

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

June 8, 2016

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. 2013-2114-WR.](#)**

Consideration of the application by Covered Bridge Canyon Home Owners Association, Inc. for new Water Use Permit No. 12479 to maintain seven dams and reservoirs with a combined capacity of 29.55 acre-feet for recreational purposes on unnamed tributaries of Silver Creek, tributary of Lake Worth on the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin in Parker County, Texas. The Applicant proposes to maintain all seven reservoirs at a constant level with groundwater. The Commission will also consider all timely filings including requests for hearing or reconsideration, related responses and replies, and public comment. (Sarah Henderson, Dinniah Tadema)

Grant Kathy Chruscielski's and the City of Houston's requests for a contested case hearing; Deny the hearing request of Joyce Hartman; Direct the Chief Clerk to refer

the application to the State Office of Administrative Hearings to conduct a contested case hearing; and Refer this matter to the Commission's Alternative Dispute Resolution Program for settlement discussions to run concurrent with the SOAH scheduling process. JN/TB; all agree.

Item 2 **Docket No. 2016-0160-WR.**

Consideration of the application by the City of Pearland (Applicant) for new Water Use Permit No. 13071, seeking authorization to divert and use not to exceed 280 acre-feet per year of historically discharged surface water and groundwater-based return flows from the Far Northwest Wastewater Treatment Facility, Texas Pollutant Discharge Elimination System Permit No. WQ0010134008, approximately 60% of which are surface water based, for storage in five off-channel reservoirs for recreational purposes and for subsequent diversion for agricultural purposes in Brazoria County. Applicant also seeks authorization to use the bed and banks of an unnamed tributary of Clear Creek and Clear Creek, tributary of the San Jacinto River, San Jacinto-Brazos Coastal Basin, to convey the return flows to the diversion point for diversion at a maximum rate of 1.546 cfs (694 gpm) for agricultural purposes to irrigate 280 acres out of a 583 acre tract of land in Brazoria County. The Commission will also consider all timely filings including requests for hearing or reconsideration, related responses and replies, and public comment. (Melissa Carugati, Linda Horng)

Grant the hearing request of the National Wildlife Federation; and Direct the Chief Clerk to refer the application to the State Office of Administrative Hearings to conduct a contested case hearing. TB/JN; all agree.

Item 3 **Docket No. 2016-0590-MWD.**

Consideration of the application by Tri-County Point Property Owners Association for new Texas Pollutant Discharge Elimination System Permit No. WQ0015399001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 24,000 gallons per day. The facility was previously permitted under Texas Pollutant Discharge Elimination System Permit No. WQ0012880001, which expired on January 1, 2015. The facility is located approximately 12,000 feet southwest of the intersection of State Highway 35 and Five Mile Branch, in Jackson County, Texas 77465. The Commission will also consider all timely filings including requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Sarah A. Johnson, Kathy Humphreys)

Deny the hearing requests of Rebecca Barker, John Hamrick, Ricky Jackson, Bill Martin, Glen Mears, Peggy Redmond, and Dale Rocarek; Issue new TPDES Permit No. WQ0015399001 to Tri-County Point Property Owners Association as recommended in the draft permit prepared by the Executive Director; and Adopt the Executive Director's Response to Comments. JN/TB; all agree.

USE DETERMINATION MATTER

Item 4 **[Docket No. 2016-0613-MIS-U.](#)**

Consideration of the appeal filed by ELG Metals, Inc., regarding the Partial Negative Use Determination issued by the Executive Director to ELG Metals, Inc., on a portion of Application No. 19451 in Harris County, Texas. The Commission will also consider the application, the appeal, and all timely responses and reply briefs. (Elizabeth Sartain, Colleen Leneham)

Deny ELG Metals, Inc.'s Appeal; and Affirm the Executive Director's Partial Negative Use Determination on Application No. 19451. TB/JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 **[Docket No. 2015-0743-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Benedum Gas Partners, L.P. in Upton County; RN100211846; 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, Melissa Cordell)

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

Item 6 **[Docket No. 2015-1104-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Jefferson County; RN100209857; 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, Melissa Cordell)

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

Item 7 [Docket No. 2013-1186-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ONEOK Hydrocarbon Southwest, LLC in Chambers County; RN100209949; 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, Melissa Cordell)

