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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
Commissioner Jon Niermann

AGENDA

January 20, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 **[TCEQ Docket No. 2005-1490-WR; SOAH Docket No. 582-10-4184.](#)**

Consideration of the Administrative Law Judges' Proposal for Decision on Remand regarding the application of Brazos River Authority (BRA) for a new Permit No. 5851 pursuant to rules of the Texas Commission on Environmental Quality and Tex. Water Code Chapter 11 to authorize a new appropriation of state water, which includes return flows in the basin for multiple uses including domestic, municipal, agricultural, industrial, mining, and other beneficial uses on a firm basis in the Brazos River Basin. BRA initially applied for a new water use permit, with a priority date of October 15, 2004, to appropriate 421,449 acre-feet per year of firm state water and 670,000 acre-feet per year of interruptible state water in the Brazos River Basin Following the Commission's remand of BRA's Application in January 2012, BRA has amended its Application to include the Water Management Plan (WMP), the related WMP Technical Report, and appendices, all of which would be incorporated into the permit. BRA's Amended Application seeks: i) a new appropriation of non-firm state

water in the amount of 1,001,449 acre-feet of water per year for multiple uses, including domestic, municipal, agricultural, industrial, mining, and other beneficial uses in the Brazos River Basin; ii) diversion of the water authorized by this permit from: the existing diversion points authorized by BRA's existing water rights; the Brazos River at the Gulf of Mexico; and such other diversion points that are identified and included in BRA's WMP; iii) an exempt interbasin transfer authorization to transfer and use, on a firm and non-firm basis, such water in the adjoining San Jacinto-Brazos Coastal Basin and the Brazos-Colorado Coastal Basin; iv) an appropriation of return flows to the extent that such return flows continue to be discharged or returned into the bed and banks of the Brazos River, its tributaries, and Applicant's reservoirs; v) operational flexibility; vi) use of the bed and banks of the Brazos River, its tributaries, and BRA's reservoirs for the conveyance, storage, and subsequent diversion of waters; and vii) a term permit for 30 years or until the ports are closed on the dam impounding Allens Creek Reservoir, whichever is earlier, to allow BRA to use the water appropriated under Water Use Permit No. 2925A, as amended, until its construction. The ALJs recommend that the Commission partially grant BRA's Amended Application, approve its WMP with changes, and issue BRA's proposed permit with changes. BRA's service area includes the following counties: Parmer, Castro, Swisher, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Archer, Lubbock, Crosby, Baylor, Dickens, King, Knox, Jack, Terry, Lynn, Mitchell, Chambers, Young, Garza, Throckmorton, Kent, Haskell, Stonewall, Parker, Palo Pinto, Dawson, Scurry, Borden, Fisher, Stephens, Jones, Shackelford, Johnson, Hood, Nolan, Erath, Eastland, Taylor, Callahan, Somervell, Hill, Comanche, Bosque, Brown, Freestone, Hamilton, McLennan, Limestone, Mills, Coryell, Leon, Falls, Lampasas, Robertson, Bell, Madison, Milam, Burnet, Brazos, Grimes, Williamson, Burleson, Travis, Lee, Washington, Bastrop, Fayette, Waller, Harris, Austin, Colorado, Fort Bend, Galveston, Matagorda, Wharton, and Brazoria. The Commission will also consider the record, timely related filings, exceptions and replies. (Robin Smith)

