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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

AGENDA

July 1, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 **[Docket No. 2013-2228-MWD; SOAH Docket No. 582-14-3427.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the Application of DHJB Development, LLC to amend Texas Pollutant Discharge Elimination System Permit No. WQ0014975001 pursuant to Texas Water Code ch. 26 and the rules of the Texas Commission on Environmental Quality. The proposed wastewater treatment facility would be located approximately 0.7 mile north of Farm-to-Market Road 1863 and 0.5 mile east of U.S. Highway 281, in Comal County, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record; and timely related filings, including exceptions and replies. (Kathy J. Humphreys)

Grant DHJB Development, LLC's application for amendment of TPDES Permit No. WQ0014975001; 2) Direct the Applicant to draft a proposed order pursuant to, and consistent with, 30 Texas Administrative Code § 10.5 containing findings of fact and conclusions of law on all the contested issues consistent with the ALJ's recommendations on the issues to the extent that they are not in conflict with the Commission's directions today, as set forth in the ALJ's Amended Proposal for Decision, with the following exceptions: A) The Commission finds that, pursuant to the law applicable to a TPDES Permit, the Applicant

met its burden of proving the permit will not impair the use and enjoyment of the Graham-Hastings property pursuant to 30 TAC § 307.1 or create nuisance conditions; B) The Commission finds that in accordance with TCEQ's regulations implementing the Texas Surface Water Quality Standards at 30 TAC Chapter 307, the discharge under the terms of the permit will comply with all of the general criteria, anti-degradation policy, toxic material provisions, and site-specific uses and criteria; C) The Commission finds that, pursuant to the law applicable to a TPDES Permit, the Applicant met its burden of proving the permit will not adversely impact the cattle that graze in the area; D) The Commission finds that, pursuant to the law applicable to a TPDES Permit, the discharge route has been properly characterized; and E) The Commission finds that findings of fact regarding issues outside of the Commission's jurisdiction in this matter, such as erosion, storm water, and property access, are superfluous to the Commission's decision and should not be included in the order; 3) Direct the Applicant to circulate among all parties a proposed order no later than July, 15, 2015. The Applicant shall file and serve on all parties the final version of the proposed order, along with a red-line strike out of the changes made in comparison to the ALJ's Amended Order, with the Commission no later than July 24, 2015; and 4) Parties wishing to comment on the filed proposed order shall file comments with the Commission no later than August 7, 2015. The Applicant shall file any Response to Comments no later than August 23, 2015. The Office of General Counsel is directed to set the proposed order for consideration at the soonest practicable agenda date. TB/BS; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 [Docket No. 2015-0563-MWD.](#)

Consideration of the application by the Clear Lake City Water Authority for a major amendment of TPDES Permit No. WQ0010539001 to authorize the establishment of two new additional outfalls and the discharge of treated domestic wastewater from Outfall 001 at an annual average flow not to exceed 10,000,000 gallons per day; from Outfall 002 at an annual average flow not to exceed 1,080,000 gallons per day and from Outfall 003 at an annual average flow not to exceed 1,080,000 gallons per day. The draft permit authorizes a combined annual average flow not to exceed 10,000,000 gallons per day from Outfalls 001, 002, and 003. The plant site is located at 14210 Middlebrook Drive in Houston, approximately one mile northeast of the intersection of Bay Area Boulevard and Space Center Boulevard, southeast of Horsepen Bayou and adjacent to the northernmost part of the Lyndon B. Johnson Space Center in Harris County, Texas 77058. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (John O. Onyenobi, Daniel Ingersoll)

Grant the hearing requests filed by Anita Cooper, Raymond Halyard, Charles Howard, Zhan Peng, Kenneth Proctor, Tom Reed, and the Friends of the Old Golf Course organization; Deny all remaining hearing requests; Deny all requests for reconsideration; Refer the following issues for a hearing: A) Whether the draft permit is adequately protective of the Requesters' health and safety; B) Whether the draft permit will adequately maintain and support the recreational and aquatic life uses of the receiving waters; C) Whether the

proposed discharge will cause the excessive growth of aquatic vegetation; D) Whether the proposed discharge will cause offensive odors; E) Whether public notice of the application substantially complied with 30 TAC Chapter 39; and F) Whether the proposed discharge route has been properly characterized; and Specify a maximum hearing duration of nine months from the date of the preliminary hearing to the issuance of the Proposal for Decision. TB/BS; all agree.