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

Item 8 [Docket No. 2015-1659-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Smurfit Kappa Orange County LLC in Kaufman County; RN100754779; 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, Melissa Cordell)

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

**LANDSCAPE IRRIGATION LICENSING ENFORCEMENT
DEFAULT ORDER**

Item 9 [Docket No. 2015-0200-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of SERENE SCENES, LLC in Travis County; RN106371180; 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)

Remanded to the Executive Director by the Office of the General Counsel on June 7, 2016.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 10 [Docket No. 2015-1058-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AAA NURSERY/SAND & STONE, INC.

in Kaufman County; RN105950026; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven Van Landingham, Melissa Cordell)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 11 [Docket No. 2015-1158-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Ruben Sylva in Bee County; RN106373566; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Carroll Harkrider, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCMEENT AGREED ORDER

Item 12 [Docket No. 2015-1470-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Liberty Tire Recycling, LLC in Taylor County; RN108717562; 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. (Holly Kneisley, Melissa Cordell)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 13 [Docket No. 2015-1282-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against 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. (Farhaud Abbaszadeh, Melissa Cordell)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 14 **Docket No. 2015-0670-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of F & K ENTERPRISE, INC. dba Kwik Mart in Dallas County; RN101784692; 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. (Rebecca Boyett, Melissa Cordell)

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

Item 15 **Docket No. 2015-0885-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of James H. Kim dba Casey Ridge Grocery in Montgomery County; RN102225372; 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, Melissa Cordell)

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

Item 16 **Docket No. 2015-1252-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against Ozona Retail, Inc. dba Circle Bar Truck Corral in Crockett County; RN102010519; 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 Stump, Melissa Cordell)

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

PETROLEUM STORAGE TANK ENFORCMENT DEFAULT AND SHUTDOWN ORDER

Item 17 [Docket No. 2014-1866-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Jet Center of Dallas, LLC in Dallas County; RN103017257; 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. (Jim Sallans, Lena Roberts)

Remanded to the Executive Director by the Office of the General Counsel on June 7, 2016.

PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDERS

Item 18 [Docket No. 2015-1106-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Alamo Heights in Bexar County; RN101428001; 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, Melissa Cordell)

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

Item 19 [Docket No. 2015-1720-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Sansom Park in Tarrant County; RN101414480; 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, Melissa Cordell)

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

Item 20 [Docket No. 2015-1680-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gary D. Steed dba Canyon Dam Mobile Home Park and Patty M. Steed dba Canyon Dam Mobile Home Park in Ector County; RN102676681; for public drinking water violations

pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Hall, Melissa Cordell)

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

Item 21 **[Docket No. 2015-1608-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MOORE STATION WATER SUPPLY CORPORATION in Henderson County; RN101231256; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Melissa Cordell)

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

Item 22 **[Docket No. 2015-1666-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Spring Meadow Mobile Home Park, LLC in Midland County; RN102316783; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amancio R. Gutierrez, Melissa Cordell)

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

Item 23 **[Docket No. 2015-0810-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WATER NECESSITIES, INC. in Orange County; RN101220838; 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, Melissa Cordell)

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

Item 24 **[Docket No. 2015-1033-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of RANGER UTILITY COMPANY in Waller County; RN101216133; for public drinking water violations

pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Adam Taylor, Lena Roberts)

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

PUBLIC WATER SUPPLY ENFORCEMENT DEFAULT ORDER

Item 25 **Docket No. 2015-1670-PWS-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Lake Corpus Christi RV Park & Marina, L.L.C. in Live Oak County; RN101254266; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Lena Roberts)

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

WATER RIGHTS ENFORCEMENT DEFAULT ORDER

Item 26 **Docket No. 2014-1858-WR-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Roberta Schoch in Menard County; RN103924718; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

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

PUBLIC COMMENT SESSION

Item 27 **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 28 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.

The Commission did not meet in Executive Meeting.

Item 29 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.

The Commission did not meet in Executive Meeting.

Item 30 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.

The Commission did not meet in Executive Meeting.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR

BRILLE 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/ Ron Olson
Assistant General Counsel
Ron Olson

6-9-2016
Date