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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**

July 7, 2017

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

Item 1 **[Docket No. 2017-0567-MWD.](#)**

Consideration of the application by Trophy Club Municipal Utility District No. 1, for a renewal of Texas Pollutant Discharge Elimination System Permit No. WQ0011593001 which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 1,750,000 gallons per day. The draft permit also authorizes the disposal of treated domestic wastewater via irrigation of 416.91 acres of golf course. The facility is located at 1499 Junction Way, approximately 0.9 mile north of the intersection of State Highway 114 and Trophy Club Drive, and approximately 2.5 miles east of the intersection of U.S. Highway 377 and State Highway 114 in Denton County, Texas 76262. 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, Ashley McDonald)

Find that a right to a hearing exists on the application; Grant the hearing requests of Ryan Chitwood, Adam Fox, Jennifer Fox, Monique Hayes, Danny Mayer, Keely Nienhiser, Jerome Szopinski, and Jason Webster; Deny the hearing requests of the Town of Westlake, Joyce Baker, and J. Michael Thomas; Refer the application to SOAH for a contested case hearing on the following issues: 1) Whether the draft renewal permit contains plant siting, operations, maintenance or other conditions that adequately protect the facility against nuisance odors; 2) Whether the draft renewal permit contains operations, maintenance or other conditions that adequately prevent sewage spills or unauthorized discharges from the facility; 3) Whether the proposed discharge under the draft renewal permit will be protective of water quality and the uses in the receiving waters under the applicable surface water quality standards in 30 TAC Chapter 307; 4) Whether the Commission should deny or alter the terms and conditions of the draft renewal permit based on consideration of need under TWC § 26.0282 and the general policy to promote regional or area wide systems under TWC § 26.081; 5) Whether the applicant's compliance history for the previous five years or other considerations raise issues regarding the applicant's ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft renewal permit; Set a hearing duration of 180 days from the date of the preliminary hearing until the Proposal for Decision is issued; and Deny all Requests for Reconsideration. TB/JN; all agree.

Item 2      **[Docket No. 2017-0572-MWD.](#)**

Consideration of the application by Village of Salado for a renewal of Texas Pollutant Discharge Elimination System Permit No. WQ0010884001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 50,000 gallons per day. The facility is located at 401 South Stagecoach Road, Salado, in Bell County, Texas 76571. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Rebecca Moore, Hollis Henley)

Find that there is no right to a hearing on this application pursuant to Texas Water Code § 26.028(d); Deny the hearing requests; Issue the renewal of TPDES Permit No. WQ0010884001 to the Village of Salado as recommended by the Executive Director; and Adopt the Executive Director's Response to Public Comment. JN/TB; all agree.

Item 3      **[Docket No. 2017-0583-AIR.](#)**

Consideration of an application by Alumax Mill Products, Inc. for renewal of Air Quality Permit No. 9476 to authorize continued operation of a secondary aluminum production plant located at 300 Alumax Drive, Texarkana, Bowie County, Texas. The Commission will

also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Samuel Harris, Nimasha Weliwitigoda)

Find that there is no right to a hearing on this application pursuant to Texas Health and Safety Code § 382.056(g); Deny the hearing requests of Friends United for a Safe Environment otherwise known as FUSE, Inc.; Issue the renewal of NSR Permit No. 9476 to Alumax Mill Products, Inc. as recommended by the Executive Director; Adopt the Executive Director's Response to Public Comment. TB/JN; all agree.

#### **USE DETERMINATION APPEAL MATTERS**

Item 4 [\*\*Docket No. 2017-0438-MIS-U.\*\*](#)

Consideration of the appeal filed by the Chief Appraiser of Nueces County with regard to the Executive Director's one-hundred percent determination on Application No. 20364, dated March 6, 2017, for Flint Hills Resources Corpus Christi LLC's Flint Hills Resources East Refinery flare installation and modifications located in Nueces County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Ron Hatlett, Don Redmond)

Joint Motion for Items 4 – 7.

Deny the appeals of the Nueces County Appraisal District; and Affirm the Executive Director's positive use determination on Application Nos. 20364, 20358, 20362, and 20198. JN/TB; all agree.

Item 5 [\*\*Docket No. 2017-0439-MIS-U.\*\*](#)

Consideration of the appeal filed by the Chief Appraiser of Nueces County with regard to the Executive Director's one-hundred percent determination on Application No. 20358, dated March 6, 2017, for Flint Hills Resources Corpus Christi LLC's Flint Hills Resources Corpus Christi West Plant flare system upgrades located in Nueces County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Ron Hatlett, Don Redmond)

Joint Motion for Items 4 – 7.

