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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

January 18, 2017

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 [**TCEQ Docket No. 2015-0840-MWD; SOAH Docket No. 582-16-0149.**](#)

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the Application of New Braunfels Utilities, for a Permit Renewal and Major Amendment of TPDES Permit No. WQ0010232002 pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code chs. 5 and 26 requesting the relocation and expansion of the facility. The existing facility is located approximately 700 feet southwest of the crossing of Gruene Loop Road over the Guadalupe River, in Comal County, Texas 78130. The new and expanded facility's location would be on a 30-acre site on the northeast corner of the intersection of Highway 46 (Loop 337) and Gruene Road, approximately 1.8 miles northwest of Interstate Highway 35 on Highway 46 in Comal County, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Michael Parr)

Adopt the Administrative Law Judges' Proposed Order, but with the following revisions: 1) Remove the words "IN PART" from the title of the Proposed Order; 2) Add the words "With some exceptions," to the beginning of Finding of Fact No. 92; 3) Add the words "in the Interim Phase II and the Final Phase" between the words "limitations" and "which" in Finding of Fact No. 97; 4) Replace Finding of Fact No. 98 with the following language: "The effluent limitations in the Draft Permit that are less stringent than the current permit are water quality based effluent limitations established on the basis of 33 USCA § 1311(b)(1)(C)."; 5) Replace Finding of Fact No. 99 with the following language: "The Draft Permit contemplates material and substantial alterations or additions to the permitted facility after issuance of the Permit."; 6) Replace Finding of Fact No. 100 with the following language: "The evidence including, but not limited to, the recent and projected population growth for the New Braunfels area, the water quality modeling performed for this matter, the changes to the 100-year flood plain maps, and the planned changes to the facility justifies the application of a less stringent effluent limitation."; 7) Replace Conclusion of Law No. 22 with the following language: "The Draft Permit complies with the Clean Water Act's anti-backsliding provision because the Draft Permit is in compliance with an exception under 33 USCA § 1313(d)(4)(B)."; 8) Replace Conclusion of Law No. 23 with the following language: "The Draft Permit complies with the Clean Water Act's anti-backsliding provision because the Draft Permit qualifies for the anti-backsliding exception under 33 USCA § 1342(o)(2)(A)."; 9) Add new Conclusion of Law No. 24 to read: "The Draft Permit meets all applicable requirements and should be issued as drafted by the ED."; 10) Renumber Conclusion of Law No. 24 to Conclusion of Law No. 25; 11) Remove the words "in part" from Ordering Provision No. 1; 12) Replace the Interim Phase II and the Final Phase effluent limitations for CBOD5 and TSS listed in the table in Ordering Provisions with "10" and "15," respectively; 13) Add the word "or" before \$794.65 and the word "each" after \$794.65 in new Ordering Provision No. 25; Issue TPDES Permit No. WQ0010232002 as drafted by the Executive Director; and Adopt the Executive Director's Response to Comments. JN/TB; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2

[Docket No. 2016-1704-MWD.](#)

Consideration of the application by Beacon Estates Water Supply Corporation for a renewal of Texas Pollutant Discharge Elimination System Permit No. WQ0014963001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 75,000 gallons per day. The facility is located approximately 800 feet east of Farm-to-Market Road 359; approximately three miles north of the intersection of Farm-to-Market Road 359 and Farm-to-Market Road 1458, in Waller County, Texas 77423. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Sarah A. Johnson, Celia Castro)

Grant the hearing request of Reynold St. Lucie; Deny the remaining hearing requests; Refer the matter to the Commission's Alternative Dispute Resolution Program concurrent with the SOAH scheduling process; Refer the matter to SOAH for a contested case hearing on the following issues, which are to be considered in light of the Applicant's history of non-compliance with its' existing permit: A) Whether the draft permit is protective of the requestor's health and safety; and B) Whether the draft permit would adversely impact Bessies Creek or Mr. St. Lucie's stock pond; and Specify that the maximum duration of the hearing is 180 days from the preliminary hearing to issuance of the Proposal for Decision. JN/TB; all agree.

