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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

May 13, 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. 2015-0496-AIR.](#)**

Consideration of application by Luminant Generation Company, LLC for renewal of Air Quality Permit No. 933 to authorize continued operation of an existing permitted plant consisting of three lignite/western coal-fired steam boilers and appurtenant equipment which operate in order to provide electricity to the grid. The facility is located at the Martin Lake Steam Electric Station, 8850 Farm to Market Road 2658 North, Tatum, Rusk County. 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, Jennifer Furrow)

Find that there is no right to a hearing on this application pursuant to Texas Health and Safety Code § 382.056(g). Deny the hearing request of Caddo Lake Institute; Issue the renewal of Air Quality Permit No. 933 to Luminant Generation Company, LLC as recommended by the Executive Director and Adopt the Executive Director's Response to Public Comment. TB/ZC; all agree.

Item 2 **[Docket No. 2015-0504-AIR.](#)**

Consideration of application by Munilla Construction Management, LLC for the approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 95295L002, which would authorize the construction and operation of a temporary concrete batch plant. The plant site is located at 26790 East U.S. Highway 380, Little Elm, Denton 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)

Deny the hearing request of CR Emergency Room, LLC based on limitations prescribed in Texas Health and Safety Code § 382.058; Issue the standard permit in the form of the Executive Director's Draft Permit and Adopt the Executive Director's Response to Comments. ZC/TB; all agree.

USE DETERMINATION MATTER

Item 3 **[Docket No. 2015-0368-MIS-U.](#)**

Consideration of the appeal filed by Derichebourg Recycling USA, Inc. with regard to the Executive Director's negative use determination on Application No. 18145, dated February 11, 2015, for certain property at its Wallisville Road Facility in Harris County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Dan Long, Ron Hatlett)

Deny Derichebourg Recycling USA, Inc.'s appeal and Affirm the Executive Director's Negative Use Determination. TB/ZC; all agree.

MISCELLANEOUS MATTERS

Item 4 **[Docket No. 2015-0317-MIS.](#)**

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

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

Item 5 **[Docket No. 2015-0316-MIS.](#)**

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

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6 **[Docket No. 2014-1376-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Pasadena Refining System, Inc in Harris County; RN100716661; 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. (Jennifer Nguyen, Candy Garrett)

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

Item 7 **[Docket No. 2014-1394-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Formosa Plastics Corporation, Texas in Calhoun County; RN100218973; 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 8 **[Docket No. 2013-1943-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chase Industries, Inc. in Cameron County; RN100244433; 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 9 **[Docket No. 2014-1378-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Casita Enterprises, Inc. in Navarro County; RN100215664; 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 10 **[Docket No. 2014-1519-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lone Star NGL Fractionators LLC in Chambers County; RN106018260; 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 11 **[Docket No. 2014-1488-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JSW Steel (USA) Inc. in Chambers County; RN100217421; 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 12 **[Docket No. 2014-1329-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Jefferson County; RN100209857; 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 13 **[Docket No. 2013-0122-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.
(Carol McGrath, Candy Garrett)

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

Item 14 [**Docket No. 2014-1053-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Dow Chemical Company in Brazoria County; RN100225945; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60.
(Raime Hayes-Falero, Candy Garrett)

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

Item 15 [**Docket No. 2014-0834-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lufkin Creosoting Co., Inc. in Angelina County; RN101638906; 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. 2014-1253-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Davis Gas Processing, Inc. in Reagan County; RN100217686; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Raime Hayes-Falero, Candy Garrett)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 17 [**Docket No. 2013-1275-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of LONESTAR ECOLOGY LLC in Harris County; RN100661453; 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. (Mike Pace, Candy Garrett)

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

Item 18 **Docket No. 2013-2073-IHW-E.**

Consideration of an Agreed Order assessing administrative penalties against SIFCO Applied Surface Concepts, LLC in Harris County; RN104964929; 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. (Margarita Dennis, Candy Garrett)

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

Item 19 **Docket No. 2013-1781-IHW-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SOUTHWEST INDUSTRIAL SERVICES, INC. in Tarrant County; RN100651025; for industrial hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

Item 20 **Docket No. 2012-2108-IHW-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of South Hampton Resources, Inc. in Hardin County; RN101995611 and RN102591955; for industrial 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.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 21 **[Docket No. 2014-1450-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ameriforge Corporation in Harris County; RN102075686; 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. (Larry Butler, Candy Garrett)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 22 **[Docket No. 2013-2226-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF CORPORATION in Jefferson County; RN100634922; for industrial and hazardous waste and underground injection control violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 27, 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 23 **[Docket No. 2014-1042-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WESSON SAND COMPANY, INC. in Fort Bend County; RN106876485; for aggregate production operation, water quality, and air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7, 26, and 28A, 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. ZC/TB; all agree.