1) The Commission determines the majority of the ALJs' determinations are supportable; however, the Commission intends to implement two issues in a different manner. 2) The Commission remands this matter to SOAH in the form of a limited remand for the purposes of clearing up the existing record and allowing the Parties and the ALJs to implement the Commission's decisions on two issues regarding reservoir capacities and return flows in the Special Conditions and Water Management Plan portions of the SysOps Permit recommended by the ALJs. 3) The Commission instructs the ALJs to not reopen the evidentiary record and make any factual recommendations based on the existing record. 4) Regarding water availability based on reservoir storage capacity issues, the Commission agrees with the ALJs' analysis regarding the 14% reduction in total available water availability under the four Demand Level scenarios. However, the Commission has determined to implement the reduction via appropriate Special Condition limitations instead of lowering the Use Appropriation amounts in the

four Demand Level scenarios. In order to implement the different implementation of the ALJs' analysis, the Commission requests on remand that the ALJs and the Parties: i) Recalculate the ALJs' proposed four Demand Scenarios for the Use Appropriations by adding back the 14% reductions to each level in Provision 1.A; and ii) Redraft Special Condition in 5.D. in a manner that: 1) directs BRA's WMP to immediately reduce the authorized diversion and use of the maximum annual authorized appropriation by the ALJs' proposed 14% reduced appropriation levels under the four Demand Level scenarios due to sedimentation in the system reservoirs; 2) authorizes BRA to submit a demonstration that it has additional sources of supply sufficient to offset the 14% initial reduction in its system reservoirs due to sedimentation; and 3) should Permittee demonstrate that such supplies are available in the future demonstration, the amount of water authorized for diversion and use may increase up to the appropriated maximum annual amounts in Provision 1.A. 5) Regarding return flows issues, the Commission agrees with the ALJs that TWC §§ 11.042 and 11.046 are reconcilable based on the plain language used in these statutes and that the two subsections address mutually exclusive scenarios. The Commission agrees with the ALJs determination that, as to the groundwater based effluent flows of others and surface water based surplus water return flows of others, BRA has carried its burden for those amounts. However, BRA can obtain an indirect reuse authorization of its own groundwater based effluent and its own surface water /developed water based effluent return flows only via a bed and banks authorization under TWC § 11.042(b) & (c). Because the BRA return flow approach appears to treat all return flows the same, further investigation of the record is necessary in order to only include the amounts of the groundwater based effluent flows of others and surface water based surplus water return flows of others as a new appropriation. In order to implement the different implementation of the ALJs' analysis, the Commission requests on remand that the ALJs and the Parties: i) determine if the existing record includes persuasive evidence that BRA has requested and sought to obtain authorization of its own groundwater based effluent or its own surface water /developed water based effluent return flows in BRA's return flows approach; and ii) if BRA did seek an authorization for its own return flows in its requested appropriation, then the ALJs should remove that portion of BRA's own return flows from the appropriation and determine if BRA demonstrated that the amounts of BRA's own return flows meets all of the bed and banks application requirements. The ALJs should make a recommendation on whether the Commission can approve a bed and banks authorization for BRA's own return flows; but the Commission will not authorize this amount as a new appropriation in the SysOps Permit. 6) The Commission determines that BRA can obtain a new appropriation from other entities' surface water based surplus water return flows under TWC § 11.046(c) and TWC § 11.121 and other entities' ground water based effluent discharge flows under TWC § 11.121. The ALJs should determine the amount of other entities' return flows that BRA proved as a new appropriation. Once the revised amount is determined, the ALJs should also recommend special conditions that: i) requires sufficient accounting to protect BRA from diverting more than the other entities' return flows; and ii) includes redrafted Special Conditions in section 5.A. that reduce or terminate BRA's appropriative rights in the return flows of others once another discharger directly reuses or obtains an indirect reuse bed and bank authorization under TWC § 11.042(b) or (c) that lessens the availability of the proportionate return flows of others. 7) The Commission agrees with

the ALJs' analysis for all other contested issues addressed in the PFD on Remand. The ALJs should recommend the most appropriate procedure to ensure that BRA's Water Management Plan incorporates the Commission's decisions.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 [Docket No. 2015-1528-IWD.](#)

