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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

October 18, 2017

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 **[Docket No. 2016-0074-PST-E.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against KCWS II, INC., Clark Thomas Winslow, and Kathryn Smith Winslow in Jefferson County, Texas; RN101432813; 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. (Elizabeth Harkrider)

Adopt the ALJ's Proposed Order as modified by the Executive Director's Exceptions and agreed to by the Administrative Law Judge's letter of September 12, 2017, but further modify the ALJ's Proposed Order by replacing the phrase "the base penalty" in Finding of Fact Numbers 17.b, c, d, and e, and Finding of Fact Numbers 19.c, d, e, and f with the phrase "the violation base penalty." TB/JN; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 [**Docket No. 2017-1025-MWD.**](#)

Consideration of the application by JTI Constructors, Inc., for new Texas Pollutant Discharge Elimination System Permit No. WQ0015449001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 187,500 gallons per day. The facility will be located approximately 4,500 feet north-northeast of the intersection of Vacek Road and Boothline Road, in Fort Bend County, Texas 77469. 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)

Remanded to the Executive Director on October 17, 2017.

PETITIONS TO REVOKE

Item 3 [**Docket No. 2017-1150-WR.**](#)

Consideration of a Petition to Revoke Issuance of Certificate of Adjudication No. 08-3356B to the City of Weatherford's Water Right and Motion to Consolidate the Application for the Amendment to the City's Water Right with the City of Weatherford's Pending Application for an Amendment to Water Quality Permit No. WQ0010380002 in Parker County, filed by Richard Lowerre on behalf of Ms. M. Christine Jurzykowski. The Commission will also consider related responses and replies to the Petition. (Dinniah Tadema)

Deny the Petition to Revoke Issuance of Certificate of Adjudication No. 08-3356B to the City of Weatherford's Water Right and Motion to Consolidate the Application for the Amendment of the City's Water Right with the City of Weatherford's Pending Application for an Amendment to Water Quality Permit No. WQ0010380002 filed by Richard Lowerre on behalf of M. Christine Jurzykowski. JN/ TB; all agree.

Item 4 [**Docket No. 2017-1200-MWD.**](#)

Consideration of a Petition to Revoke Water Quality Permit No. WQ0015051001 issued to Rancho del Lago, Inc., in Blanco County filed by John Carlton on behalf of Ron Harris. The Commission will also consider related responses and replies to the Petition. (Michael Parr)

Refer Ron Harris' Petition to Revoke to SOAH for a determination on whether he qualifies as a person affected by Rancho del Lago's Permit No. WQ0015051001, and if SOAH determines that Ron Harris qualifies as a person effected, then SOAH shall proceed with the hearing on the merits of the Petition to determine whether Rancho del Lago's Permit No. WQ0015051001 should be revoked pursuant to 30 Texas Administrative Code Chapter 305. TB/ JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 **[Docket No. 2017-0056-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.

Item 6 **[Docket No. 2017-0147-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 WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 7 **[Docket No. 2016-2142-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OXY VINYLS, LP in Harris County; RN100217363; 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.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 8 **[Docket No. 2017-0382-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Colleyville in Tarrant County; RN101410736; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ross Luedtke, Michael Parrish)

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

Item 9 **[Docket No. 2017-0151-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Ector in Fannin County; RN101920718; 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 10 **[Docket No. 2017-0266-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Laguna Madre Water District in Cameron County; RN101607588; 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.

Item 11 **[Docket No. 2017-0082-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Trinity Bay Conservation District in

Chambers County; RN102077708; 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.

ON-SITE SEWAGE SYSTEM ENFORCEMENT DEFAULT ORDER

Item 12 [Docket No. 2016-1486-OSI-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Brandon Cameron in Tyler and Jasper Counties; RN109273250; for on-site sewage disposal system installer violations pursuant to Tex. Water Code chs. 7, 26, and 37, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Jess Robinson, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER

Item 13 [Docket No. 2017-0222-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against MAKLI THATTA ENTERPRISE INC dba Diamond Foods in Harris County; RN103051892; 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 Agreed Order. JN/TB; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 14 [Docket No. 2016-1628-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of 242 EXPRESS, INC. dba Grapeland Express in Houston County; RN102257110; 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 Default Order. JN/TB; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 15 **[Docket No. 2016-0216-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Paducah in Cottle County; RN101385029; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Audrey Liter, Janice Hernandez)

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

Item 16 **[Docket No. 2017-0653-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Stanton in Martin County; RN101392082; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Claudia Corrales, Michael Parrish)

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

Item 17 **[Docket No. 2016-1008-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GURUDWARA SAHIB OF HOUSTON INC. in Harris County; RN105978381; 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 18 **[Docket No. 2017-0408-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Maverick County; RN101253565; 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 19 [**Docket No. 2017-0215-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nerro Supply, LLC in Brazos County; RN102684149; 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.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 20 [**Docket No. 2017-0119-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Liberty Utilities (Woodmark Sewer) Corp. in Smith County; RN101511400; 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. (Ryan Rutledge, Janice Hernandez)

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

MONTHLY ENFORCEMENT REPORT

Item 21 [**Docket No. 2017-1390-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 22 **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 23 **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 24 **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 25 **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/ Barham Richard
Assistant General Counsel
Barham Richard

10/19/2017
Date