

The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).

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

April 15, 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. 2012-2471-MLM-E; SOAH Docket No. 582-14-1588.](#)**
Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against and ordering corrective action by Wajih Omar and Ileana Omar dba Omar Family Limited Partnership in Bexar County, Texas; RN106525926; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Elizabeth Lieberknecht)

Adopt the ALJ's Proposed Order with the following changes: 1) Adopt the 12 changes to the Order as recommended by the ED's Exceptions and supported in the ALJ's Reply and 2) Provide a new penalty amount of \$13,400.00. TB/ZC; all agree

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

- Item 2 **[Docket No. 2015-0041-AIR.](#)**

Consideration of application by Bartoo Ready Mix, LLC for the approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 120783, which would authorize the construction and operation of a permanent concrete batch plant. The plant site is located at 550 County Road 364, Melissa, Collin 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. (Don Nelon, Becky Petty)

Grant the hearing requests filed by Vijay K. Borra, Doris Ann Brown, Jason Broyles, Cynthia Lee and Garry Davis, Deborah and Nick Georges, Lisa Gay Hall, Jackie Lowrey, Lisa J. Miller, Matthew E. Nolan, Deborah and Robert Norris, Joanne G. Smith, Anahi Villarreal, Troy Walter, and Brian Zumbar; Refer the application to SOAH for a contested case hearing on the following issues: 1) Whether the facility will adversely impact the health of the requesters and their families, including sensitive sub-groups such as individuals with pre-existing health conditions; 2) Whether the facility will adversely impact animal life and vegetation; 3) Whether the facility will cause or contribute to a dust nuisance condition; and 4) Whether the applicant complied with the applicable notice requirements; Deny all remaining hearing requests and any requests for reconsideration; and set a hearing duration of seven months from the first date of the preliminary hearing until the Proposal for Decision is issued. ZC/TB; all agree.

Item 3 **Docket No. 2015-0257-AIR.**

Consideration of application by Gulf South Pipeline Company, LP for renewal of Air Quality Permit No. 56414 to authorize continued operation of an existing permitted plant consisting of three natural gas-fired reciprocating engines at a natural gas compressor station. The facility is located at 228 East FM 1988, Goodrich, Polk 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. (Laura Gibson, Nicolas Parke)

Deny the hearing request of Dee M. Knipe; Issue the renewal of Air Quality Permit No. 56414 to Gulf South Pipeline Company, LP as recommended by the Executive Director and Adopt the Executive Director's Response to Public Comment. TB/ZC; all agree.

DISTRICTS MATTER

Item 4 **Docket No. 2015-0291-DIS.**

Consideration and hearing on a petition from Conroe CS Texas Holdings, LP for creation of Conroe Municipal Management District No.1 of Montgomery County ("District"), pursuant to Chapter 375, Texas Local Government Code. The proposed District is comprised of approximately 2,045.72 acres of land within the corporate limits of the City of Conroe, Montgomery County, Texas. (Linda Horng, Ren Berra)

Adopt the Executive Director's Proposed Order creating the Conroe Municipal Management District No. 1 and appointing Henry E. Kulesza, Coulson Tough, Chris Denison, Steve Hailey, and Charles F. Reinhardt to the initial Board of Directors. ZC/TB; all agree

AGRICULTURAL ENFORCEMENT DEFAULT ORDER

- Item 5 [**Docket No. 2014-1363-AGR-E.**](#)
Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Mike Watson and Robbie Watson dba Mike & Robbie Watson Dairy in Wise County; RN106209513; 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. (Ryan Rutledge, Lena Roberts)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 6 [**Docket No. 2014-1336-AIR-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Praxis Companies, LLC in Ellis County; RN102539145; 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. 2014-1267-AIR-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LCY Elastomers LP in Harris County; RN102325974; 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 8 [**Docket No. 2014-0612-AIR-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Linde Gas North America LLC in Harris County; RN100217207; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Raime Hayes-Falero, Candy Garrett)

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

- Item 9 **[Docket No. 2014-0835-AIR-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E.I. du Pont de Nemours and Company in Harris County; RN100225085; 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. 2014-1003-AIR-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100216761; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Raime Hayes-Falero, Candy Garrett)

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

- Item 11 **[Docket No. 2014-0495-AIR-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Apache Corporation in Wheeler County; RN105148613; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (David Carney, Candy Garrett)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

- Item 12 **[Docket No. 2014-1069-AIR-E.](#)**
Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Miguel Lozada d/b/a DV8 Auto Sport in El Paso County; RN107238172; 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. TB/ZC; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 13 **[Docket No. 2013-2197-EAQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Parkside at Mayfield Ranch, Ltd. and HMR HOLDINGS, INC. in Williamson County; RN106876873; 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. TB/ZC; all agree.