Consideration of the application by Formosa Utility Venture, Ltd. and Formosa Plastics Corporation, Texas, which operates the Point Comfort Plant, a plastics and organic and inorganic chemicals manufacturing facility, for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002436000 to establish minimum analytical levels for oil and grease, biochemical oxygen demand (5-day), free available chlorine, and titanium; reduce Lavaca Bay monitoring from quarterly each year to quarterly triannually based on 15 years of no impacts; increase the temperature limit at Outfall 001 from 95 °F to 100 °F; authorize the discharge of non-process area storm water, hydrostatic test water, fire water, non-contact steam condensate, non-contact wash water, potable water, air conditioner unit condensate, and ash truck wash water on an intermittent and flow-variable basis via Outfall 013; increase the effluent limitations for total copper at Outfall 001; increase the effluent limitations for chloroform at Outfall 101; authorize the discharge of fire water via Outfalls 001, 101, and 201; create a summation outfall (designated as Outfall SUM) to regulate the effluents monitored via internal Outfalls 101 and 201; and authorize the discharge of potable water and air conditioner unit condensate via Outfalls 001, 101, 201, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, and 012. The facility is located at 201 Formosa Drive, one mile north of the intersection of State Highway 35 and Farm-to-Market Road 1593, northeast of the City of Point Comfort, Calhoun 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. (Michael Sunderlin, Kathy Humphreys)

Grant the hearing requests of Mauricio Blanco, Hurtado Francisco, Jose Luis Cruz, the Union of Commercial Oystermen of Texas, Texas Injured Workers, and San Antonio Bay Water Keeper; Refer the matter to the Commission's Alternative Dispute Resolution Program concurrent with the SOAH scheduling process; Refer the matter to SOAH for a contested case hearing on the following issues: A) Whether the draft permit adequately prohibits the discharge of polyethylene pellets and PVC dust; B) Whether the draft permit contains appropriate provisions regarding the discharge of phthalates; C) Whether the effluent limit for copper will adversely affect water quality, threaten aquatic species, or violate the anti-backsliding provisions of the Clean Water Act; D) Whether the proposed discharge will negatively impact oyster reefs in Lavaca Bay and the surrounding area; E) Whether the effluent limits in the draft permit should be different for periods of low tide and high tide; F) Whether Formosa's compliance history prevents

issuance of the major amendment or requires specific permit terms in the draft permit; G) Whether discharges from the Formosa facility, under the terms in the draft permit, would cause degradation of Segment Nos. 2453 and 2454, including Cox Lake, Cox Bay, and Lavaca Bay/Chocolate Bay; H) Whether the draft permit is consistent with the Coastal Management Program; I) Whether New Source Performance Standards have been properly applied to the draft permit; J) Whether the reporting requirements for temperature in the draft permit are appropriate; K) Whether the effluent limit for chloroform will adversely affect water quality, threaten aquatic species, or violate the anti-backsliding provisions of the Clean Water Act; L) Whether the three-year compliance period for the dioxin and furan effluent limits in the draft permit is appropriate; M) Whether the draft permit includes appropriate effluent limits for the discharge of domestic wastewater; N) Whether the pH limit in the draft permit is appropriate; O) Whether the draft permit includes appropriate requirements regarding leak protection equipment; P) Whether the draft permit provisions applicable to Outfalls 002 – 013 contain appropriate effluent limits, and sampling and monitoring requirements; and Q) Whether the draft permit provisions applicable to initiating a Toxicity Reduction Evaluation are appropriate; and Specify that the maximum duration of the hearing is 12 months from the preliminary hearing to issuance of the Proposal for Decision. TB/JN; all agree.