MISCELLANEOUS MATTER

Item 3 **Docket No. 2016-2146-MIS.**

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

Approve issuance of the Resolution that acknowledges the material changes to the contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code for the time period of September 1, 2016 to November 30, 2016 contained in the TCEQ Interoffice memorandum to the Commissioners and Executive Director dated December 30, 2016 with the caption of Docket No. 2016-2146-MIS. TB/JN; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 4 **Docket No. 2015-1497-AGR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Roger Gomez dba Optimum Calves in Bailey County; RN104925334; 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. (Jason Fraley, Michael Parrish)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 **Docket No. 2016-0694-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Acme Brick Company in Denton County; RN100210046; 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. JN/TB; all agree.

Item 6 [**Docket No. 2015-1485-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lone Star NGL Fractionators LLC in Chambers County; RN106018260; 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. JN/TB; all agree.

Item 7 [**Docket No. 2015-1512-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Sunoco Partners Marketing & Terminals L.P. in Jefferson County; RN100214626; 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. JN/TB; all agree.

Item 8 [**Docket No. 2015-1684-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texmark Chemicals, Inc. in Harris County; RN100238740; 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. (Abigail Lindsey, Michael Parrish)

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

Item 9 [**Docket No. 2016-0678-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. (Carol McGrath, Michael Parrish)

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

Item 10 [**Docket No. 2016-0041-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Harris County; RN100219526; 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. JN/TB; all agree.

Item 11 [**Docket No. 2015-1732-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Seadrift Coke L.P. in Calhoun County; RN102147055; 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. JN/TB; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 12 [**Docket No. 2016-1154-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Cimarron Self Storage, LLC in Williamson County; RN109153932; 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. (Steven Van Landingham, Michael Parrish)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 13 [Docket No. 2016-0198-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Braskem America, Inc. in Harris County; RN102182052; 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. JN/TB; all agree.

Item 14 [Docket No. 2016-0348-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lucite International, Inc. in Jefferson County; RN102736089; 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. (Caleb Olson, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 15 [Docket No. 2015-1739-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Runge in Karnes County; RN101917839 and RN101424083; for water quality, municipal solid waste, air quality, and public drinking water violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 341, 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jason Fraley, Michael Parrish)

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

Item 16 [Docket No. 2013-1729-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FROST CRUSHED STONE COMPANY INC. dba Simon Bros Quarry Junction Plant in Kimble County; RN105665293; for aggregate production operation, used oil, air quality, industrial and hazardous waste, petroleum storage tank, and water quality violations pursuant to Tex. Health & Safety Code chs. 361, 371, and 382, 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. (Keith Frank, Michael Parrish)

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

Item 17 **Docket No. 2016-0191-MLM-E.**

Consideration of an Agreed Order assessing administrative penalties against Intertek USA Inc. in Nueces County; RN105768170; 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. (Holly Kneisley, Michael Parrish)

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

Item 18 **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, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 19 **Docket No. 2016-0663-MSW-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of San Juan in Hidalgo County; RN104804711; for municipal solid waste violations pursuant to Tex.

Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jonathan Nguyen, Michael Parrish)

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

Item 20 [**Docket No. 2016-0775-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of STATE RUBBER AND ENVIRONMENTAL SOLUTIONS, LLC in Yoakum County; RN104154893; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jonathan Nguyen, Michael Parrish)

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

MUNICIPAL WASTE DISCHARGE ENFORCMENT AGREED ORDERS

Item 21 [**Docket No. 2015-1549-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Liberty in Liberty County; RN102078128; 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. JN/TB; all agree.

Item 22 [**Docket No. 2016-0442-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Uvalde in Uvalde County; RN103119087; 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. JN/TB; all agree.

Item 23 [**Docket No. 2016-0105-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Whitesboro in Grayson County; RN102796679; 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. JN/TB; all agree.

Item 24 [**Docket No. 2016-0448-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Willow Park in Parker County; RN101920585; 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. JN/TB; all agree.

Item 25 [**Docket No. 2016-0167-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Victoria County Water Control and Improvement District No. 1 in Victoria County; RN101516714; 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)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 26 [**Docket No. 2016-1182-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Al's Investments, Inc. dba Golden Express Truck Stop in Wise County; RN101435592; 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. JN/TB; all agree.

