

*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**

February 21, 2018

### **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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

#### **PROPOSAL FOR DECISION**

Item 1

**[Docket No. 2015-1783-LIC.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the denial of Quinton Logeman's application to renew Landscape Irrigator License No. LI0020386, pursuant to Texas Occupations Code Chapter 53, Texas Water Code Chapters 5, 7, and 37, and 30 Texas Administrative Code Chapter 30. The Commission will also the record, timely related filings, exceptions and replies. (Hollis Henley)

Adopt the ALJ's Proposed Order as amended by her January 26, 2018 Response to Exceptions and Replies. TB/JN; all agree.

## **MISCELLANEOUS MATTER**

Item 2 **[Docket No. 2017-1593-MIS.](#)**

In compliance with 30 Texas Administrative Code Section 336.736(c), Waste Control Specialists' financial assurance mechanisms and cost estimates are reviewed to assure that sufficient funds are available for completion of the low-level radioactive waste disposal site closure plan, assuming that the work has to be performed by an independent contractor. (Bobby Janecka, Amie Robinson) (Non-Rule Project No. 2018-007-MIS-NR)

Approve Waste Control Specialists LLC's financial assurance mechanisms and cost estimates as recommended by the Executive Director. JN/ TB; all agree.

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 3 **[Docket No. 2016-1945-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Azteca Milling, L.P. in Hale County; RN100215086; 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 4 **[Docket No. 2017-0418-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN102018322; 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 5 **[Docket No. 2017-0641-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Solvay Specialty Polymers USA, L.L.C. in Hutchinson County; RN107829640; 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 6 [\*\*Docket No. 2017-0762-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. (Carol McGrath, Michael Parrish)

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

Item 7 [\*\*Docket No. 2017-0896-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of U.S. Venture, Inc. in Harris County; RN100219260; 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. (Jason Fraley, Michael Parrish)

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

Item 8 [\*\*Docket No. 2017-0421-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CITGO Refining and Chemicals Company L.P. in Nueces County; RN102555166; 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. (Jo Hunsberger, Michael Parrish)

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

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT  
AGREED ORDER**

Item 9 [Docket No. 2016-0395-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Lawrence Bledsoe dba Chemical Sampling Services in Brazoria County; RN108914425; for industrial and hazardous 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. (Elizabeth Lieberknecht, Janice Hernandez)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED  
ORDER**

Item 10 [Docket No. 2017-0725-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TYSON FARMS, INC. in Shelby County; RN101514636; 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. (Claudia Corrales, Michael Parrish)

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

**LANDSCAPE IRRIGATOR INSTALLER ENFORCEMENT  
DEFAULT ORDER**

Item 11 [Docket No. 2017-0008-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Kevin W. Keane in Collin County; RN103648416; for landscape irrigator installer and occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

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

## **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 12

### **[Docket No. 2017-0213-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Round Rock Independent School District in Williamson County; RN102025269 and RN100654334; for petroleum storage tank and Edwards Aquifer 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. (Stephanie McCurley, Michael Parrish)

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

Item 13

### **[Docket No. 2016-0612-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Webb County; RN102456092 and RN101717601; for water quality and 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. (Larry Butler, Michael Parrish)

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

## **MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 14

### **[Docket No. 2016-2056-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Alfred Chila dba AAA Towing and Repair in Crockett County; RN109278044; for municipal solid waste and used oil 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 ORDERS**

Item 15 [Docket No. 2016-2128-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Austin in Travis County; RN100641653; 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 16 [Docket No. 2016-0764-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Savoy in Fannin County; RN102921988; 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.

Item 17 [Docket No. 2016-1141-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Salvation Army in Ellis County; RN102769098; 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.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 18 [Docket No. 2017-0587-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against BAHUBALI INVESTMENT INC dba Bay City Chevron in Matagorda County; RN101725133; 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 19 [\*\*Docket No. 2017-0480-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Fikes Wholesale, Inc. dba Taylor Food Mart 2068 in Terry County; RN101827483; 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 20 [\*\*Docket No. 2017-0227-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fikes Wholesale, Inc. dba Taylor Food Mart 2152 in Erath County; RN102406881; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie McCurley, Michael Parrish)

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

Item 21 [\*\*Docket No. 2016-1901-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vivian Gibson in Ellis County; RN109144022; 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. (Epi Villarreal, Michael Parrish)

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

Item 22 [\*\*Docket No. 2016-1793-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of STAFFORD RETAIL CENTER, INC. dba Fifth Street Food Mart in Fort Bend County; RN101435105;

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 Carroll Harkrider, Janice Hernandez)

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

Item 23 **Docket No. 2016-1052-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against ZQS CORPORATION, INC. in Galveston County; RN102714474; 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.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 24 **Docket No. 2017-0245-PST-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of EASTERN DHAKA, INC. dba Tiger Express in Galveston County; RN102240843; 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.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 25 **Docket No. 2017-0703-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 104th & Frankford / Affordable Storage, Inc. in Lubbock County; RN106514029; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Austin Henck, Michael Parrish)



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

Item 26      **[Docket No. 2017-0731-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Boyd in Wise County; RN101387496; 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. TB/JN; all agree.

Item 27      **[Docket No. 2017-0622-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kirvin in Freestone County; RN101408953; 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. TB/JN; all agree.

Item 28      **[Docket No. 2017-0195-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Runaway Bay in Wise County; RN101391431; 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 29      **[Docket No. 2017-0454-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DALLARDSVILLE-SEGNO WATER SUPPLY CORPORATION in Polk County; RN101439560; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sandra Douglas, Michael Parrish)

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

Item 30 [\*\*Docket No. 2017-0629-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Duval County Conservation and Reclamation District in Duval County; RN101390540; 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. TB/JN; all agree.

Item 31 [\*\*Docket No. 2017-0981-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fly By Night Cattle Company Private Club, Inc. in Johnson County; RN104375670; 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. TB/JN; all agree.

Item 32 [\*\*Docket No. 2017-0654-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shalimar Fort Worth, LP in Johnson County; RN101186427; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Soraya Peters, Michael Parrish)

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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 33 [\*\*Docket No. 2016-0430-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Huong Thi-Thu Dinh and Minh P. Nguyen dba Banana Bend Beach & Park in Harris County; RN101903136; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Janice Hernandez)

Remanded to the Executive Director on February 15, 2018.

### **WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 34 **Docket No. 2017-0984-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties against Tiseo Paving Co. in Ellis County; RN109781302; 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.

### **MONTHLY ENFORCEMENT REPORT**

Item 35 **Docket No. 2018-0041-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 36 **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 37 **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 38      **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 39      **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/ Elaine Lucas  
Assistant General Counsel  
Elaine Lucas

2/26/2018  
Date