

*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**

April 4, 2018

### 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. 2016-1226-PST-E; SOAH Docket No. 582-17-3214.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against and requiring certain actions of 4B GROUP LLC dba Elmo Food Shop in Kaufman County, Texas; RN101432540; regarding petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Lena Roberts)

Adopt the ALJ'S Proposed Order with the five sets of modifications recommended by the ED's Exceptions and agreed to by the ALJ's Reply. TB/JN; all agree.

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

Item 2

### **[Docket No. 2017-1779-MSW.](#)**

Consideration of an application by the City of Temple for Proposed Permit No. 692B, a major amendment of Permit No. 692A, to authorize the vertical and lateral expansion of the existing Temple Recycling and Disposal Facility, a Type I municipal solid waste landfill in Bell County, Texas. The existing facility is located approximately one-quarter mile east of the intersection of Loop 262 and Little Flock Road (Avenue H) in the City of Temple. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Steve Odil, Shannon Love)

Grant the hearing requests of Milton Flick, T.C. Flick and Paige Flick Begley; Refer the matter to the Commission's Alternative Dispute Resolution Program concurrent with the SOAH preliminary hearing scheduling process; Refer the application to SOAH for contested case hearing on the following issues: a) Whether the application adequately addresses traffic impacts in compliance with commission rules; b) Whether the proposed liner would maintain structural integrity over the life of the facility; c) Whether the application proposes adequate protection of groundwater in compliance with commission rules; d) Whether the application proposes adequate groundwater monitoring in compliance with commission rules; e) Whether the application proposes adequate provisions to control odors in compliance with commission rules; f) Whether the application proposes adequate landfill gas controls in compliance with commission rules; and g) Whether the application proposes sufficient provisions to prevent a nuisance in compliance with 30 TAC § 330.15(a)(2);and Set a hearing duration of 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. JN/TB; all agree.

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 3

### **[Docket No. 2017-0036-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. R. Carpenter, L.P. in Harris County; RN100210830; 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.

Item 4

### **[Docket No. 2016-1806-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties

and requiring certain actions of ISP TECHNOLOGIES INC. in Galveston County; RN100825272; 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 5 [\*\*Docket No. 2017-0943-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Midstream Services LLC in Wise County; RN100238716; 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. (Trina Grieco, Michael Parrish)

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

Item 6 [\*\*Docket No. 2017-0694-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Weatherford Aerospace, LLC in Parker County; RN100218734; 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. TB/JN; all agree.

Item 7 [\*\*Docket No. 2017-1063-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Wilsonart LLC in Bell County; RN100215631; 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. (Steven Van Landingham, Michael Parrish)

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

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT  
DEFAULT ORDER**

Item 8 [Docket No. 2016-2108-IHW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of PETRO-TECH ENVIRONMENTAL, LLC in Harris County; RN105198527; for industrial solid and/or hazardous waste violations pursuant to Tex. Water Code chs. 5 and 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. (Lena Roberts, Janice Hernandez)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED  
ORDER**

Item 9 [Docket No. 2017-0522-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vopak Logistics Services USA Inc. in Harris County; RN100225093; 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. TB/JN; all agree.

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT  
ORDER**

Item 10 [Docket No. 2017-0137-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Dario Jaime Gonzalez dba Darios Tire Shop in Hidalgo County; RN109537613; 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. (Ian Groetsch, Janice Hernandez)

Remanded to the Executive Director on March 29, 2018.

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 11 [Docket No. 2016-1949-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lorenzo in Crosby County; RN101917730; 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.

Item 12 [Docket No. 2016-0088-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Post in Garza County; RN102910262; 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. (Sandra Douglas, Michael Parrish)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 13 [Docket No. 2017-0620-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of BHA I BUSINESS, LLC dba K Food Mart in Harris County; RN101378313; 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 Agreed Order. TB/JN; all agree.

Item 14 [Docket No. 2016-1365-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Behrouz Zamani dba Lucky Way Food Store in Galveston County; RN102237385; 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. (Jonathan Nguyen, Michael Parrish)

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

Item 15 [\*\*Docket No. 2017-0401-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against HI & S Inc dba Rochelle Fuel Center in Dallas County; RN101563872; 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 16 [\*\*Docket No. 2017-0889-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of I-45 Shell Truck Stop, LLC in Freestone County; RN101443380; 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. (Larry Butler, Michael Parrish)

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

Item 17 [\*\*Docket No. 2016-0893-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kenneth J. Haddad dba H & H Car Wash and Maynard J. Haddad dba H & H Car Wash in El Paso County; RN100961473; 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. (Abigail Lindsey, Michael Parrish)

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

Item 18 [\*\*Docket No. 2017-0951-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ray Huffines Chevrolet Inc. in Collin County; RN102747888; 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. (Tyler Gerhardt, Michael Parrish)

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

Item 19 [\*\*Docket No. 2017-0674-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of VK&HIANA LLC dba Sunrise Market 3 in San Patricio County; RN103029104; 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. 2016-2014-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of MORTON VALLEY WATER SUPPLY CORPORATION in Eastland County; RN101458347; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jess Robinson, Janice Hernandez)

