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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**

September 9, 2015

### **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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

#### **HEARING REQUEST/REQUEST FOR RECONSIDERATION**

Item 1 **[Docket No. 2015-0987-AIR.](#)**

Consideration of application by Columbia Packing Co., Inc. for initial Air Quality Permit No. 106009, which would authorize the operation of an existing smokehouse and associated boilers. The plant site is located at 2807 E. 11th St, Dallas, Dallas 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. (Joel Stanford, Sierra Redding)

Grant the hearing request of Phillip Gipson and Janet Long; Deny the hearing requests of Senator Royce West, Councilmember Dwaine Caraway, La Juana Barton, Myrtis Evans-Griffin, Libbie Terrell-Lee, Linda Preston, and the Cedar Crest Neighborhood Association; 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: A) Whether the facility will have adverse effects on air quality; B) Whether the Applicant proposes and the draft permit allows air emissions which will adversely impact the requestors' health, welfare, or physical

property; C) Whether the Applicant's compliance history warrants denial of the application; D) Whether the Applicant proposes and the draft permit allows emissions or operations that will cause nuisance odors; and E) Whether the Applicant performed and submitted adequate and appropriate air dispersion modeling; and Specify that the maximum duration of the hearing is six months from the preliminary hearing to the issuance of the Proposal for Decision. TB/BS; all agree.

## **MISCELLANEOUS MATTER**

### **Item 2 [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; Adopt the Applicant's Revised Proposed Order as reflected in Appendix F of its August 21, 2015, filing with the following exceptions: A) decline to adopt the Applicant's revisions included in its Proposed Findings of Fact 27, 34, and 39; B) retain Finding of Fact 40 from the ALJ's Amended Proposed Order but modify it to read, "Applicant has concretized a channel it plans to use for the discharge of effluent and the channel is directed towards Ms. Graham's property line;" C) delete Applicant's Proposed Finding of Fact 83 as it is duplicative of Finding of Fact 81; D) insert the header, "Additional Public Use and Enjoyment Issues" prior to Applicant's Proposed Finding of Fact 82; E) retain Findings of Fact 80 and 81 from the ALJ's Amended Proposed Order; F) delete the word "small" from the Applicant's Proposed Finding of Fact 91 such that the Finding begins "Portions..."; G) change Applicant's Proposed Ordering Provisions 1-6 to Conclusions of Law and insert them in the Applicant's Revised Proposed Order following Applicant's Proposed Conclusion of Law 15; H) insert an ordering provision adopting the Executive Director's Response to Comment as Ordering Provision No. 3; and I) revise Applicant's Proposed Ordering Provision No. 9 to state, "The effective date of this order is the date the order is signed as provided by Texas Government Code Section 2001.144 as revised by Texas Senate Bill 1267, 84th Legislative Regular Session 2015"; 3) Adopt the Executive Director's Response to Comments issued on November 21, 2013; and 4) Direct the General Counsel to make any necessary or appropriate clarifications and conforming changes to the Applicant's Revised Proposed Order, including modifying the explanation of changes to include appropriate references, legal citations, and make typographical and formatting corrections. BS/TB; all agree.

## **PROPOSALS FOR DECISION**

Item 3 **[TCEQ Docket No. 2015-0556-AIR; SOAH Docket No. 582-15-3591.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Morgan Truck Body, LLC for Renewal of Air Quality Permit Number 55089 pursuant to rules of the Texas Clean Air Act § 382.055 and rules of the Texas Commission on Environmental Quality in 30 TAC Chapter § 116.311(a)(2) to operate a spray painting facility. The proposed spray painting facility is located at 8051 Morgan Circle, Corsicana in Navarro County, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Nicolas Parke)

Adopt the ALJ's Proposed Order but with the following revisions: Replace all references to "Air Quality Standard Permit Number 55089" with references to "Air Quality Permit Number 55089"; Replace reference to "Nick Park" with reference to "Nick Parke" with an "e"; 3) Revise Ordering Provision Number 1 to read "The application to renew Air Quality Permit 55089 filed by Morgan Truck Body, LLC is dismissed with prejudice and Air Quality Permit Number 55089 expires on the date that this order is signed"; and Revise Ordering Provision Number 3 to read "the effective date of this order is the date that the order is final as provided by Texas Government Code 2001.144 as revised by Texas Senate Bill 1267 84<sup>th</sup> Legislative Regular Session 2015". TB/BS; all agree.

