

*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**

June 6, 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. 2018-0286-MWD.](#)**

Consideration of the application by City of Southside Place for a renewal of Texas Pollutant Discharge Elimination System Permit No. WQ0014850001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 300,000 gallons per day. The facility is located at 3701 ½ Bellaire Boulevard, in Harris County, Texas 77025. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Sarah Johnson, Robert Brush).

Find that there is no right to a hearing on this application pursuant to Texas Water Code § 26.028(d) and 30 TAC § 55.201(i)(5); Deny the hearing request; Issue the renewal of TPDES Permit No. WQ0014850001 to the City of Southside Place, as

recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. TB/JN; all agree.

Item 2      **Docket No. 2018-0413-MSW.**

Consideration of an application by Twin Cedars Environmental, LLC for a new MSW Permit No. 2396, to operate a new Type V MSW transfer station in Smith County, Texas, on the west side of Tyler approximately 2,170 feet south of the intersection of State Highway 31 and Spur 364. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Mario Perez, Natasha Douglas)

Grant the hearing request of John Keith Isaacs; Refer the application to SOAH for a contested case hearing on the issue of whether the draft permit adequately addresses nuisance odors in accordance with TCEQ rules; 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.

**DISTRICTS MATTER**

Item 3      **Docket No. 2018-0193-DIS.**

Consideration of an application from the Board of Directors of the Crosby Municipal Utility District ("District"), which is operating as a water control and improvement district pursuant to Chapter 51 of the Texas Water Code, for the conversion of the District to a municipal utility district operating pursuant to Chapter 54 of the Texas Water Code. The District is comprised of approximately 1839.717 acres of land in Harris County, Texas. (Elizabeth Flores, Shea Pearson)

Grant the municipal utility district conversion request of Crosby Municipal Utility District; Issue the Executive Director's Proposed Order; and Add the City Secretary of the City of Houston to the Commission's mailing list for the Order. TB/JN; all agree.

**MISCELLANEOUS MATTERS**

Item 4      **Docket No. 2018-0333-MIS.**

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

Approve the issuance of the Resolution that acknowledges the Executive Director's acceptance of the gifts and donations contained in the TCEQ Interoffice Memorandum to the Commissioners dated May 18, 2018 with the caption of Docket Number of 2018-0333-MIS. JN/TB; all agree.

- Item 5      **Docket No. 2018-0334-MIS.**  
Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Chris Gobert)

Approve issuance of the Resolution that acknowledges the material changes to the contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code for the time period of December 1, 2017 to February 28, 2018 as described in the TCEQ Interoffice Memorandum to the Commissioners and Executive Director dated June 6, 2018 with the caption of Docket Number 2018-0334-MIS. TB/JN; all agree.

#### **AIR QUALITY ENFORCEMENT AGREED ORDER**

- Item 6      **Docket No. 2016-1003-AIR-E.**  
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Chambers County; RN102323268; 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. JN/TB; all agree.

#### **INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS**

- Item 7      **Docket No. 2016-1983-IHW-E.**  
Consideration of an Agreed Order assessing administrative penalties against AIR PRODUCTS LLC in Harris County; RN102041282; 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. (Jonathan Nguyen, Michael Parrish)

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

Item 8 [Docket No. 2015-1321-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Conecsus LLC in Kaufman County; RN108661307 and RN100804467; 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. (Danielle Porras, Michael Parrish)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 9 [Docket No. 2016-0830-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AZTECA MILLING, L.P. in Hale County; RN100215086; 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.

**LANDSCAPE IRRIGATOR INSTALLER ENFORCEMENT DEFAULT ORDER**

Item 10 [Docket No. 2017-0310-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Micci Carter in Comal County; RN109442582; 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. (Amanda Patel, Janice Hernandez)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 11 [Docket No. 2017-0738-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Cesar Duron dba Texas International Recycling in Hidalgo County; RN107534745; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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 Agreed Order. JN/TB; all agree.