Item 3 [**Docket No. 2015-0663-MWD.**](#)

Consideration of the application by Nash FM 529, LLC, for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015264001 to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,000,000 gallons per day. The facility will be located approximately 2,000 feet southeast from the intersection of Beckendorff Road and Porter Road in Harris County, Texas 77493. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Larry Diamond, Ashley McDonald)

Grant the hearing requests of Hanelore and Jennifer Domahidi and Christopher Spicer; Deny the hearing requests of James Riley and Tom Shacklett and all Requests for Reconsideration; Refer the matter to the Commission's Alternative Dispute Resolution Program concurrent with the SOAH scheduling process; Refer the matter to SOAH for a contested case hearing on the following issues: A) Whether the draft permit is adequately protective of groundwater quality and private wells in the area; B) Whether the draft permit is sufficient to prevent odors that would adversely impact the requesters' properties; C) Whether the draft permit is adequately protective of surface water quality; D) Whether the Nash facility would interfere with the use and enjoyment of the requesters' properties; E) Whether there is a need for the proposed wastewater treatment plant and whether the permit complies with the state's regionalization policy; F) Whether the proposed permit is adequately protective of the requesters' health; and G) Whether the proposed facility site is located in a 100-year floodplain; and Specify that the maximum duration of the hearing is nine months from the preliminary hearing to issuance of the Proposal for Decision. TB/BS; all agree.

Item 4 [**Docket No. 2015-0664-MWD.**](#)

Consideration of the application by JPHD, Inc., for new TCEQ Permit No. WQ0015201001 to authorize the disposal of treated domestic wastewater effluent at a daily average flow not to exceed 450,000 gallons per day via subsurface drip irrigation. No discharge of pollutants into water in the state is authorized by this permit. The facility and disposal site will be located 3.2 miles west of the intersection of State Highway 71 and Hamilton Pool Road, on Hamilton Pool Road, in Travis County, Texas 78738. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Phillip

Urbany, Ashley McDonald)

Grant the hearing requests of Hamilton Pool Road Matters, Inc., Robert Ayers and Daniel Jones; Refer the matter to the Commission's Alternative Dispute Resolution Program concurrent with the SOAH scheduling process; Refer the matter to SOAH for a contested case hearing on the following issues: A) Whether the draft permit minimizes the possible contamination of surface water; B) Whether the draft permit minimizes the possible contamination of ground water; C) Whether the proposed facility meets the siting and buffer zone requirements of 30 Texas Administrative Code Chapter 222, Subchapter C and 30 Texas Administrative Code § 309.13; D) Whether the proposed facility complies with the state's regionalization policy; E) Whether the application demonstrates that the proposed facility will meet all applicable design criteria; F) Whether the draft permit contains sufficient measures to prevent nuisance odors from emanating from the proposed facility; G) Whether the draft permit contains provisions that require proper operations and maintenance of the proposed facility; H) Whether the draft permit is protective of flora and fauna, including livestock and wildlife; I) Whether the draft permit is protective of the requesters' health; and J) Whether the draft permit is in the public interest as required by Texas Water Code § 32.101; and Specify that the maximum duration of the hearing is nine months from the date of the preliminary hearing to issuance of the Proposal for Decision. TB/BS; all agree.

Item 5 **Docket No. 2015-0566-AIR.**

Consideration of application by Navasota North Country Peakers Operating Company I, L.L.C., for Air Quality Permit No. 121051 and Prevention of Significant Deterioration Air Quality Permit No. PSDTX1418 to authorize the construction of the Van Alstyne Energy Center, located 1.6 miles east of the intersection of South Sherman Street and Ballard Road, Van Alstyne, Grayson 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. (Sean O'Brien, Amy Browning)

Grant the hearing requests of Pamela Boddie, Virginia Kennedy, Brent Kennedy, Chrissy Marie Koth, Bobby McKee, Martha McKee, Delanna Mitchell, Michael R. Mitchell, Christopher Scott Moreno, Brittany Nettles, Rebecca A. Rodriguez, Brad Spence, and Tracy Spence; Deny all other timely filed hearing requests; Refer the following issues to SOAH for a contested case hearing: A) Whether the proposed air emissions limitations authorized under the draft permit are protective of the air quality and the requesters' health, including sensitive receptors; B) Whether the proposed air emissions limitations authorized under the draft permit are protective of the animal life, livestock, crops including pastures, vegetables, and pecan trees, and the structure uses on the requesters' properties; C) Whether the proposed maximum allowable emissions rates for carbon monoxide, nitrogen oxide, particulate matter, PM10, PM2.5, sulfur dioxide, and lead in the draft permit are protective of the requesters' short and long term health from exposure to these criteria pollutants; D) Whether the cumulative effects of the proposed air emissions authorized under the draft permit combined with existing ambient air conditions will be protective of the requesters'

health and the environment; E) Whether the Applicant has provided adequate air quality modeling/analysis to demonstrate that the proposed air emissions authorized by the draft permit are protective of the requesters' health and the environment; and F) Whether the draft permit contains adequate monitoring requirements to protect the requesters' health and the environment; and Establish a six month hearing duration from the preliminary hearing until the issuance of the PFD. TB/BS; all agree.