Item 4 **[TCEQ Docket No. 2014-0894-PST-E; SOAH Docket No. 582-15-1630.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against VASAN, INC. d/b/a Mr. D's Convenience Store in Kendall County, Texas; RN101765295; regarding violations of the state's petroleum storage tank program pursuant to Tex. Water Code Chapters 7 and 26, the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Jake Marx)

Adopt the ALJ's Proposed Order with the following changes: Adopt the changes to the caption and introduction; Finding of Fact Nos. 3, 6, 10, and 16; Conclusions of Law Nos. 8, 9, and 10; and Ordering Provisions Nos. 1 and 10 as recommended by the ALJ's Reply; Amend Conclusion of Law No. 11 and Ordering Provision No. 1 to assess the \$7,177 administrative penalty against the Respondent as recommended by the Executive Director for Violation Number 2; and Revise Ordering Provision No. 5 to state: "The effective date of this order is the date that the order is signed as provided by Texas

Government Code 2001.144 as revised by Texas Senate Bill 1267, 84<sup>th</sup> Legislature, Regular Session 2015". TB/BS; all agree

### **HEARING REQUEST/REQUEST FOR RECONSIDERATION**

Item 5 **Docket No. 2015-0841-MWD.**

Consideration of the application by Trio Residential Developers, Inc., for new TCEQ Permit No. WQ0015219001 to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 140,000 gallons per day via surface irrigation of 40.5 acres of public access land. This permit will not authorize a discharge of pollutants into water in the state. The facility and disposal site will be located along the north right-of-way of Ammann Road at its intersection with Rolling Acres Trail in Kendall County, Texas 78006. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Phillip Urbany, Robert Brush).

Grant the hearing request of Steve Hartpence, Mary and James McConnell, Cheryl and Harry Schilling, and Frank Trapasso; Deny the hearing request of Garry and Dee Anna Manitzas 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 contested case hearing on the following issues: A) Whether operation of the facility and land application activities authorized by the draft permit will contaminate surface or groundwater in the area, including the requestors' drinking water wells; and B) Whether the proposed facility and land application area will cause nuisance odor conditions for the requestors; and Specify that the maximum duration of the hearing is nine months from the preliminary hearing to the issuance of the Proposal for Decision. TB/BS; all agree.

### **MOTION TO OVERTURN**

Item 6 **Docket No. 2015-1117-DIS.**

Consideration of the Motion to Overturn filed by Corix Utilites (Texas), Inc. ("Corix") concerning the Executive Director's decision to not approve the application by Corix for certification as a regional system under Texas Tax Code, Section 151.355. On April 16, 2015, Corix submitted an application to the Commission for certification that its water and wastewater systems in Texas qualify as a regional system to qualify for an exemption from certain sales, excise and use taxes under Texas Tax Code, Section 151.355. Corix seeks certification as a regional system by qualifying as one owner and several isolated systems each providing service to one or more communities or subdivisions. On July 3, 2015, the Executive Director communicated to Corix that the Executive Director could not approve the certification request because Corix is not a political subdivision. The Commission will also consider Corix's certification application,

the response briefs filed by the Executive Director and the Office of Public Interest Counsel which recommend that the Commission certify Corix as a regional system, and the ED's proposed order. (Linda Horng)

Grant the Motion to Overturn and Certify that Corix Utilities (Texas), Inc. qualifies as a Regional System under Texas Tax Code § 151.355(5). TB/BS; all agree.

### **MISCELLANEOUS MATTERS**

Item 7 **Docket No. 2015-1163-RES**

Consideration of a Resolution Delegating to the Executive Director the Authority to Certify Certain Water or Wastewater Providers as Providing Regional Water and/or Wastewater Service for the purpose of eligibility to receive a tax exemption pursuant to Texas Tax Code § 151.355. (Linda Horng)

Adopt the Resolution delegating to the Executive Director the authority to certify certain water or wastewater service providers as Regional Systems under Texas Tax Code § 151.355(5). TB/BS; all agree.

