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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 23, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1 **[Docket No. 2015-0988-MWD.](#)**

Consideration of the application by Arbor Way, Inc., for a renewal of TCEQ Permit No. WQ0014649001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 430,000 gallons per day via surface irrigation of 170 acres of a golf course. The wastewater treatment facility and disposal site will be located approximately 1,200 feet northwest of the intersection of Haynie Flat Road and Lakeside Drive, in Travis County, Texas 78669. 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, Alicia Ramirez)

Find that there is no right to a hearing on this application pursuant to Texas Water Code § 26.028(d) and 30 Texas Administrative Code § 55.201(i)(5); Deny the hearing requests; Issue the renewal of TCEQ Permit No. WQ0014649001 to Arbor Way, Inc., as recommended by the Executive Director; and Adopt the Executive Director's Response

to Comments. TB/BS; all agree.

Item 2 **Docket No. 2015-1152-IWD.**

Consideration of the application by Lower Colorado River Authority for renewal of TPDES Permit No. WQ0002105000, which authorizes the discharge of once-through cooling water and previously monitored effluent at a daily average flow not to exceed 1,509,000,000 gallons per day via Outfall 001; cooling water drained from the condensers and other cooling equipment during maintenance periods at a daily average flow not to exceed 2,500,000 gallons per day via Outfall 002; low volume waste, coal pile runoff, truck wash water, previously monitored effluent, and stormwater from the Coal Pile Runoff Pond on an intermittent and flow-variable basis via Outfall 003; and low volume waste, truck wash water, and stormwater from the Combustion Byproducts Landfill Pond on an intermittent and flow-variable basis via Outfall 004. The facility is located at 6549 Power Plant Road, adjacent to the south shore of Cedar Creek Reservoir, approximately two miles north of State Highway 71, and seven miles east of the City of La Grange, Fayette County, Texas 78945-3714. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Melinda Luxemburg, Stefanie Skogen)

Find that there is no right to a hearing on this application pursuant to Texas Water Code § 26.028(d) and 30 Texas Administrative Code § 55.201(i)(5); Deny all hearing requests; Issue the renewal of TDPEs Permit No. WQ0002105000 to the Lower Colorado River Authority as recommended by the Executive Director; and Adopt the Executive Director's Response to Public Comment. TB/BS; all agree.

Item 3 **Docket No. 2015-1170-AIR.**

Consideration of application by Navasota South Peakers Operating Company I, L.L.C., for Air Quality Permit No. 120973 and Prevention of Significant Deterioration Air Quality Permit No. PSDTX1420 to authorize the construction of the Union Valley Energy Center, located on County Road (CR) 475, 1 mile south-southwest of the intersection of Farm-to-Market Road 1681 and CR 475, Nixon, Wilson 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)

Deny Patti Werley's hearing request; Refer Lornna Talley's hearing request to SOAH for a determination on whether Ms. Talley is an affected person; Refer the matter to the Commission's Alternative Dispute Resolution Program concurrent with the SOAH scheduling process; Should SOAH determine that Ms. Tally is an affected person, SOAH

shall consider the following issue for hearing: Whether emissions from the proposed facility will adversely impact the health of the requester and her family; and Specify a maximum hearing duration of six months from the date of the preliminary hearing to the issuance of the Proposal for Decision. TB/BS; all agree.

MISCELLANEOUS MATTER

Item 4 **[Docket No. 2015-1003-MIS.](#)**

Discussion of the Office of Public Interest Counsel's Annual Report to the Commission made pursuant to Texas Water Code, Section 5.2725, Annual Report; Performance Measures. (Vic McWherter)

No action taken.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 **[Docket No. 2014-1881-AIR-E.](#)**

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

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

Item 6 **[Docket No. 2014-0837-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Jefferson County; RN100209451; 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.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 7 **[Docket No. 2014-0579-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties

against and requiring certain actions of UltraClean Electropolish, Inc. in Harris County; RN104509690; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tracy Chandler, Lena Roberts)

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

Item 8 [Docket No. 2014-1288-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAINT-GOBAIN ABRASIVES, INC. in Erath County; RN100211655; for industrial and hazardous waste 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. (Mike Pace, Candy Garrett)

