

The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).

Updates to backup documents will be noted by a purple indicator. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 7 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).

Chairman Bryan W. Shaw, Ph.D., P.E.
Commissioner Toby Baker
Commissioner Jon Niermann

AGENDA

November 4, 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. 2015-1444-WR.](#)**

Consideration of the application of the Lower Colorado River Authority for an amendment to its Water Management Plan (WMP), Water Use Permit No. 5838, in Mason, San Saba, Lampasas, Llano, Burnet, Travis, Bastrop, Gillespie, Williamson, Fayette, Colorado, Wharton and Matagorda Counties, Texas. The proposed amendments would reduce interruptible supplies to offset the increase in firm water demand; change the procedure for supplying water to help meet instream flow needs at certain locations downstream of Lady Bird Lake and incorporates specific instream flow values based on the most recent scientific studies; and change the combined firm yield of Lakes Buchanan and Travis. The ED has prepared a draft order approving amendments to the WMP. The Commission will consider all timely filed hearing requests and related responses and replies. (Sarah Henderson, Robin Smith)

Deny all hearing requests; Issue the amendment to the Lower Colorado River

Authority's Water Management Plan Application No. 5838A as recommended by the Executive Director; Adopt the Executive Director's Proposed Order as revised by the Executive Director's Response to Comment and as further revised to add the following Findings of Fact, Conclusions of Law, and Ordering Provision; Add the following six new Findings of Fact: 1) The Amendment will not increase the amount of water authorized to be diverted; 2) The Amendment will not increase the authorized rate of diversion; 3) The Amendment will not cause adverse impacts on the other water right holders; 4) The Amendment will not cause adverse impacts on the environment, on the stream of greater magnitude than under the circumstances in which the authorization sought to be amended was fully exercised according to its terms and conditions as they existed before the requested amendment; 5) The Amendment meets all other applicable requirements of Texas Water Code Chapter 11; and 6) Having satisfied all of the conditions of Texas Water Code § 11.122(b), the Commission shall authorize the requested amendment; and Add the following two Conclusions of Law: 1) In accordance with Texas Water Code § 11.122(b), the Commission finds that the Amendment A) Will not increase the amount of water authorized to be diverted; B) Will not increase the authorized rate of diversion; C) Will not cause adverse impact on other water right holders; D) Will not cause adverse impact on the environment on the stream of greater magnitude than under the circumstances in which the authorization sought to be amended was fully exercised according to its terms and conditions as they existed before the requested amendment; and E) Meets all other applicable requirements of Texas Water Code Chapter 11; and 2) All conditions in Texas Water Code § 11.122(b) are fully satisfied and the Commission authorizes the amendment to LCRA's Water Management Plan; Add the following new Ordering Provision: This Order is effective on the date that it is final or on January 1, 2016, whichever is earlier; and Adopt the Executive Director's Response to Comments. JN/TB; all agree.

Item 2 **[Docket No. 2015-1150-AIR.](#)**

Consideration of application by Cabot Norit Americas, Inc. for renewal of Air Quality Permit No. 56552 to authorize the continued operation of an existing permitted plant consisting of three kilns and appurtenant equipment which produce activated carbon from lignite. The facility is located at the Marshall Plant, 3200 University Ave, Marshall, Harrison County. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Laura Gibson, Nicolas Parke)

Find there is no right to a contested case hearing pursuant to Section 382.056(g) of the Texas Clean Air Act; Deny Frankie Baxter's hearing request; Issue the renewal of Air Quality Permit No. 56552 to Cabot Norit Americas, Inc.; and Adopt the Executive Director's Response to Public Comment. TB/JN; all agree.

Item 3 **[Docket No. 2015-1263-AIR.](#)**

Consideration of application by Coastal Ready Mix, Inc. for the approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 123775, which would authorize the construction and operation of a permanent concrete batch plant. The plant site is located 4.4 miles north-northwest of the intersection of Wheeler Road and Highway 69, on the east side of Highway 69, near Kountze, Hardin County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Don Nelon, Sierra Redding)

Grant the hearing requests of Mike Greene, Jerry Richardson, Quinton Sheffield, and Henry Stephenson; Refer the matter to SOAH for a contested case hearing on the following issues: A) Whether the plant will adversely affect the requester's health and the health of family members sharing the residences; and B) Whether the proposed facility will adversely affect the use and enjoyment of the requester's property; and Specify that the maximum duration of the hearing is six months from the preliminary hearing to the issuance of the Proposal for Decision. JN/TB; all agree.

