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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**

August 5, 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. 2013-1279-IHW-E; SOAH Docket No. 582-14-2722.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against and requiring certain actions of Rucker Environmental Services, LLC in Harris County, Texas; RN105976013; regarding industrial hazardous waste violations pursuant to Texas Health & Safety Code Chapter 361 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Elizabeth Harkrider)

Adopt the ALJ's Proposed Order with the following changes: Adopt the changes to the Finding of Fact Nos. 2(c) and 4 and Ordering Provision Nos. 1 and 10 as recommended by the Executive Director's Exceptions and supported in the ALJ's Reply. TB/BS; all agree.

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

Item 2 [\*\*Docket No. 2015-0832-IWD.\*\*](#)

Consideration of the application by Crutcher Tie & Lumber, LLC, for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005120000, to authorize the discharge of wet decking water and contact stormwater on an

intermittent and flow-variable basis. The facility will be located at 4890 North State Highway 37, approximately four and a half miles south of the City of Winnsboro, in Wood County, Texas 75494. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Kara Denney, Alicia Ramirez)

This item was remanded to the Executive Director on July 31, 2015.

Item 3 [\*\*Docket No. 2015-0833-MWD.\*\*](#)

Consideration of the application by 3180 Maverick Investments, L.L.C., for new TPDES Permit No. WQ0015245001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 15,000 gallons per day. The facility will be located at the southwest corner of the intersection of Farm-to-Market Road 3180 and Farm-to-Market Road 565 in Chambers County, Texas 77523. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (J. Alfonso Martinez III, Ashley McDonald)

Grant the hearing request of Dana Byal; Refer the matter to the Commission's Alternative Dispute Resolution Program concurrent with the SOAH scheduling process; Refer the matter to SOAH for contested case hearing on the following issues: 1) Whether the proposed facility will comply with the requirements of 30 TAC § 309.13; and 2) Whether the facility will cause nuisance odors; and Specify that the maximum duration of the hearing is six months from the preliminary hearing to issuance of the Proposal for Decision. TB/BS; all agree.

**DISTRICTS MATTER**

Item 4 [\*\*Docket No. 2015-0352-DIS.\*\*](#)

Consideration of a petition from Bradley W. Ayres (Petitioner), for the dissolution of Southwest Denton County Road and Utility District, pursuant to Texas Water Code Sections 49.321 to 49.327 and Title 30 of the Texas Administrative Code, Sections 293.131 to 293.136. (Ren Berra, Kayla Murray)

Grant the Petition filed by Bradley Ayres to dissolve the Southwest Denton County Road and Utility District; Adopt the Proposed Order filed by the Executive Director on July 28, 2015; and Instruct the Executive Director to file a certified copy of the Adopted Order in the Deed Records of Denton County and with the Secretary of State. TB/BS; all agree.

**TMDL MATTERS**

Item 5 [\*\*Docket No. 2014-1181-TML.\*\*](#)

Consideration for final approval of a draft Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria, Dissolved Oxygen, and pH in Adams Bayou, Cow Bayou, and Their Tributaries in Nine Segments (Segments 0508, 0508A, 0508B, 0508C, 0511, 0511A, 0511B, 0511C, and 0511E) in Orange, Jasper, and Newton Counties. (Ron Stein, Robert Brush) (Project No. 2014-

034-TML-NR)

Approve the Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria, Dissolved Oxygen, and pH in Adams Bayou, Cow Bayou, and Their Tributaries as recommended by the Executive Director. TB/BS; all agree.

Item 6 [Docket No. 2014-1222-TML.](#)

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

Adopt the Six Total Maximum Daily Loads for Indicator Bacteria in the Armand Bayou Watershed as recommended by the Executive Director. TB/BS; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 7 [Docket No. 2014-1522-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company 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. (Carol McGrath, Candy Garrett)

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

Item 8 [Docket No. 2014-1656-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SBBQ Operations LLC dba Sadler's Bar B Que Sales in Rusk County; RN101747905; 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 9 [Docket No. 2014-1410-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Ector County; RN100222330; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (David Carney, Candy Garrett)

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

Item 10 [\*\*Docket No. 2015-0055-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gardner Glass Products, Inc. in Walker County; RN100242973; 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. TB/BS; all agree.

Item 11 [\*\*Docket No. 2014-1301-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Jefferson County; RN104964267; 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/BS; all agree.

Item 12 [\*\*Docket No. 2014-1802-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Baytown Energy Center, LLC in Chambers County; RN100226067; 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 13 [\*\*Docket No. 2014-1579-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Cabot Norit Americas, Inc. in Harrison County; RN102609724; 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.

