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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

OLD BUSINESS AGENDA

August 24, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the August 3, 2016 Agenda.

Item 1 **[Docket No. 2015-0067-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Trident Environmental Resource Consulting, LLC in Fannin County; RN100735208; 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)

Adopt Old Business Item No. 1 as recommended by the Executive Director. JN/TB; all agree.

AGENDA

August 24, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

Item 1

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

Consideration of the Administrative Law Judges' Supplement to the Proposal for Decision on Remand and 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 based on both the Proposal for Decision on Remand and the Supplement to the Proposal for Decision on Remand. 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, Burlison, 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. (Kathy Alexander, Robin Smith)

Adopt the Administrative Law Judges' Proposed Order included with the Supplement to the Proposed Decision for Remand with the following changes: 1) Adopt the changes to Findings of Fact Nos. 60, 62, 67, 68, 88; Conclusion of Law Nos. 1 and 19 and Ordering Provision 1.j. as provided by the ALJs' Reply Letter in response to the ED's Exceptions; however, to the extent not already corrected, correct the number in Finding of Fact No. 67 to include a comma rather than a period, with that number being 516,955; 2) Do not adopt the proposed change to Finding of Fact No. 170 as proposed by the ALJs' Reply Letter in response to the ED's Exceptions; 3) Adopt the changes to Findings of Fact Nos. 27 and 32 as proposed by the ALJs' Reply Letter in response to BRA's Exceptions; 4) Adopt the ALJs' proposed new Finding of Fact No. 165 language as proposed by the ALJs' Reply Letter in response to BRA's Exceptions; however, number the Findings as No. 165.a. and do not renumber the remaining Findings; 5) Adopt the changes to Finding of Fact No. 172 as proposed in the ED's Reply to Exceptions and not addressed by the ALJs' Reply Letter; 6) Modify Finding of Fact No. 75 to remove the word "improperly;" 7) Modify Finding of Fact No. 76 to remove the word "incorrectly" and replace the word "correction" with "adjustment;" 8) Add the following sentence to the ALJs' Proposed Finding of Fact No. 165 as the second sentence in the Finding: "Because BRA's application seeks to authorize the indirect reuse of BRA's own return flows as a new appropriative right (under Texas Water Code § 11.121), and because the ALJs determined that BRA has demonstrated that the amount is available for appropriation, BRA's indirect reuse of its own return flows can be authorized in the System Operation Permit, both as a bed and banks conveyance and as a new appropriative right with the full quantity (47,322 acre feet) being subject to the System Operation Permit's priority date."; 9) Insert the following

additional phrase in the proposed permit language in paragraph 1.B.(2) in the System Operations Permit as identified in Finding of Fact No. 184.e.(2) and Ordering Provision No. 1.e.(2), insert the additional phrase immediately preceding the phrase that reads: "...subject to identification of specific losses and to special conditions" and identify the additional phrase as follows: "and as a new appropriation herein,"; and 10) Add a new Finding of Fact No. 170.a. that states the following: "Permit No. 5851 should have a WHEREAS recital paragraph that identifies: 1) the TPDES Permit Nos. for the discharging facilities whose discharges make up the 47,322 acre feet of BRA's own return flows, and 2) the TPDES Permit Nos. for discharging facilities whose discharges make up the 50,076 acre feet of the return flows of others." The Commission directs the ED to draft the recital paragraph with the discharging facilities' information. JN/TB; all agree.

Item 2 [**TCEQ Docket No. 2013-1973-MSW-E; SOAH Docket No. 582-14-2667.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against RGV Tire Recycling Group, LLC and requiring certain actions of RGV Tire Recycling Group, LLC in Hidalgo County, Texas; RN106215791 and RN106803059; regarding 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. The Commission will also consider the record, timely related filings, exceptions and replies. (Jim Sallans)

Adopt the Administrative Law Judge's Proposed Order, as revised by the Executive Director's Exceptions. TB/JN; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3 [**Docket No. 2016-0049-WR.**](#)

Consideration of the application by City of Dallas (City) for an amendment to Certificate of Adjudication No. 08-2462, seeking the following: 1) to increase the diversion and use of water from Lake Ray Hubbard by 119,600 acre-feet (ac-ft) per year for multiple purposes (municipal, industrial, agricultural, mining, domestic, recreation, instream, livestock, and hydroelectric power-generating); and 2) to increase the authorized maximum combined diversion rate from Lake Ray Hubbard, from 619 cubic feet per second (cfs) to 1,455 cfs. The City seeks to use the additional water within the City's service area in Collin, Dallas, Denton, Ellis, Kaufman, Rockwall, and Tarrant Counties. The Commission will consider all timely filed hearing requests and related responses and replies. (Chris Kozlowski, Robin Smith)

Grant the hearing requests of Texas Parks and Wildlife, the City of Houston, North Texas Municipal Water District and the Trinity River Authority; Refer the matter to the SOAH for a contested case hearing on the application with a concurrent referral to the Commission's Alternative Dispute Resolution Program to run during the SOAH preliminary hearing scheduling process. TB/JN; all agree.

