Ashley McDonald)

Find that there is no right to a hearing on this application pursuant to Texas Water Code § 26.028(d); Deny all Hearing Requests; Issue the existing TPDES Permit No. WQ0010470002 to the City of Temple as recommended by the Executive Director; and Adopt the Executive Director's Response to Public Comment. TB/ZC; all agree.

PETITION TO REVOKE

Item 7 **Docket No. 2014-1339-MWD.**

Consideration of a Petition to Revoke TCEQ Water Quality Permit Number WQ0014415003 issued to the Agua Special Utility District, filed by Jason Hill on behalf of the City of Mission. The facility will be located approximately one mile south of West Loop 374 on the east side of Goodwin Road in Hidalgo County, Texas. The Commission will also consider related responses and replies to the Petition to Revoke. (Don Camp, Stefanie Skogen)

Continued to a future Agenda to be determined at a later date.

EMERGENCY ORDERS

Item 8 **Docket No. 2015-0219-WR.**

Consideration of whether to affirm, modify, or set aside the Emergency Order issued by the Executive Director (ED) on February 18, 2015, under Tex. Water Code §§ 11.148 and 5.506 to the Lower Colorado River Authority (LCRA). The ED's Emergency Order grants LCRA's request for an emergency order by partially suspending a requirement of its 2010 Water Management Plan (WMP), Permit No. 5838 to maintain a minimum streamflow of 500 cubic feet per second (cfs) for six weeks in between March and May from Bastrop to Eagle Lake for the Blue Sucker. Specifically, the Emergency Order reduces the minimum streamflow requirement to 300 cfs. Without the Emergency Order this requirement could necessitate a release of stored water of approximately 21,000 acre feet (AF) by the end of May 2015. By granting LCRA's requested relief, the Emergency Order will prevent approximately 17,000 AF from being released from Lakes Buchanan and Travis. LCRA has the right to divert and use up to 1.5 million acre feet from Lakes Buchanan and Travis, in Travis, Llano, and Burnet Counties, Texas, under Certificates of Adjudication Nos. 14-5478 and 14-5482. These certificates require LCRA to develop the WMP, Permit No. 5838, which provides how LCRA makes water available from these lakes to help meet "firm" water customer needs, downstream interruptible irrigation demands, and environmental flow needs of Matagorda Bay and the Lower Colorado River. (Kathy Alexander, Ruth Takeda)

Affirm the Emergency Order issued by the Executive Director on February 18, 2015 which partially suspends the Lower Colorado River Authority's requirement to release stored water

for instream flows for the Blue Sucker with the following modifications: 1) Revise Finding of Fact Nos. 1, 11, 56 and 62 and Ordering Provision No. 1 by replacing all references to "between March and May" with "between March 1 and May 31"; 2) Also revise Finding of Fact Nos. 11 and 66 to replace the references to "from March to May" with "between March 1 and May 31" and 3) Revise the Finding of Fact No. 67 by replacing the word "release" with the word "maintain". ZC/TB; all agree.

Item 9 **Docket No. 2015-0220-WR.**

Consideration of whether to affirm, modify, or set aside an Emergency Order issued by the Executive Director (ED) on February 18, 2015, under Tex. Water Code § 11.139, to the Lower Colorado River Authority (LCRA) to amend its 2010 Water Management Plan (WMP), Permit No. 5838. The Emergency Order grants LCRA's request to temporarily change the process required in its 2010 WMP for curtailment of interruptible stored water at higher levels of combined storage in Lakes Buchanan and Travis. LCRA has the right to divert and use up to 1.5 million acre feet from Lakes Buchanan and Travis, in Travis, Llano, and Burnet Counties, Texas, under Certificates of Adjudication Nos. 14-5478 and 14-5482. These certificates require LCRA to develop the WMP, Permit No. 5838, which provides how LCRA makes water available from these lakes to help meet "firm" water customer needs, downstream interruptible irrigation demands, and environmental flow needs of Matagorda Bay and the Lower Colorado River. The WMP also provides how LCRA will manage and curtail supplies from the lakes during times of drought including through a repeat of the Drought of Record. Due to the drought and continuing low inflows, on December 23, 2014, LCRA requested an emergency order suspending any obligation LCRA might have under the 2010 WMP to release interruptible stored water to customers in the Gulf Coast, Lakeside, and Pierce Ranch irrigation operations. The ED granted LCRA's requested relief by issuing an emergency order that expires on June 18, 2015, but may be renewed one time for no more than 60 days. (Kathy Alexander, Robin Smith)

