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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

February 15, 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. 2015-1264-MWD; SOAH Docket No. 582-16-1442.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the Application of DMS Real Tree, LLC, for New TPDES Permit No. WQ0015293001 pursuant to rules of the Texas Commission on Environmental Quality and Tex. Water Code chs. 5 and 26. The proposed facility would be located 2,500 feet north of the intersection of Highway 21 and Yarrington Road, in Hays County. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Alicia Ramirez)

Adopt the ALJ's Proposed Order issuing TPDES Permit No. WQ0015293001 with the changes recommended by the ALJ in his October 12, 2016 letter; In Finding of Fact No. 39 replacing the word "Remote" with the word "Untimely" in the chart; and Adopt the ED's Response to Comment. TB/JN; all agree.

EMERGENCY ORDER

Item 2 **Docket No. 2016-0997-UCR-E.**

Consideration of whether to affirm, modify, or set aside the Emergency Order Renewing the Appointment of a Temporary Manager of a Water Utility issued on December 27, 2016, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by W. OAKS PHOENIX CORP.; TCEQ PWS ID No. TX1160097; RN101246346; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order appointed Paula Weber as temporary manager of the Utility located 1.4 miles west of Farm-To-Market Road 986 on County Road 2320, Hunt County, Texas. (Meaghan Bailey)

Affirm the Executive Director's December 27, 2016 Emergency Order renewing the appointment of Paula Weber as temporary manager for the W. OAKS PHOENIX CORP. utility. JN/TB; all agree.

MISCELLANEOUS MATTERS

Item 3 **Docket No. 2016-2123-MIS.**

Consideration of the nomination and appointment of one person to fill the remainder of the term of the open position for an industry representative on the Tax Relief for Pollution Control Property Advisory Committee. Tex. Tax Code (TTC), Section 11.31 requires the Texas Commission on Environmental Quality (TCEQ) to form a permanent advisory committee that will make recommendations to the TCEQ commissioners on matters relating to property tax exemptions for pollution control property. TTC, Section 11.31(n) requires the advisory committee to have representatives from industry, appraisal districts, taxing units, environmental groups, a school district or junior college, and other members who have substantial technical expertise in pollution control technology and environmental engineering. (Shelley Naik, Don Redmond)

Adopt the proposed Resolution appointing Mr. Timothy Jones to the Tax Relief for Pollution Control Property Advisory Committee as a representative from industry to complete the remaining term of Mr. Robert Castor set to expire on December 31, 2017. TB/JN; all agree.

Item 4 [**Docket No. 2016-2136-MIS.**](#)

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

Approve issuance of the Resolution that acknowledges the Executive Director's acceptance of the gifts and donations contained in the TCEQ's Interoffice Memorandum to the Commissioners dated January 27, 2017 with the caption of docket number 2016-2136-MIS. JN/TB; all agree.

AGRICULTURAL ENFORCEMENT DEFAULT ORDER

Item 5 [**Docket No. 2015-1824-AGR-E.**](#)

Consideration of a Default Order assessing administrative penalties against Olke Andries Jongsma in Wood County; RN101516045; 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. (Jim Sallans, Ryan Rutledge)

Remanded to the Executive Director on February 8, 2017.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6 [**Docket No. 2016-0886-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Austin in Travis County; RN100219872; 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 7 [**Docket No. 2016-0738-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Flint Hills Resources Port Arthur, LLC in Jefferson County; RN100217389; 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 8 **Docket No. 2016-0793-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Hutchinson County; RN102495884; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rajesh Acharya, Michael Parrish)

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

**LANDSCAPE IRRIGATION LICENSING ENFORCEMENT
DEFAULT ORDER**

Item 9 **Docket No. 2015-0200-LII-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of George Tilmon, IV and SERENE SCENES, LLC in Travis County; RN106371180; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Amanda Patel, Ryan Rutledge)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 10 **Docket No. 2014-1517-MLM-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DALDEN CORPORATION in Denton County; RN100749233; for industrial and hazardous waste and underground injection control violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7, 26, and 27, 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 11

[Docket No. 2015-1681-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Town Drytech, Inc. d/b/a Town Oaks Cleaners in Dallas County; RN103030888; for dry cleaner performance standards and registration violations and municipal hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 374, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Audrey Liter, Ryan Rutledge)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 12

[Docket No. 2015-1511-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jackson County; RN102081551; 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. (Margarita Dennis, Michael Parrish)

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

Item 13

[Docket No. 2016-0325-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Patty Eckert in Kimble County; RN104925318; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jake Marx, Ryan Rutledge)

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

Item 14

[Docket No. 2015-1544-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Saguaro, Corp. d/b/a El Paso C&D Recycling Plant in El Paso County; RN105517007; 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. (Jake Marx, Ryan Rutledge)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 15 [Docket No. 2016-0650-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Michelle Tyson and Tom Tyson in McCulloch County; RN105510580; 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. (Jake Marx, Ryan Rutledge)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 16 [Docket No. 2016-0133-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Aransas Pass in San Patricio County; RN102076452; for water quality 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. (Claudia Corrales, Michael Parrish)

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

Item 17 [Docket No. 2016-1064-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Carthage in Panola County; RN102055258; 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 18 [**Docket No. 2016-1280-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Copperas Cove in Coryell County; RN101610814; 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. TB/JN; all agree.