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

Item 21 [\*\*Docket No. 2016-0346-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 410 WATER SUPPLY CORPORATION in Red River County; RN101439347; 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. 2017-0271-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BARTON WATER SUPPLY CORPORATION in Erath County; RN101439172; 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 23      **Docket No. 2016-1114-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bee Creek United Methodist Church in Travis County; RN104580824; 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 24      **Docket No. 2016-1387-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hannelore Crane dba Sherwood Estates Manufactured Townhome Community, dba Westgate Manufactured Townhome Community, and dba Country Village Mobile Home Estates in Midland County; RN101267466, RN101225506, and RN102675121; 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.

Item 25      **Docket No. 2015-1767-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Danbury in Brazoria County; RN101253607; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Isaac Ta, Janice Hernandez)



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

Item 26 [\*\*Docket No. 2017-0928-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Strip Property Land and Water, LLC in Lubbock County; RN102315165; 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 27 [\*\*Docket No. 2016-0969-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of ASH CREEK VILLAGE RV AND MOBILEHOME PARK LLC in Burnet County; RN102286135; for public drinking water violations pursuant to Tex. Water Code ch. 5 and Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Patel, Janice Hernandez)

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

**WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 28 [\*\*Docket No. 2016-1911-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of University Park in Dallas County; RN101385607; 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 29 [\*\*Docket No. 2017-0608-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TXI Operations, LP in Denton County; RN102740073; 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. TB/JN; all agree.

### **WATER QUALITY ENFORCEMENT DEFAULT ORDER**

Item 30 [Docket No. 2017-0771-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Rainbow Landscape Materials, LLC in Somervell County; RN105695563; 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. (Isaac Ta, Janice Hernandez)

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

### **WASTE DISPOSAL WELL ENFORCEMENT AGREED ORDER**

Item 31 [Docket No. 2016-1222-WDW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of URANIUM RESOURCES, INC. in Kleberg County; RN102380763; 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. (Danielle Porras, Michael Parrish)

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

### **RULE MATTERS**

Item 32 [Docket No. 2017-0894-RUL.](#)

Consideration of the adoption of amended Section 336.103 of 30 TAC Chapter 336, Radioactive Substance Rules. The adoption would implement House Bill 2662, 85th Texas Legislature, 2017, Regular Session, to repeal the 5% gross receipts fee on all compact and federal waste disposal for the biennium beginning September 1, 2017. The proposed rule was published in the November 17, 2017, issue of the *Texas Register* (42 TexReg 6480). (Hans Weger, Amie Robinson) (Rule Project No. 2017-032-336-WS)

Adopt amended Section 336.103 of 30 Texas Administrative Code, as recommended by the Executive Director. JN/TB; all agree.

Item 33 [\*\*Docket No. 2017-0866-RUL.\*\*](#)

Consideration of the adoption of the repeal of Sections 114.610 - 114.612 and 114.616; and new Sections 114.610 - 114.613 of 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles. The adoption would implement Senate Bill (SB) 1731 from the 85th Texas Legislature, 2017, Regular Session, to implement a new Light-Duty Motor Vehicle Purchase or Lease Incentive Program (program) established under Texas Health and Safety Code, Chapter 386, Subchapter D. The proposed rulemaking would repeal the criteria and requirements pertaining to the previous program that ended in 2015, and would replace those sections with the criteria and requirements for the new program established under SB 1731. The new program would provide an incentive of up to \$5,000 for the purchase or lease of an eligible new light-duty motor vehicle powered by compressed natural gas or liquefied petroleum gas. An incentive of up to \$2,500 would be available for the purchase or lease of an eligible new light-duty motor vehicle powered by an electric motor that draws electricity from a hydrogen fuel cell or from a battery. The adopted new sections would include the eligibility criteria for applicants and the new light-duty motor vehicles that may qualify for the incentive. The adopted new sections would also include requirements and procedures for a manufacturer of an eligible new light-duty motor vehicle, an intermediate or final state manufacturer, or a manufacturer of compressed natural gas or liquefied petroleum gas systems to submit reports to the executive director. Manufacturers are required to submit information on the new light-duty motor vehicle models or compressed natural gas or liquefied petroleum gas systems and the vehicle models on which the systems are approved for installation that the manufacturer intends to sell in this state during the model year. Under the adopted rulemaking, the manufacturer reports would need to be submitted to the executive director, or the executive director's designee, upon request initially and then no later than July 1st of each year preceding the new vehicle model year. The proposed rules were published in the December 1, 2017, issue of the *Texas Register* (42 TexReg 6689). (Steve Dayton, Sierra Redding) (Rule Project No. 2017-030-114-AI)

Adopt the repealed and new Sections of 30 Texas Administrative Code Ch. 114 Control of Air Pollution from Motor Vehicles relating to the Light-Duty Motor Vehicle

Purchase or Lease Incentive Program as recommended by the Executive Director.  
TB/JN; all agree.