**AIR QUALITY ENFORCEMENT DEFAULT ORDER**

Item 14 [\*\*Docket No. 2014-1205-AIR-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Edgar Gerald Alford and United Oilfield Construction LLC in Johnson County; RN105696652 and RN105696637; 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. (Elizabeth Lieberknecht, Lena Roberts)

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

**EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 15 [Docket No. 2014-0469-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Parkside at Mayfield Ranch, Ltd. in Williamson County; RN106876873; 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. (Cheryl Thompson, Candy Garrett)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 16 [Docket No. 2013-1048-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Renda Environmental, Inc. in Tarrant, Wise, Ellis, Johnson, and Kaufman Counties; RN104297262, RN106718620, RN107147753, RN107147761, RN107248320, and RN107745002; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, 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.

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 17 [Docket No. 2014-1736-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SIMS FARMS, LTD. in Tom Green County; RN107802944; 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. (Keith Frank, Candy Garrett)

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

Item 18 [Docket No. 2014-0009-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of DOWNSTREAM ENVIRONMENTAL, L.L.C. in Harris County; RN101662617; 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. (Jennifer Cook, Lena Roberts)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 19 [Docket No. 2013-0654-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against K C UTILITIES, INC. in Brazoria County; RN102186459; 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 20 [Docket No. 2014-0484-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of TEXAS AIRSTREAM HARBOR, INC. in Angelina County; RN103014445; 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 Agreed Order. TB/BS; all agree.

Item 21 [Docket No. 2014-0547-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bishop in Nueces County; RN101920684; 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 22 [Docket No. 2014-1648-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Huntington in Angelina County; RN102184355; 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. TB/BS; all agree.



Item 23 [Docket No. 2014-1264-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Port Arthur in Jefferson County; RN101608560; 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. TB/BS; all agree.

Item 24 [Docket No. 2014-1452-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texas Department of Criminal Justice in Houston County; RN102314465; 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.

Item 25 [Docket No. 2014-1165-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CHRISTIAN TABERNACLE OF HOUSTON, INC. in Harris County; RN101611473; 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/BS; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 26 [Docket No. 2014-1814-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sung Hee Kang dba Times Market No. 11 in Nueces County; RN102463569; 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 27 [Docket No. 2014-1463-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TEXAS TRANSEASTERN, INC. in Brazoria, Fort Bend, Harris, and Jefferson Counties; RN100928571; 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 28 [\*\*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)

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

Item 29 [\*\*Docket No. 2014-1829-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against WESTERN PETROLEUM, LLC dba Western Petroleum 8638 in Sutton County; RN102225117; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Keith Frank, Candy Garrett)

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

Item 30 [\*\*Docket No. 2014-1285-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Transam Petroleum, Inc. dba Tetco 665 in Dallas County; RN102325834; 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. (Ryan Rutledge, Lena Roberts)

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

Item 31 [\*\*Docket No. 2015-0246-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tom Van Nguyen dba Speedy Sack N Pack in Tarrant County; RN102012382; 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/BS; all agree.

Item 32 [\*\*Docket No. 2015-0226-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and



requiring certain actions of Jose G. Nieto dba Nietos Service Station 1 in Hidalgo County; RN102887171; 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/BS; all agree.

Item 33 [\*\*Docket No. 2014-1217-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pilgrim's Pride Corporation in Nacogdoches County; RN102489473; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Keith Frank, Candy Garrett)

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

Item 34 [\*\*Docket No. 2015-0355-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against RACETRAC PETROLEUM, INC. dba RaceTrac 219 in Collin County; RN102229812; 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. (Rebecca Boyett, Candy Garrett)

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

Item 35 [\*\*Docket No. 2014-1733-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ZAK BUSINESS INC. dba Kountry Mart in Montgomery County; RN102434842; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven Van Landingham, Candy Garrett)

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

Item 36 [\*\*Docket No. 2014-1734-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against DESI GROUP, INC. dba Fina Mart in Dallas County; RN102361060; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Holly Kneisley, Candy Garrett)

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

Item 37 [Docket No. 2015-0018-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LEO BUSINESS, INC. dba US Express 2 in Harris County; RN101835460; 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/BS; all agree.

Item 38 [Docket No. 2014-1732-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tsigereda Mengesha dba Fina Food Mart 1 in Dallas County; RN101377919; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Keith Frank, Candy Garrett)

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

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

Item 39 [Docket No. 2014-1505-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of TriStar Convenience Stores, Inc. dba Handi Stop 80 in Harris County; RN102443900; 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 Default Order. TB/BS; all agree.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 40 [Docket No. 2014-1862-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of William Lloyd Black dba Myra Water System and Wendell R. Black dba Myra Water System in Cooke County; RN102677754; 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 41 [\*\*Docket No. 2014-1761-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fielder Burnett dba Ponderosa Mobile Home Complex in Randall County; RN101653129; 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. TB/BS; All agree.

