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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

January 24, 2018

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

TOTAL MAXIMUM DAILY LOAD MATTERS

Item 1 **[Docket No. 2015-1531-TML.](#)**

Consideration for adoption of One Total Maximum Daily Load (TMDL) for Bacteria in Jarbo Bayou, in Galveston County. Notice of a public comment period to receive comments on the TMDL was published in the July 21, 2017, issue of the *Texas Register* (42 TexReg 3677). (Kerry Niemann, Robert Brush) (Project No. 2015-008-TML-NR)

Adopt One Total Maximum Daily Load for Bacteria in Jarbo Bayou, in Galveston County as recommended by the Executive Director and Issue the Proposed Resolution. TB/JN; all agree.

Item 2 **[Docket No. 2017-0342-TML.](#)**

Consideration for adoption of One Total Maximum Daily Load (TMDL) for Indicator Bacteria in Tres Palacios Creek Tidal, in Matagorda and Wharton Counties. Notice of a public meeting to receive comments on the TMDL was published in the July 21, 2017, issue of the *Texas Register* (42 TexReg 3677). (Kerry Niemann, Robert Brush) (Project No. 2017-018-TML-NR)

Joint Motion for Items 2-3.

Regarding Item 2: Adopt One Total Maximum Daily Load for Indicator Bacteria in Tres Palacios Creek Tidal of the Colorado-Lavaca Coastal Basin, in Matagorda and Wharton Counties as recommended by the Executive Director and Issue the Proposed Resolution. Regarding Item 3: Approve the Implementation Plan for One Total Maximum Daily Load for Indicator Bacteria in Tres Palacios Creek Tidal Watershed of the Colorado-Lavaca Coastal Basin as recommended by the Executive Director and Issue the Proposed Resolution. JN/TB; all agree.

Item 3 **[Docket No. 2017-0341-TML.](#)**

Consideration for approval of an Implementation Plan (I-Plan) for One Total Maximum Daily Load for Indicator Bacteria in Tres Palacios Creek Tidal, in Matagorda and Wharton Counties. Notice of a public meeting to receive comments on the I-Plan was published in the July 21, 2017, issue of *Texas Register* (42 TexReg 3677). (Kerry Niemann, Robert Brush) (Project No. 2017-019-TML-NR)

Joint Motion for Items 2-3.

Regarding Item 2: Adopt One Total Maximum Daily Load for Indicator Bacteria in Tres Palacios Creek Tidal of the Colorado-Lavaca Coastal Basin, in Matagorda and Wharton Counties as recommended by the Executive Director and Issue the Proposed Resolution. Regarding Item 3: Approve the Implementation Plan for One Total Maximum Daily Load for Indicator Bacteria in Tres Palacios Creek Tidal Watershed of the Colorado-Lavaca Coastal Basin as recommended by the Executive Director and Issue the Proposed Resolution. JN/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 **[Docket No. 2017-0417-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Fort Worth in Denton County; RN100222231; 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. TB/JN; all agree.

Item 5 **Docket No. 2016-1514-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100542281; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rajesh Acharya, Michael Parrish)

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

Item 6 **Docket No. 2017-0323-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against HFOTCO LLC in Harris County; RN100223445; 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 7 **Docket No. 2014-1005-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 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. TB/JN; all agree.

Item 8 [**Docket No. 2017-0076-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Chemical LP 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. (Shelby Orme, Michael Parrish)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDER

Item 9 [**Docket No. 2016-2103-DCL-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of W R J CLEANERS, INC dba Fashion Cleaners in Harris County; RN104355912; for dry cleaner performance standards and/or registration violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Clayton Smith, Janice Hernandez)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 10 [**Docket No. 2016-2107-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company in Harris County; RN100211879; 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. (Larry Butler, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 11 [**Docket No. 2017-0190-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of the City of Bartlett in Bell County; RN100835487; and Williamson County; RN101375590; for

water quality and public drinking water violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, 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. TB/JN; all agree.