Affirm the Emergency Order issued by the Executive Director on February 18, 2015 which amends the Lower Colorado River Authority's (LCRA) 2010 Water Management Plan by alleviating LCRA from any obligation to provide interruptible stored water to customers within the Gulf Coast, Lakeside and Pierce Ranch Irrigation operations for the duration of this Emergency Order but modify the Emergency Order by: 1) Adding Finding of Fact No. 70 to the section entitled "Relief Requested" which reads, "LCRA's request notes that LCRA would provide interruptible stored water to the Garwood Irrigation Division and Pierce Ranch, to the extent required by their contracts."; 2) Adding Conclusion of Law No. 4 which reads "By entering this Order, the Commission is not construing in any way either the 1987 Agreement or the 1998 Purchase Agreement between LCRA and Garwood Irrigation Company. Nothing in this Order shall be considered or construed in any way to support one construction or another of the 1987 Agreement and the 1998 Purchase Agreement between LCRA and Garwood Irrigation Company."; 3) Adding Ordering Provision No. 2 which reads "LCRA may provide interruptible stored water to the Garwood Irrigation Division and Pierce Ranch, to the extent required by their contracts." and 4) Renumbering the remaining Ordering Provisions. TB/ZC; all agree.

DISTRICTS MATTER

Item 10 **Docket No. 2014-0487-DIS.**

Consideration of the petition from Ronald D. Bassett, Robert L. Stillwell, Drew A. Campbell, Alton Keith Boone, and Danny W. Tillett (Petitioners), for the dissolution of Roberts County Fresh Water Supply District No. 1 (District), pursuant to Texas Water Code Sections 49.321 to 49.327 and Title 30 of the Texas Administrative Code, Sections 293.131 to 293.136. The District was created by the Roberts County Commissioners Court in 2007, and contains approximately 6,258.17 acres of land located in Roberts County. (Justin Taack, Linda Horng) (TCEQ Internal Control No. D-03252014-024)

Grant the Dissolution petition for Roberts County Fresh Water Supply District No. 1 and issue the Executive Director's Proposed Order. ZC/TB; all agree.

MISCELLANEOUS MATTER

Item 11 **Docket No. 2014-1737-MIS.**

Consideration of the adoption of the renewal with amendment of a Texas Pollutant Discharge Elimination System (TPDES) general permit authorizing the discharge of hydrostatic test water from new vessels; vessels that contained raw water, potable water, or elemental gases; or vessels that contained petroleum product or waste related to petroleum products. Public notice of the proposed draft permit was published in the October 24, 2014, issue of the *Texas Register* (39 TexReg 8447). (Laurie Fleet, Ashley McDonald) (Non-Rule Project No. 2014-024-OTH-NR)

Adopt the renewal with amendments of Texas Pollutant Discharge Elimination System Permit No. TXG670000. TB/ZC; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 12 **Docket No. 2014-0121-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jacob Dyck Wieler d/b/a Hefty Trailer Manufacturing and Sales in Lamar County; RN106108384; 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. (J. Amber Ahmed, Lena Roberts)

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

Item 13 **Docket No. 2014-1104-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Ector County; RN100222330; 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 14 [**Docket No. 2013-0059-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rohm and Haas Texas Incorporated in Harris County; RN100223205; 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 15 [**Docket No. 2014-0671-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enbridge G & P (East Texas) L.P. in Camp County; RN100223783; 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 16 [**Docket No. 2014-0882-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marathon Petroleum Company LP in Galveston County; RN100210608; 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 17 [**Docket No. 2014-0630-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Premcor Refining Group Inc. in Jefferson County; RN102584026; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rajesh Acharya, Candy Garrett)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDERS

Item 18 [**Docket No. 2014-0118-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Martin Santos d/b/a Santos & Son's Body Shop in Tarrant County; RN106906027; 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. (Colleen Lenahan, Lena Roberts)