EMERGENCY ORDER

Item 6 [Docket No. 2015-0817-WR.](#)

Consideration of whether to affirm, modify, or set aside an Emergency Order issued by the Executive Director (ED) on June 17, 2015, pursuant to 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 the curtailment of interruptible stored water customers. 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 May 15, 2015, LCRA requested an emergency order suspending any obligation LCRA might have under the 2010 WMP to release interruptible stored water to any landowners or customers within the Gulf Coast, Lakeside, or Pierce Ranch irrigation operations, including those who might seek to use stored water for irrigating rice that has to date been watered with groundwater, or for any other purposes such as row crops, pasture, or wildlife management. On June 5, 2015, LCRA filed a supplement to its request to address the recent rainfall. The ED granted LCRA's requested relief by issuing an emergency order that expires on October 15, 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 June 17, 2015, which amends the Lower Colorado River Authority's 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 with the following modifications: A) Add Finding of Fact Number 77, which should read "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."; B) Add Conclusions of Law Number 4, which should read "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.”; C) Add Ordering Provision Number 2, which should read “LCRA may provide interruptible stored water to the Garwood Irrigation Division and Pierce Ranch, to the extent required by their contracts.”; and D) Renumber the provisions accordingly. TB/BS; all agree.

MISCELLANEOUS MATTER

Item 7 **[Docket No. 2015-0425-RES.](#)**

Consideration of a Resolution reauthorizing the Executive Director to enter all contracts (including grant agreements) on behalf of the agency, to manage such contracts and other agreements and perform all contractual actions on behalf of the agency, to delegate such authority to the staff, and to designate individuals to approve the Commission's payment documents. The Commission's current resolution regarding contracts and delegation was issued on August 28, 2013, and it expires on August 31, 2015. The proposed resolution would renew the Commission's current resolution regarding contracts and delegation for an additional two years until August 31, 2017. (Elizabeth West)

Adopt the proposed Contract Delegation Resolution as recommended by the Executive Director. TB/BS; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8 **[Docket No. 2014-1758-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Printpack, Inc. in Tarrant County; RN100211291; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amancio R. Gutierrez, Candy Garrett)

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

Item 9 **[Docket No. 2014-0971-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Lubrizol Corporation in Harris County; RN100221589; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jessica Schildwachter, Candy Garrett)

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

Item 10 [**Docket No. 2014-1110-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Chemical LP in Harris County; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jessica Schildwachter, Candy Garrett)

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

Item 11 [**Docket No. 2014-1455-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Union Carbide Corporation in Galveston County; RN100219351; 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/BS; all agree.

Item 12 [**Docket No. 2014-1216-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Albemarle Corporation in Harris County; RN100218247; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amancio R. Gutierrez, Candy Garrett)

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

Item 13 [**Docket No. 2014-0817-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lewis Petro Properties, Inc. in Webb County; RN106851371; 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/BS; all agree.

Item 14 [**Docket No. 2014-1613-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eastman Chemical Company in Harrison County; RN100219815; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (David Carney, Candy Garrett)

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

Item 15 [**Docket No. 2014-1119-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ConocoPhillips Company in Hutchinson County; RN102495884; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jessica Schildwachter, Candy Garrett)

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

Item 16 [**Docket No. 2014-1070-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EnAqua Solutions, LLC in Karnes County; RN106555832; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Carol McGrath, Candy Garrett)

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

Item 17 [**Docket No. 2013-2198-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Forged Products, Inc. in Harris County; RN100668722; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jessica Schildwachter, Candy Garrett)

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

Item 18 [**Docket No. 2013-2026-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SOUTHERN MANUFACTURING CO., L.L.C. in Jefferson County; RN100218957; for air quality violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code chs. 370 and 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 Agreed Order. TB/BS; all agree.

Item 19 [**Docket No. 2014-0868-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Orange County; RN100542711; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jessica Schildwachter, Candy Garrett)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 20 [**Docket No. 2014-1128-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Stone Oak Hidden Canyon, L.L.C. in Bexar County; RN102891918; 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. (Had Darling, Candy Garrett)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 21 [**Docket No. 2014-1423-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Atco-Valley Plaza, LLC in Harris County; RN102182474; for water quality violations pursuant to Tex. Water Code chs. 5, 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. TB/BS; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 22 [**Docket No. 2014-1545-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Sabinal in Uvalde County; RN102143328; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Allyson Plantz, Candy Garrett)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS

Item 23 [**Docket No. 2014-1137-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of E & A MATERIALS, INC. in Young County; RN107582637; for water rights and water quality violations pursuant to Tex. Water Code chs. 7, 11, 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 Default Order. TB/BS; all agree.