Item 27 **Docket No. 2016-0508-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GOD BLESS, INC. dba C & C Drive Inn Grocery in Brazoria County; RN101891554; 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. (Jonathan Nguyen, Michael Parrish)

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

Item 28 **Docket No. 2014-0873-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kolkhorst Petroleum Company dba Rattlers Country Store 6 in Washington County; RN101662484; 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)

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

Item 29 **Docket No. 2015-1678-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Leo J. Leo, Jr. dba Leo's Drive In 6 in Hidalgo County; RN104605761; 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. JN/TB; all agree.

Item 30 **Docket No. 2016-1017-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against ROZI BUSINESS, INC. dba Step N Go in Galveston County; RN102280955; 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. (Keith Frank, Michael Parrish)

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

Item 31 [**Docket No. 2016-0802-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Southwest Convenience Stores, LLC dba 7 Eleven 57819 in Midland County; RN102410065; 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. JN/TB; all agree.

Item 32 [**Docket No. 2016-0637-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of UNITED RENTALS, INC. in Webb County; RN106067440; 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. JN/TB; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 33 [**Docket No. 2016-0418-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of GLOBAL NEW MILLENNIUM PARTNERS, LTD. in Jefferson County; RN102782851; 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. (Adam Taylor, Ryan Rutledge)

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

Item 34 [**Docket No. 2015-1056-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against SUPERIOR LUBRICANTS TRANSPORT, INC. d/b/a Superior Transport in Tarrant County; RN103026993; 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. (Tracy Chandler, Ryan Rutledge)

Remanded to the Executive Director on January 13, 2017.

Item 35 [**Docket No. 2015-1257-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Waylon Ray Collins in Fisher County; RN102717493; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Ryan Rutledge)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 36 [**Docket No. 2016-0784-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of ALI HEMANI CORPORATION d/b/a 7-Eleven 39047 in Dallas County; RN101534360; 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. (Lena Roberts, Ryan Rutledge)

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

Item 37 [**Docket No. 2016-0595-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of

BENTON RAINEY, INC. d/b/a East End Station in Red River County; RN101833663; 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. (Isaac Ta, Ryan Rutledge)

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

Item 38 [**Docket No. 2016-0551-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of SEAROSE INC d/b/a Discount Mart 3 in Scurry County; RN101769651; 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. (Isaac Ta, Ryan Rutledge)

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

PUBLIC WATER SYSTEM ENFORCMENT AGREED ORDERS

Item 39 [**Docket No. 2016-0853-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BRP PROPERTIES LLC in Austin County; RN105472690; 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. JN/TB; all agree.

Item 40 [**Docket No. 2016-0875-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Burleson County Municipal Utility District 1 in Burleson County; RN101397131; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Fisher, Michael Parrish)

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

Item 41 [**Docket No. 2016-0382-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Detroit in Red River County; RN101389831; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Fisher, Michael Parrish)

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

Item 42 [**Docket No. 2016-1242-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Gainesville in Cooke County; RN101389898; 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, Michael Parrish)

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

Item 43 [**Docket No. 2016-0976-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Roxton in Lamar County; RN101391795; 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, Michael Parrish)

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

Item 44 [**Docket No. 2016-1240-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Little Elm Valley Water Supply Corporation in Bell County; RN101377489; for public quality water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Melissa Castro, Michael Parrish)

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

Item 45 [**Docket No. 2016-0845-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MOUNTAIN WATER SUPPLY CORPORATION in Coryell County; RN101452605; 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. JN/TB; all agree.

Item 46 [**Docket No. 2016-0916-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mullin Independent School District in Mills County; RN101256550; 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. JN/TB; all agree.

Item 47 [**Docket No. 2016-1117-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of UIRC-GSA Cotulla TX, LLC in La Salle County; RN103779542; 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. JN/TB; all agree.

