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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**

October 19, 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. 2011-1647-PWS-E; SOAH Docket No. 582-12-5353.\*\*](#)

Consideration of the Administrative Law Judge's Supplemental Proposal for Decision on Remand and Order assessing administrative penalties against South Texas Water Authority in Kleberg County, Texas; RN102683323; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Amber Ahmed)

Adopt the ALJ's Proposed Order as amended by the ALJ's Reply Letter dated September 30, 2016 and further revise the Proposed Order by A) Modifying the first page of the Order to include the words "Now Known As South Texas Water Authority Industrial Development Corporation" after the word "Authority" and before the acronym "TCEQ" in the heading of the Order and after the word "Authority" and

before the acronym “STWA” in the first sentence of the Order and also add the phrase “Now Known As South Texas Water Authority Industrial Development Corporation” after “South Texas Water Authority” is referenced throughout the Ordering Provisions; B) Adding a new Ordering Provision which states “The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.” and C) Renumbering the Order accordingly. TB/JN; all agree.

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

Item 2 **Docket No. 2016-1210-IWD.**

Consideration of the application by FML Sand, LLC, which operates the FML Voca Sand Plant, an industrial sand mining and processing facility, for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005166000, to authorize the discharge of process wastewater commingled with stormwater at an intermittent and variable flow via Outfall 001. The facility is located at 300 Private Road 685, south of the intersection of State Highway 71 and County Road 216 and west of County Road 216, in McCulloch County, Texas 76887. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director’s response to comments. (Dex Dean, Hollis Henley)

Grant the hearing requests of John D. Harkey, Jr. and The Mason Trust; Refer the matter to the TCEQ’s Alternative Dispute Resolution Program for an initial four to six week period prior to the commencement of the SOAH preliminary hearing scheduling process; Refer the matter to SOAH for a contested case hearing on the following issues: A) Whether the application contains all items and information necessary for administrative and technical completeness under the agency’s rules; B) Whether the wastewater and stormwater generating process descriptions set forth in the application are sufficiently specific to properly quantify and regulate contributions and discharges from all sources of pollutants at the facility; C) Whether all pollutants that will be managed and discharged by the operations have been identified, quantified, and addressed in the application and draft permit; D) Whether the draft permit has sufficiently definite terms and conditions to ensure that the applicant is held to representations made in the application process and ensure compliance with all applicable water quality standards and regulations; E) Whether the discharge route has been properly characterized; F) Whether the applicant’s industrial wastewater and stormwater management basins and other surface impoundments are adequate to prevent unauthorized discharges and meet effluent limitations; G) Whether the

proposed facility and discharges will be protective of the requesters' health and aquatic and terrestrial life, including the requesters' livestock; H) Whether the proposed facility and discharges will cause nuisance odors; and I) Whether the proposed facilities and discharges will violate anti-degradation requirements, or adversely impact the quality or impair the existing uses of the receiving waters; Specify the maximum duration of hearing is nine months from the preliminary hearing to issuance of the Proposal for Decision. JN/TB; all agree.

### **MISCELLANEOUS MATTERS**

Item 3 **[Docket No. 2015-1714-MIS.](#)**

Consideration of the adoption of the renewal with amendment of Texas Pollutant Discharge Elimination System General Permit No. TXG110000 authorizing discharges of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready-mixed concrete plants, concrete products plants, and their associated facilities. Public notice of the proposed draft permit was published in the January 22, 2016, issue of the *Texas Register* (41 TexReg 696). (Laurie Fleet, Michael Parr) (Non-Rule Project No. 2015-036-OTH-NR)

Adopt the renewal with amendments of Texas Pollutant Discharge Elimination System General Permit No. TXG110000. TB/JN; all agree.

Item 4 **[Docket No. 2015-1216-MIS.](#)**

Consideration of the adoption of the renewal with amendment of Texas Pollutant Discharge Elimination System General Permit No. TXG870000, which authorizes the application of pesticides into or over, including near, waters of the United States for the control of mosquito and other insect pests, vegetation and algae pests, animal pests, area-wide pests, and forest canopy pests. Public notice of the proposed draft permit was published in the July 1, 2016, issue of the *Texas Register* (41 TexReg 4880). (Laurie Fleet, Kathy Humphreys) (Non-Rule Project No. 2015-037-OTH-NR)

Adopt the renewal with amendment of Texas Pollutant Discharge Elimination System General Permit No. TXG870000. JN/TB; all agree.

