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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

June 27, 2018

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

Item 1 [**TCEQ Docket No. 2016-1876-MWD; SOAH Docket No. 582-17-1850.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Green Valley Special Utility District, for new TPDES Permit No. WQ0015360001 pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code chs. 5 and 26. The proposed wastewater treatment facility, SIC Code 4952, would be located at 3930 Linne Road, Seguin, in Guadalupe County. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Stefanie Skogen)

Adopt the ALJ's Proposed Order, as revised by the ALJ's letter dated April 11, 2018 regarding Findings of Fact Nos. 8, 9, 17, 28, 37, and 48; and Conclusion of Law No. 4;

and with the following changes: a) Replace the word “Denying” with the word “Granting” in the title of the Order; b) Replace “Cibolo Creek Municipal Utility District” with “Cibolo Creek Municipal Authority” in the second paragraph on the first page; c) Amend Finding of Fact No. 11 to state: “Schertz timely filed formal public comments and a request for a contested case hearing;” d) Amend Finding of Fact No. 18 to add “on August 31, 2017” to the end of the second sentence; e) Amend Finding of Fact No. 23 to add the phrase “or extraterritorial jurisdiction” between the words “limits” and “of;” f) Add new Finding of Fact No. 23A that states: “Green Valley’s proposed outfall will discharge domestic wastewater effluent outside of the Cibolo Creek regional area;” g) Amend Finding of Fact No. 29 to state: “In its Application, Green Valley failed to identify the Cities as required; it failed to provide correspondence to or from the Cities as to whether they could provide service; and it did not provide a cost analysis supporting its desire to build its own facility as opposed to connecting to the Cities’ system;” h) Amend Finding of Fact No. 30 to state: “The lift station and influent screen for the facility will be located off-site, outside of the fenced area surrounding the proposed wastewater treatment facility;” i) Amend Finding of Fact No. 31 to state: “Green Valley’s wastewater treatment facility will be located at least 150 feet from the nearest property boundary;” j) Add new Finding of Fact No. 34A that states: “Portions of Green Valley’s sewer CCN are already, or will be, provided wastewater service through wholesale contract arrangements with the San Antonio River Authority and the City of Marion;” k) Amend Conclusion of Law No. 11 to state: “Green Valley’s Application does not seek a permit to discharge domestic wastewater effluent within the Cibolo Creek regional area in violation of 30 Texas Administrative Code § 351.65;” l) Amend Conclusion of Law No. 12 to remove the words “fails to” and add a “s” to the word “demonstrate;” m) Amend Conclusion of Law No. 13 to state: “The Draft Permit contains sufficient provisions to prevent nuisance odors. Tex. Admin. Code §§ 217.38 and 309.13(e);” n) Amend Ordering Provision No. 1 to replace the word “denied” with the word “granted;” o) Add new Ordering Provision No. 2 to state: “The ED shall remove the Final Phase from the Draft Permit before issuance;” p) Add new Ordering Provision No. 3 to state: “The Executive Director’s Response to Comments is hereby adopted pursuant to 30 TAC § 50.117;” and renumber the remaining ordering provisions; Approve issuance of the ED’s Draft Permit as modified by the Commission from the dais here today; and Adopt the ED’s Response to Comments. TB/JN; all agree.

Item 2 [**TCEQ Docket No. 2017-0906-AIR; SOAH Docket No. 582-18-0281.**](#)

Consideration of the Administrative Law Judge’s Proposal for Decision and Order regarding the application of Cherry Crushed Concrete, Inc., for new Air Quality Permit No. 139955 pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code chapter 382. The proposed concrete crushing plant would be located at 9200 Winfield Road, Houston, in Harris County. The Commission will also consider timely public comments

and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Amy Prescott)

Adopt the ALJ's Proposed Order, as modified by the ALJ's letter dated May 3, 2018. JN/TB; all agree.