Item 4 [**Docket No. 2015-1264-MWD.**](#)

Consideration of the application by DMS Real Tree, LLC, for new TPDES Permit No. WQ0015293001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 540,000 gallons per day. The facility will be located 2,500 feet north of the intersection of Highway 21 and Yarrington Road, in Hays County, Texas 78640. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Rebecca R. Moore, Alicia Ramirez)

Grant the hearing request filed by the City of San Marcos; Refer the matter to SOAH for a contested case hearing on the following issue: Whether the proposed facility is needed and is consistent with the Commission's Regionalization Policy pursuant to Texas Water Code § 26.0282, including consideration of whether the Applicant has adequately demonstrated that it is infeasible to connect to the City of San Marcos' wastewater utility; 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/JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 [**Docket No. 2015-0879-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Harris County; RN100225085; 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/JN; all agree.

Item 6 **[Docket No. 2015-0243-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LCY ELASTOMERS LP in Harris County; RN102325974; 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/JN; all agree.

Item 7 **[Docket No. 2015-0077-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shintech Incorporated in Brazoria County; RN100213198; 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/JN; all agree.

Item 8 **[Docket No. 2014-1518-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Midstream Services LLC in Chambers County; RN100222900; 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/JN; all agree.

Item 9 **[Docket No. 2015-0287-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against WTG Jameson, LP in Coke County; RN101246478; 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/JN; all agree.

**INDUSTRIAL AND/OR HAZARDOUS WASTE ENFORCEMENT
AGREED ORDERS**

Item 10 **[Docket No. 2015-0218-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Houston in Harris County; RN102384336; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 5 and 7, 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/JN; all agree.

Item 11 **[Docket No. 2015-0301-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Total Petrochemicals & Refining USA, Inc. in Harris County; RN100212109; 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. (Thomas Greimel, Candy Garrett)

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

Item 12 **[Docket No. 2013-0993-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against LUFKIN CREOSOTING CO., INC. in Angelina County; RN101638906; 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/JN; all agree.

Item 13 [**Docket No. 2014-0147-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against SPECIALTY COATINGS/FLUIDAIRE, INC. in Tarrant County; RN100602648; for industrial solid and/or hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

**LANDSCAPE IRRIGATION LICENSING ENFORCEMENT
DEFAULT ORDERS**

Item 14 [**Docket No. 2014-1832-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Mike Cano in Collin County; RN105190730; 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. (Colleen Lenahan, Lena Roberts)

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

Item 15 [**Docket No. 2015-0409-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Shelton Adams in Parker County; RN107887325; 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. (Ian Groetsch, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 16 [**Docket No. 2014-1588-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ALNC, INC. in Tom Green County; RN105218556; for air quality and water quality 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. (Farhaud Abbaszadeh, Candy Garrett)

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

Item 17 **Docket No. 2013-2020-MLM-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KANE'S AUTOMOTIVE, INC. in Denton County; RN106849631; for underground injection control, industrial and hazardous waste, and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code chs. 7 and 27, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Michael Pace, Candy Garrett)

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

Item 18 **Docket No. 2015-0474-MLM-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marcelo Vera and Marcelo's, L.P. in Travis County; RN107904336; 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. (Rebecca Boyett, Candy Garrett)

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

Item 19 **Docket No. 2014-1867-MLM-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of CIC INVESTMENTS, INC. d/b/a Ingram Cleaners in Taylor County; RN105386692 and RN100677103; for dry cleaner registration and industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 374, 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 Agreed Order. TB/JN; all agree.

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 20 [**Docket No. 2014-1356-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Carl Doug Stanley, Jr. in Hardin County; RN107196123; for water quality and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Joel Cordero, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21 [**Docket No. 2014-1750-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of U.S. Land Corp. in Montgomery County; RN102095288; 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. (Elizabeth Carroll Harkrider, Lena Roberts)

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

Item 22 [**Docket No. 2014-0775-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Runge in Karnes County; RN101917839; 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/JN; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 23 [**Docket No. 2015-0513-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INSPIRED ENTERPRISE GROUP INC dba

Kiest Shell in Dallas County; RN102645058; 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/JN; all agree.

