

The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).

Updates to backup documents will be noted by a purple indicator. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 7 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).

Chairman Bryan W. Shaw, Ph.D., P.E.
Commissioner Toby Baker
Commissioner Jon Niermann

OLD BUSINESS AGENDA

November 2, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the October 19, 2016 Agenda.

Item 1 **[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 this matter to the November 16, 2016 Open Meeting. TB/JN; all agree.

AGENDA

November 2, 2016

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1 **[Docket No. 2016-1461-MWD.](#)**

Consideration of the application by Grimes Co. Water Reclamation, LLC, for a renewal of Texas Commission on Environmental Quality (TCEQ) Permit No. WQ0015032001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 80,000 gallons per day via surface irrigation of 57 acres of non-public access agricultural land. The wastewater treatment facility and disposal site will be located at 7063 Clark Road, Plantersville, in Grimes County, Texas 77363. This permit will not authorize a discharge of pollutants into water in the state. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (David Akoma, Ashley McDonald)

Remanded to the Executive Director on October 31, 2016.

WATER USE PERMIT APPLICATION MATTER

Item 2 **[Docket No. 2016-0466-WR.](#)**

Consideration of the Application filed by Quanah Country Club for Water Use Permit No. 12185. Quanah Country Club has applied for a Water Use Permit to 1) impound less than an acre-foot of water in Holding Pond 1 on an unnamed tributary of Spring Creek, tributary of Groesbeck Creek, tributary of the Red River; 2) use the bed and banks of Holding Pond 1 for storage of the City of Quanah's return flows; 3) divert 99.3 acre-feet per year from Holding Pond 1 at a maximum rate of 100 gpm, to be conveyed by pipeline to Holding Pond 2 on an unnamed tributary of Groesbeck Creek; 4) impound less than an acre-foot of water in Holding Pond 2 for livestock and recreational use; 5) use the bed and banks of the pond for storage and diversion at a maximum 285 gpm for livestock and agricultural uses; 6) maintain two existing reservoirs, known as North Lake (108 acre-feet) and South

Lake (40 acre-feet), both on the unnamed tributary of Groesbeck Creek, for recreational use. A maximum of 0.465 mgd of effluent per year is authorized to be discharged at a maximum rate of 969 gpm to Spring Creek under Texas Pollutant Discharge Elimination System Permit No. 0010600001. The Executive Director recommends denial of this application based on the Executive Director's conclusion that there is insufficient water available for appropriation in the Red River Basin. The Commission will consider the Application, the Executive Director's recommendation, public comment, and all related documents. (Chris Kozlowski, Linda Horng)

Remanded to the Executive Director on October 28, 2016.

TOTAL MAXIMUM DAILY LOAD MATTER

Item 3 [**Docket No. 2016-0131-TML.**](#)

Consideration for adoption of Four Total Maximum Daily Loads (TMDLs) for Indicator Bacteria in the Cottonwood Creek, Fish Creek, Kirby Creek, and Crockett Branch Watersheds Upstream of Mountain Creek Lake in Dallas and Tarrant Counties. Notice of a public meeting to receive comments on the TMDLs was published in the May 27, 2016, issue of the *Texas Register* (41 TexReg 3942). (Kerry Niemann, Robert Brush) (Project No. 2015-017-TML-NR)

Adopt the four Total Maximum Daily Loads for Indicator Bacteria in the Cottonwood Creek, Fish Creek, Kirby Creek, and Crockett Branch Watersheds Upstream of Mountain Creek Lake as recommended by the Executive Director. JN/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 [**Docket No. 2016-0309-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cabot Norit Americas, Inc. in Harrison County; RN102609724; 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 5 [**Docket No. 2016-0464-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Orange County; RN100542711; 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 6 [**Docket No. 2016-0113-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eco Services Operations LLC in Harris County; RN100211317 and RN100220581; 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, Michael Parrish)

