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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**

July 6, 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. 2015-0068-IWD; SOAH Docket No. 582-15-2214.](#)**

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the Application of Dos Republicas Coal Partnership, for a Permit Renewal and Amendment of TPDES Permit No. WQ0003511000 pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code ch. 26. The subbituminous coal mine is located approximately five to six miles north-northeast of the City of Eagle Pass, Texas, and within Maverick County. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Stefanie Skogen)

Adopt the ALJs' Proposed Order, as revised by the ALJs' letter dated June 9, 2016, with the following changes: A) Amend Finding of Fact No. 24 to read: "Due to a location change, additional notice regarding the public meeting was published on January 15, 2015, in English and Spanish in the *Eagle Pass Business Journal*, in English and Spanish in *The News Gram*, and on January 16, 2015 in Spanish in *La Pulguita*."; B) Correct the spelling of Protestants Salinas and Casares' last names in Finding of Fact No. 33; C) Amend Finding of Fact No. 80 to read: "Under Other Requirement No. 10, analytical testing for the outfalls must be completed within 60 days of each discharge and results of the testing must be submitted to the TCEQ Industrial Permits Team within 90 days of each of the four discharges for each outfall; the Commission may reopen the permit and impose monitoring and/or effluent limitations, if appropriate;" D) Delete Finding of Fact No. 105; E) Add new Finding of Fact No. 105A that states: "The discharge samples provided by DRCP do not indicate that any monitoring requirements or effluent limitations should be added to the draft permit at this time;" F) Delete Finding of Fact Nos. 109, 111, 112, and 114; G) Add new Finding of Fact No. 114A that states: "Neither a monitoring requirement nor an effluent limitation for aluminum or boron should be added to the draft permit at this time;" H) Decline to make the recommended changes to Finding of Fact 115; I) Delete Finding of Fact No. 118; J) Add new Conclusion of Law No. 15A to state "The Commission is not required at this time to include in this TPDES permit a monitoring requirement or effluent limitation for aluminum or boron;" K) Amend Ordering Provision No. 1 to read: "DRCP's application is granted. TPDES Permit No. WQ0003511000 for industrial wastewater is hereby issued to Dos Republicas Coal Partnership, as set out in the Draft Permit with the following modification;" L) Delete Ordering Provision Nos. 1a, 1b, and 1c; M) Amend Ordering Provision 1d by deleting the sentence that states "Results of the analytical testing must be submitted within 90 days of the final sampling event for each outfall to the TCEQ Industrial Permit Team (MC-148);" and replace the sentence with "Results of the analytical testing must be submitted within 90 days of each of the four discharges for each outfall to the TCEQ Industrial Permit Team (MC-148). Sample and analyze the first discharge that occurs after a 24-month period following the fourth discharge, and the first discharge after each successive 24-month period following the previous sampled discharge, for each outfall utilizing the same procedures set forth in this provision;" and N) Add new Ordering Provision No. 4 that states: "The Executive Director's Response to Comments is hereby adopted pursuant to 30 TAC §§ 50.117 and 80.126."; Approve issuance of the ED's Draft Permit as modified by the ALJs in their June 9, 2016 letter, but also modified by the Commission from the dais here today; and Adopt the ED's Response to Comments. JN/TB; all agree.

## **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 2

### **[Docket No. 2016-0665-IWD.](#)**

Consideration of the application by Beneficial Land Management, L.L.C., for a renewal of TCEQ Permit No. WQ0004666000 to authorize the land application of Class B wastewater treatment plant sewage sludge not to exceed 8 dry tons per acre per year for beneficial use on 726.1 acres within a larger approximately 2,881 acre parcel of land. The draft permit does not include the authorization for land application of sewage sludge mixed with grease and grit trap wastes as

requested by the applicant. This permit will not authorize a discharge of pollutants into water in the state. The parcel of land is located ten miles northwest of the City of Inez, on Farm-to-Market Road 444 and 2.5 miles northeast of the intersection of Karnes Road and Farm-to-Market Road 444, in Victoria County, Texas 77968. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Ashley McDonald, Kellie Crouch-Elliott)