Item 12 [**Docket No. 2016-1782-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of MARQUIS CONSTRUCTION SERVICES, LLC in Brazoria County; RN106395817; for air quality and municipal solid waste violations pursuant to Tex Water Code ch. 7, Tex Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Janice Hernandez)

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

Item 13 [**Docket No. 2015-0708-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Q ENVIRONMENTAL, INC. in Harris County; RN100641323; for municipal solid waste and industrial 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. (Elizabeth Lieberknecht, Janice Hernandez)

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

Item 14 [**Docket No. 2016-0356-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Sunoco Partners Marketing & Terminals L.P. in Jefferson County; RN100214626; for water rights and water quality violations pursuant to Tex. Water Code chs. 7, 11, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Claudia Corrales, Michael Parrish)

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

Item 15 [Docket No. 2016-1265-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Texas Department of Transportation in Hays County; RN106912066; for Edwards Aquifer and 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. (Larry Butler, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 16 [Docket No. 2017-0374-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Dominic Walton dba Dominic Waltons Divine Quarterhorse Training and Breeding Facility in Fort Bend County; RN102883469; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 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. TB/JN; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 17 [Docket No. 2017-0249-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ollin B. Crumpler and Sarah Crumpler in Tyler County; RN101933067; 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. (Keith Frank, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 18 [**Docket No. 2017-0474-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of IZZ Transport Inc in Bell County and Tarrant County; RN109266593; 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. TB/JN; all agree.

Item 19 [**Docket No. 2017-0473-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Mildred Fowler in Hardin County; RN106307291; 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. (Isaac Ta, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 20 [**Docket No. 2016-1715-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Celina in Collin County; RN102336567; 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. TB/JN; all agree.

Item 21 [**Docket No. 2016-1955-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of North Texas Municipal Water District in Collin County; RN102095585; and Rockwall County; RN102097474; 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. (Adam Taylor, Janice Hernandez)

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

Item 22 **[Docket No. 2015-1057-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bridge City in Orange County; RN102846037; 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. (Melissa Castro, Michael Parrish)

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

Item 23 **[Docket No. 2017-0601-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the 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. (Farhaud Abbaszadeh, Michael Parrish)

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

Item 24 **[Docket No. 2015-1577-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Van Alstyne. in Grayson County; RN102844123; for water quality violations pursuant to Tex. Water Code chs. 7 and 26, the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James Boyle, Michael Parrish)

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

Item 25 **[Docket No. 2016-0347-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of J&S Water Company, L.L.C. in

Chambers County; RN101613479; 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. (Ross Luedtke, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 26 **Docket No. 2016-1813-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against BHARWANI INVESTMENT GROUP, INC. dba Exxon Food Mart in Tarrant County; RN102043494; 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. TB/JN; all agree.

Item 27 **Docket No. 2016-1970-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against CYDIA INC dba Kerens Quik Stop in Navarro County; RN101546703; 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 Agreed Order. TB/JN; all agree.

Item 28 **Docket No. 2016-1573-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of JALBHE INVESTMENT INC. dba Go Fast Food 1 in Gregg County; RN101831139; 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. (Elizabeth Lieberknecht, Janice Hernandez)

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

Item 29 [**Docket No. 2016-1495-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Jose C. Deleon dba Deleon Meat Market in Hidalgo County; RN103027637; 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. (Ian Groetsch, Janice Hernandez)

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

Item 30 [**Docket No. 2017-0276-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SHUJAT HOLDING COMPANY dba Big MS 3 in Orange County; RN106512833; 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. (Jess Robinson, Janice Hernandez)

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

Item 31 [**Docket No. 2016-1840-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harpreet Rall dba Preet Foods in Montgomery County; RN102060092; 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. TB/JN; all agree.

Item 32 [**Docket No. 2017-0751-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the HOUSTON COUNTRY CLUB in Harris County; RN102013802; 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. (John Paul Fennell, Michael Parrish)

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

Item 33 **Docket No. 2016-1151-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Wheat Energy Services, Inc. dba Winters Bulk Plant and dba Ballinger Texas Fuel in Runnels County; RN102881398 and RN102952777; 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. TB/JN; all agree.

