

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

AGENDA

July 20, 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. 2015-1656-PST-E.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against THE DYNAMITE INC dba Country Food Mart in Montgomery County, Texas; RN102271053; regarding petroleum storage tank violations pursuant to Tex. Water Code ch. 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Adam Taylor)

Continued to the August 2, 2017 Agenda.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 [**Docket No. 2017-0687-AIR.**](#)

Consideration of application by Hanson Aggregates LLC for the approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 142439, which would authorize the construction and operation of two permanent concrete batch plants. The site for both plants is located on Esperanza Road approximately 0.25 mile east of the intersection with State Highway 75, Willis, Montgomery 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. (Don Nelson, Katie Moore)

Grant the hearing requests of Tom Ansley, John and Lydia McCoy, Belinda Pippen and John Lansch, Jane Zimmer, Stacy Callihan, and the Esperanza Road Protection Association; Deny all other hearing requests; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the application includes sufficient information to qualify the proposed facility for coverage under the concrete batch plant standard permit requirements; b) Whether the proposed facility's emissions under the concrete batch plant standard permit will negatively affect air quality, the health and safety of the requestors, the requestors' use and enjoyment of property, and area wildlife; c) Whether the proposed facility's emissions under the concrete batch plant standard permit will cause or contribute to nuisance conditions; d) Whether the applicant complied with applicable notice requirements; e) Whether the proposed facility will meet applicable buffer zone and set back requirements; and f) Whether the application's emissions calculations appropriately account for all applicable emissions from the proposed facility; and Set a maximum duration for providing a Proposal for Decision of 180 days from the date of the preliminary hearing. TB/JN; all agree.

Item 3 **[Docket No. 2017-0743-MWD.](#)**

Consideration of the application by Daedelus Corporation for new Texas Pollutant Discharge Elimination System Permit No. WQ0015482001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 20,000 gallons per day. The facility will be located approximately 1.0 mile southeast of the intersection of Farm-to-Market Road 1641 and Farm-to-Market Road 148, in Kaufman County, Texas 75160. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Sarah A. Johnson, Linda Horng)

Grant the hearing requests filed by Tom and Ingrid Arnold, Connie Christensen, and Brad Witherspoon; Deny the remaining hearing requests; Deny the request for reconsideration; Refer the following issues to the State Office of Administrative Hearings to conduct a contested case hearing: a) Whether the draft permit will

prevent nuisance odors; b) Whether the draft permit complies with the applicable siting requirements; c) Whether the draft permit is protective of the applicable water quality standards including aquatic life; and d) Whether the draft permit is protective of the requestors' health; Set a maximum duration for providing a Proposal for Decision of 120 days from the date of the preliminary hearing; and Refer this matter to the Alternative Dispute Resolution Division for mediation to run concurrent with the SOAH scheduling process. JN/TB; all agree.

MISCELLANEOUS MATTERS

Item 4 [**Docket No. 2017-0575-RES.**](#)

Consideration of a Resolution reauthorizing the Executive Director to enter all contracts (including grant agreements) on behalf of the agency, to manage such contracts and other agreements, and perform all contractual actions on behalf of the agency, to delegate such authority to the staff, and to designate individuals to approve the Commission's payment documents. The Commission's current resolution regarding contracts and delegation was issued on July 10, 2015, and it expires on August 31, 2017. The proposed resolution would renew the Commission's current resolution regarding contracts and delegation for an additional two years until August 31, 2019. (Elizabeth West)

Adopt the proposed Contract Delegation Resolution Docket Number 2017-0575-RES as recommended by the Executive Director. TB/JN; all agree.

Item 5 [**Docket No. 2017-0868-MIS.**](#)

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

Approve issuance of the Resolution that acknowledges the material changes to the contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code for the time period of March 1, 2017 through May 31, 2017 contained in the TCEQ Interoffice Memorandum to the Commissioners and Executive Director dated June 16, 2017 with the caption of Docket Number 2017-0868-MIS. JN/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6 [**Docket No. 2016-0553-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Celanese Ltd. in Matagorda County;

RN100258060; 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. 2016-1917-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Intercontinental Terminals Company LLC in Harris County; RN100210806; 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. TB/JN; all agree.

Item 8 [**Docket No. 2016-1599-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nalco Company LLC in Fort Bend County; RN101618882; 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.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 9 [**Docket No. 2016-1176-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Arkema Inc. in Harris County; RN100209444; 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 10 [Docket No. 2016-1620-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texas A&M University in Brazos County; RN102080348; 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.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 11 [Docket No. 2016-1029-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Douglassville in Cass County; RN101388437; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Janice Hernandez)

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

Item 12 [Docket No. 2016-1610-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Jefferson County; RN104964267; for air quality and petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7 and 26, 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.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 13 [Docket No. 2017-0039-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Maverick County; RN108401548 and RN108770629; 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.

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 14 [Docket No. 2016-0912-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Don W. Dittman dba Texas Auto Sales Big Lake in Reagan County; RN105211890; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 15 [Docket No. 2016-2053-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Del Valle Independent School District in Travis County; RN104416383; 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. (Austin Henck, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 16 [Docket No. 2016-2096-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against KNOX OIL OF TEXAS, INC. dba Knox Super Stop in Kaufman County; RN102254745; 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. (Benjamin Sakmar, Michael Parrish)

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

Item 17 **Docket No. 2016-1751-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against NEW N & S VENTURES LLC dba Shax Food Store in Tarrant County; RN100769595; 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 18 **Docket No. 2016-1158-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of CLIFTON FOOD MART, L.L.C. d/b/a Clifton Food Mart in Bosque County; RN101662724; 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. (Clayton Smith, Janice Hernandez)

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

Item 19 **Docket No. 2017-0094-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against PENTA OPERATING, LLC dba Penta Petro in Sterling County; RN109527846; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Epifanio Villarreal, Michael Parrish)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 20 **Docket No. 2016-1747-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Liverpool in Brazoria County; RN101231231; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

Remanded to the Executive Director on June 14, 2017.

Item 21 [**Docket No. 2016-1736-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Coryell City Water Supply District in Coryell County; RN102682937; 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.

Item 22 [**Docket No. 2017-0198-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mackenzie Municipal Water Authority in Briscoe County; RN101452167; 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.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 23 [**Docket No. 2017-0093-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fern Bluff Municipal Utility District in Williamson County; RN105597561; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Austin Henck, Michael Parrish)

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

MONTHLY ENFORCEMENT REPORT

Item 24 **Docket No. 2017-0865-MIS.**

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

No action taken.

EXECUTIVE MEETING

Item 25 **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.

The Commission did not meet in Executive Meeting.

Item 26 **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.

The Commission did not meet in Executive Meeting.

Item 27 **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.

The Commission did not meet in Executive Meeting.

Item 28 **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.

The Commission did not meet in Executive Meeting.

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST SIX (6) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

SECTION 46.035 OF THE TEXAS PENAL CODE PROHIBITS HANDGUN LICENSEES FROM CARRYING THEIR HANDGUNS AT GOVERNMENT MEETINGS SUCH AS THIS ONE. THIS PROHIBITION APPLIES TO BOTH CONCEALED CARRY AND OPEN CARRY BY HANDGUN LICENSEES.

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

**THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ
MEETINGS ON THE INTERNET AT NO COST, AT:
[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**

/s/Tracy Gross
Assistant General Counsel
Tracy Gross

07-24-2017
Date