

*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**

May 10, 2017

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the April 12, 2017 Agenda.

Item 1      **[Docket No. 2016-0122-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EXXONMOBIL OIL CORPORATION in Jefferson County; RN102450756; 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. JN/TB; all agree.

# AGENDA

May 10, 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. 2015-0457-MSW-E; SOAH Docket No. 582-16-1497.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against Joseph Wells and Ruby Demby and requiring certain actions of Joseph Wells and Ruby Demby in Tarrant County, Texas; RN105758718; regarding municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Elizabeth Harkrider)

Adopt the ALJ's Proposed Order with the following changes: 1) In order to adopt the changes recommended by the ED's Exceptions and agreed to by the ALJ's Reply, Modify the opening paragraph, Finding of Fact Nos. 1, 2, 3, 7, 8, 13, 14, 17, 18, 19, and 20, Conclusion of Law Nos. 3, 9, 10, 13, and Ordering Provision No. 3 as recommended by the ED in Exception Nos. 1, 2, 3, 4, 6.b, 8.a, 8.b, 8.c, 11.a, 11.b, 11.c, 11.d, 12.c, 15, 16.b, 16.c, 17, 18.a and 24.e.; 2) In order to incorporate the ALJ's alternative language recommended in his Reply to the ED's Exceptions, Modify Finding of Fact Nos. 13, 15, 16, and 20, as recommended by the ALJ in response to the ED's Exception Nos. 8.d, 9.a, 9.b, 9.c, 10, and 13; 3) In order to accomplish adding Mr. Wells as jointly and severally liable, but reduce the penalty to \$0, Modify Conclusion of Law No. 13 and Ordering Provision No. 1, as recommended by the ED in Exception Nos. 18.c and 21.a, 21.b, 21.d and 21.e, but include a \$0 penalty amount; 4) In order to accomplish adding Mr. Wells as jointly and severally liable for the required corrective actions, Modify Conclusion of Law No. 14 and Ordering Provision Nos. 1 and 2, as recommended by the ED in Exception Nos. 20, 21.g, 21.h, 21.i, and 23; 5) In order to accomplish replacing the ALJ's proposed corrective actions with the ED's corrective actions included in the EDSARP, Modify Ordering Provision Nos. 1, 2, and 3, as recommended by the ED in Exception Nos. 21.g, 21.h, 21.i, 23, 24.a, 24.b, 24.c, and 24.d, but extend the compliance deadlines proposed in the corrective actions by 30 days in Ordering Provisions Nos. 2.a and 2.e. TB/JN; all agree.

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

Item 2 **Docket No. 2017-0366-MWD.**

Consideration of the application by Johnson County Special Utility District for a major amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0014350001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 700,000 gallons per day to a daily average flow not to exceed 790,000 gallons per day. The facility is located approximately 2.5 miles northeast of the intersection of State Highway 174 and Farm-to-Market Road 917 in the City of Burleson, in Johnson County, Texas 76028. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Phillip Urbany, Hollis Henley)

Grant the hearing request of Robin and Phil Waddell; Refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrent with SOAH preliminary hearing scheduling efforts; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the discharge is adequately protective of water quality; b) Whether the facility is located in the 100-year floodplain and if so whether the plant unit is protected from inundation and damage that may occur during a flood event; c) Whether the application complies with TCEQ's regionalization policy; and d) Whether the discharge is protective of the requestors' health; and Set a hearing duration for a period of 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. JN/TB; all agree.

Item 3 **Docket No. 2017-0436-MWD.**

Consideration of the application by the Dowdell Public Utility District for new Texas Pollutant Discharge Elimination System Permit No. WQ0011404002 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 900,000 gallons per day. The facility will be located west of Lozar Drive, approximately 750 feet northwest of the intersection of Lozar Drive and Avalon Aqua Way, in Harris County, Texas 77379. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (John O. Onyenobi, Celia Castro)

Grant the hearing requests of Haleema Siddiqui, Monica Quintero, Kyle Bullard, Pam Bishop, Keith Bethel, Brian Wiese, Kristal Cline Torres, Laura Henderson, Jimmy Pierce, Deanna Pierce, and Al Adorno; Deny all remaining hearing requests; Refer the matter to SOAH for contested case hearing on the following issues: a) Whether the proposed facility complies with the Commission's Chapter 309 rules which relate to

domestic wastewater effluent limitation and plant citing requirements, b) Whether the proposed facility will be protective of the requestors' health and property, c) Whether the proposed facility will prevent nuisance odors, and d) Whether the proposed permit will be protective of water quality; and Specify that the maximum duration of the hearing is nine months from the preliminary hearing to issuance of the Proposal for Decision. TB/JN; all agree.