Grant the hearing requests of Beneficial Land Management, L.L.C., Victoria County, and Dorothy Simons; Deny all remaining hearing requests; Refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrently with the SOAH scheduling process; Refer the matter to SOAH for a contested case hearing on the following issues: A) Whether the draft permit is sufficiently protective of surface water quality; B) Whether the draft permit is sufficiently protective of groundwater; C) Whether the draft permit is sufficiently protective of the health of the requesters'; D) Whether the draft permit is sufficiently protective of flora and fauna; E) Whether the draft permit provides for adequate buffer zones; F) Whether the draft permit is likely to result in nuisance odors; G) Whether the application provides sufficient justification to authorize under the provisions of 30 Texas Administrative Code Chapter 312, the beneficial land application of grit trap and grease trap waste processed with sewage sludge; H) Whether the application provides sufficient justification to include an experimental use authorization for the land application of grit trap and grease trap waste processed with sewage sludge in the draft permit; Deny the request for reconsideration; and Specify that the maximum duration of the hearing is nine months from the preliminary hearing to issuance of the Proposal for Decision. TB/JN; all agree.

Item 3            **[Docket No. 2016-0666-IWD.](#)**

Consideration of the application by Clean Harbors San Leon, Inc., for a major amendment without renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ000408600 to authorize the discharge of treated process wastewater and treated contaminated stormwater at a daily average flow not to exceed 105,000 gallons per day via proposed internal Outfall 101. The draft permit authorizes the discharge of stormwater associated with industrial activity and previously monitored effluent (treated process wastewater and treated contaminated stormwater from internal outfall 101) on an intermittent and flow-variable basis via Outfall 001. The facility is located at 2700 Avenue S, near the intersection of 27th Street and Avenue S, in San Leon, Galveston County, Texas 77539. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Shannon Gibson, Ashley McDonald)

Grant the hearing requests of MaryLou Bishop and family and The Razz Halili Trust; Deny the remaining hearing requests based on the failure to demonstrate qualification as affected persons; Refer the application to SOAH, with a concurrent ADR referral, for a contested case hearing on the following issues: 1) Whether the proposed discharge will be protective of water quality and the uses in the receiving waters under the applicable surface water quality standards in 30 Texas Administrative Code Chapter 307 and 2) Whether the draft permit contains conditions that adequately protect water quality in Dickenson Bayou and the requesters' health, including sensitive receptors; Set a hearing duration of six months; and Deny the request for reconsideration. JN/TB; all agree.

#### **MISCELLANEOUS MATTERS**

Item 4 **[Docket No. 2015-0475-MIS.](#)**

Consideration of the adoption of amendment with renewal of the Multi-Sector General Permit, TXR050000. The adoption would amend and renew Texas Pollutant Discharge Elimination System Multi-Sector General Permit No. TXR050000, which authorizes, on a state-wide basis, the discharge of stormwater and allowable non-stormwater into surface water in the state from certain types of industrial activities. Public notice of the proposed general permit was published in the October 16, 2015, issue of the Texas Register (40 TexReg 7269) on October 16, 2015. (Lindsay Garza, Robert Brush) (Non-Rule Project No. 2015-009-OTH-NR)

Adopt the renewal with amendments of Texas Pollutant Discharge Elimination System General Permit No. TXR050000 as recommended by the Executive Director. TB/JN; all agree.

Item 5 **[Docket No. 2016-0667-MIS.](#)**

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Elizabeth West)

Approve issuance of the Resolution that acknowledges the material changes to the contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code for the time period of February 1, 2016 to April 30, 2016 contained in the TCEQ Interoffice Memorandum to the Commissioners and Executive Director dated June 17, 2016 with the caption of Docket Number 2016-0667-MIS. JN/TB; all agreed.

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 6

### **[Docket No. 2015-0039-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102574803; 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, Melissa Cordell)

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

Item 7

### **[Docket No. 2015-1232-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ExxonMobil Oil Corporation in Jefferson County; RN100542844; 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. TB/JN; all agree.

Item 8

### **[Docket No. 2015-1439-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ExxonMobil Oil Corporation in Jefferson County; RN100542844; 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. TB/JN; all agree.

Item 9

### **[Docket No. 2015-1467-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S.a r.l. in Orange County; RN104392626; 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. TB/JN; all agree.