Item 24 **Docket No. 2015-0263-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of James Rosenberg dba Bayview Marina in Dallas County; RN102434081; 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/JN; all agree.

Item 25 **Docket No. 2015-0480-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LA PORTE FUEL SERVICES, LLC dba Lion King Food Mart in Harris County; RN104781398; 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. (John Fennell, Candy Garrett)

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

Item 26 **Docket No. 2015-0573-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Padaana LLC dba Get N Go Market And Deli 6 in Jasper County; RN101845527; 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/JN; all agree.

Item 27 [**Docket No. 2015-0203-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Marla Capital Corp., Inc. d/b/a Dairy Ashford Texaco in Harris County; RN105927818; 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. (Colleen Lenahan, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 28 [**Docket No. 2014-1298-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against FALFURRIAS ENTERPRISES, INC. d/b/a Kwik Pantry FFP 5149 in San Patricio County; RN102347689; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tracy Chandler, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 29 [**Docket No. 2015-0213-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Addie Marlin dba Marlin Marina Water System in Brazoria County; RN101196079; 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. (Epifanio Villarreal, Candy Garrett)

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

Item 30 [**Docket No. 2015-0527-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ALTOGA WATER SUPPLY CORPORATION in Collin County; RN101436152; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Candy Garrett)

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

Item 31 [**Docket No. 2015-0637-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Eden in Concho County; RN101405439; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jessica Schildwachter, Candy Garrett)

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

Item 32 [**Docket No. 2015-0773-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Combined Consumers Special Utility District in Hunt County; RN101440568; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Candy Garrett)

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

Item 33 [**Docket No. 2015-0224-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hubert-Watson Subdivision Water Supply, Inc. in Matagorda County; RN101455384; 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. (David Carney, Candy Garrett)

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

Item 34 [**Docket No. 2015-0499-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Central Texas Municipal Water Authority in Knox County; RN102692019; 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/JN; all agree.

Item 35 [**Docket No. 2015-0497-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RHINELAND WATER SUPPLY CORPORATION in Knox County; RN101196376; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Candy Garrett)

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

Item 36 [**Docket No. 2014-1846-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SOUTHWESTERN HOLDINGS, INC. in Presidio County; RN101214336; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Austin Henck, Candy Garrett)

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

Item 37 [**Docket No. 2015-0367-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Stan M. Putman in Hays County; RN103003208; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Farhaud Abbaszadeh, Candy Garrett)

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

Item 38 [**Docket No. 2015-0544-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TIKI LEASING COMPANY, LTD. in Chambers County; RN101176444; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Candy Garrett)

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

Item 39 **[Docket No. 2015-0698-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WESTBOUND WATER SUPPLY CORPORATION in Eastland County; RN101195733; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rachel Bekowies, Candy Garrett)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 40 **[Docket No. 2015-0193-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Primal Nights Corporation in Ector County; RN106838543; 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. (Amanda Patel, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 41 **[Docket No. 2015-0105-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Grapevine in Tarrant County; RN101385193; 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. (Farhaud Abbaszadeh, Candy Garrett)

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

Item 42 **[Docket No. 2015-0353-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against TOP-WAY MATERIALS, LLC in Wise County; RN100798644; for aggregate production operation violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Ronica Rodriguez, Candy Garrett)

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

Item 43 [Docket No. 2015-0260-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ZACHRY-ODEBRECHT PARKWAY BUILDERS in Harris and Montgomery Counties; RN106721632, RN107046617, and RN106776644; 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/JN; all agree.

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 44 [Docket No. 2014-0848-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of WPL Investments III, L.L.C. d/b/a Pine Ridge Mobile Home Park in Hardin County; RN107125288; 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 Default Order. TB/JN; all agree.

RULE MATTERS

Item 45 [Docket No. 2015-1000-RUL.](#)

Consideration for publication of, and hearing on, proposed amendments to 30 TAC Chapter 293, Water Districts, Sections 293.17, 293.20, 293.22, and 293.23. The proposed rulemaking would implement House Bill 2767, 84th Texas Legislature, 2015, Regular Session, by updating the definition of "affected person" and citations in Chapter 293 to conform to changes made to Texas Water Code (TWC), Chapter 36, by the bill and to delete language from the rule that the bill removed from the TWC. (Mike Chadwick, Ron Olson) (Rule Project No. 2015-025-293-OW)

Approve the publication of, and hearing on, amendments to 30 TAC Chapter 293, as recommended by the Executive Director. JN/TB; all agree.