Item 3 **Docket No. 2015-1624-MWD.**

Consideration of the application by Randolph Todd Company, LLC, for new TPDES Permit No. WQ0015314001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 390,000 gallons per day in the Final Phase. The facility will be located at 2959 South Cranes Mill Road, in Comal County, Texas 78132. 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 Moore, Ashley McDonald)

Grant the hearing requests filed by Patricia and Troy Brand, Ellen McClellan, Edward Harris, Phyllis Yvonne Ritter, Carole Farmer, Nelda and Ronald Davis, Susan Dooley Logue, Randall and Nancy Pappas, Daniel and Michele Laroe, Elizabeth Martin, Ted Martin, and Taylor Martin; Refer to SOAH for an affectedness determination the hearing requests filed by Hector X. Amaya, Sabrina Houser-Amaya, Franklin Houser, and Bonnie Houser; Deny the remaining hearing requests; Refer the application to SOAH for a contested case hearing on the following issues: A) Whether the draft permit will increase the pollutant loading of the receiving stream; B) Whether the draft permit is protective of the existing uses of the receiving stream; C) Whether the discharge route has been properly characterized as intermittent; D) Whether the draft permit will impact the requester's ground water wells; E) Whether the draft permit is protective of the Edwards Aquifer; F) Whether the draft permit complies with the special rules for the Edwards Aquifer Recharge Zone; G) Whether the draft permit is protective of the requester's health, livestock, and wildlife in the area; H) Whether the draft permit will maintain aquatic life uses; I) Whether the proposed discharge or plant will cause

nuisance odors; J) Whether the draft permit complies with the Commissions' Regionalization Policy; K) Whether errors in the application prevent issuance of the draft permit; and L) Whether the draft permit will adequately protect the plant from 100-Year Flood Events and complies with the applicable location standards found in 30 TAC § 309.13; and Set a hearing duration of nine months from the first date of the preliminary hearing until the Proposal for Decision is issued. TB/JN; all agree.

DISTRICTS MATTER

Item 4 **[Docket No. 2015-1276-DIS.](#)**

Consideration of a petition by Cypress 600 Development Partners LP (Petitioner), for dissolution of Harris County Municipal Utility District No. 317 (District). The Petitioner requests that the Commission dissolve the 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. The District was created by the 69th Legislature in 1985 and contains approximately 156.0416 acres of land located in Harris County. (TCEQ Internal Control No. 07232015-035) (Ren Berra, Linda Horng)

Grant the petition filed by Cypress 600 Development Partners LP to dissolve the Harris County Municipal Utility District No. 317; Adopt the proposed order filed by the Executive Director on December 21, 2015; and Instruct the Chief Clerk to file a certified copy of the order in the deed records of Harris County and with the Secretary of State. JN/TB; all agree.

TOTAL MAXIMUM DAILY LOAD MATTER

Item 5 **[Docket No. 2015-1531-TML.](#)**

Consideration for approval to publish and solicit public comment on one draft Total Maximum Daily Load for Bacteria in Jarbo Bayou in Galveston County. (Chris Loft, Robert Brush) (Project No. 2015-008-TML-NR)

Approve the publication of, and solicitation of public comment on, one Total Maximum Daily Load for Bacteria in Jarbo Bayou as recommended by the Executive Director. JN/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6 **[Docket No. 2015-0542-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Atlantic Coffee Industrial Solutions, LLC in Harris County; RN100214931; 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/JN; all agree.

Item 7 **[Docket No. 2015-0692-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cameron Rig Solutions, Inc. in Harris County; RN104348339; 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. (Eduardo Heras, Candy Garrett)

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

Item 8 **[Docket No. 2015-0669-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Hutchinson County; RN102320850; 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/JN; all agree.

Item 9 **[Docket No. 2015-0591-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Davis Gas Processing, Inc. in Irion County; RN102744398; 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 10 **[Docket No. 2015-0691-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eastman Chemical Company in Harrison

County; RN100219815; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Nguyen, Candy Garrett)

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

Item 11 **Docket No. 2014-1641-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ExxonMobil Oil Corporation in Jefferson County; RN102450756; 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.

Item 12 **Docket No.2015-0838-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Houston Refining LP in Harris County; RN100218130; 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 13 **Docket No. 2015-0442-AIR-E.**

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

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

Item 14 **Docket No. 2015-0325-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/JN; all agree.