Item 42 [\*\*Docket No. 2014-1798-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ha Van Nguyen dba Austin Aqua System in Burnet County; RN101197986; 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 43 [\*\*Docket No. 2014-1684-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of James L. Oxford, Trustee of Country Villa Trust d/b/a Country Villa Mobile Home Park in Bee County; RN101441764; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Lena Roberts)

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

Item 44 [\*\*Docket No. 2015-0009-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Silverton in Briscoe County; RN102314796; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (David Carney, Candy Garrett)

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

Item 45 [\*\*Docket No. 2015-0038-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Presidio County Water Improvement District 1 dba Redford Water Supply in Presidio County; RN101266054; 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 46 [Docket No. 2015-0010-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Knox City in Knox County; RN101390698; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Candy Garrett)

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

Item 47 [Docket No. 2015-0023-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gary C. Aardal dba Pigeon Road Estates in Erath County; RN102693918; 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 48 [Docket No. 2014-1630-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Janie Hibdon and Steven A. Hibdon dba Hill Country Mobile Home Park in Bandera County; RN102320280; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Candy Garrett)

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

Item 49 [Docket No. 2014-0915-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Michael Rodriguez d/b/a Oak Acres Mobile Home Park in Orange County; RN102323052; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Elizabeth Lieberknecht, Lena Roberts)

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

**PUBLIC WATER SUPPLY ENFORCEMENT DEFAULT ORDERS**

Item 50 [Docket No. 2014-1612-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of CATALPA WATER SUPPLY CORPORATION in Randall County; RN101247211; for public drinking water violations pursuant to

Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (David A. Terry, Lena Roberts)

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

Item 51 **Docket No. 2014-1754-PWS-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Charles M. Watts d/b/a Island View Landing in Marion County; RN101239606; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Lena Roberts)

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

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 52 **Docket No. 2014-1095-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties against SureGrow Agricultural Transportation, Inc. in Comanche County and Jack County; RN107510620; 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. (Tracy Chandler, Lena Roberts)

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

**RULE MATTERS**

Item 53 **Docket No. 2015-0787-RUL.**

Consideration for publication of, and hearing on, the following proposed amended sections of 30 Texas Administrative Code: Chapter 1, Purpose of Rules, General Provisions, Section 1.11; Chapter 39, Public Notice, Sections 39.405, 39.419, and 39.602; Chapter 50, Action on Applications and Other Authorizations, Sections 50.115, 50.119, and 50.143; Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment, Sections 55.156, 55.201, 55.203, 55.205, 55.210, and 55.211; Chapter 70, Enforcement, Sections 70.10 and 70.106; and Chapter 80, Contested Case Hearings, Sections 80.4, 80.6, 80.17, 80.25, 80.105, 80.108, 80.117, 80.118, 80.127, 80.252, 80.267, 80.272 - 80.274, and proposed new Section 80.276, and corresponding revisions to the State Implementation Plan (SIP). The amendments to Sections 39.405(g)(3) and 39.419(e)(1) are proposed as revisions to the SIP. The amendment to Section 55.156(e) is proposed as a revision to the SIP, or, in the alternative, existing Section 55.156 is proposed to be withdrawn from the SIP. The primary purpose of the proposed rulemaking is to implement changes made by Senate Bill (SB) 709, 84th Texas Legislature, 2015, Regular Session, to the Texas Water Code, Chapter 5, and Texas Government Code, Chapter 2003 regarding contested case hearings (CCH) on certain applications received by

the commission, requests for CCH by individual entities and groups or associations, determination of affected persons and disputed issues for CCH, procedures for CCH, and providing web-based and mailed notice of permit applications. In addition, the rulemaking is proposed to implement changes made by SB 1267, 84th Texas Legislature, 2015, Regular Session, to the Texas Administrative Procedure Act, Texas Government Code, Chapter 2001, regarding the procedures for providing notice of the commission's decisions or orders, and the procedures and timelines concerning motions for rehearing. (Janis Hudson) (Rule Project No. 2015-018-080-LS)

Approve the publication of, and hearing on, new and amended sections of 30 Texas Administrative Code Chapters 1, 39, 50, 55, 70, and 80 implementing Senate Bills 709 and 1267 as recommended by the Executive Director. TB/BS; all agree.

Item 54 **Docket No. 2015-0829-RUL.**

Consideration for publication of, and hearing on, proposed amended Sections 290.46 and 290.47 of 30 TAC Chapter 290, Public Drinking Water. The proposed rulemaking would implement House Bill (HB) 1146, 84th Texas Legislature, 2015, Regular Session, relating to allowing public water systems to use volunteer licensed operators and the maintenance of certain records for each volunteer. HB 1146 adds Section 341.033(a-1) and amends Section 341.034(a) of the Texas Health and Safety Code and requires the commission to adopt rules no later than December 1, 2015 and is effective September 1, 2015. (James Beauchamp, Ron Olson) (Rule Project No. 2015-020-290-OW)

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

**PUBLIC COMMENT SESSION**

Item 55 **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 56 **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 57 **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 58 **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/ Barham Richard      
Assistant General Counsel  
Barham Richard

    8/11/2015      
Date