Item 10      **Docket No. 2015-0782-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of K & K Construction, Inc. in Montgomery County; RN105742704; 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, Melissa Cordell)

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

Item 11      **Docket No. 2015-0685-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Linde Gas North America LLC in Harris County; RN103080487; 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. TB/JN; all agree.

Item 12      **Docket No. 2015-1513-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Masco Cabinetry LLC in Dallas County; RN102593894; 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, Melissa Cordell)

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

Item 13

**[Docket No. 2015-1242-AIR-E.](#)**

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

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

Item 14

**[Docket No. 2015-1396-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TXI Operations, LP in Ellis County; RN100217199; 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. TB/JN; all agree.

Item 15

**[Docket No. 2014-1699-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of W.T. Byler Co., Inc. in Harris County; RN105623466; 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)

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

Item 16

**[Docket No. 2015-0858-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of ARSHAM METAL INDUSTRIES, INC. in Harris County; RN100902543; 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. (Elizabeth Carroll Harkrider, Lena Roberts)

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

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

Item 17 [Docket No. 2015-1143-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rafael Ayala in Collin County; RN108301300; 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. (Danielle Porras, Melissa Cordell)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED  
ORDERS**

Item 18 [Docket No. 2014-0519-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Alpine in Brewster County; RN103114690 and RN101176261; for public drinking water and water quality violations pursuant to Tex. Health and Safety Code ch. 341, 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. (Jill Russell, Melissa Cordell)

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

Item 19 [Docket No. 2015-1320-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Three Rivers in Live Oak County; RN101236644; for municipal solid waste and public drinking water violations pursuant to Tex. Health & Safety Code chs. 341 and 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Yuliya Dunaway, Melissa Cordell)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT  
AGREED ORDERS**

Item 20 [\*\*Docket No. 2015-1213-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BEECHWOOD WATER SUPPLY CORPORATION in Sabine County; RN101610129; 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, Melissa Cordell)

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

Item 21 [\*\*Docket No. 2015-1159-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Cisco in Eastland County; RN102186533; 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, Melissa Cordell)

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

Item 22 [\*\*Docket No. 2014-0755-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hawk Cove in Hunt County; RN104265848; 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. (Ronica Rodriguez, Melissa Cordell)

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

Item 23 [\*\*Docket No. 2014-1718-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Henderson in Rusk County; RN101612679; 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. (Chris Bost, Melissa Cordell)

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

Item 24 [\*\*Docket No. 2015-1801-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Orange County Water Control and Improvement District No. 2 in Orange County; RN101614030; 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. (Ronica Rodriguez, Melissa Cordell)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 25 [\*\*Docket No. 2015-1403-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Billy Causey in Hunt County; RN108153131; 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, Melissa Cordell)

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

Item 26 [\*\*Docket No. 2015-1627-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against KAMIL ENTERPRISES INC. dba Mega Royal Mart in Dallas County; RN100647742; 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. TB/JN; all agree.

Item 27

**[Docket No. 2015-1259-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Smith Oil Company, Inc. dba Ottos 15 in Harrison County; RN101819944; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Lena Roberts)

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

**PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDERS**

Item 28

**[Docket No. 2015-1515-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kenedy in Karnes County; RN101428274; 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. TB/JN; all agree.

Item 29

**[Docket No. 2015-1781-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fayette Water Supply Corporation in Fayette County; RN101240729; 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. (Rebecca Boyett, Melissa Cordell)

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

Item 30

**[Docket No. 2015-1679-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. TB/JN; all agree.

Item 31 [\*\*Docket No. 2015-1452-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Military Highway Water Supply Corporation in Cameron County; RN101258515; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Holly Kneisley, Melissa Cordell)

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

Item 32 [\*\*Docket No. 2016-0050-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of THE CONSOLIDATED WATER SUPPLY CORPORATION in Houston County; RN101442416; 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, Melissa Cordell)

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

Item 33 [\*\*Docket No. 2015-1743-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WALNUT GROVE WATER SUPPLY CORPORATION in Smith County; RN101191849; 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, Melissa Cordell)

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

Item 34 [\*\*Docket No. 2015-0736-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Blueberry Hills Water Works,

L.L.C. in Bee County; RN101191229; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (David A. Terry, Lena Roberts)