Item 24 **[Docket No. 2014-0620-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Haney Sitework and Paving LLP in Comal County; RN107069528; for Edwards Aquifer and water quality violations pursuant to

Tex. Water Code chs. 7, 26, and 28A 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.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 25 **Docket No. 2013-1937-MSW-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Alex Mendez dba Mendez Tire Shop 3 in Hidalgo County; RN105107197; for municipal solid 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. (Mike Pace, Candy Garrett)

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

Item 26 **Docket No. 2014-0433-MSW-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RECON SERVICES, INC. dba Recon Recycles in Travis County; RN103006607; for municipal solid 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. (Michael Meyer, Candy Garrett)

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

Item 27 **Docket No. 2013-1752-MSW-E.**

Consideration of an Agreed Order assessing administrative penalties against Eureka! Computer Scrap Recycler's L.L.C. in Rockwall County; RN106875099; 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.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 28 [**Docket No. 2014-1097-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against New Braunfels Utilities in Comal County; RN101700946; 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. (Gregory Zychowski, Candy Garrett)

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

Item 29 [**Docket No. 2013-1876-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Robert F. Bryer dba Bentwood Estates Mobile Home Park in Harris County; RN102079126; 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. ZC/TB; all agree.

Item 30 [**Docket No. 2014-1154-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Terra Verde Utility Company, LLC in Waller County; RN102681483; 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. (Gregory Zychowski, Candy Garrett)

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

Item 31 [**Docket No. 2014-0483-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Cities of Waco, Woodway, Bellmead, Lacy-Lakeview, Robinson, Hewitt, and Lorena in McLennan County; RN102097235; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Had Darling, Candy Garrett)

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

Item 32 [**Docket No. 2014-1383-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jim Hogg County Water Control and Improvement District No. 2 in Jim Hogg County; RN101523512; 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. (Jill Russell, Candy Garrett)

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

Item 33 [**Docket No. 2013-1028-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FALL CREEK UTILITY COMPANY, INC. in Hood County; RN101609766; 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. ZC/TB; all agree.

Item 34 [**Docket No. 2013-2086-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chester Alton Andrews in Tarrant County; RN102095619; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 35 [**Docket No. 2013-1560-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Xpress Choice LLC d/b/a Xpress 1 Stop in Hunt County; RN104208939; 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. (Tracy Chandler, Lena Roberts)

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

Item 36 [**Docket No. 2013-1115-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Carmen Ramirez Castro dba Carmen's Corner Stop in McLennan County; RN101659365; 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 Meyer, Candy Garrett)

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

Item 37 [**Docket No. 2014-1757-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Two Pillars Investments, Inc dba Davis Quick Stop in Tarrant County; RN101538692; 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. (Abigail Lindsey, Candy Garrett)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 38 [**Docket No. 2014-1629-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of UMBARGER COMMUNITY WATER SUPPLY CORPORATION in Randall County; RN101451268; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katelyn Samples, Candy Garrett)

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

Item 39 [**Docket No. 2014-1148-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DANIEL MEMORIAL BAPTIST ENCAMPMENT, INC. in Panola County; RN101213262; 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. ZC/TB; all agree.

Item 40 **[Docket No. 2013-1410-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of BUCHANAN LAKE VILLAGE, INC. in Llano County; RN101224988; 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.

Item 41 **[Docket No. 2014-1361-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of John Riddle dba Dripping Springs Bulk Water Delivery in Hays County; RN106186927; 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 42 **[Docket No. 2014-0446-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fazio Family Investments, Inc. dba Kid Korral in Bandera County; RN106618432; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Heather Brister, Candy Garrett)

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

Item 43 **[Docket No. 2014-1489-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of D P R WATER SUPPLY CORPORATION in Fisher County; RN101440659; 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. 2014-1241-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of High Frontier Realty, Inc. in Jeff Davis County; RN101222941; 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 45 [**Docket No. 2014-1360-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ABRAXAS CORPORATION in Parker County; RN102678885; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Candy Garrett)

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

Item 46 [**Docket No. 2014-0384-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Raymond Wong dba Satsuma Park Villa Mobile Home Park in Harris County; RN101268597; 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 47 [**Docket No. 2014-1558-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brazosport Independent School District in Brazoria County; RN101231652; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katelyn Samples, Candy Garrett)

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

Item 48 **Docket No. 2014-1062-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Donald R. Cole and Susan E. Cole dba Blue Ridge Water System in Parker County; RN104709860; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Candy Garrett)