Deny the appeals of the Nueces County Appraisal District; and Affirm the Executive Director's positive use determination on Application Nos. 20364, 20358, 20362, and 20198. JN/TB; all agree.

Item 6      **[Docket No. 2017-0440-MIS-U.](#)**

Consideration of the appeal filed by the Chief Appraiser of Nueces County with regard to the Executive Director's one-hundred percent determination on Application No. 20362, dated March 6, 2017, for Flint Hills Resources Corpus Christi LLC's internal floating roofs installed on two storage tanks at the Flint Hills Resources Corpus Christi West Plant located in Nueces County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Ron Hatlett, Don Redmond)

Joint Motion for Items 4 – 7.

Deny the appeals of the Nueces County Appraisal District; and Affirm the Executive Director's positive use determination on Application Nos. 20364, 20358, 20362, and 20198. JN/TB; all agree.

Item 7      **[Docket No. 2017-0441-MIS-U.](#)**

Consideration of the appeal filed by the Chief Appraiser of Nueces County with regard to the Executive Director's one-hundred percent determination on Application No. 20198, dated March 13, 2017, for the Flint Hills Resources Corpus Christi LLC's internal floating roofs installed on nine storage tanks at the Flint Hills Resources Corpus Christi West Plant located in Nueces County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Ron Hatlett, Don Redmond)

Joint Motion for Items 4 – 7.

Deny the appeals of the Nueces County Appraisal District; and Affirm the Executive Director's positive use determination on Application Nos. 20364, 20358, 20362, and 20198. JN/TB; all agree.

**SUPERFUND MATTER**

Item 8      **[Docket No. 2017-0273-SPF.](#)**

Consideration of an Administrative Order, as authorized under Subchapter F of the Texas Solid Waste Disposal Act, Tex. Health & Safety Code §§ 361.001-.992, with additional authorities from Subchapters I, K, and L of the Act, for the Camtraco Enterprises, Inc., Proposed State Superfund site, Pearland, Brazoria County, RN100903434. The Order includes the description of the selected remedial action, the listing of the site on the state registry of Superfund sites, and a determination of responsible parties. The Order also requires the responsible parties to remediate the site. The soil at the site is contaminated with volatile organic compounds (VOCs), p-chloroaniline, and metals; and the groundwater is contaminated with arsenic and VOCs. The proposed remedy for the groundwater at this site is a Plume Management Zone with Monitored Natural Attenuation to control and prevent the use of and exposure to the groundwater, and the proposed remedy for soil is excavation and off-site disposal. The Camtraco Enterprises, Inc. Proposed State Superfund site is located at 18823 Amoco Drive, Pearland, Brazoria County. (Monica Harris, P.G., Theda Strickler)

Adopt the proposed Administrative Order as recommended by the Executive Director. TB/JN; all agree.

#### **TOTAL MAXIMUM DAILY LOAD MATTERS**

Item 9 **[Docket No. 2015-1531-TML.](#)**

Consideration for approval to publish and solicit public comment on One Draft Total Maximum Daily Load for Indicator Bacteria in the Jarbo Bayou Tidal Watershed of the San Jacinto-Brazos Coastal Basin, in Galveston County. (Kerry Niemann, Robert Brush) (Project No. 2015-008-TML-NR)

Approve the publication of and solicitation of public comment on One Draft Total Maximum Daily Load for Indicator Bacteria in the Jarbo Bayou Tidal Watershed of the San Jacinto-Brazos Coastal Basin as recommended by the Executive Director. JN/TB; all agree.

Item 10 **[Docket No. 2017-0342-TML.](#)**

Consideration for approval to publish and solicit public comment on One Draft Total Maximum Daily Load for Indicator Bacteria in the Tres Palacios Creek Tidal Watershed of the Colorado-Lavaca Coastal Basin, in Matagorda and Wharton Counties. (Kerry Niemann, Robert Brush) (Project No. 2017-018-TML-NR)

Approve for publication and comment on One Total Maximum Daily Load for Indicator Bacteria in the Tres Palacios Creek Tidal Watershed of the Colorado-Lavaca Coastal Basin in Matagorda and Wharton Counties as recommended by the Executive Director. TB/JN; all agree.