Item 5 **[Docket No. 2016-0639-RES.](#)**

Consideration of a Resolution to extend the existence of the Irrigator Advisory Council until February 1, 2023, and to appoint three members to the Irrigator Advisory Council at the Texas Commission on

Environmental Quality (Commission) to six-year terms and one replacement member to a four-year term. The Irrigator Advisory Council advises the Commission on matters related to landscape irrigation in Texas. These new members would replace one member whose term was set to expire on February 1, 2021 and three members whose terms are set to expire February 1, 2017. Notice was published in the May 20, 2016, issue of the *Texas Register* (41 TexReg 3781). (Melissa Keller, Alicia Ramirez) (Project No. 2016-037-RES-NR)

Adopt the Executive Director's recommended Resolution extending the existence of the Irrigator Advisory Council until February 1, 2023 and appoint the following persons to fill the vacancies on the Irrigator Advisory Council with their terms to expire as follows: Robert Evans, whose term shall be effective February 1, 2017, for a six-year term to expire February 1, 2023; Mark Warden, whose term shall be effective February 1, 2017, for a six-year term to expire February 1, 2023; Valerie Miller, whose term shall be effective February 1, 2017, for a six-year term to expire February 1, 2023; and Micah Reed, whose term shall be effective November 1, 2016, for a four-year term to expire February 1, 2021. TB/JN; all agree.

Item 6      **[Docket No. 2016-1593-RES.](#)**

Consideration of a resolution regarding the delegation of authority to the Executive Director to issue certain administrative enforcement orders and field citations and reauthorizing the Executive Director's sub-delegation of authority relating to administrative enforcement orders and field citations. The proposed resolution will incorporate the requirements of Senate Bill 1267, 84th Texas Legislature, 2015, and change the effective date of agreed administrative orders and field citations issued by the Executive Director or his designee. (Kathleen Decker, Ryan Rutledge)

Adopt the proposed Resolution granting the Executive Director, or his designee, the authority to sign certain Field Citations and Agreed Orders. JN/TB; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 7      **[Docket No. 2016-0155-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ascend Performance Materials Texas Inc. in Brazoria County; RN100238682; 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, Michael Parrish)

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

Item 8 [\*\*Docket No. 2016-0279-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Atmos Energy Corporation in Henderson County; RN100542505; 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, Michael Parrish)

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

Item 9 [\*\*Docket No. 2015-1839-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102579307; 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, Michael Parrish)

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

Item 10 [\*\*Docket No. 2016-0104-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Harris County; RN100229905; 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, Michael Parrish)

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

Item 11 [\*\*Docket No. 2015-1784-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sheridan Production Company, LLC in Glasscock County; RN106335680; 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. (Shelby Orme, Michael Parrish)

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

Item 12 **[Docket No. 2016-0052-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Premcor Refining Group Inc. in Jefferson County; RN102584026; 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, Michael Parrish)

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

**EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 13 **[Docket No. 2014-1655-EAQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INDUSTRIAL ASPHALT, LLC in Hays County; RN103140695; for Edwards Aquifer 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, Michael Parrish)

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

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

Item 14 **[Docket No. 2014-1509-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against RED'S INDOOR RANGE NORTH, INC. in Travis County; RN107212557; 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. (Keith Frank, Michael Parrish)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 15 [\*\*Docket No. 2015-0338-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Pahuja Orange, LLC aka Alloy Polymers Orange, LLC in Orange County; RN100590207; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Boyle, Michael Parrish)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 16 [\*\*Docket No. 2014-0840-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cathy Ward dba Town & Country Septic in Colorado County; RN107147621; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Larry Butler, Michael Parrish)

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

Item 17 [\*\*Docket No. 2015-1587-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Green Ground LLC and Chris Panagopoulos in Tarrant County; RN106529118; for air quality, municipal solid waste, and used oil violations pursuant to Tex. Health & Safety Code chs. 361, 371, 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. (Abigail Lindsey, Michael Parrish)