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

Item 7 [**Docket No. 2016-0413-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enduro Composites, Inc. in Harris County; RN104559190; 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. 2016-0100-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Harris County; RN102528197; 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 9 [**Docket No. 2016-0328-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100542281; 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 10 [**Docket No. 2016-0225-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ETC Field Services LLC in Winkler County; RN100238633; 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. 2014-0429-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ExxonMobil Oil Corporation in Jefferson County; RN102450756; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rajesh Acharya, Michael Parrish)

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

Item 12 [**Docket No. 2016-0243-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Flint Hills Resources Houston Chemical, LLC in Harris County; RN102576063; 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 13 [**Docket No. 2016-0391-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Brazoria County; RN100238708; 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 14 [**Docket No. 2015-0518-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RD Food Manufacturing, Inc in El Paso County; RN101058386; 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.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 15 [**Docket No. 2016-0177-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF Corporation in Brazoria County; RN100218049; 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 16 [**Docket No. 2015-1849-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SOUTHWESTERN PUBLIC SERVICE COMPANY in Potter County; RN100224641; 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, Michael Parrish)

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

Item 17 [**Docket No. 2015-1074-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC and John Edward Frantz in Harris County; RN103872503; 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. (Ross Luedtke, Michael Parrish)V

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 18 [**Docket No. 2015-1845-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Ted Booher d/b/a Rapid Environmental Services, LLC in El Paso County; RN103145876; for water quality and used oil, violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Harkrider, Ryan Rutledge)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 19 [**Docket No. 2015-1576-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Gilbert V. Perez in Frio County; RN106672827; 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. (Elizabeth Lieberknecht, Ryan Rutledge)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 20 [Docket No. 2016-0377-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Stan H. Kyle in Shelby County; RN108725334; 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. (Clayton Smith, Ryan Rutledge)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21 [Docket No. 2015-1231-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Fort Worth in Tarrant County; RN100942259; 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, Michael Parrish)

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

Item 22 [Docket No. 2016-0387-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Gladewater in Upshur County; RN101916526; 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, Michael Parrish)

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

Item 23 [**Docket No. 2015-0065-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mont Belvieu in Chambers County; RN102919941; 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, Michael Parrish)

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

Item 24 [**Docket No. 2015-0915-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pearland in Brazoria County; RN101613446; 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, Michael Parrish)

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

Item 25 [**Docket No. 2015-1501-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of New Braunfels Utilities in Comal County; RN101607786; 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 26 [**Docket No. 2016-0571-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 786 K & H LLC dba S Mart in Morris County; RN102232196; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Baldwin, Michael Parrish)

Remanded to the Executive Director on October 28, 2016.

Item 27 **[Docket No. 2016-0526-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DENNIS PORTER, INC. dba Porters Shell in Andrews County; RN101879534; 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 28 **[Docket No. 2015-1599-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dupre Logistics LLC in Harris and Orange Counties; RN100648096; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Abigail Lindsey, Michael Parrish)

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

Item 29 **[Docket No. 2016-0326-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EXXON MOBIL CORPORATION in Harris County; RN102579307; 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 30 **[Docket No. 2016-0141-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MARTY MECHANICAL, INC. dba One Stop 46 in Rockwall County; RN102257227; 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 31 [**Docket No. 2016-0687-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of McLane Company, Inc. in Bell County; RN101616779; 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, Michael Parrish)

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

Item 32 [**Docket No. 2015-1655-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rosa Castillo in Bexar County; RN101854875; 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. (Jessica Bland, Michael Parrish)

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

Item 33 [**Docket No. 2016-0605-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S.S.G. FUEL SERVICE, INC. dba Exxon Food Mart in Harris County; RN102950565; 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. (Epifanio Villarreal, Michael Parrish)

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

Item 34 [**Docket No. 2016-0712-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against STRAUS SYSTEMS, INC. in Fort Bend County; RN100664671; 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. (Holly Kneisley, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 35 [Docket No. 2013-0187-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of CHAU MANAGEMENT, Inc. d/b/a Times Market 101 and d/b/a Times Market 102 in Calhoun County; RN101748911 and RN101752194; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ian Groetsch, Ryan Rutledge)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 36 [Docket No. 2016-0669-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Utilities, Inc. in Travis County; RN101502730; 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, Michael Parrish)