MISCELLANEOUS MATTER

Item 3 **[Docket No. 2018-0129-RES.](#)**

Consideration of a Resolution appointing members to the Water Utility Operator Licensing Advisory Committee (Advisory Committee). The resolution would appoint or reappoint a total of seven members to replace six outgoing members whose terms expire August 31, 2018 and to replace one current member who is no longer available to serve. The Advisory Committee operates through the Occupational Licensing Section of the Permitting & Registration Support Division. The Advisory Committee assists and advises the commission on matters related to the training and licensing of water and wastewater operators. The Advisory Committee was created pursuant to 30 Texas Administrative Code Chapter 5, Advisory Committees and Groups. The Advisory Committee consists of 13 members, representing various water and wastewater regulated entities, from diverse geographic areas of the state, ethnic groups, businesses, government entities, and associations. (Deric Patton, Alicia Ramirez) (Rule Project No. 2018-005-RES-NR)

Appoint the following nominees with terms effective September 1, 2018 for a four-year term to expire August 31, 2022: Celia Eaves, Russell Hamilton, Kenneth Hutchins, Paul Kite, Joseph McDaniel, Cory Moose; and Appoint David Garza to serve the remainder of Tony Moreno's term, to expire August 31, 2020, effective immediately upon adoption of the Resolution; and Issue the Executive Director's revised proposed Resolution. TB/JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 **[Docket No. 2016-1527-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Albemarle Corporation in Harris County; RN100211523; 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.

Item 5 **[Docket No. 2017-0933-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Brazoria County; RN100825249; 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 6 **[Docket No. 2017-0070-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EnLink Midstream Services, LLC in Wise County; RN100223619; 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.

Item 7 **[Docket No. 2017-1314-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Greenville Electric Utility System in Hunt County; RN100223023; 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.

Item 8 **[Docket No. 2017-0814-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS Styrolution America LLC in Harris County; RN100542224; 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 9 **[Docket No. 2017-1489-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nacogdoches Power, LLC in Nacogdoches County; RN103219127; 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.

Item 10 **[Docket No. 2016-1439-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company in Harris County; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Raime Hayes-Falero, Michael Parrish)

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

Item 11 **[Docket No. 2016-0453-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Timber Floyd, Inc. in Reagan County; RN101988608; 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. JN/TB; all agree.

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT
AGREED ORDER**

Item 12 [Docket No. 2017-0577-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ST. MARTIN AQUACULTURE, INC. in Calhoun County; RN101525517; 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.

**LANDSCAPE IRRIGATION LICENSING ENFORCEMENT
DEFAULT ORDER**

Item 13 [Docket No. 2016-1299-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Danny Joe Cypert in Travis County; RN103815411; for landscape irrigation 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. (Jess Robinson, Janice Hernandez)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED
ORDERS**

Item 14 [Docket No. 2017-0145-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of La Joya in Hidalgo County; RN109523415; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, 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 15 [Docket No. 2017-0517-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Lakeside in Tarrant County; RN102079928 and RN105603377; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Larry Butler, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 16 [**Docket No. 2015-1498-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Crystal City in Zavala County; RN102327863; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 5 and 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 17 [**Docket No. 2016-0206-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Uvalde in Uvalde County; RN102803921; for used oil and municipal solid waste 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. (Rebecca Boyett, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 18 [**Docket No. 2017-1497-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Thomas S. Rheman Jr. in Cameron County; RN109799791; for municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code

ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Clayton Smith, Janice Hernandez)

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

Item 19 **[Docket No. 2017-0269-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Joe Martinez, Sr. dba Retired Rubber Solutions in Lubbock County; RN109371849; 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. (Jake Marx, Janice Hernandez)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT
AGREED ORDERS**

Item 20 **[Docket No. 2016-1672-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Odem in San Patricio County; RN104188594; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Lieberknecht, Janice Hernandez)

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

Item 21 **[Docket No. 2016-0449-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of San Augustine in San Augustine County; RN103137949; 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. JN/TB; all agree.

Item 22

[Docket No. 2017-0693-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Timber Lane Utility District in Harris County; RN102844909; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 23

[Docket No. 2017-0546-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of FILMS CORPORATION dba Mom & Pop's in Kaufman County; RN101540649; 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. (Isaac Ta, Janice Hernandez)

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

Item 24

[Docket No. 2017-0590-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AMT ENTERPRISES, INC. dba AMT Food Mart 1 in Parker County; RN101558906; 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 25

[Docket No. 2017-0918-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dallas County Schools in Dallas County; RN100710037, RN102248135, and RN102245214; 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 26 **Docket No. 2017-0637-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HS BUSINESS INC. dba HS Chevron in Harris County; RN101907947; 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 27 **Docket No. 2016-1252-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MA FOOD MART, INC. dba Matlock Corner Store in Tarrant County; RN101533529; 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. JN/TB; all agree.