Item 11      **[Docket No. 2017-0341-TML.](#)**

Consideration for approval to publish and solicit public comment on the draft Implementation Plan for One Total Maximum Daily Load for Indicator Bacteria in the Tres Palacios Creek Tidal Watershed of the Colorado-Lavaca Coastal Basin, in Matagorda and Wharton Counties. (Kerry Niemann, Robert Brush) (Project No. 2017-019-TML-NR)

Approve the publication and solicitation of public comment on the draft Implementation Plan for One Total Maximum Daily Load for Indicator Bacteria in the Tres Palacios Creek Tidal Watershed of the Colorado-Lavaca Coastal Basin as also recommended by the Executive Director. TB/JN; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 12      **[Docket No. 2016-1764-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aquatic Co. in Dallas County; RN100219104; 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 13      **[Docket No. 2016-1923-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Blue Ridge Landfill TX, LP in Fort Bend County; RN102610102; 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 14 [\*\*Docket No. 2016-1859-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Kleberg County; RN102488517; 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 15 [\*\*Docket No. 2016-1587-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 16 [\*\*Docket No. 2016-1546-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN102926920; 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 17 [\*\*Docket No. 2016-1884-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lion Elastomers LLC in Jefferson County; RN100224799; 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.

**AIR QUALITY ENFORCEMENT DEFAULT ORDER**

Item 18 [Docket No. 2016-1253-AIR-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Basin Subaru, LLC in Nueces County; RN108441304; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Clayton Smith, Janice Hernandez)

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

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 19 [Docket No. 2016-1502-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eco Services Operations Corp. in Harris County; RN100220581; 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. (Danielle Porras, Michael Parrish)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 20 [Docket No. 2016-1727-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Intercontinental Terminals Company LLC in Harris County; RN100210806; 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 21 [\*\*Docket No. 2015-0402-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pilot Travel Centers LLC in Hunt County; RN105495063; 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 22 [\*\*Docket No. 2016-1332-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Stolthaven Houston, Inc. in Harris County; RN100210475; 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.

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS**

Item 23 [\*\*Docket No. 2016-1725-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of John Lancaster in Bell County; RN109013011; 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. (Adam Taylor, Janice Hernandez)

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

Item 24 [\*\*Docket No. 2016-1636-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Pedro Pablo Jurado in Hidalgo County; RN108999814; 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. (Audrey Liter, Janice Hernandez)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 25 **[Docket No. 2016-1933-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bardwell in Ellis County; RN101721199; 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. (Steven Van Landingham, Michael Parrish)

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

Item 26 **[Docket No. 2016-1932-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Josephine in Collin County; RN101916310; 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 27 **[Docket No. 2016-1997-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Weatherford in Parker County; RN101614055; 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 28 **[Docket No. 2015-1493-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Young Men's Christian Association of the Greater Houston Area in Trinity County; RN101279412; for water quality violations pursuant to Tex. Water Code chs. 7, 26, and 37 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 29 [\*\*Docket No. 2016-1614-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Rio Grande City in Starr County; RN102777661; 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. (Audrey Liter, Janice Hernandez)

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

Item 30 [\*\*Docket No. 2013-1987-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Santa Rosa in Cameron County; RN101918696; 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.

Item 31 [\*\*Docket No. 2016-1492-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against TRINITY SO GP, L.L.C. in Harris County; RN102075827; 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. (Tracy Chandler, Janice Hernandez)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 32 **[Docket No. 2016-1958-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Connel Oil Corp. dba Mr. C Food Store 5 in Parker County; RN101549699; 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 33 **[Docket No. 2016-1212-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against HERLIS CORPORATION in Guadalupe County; RN101754307; 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 34 **[Docket No. 2016-1643-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MDW Enterprises, LLC dba Brookside Grocery in Brazoria County; RN104004239; 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. (Danielle Porras, Michael Parrish)

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

Item 35 **[Docket No. 2016-0749-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mike's Little Supermarket and Deli, LLC dba Luke's Little Supermarket & Deli 2 in Galveston County; RN102280161; 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. (Danielle Porras, Michael Parrish)

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

Item 36 **Docket No. 2016-1925-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PADDY'S ONE-STOP, INC. in Dallas County; RN101557775; 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. (Danielle Porras, Michael Parrish)

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

Item 37 **Docket No. 2016-1107-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Royal Kirkwood Investments, Inc. in Fort Bend County; RN101870947; 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. (Ryan Byer, Michael Parrish)

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

Item 38 **Docket No. 2015-1221-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Joe's & Cho, Inc. d/b/a Joes Future Food Mart in Tarrant County; RN101432268; 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. (Jake Marx, Janice Hernandez)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 39 [\*\*Docket No. 2016-0630-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against SKI RIDE INC dba A & W Grocery & Deli in Smith County; RN102346962; 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, Janice Hernandez)

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

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

Item 40 [\*\*Docket No. 2016-1900-PST-E.\*\*](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Michael Ung dba Mikes Food Mart in Cass County; RN102784329; 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, Janice Hernandez)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 41 [\*\*Docket No. 2016-0862-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Utilities, Inc. in Chambers County; RN101219947; 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. JN/TB; all agree.

