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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

April 27, 2018

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1 **[Docket No. 2018-0319-WDW.](#)**

Consideration of the application by URI, Inc., for renewal and minor amendment of Class I injection well permit WDW248 to authorize noncommercial, onsite disposal of nonhazardous waste. URI is located at 641 E. FM 1118 approximately 8 miles southeast of Kingsville, Kleberg County, Texas. The injection well is located 1,411.40 feet from the east line and 292.84 feet from the south line of Section 49 (Lot 15) of Kleberg Town and Improvement Company Subdivision, North Latitude 27°24'54.2", West Longitude 97°46'48.8". The commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Fred Duffy, Don Redmond)

Grant the hearing request of Elizabeth Cumberland and Kleberg County; Deny all remaining hearing requests; and Refer the matter to the State Office of Administrative

Hearings for a contested case hearing on the following issues: a) Whether the draft permit is sufficiently protective of and requires adequate monitoring for surface and groundwater; b) whether the draft permit requires adequate testing and treatment of waste prior to injection; c) whether the draft permit is consistent with the citing and design criteria for the facility; d) whether the draft permit provides an adequate contingency plan for spills or emergencies; e) whether the draft permit provides for the required written plans for contingencies, spills or fire; f) whether the draft permit requires adequate records for the well including logging and testing; g) whether the draft permit requires appropriate monitoring of releases and pressure throughout the facility; h) whether the draft permit requires adequate materials for the well's components; i) whether the facility meets all legal requirements regarding its geographic location; j) whether the draft permit ensures proper operation of the facility including any necessary monitoring, recording, or automatic controls; k) whether the draft permit is in the public interest; l) whether the draft permit meets all post closure requirements including any required restoration activities or corrective actions; and Specify a maximum duration of 180 days to run from the date of the preliminary hearing. TB/JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 2 **[Docket No. 2017-0524-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Arrowhead Pipeline, L.P. in Brazoria County; RN100212000; 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 3 **[Docket No. 2017-0982-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Operating Company, LP in Crane County; RN104960158; 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. JN/ TB; all agree.

Item 4 [**Docket No. 2016-1848-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Enterprise Products Operating LLC in Chambers County; RN102984911; 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. JN/ TB; all agree.

Item 5 [**Docket No. 2017-0384-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ExxonMobil Oil Corporation in Jefferson County; RN102450756; 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. JN/ TB; all agree.

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT
AGREED ORDERS**

Item 6 [**Docket No. 2016-0038-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against A + BATTERY AND CHARGER SERVICE, INC in Dallas County; RN108789942; for municipal hazardous 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. (Danielle Porras, Michael Parrish)

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

Item 7 [**Docket No. 2016-1325-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JOHN BLUDWORTH SHIPYARD, L.L.C. in Nueces County; RN100613959; for industrial and hazardous 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. (Tyler Gerhardt, Michael Parrish)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 8 [**Docket No. 2017-0167-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ash Grove Cement Company in Ellis County; RN100225978; 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. (Alejandro Laje, Michael Parrish)

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

Item 9 [**Docket No. 2016-1709-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC, Huntsman Propylene Oxide LLC, Huntsman Petrochemical LLC, Huntsman International Fuels LLC, and BLUEHALL INCORPORATED in Jefferson County; RN103123220; 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. JN/ TB; all agree.,

LANDSCAPE IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 10 [**Docket No. 2017-0818-LII-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Justin Vincent in Polk County and Montgomery County; RN109698712; for landscape irrigation installation 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. (Audrey Liter, Janice Hernandez)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 11 **[Docket No. 2014-0306-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Har-Conn Aerospace, Inc. dba Har-Conn Chrome Company of Texas in Tarrant County; RN100794866; for industrial and hazardous waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Margarita Dennis, Michael Parrish)

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

Item 12 **[Docket No. 2015-1507-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Stripes LLC dba Stripes 1509 in Hays County; RN102921574; for Edwards Aquifer 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. (Epifanio Villarreal, Michael Parrish)

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

Item 13 **[Docket No. 2016-2093-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of ICR Energy LLC dba Bitters Road Express Grocery & Dry Cleaners in Bexar County; RN102980265; for petroleum storage tank and dry cleaner violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amanda Patel, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 14 [**Docket No. 2016-1723-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Beechwood Water Supply Corporation in Sabine County; RN101610129; 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 15 [**Docket No. 2017-0775-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fort Bend County Water Control and Improvement District No. 2 in Fort Bend County; RN102992872; 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.