Item 28 **Docket No. 2017-0890-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against SEHER ENTERPRISE INC dba Best Food Mart in Harris County; RN102901535; 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. (Danielle Porras, Michael Parrish)

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

Item 29

[Docket No. 2017-0850-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SPEEDY BEER & WINE INC dba Speedy Food Mart in Dallas County; RN101549137; 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. (Stephanie McCurley, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 30

[Docket No. 2016-2068-PST-E](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Jack Marley in Dickens County; RN101899631; 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. (Logan Harrell, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 31

[Docket No. 2015-1806-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Al S. Jabouri dba Rivers Inn RV Park in Brazoria County; RN101262673; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Michael Parrish)

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

Item 32

[Docket No. 2017-0990-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Alvord in Wise County; RN101384063; for public drinking water violations pursuant to Tex.

Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ronica Rodriguez, Michael Parrish)

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

Item 33 **[Docket No. 2017-0882-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BELL-MILAM-FALLS WATER SUPPLY CORPORATION in Bell County; RN101233922; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ronica Rodriguez, Michael Parrish)

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

Item 34 **[Docket No. 2016-1873-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lilibert-Looneyville Water Supply Corporation in Nacogdoches County; RN101187433; for public drinking water violations pursuant to Tex. Health and Safety Code ch. 341 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 35 **[Docket No. 2016-2013-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RIO WATER SUPPLY CORPORATION in Starr County; RN101456689; 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. JN/TB; all agree.

Item 36 **[Docket No. 2017-0954-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Port Mansfield Public Utility District in Willacy County; RN101454205; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Caleb Olson, Michael Parrish)

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

Item 37 **Docket No. 2017-1011-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Uplifting Properties, LP in Travis County; RN101174910; 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. JN/TB; all agree.

Item 38 **Docket No. 2017-0774-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Victoria County Water Control and Improvement District No. 2 in Victoria County; RN101398303; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Van Landingham, Michael Parrish)

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

Item 39 **Docket No. 2016-1457-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of S.S.G. FUEL SERVICE, INC. in Harris County; RN101268472; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Joseph K. Washburn, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 40

[Docket No. 2017-0427-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of BUDGET READY MIX, LLC in Harris County; RN105147870; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Adam Taylor, Janice Hernandez)

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

Item 41

[Docket No. 2017-1438-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Fort Worth in Tarrant County; RN101424687; 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 42

[Docket No. 2017-0398-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mercedes in Hidalgo County; RN105595052; 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.

Item 43

[Docket No. 2017-0541-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hidalgo County Drainage District No. 1 in Hidalgo County; RN105591697; 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 44 [Docket No. 2017-0298-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Victoria County Drainage District No. 3 in Victoria County; RN105679518; 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. (Ronica Rodriguez, Michael Parrish)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 45 [Docket No. 2017-1122-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Raitz Enterprises Inc dba U.S. Sand & Gravel in Erath County; RN109637025; 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. (Lena Roberts, Janice Hernandez)

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

MONTHLY ENFORCEMENT REPORT

Item 46 [Docket No. 2018-0607-MIS.](#)

No action taken. Chairman Shaw not present.