Item 8 **Docket No. 2015-0623-RES**

Consideration of a resolution to extend the term of the Galveston Bay Council (GBC). The GBC is a 41-member advisory body to the Texas Commission on Environmental Quality (commission), whose function is to advise the commission on the implementation of The Galveston Bay Plan (The Plan), the Comprehensive Conservation Management Plan for Galveston Bay. The GBC's current expiration date is November 15, 2015. The resolution would be to extend the term of the GBC for an additional 20 years. The proposed extension is necessary to ensure compliance of The Plan and facilitate effective comprehensive management of Galveston Bay. The GBC is consistent with the Texas Government Code, Chapter 2110, "State Agency Advisory Committees," as well as the requirements of the Federal Clean Water Act, Section 320. (Kerry Niemann, Celia Castro) (Project No. 2015-005-OTH-NR)

Joint Motion for Items 8 and 9.

Approve the resolution extending the term of the Galveston Bay Council as recommended by the Executive Director; and Approve the resolution appointing persons to fill the membership positions on the Galveston Bay Council as recommended by the Executive Director. TB/BS; all agree.

Item 9 [\*\*Docket No. 2015-0622-RES\*\*](#)

Consideration of a resolution to fill membership positions on the Galveston Bay Council (GBC). The GBC is a 41-member advisory body to the Texas Commission on Environmental Quality (Commission), whose function is to advise the Commission on the implementation of The Galveston Bay Plan, the Comprehensive Conservation Management Plan for Galveston Bay. These nominations would be for 22 of the 41 members. Membership includes: representatives from federal agencies; state agencies; regional and local governments; environmental and citizen groups; the private sector; and a representative from research/academia. These membership positions are consistent with the Texas Government Code, Chapter 2110, "State Agency Advisory Committees," as well as the requirements of the Federal Clean Water Act, Section 320. (Kerry Niemann, Celia Castro) (Project No. 2015-006-OTH-NR)

Joint Motion for Items 8 and 9.

Approve the resolution extending the term of the Galveston Bay Council as recommended by the Executive Director; and Approve the resolution appointing persons to fill the membership positions on the Galveston Bay Council as recommended by the Executive Director. TB/BS; all agree.

Item 10 [\*\*Docket No. 2015-0170-MIS\*\*](#)

Consideration for adoption of amendment to the Evaporation Pond General Permit Number WQG100000, which authorizes wastewater generated by industrial or water treatment facilities to be disposed of by evaporation from surface impoundments adjacent to water in the state. Public notice of the proposed draft permit was published in the April 17, 2015, issue of the *Texas Register* (40 TexReg 2211). (Laurie Fleet, Robert Brush) (Non-Rule Project No. 2015-007-OTH-NR)

Adopt the amendments to the Evaporation Pond General Permit Number WQG100000 as recommended by the Executive Director; and Adopt the Executive Director's Response to Comment. TB/BS; all agree.

**WATERMASTER BUDGET MATTERS**

Item 11 [\*\*Docket No. 2015-1088-BGT\*\*](#)

Consideration of Fiscal Year 2016 assessment of annual costs for watermaster operations in the Concho River Watermaster Program.

Pursuant to Texas Water Code Sections 11.329 and 11.558 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2015, and ending August 31, 2016, for appropriators in the Concho River Watermaster Program which consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in Concho County and approve \$170,050.88 as the amount to be assessed for annual costs. (Cindy Hooper, Ruth Takeda)

Joint Motion for Items 11, 12, 13, and 14.

Approve the Concho, Rio Grande, South Texas, and Brazos River Watermaster Budgets for Fiscal Year 2016; and Issue the Executive Director's four Proposed Orders assessing annual costs of those watermaster programs. TB/BS; all agree.

Item 12     **[Docket No. 2015-1089-BGT](#)**

Consideration of Fiscal Year 2016 assessment of annual costs for watermaster operations in the Rio Grande Water Division. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 303.71-303.73 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2015, and ending August 31, 2016, for water right holders in the Rio Grande Water Division, which extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers and including that portion of the Nueces-Rio Grande Costal Basin lying in Hidalgo, Cameron, Willacy, and Starr Counties whose source of water is the Rio Grande, and approve \$886,863.19 as the amount to be assessed for annual costs. (Cindy Hooper, Ruth Takeda)

Joint Motion for Items 11, 12, 13, and 14.

Approve the Concho, Rio Grande, South Texas, and Brazos River Watermaster Budgets for Fiscal Year 2016; and Issue the Executive Director's four Proposed Orders assessing annual costs of those watermaster programs. TB/BS; all agree.

Item 13     **[Docket No. 2015-1090-BGT](#)**

Consideration of Fiscal Year 2016 assessment of annual costs for watermaster operations in the South Texas Water Division. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2015, and ending August 31, 2016, for water right holders in the South Texas Water Division which consists of the Nueces, San Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in Hidalgo, Cameron, Willacy, and Starr Counties, and approve \$686,255.06 as the amount to be assessed for annual costs. (Cindy Hooper, Ruth Takeda)

Joint Motion for Items 11, 12, 13, and 14.