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

Item 18 [\*\*Docket No. 2015-1527-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HILL STONE COMPANY in Williamson

County; RN108719618; for aggregate production operation, Edwards Aquifer, 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. (Austin Henck, Michael Parrish)

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

Item 19 [\*\*Docket No. 2016-0096-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Martin Operating Partnership L.P. in Jefferson County; RN102605136; for industrial and hazardous waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Larry Butler, Michael Parrish)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 20 [\*\*Docket No. 2015-0196-MSW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Juan Ortiz dba El Valle Foreign & Domestic Parts in Cameron County; RN104470463; for municipal solid 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. (Tiffany Maurer, Michael Parrish)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 21 [\*\*Docket No. 2013-1357-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brandywine Acquisition Partners LP in Travis County; RN100815232; 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 22 [\*\*Docket No. 2014-0324-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Carrizo Springs in Dimmit County; RN101721124; 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, Michael Parrish)

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

Item 23 [\*\*Docket No. 2016-0230-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Los Fresnos in Cameron County; RN102184207; 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, Michael Parrish)

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

Item 24 [\*\*Docket No. 2016-0125-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DUCO, Inc. in Harris County; RN102183647; 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. (Melissa Castro, Michael Parrish)

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

Item 25 [\*\*Docket No. 2014-0081-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Midfield Water Supply Corporation in

Matagorda County; RN102095023; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Boyle, Michael Parrish)

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

Item 26 [\*\*Docket No. 2015-1307-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of San Leon Municipal Utility District in Galveston County; RN102076676; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Boyle, Michael Parrish)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 27 [\*\*Docket No. 2016-0192-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Roma in Starr County; RN102008737; 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. (Rebecca Boyett, Michael Parrish)

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

Item 28 [\*\*Docket No. 2015-1800-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DEWEYVILLE OIL COMPANY dba Speedy Express 2 in Jefferson County; RN102382058; 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. (Jonathan Nguyen, Michael Parrish)

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

Item 29 [\*\*Docket No. 2015-1828-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Far East Partners, Inc. dba Watts Grocery in Denton County; RN102258209; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Fennell, Michael Parrish)

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

Item 30 [\*\*Docket No. 2015-1479-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of VM and AM Holdings Inc dba Otto's 14 in Harrison County; RN101823284; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Fennell, Michael Parrish)

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

Item 31 [\*\*Docket No. 2016-0108-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Wal-Mart Stores Texas, LLC dba Walmart Neighborhood Market 3043 in Tarrant County; RN107338931; 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, Michael Parrish)

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

Item 32 [\*\*Docket No. 2016-0614-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Willard G. Witt dba John Witt Butane Gas in Lynn County; RN102893153; 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. (Rebecca Boyett, Michael Parrish)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 33 [Docket No. 2016-0094-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Dry Creek Shell LLC in Travis County; RN102399383; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality. (Isaac Ta, Ryan Rutledge)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER**

Item 34 [Docket No. 2015-1464-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of CHAKLASHIA ENTERPRISES, INC. d/b/a Sunmart 290 in Harris County; RN102059623; 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. (Amanda Patel, Ryan Rutledge)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 35 [Docket No. 2016-0148-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAKE PALO PINTO AREA WATER SUPPLY CORPORATION in Palo Pinto County; RN101456911; 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, Michael Parrish)

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

Item 36 [\*\*Docket No. 2015-1552-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAKESHORE UTILITY COMPANY in Henderson County; RN102676970; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaëlle Garza, Michael Parrish)

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

Item 37 [\*\*Docket No. 2016-0259-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of VISTA VERDE WATER SYSTEMS, INC. in Montgomery County; RN101651925; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Michael Parrish)

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

**MONTHLY ENFORCEMENT REPORT**

Item 38 [\*\*Docket No. 2016-1639-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 and Melissa Cordell)

No action taken.