Item 16 [**Docket No. 2016-1826-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Texas Department of Criminal Justice in Anderson County; RN102317070; 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. JN/ TB; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 17 [**Docket No. 2017-1143-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 786 HANKAMER, LLC dba DJ Food Mart in Chambers County; RN102039450; 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. JN/ TB; all agree.

Item 18 **[Docket No. 2017-0646-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City Public Service Board in Bexar County; RN102224797; 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. JN/ TB; all agree.

Item 19 **[Docket No. 2017-0605-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Diana Palacios in Zavala County; RN101804565; 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. (Carlos Molina, Michael Parrish)

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

Item 20 **[Docket No. 2016-1852-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EPP-Texas Acquisition, LLC dba Texas Mini Mart in Tarrant County; RN102387263; 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. (Stephanie McCurley, Michael Parrish)

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

Item 21 [**Docket No. 2017-0690-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Federal Reserve Bank of Dallas in El Paso County; RN101653475; 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. JN/ TB; all agree.

Item 22 [**Docket No. 2017-0823-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Little "Nutt" Oil Co. dba Tiger Stop in Shelby County; RN101829372; 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. (Stephanie McCurley, Michael Parrish)

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

Item 23 [**Docket No. 2017-1027-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SPORT CYCLES, INC. in Harris County; RN101867489; 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. JN/ TB; all agree.

Item 24 [**Docket No. 2017-0007-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against WIRT BUSINESS, LLC dba Stop-N-In 2 in Harris County; RN101749554; 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. JN/ TB; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 25 **[Docket No. 2016-1306-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Marlin in Falls County; RN102886892; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Michael Parrish)

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

Item 26 **[Docket No. 2017-0673-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CATEX Acquisitions, LLC in Lee County; RN101217347; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Michael Parrish)

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

Item 27 **[Docket No. 2017-0676-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of White Settlement in Tarrant County; RN101390292; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Adam Taylor, Janice Hernandez)

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

Item 28 **[Docket No. 2017-0571-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Howard C. Bigham Jr. dba Key Mobile Home Park in Scurry County; RN101246262; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ian Groetsch, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 29 [Docket No. 2017-0500-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hidalgo Texas Municipal Facilities Corporation in Hidalgo County; RN105905228; 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.

WITHOUT CERTIFICATION ENFORCEMENT AGREED ORDER

Item 30 [Docket No. 2017-0680-WOC-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Walter E. Nix, Jr. in Burleson County; RN103472163; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Claudia Corrales, Michael Parrish)

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

MONTHLY ENFORCEMENT REPORT

Item 31 [Docket No. 2018-0292-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 32 [Docket No. 2018-0216-RUL.](#)

Consideration for publication of, and hearing on, proposed amended Section 106.494 of 30 TAC Chapter 106, Permits by Rule. The proposed rulemaking would revise definitions and make corresponding revisions

to the permit by rule concerning non-commercial incinerators and crematories.

Approve the publication of, and hearing on, amendments to Section 106.494 of 30 Texas Administrative Code Chapter 106 Permits by Rule, as recommended by the Executive Director. TB/ JN; all agree.

STATE IMPLEMENTATION PLAN MATTER

Item 33 **Docket No. 2018-0111-SIP.**

Consideration for publication of, and hearing on, a proposed revision of the State Implementation Plan (SIP) concerning 30 Texas Administrative Code (TAC) Chapter 114, Subchapter B, Motor Vehicle Anti-tampering Requirements and Section 114.86, Low Income Repair Assistance Program (LIRAP) for Participating Early Action Compact Counties. The proposed SIP revision would remove Chapter 114, Subchapter B, and Section 114.86 from the SIP. Neither set of rules is a Federal Clean Air Act SIP requirement, and neither was adopted into the SIP with associated emissions reductions. Along with the SIP revision, the requested action would withdraw from consideration four adopted amendments to the anti-tampering rules that are still pending action by the United States Environmental Protection Agency. (Alison Stokes, Sierra Redding) (Non-Rule Project No. 2018-006-SIP-NR)

Approve the publication of, and hearing on, the proposed removal from the State Implementation Plan of 30 Texas Administrative Code Chapter 114, Subchapter B, Motor Vehicle Anti-tampering Requirements and Section 114.86, Low Income Repair Assistance Program for Participating Early Action Compact Counties, as recommended by the Executive Director. JN/ TB; all agree.

EXECUTIVE MEETING

Item 34 **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 35 **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 36 **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 37 **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

BRILLE 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

05/01/2018
Date