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

RULE MATTERS

Item 49 **Docket No. 2012-1722-RUL.**

Consideration for publication of, and hearing on, proposed repeal of Sections 217.1, 217.36, 217.63, 217.69, 217.70, 217.94, 217.162, and 217.193; new Sections 217.1, 217.18, 217.36, 217.40, 217.63, 217.69 - 217.71, 217.90, 217.94, 217.120, 217.162, 217.193, and 217.194; and amended Sections 217.2 - 217.17, 217.31 - 217.35, 217.37 - 217.39, 217.51 - 217.62, 217.64 - 217.68, 217.91 - 217.100, 217.121 - 217.129, 217.151 - 217.161, 217.163, 217.164, 217.182 - 217.192, 217.201 - 217.213, 217.241 - 217.252, 217.271 - 217.283, 217.291 - 217.300, 217.321 - 217.330, 217.332, and 217.333 of 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The proposed rulemaking would amend Chapter 217 by adding new definitions and clarifying existing definitions; adding design criteria and approval requirements for rehabilitation of existing infrastructure; adding design criteria for new technologies, including cloth filters and air lift pumps; updating existing requirements or developing new requirements to reflect modern practices, standards, and trends; and modifying rule language to improve readability and enforceability. (Dex Dean, Kathy Humphreys, Robert Brush) (Rule Project No. 2012-040-217-OW)

Approve for the publication of, and hearing on, the proposed new, amended, and repealed sections of 30 TAC Chapter 217 relating to Design Criteria for Domestic Waste-water Treatment Systems, as recommended by the Executive Director. TB/ZC; all agree.

Item 50 **Docket No. 2015-0249-RUL.**

Consideration for publication of, and hearing on, proposed new 30 Texas Administrative Code (TAC) Chapter 317, Design Criteria Prior to 2008, Sections 317.1 - 317.13 and 317.15. The proposed rulemaking clarifies the applicability of requirements for facilities with plans and specifications submitted for agency approval before October 28, 2008, and that are not subject to the requirements of 30 TAC Chapter 217. Specifically, these facilities

would be installed and constructed, maintained, and operated in accordance with approved plans and specifications and the requirements of Chapter 317. (Tammy Mitchell, Kathy Humphreys) (Rule Project No. 2013-025-317-LS)

Approve the publication of, and hearing on, new 30 TAC Chapter 317, as recommended by the Executive Director; and Instruct the Executive Director to specifically seek public comment on whether the rule making provides a sufficient amount of time for regulated entities to come into compliance with the Chapter 317 requirements. ZC/TB; all agree.

Item 51 **Docket No. 2014-1223-RUL.**

Consideration of adoption of the revisions to 30 Texas Administrative Code (TAC) Chapter 37, Financial Assurance, and 30 TAC Chapter 336, Radioactive Substance Rules. This rulemaking adoption implements Senate Bill 347, 83rd Texas Legislature, 2013, Regular Session, by amending 30 TAC Sections 37.9045 and 37.9050, which would reference the new environmental perpetual care account and by amending 30 TAC Sections 336.2, 336.105, 336.1111, and 336.1127, and adopting new Section 336.739, to provide for volume reduction of low-level radioactive waste and to meet federal compatibility standards. The adopted rulemaking also implements changes to license application requirements for source material recovery or by-product disposal licenses regarding notification to landowners. The proposed rules were published in the December 5, 2014, issue of the Texas Register (39 TexReg 9463 and 9484, respectively). (Bobby Janecka, Amie Robinson) (Rule Project No. 2013-056-037-WS)

Continued to the 6/3/2015 agenda by General Counsel on 5/12/2015.

STATE IMPLEMENTATION PLAN

Item 52 **Docket No. 2015-0118-SIP.**

Consideration for publication of, and hearing on, the proposed Federal Clean Air Act (FCAA), Section 110(a)(1) and (2) Infrastructure and Transport State Implementation Plan (SIP) Revision for the 2012 primary annual fine particulate matter (PM2.5) National Ambient Air Quality Standard (NAAQS). The proposed SIP revision would outline the requirements of FCAA, Section 110(a)(2)(A) through (M), and the Texas provisions supporting the requirements for the 2012 PM2.5 NAAQS. These requirements include basic program elements such as enforceable emission limitations and control measures, air quality monitoring and modeling, a permitting program, adequate funding and personnel, authority under state law to carry out the plan, emissions reporting, emergency powers, public participation, and fee collection. This proposed revision would also include a technical demonstration to support the determination that Texas meets the interstate transport requirements of

Section 110(a)(2)(D)(i)(I). (Amanda Sharp, Amy Browning) (Non-Rule Project No. 2014-029-SIP-NR)

Approve the publication of, and hearing on, the proposed Infrastructure and Transport State Implementation Plan Revisions for the 2012 Primary Annual PM2.5 Standard as recommended by the Executive Director. TB/ZC; all agree.

PUBLIC COMMENT SESSION

Item 53 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 54 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.

No action taken.

Item 55 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.

No action taken.

Item 56 **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.

No action taken.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST SIX (6) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT:

[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)

/s/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

5/18/2015
Date