**RULE MATTERS**

Item 39 [\*\*Docket No. 2016-0292-RUL.\*\*](#)

Consideration of the adoption of amended Section 7.102 of 30 TAC Chapter 7, Memoranda of Understanding. The adopted Memoranda of Understanding (MOU) rulemaking is a coordination between the Texas Commission on Environmental Quality and the Texas State Soil and Water Conservation Board that adopts by reference updates and procedures for coordinating the jurisdictional authority, program responsibilities, procedural mechanisms for point and nonpoint source pollution programs, and incorporates applicable conditions of the Letter of Agreement into the MOU. The proposed rule was published in the

June 10, 2016, issue of the *Texas Register* (41 TexReg 4157). (Kerry Niemann, Robert Brush) (Rule Project No. 2016-020-007-OW)

Adopt the amendments to 30 TAC Chapter 7 as recommended by the Executive Director. JN/TB; all agree.

Item 40 **Docket No. 2015-1015-RUL.**

Consideration of the adoption of new Sections 39.901 - 39.903 of 30 TAC Chapter 39, Public Notice; new Sections 295.300 - 295.306 of 30 TAC Chapter 295, Water Rights, Procedural; new Sections 297.200 - 297.210 of 30 TAC Chapter 297, Water Rights, Substantive; and, new Sections 318.1 - 318.9, 318.21 - 318.30, 318.40 - 318.43, 318.60, and 318.61 of 30 TAC Chapter 318, Marine Seawater Desalination Discharges. The adoption would implement House Bill (HB) 2031 from the 84th Texas Legislature, 2015, Regular Session, relating to the diversion, treatment, and use of marine seawater and the discharge of treated marine seawater and waste resulting from the desalination of marine seawater and HB 4097 from the 84th Texas Legislature, 2015, Regular Session, relating to seawater desalination projects. The proposed rules were published in the May 27, 2016, issue of the *Texas Register* (41 TexReg 3839). (Kathy Ramirez, Michael Parr) (Rule Project No. 2015-029-295-OW)

Continue to the November 2, 2016 agenda meeting so that the Executive Director can: A) Revise the rulemaking to allow any person to submit comments; B) Consider whether additional language is necessary in 30 TAC § 297.209 to assess the quality of the methods being utilized to minimize impingement and entrainment; C) Consider whether the rule language concerning environmental flows standards is consistent with the law and protective of the environment; and D) Further consider and revise the Preamble and Response to Comments for consistency within changes to the rule language; and Instruct the Executive Director to initiate rulemaking, if appropriate, under Texas Water Code § 18.003(h) to prescribe reasonable measures to minimize impingement and entrainment and diversions made by facilities exempt from permitting under Texas Water Code § 18.003(b). JN/TB; all agree.

### **STATE IMPLEMENTATION PLAN**

Item 41 **Docket No. 2015-1651-SIP.**

Consideration of the adoption of the Collin County Redesignation Request and Maintenance Plan State Implementation Plan (SIP) Revision for the 2008 Lead National Ambient Air Quality Standard (NAAQS). The adoption would request that the United States Environmental Protection Agency redesignate the Collin County area to

attainment for the 2008 lead NAAQS and provide a maintenance plan that will ensure the area remains in attainment of the NAAQS through 2028. (Brian Foster, Amy Browning) (Non-Rule Project No. 2016-003-SIP-NR)

Adopt the Collin County Redesignation Request and Maintenance Plan State Implementation Plan Revision for the 2008 Lead National Ambient Air Quality Standard as recommended by the Executive Director. TB/JN; all agree.

### **EXECUTIVE MEETING**

**Item 42      Docket No. 2016-0001-EXE.**

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

No action taken.

**Item 43      Docket No. 2016-0002-EXE.**

The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

**Item 44      Docket No. 2016-0003-EXE.**

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

to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

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

**SECTION 46.035 OF THE TEXAS PENAL CODE PROHIBITS HANDGUN LICENSEES FROM CARRYING THEIR HANDGUNS AT GOVERNMENT MEETINGS SUCH AS THIS ONE. THIS PROHIBITION APPLIES TO BOTH CONCEALED CARRY AND OPEN CARRY BY HANDGUN LICENSEES.**

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

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

/s/ Barham A. Richard  
Assistant General Counsel  
Barham A. Richard

10/26/2016  
Date