Item 34      **Docket No. 2017-0867-RUL.**

Consideration of the adoption of amended Sections 114.620, 114.622, 114.623, 114.644, 114.650 - 114.653, and 114.680 - 114.682 of 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K; and the repeal of Sections 114.648, 114.658, 114.660 - 114.662, and 114.670 - 114.672. If adopted, the amendments to Sections 114.620, 114.622, 114.623, 114.650 - 114.653, and 114.680 - 114.682 would be submitted to the United States Environmental Protection Agency (EPA) as a revision to the state implementation plan. The adopted rulemaking would implement portions of Senate Bill (SB) 1731 enacted by the 85th Texas Legislature, 2017, Regular Session, which amended statutory provisions pertaining to programs that are part of the Texas Emissions Reduction Plan (TERP). The adopted rulemaking would amend existing rules implementing the Diesel Emissions Reduction Incentive Program established under Texas Health and Safety Code (THSC), Chapter 386, Subchapter C; the Texas Clean School Bus Program (TCSBP) established under THSC, Chapter 390; the Texas Clean Fleet Program (TCFP) established under THSC, Chapter 392; and the Seaport and Rail Yard Areas Emissions Reduction Program established under THSC, Chapter 386, Subchapter D-1. The adopted changes include updates and revisions to program criteria and processes. The adopted rulemaking would repeal the expiration dates of the rules for the TCSBP and the TCFP. SB 1731 removed specific statutory expiration dates for the TERP programs and extended the programs until the commission publishes notification in the *Texas Register* of actions by the EPA designating areas in Texas as attainment or unclassifiable/attainment for National Ambient Air Quality Standards for ozone, or EPA has approved a redesignation substitute making a finding of nonattainment for an area, and all judicial reviews of the EPA actions and rules have been completed and upheld the findings or the limitations period to seek judicial review has expired. The adopted rulemaking would also repeal rules for the Alternative Fueling Facilities Program established under THSC, Chapter 393; and the Texas Natural Gas Vehicle Grants Program established under THSC, Chapter 394. The statutory rulemaking requirements for these two programs were removed by SB 1731. The proposed rules were published in the December 1, 2017, issue of the *Texas Register* (42 TexReg 6696). (Steve Dayton, Sierra Redding) (Rule Project No. 2017-031-114-AI)

Approve the adoption of the amended and repealed Sections of 30 Texas Administrative Code ch. 114 Control of Air Pollution from Motor Vehicles as recommended by the Executive Director. JN/TB; all agree.

### **STATE IMPLEMENTATION PLANS**

Item 35 **Docket No. 2018-0040-SIP.**

Consideration for publication of and hearing on, the proposed Dallas-Fort Worth (DFW) 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology (RACT) Update State Implementation Plan (SIP) Revision. The proposed SIP revision would address the United States Environmental Protection Agency's final conditional approval of RACT for nitrogen oxides for the DFW 2008 eight-hour ozone standard nonattainment area through a voluntary Agreed Order with TXI Operations, LP., if it is adopted by the commission. (Kathy Singleton, Terry Salem) (Non-rule Project No. 2017-001-SIP-NR)

Joint Motion for Items 35 and 36.

Approve the publication of, and hearing on, the proposed Dallas-Fort Worth 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology Update SIP Revision as recommended by the Executive Director and Approve the publication of, and hearing on, the voluntary Agreed Order with TXI Operations, LP as recommended by the Executive Director. TB/JN; all agree.

Item 36 **Docket No. 2017-1648-SIP.**

Consideration for publication of, and hearing on, a Voluntary Agreed Order with TXI Operations, LP; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order will identify the federally enforceable emission limit for TXI Operations, LP, Portland Cement Plant in Midlothian, Ellis, County (Kiln Number 5) as satisfying the reasonably available control technology (RACT) requirement for nitrogen oxides (NOX) for the 2008 Eight-Hour Ozone National Ambient Air Quality Standards to address the United States Environmental Protection Agency's final conditional approval of NOX RACT for the Dallas-Fort Worth 2008 eight-hour ozone standard nonattainment area. (Terry Salem) (Non-Rule Project No. 2018-010-SIP-NR)

Joint Motion for Items 35 and 36.

Approve the publication of and hearing on the proposed Dallas-Fort Worth 2008 Eight-Hour Ozone Standard Nonattainment Area Reasonably Available Control Technology Update SIP Revision as recommended by the Executive Director; Approve the publication of and hearing on the voluntary Agreed Order with TXI Operations, LP as recommended by the Executive Director. TB/JN; all agree.

### **PUBLIC COMMENT SESSION**

**Item 37      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.

Adrian Shelly provided public comment. No action taken.

### **EXECUTIVE MEETING**

**Item 38      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.

No action taken.

**Item 39      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.

No action taken.

Item 40      **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.

No action taken.

Item 41      **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.

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/ Greg Merrell  
Assistant General Counsel  
Greg Merrell

04/09/2018  
Date