TOTAL MAXIMUM DAILY LOAD MATTER

Item 4 [**Docket No. 2015-1692-TML.**](#)

Consideration for adoption of Seven Total Maximum Daily Loads (TMDLs) for Indicator Bacteria in Lake Houston, East Fork San Jacinto River, West Fork San Jacinto River, and Crystal Creek Watersheds in Montgomery, San Jacinto, Grimes, Harris, Liberty, and Walker counties. Notice of a public meeting to receive comments on the TMDLs was published in the March 4, 2016, issue of the *Texas Register* (41 TexReg 1749). (Kerry Niemann, Robert Brush) (Project No. 2016-007-TML-NR)

Adopt the Seven TMDLs for Indicator Bacteria in Lake Houston, East Fork San Jacinto River, West Fork San Jacinto River, and Crystal Creek Watersheds as recommended by the Executive Director. JN/TB; all agree.

AUDIT MATTER

Item 5 [**Docket No. 2016-0589-AUD.**](#)

Consideration and Approval of the TCEQ Chief Auditor's Office Fiscal Year 2017 Audit Plan. (Carlos Contreras)

Approve the TCEQ's Chief Auditor's Office Fiscal Year 2017 Annual Audit Plan as proposed. TB/JN; all agree.

MISCELLANEOUS MATTERS

Item 6 [**Docket No. 2016-0975-MIS.**](#)

Consideration of the Executive Director's findings and recommendation on whether a watermaster should be appointed for the Sulphur River Basin or the Cypress Creek Basin. Tex. Water Code, Section 11.326(g) requires that in river basins where no watermaster has been appointed, the executive director shall evaluate the river basin at least once every 5 years to determine whether a watermaster should be appointed, and report the findings and make recommendations to the commission. The commission shall include

the findings and recommendations in the commission's biennial report to the Legislature. (Amy Settemeyer)

No action taken.

Item 7 **[Docket No. 2016-1231-MIS.](#)**

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

Approve issuance of the Resolution that acknowledges the Executive Director's acceptance of the gifts contained in TCEQ Interoffice Memorandum to the Commissioners dated August 5, 2016 with the caption of Docket No. 2016-1231-MIS. JN/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8 **[Docket No. 2016-0205-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Houston in Harris County; RN100217603; 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, Melissa Cordell)

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

Item 9 **[Docket No. 2016-0083-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against EnLink Midstream Services, LLC in Wise County; RN100223619; 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, Melissa Cordell)

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

Item 10 **[Docket No. 2015-1357-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Grothe Industrial Coating, LLC in Montgomery County; RN105850119; 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 11 [**Docket No. 2015-1785-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, Melissa Cordell)

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

Item 12 [**Docket No. 2015-1447-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KM Liquids Terminals LLC in Harris County; RN100224815; 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, Melissa Cordell)

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

Item 13 [**Docket No. 2015-1693-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kuraray America, Inc. in Harris County; RN100212216; 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 14 **[Docket No. 2015-1663-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Parker-Hannifin Corporation in Nacogdoches County; RN100218726; 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, Melissa Cordell)

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

Item 15 **[Docket No. 2015-1729-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Hutchinson County; RN102495884; 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. (Tiffany Maurer, Michael Parrish)

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

Item 16 **[Docket No. 2016-0090-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Chambers County; RN100229319; 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 17 **[Docket No. 2015-1834-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. (Kingsley Coppinger, Melissa Cordell)

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

Item 18 [**Docket No. 2015-1770-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; 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 Gutierrez, Melissa Cordell)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 19 [**Docket No. 2015-0611-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DELARA LANDSCAPING, INC. in Travis County; RN106907991; for municipal solid waste and municipal 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. (Jonathan Nguyen, Melissa Cordell)

Remanded to the Executive Director by the Office of General Counsel on August 23, 2016.