Approve the Concho, Rio Grande, South Texas, and Brazos River Watermaster Budgets for Fiscal Year 2016; and Issue the Executive Director's four Proposed Orders assessing annual costs of those watermaster programs. TB/BS; all agree.

Item 14 **Docket No. 2015-1091-BGT**

Consideration of Fiscal Year 2016 assessment of annual costs for watermaster operations in the Brazos Watermaster Program. Pursuant to Texas Water Code Sections 11.329 and 11.455 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2015, and ending August 31, 2016, for water right holders in the portion of the Brazos River Basin including and below Possum Kingdom Lake, and approve \$942,883.01 as the amount to be assessed for annual costs. FY16 will be the first fiscal year that the Brazos Watermaster Program will be collecting assessments. (Cindy Hooper, Ruth Takeda)

Joint Motion for Items 11, 12, 13, and 14.

Approve the Concho, Rio Grande, South Texas, and Brazos River Watermaster Budgets for Fiscal Year 2016; and Issue the Executive Director's four Proposed Orders assessing annual costs of those watermaster programs. TB/BS; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**



Item 15 [\*\*Docket No. 2014-1289-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rajesh Acharya, Candy Garrett)

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

Item 16 [\*\*Docket No. 2014-1747-AIR-E.\*\*](#)

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

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

**INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 17 [\*\*Docket No. 2014-0063-IHW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of J.M. HOLM & CO., INC. in Brazoria County; RN100890227; 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. (Michael Meyer, Candy Garrett)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 18 [\*\*Docket No. 2014-0409-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of STROEHER & SON, INC. dba Stroehler & Son Bulk Plant in Gillespie County; RN101764603; for municipal solid waste and petroleum storage tank 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. (Steven Van Landingham, Candy Garrett)

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

Item 19 **[Docket No. 2014-0075-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ESPINOZA STONE, INC. in Williamson County; RN101056687; for Edwards Aquifer and 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.

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 20 **[Docket No. 2014-0281-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Northwest Harris County Municipal Utility District Nos. 21, 22, and 23 in Harris County; RN103115846; 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 21 **[Docket No. 2014-0700-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eastwood Hills Mobile Home Park Limited Partnership in Montgomery County; RN102183480; 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. 2013-1582-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hearne in Robertson County; RN102835162; 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 23 **[Docket No. 2014-1819-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S.K. TENG CORP. dba Donut Plus in Nacogdoches County; RN102959962; 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. TB/BS; all agree.

Item 24 **[Docket No. 2015-0085-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against MT VILLAGE MARKET LLC dba Texaco Foodmart 147 in Harris County; RN102030913; 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 25 **[Docket No. 2014-1691-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dupre Logistics LLC in Dallas, Ellis and Harris Counties; RN100648096; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven Van Landingham, Candy Garrett)

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

### **PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDERS**

Item 26 **[Docket No. 2014-1252-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Port of Houston Authority in Harris County; RN100637362; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lisa Westbrook, Candy Garrett)

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

Item 27 **[Docket No. 2015-0082-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KENT DISTRIBUTORS, INCORPORATED in Midland County; RN102925633; 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. TB/BS; all agree.

### **STATE IMPLEMENTATION PLAN**

Item 28 **[Docket No. 2015-1025-SIP](#)**

Consideration of the withdrawal from the United States Environmental Protection Agency of portions of 30 Texas Administrative Code Section 116.128, as adopted by the Commission on February 8, 2012, as a revision to the State Implementation Plan (SIP). Specifically, Section 116.128(a), (b), (c)(1)(A)(i)(I) - (IX), (XII), and (XIII), (c)(1)(B) - (F), (c)(2) - (4), (f), and (h) would be withdrawn from consideration as a SIP revision. (Michael Wilhoit, Janis Hudson)

Withdraw from submission to EPA the portions of Sections 116.128 submitted as a SIP revision as recommended by the Executive Director. TB/BS; all agree.

### **PUBLIC COMMENT SESSION**

Item 29 **[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 30 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.

Approve a raise for the Executive Director's salary to the amount approved in the Appropriations Act, effective September 1, 2015. TB/BS; all agree.

**Item 31 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 32 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.