### **CERTIFIED QUESTIONS**

Item 4 [\*\*TCEQ Docket No. 2016-0665-IWD; SOAH Docket No. 582-16-5474.\*\*](#)

Consideration of the Administrative Law Judge's request to answer certified questions regarding Beneficial Land Management, L.L.C., TCEQ Permit No. WQ0004666000. The Administrative Law Judge has certified the following five questions under Title 30, Section 80.131 of the Texas Administrative Code to the Commission for interpretation: 1) Does 30 Texas Administrative Code § 312.3(d) authorize a facility that primarily treats domestic wastewater to dispose of sludge resulting from the combination of domestic sewage with grease trap waste and/or grit trap waste in accordance with the requirements of 30 Texas Administrative Code Chapter 312?; 2) Does the Commission consider grease trap waste and/or grit trap waste to be "industrial solid waste"?; 3) Does 30 Texas Administrative Code § 330.171(c)(7) provide the only mechanism for the disposal of grit trap waste and grease trap waste?; 4) Does applicable law allow one holding a permit for land application of Class B sewage sludge from a domestic wastewater treatment plant for beneficial use also allow that person to land apply sewage sludge mixed with grease trap waste and grit trap waste?; and 5) What does the Commission mean by the term "domestic sludge" used in the last sentence of 30 Texas Administrative Code § 312.3(d), and is the Commission's use of that term applicable only to the processing, storage, and disposal of the "domestic sludge" or can it also apply to the beneficial use of the "domestic sludge"? The Commission will also consider the briefs timely filed by the parties. (Ashley McDonald)

1) Answer Certified Question No. 1 in the following manner: "It is possible for a permit to remain consistent with the provisions of 30 TAC § 312.3(d) and authorize the beneficial land application of a waste product that is the end result of a process that begins with the mixing of domestic sewage and industrial solid waste. Domestic sewage, which is a wastewater that has not yet been treated, may be combined with any industrial solid waste and then treated by a facility that primarily treats domestic wastewater. The resulting product is called domestic sludge which must then be processed, stored, or disposed of in accordance with the requirements of 30 TAC Chapter 312."; 2) Answer Certified Question No. 2 in the following manner: "The determination of whether grit or grease trap waste is an industrial solid waste is a

factual determination based on where the grit or grease trap waste is generated.”; 3) Decline to answer Certified Question Nos. 3 and 4; 4) Answer Certified Question No. 5 in the following manner: “The term domestic sludge as utilized in the final sentence of 30 TAC § 312.3(d) is a subset of sewage sludge. More specifically, domestic sludge is the product that results from the combining and subsequent treatment of domestic sewage and industrial solid waste.” JN/TB; all agree.

### **MISCELLANEOUS MATTER**

Item 5 **Docket No. 2017-0364-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 and donations by certain agencies. (Elizabeth West)

Approve issuance of the resolution that acknowledges the Executive Director’s acceptance of the gifts and donations contained in the TCEQ Interoffice Memorandum to the Commissioners dated April 21, 2017 with the caption of Docket Number 2017-0364-MIS. TB/JN; all agree.

### **AGRICULTURAL ENFORCEMENT AGREED ORDER**

Item 6 **Docket No. 2015-1824-AGR-E.**

Consideration of an Agreed 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, Janice Hernandez)

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

### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 7 **Docket No. 2016-1189-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lyondell Chemical Company in Harris County; RN100633650; 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 8      **[Docket No. 2016-0846-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Jefferson County; RN100209451; 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 9      **[Docket No. 2016-1139-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Packaging Service Co., Inc. in Brazoria County; RN100917137; 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 10     **[Docket No. 2016-1192-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Brazoria County; RN101619179; 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 11     **[Docket No. 2016-1416-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company in Harris County; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (David Carney, Michael Parrish)

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

Item 12 [\*\*Docket No. 2016-1006-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Abigail Lindsey, Michael Parrish)

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

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 13 [\*\*Docket No. 2016-1547-IHW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Victoria County; RN104432000; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Keith Frank, Michael Parrish)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 14 [\*\*Docket No. 2014-1439-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ESPINOZA STONE, INC. in Williamson County; RN104097969 and RN107591646; for Edwards Aquifer and 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. (Cheryl Thompson, Michael Parrish)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 15 [\*\*Docket No. 2015-1385-MSW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Big Lake in Reagan County; RN102328176; 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. JN/TB; all agree.