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

### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 35 **[Docket No. 2015-1349-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Plano in Collin County; RN103099156; 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, Melissa Cordell)

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

Item 36 **[Docket No. 2015-1172-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Wake Village in Bowie County; RN105872386; 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. (Austin Henck, Melissa Cordell)

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

Item 37 **[Docket No. 2015-1727-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Larry Rambo dba Rambo Trucking in Tarrant County; RN106836323; for aggregate production operation violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Melissa Cordell)

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

## **MONTHLY ENFORCEMENT REPORT**

Item 38 [\*\*Docket No. 2016-0962-MIS.\*\*](#)

Consideration of the Texas Commission on Environmental Quality Monthly Enforcement Report, submitted for discussion in accordance with Texas Water Code § 7.003. (Bryan Sinclair, Melissa Cordell)

No action taken.

## **RULE MATTERS**

Item 39 [\*\*Docket No. 2016-0335-RUL.\*\*](#)

Consideration for publication of, and hearing on, amended Sections 210.81 - 210.85 of 30 Texas Administrative Code (TAC) Chapter 210, Use of Reclaimed Water; and amended Section 285.80, repealed Section 285.81, and simultaneous proposal of new Section 285.81 of Chapter 285, On-Site Sewage Facilities. The proposed rulemaking would implement House Bill 1902, 84th Texas Legislature, 2015, Regular Session, relating to the regulation and use of graywater and alternative onsite water. (Laurie Fleet, Michael Parr) (Rule Project No. 2015-028-210-OW)

Approve the publication of, and hearing on, the amended, new, and repealed sections of 30 Texas Administrative Code Chapters 210 and 285 as recommended by the Executive Director. JN/TB; all agree.

Item 40 [\*\*Docket No. 2015-1820-RUL.\*\*](#)

Consideration for publication of, and hearing on, proposed amended Sections 114.100 and 114.305, and repealed Subchapter F, Division 2, Sections 114.211 - 114.217 and 114.219 of 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the State Implementation Plan. The proposed rulemaking would remove the Voluntary Accelerated Vehicle Retirement program regulations; update references to obsolete test methods; and make other non-substantive clarifying changes as needed for accuracy and consistency. (Michael Regan, Sierra Redding) (Rule Project No. 2016-010-114-AI)

Approve the publication of, and hearing on, proposed amendments to Sections 114.100 and 114.305 and repealed Subchapter F, Division 2, Sections 114.211 - 114.217 and 114.219 of 30 Texas Administrative Code Chapter 114 and corresponding revisions

to the State Implementation Plan as recommended by the Executive Director. TB/JN; all agree.

Item 41 **Docket No. 2016-0293-RUL.**

Consideration for publication of, and hearing on, proposed amendments to Sections 331.9 and 331.131 of 30 Texas Administrative Code (TAC) Chapter 331, Underground Injection Control. The proposed rulemaking would implement provisions of House Bill 2230, 84th Texas Legislature, 2015, Regular Session, which provides authority for the Texas Commission on Environmental Quality to authorize an injection well used for oil and gas waste disposal permitted by the Railroad Commission of Texas to be used for the disposal of nonhazardous brine generated by a desalination operation or nonhazardous drinking water treatment residuals. (Kathryn Hoffman, Diane Goss) (Rule Project No. 2016-021-331-WS)

Approve the publication of, and hearing on, the proposed amendments to 30 Texas Administrative Code Chapter 331 as recommended by the Executive Director. JN/TB; all agree.

Item 42 **Docket No. 2016-0484-RUL.**

Consideration for publication of, and hearing on, proposed amended Sections 39.411 and 39.603 of 30 Texas Administrative Code (TAC) Chapter 39, Public Notice, and amended Section 55.152 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; and corresponding revisions to the State Implementation Plan. The proposed rulemaking would amend existing public participation rules to allow for consolidation of Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision for an Air Quality Standard Permit for Concrete Batch Plants and to provide for a 30-day period for submitting comments, and requests for public meeting or contested case hearing. (Janis Hudson, Tasha Burns) (Rule Project No. 2016-030-039-LS)

Approve the publication of, and hearing on, the proposed amendments to 30 Texas Administrative Code Chapters 39 and 55 as recommended by the Executive Director. TB/JN; all agree.