Item 15 **[Docket No. 2015-0522-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sid Richardson Carbon, LTD in Hutchinson County; RN100222413; 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. (Eduardo Heras, Candy Garrett)

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

Item 16 **[Docket No. 2015-0471-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Downstream LLC in Harris County; RN100214212; 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/JN; all agree.

Item 17 **[Docket No. 2015-0958-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texas Molecular Limited Partnership in Harris County; RN100209568; 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 18 **[Docket No. 2014-1679-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Fracmax Inc. in Terry County; RN107573214; 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. (Jess Robinson, Lena Roberts)

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

Item 19 **[Docket No. 2015-0372-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Lubrizol Corporation in Harris County; RN101058410; 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/JN; all agree.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 20 **[Docket No. 2015-0236-AIR-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of H&F Sandblasting, LLC in Montgomery County; RN107379521; 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. (David A. Terry, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 21 **[Docket No. 2015-0240-EAQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Ranch 967, LLC in Hays County; RN107732612; 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. (David A. Terry, Lena Roberts)

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

**INDUSTRIAL AND/OR HAZARDOUS WASTE ENFORCEMENT
DEFAULT ORDER**

Item 22 [**Docket No. 2015-0298-IHW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Legacy Metals LLC in Liberty County; RN101618031; 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. (Jennifer Cook, Lena Roberts)

This item was remanded to the Executive Director on January 15, 2016.

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED
ORDERS**

Item 23 [**Docket No. 2014-0175-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Molinos Anahuac, Inc. in Lubbock County; RN105452072; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Graves, Candy Garrett)

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

Item 24 [**Docket No. 2015-0432-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Premcor Refining Group Inc. in Jefferson County; RN103914545; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Graves, Candy Garrett)

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

LANDSCAPE IRRIGATION LICENSING ENFORCEMENT

DEFAULT ORDERS

Item 25 **[Docket No. 2015-0273-LII-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Michael K. Gerard in Harris County and Fort Bend County; RN103836870; 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. (Amanda Patel, Lena Roberts)

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

Item 26 **[Docket No. 2015-0399-LII-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Norberto Paita in Travis County and Williamson County; RN107714115; 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 27 **[Docket No. 2014-1067-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pergan Marshall LLC in Harrison County; RN102498714; for industrial and hazardous waste, injection well, and used oil 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. (Keith Frank, Candy Garrett)

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

Item 28 **[Docket No. 2014-1359-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of UNION CARBIDE CORPORATION in Calhoun County; RN102181526; for used oil and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, 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/JN; all agree.

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS

Item 29 **Docket No. 2014-0581-MLM-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Liborio Garcia and EXPERT CONSTRUCTION, INC. in El Paso County; RN106957889; for municipal solid waste, water quality, used oil, and aggregate production operation violations pursuant to Tex. Water Code chs. 7, 26, and 28A, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Lieberknecht, Lena Roberts)

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

Item 30 **Docket No. 2014-1644-MLM-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of the shingle yard LLC in Grayson County; RN101559912; for municipal solid waste and water quality 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. (Jennifer Cook, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 31 **Docket No. 2013-0499-MSW-E.**

Consideration of an Agreed Order assessing administrative penalties against ALAMO RECYCLE CENTERS LLC in Bexar County; RN101628410; 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. (Ryan Rutledge, Lena Roberts)

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

Item 32 [**Docket No. 2014-1442-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of BONDED JOINT VENTURES, INC. in Bexar County; RN101289973; 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. (Ryan Rutledge, Lena Roberts)

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

Item 33 [**Docket No. 2014-1836-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jimmie Jackson in Navarro County; RN107717738; 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. (John Duncan, Candy Garrett)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 34 [**Docket No. 2014-1006-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against Ricky Woods d/b/a Rick's Tire Service in Llano County; RN106368004; 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. (J. Amber Ahmed, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 35 [**Docket No. 2015-0598-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Texas, Inc. in Montgomery County;

RN102344116; 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/JN; all agree.