Item 24 [**Docket No. 2014-0520-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against Kyle Freeman in Johnson County; RN106672165; for public drinking water and water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

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

Item 25 [**Docket No. 2013-0815-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Cecil Ford, and Cecil Ford as Trustee of the Ford Family Trust, DBA Alta Vista Mobile Home Park in Erath County; RN105874556; for public drinking water and water rights violations pursuant to Tex. Water Code chs. 5 and 11, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

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

Item 26 [**Docket No. 2013-1309-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Ted Booher and Rapid Marine Fuels, LLC d/b/a Rapid Environmental Services in Bexar County; RN106642580; for municipal solid waste and used oil violations pursuant to Tex. Water Code ch. 7, 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. (David A. Terry, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 27 [**Docket No. 2014-0503-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Lecure Donald 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. TB/BS; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 28 [**Docket No. 2014-1777-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the

City of Kilgore in Gregg County; RN102079985; 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. (Chris Bost, Candy Garrett)

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

Item 29 [**Docket No. 2014-0936-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bell County Water Control & Improvement District No. 2 in Bell County; RN101610491; 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. TB/BS; all agree.

Item 30 [**Docket No. 2014-1127-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Liberty Utilities (Woodmark Sewer) Corp. dba Woodmark Utilities, Inc. in Smith County; RN101511400; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Katelyn Samples, Candy Garrett)

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

Item 31 [**Docket No. 2012-0044-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Wolfe City in Hunt County; RN102896255; 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. TB/BS; all agree.

Item 32 [**Docket No. 2013-1816-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against

and requiring certain actions of City of Pearland in Brazoria County; RN101920007; 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. (Jim Sallans, Lena Roberts)

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

Item 33 [**Docket No. 2014-1461-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Zapata County; RN102078391; 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/BS; all agree.

Item 34 [**Docket No. 2013-1891-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hidalgo in Hidalgo County; RN101919975; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Had Darling, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 35 [**Docket No. 2015-0045-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRANSPORT CORPORATION OF AMERICA, INC. dba Transport America in Dallas County; RN101567824; 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 Duncan, Candy Garrett)

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

Item 36 [**Docket No. 2014-1575-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vakratunda Enterprises LLC dba Aldine Express in Harris County; RN102431038; 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/BS; all agree.

Item 37 [**Docket No. 2014-1779-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ector County, RN102032448; 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)

Remand to the Executive Director for further processing due to some issues. TB/BS; all agree.

Item 38 [**Docket No. 2014-1240-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Indus Interest, LLC dba Big Bens in Polk County; RN101815561; 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. (Danielle Porras, Candy Garrett)

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

Item 39 [**Docket No. 2014-1051-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Western Refining Southwest, Inc. dba C & R Howdy's 28 and dba C & R 3 in El Paso County; RN102388816 and RN102594603; 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. (Thomas Greimel, Candy Garrett)

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

Item 40 [**Docket No. 2014-1346-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of WEST PARK BUSINESS INC d/b/a Gator Stop 4 in Jefferson County; RN101818201; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Lena Roberts)

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

Item 41 [**Docket No. 2014-1169-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SAHAD INVESTMENTS, INC. dba Riverside Market in Kendall County; RN102028925; 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. (Ryan Rutledge, Lena Roberts)

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

Item 42 [**Docket No. 2013-1629-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Donald Mayo, Sr. d/b/a Donald Mayo Texaco in Harris County; RN101732576; 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. (Jennifer Cook, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 43 [**Docket No. 2014-1398-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of AmAu Incorporated d/b/a Westside Grocery in Fayette County; RN101697555; 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. TB/BS; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 44 **[Docket No. 2014-1593-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Santa Rosa in Cameron County; RN101242170; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Candy Garrett)

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

Item 45 **[Docket No. 2014-1061-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JORGE & FLOR TRUCKING LLC in Midland County; RN106898489; 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. TB/BS; all agree.