Item 34 **Docket No. 2016-0028-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Zia Omar dba Shell Gas Station in Tarrant County; RN101541308; 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. (John Fennell, Michael Parrish)

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

Item 35 **Docket No. 2017-0515-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Zubair Ullah dba EZ Stop in Kleberg County; RN101802650; 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. TB/JN; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 36 [**Docket No. 2016-0457-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against Rick Dhanani in McLennan County; RN108900838; 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 Rutledge, Janice Hernandez)

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

Item 37 [**Docket No. 2016-1899-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against BASTROP FOOD MART, LLC in Bastrop County; RN101493112; 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. (Eric Grady, Janice Hernandez)

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

Item 38 [**Docket No. 2016-1898-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of IDRIS INVESTMENTS, INC. dba AFG Food Mart in Tarrant County; RN104004197; 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 Rutledge, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 39 [**Docket No. 2016-0139-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Huntington in Angelina County; RN101184638; 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. TB/JN; all agree.

Item 40 [**Docket No. 2016-1942-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Ranger in Eastland County; RN101454841; 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. TB/JN; all agree.

Item 41 [**Docket No. 2016-1307-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pettus Municipal Utility District in Bee County; RN101182053; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Michael Parrish)

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

Item 42 [**Docket No. 2016-1386-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION in Jackson County; RN101398733; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Ross Luedtke, Michael Parrish)

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

Item 43 [**Docket No. 2017-0847-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WRIGHT CITY WATER SUPPLY CORPORATION in Smith County; RN101237063; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 44 [**Docket No. 2016-0820-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Reyna A. Martinez in Midland County; RN106283666; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Eric Grady, Janice Hernandez)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 45 [**Docket No. 2016-0433-SLG-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Leonard Whitten dba B & L Portable Toilets in Williamson County; RN103158838; 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. (Steven Van Landingham, Michael Parrish)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 46 [**Docket No. 2017-0444-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Trinity River Authority of Texas and City of Irving in Dallas County; RN109623702; 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. TB/JN; all agree.

Item 47 [**Docket No. 2017-0192-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Combes in Cameron County; RN105597074; 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 48 [**Docket No. 2016-0266-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Luling & Harwood Farm & Feed, LLC in Caldwell County; RN108902990; 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. TB/JN; all agree.

WASTE DISPOSAL WELL ENFORCEMENT AGREED ORDER

Item 49 [**Docket No. 2017-0763-WDW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Lucite International, Inc. in Jefferson County; RN102736089; for waste disposal well violations pursuant to Tex. Health & 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. (Keith Frank, Michael Parrish)

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

MONTHLY ENFORCEMENT REPORT

Item 50 [**Docket No. 2017-1705-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.

RULE MATTER

Item 51 **Docket No. 2017-1362-RUL.**

Consideration for publication of, and hearing on, proposed amended Section 305.541 of 30 TAC Chapter 305, Consolidated Permits. The proposed rulemaking would amend Section 305.541 to adopt by reference 40 Code of Federal Regulations Part 441 as published on June 14, 2017, in the *Federal Register* (82 FedReg 27154 - 27178) and minor corrections to the rule that were published in the *Federal Register* on June 26 and July 5, 2017 (82 FedReg 28777; 82 FedReg 30997). The proposed rulemaking would adopt by reference the United States Environmental Protection Agency's Effluent Limitations Guidelines and Standards for the Dental Category. (Laurie Fleet, Celia Castro) (Rule Project No. 2017-009-305-OW)

Approve the publication of, and hearing on, the amendment to 30 Texas Administrative Code § 305.541 as recommended by the Executive Director. TB/JN; all agree.

PUBLIC COMMENT SESSION

Item 52 **Docket No. 2018-0005-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 53 **Docket No. 2018-0001-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 54 **Docket No. 2018-0002-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 55 **Docket No. 2018-0003-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 56 **Docket No. 2018-0004-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

01/30/2018
Date