INDUSTRIAL AND/OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 14 **[Docket No. 2013-2207-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Exide Technologies in Collin County; RN100218643; 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. (Tammy L. Mitchell, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 15 **[Docket No. 2014-0875-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KAAPA Aqua Ventures Alliance, LLC in Cameron County; RN102341146; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Cheryl Thompson, Candy Garrett)

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

Item 16 **[Docket No. 2014-1040-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MarkWest Javelina Company, L.L.C. in Nueces County; RN102190139; 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. (Greg Zychowski, Candy Garrett)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

- Item 17 [**Docket No. 2014-0504-MLM-E.**](#)
Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of PASO DEL NORTE READY-MIX, INC. in El Paso County; RN104962527; for aggregate production operation, water quality, municipal solid waste, and used oil violations pursuant to Tex. Water Code chs. 7, 26, and 28A, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 18 [**Docket No. 2013-0498-MWD-E.**](#)
Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Kyle and Aqua Operations, Inc. in Hays County; RN102182680; 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. (Meaghan M. Bailey, Lena Roberts)

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

- Item 19 [**Docket No. 2014-0249-MWD-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Riviera Water Control & Improvement District in Kleberg County; RN105377535; 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.

- Item 20 [**Docket No. 2013-0313-MWD-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Woodridge Limited Partnership in Harrison County; RN101525129; 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. TB/ZC; all agree.

- Item 21 [**Docket No. 2013-0649-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SOUTH FORT WORTH RV RANCH, L.L.C. in Johnson County; RN104813605; 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. (Heather Brister, Candy Garrett)

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

Item 22 **Docket No. 2014-1300-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties against the City of Pflugerville in Travis County; RN101611440; 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. (Greg Zychowski, Candy Garrett)

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

Item 23 **Docket No. 2012-1472-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Portland in San Patricio County; RN103016416; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Cheryl Thompson, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 24 **Docket No. 2014-0812-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NEW MZ ENTERPRISES INC. dba Pantry Food & Gas in Waller County; RN102378577; 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. (James Baldwin, Candy Garrett)

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

Item 25 **Docket No. 2014-1134-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MOMO HOLDING COMPANY, INC. dba Fast Trak in El Paso County; RN100814342; 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. (John Fennell, Candy Garrett)

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

- Item 26 [**Docket No. 2014-1138-PST-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Petroleum Products, Inc. dba Charlies 1 in Limestone County; RN101670065; 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. TB/ZC; all agree.

- Item 27 [**Docket No. 2013-1975-PST-E.**](#)
Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SKJ Empire Investments, LLC d/b/a 7 Mile Express in Hidalgo County; RN102237559; 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. (Elizabeth Carroll Harkrider, Lena Roberts)

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

- Item 28 [**Docket No. 2014-1190-PST-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Murad Maknoja dba Aggies Food Store in Brazos County; RN102354396; 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.

- Item 29 [**Docket No. 2014-0919-PST-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Texas Department of Transportation in Maverick and Val Verde Counties; RN100700095 and RN101871820; 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. (James Baldwin, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

- Item 30 [**Docket No. 2013-1934-PST-E.**](#)
Consideration of a Default Order assessing administrative penalties against Dahopa Oil Company, Inc. DBA Roundup 5 in Burnet County; RN101494821; 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. TB/ZC; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 31 [**Docket No. 2014-0955-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of J&S Water Company, L.L.C. in Chambers County; RN101270080; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lisa Westbrook, Candy Garrett)

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

- Item 32 [**Docket No. 2014-1007-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bloomington Independent School District in Victoria County; RN101274140; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Candy Garrett)

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

- Item 33 [**Docket No. 2014-1297-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Wellington in Collingsworth County; RN101205052; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jessica Schildwachter, Candy Garrett)

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

- Item 34 [**Docket No. 2014-1263-PWS-E.**](#)
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LANGHAM CREEK MACHINE WORKS, INC. in Harris County; RN104861034; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on

Environmental Quality. (Jill Russell, Candy Garrett)

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

Item 35 **Docket No. 2014-1404-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HERITAGE FINANCIAL GROUP, INC. in Harrison County; RN101512614; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jessica Schildwachter, Candy Garrett)

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

EXECUTIVE MEETING

Item 36 **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 37 **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 38 **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

 4/20/15
Date