Item 43

**Docket No. 2016-0344-RUL.**

Consideration for publication of, and hearing on, proposed amendments to Sections 113.100, 113.120, 113.190, 113.200, 113.290, 113.300, 113.320, 113.330, 113.340, 113.350, 113.380, 113.430, 113.560, 113.610, 113.640, 113.660, 113.670, 113.690, 113.700, 113.710, 113.720, 113.730, 113.750, 113.780, 113.810, 113.860, 113.1040, 113.1090, 113.1130, 113.1300, and 113.1390; and proposed new Sections 113.450, 113.1190, and 113.1200 of 30 Texas Administrative Code (TAC) Chapter 113, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants. The proposed amendments include updates to federal maximum achievable control technology (MACT) and generally available control technology (GACT) standards. The proposed rulemaking would amend numerous existing sections of 30 TAC Chapter 113 to incorporate changes made by the United States Environmental Protection Agency (EPA) and would incorporate by reference three new MACT and GACT standards recently promulgated by the EPA. (Michael Wilhoit, Terry Salem) (Rule Project No. 2016-032-113-AI)

Approve the publication of, and hearing on, the proposed new and amended sections of 30 Texas Administrative Code Chapter 113 as recommended by the Executive Director. JN/TB; all agree.

Item 44

**Docket No. 2016-0877-RUL.**

Consideration for publication of, and hearing on, proposed amended Section 101.222 of 30 Texas Administrative Code (TAC) Chapter 101, General Air Quality Rules; and corresponding revisions to the State Implementation Plan. The proposed rulemaking would clarify that the Texas Commission on Environmental Quality's affirmative defense provisions for certain excess emissions are not intended to limit a federal court's ability to determine appropriate remedies. The applicability of this amendment would be delayed until certain events have occurred. (Cynthia Gandee, Janis Hudson) (Rule Project No. 2016-040-101-CE)

Approve the publication of, and hearing on, amended 30 Texas Administrative Code § 101.222 and the corresponding revisions to the Texas State Implementation Plan. TB/JN; all agree.

Item 45

**Docket No. 2015-1455-RUL.**

Consideration of the adoption of amended Sections 101.1 and 101.10 of 30 Texas Administrative Code (TAC) Chapter 101, General Air Quality

Rules and corresponding revisions to the State Implementation Plan. The adoption would incorporate the United States Environmental Protection Agency's (EPA) latest finalized definition of volatile organic compounds, align the lead reporting threshold with the EPA's Annual Emissions Reporting Rule (AERR), change the distance from the shoreline to 9.0 nautical miles for applicable offshore sources to report an emissions inventory, and revise terminology and definitions for clarity or consistency with the EPA's AERR. The proposed rules were published in the March 4, 2016, issue of the Texas Register (41 TexReg 1650). (Kathy Pendleton, P.E., Terry Salem) (Rule Project No. 2015-040-101-AI)

Adopt the amendments to 30 Texas Administrative Code Chapter 101 as recommended by the Executive Director. JN/TB; all agree.

### **STATE IMPLEMENTATION PLAN**

Item 46 **Docket No. 2015-1380-SIP.**

Consideration for adoption of revisions to the Dallas-Fort Worth (DFW) 2008 Eight-Hour Ozone Nonattainment Area Attainment Demonstration (AD) State Implementation Plan (SIP) Revision for the 2017 Attainment Year. The counties affected include Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise. In the DFW AD SIP revision for the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS) submitted to the EPA on July 10, 2015, a commitment was made to address the United States Court of Appeals for the District of Columbia Circuit decision that changed the attainment deadlines for the 2008 eight-hour ozone NAAQS to a July 20, 2018 attainment date and a 2017 attainment year. This SIP revision includes a photochemical modeling analysis, a weight of evidence analysis, and a reasonably available control measures analysis that reflect the 2017 attainment year. (Kathy Singleton, Terry Salem) (Non-rule Project No. 2015-014-SIP-NR)

Adopt the Dallas-Fort Worth Nonattainment Area Attainment Demonstration State Implementation Plan revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard for the 2017 Attainment Year as recommended by the Executive Director. TB/JN; all agree.

### **PUBLIC COMMENT SESSION**

Item 47 **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 48      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 49      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 50      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 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

7/18/2016  
Date