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

**LANDSCAPE IRRIGATOR INSTALLER ENFORCEMENT
DEFAULT ORDER**

Item 9 [Docket No. 2014-1773-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Conrad D. Liles in Walker County; RN105177836; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 10 [Docket No. 2015-0117-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TEXAS PACIFICO TRANSPORTATION, LTD. in Tom Green County; RN102923489; for water quality, municipal solid waste, and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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 11 **[Docket No. 2014-0195-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Tenaha in Shelby County; RN102844560 and RN101389039; for water quality and public drinking water violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, 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.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 12 **[Docket No. 2015-0054-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Roger Guajardo d/b/a Roger's Tire and Supply in Cochran County; RN106638117; 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. (Meaghan M. Bailey, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 13 **[Docket No. 2014-1791-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Odell Anderson d/b/a AAA Anderson in Comal County; RN106339286; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Carroll Harkrider, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 14 [**Docket No. 2015-0066-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tonda Jolane Helms dba Spring Lake Mobile Home Park in Smith County; RN102915535; 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. (Larry Butler, Candy Garrett)

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

Item 15 [**Docket No. 2014-1823-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Jasper County Water Control and Improvement District No. 1 in Jasper County; RN101610673; 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 16 [**Docket No. 2014-0864-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Centerville in Leon County; RN101610624; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 17 [**Docket No. 2015-0033-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Lucky Lady Oil Company in Dallas County; RN103939690; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and

26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Lieberknecht, Lena Roberts)

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

Item 18 **Docket No. 2014-1129-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ELIZA INTERNATIONAL LLC dba Short Stop in Hardin County; RN103046363; 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. (Allyson Plantz, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 19 **Docket No. 2014-1312-PST-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of John Alihemati dba Station 66 in El Paso County; RN103937389; 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 20 **Docket No. 2014-1715-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of MARINA QUEST, INC. d/b/a Texoma Marina and Resort in Grayson County; RN102071990; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jess Robinson, Lena Roberts)

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

Item 21 [**Docket No. 2014-1730-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pecos County; RN101255933; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Montgomery, Candy Garrett)

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

Item 22 [**Docket No. 2015-0491-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Monarch Utilities I L.P. in San Jacinto County; RN101376424; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Bost, Candy Garrett)

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

Item 23 [**Docket No. 2015-0612-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bryson in Jack County; RN101399699; 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.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 24 [**Docket No. 2014-1210-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Natividad Hernandez d/b/a Bayer Road Salvage Yard in Victoria County; RN106447550; 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. (Jake Marx, Lena Roberts)

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

STATE IMPLEMENTATION PLANS

Item 25 **[Docket No. 2015-0232-SIP.](#)**

Consideration for publication of, and hearing on, the proposed State Implementation Plan (SIP) Revision for the Houston-Galveston-Brazoria (HGB) Area Redesignation Substitute for the 1997 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS). The proposed redesignation substitute SIP revision would satisfy the anti-backsliding obligations for the revoked 1997 eight-hour ozone NAAQS and ensure that the substance of the redesignation requirements is met for the HGB area. Per United States Environmental Protection Agency (EPA) guidance, this redesignation substitute would take the place of a redesignation request and maintenance plan, which the EPA normally requires under a standard that has not been revoked. (Lola Brown, John Minter) (Non-Rule Project No. 2015-001-SIP-NR)

Joint Motion for Items 25 and 26.

Approve the publication of, and hearing on, State Implementation Plan Revisions for the Houston-Galveston-Brazoria Area and the Dallas-Fort Worth Area Redesignation Substitutes for the 1997 Eight-Hour Ozone National Ambient Air Quality Standard as recommended by the Executive Director. TB/BS; all agree.

Item 26 **[Docket No. 2015-0233-SIP.](#)**

Consideration for publication of, and hearing on, the proposed Dallas-Fort Worth (DFW) Area Redesignation Substitute for the One-Hour and 1997 Eight-Hour Ozone National Ambient Air Quality Standards (NAAQS) State Implementation Plan (SIP) Revision. The proposed redesignation substitute SIP revision would satisfy the anti-backsliding obligations for the revoked one-hour and revoked 1997 eight-hour ozone NAAQS and ensure that the United States Environmental Protection Agency's (EPA) requirements for the redesignation of revoked ozone standards are met for the DFW area. This redesignation substitute would take the place of a redesignation request and maintenance plan for both the one-hour and 1997 eight-hour ozone NAAQS, which the EPA normally requires under a standard that has not been revoked. (Melanie Rousseau, Terry Salem) (Project No. 2015-002-SIP-NR)

Joint Motion for Items 25 and 26.

Approve the publication of, and hearing on, State Implementation Plan Revisions for the Houston-Galveston-Brazoria Area and the Dallas-Fort Worth Area Redesignation Substitutes for the 1997 Eight-Hour Ozone National Ambient Air Quality Standard as recommended by the Executive Director. TB/BS; all agree.

EXECUTIVE MEETING

Item 27 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 28 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 29 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.