Item 20 [**Docket No. 2015-1750-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sunline Energy Services, Inc. in Bexar County; RN106757099; for industrial and hazardous waste and used oil 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. (Rebecca Boyett, Melissa Cordell)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 21 [**Docket No. 2015-0547-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Jamie McCune in Rusk County;

RN108060922; 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. (J. Amber Ahmed, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 22 **[Docket No. 2015-1760-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Holland in Bell County; RN102075983; 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 23 **[Docket No. 2015-1122-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Teague in Freestone County; RN102181716 and RN101607935; 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. (Claudia Corrales, Melissa Cordell)

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

Item 24 **[Docket No. 2015-1322-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Yorktown in Dewitt County; RN103025805; 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. (Cheryl Thompson, Melissa Cordell)

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

Item 25 **[Docket No. 2016-0341-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EMCAD Water and Wastewater, LLC in Tarrant County; RN102287109; 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. (Sandra Douglas, Melissa Cordell)

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

Item 26 **[Docket No. 2016-0053-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harris County Fresh Water Supply District No. 61 in Harris County; RN102183530; 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. (Steven Van Landingham, Melissa Cordell)

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

Item 27 **[Docket No. 2014-1153-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Peaster Independent School District Public Facility Corporation in Parker County; RN102078045; 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. (Alejandro Laje, Melissa Cordell)

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

Item 28 **[Docket No. 2014-1727-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Poth in Wilson County; RN101610053; 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. (Cheryl Thompson, Michael Parrish)

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

Item 29 [Docket No. 2015-1856-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Texas, Inc. in Harris County; RN101525061; 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 30 [Docket No. 2016-0064-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Abdulali Tejani dba FM Express Mart in Tarrant County; RN102367117; 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 31 [Docket No. 2015-1797-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of IDEAL BUSINESS, INC. dba Quick Mart in Harris County; RN102031473; 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. (Catherine Grutsch, Melissa Cordell)

Remanded to the Executive Director by the Office of General Counsel on August 19, 2016.

Item 32 [Docket No. 2015-1724-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Lee Oak Grove Inc. dba Lee Oak Grove Food Mart in Tarrant

County; RN103145751; 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. (Margarita Dennis, Melissa Cordell)

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

Item 33 **Docket No. 2014-0567-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mukhtar, Inc. dba Circle A Food Store in Harris County; RN102429339; 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. (Farhaud Abbaszadeh, Melissa Cordell)

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

Item 34 **Docket No. 2015-1629-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against SHUJAT HOLDING COMPANY dba Freeway Express in Orange County; RN102036704; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Fennell, Melissa Cordell)

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

Item 35 **Docket No. 2014-1510-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of S.B. INTERESTS, INC. d/b/a Time Out 1 in Jefferson County; RN102890407; 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. (Amber J. Ahmed, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 36 [Docket No. 2015-1287-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of MJG Ventures Properties, LLC d/b/a King Food Mart in Harris County; RN103143608; 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. (Jake Marx, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 37 [Docket No. 2016-0179-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Utilities, Inc. in Brazoria County; RN101232676; 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, Michael Parrish)

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

Item 38 [Docket No. 2015-1713-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BEACH RV PARTNERSHIP, LTD. in Llano County; RN100825074; 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 39 [Docket No. 2016-0107-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Center in Shelby County; RN101390409; 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, Melissa Cordell)

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

Item 40 [**Docket No. 2016-0202-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Raymondville in Willacy County; RN101387694; 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 41 [**Docket No. 2015-1769-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Skellytown in Carson County; RN102675006; 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 42 [**Docket No. 2015-1804-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kenneth Mowles dba Captain Ken's RV Park in Aransas County; RN107586570; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rajesh Acharya, Melissa Cordell)

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

Item 43 [**Docket No. 2016-0023-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAMESA ENTERPRISES, INC. in Midland County; RN104580758; for public drinking water violations

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

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

Item 44 [**Docket No. 2016-0171-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Llano West Mobile Home Park & Golf Course, Ltd. in Hidalgo County; RN102692456; 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 45 [**Docket No. 2015-0723-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAHIL MANAGEMENT LTD. dba Shady Acres Trailer Park in Bexar County; RN101458990; 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. TB/JN; all agree.

Item 46 [**Docket No. 2016-0095-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SIGNOR Logistics, LP dba The Studios in Dimmit County; RN106526783; 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. TB/JN; all agree.

Item 47 [**Docket No. 2016-0149-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sportsman's World Municipal Utility District in Palo Pinto County; RN102691128; 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. TB/JN; all agree.