RULE MATTERS

Item 47 [Docket No. 2017-0065-RUL.](#)

Consideration for publication of, and hearing on, proposed amended and repeal of sections in 30 TAC Chapter 35, Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions; Chapter 37, Financial Assurance; Chapter 50, Action on Applications and Other Authorizations; Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; Chapter 80, Contested Case Hearings;

Chapter 281, Applications Processing; Chapter 290, Public Drinking Water; Chapter 291, Utility Regulations; and Chapter 293, Water Districts. The proposed rulemaking would implement House Bill (HB) 1600 and Senate Bill (SB) 567, 83rd Texas Legislature, 2013, Regular Session, and HB 294 and SB 1842, 85th Texas Legislature, 2017, Regular Session, to amend sections to reflect changes to Texas Water Code, Chapters 5 and 11 - 13. This rulemaking amends and repeals obsolete rules relating to the economic regulation of water and sewer utilities as directed by the legislature and amends Section 291.76 to facilitate the ability to convert the Regulatory Assessment Fee to an on-line reporting application. (Brian Dickey, Dinniah Tadema) (Rule Project No. 2013-057-291-OW)

Approve the publication of, and hearing on, the proposed amendments and repeals to 30 TAC Chapters 35, 37, 50, 55, 80, 281, 290, 291, and 293, as recommended by the Executive Director, but include the following statement in the Chapter 291 Preamble for proposed new Section 291.130 and amended Section 291.130. The language is as follows: "The Commission seeks public comments on the proposed rule provisions concerning the Commission's review and hearing process for wholesale water petitions filed under Texas Water Code §§ 11.036-11.041." JN/TB; all agree. Chairman Shaw not present.

Item 48

[Docket No. 2018-0252-RUL.](#)

Consideration for publication of, and hearing, on the proposed amendments to Section 305.62 of 30 TAC Chapter 305, Consolidated Permits; Sections 331.84 and 331.107 of 30 TAC Chapter 331, Underground Injection Control; and Section 336.1115 of 30 TAC Chapter 336, Radioactive Substance Rules. The proposed rulemaking would implement a federal rule update as well as respond to a petition filed by Lloyd Gosselink on behalf of the Owner/Operator Members of the Uranium Committee of the Texas Mining and Reclamation Association in October 2016 (Project No. 2017-005-PET-NR; approved on December 15, 2016 to initiate rulemaking) to modify rules in 30 Texas Administrative Code in order to fulfill the requirements of an Agreement State program for *in-situ* uranium mining operations and also to clarify and streamline rules. (Bobby Janecka, Colleen Ford) (Rule Project No. 2018-017-336-WS)

Approve the publication of, and hearing on, the proposed amendments to 30 Texas Administrative Code §§ 305.62, 331.84, 331.107, and 336.1115, as recommended by the Executive Director, and including the recommendations that Executive Director's staff have provided during this morning's discussion of this item. JN/TB; all agree. Chairman Shaw not present.

Item 49

Docket No. 2018-0216-RUL.

Consideration for the adoption of amended Section 106.494 of 30 TAC Chapter 106, Permits by Rule. The adopted rule revises definitions and makes corresponding revisions to the permit by rule concerning non-commercial incinerators and crematories. The proposed rule was published in the May 11, 2018, issue of the *Texas Register* (43 TexReg 2943). (Kati Wooten, Booker Harrison) (Rule Project No. 2018-019-106-AI)

Adopt the proposed amendments to Section 106.494 of 30 Texas Administrative Code Chapter 106, Permits by Rule, as recommended by the Executive Director. JN/TB; all agree. Chairman Shaw not present.

Item 50

Docket No. 2017-1362-RUL.

Consideration of the adoption of amended Section 305.541 of 30 TAC Chapter 305, Consolidated Permits. The adoption would amend Section 305.541 to adopt by reference 40 Code of Federal Regulations Part 441 as published on June 14, 2017, in the *Federal Register* (82 FedReg 27154 - 27178) and minor corrections to the rule that were published in the *Federal Register* on June 26, 2017 and July 5, 2017 (82 FedReg 28777; 82 FedReg 30997). The rulemaking would adopt by reference the United States Environmental Protection Agency's Effluent Limitations Guidelines and Standards for the Dental Category. The proposed rule was published in the February 9, 2018, issue of the *Texas Register* (43 TexReg 715). (Laurie Fleet, Celia Castro) (Rule Project No. 2017-009-305-OW)

Adopt the amendment to 30 TAC § 305.541, as recommended by the Executive Director. JN/TB; all agree. Chairman Shaw not present.

EXECUTIVE MEETING

Item 51

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 52 **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 53 **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 54 **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/ Todd Burkey
Assistant General Counsel
Todd Burkey

7/6/2018
Date