Item 36 [**Docket No. 2014-0532-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Denison in Grayson County; RN102992567; 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.

Item 37 [**Docket No. 2015-0800-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kemp in Kaufman County; RN102218435; 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. (James Boyle, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 38 [**Docket No. 2015-0922-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against CJF FAMILY, INC. dba Smile Mart in Harris County; RN102380722; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Duncan, Candy Garrett)

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

Item 39 **[Docket No. 2013-1551-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against GOOD TIME STORES, INC. dba Good Time Store 70 in El Paso County; RN105683486; for petroleum storage tank 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. (Michael Meyer, Candy Garrett)

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

Item 40 **[Docket No. 2015-0909-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Jamal Jafari dba J & K Food Store in Tarrant County; RN101549574; 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 41 **[Docket No. 2015-0774-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Malhi International Inc. dba Cowboy Mart 2 in Bell County; RN101674372; 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/JN; all agree.

Item 42 **[Docket No. 2014-1068-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Mehdi Ali dba All Seasons in Fort Bend County; RN101432201; 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 43 [**Docket No. 2015-0627-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NEW K & T QUICK STOP, INC. dba K & H FOOD STORE in Tarrant County; RN101570570; 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. (James Baldwin, Candy Garrett)

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

Item 44 [**Docket No. 2015-0328-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Park Place Valero corp dba Taef Food Mart in Harris County; RN101772390; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Duncan, Candy Garrett)

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

Item 45 [**Docket No. 2015-0794-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against S.S.P. BUSINESS, INC. dba Country Food Mart in Nueces County; RN102716875; 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/JN; all agree.

Item 46 [**Docket No. 2015-0883-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against WESTEX CAPITAL, LTD. in Karnes County; RN105270870; 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/JN; all agree.

Item 47 [**Docket No. 2015-0657-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ZAA Enterprises, Inc. dba Flash Mart Abrams in Dallas County; RN103136362; 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. (Mike Pace, Candy Garrett)

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

Item 48 [**Docket No. 2015-0625-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Umair Qadir dba Pic N Go in Cherokee County; RN102399375; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Duncan, Candy Garrett)

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

Item 49 [**Docket No. 2014-1474-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SHAHEEN INTERNATIONAL, INC. d/b/a Fisco in Jefferson County; RN101447126; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

Item 50 [**Docket No. 2014-0546-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against BLUE WATER FALL INC. d/b/a Shop-N-Go in Bell County; RN102465028; 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. (David Terry, Lena Roberts)

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

Item 51 **[Docket No. 2014-0727-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SSOS Realty Corporation d/b/a Economy Food & Gas 3 in Hidalgo County; RN102855459; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 52 **[Docket No. 2015-0441-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against INS EMERALD, L.L.C. d/b/a LUNA MART in Dallas County; RN101562726; 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.

Item 53 **[Docket No. 2015-0321-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of ASPN INVESTMENT COMPANY, INC. d/b/a Cameron Mini Mart in Milam County; RN102434446; 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. (Ian Groetsch, Lena Roberts)

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

Item 54 **[Docket No. 2015-0629-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Dolores Longoria d/b/a El Indio Grocery in Maverick County; RN102237930; 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. (Jess Robinson, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 55 **[Docket No. 2015-0463-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Billy Gamboa and Sarah Gamboa dba Trails End RV Park in Midland County; RN107228157; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Boyle, Candy Garrett)

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

Item 56 **[Docket No. 2015-1181-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Anson in Jones County; RN101385094; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Candy Garrett)

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

Item 57 **[Docket No. 2015-0735-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Coleman County Special Utility District; RN101212520; 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 58 **Docket No. 2015-1009-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CRTX Properties LLC in Lubbock County; RN102319464; 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 59 **Docket No. 2015-0498-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GREENWOOD VENTURES INC. in Midland County; RN102689213; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villareal, Candy Garrett)