Item 46 **[Docket No. 2014-1646-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Huxley in Shelby County; RN101193803; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Fisher, Candy Garrett)

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

Item 47 **[Docket No. 2014-1870-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Burnet in Burnet County; RN100824895; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Larry Butler, Candy Garrett)

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

Item 48 [**Docket No. 2014-1422-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marin Gonzalez dba Lazy Palms Ranch in Hidalgo County; RN101281582; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Lisa Westbrook, Candy Garrett)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 49 [**Docket No. 2014-1055-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Wayne H. Lanier, Jr. d/b/a Wayne Lanier Rental Lures Icehouse in Montgomery County; RN105810170; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Colleen Lenahan, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 50 [**Docket No. 2014-1243-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Hewitt in McLennan County; RN105066583; 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/BS; all agree.

Item 51 [**Docket No. 2014-1387-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lindig Construction and Trucking, Inc. in Blanco County; RN104887898; for water quality and aggregate production operation 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. (Katelyn Samples, Candy Garrett)

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

Item 52 **[Docket No. 2013-2072-WQ-E.](#)**

Consideration of an Agreed Order assessing reimbursement of administrative costs against the United States Department of the Air Force in Tarrant County; RN100212356; 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. (Jim Sallans, Lena Roberts)

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

RULE MATTERS

Item 53 **[Docket No. 2014-1685-RUL.](#)**

Consideration of the adoption of amended sections of 30 Texas Administrative Code (TAC) Chapter 101, General Air Quality Rules, Subchapter F, Emissions Events and Scheduled Maintenance, Startup, and Shutdown Activities, Section 101.201(h), Emissions Event Reporting and Recordkeeping Requirements, and Section 101.211(f), Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements. The adopted rulemaking would remove language from these sections requiring small emitting sources to report annual emissions event and maintenance, startup, and shutdown data to the Texas Commission on Environmental Quality for emissions inventory purposes. These requirements are limited to small sources located in nonattainment areas, maintenance areas, early action compact areas, Nueces County, or San Patricio County that are not otherwise required to report this data annually in an emissions inventory per 30 TAC Section 101.10, Emissions Inventory Requirements. The proposed rules were published in the February 20, 2015, issue of the *Texas Register* (40 TexReg 777). (Kathy Pendleton, Janis Hudson) (Rule Project No. 2014-023-101-AI)

Adopt amended 30 Texas Administrative Code §§ 101.201(h) and 101.211(f), as recommended by the Executive Director. TB/BS; all agree.

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

Consideration of the adoption of amendments to Sections 290.38, 290.39, 290.41 - 290.47, 290.110, 290.111 and 290.116 of 30 TAC Chapter 290, Public Drinking Water. The adoption would amend Chapter 290 for consistency with Texas Water Code, Section 12.013 and Chapter 13; existing federal regulations and guidance; and provide clarification on existing state rules. The adopted

rulemaking will address: federal changes to the lead and Escherichia Coli thresholds; desalination; chloramination; plan review submittal process; enforceability of exceptions; and other drinking water matters. The proposed rules were published in the February 6, 2015, issue of the *Texas Register* (40 TexReg 518). (Marlo Wanielista Berg, P.E., Ruth Takeda) (Rule Project No. 2013-046-290-OW)

Adopt the amendments to 30 TAC Chapter 290 as recommended by the Executive Director. TB/BS; all agree.

STATE IMPLEMENTATION PLAN MATTER

Item 55

Docket No. 2014-1248-SIP.

Consideration of the adoption of the State Implementation Plan (SIP) Revision for the Houston-Galveston-Brazoria (HGB) Area Redesignation Substitute for the One-Hour Ozone National Ambient Air Quality Standard (NAAQS). The redesignation substitute satisfies the anti-backsliding obligations for the revoked one-hour ozone NAAQS and ensures that the substance of the redesignation requirements is met for the HGB area. The HGB area includes: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties. The redesignation substitute takes the place of a redesignation request and maintenance plan, which the United States Environmental Protection Agency normally requires under a standard that has not been revoked. (Melanie Rousseau, John Minter) (Non-Rule Project No. 2014-011-SIP-NR)

Adopt the Houston-Galveston-Brazoria Area Redesignation Substitute for the One-Hour Ozone National Ambient Air Quality Standard as recommended by the Executive Director. TB/BS; all agree.

PUBLIC COMMENT SESSION

Item 56

Docket No. 2015-0004-PUB.

The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.

No action taken.

EXECUTIVE MEETING

Item 57 Docket No. 2015-0001-EXE.

The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in Executive Meeting.

Item 58 Docket No. 2015-0002-EXE.

The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in Executive Meeting.

Item 59 Docket No. 2015-0003-EXE.

The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in Executive Meeting.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST SIX (6) WORK DAYS PRIOR

TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

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

**THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT:
[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**

/s/ Tracy Gross
Assistant General Counsel
Tracy Gross

7/8/2015
Date