Item 42 [\*\*Docket No. 2016-2090-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chinquapin Preparatory School in Harris County; RN101271062; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas

Commission on Environmental Quality. (Abigail Lindsey, Michael Parrish)

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

Item 43 **Docket No. 2016-1744-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bastrop in Bastrop County; RN101245066; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Michael Parrish)

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

Item 44 **Docket No. 2016-2141-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Big Sandy in Upshur County; RN101389625; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Carol McGrath, Michael Parrish)

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

Item 45 **Docket No. 2017-0060-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bridge City in Orange County; RN101199966; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Baldwin, Michael Parrish)

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

Item 46 **Docket No. 2017-0163-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Coleman in Coleman County; RN102424645; for public drinking water violations pursuant to Tex.

Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ross Luedtke, Michael Parrish)

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

Item 47 **Docket No. 2016-1973-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Eastland in Eastland County; RN101386944; 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. JN/TB; all agree.

Item 48 **Docket No. 2016-0713-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Paradise in Wise County; RN101187193; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ross Luedtke, Michael Parrish)

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

Item 49 **Docket No. 2016-2026-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Snook in Burleson County; RN101195170; 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 50 **Docket No. 2016-2024-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Del Grande Mobile Home Owners' Association, Inc. in Val Verde County; RN101227759; 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 51 **[Docket No. 2016-1753-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gardendale Mobile Home Park, LLC in Ector County; RN101197283; 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 52 **[Docket No. 2016-1943-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OLDEN WATER SUPPLY CORPORATION in Eastland County; RN101459303; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Baldwin, Michael Parrish)

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

Item 53 **[Docket No. 2016-1759-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sun-N-Fun Association in Angelina County; RN101182848; 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 54 **[Docket No. 2016-1843-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRI-COUNTY POINT PROPERTY

OWNERS ASSOCIATION in Jackson County; RN101248391; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaëlle Garza, Michael Parrish)

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

Item 55 [\*\*Docket No. 2017-0099-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of William W. Burgin dba Silver Hills MH & RV Park and Marilyn R. Burgin dba Silver Hills MH & RV Park in Kerr County; RN101254589; 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 56 [\*\*Docket No. 2015-1280-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Dario V. Guerra, III d/b/a DERBY ING in Frio County; RN101281178; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and Tex. Water Code chs. 5 and 13 and the rules of the Texas Commission on Environmental Quality. (Meaghan M. Bailey, Janice Hernandez)

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

**WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 57 [\*\*Docket No. 2014-1031-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Kevin Copeland dba Kevin Copeland Sand & Gravel in Williamson County; RN104849294; for aggregate production operation 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. (Ronica Rodriguez, Michael Parrish)

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

Item 58 [\*\*Docket No. 2016-1892-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against City of Fort Worth in Tarrant County; RN101424687; 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. (Jake Marx, Janice Hernandez)

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

Item 59 [\*\*Docket No. 2016-0946-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Harold Joseph Adams, Jr, LLC in Gonzales County; RN108759671; and Dewitt County; RN108759689; for 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. (Adam Taylor, Janice Hernandez)

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

**WASTE DISPOSAL WELL ENFORCEMENT AGREED ORDER**

Item 60 [\*\*Docket No. 2015-1398-WDW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S.a r.l. in Victoria County; RN102663671; for waste disposal well violations pursuant to Tex. Health and Safety Code ch. 361, Tex. Water Code chs. 7 and 27, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Danielle Porras, Michael Parrish)

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

**RULE MATTER**

Item 61 [\*\*Docket No. 2016-0485-RUL.\*\*](#)

Consideration of the adoption of 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 adopted 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. The proposed rules were published in the February 3, 2017, issue of the *Texas Register* (42 TexReg 404). (Amancio Gutierrez, Amy Prescott) (Rule Project No. 2016-027-111-CE)

Adopt the new and amended sections of 30 Texas Administrative Code Chapter 111 and the corresponding revisions to the state implementation plan as recommended by the Executive Director. TB/JN; all agree.

### **PUBLIC COMMENT SESSION**

**Item 62      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 63      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 64 **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 65 **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 66 **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

07/18/2017  
Date