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

Item 37 [Docket No. 2016-0071-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CASTLE WATER, INC. in Hood County; RN101283679; 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. (Steven Hall, Michael Parrish)

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

Item 38 [Docket No. 2016-0252-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Presidio County Water Improvement

District 1 dba Redford Water Supply in Presidio County; RN101266054; 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, Michael Parrish)

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

Item 39 [Docket No. 2015-1209-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Mission Texas International Training Center in Parker County; RN106454978; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Michael Parrish)

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

Item 40 [Docket No. 2015-1830-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against OAK TERRACE ESTATES, INC. and Robert M. Smith in Polk County; RN102673902; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 41 [Docket No. 2016-0200-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Shenandoah in Montgomery County; RN105552582; 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.

WITHOUT CERTIFICATION ENFORCEMENT DEFAULT ORDER

Item 42 [Docket No. 2016-0009-WOC-E.](#)

Consideration of a Default Order assessing administrative penalties against Alfonzo Campos, Sr. in Bee County; RN107594962; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Ian Groetsch, Ryan Rutledge)

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

RULE MATTERS

Item 43 [Docket No. 2016-0336-RUL.](#)

Consideration of the adoption of amended Sections 9.11 - 9.13 and 9.15 - 9.17 of 30 TAC Chapter 9, Training. The adopted rulemaking would implement House Bill 3337, 84th Texas Legislature, 2015, Regular Session, by updating training and education procedures for agency administrators and employees. The proposed rules were published in the July 8, 2016, issue of the *Texas Register* (41 TexReg 4947). (Amber Kaskie, Yen Tran) (Rule Project No. 2015-039-009-AD)

Adopt amendments to 30 TAC Chapter 9 as recommended by the Executive Director. JN/TB; all agree.

Item 44 [Docket No. 2016-0408-RUL.](#)

Consideration of the adoption of the repeal of Sections 116.130 - 116.134, 116.136, and 116.137 of 30 Texas Administrative Code (TAC) Chapter 116, Control of Air Pollution by Permits for New Construction or Modification; and corresponding revisions to the State Implementation Plan. The adoption would remove from Chapter 116 obsolete notification and comment procedures rules, which have been superseded by portions of 30 TAC Chapter 39, Public Notice, and 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment. The proposed repeal was published in the July 8, 2016, issue of the *Texas Register* (41 TexReg 4950) and a Correction of Error was published in the July 22, 2016, issue of the *Texas Register* (41 TexReg 5458). (Tasha Burns, Janis Hudson) (Rule Project No. 2016-026-116-AI)

Adopt the repeal of 30 Texas Administrative Code Sections 116.130 - 116.134, 116.136, and 116.137 and the corresponding revisions to the State Implementation Plan as recommended by the Executive Director. TB/JN; all agree.

Item 45 **Docket No. 2016-0877-RUL.**

Consideration of the adoption of amended Section 101.222 of 30 TAC Chapter 101, General Air Quality Rules; and corresponding revision to the Texas State Implementation Plan. The adoption 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. The proposed rule was published in the July 22, 2016, issue of the *Texas Register* (41 TexReg 5343). (Cynthia Gandee, Janis Hudson) (Rule Project No. 2016-040-101-CE)

Adopt amended 30 Texas Administrative Code Section 101.222 and the corresponding revisions to the Texas State Implementation Plan as recommended by the Executive Director. JN/TB; all agree.

STATE IMPLEMENTATION PLAN

Item 46 **Docket No. 2016-0308-SIP.**

Consideration of an adopted revision to the State Implementation Plan (SIP) for removal of 30 Texas Administrative Code (TAC) Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, Sections 116.120 - 116.123, 116.125, and 116.126 from the SIP. Sections 116.120 - 116.123, 116.125, and 116.126 were repealed on August 7, 2002. Notice was published in the July 8, 2016, issue of the *Texas Register* (41 TexReg 5109). (Becky Southard, Janis Hudson) (Project No. 2016-028-SIP-NR)

Adopt the revision to the State Implementation Plan removing 30 Texas Administrative Code Sections 116.120 - 116.123, 116.125, and 116.126 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/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

11/7/2016
Date