Item 12 [\*\*Docket No. 2015-1240-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Floresville in Wilson County; RN101916336 and RN101392124; for water rights, water quality, and public drinking water violations pursuant to Tex. Water Code chs. 7, 11, 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. (Sandra Douglas, Michael Parrish)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED  
ORDER**

Item 13 [\*\*Docket No. 2016-1637-MSW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Elsa Salazar in Hidalgo County; RN109272328; 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)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED  
ORDERS**

Item 14 [\*\*Docket No. 2016-1485-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of De Kalb in Bowie County;

RN101918936; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Farhaud Abbaszadeh, Michael Parrish)

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

Item 15 [\*\*Docket No. 2016-1466-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Alamo Water Supply Corporation in Hidalgo County; RN102340056; 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.

Item 16 [\*\*Docket No. 2016-1099-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Waterwood Municipal Utility District No. 1 in San Jacinto County; RN102916020; 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.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 17 [\*\*Docket No. 2016-1649-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ALVIN RETAILS, INC. dba Spin N Market 11 in Brazoria County; RN101432094; 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. JN/TB; all agree.

Item 18      **[Docket No. 2017-1241-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SAM BROTHERS, INC. dba Greentop 3 in Rusk County; RN101378123; 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. JN/TB; all agree.

Item 19      **[Docket No. 2016-1714-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Gas N Grub 102 LLC dba GNG 102 in Tarrant County; RN103024287; 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. JN/TB; all agree.

Item 20      **[Docket No. 2016-1343-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Kenneth Dupuis dba Dupuis Chevron in Orange County; RN101778025; 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. JN/TB; all agree.

Item 21      **[Docket No. 2016-2131-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Oiler Country Store, LLC in Hardin County; RN102279775; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, 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. (Jo Hunsberger, Michael Parrish)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 22 [Docket No. 2017-0826-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against A C Mobile Inc in Harris County; RN102807203; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, 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. JN/TB; all agree.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 23 [Docket No. 2016-1902-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Town & Country Food Stores, Inc. in Lubbock County; RN101770717; 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. JN/TB; all agree.

Item 24 [Docket No. 2017-1430-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Michael Rodriguez dba Oak Acres Mobile Home Park in Orange County; RN102323052; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Harkrider, Janice Hernandez)

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

Item 25 [Docket No. 2016-0705-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Michael Rodriguez dba Oak



Acres Mobile Home Park in Orange County; RN102323052; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Janice Hernandez)

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

Item 26 [Docket No. 2016-1784-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SILVERLAKE CHURCH in Brazoria County; RN101244986; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Janice Hernandez)

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

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 27 [Docket No. 2016-0558-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Kelli D. Cook, Danny Allen Cook, and Cook & Clader Construction, LLC in Rusk County; RN108004326, RN108036526, and RN108003930; for water quality violations pursuant to Tex. Water Code chs. 7, 26, 28A, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Isaac Ta, Janice Hernandez)

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

**RULE MATTER**

Item 28 [Docket No. 2018-0375-RUL.](#)

Consideration for publication of, and hearing on, proposed amended Section 11.1 and Section 11.3 of 30 Texas Administrative Code (TAC) Chapter 11, Contracts. The proposed rulemaking would update TCEQ's rules under Chapter 11 to correctly reference recent updates by the Texas Comptroller of Public Accounts to their Historically Underutilized Businesses (HUB) rules and their Bid Opening and Tabulation rules. (Claribel Diaz, Amy Mendez) (Rule Project No. 2018-018-011-AD)

Approve the publication of, and hearing on, proposed amended Section 11.1 and Section 11.3 of 30 Texas Administrative Code Chapter 11, Contracts, as recommended by the Executive Director. TB/JN; all agree.

### **PUBLIC COMMENT SESSION**

**Item 29      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 30      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 on this item.

**Item 31      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 32      **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 33      **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/ Ron Olson  
Assistant General Counsel  
Ron Olson

06/12/2018  
Date