Item 19 [**Docket No. 2014-1507-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Edgewood in Van Zandt County; RN101916302; 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 20 [**Docket No. 2016-0596-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Godley in Johnson County; RN101919397; 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 21 [**Docket No. 2016-1047-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fort Bend County Municipal Utility District No. 58 in Fort Bend County; RN104305867; 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 22 [Docket No. 2016-0556-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Trinity River Authority of Texas in Dallas County; RN102655560; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alejandro Laje, Michael Parrish)

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

Item 23 [Docket No. 2014-1796-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of La Coste in Medina County; RN101916617; 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.

ON-SITE SEWAGE SYSTEM ENFORCEMENT DEFAULT ORDER

Item 24 [Docket No. 2016-0517-OSS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Walter Shane Grubb in Culberson County; RN108211822; for on-site sewage facility violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Clayton Smith, Ryan Rutledge)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 25 [Docket No. 2016-1061-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BRAHMA STORES INC dba Brahma Express in Wilson County; RN101743052; 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. TB/JN; all agree.

Item 26 [**Docket No. 2016-1238-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Clute in Brazoria County; RN102058583; 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. (Anthony Rios, Michael Parrish)

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

Item 27 [**Docket No. 2016-1390-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dupre Logistics LLC in Harris and Tarrant 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. (Steven Stump, Michael Parrish)

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

Item 28 [**Docket No. 2016-0882-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EPP-Texas Acquisition, LLC dba Quik Way Retail Associates 3569 in Lubbock County; RN102374634; 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. TB/JN; all agree.

Item 29 [**Docket No. 2016-1142-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hemphill USA Investments Inc. dba Shell 7545 in Tarrant County; RN102156221; 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. TB/JN; all agree.

Item 30 [**Docket No. 2016-1095-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JUBLIE, INC. dba Murphy Food Store in Fort Bend County; RN101911949; 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. 2016-0372-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sara Fortune, Inc. dba Kwik Check Drive In Groceries in Fort Bend County; RN101381796; 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. TB/JN; all agree.

Item 32 [**Docket No. 2016-1043-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Spikes Motor Company, Inc. in Hidalgo County; RN101683795; 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 33 [**Docket No. 2016-0937-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Star Roj Inc dba Katy Star in Fort Bend County; RN102477668; 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. TB/JN; all agree.

Item 34 [**Docket No. 2016-0851-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against COWBOY STAR INC. d/b/a Beckleys Food Store in McCulloch County; RN102057411; 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. (Audrey Liter, Ryan Rutledge)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 35 [**Docket No. 2015-1313-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against BAKSHITA & RABIN, INC d/b/a Mineola Food Mart in Wood County; RN101442457; 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. (J. Amber Ahmed, Ryan Rutledge)

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

Item 36 [**Docket No. 2016-0607-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Cassandra Montemayor d/b/a The Ranch Store in Duval County; RN102232253; 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. TB/JN; all agree.

Item 37 **[Docket No. 2015-0866-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of MITESH C-STORE, INC. d/b/a Lake Country Food Mart in Trinity County; RN103002556; 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. (J. Amber Ahmed, Ryan Rutledge)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 38 **[Docket No. 2016-0350-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 7-Eleven, Inc in Victoria County; RN102392255; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ronica Rodriguez, Michael Parrish)

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

Item 39 **[Docket No. 2015-0792-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Shallowater in Lubbock County; RN101218980; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Farhaud Abbaszadeh, Michael Parrish)

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

Item 40 **[Docket No. 2016-1115-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ESCONDIDO LAND CO., INC. in Lubbock County; RN101249597; 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 41 [**Docket No. 2016-0520-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Goodsprings Water Supply Corporation in Rusk County; RN101440253; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Raime Hayes-Falero, Michael Parrish)

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

Item 42 [**Docket No. 2016-0778-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Red River Authority of Texas in Clay County; RN101246221; 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. TB/JN; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 43 [**Docket No. 2015-1843-PWS-E.**](#)

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

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 44 [**Docket No. 2016-0991-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of B & S SEPTIC TANK CORPORATION in Burnet County; RN108526906; for aggregate production operations 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.

WATER RIGHTS ENFORCEMENT AGREED ORDER

Item 45 [**Docket No. 2015-0549-WR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Town of Addison in Dallas County; RN105975361; 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)

Remand to the Executive Director for reconsideration utilizing the direction the Commission has given here today. TB/JN; all agree.

MONTHLY ENFORCEMENT REPORT

Item 46 [**Docket No. 2017-0049-MIS.**](#)

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

No action taken.

RULE MATTER

Item 47 [**Docket No. 2016-0564-RUL.**](#)

Consideration for the adoption of amendments to 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Section 114.7, Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program Definitions, and Section 114.64, LIRAP Requirements. The adopted rulemaking will amend Chapter 114 to

incorporate the federal Tier 3 emission standards, established under 40 Code of Federal Regulations Section 86.1811-17, as an eligibility component for replacement vehicles and as a determinant for the replacement compensation amount. The adopted amendments will also specify that no more than \$600 in assistance may be granted annually per vehicle for emissions-related repairs to pass the required annual emissions inspection. Finally, the adopted rulemaking will provide more detail to the definition of "engine" and make other non-substantive clarifying changes as needed for accuracy and consistency. The proposed rules were published in the September 23, 2016, issue of the *Texas Register* (41 TexReg 7430). (Alison Stokes, Sierra Redding) (Rule Project No. 2016-031-114-AI)

Adopt the amendments to 30 Texas Administrative Code Chapter 114 as recommended by the Executive Director. JN/TB; all agree.

EXECUTIVE MEETING

Item 48 **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 49 **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 50 **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 51 **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/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

2/16/2017
Date