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 16 [\*\*Docket No. 2016-0979-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Boyd in Wise County; RN101721652; 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.

Item 17 [\*\*Docket No. 2016-1185-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Devers in Liberty County; RN101719888; 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.

Item 18 [\*\*Docket No. 2015-1326-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mount Vernon in Franklin County; RN102962230; 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)

Remanded to the Executive Director. JN/TB; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 19 **[Docket No. 2016-1292-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BB & M Interests, Inc. dba Buds Mart in Harris County; RN102271343; 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 20 **[Docket No. 2016-1811-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DALE OIL CO., INC. dba The Cardstop in Bailey County; RN101772895; 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. JN/TB; all agree.

Item 21 **[Docket No. 2016-1269-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Efferson Elliott in Tom Green County; RN102790805; 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 22 **[Docket No. 2016-1512-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EPP-Texas Acquisition, LLC dba Valero Corner Store 1208 in Tarrant County; RN102364197; 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. (Steven Stump, Michael Parrish)

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

Item 23 [\*\*Docket No. 2016-1319-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against INDEPENDENT OIL COMPANY dba Fuel Mart in Hill County; RN101671709; 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 24 [\*\*Docket No. 2016-0730-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PAKG ENTERPRISES INC dba Speedy Express in Brazoria County; RN102231529; 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. (Keith Frank, Michael Parrish)

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

Item 25 [\*\*Docket No. 2016-1213-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Red Oak, Inc. dba Red Oak Gas in Ellis County; RN101844421; 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. JN/TB; all agree.

Item 26 [\*\*Docket No. 2016-0593-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Roel Rolando Macias, Jr. dba G & G Mini Mart in Brazoria County; RN102280013; 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. (Ken Moller, Michael Parrish)

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

Item 27 [\*\*Docket No. 2016-1172-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against VALLEY EXPRESS MART, INC. dba Santa Fe Express 1 in Bosque County; RN102026853; 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. JN/TB; all agree.

Item 28 [\*\*Docket No. 2016-1131-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against VALLEY EXPRESS MART, INC. dba Santa Fe Express 3 in Bosque County; RN102713203; 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. JN/TB; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 29 [\*\*Docket No. 2016-0809-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against ANNU GOLDEN, INC. in Travis County; RN104990957; 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, Janice Hernandez)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 30 **[Docket No. 2016-1872-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of POSSUM KINGDOM WATER SUPPLY CORPORATION in Palo Pinto County; RN103129078; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Janice Hernandez)

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

Item 31 **[Docket No. 2016-1301-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ARROWHEAD HILL WATER SUPPLY CORPORATION in Bell County; RN101243020; 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 32 **[Docket No. 2016-1674-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Celina in Collin County; RN101390581; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Michael Parrish)

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

Item 33 **[Docket No. 2016-1740-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Manvel in Brazoria County; RN101418044; 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 34 [\*\*Docket No. 2016-0256-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cowboy Ministries Alvin in Brazoria County; RN102677259; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Michael Parrish)

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

Item 35 [\*\*Docket No. 2016-0941-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Matagorda County Water Control and Improvement District No. 2 in Matagorda County; RN101408201; 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 36 [\*\*Docket No. 2016-0314-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against RIVER RIDGE APARTMENTS, INC. in Guadalupe County; RN101177442; 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.

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 37 [\*\*Docket No. 2016-1647-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against 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. (Elizabeth Carroll Harkrider, Janice Hernandez)

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

### **RULE MATTER**

Item 38 **Docket No. 2016-1907-RUL.**

Consideration of the adoption of amended Section 336.103 of 30 TAC Chapter 336, Radioactive Substance Rules. The adoption 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. The proposed rule was published in the February 3, 2017, issue of the *Texas Register* (42 TexReg 409). (Hans Weger, Amie Robinson) (Rule Project No. 2017-003-336-WS)

Approve the adoption of amended Section 336.103 of 30 Texas Administrative Code Chapter 336, Radioactive Substance Rules as recommended by the Executive Director. TB/JN; all agree.

### **PUBLIC COMMENT SESSION**

Item 39 **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 40 **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 41      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 42      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 43      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/ Barham Richard  
Assistant General Counsel  
Barham Richard

05-16-2017  
Date