Item 48 [**Docket No. 2016-0823-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WEST HARRISON WATER SUPPLY CORPORATION in Harrison County; RN101451532; 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, Michael Parrish)

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

PUBLIC WATER SUPPLY ENFORCEMENT DEFAULT ORDERS

Item 49

[Docket No. 2016-0039-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of LASS UTILITY SERVICE COMPANY INC and Sandra R. Barbey in McLennan County; RN101225753; 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, Ryan Rutledge)

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

Item 50

[Docket No. 2015-1747-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Randall & Spencer, LLC d/b/a 2 Cousins Gas & Grocery in Jack County; RN106852346; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Adam Taylor, Ryan Rutledge)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 51

[Docket No. 2014-1206-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Bernardo Espinoza dba J B Stone Company in Williamson County; RN107385940; for water quality and aggregate production operation 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. (Had Darling, Michael Parrish)

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

Item 52

[Docket No. 2014-1672-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bottom Line Food Processors, Inc. in Travis County; RN103029302; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission

on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Had Darling, Michael Parrish)

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

Item 53 [**Docket No. 2016-0910-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hutchins in Dallas County; RN105506141; 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. JN/TB; all agree.

Item 54 [**Docket No. 2016-0318-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Nolanville in Bell County; RN105538722; 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. JN/TB; all agree.

WATER RIGHTS ENFORCEMENT DEFAULT ORDER

Item 55 [**Docket No. 2015-0768-WR-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Jay Charles Svoboda in Brazoria County; RN103186763; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Ryan Rutledge)

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

MONTHLY ENFORCEMENT REPORT

Item 56 [**Docket No. 2016-1935-MIS.**](#)

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

No action taken.

RULE MATTERS

Item 57 **[Docket No. 2016-0485-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended Section 111.203 and new Section 111.217 of 30 TAC Chapter 111, Control of Air Pollution from Visible Emissions and Particulate Matter and corresponding revisions to the state implementation plan. The proposed rulemaking would clarify and add more specific language to the current agency rules related to prescribed burning conducted by Certified and Insured Prescribed Burn Managers who are certified by the Prescribed Burning Board of the Texas Department of Agriculture. (Beryl Thatcher, Amy Prescott) (Rule Project No. 2016-027-111-CE)

Approve the publication of, and hearing on, the proposed new and amended sections of 30 TAC Chapter 111 and the corresponding revisions to the State Implementation Plan, as recommended by the Executive Director. TB/JN; all agree.

Item 58 **[Docket No. 2016-1907-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended Section 336.103 of 30 TAC Chapter 336, Radioactive Substance Rules. The proposed rulemaking would remove the word “quarterly” where it requires the executive director to invoice for the amount of recoverable cost activities incurred on a quarterly basis. (Hans Weger, Amie Robinson) (Rule Project No. 2017-003-336-WS)

Approve the publication of, and hearing on, proposed amended Section 336.103 of the 30 TAC Chapter 336, Radioactive Substance Rules, as recommended by the Executive Director. JN/TB; all agree.

PUBLIC COMMENT SESSION

Item 59 **[Docket No. 2017-0005-PUB.](#)**

The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ in accordance with Texas Water Code Section 5.112, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition

found in Texas Government Code Section 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. Please note that the Commission's discussion of subjects for which public notice has not been given are limited to statements of specific factual responses and recitation of existing policy.

No action taken.

EXECUTIVE MEETING

Item 60 Docket No. 2017-0001-EXE.

The Commission will conduct a closed meeting to receive legal advice from its attorney(s) and will discuss pending or contemplated litigation, and/or settlement offers, as permitted by Section 551.071 of the Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas Government Code.

No action taken.

Item 61 Docket No. 2017-0002-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, General Counsel, Chief Clerk, Public Interest Counsel, or Chief Auditor as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas Government Code.

No action taken.

Item 62 Docket No. 2017-0003-EXE.

The Commission will conduct a closed meeting to discuss the employment, evaluation, reassignment, duties, discipline or dismissal of a specific Commission employee(s) as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas Government Code.

No action taken.

Item 63 **Docket No. 2017-0004-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 Texas Open Meetings Act, Chapter 551 of the Texas 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 Texas 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/ Tracy Gross
Assistant General Counsel
Tracy Gross

1/20/2017
Date