Item 48 [**Docket No. 2015-1846-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Whispering Oaks Water Coop in Hunt County; RN101212181; 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, Melissa Cordell)

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

Item 49 [**Docket No. 2016-0110-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jim Wells County Fresh Water Supply District 1 in Jim Wells County; RN102673506; 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. (Michaelle Garza, Melissa Cordell)

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

Item 50 [**Docket No. 2015-1137-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Douglas A. Bateman d/b/a Bateman Water Works in Brazoria County; RN101198778; 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. (Elizabeth Carroll Harkrider, Lena Roberts)

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

Item 51 [Docket No. 2016-0213-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Somervell County Water District in Somervell County; RN105491443; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Van Landingham, Melissa Cordell)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 52 [Docket No. 2015-0165-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Edwin L. Carlisle d/b/a Crafton Mobile Home Park near Chico in Wise County; RN107912685; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (J. Amber Ahmed, Lena Roberts)

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

WASTE DISPOSAL WELL ENFORCEMENT AGREED ORDER

Item 53 [Docket No. 2015-0989-WDW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Solvay Specialty Polymers USA, L.L.C. in Hutchinson County; RN107829640; for industrial solid waste disposal well violations pursuant to Tex. Health & Safety Code ch. 361, 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. (Thomas Greimel, Melissa Cordell)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 54 [Docket No. 2015-1590-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Bernardo Espinoza in Williamson County; RN108876640, RN107385940, and RN106170103; for aggregate production operation

and water quality violations pursuant to Tex. Water Code chs. 7, 26, and 28A 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 55 [**Docket No. 2016-0106-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Murphy in Collin County; RN105603526; 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 56 [**Docket No. 2015-1691-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against NEW NGC, INC. in Kimble County; RN105937403; for aggregate production operation violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Ronica Rodriguez, Melissa Cordell)

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

Item 57 [**Docket No. 2016-0211-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SOUTHERN METHODIST UNIVERSITY in Dallas County; RN100542745; 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. (Sandra Douglas, Melissa Cordell)

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

Item 58 [**Docket No. 2016-0156-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Edgecliff Village in Tarrant County; RN105473425; 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 59 [**Docket No. 2013-1292-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AZALI ENTERPRISES, L.L.C. in Nueces County; RN106538309; 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. TB/JN; all agree.

MONTHLY ENFORCEMENT REPORT

Item 60 [**Docket No. 2016-1228-MIS.**](#)

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

No action taken.

RULE MATTERS

Item 61 [**Docket No. 2015-1855-RUL.**](#)

Consideration for publication of, and hearing on, proposed amendments to Sections 122.10, 122.12, 122.120, 122.122, 122.130, 122.132, 122.142, 122.145, and 122.148; and the proposed repeal of Sections 122.420, 122.422, 122.424, 122.426, and 122.428 of 30 TAC Chapter 122, Federal Operating Permits Program. If adopted, the amendment to Section 122.122 will be submitted to the United States Environmental Protection Agency as a revision to the state implementation plan. The proposed rulemaking would update Chapter 122 to reflect current applicable requirements for the Federal Operating Permits Program; particularly the removal of outdated

provisions relating to the Clean Air Interstate Rule, the removal of outdated provisions which required certain sources of greenhouse gases to obtain a federal operating permit, and the addition of the Cross-State Air Pollution Rule as an applicable requirement. (Michael Wilhoit, John Minter) (Rule Project No. 2016-012-122-AI)

Approve the publication of, and hearing on, the proposed, amended and repealed Sections of 30 Texas Administrative Code Chapter 122 as recommended by the Executive Director. JN/TB; all agree.

Item 62 **Docket No. 2015-1024-RUL.**

Consideration of the adoption of amended Sections 30.3, 30.7, 30.10, 30.18, 30.20, 30.24, 30.26, 30.30, 30.81, 30.117, 30.120, 30.122, 30.231, 30.240, 30.279, 30.307, 30.331, 30.340, 30.390, 30.506, and 30.507; the repeal of Section 30.247; and the repeal and simultaneous adoption of Section 30.28 of 30 TAC Chapter 30, Occupational Licenses and Registrations. The adoption would implement Senate Bills 807 and 1307, 84th Texas Legislature, 2015, Regular Session, by incorporating new provisions regarding veteran licensure. The adopted rulemaking would also identify approved training delivery methods, increase licensing examination security, remove outdated and redundant references, and improve readability of the chapter. The proposed rules were published in the April 22, 2016, issue of the *Texas Register* (41 TexReg 2827). (Ivan Messer, Alicia Ramirez) (Rule Project No. 2015-026-030-WS)

Continued to the September 7, 2016 Commissioners' Agenda. TB/JN; all agree.

EXECUTIVE MEETING

Item 63 **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 64 **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 65 **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

9/6/2016
Date