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

Item 60 **Docket No. 2015-0734-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JJM DEVELOPMENT, INC. in El Paso County; RN101273753; 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. (Yuliya Dunaway, Candy Garrett)

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

Item 61 **Docket No. 2015-0526-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mark Stewart in Cass County; RN101194447; 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 62 [**Docket No. 2015-0962-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Monarch Utilities I L.P. in Grayson County; RN101376986; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Candy Garrett)

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

Item 63 [**Docket No. 2015-0535-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SHEFFIELD WATER SUPPLY CORPORATION in Pecos County; RN101452340; 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. (Ryan Byer, Candy Garrett)

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

Item 64 [**Docket No. 2015-0546-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the U.S. Department of Veterans Affairs in Potter County; RN100655489; 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 65 [**Docket No. 2015-0786-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ZANELLI FAMILY PARTNERSHIP, LTD. in Harris County; RN107068876; 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 66 [**Docket No. 2015-0821-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Throckmorton in Throckmorton County; RN101410553; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villareal, Candy Garrett)

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

Item 67 [**Docket No. 2015-0877-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Frank E. Plocek Sr. dba Plocek RV Park in La Salle County; RN106670557; 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/JN; all agree.

Item 68 [**Docket No. 2015-1010-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EULA WATER SUPPLY CORPORATION in Callahan County; RN102682036; 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/JN; all agree.

Item 69 [**Docket No. 2014-1735-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WOLFE AIRPARK CIVIC CLUB, INC. in Brazoria County; RN101230720; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Larry Butler, Candy Garrett)

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

Item 70 [**Docket No. 2015-0848-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Martin County FWSD 1 in Martin County; RN101398089; 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. (John Duncan, Candy Garrett)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 71 **Docket No. 2015-0266-PWS-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Rhonda C. Vanover d/b/a Seven Estates in Lubbock County; RN102679305; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 5 and 13, and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 72 **Docket No. 2015-0313-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ALF Properties L.L.C. in Wood County; RN107275323; 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. (Christopher Bost, Candy Garrett)

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

Item 73 **Docket No. 2015-0340-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties against Mansfield Sand & Select, LLC in Tarrant County; RN104318316 and RN106612674; for water quality violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Had Darling, Candy Garrett)

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

RULE MATTER

Item 74 **Docket No. 2015-1076-RUL.**

Consideration for publication of, and hearing on, proposed new Section 305.132 of 30 TAC Chapter 305, Consolidated Permits; and amended Section 327.1 and proposed new Section 327.32 of 30 TAC Chapter 327, Spill Prevention and Control. The proposed rulemaking would implement Senate Bill 912, 84th Texas Legislature, 2015, Regular Session, by including volume-based exemption from reporting requirements for certain accidental discharges or spills of treated or untreated wastewater from wastewater treatment facilities and collection systems in the new and amended sections. (Macy Beauchamp, Celia Castro) (Rule Project No. 2015-024-305-CE)

Approve for publication of, and hearing on, new Texas Administrative Code Sections 305.132 and 327.32 and amended Section 327.1. JN/TB; all agree.

PUBLIC COMMENT SESSION

Item 75 **Docket No. 2016-0004-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 76 **Docket No. 2016-0001-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 77 **Docket No. 2016-0002-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 78 **Docket No. 2016-0003-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.)

SECTION 46.035 OF THE TEXAS PENAL CODE PROHIBITS HANDGUN LICENSEES FROM CARRYING THEIR HANDGUNS AT GOVERNMENT MEETINGS SUCH AS THIS ONE. THIS

PROHIBITION APPLIES TO BOTH CONCEALED CARRY AND OPEN CARRY BY HANDGUN LICENSEES.

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

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

_____/s/ Tracy Gross_____
Assistant General Counsel
Tracy Gross

_____/1/26/2016_____
Date