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

Item 19 [**Docket No. 2013-0393-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Jawad Mohamed Jawad in Dallas County; RN101754596; 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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 20 [**Docket No. 2014-1083-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against FC SW HOUSING, LP in Travis County; RN107212961; 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. (Alejandro Laje, Candy Garrett)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 21 [**Docket No. 2014-0196-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CAROTEX, INC. in Jefferson County; RN100213727; 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. (Thomas Greimel, Candy Garrett)

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

Item 22 [**Docket No. 2014-0058-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SENTINEL PLATING, INC. d/b/a Sentinel Plating in Dallas County; RN100548569; for industrial solid and/or hazardous 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. ZC/TB; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 23 [**Docket No. 2013-1424-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of HOUSE OF BOATS, INC. in Aransas County; RN102346285; for water quality and used oil violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

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

Item 24 [**Docket No. 2012-1427-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against DOUBLE DIAMOND UTILITIES CO. d/b/a Rock Creek WWTP and d/b/a The Cliffs Resort in Palo Pinto County and Grayson County; RN105132401 and RN102328515; 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. (David A. Terry, Lena Roberts)

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

Item 25 [**Docket No. 2013-1769-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COX MANUFACTURING COMPANY in Bexar County; RN100649003; for industrial and hazardous waste and underground injection control violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7, 26 and 27, 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.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 26 [**Docket No. 2013-1851-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Edward Russell Leath, Christopher Atwood Leath, Melissa May Leath, and Marilyn Louis Leath-Dziuk in Eastland County; RN105602726; 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 Agreed Order. ZC/TB; all agree.

Item 27 [**Docket No. 2013-2222-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Lee Ann Farrell in San Jacinto County; RN105845051; 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. (Joel Cordero, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 28 [**Docket No. 2014-0802-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of William Robert Rutherford and Dan Howard Smith dba Tire Shop in Bell County; RN106714421; 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 29 [**Docket No. 2014-0503-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Wesley Joseph Martin III d/b/a A-Original Tire Man in Bell County; RN106823826; 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. (David A. Terry, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 30 [**Docket No. 2012-0553-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rising Star in Eastland County;

RN103138137; 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 31 [**Docket No. 2014-0638-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JMH Homes-Houston, LLC in Harris County; RN101523264; 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. ZC/TB; all agree.

Item 32 [**Docket No. 2014-0705-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Pettus Municipal Utility District in Bee County; RN102079100; 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.

Item 33 [**Docket No. 2012-1424-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Orange County Water Control and Improvement District No. 2 in Orange County; RN101614030; 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. (Joel Cordero, Lena Roberts)

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

Item 34 [**Docket No. 2013-0253-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Gustine in Comanche County; RN102178654; 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 35 **PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER**
[Docket No. 2014-0245-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against L & F Distributors, LLC dba Desert Eagle Distributing-Market St. Facility in El Paso County; RN100815208; 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 Van Landingham, Candy Garrett)

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

Item 36 **PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**
[Docket No. 2014-0799-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against Dauva, LLC d/b/a One Stop Mart in Harris County; RN102445293; 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. (Laura Evans, Lena Roberts)

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

Item 37 **[Docket No. 2013-1644-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against Lawbella Gasoline, Inc. d/b/a Dry Creek of Bridgeport in Wise County; RN101573392; 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 38 **[Docket No. 2013-0972-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against Paradise Management, Inc. d/b/a Zarzamora Express in Bexar County; RN101767598; 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 39 [**Docket No. 2014-0887-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of YAS Star, Inc. d/b/a Brenham Food Mart in Washington County; RN102057544; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 40 [**Docket No. 2014-0940-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of UNIMIN CORPORATION in McCulloch County; RN101257327; 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 41 [**Docket No. 2014-1299-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Utilities, Inc. in Parker County; RN101239622; 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 42 [**Docket No. 2014-0749-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of LAKE WHITNEY RESORTS, LLC in Hill County; RN105215651; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Lena Roberts)

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

Item 43 [**Docket No. 2013-2006-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Greenwood Ventures, Inc. in Midland County; RN102689213; 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 Agreed Order. ZC/TB; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 44 **[Docket No. 2014-0632-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Manuel Villalobos dba Lobos Auto Salvage in El Paso County; RN101695252; 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.

PUBLIC COMMENT SESSION

Item 45 **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.

No action taken.

EXECUTIVE MEETING

Item 46 **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 47 **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 48 **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/ Tim Reidy
Assistant General Counsel
Tim Reidy

3/12/2015
Date