Item 46 **Docket No. 2012-1722-RUL.**

Consideration of the adoption of the repeal of Sections 217.1, 217.36, 217.63, 217.69, 217.70, 217.94, 217.162, and 217.193; new Sections 217.1, 217.18, 217.36, 217.40, 217.63, 217.69 - 217.71, 217.90, 217.94, 217.120, 217.162, 217.193, and 217.194; and amended Sections 217.2 - 217.17, 217.31 - 217.35, 217.37 - 217.39, 217.51 - 217.62, 217.64 - 217.68, 217.91 - 217.93, 217.95 - 217.100, 217.121 - 217.129, 217.151 - 217.161, 217.163, 217.164, 217.182 - 217.192, 217.201 - 217.213, 217.241 - 217.252, 217.271 - 217.283, 217.291 - 217.300, 217.321 - 217.330, 217.332, and 217.333 of 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The adoption would amend Chapter 217 by adding new definitions and clarifying existing definitions; adding design criteria and approval requirements for rehabilitation of existing infrastructure; adding design criteria for new technologies, including cloth filters and air lift pumps; updating existing requirements or developing new requirements to reflect modern practices, standards, and trends; and modifying rule language to improve readability and enforceability. The proposed rules were published in the May 29, 2015, issue of the *Texas Register* (40 TexReg 2935). (Dex Dean, Kathy Humphreys, Robert Brush) (Rule Project No. 2012-040-217-OW).

Adopt the new, amended, and repealed Sections of 30 TAC Chapter 217 relating to design criteria for domestic waste water treatment systems as recommended by the Executive Director. TB/JN; all agree.

Item 47 **Docket No. 2015-0249-RUL.**

Consideration of the adoption of new 30 Texas Administrative Code (TAC) Chapter 317, Design Criteria Prior to 2008, Sections 317.1 - 317.13 and 317.15. The adopted rulemaking clarifies the applicability of requirements for facilities with plans and specifications submitted for agency approval before October 28, 2008, and that are not subject to the requirements of 30 TAC Chapter 217. Specifically, these facilities would be installed and constructed, maintained, and operated in accordance with approved plans and specifications and the requirements of Chapter 317. The proposed rules were published in the May 29, 2015, issue of the *Texas Register* (40 TexReg 3070) (Tammy Mitchell, Kathy Humphreys) (Rule Project No. 2013-025-317-LS)

Adopt new 30 Texas Administrative Code Chapter 317 as recommended by the Executive Director. JN/TB; all agree.

STATE IMPLEMENTATION PLAN

Item 48 **Docket No. 2015-0118-SIP.**

Consideration of the adoption of Federal Clean Air Act (FCAA), Section 110(a)(1) and (2) Infrastructure and Transport State Implementation Plan (SIP) Revision for the 2012 primary annual fine particulate matter (PM2.5) National Ambient Air Quality Standard (NAAQS). This SIP revision outlines the requirements of FCAA, Section 110(a)(2)(A) through (M), and the Texas provisions supporting the requirements for the 2012 PM2.5 NAAQS. These requirements include basic program elements such as enforceable emission limitations and control measures, air quality monitoring and modeling, a permitting program, adequate funding and personnel, authority under state law to carry out the plan, emissions reporting, emergency powers, public participation, and fee collection. This SIP revision also includes a technical demonstration to support the determination that Texas meets the interstate transport requirements of Section 110(a)(2)(D)(i)(I). (Kristin Patton, Amy Browning) (Non-Rule Project No. 2014-029-SIP-NR)

Adopt the proposed Infrastructure and Transport State Implementation Plan Revisions for the 2012 primary annual PM2.5 Standard as recommended by the Executive Director. TB/JN; all agree.

PUBLIC COMMENT SESSION

Item 49 **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 50 **Docket No. 2015-0001-EXE.**

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

Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 51 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 52 Docket No. 2015-0003-EXE.

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

No action taken.

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

PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

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

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

_____/s/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

11/10/2015
Date