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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

July 25, 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. 2018-0663-IWD.](#)

Consideration of the application by GCGV Asset Holding LLC, which proposes to operate a chemical manufacturing facility that will produce ethylene, monoethylene glycol, and polyethylene, for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005228000 to authorize the discharge of treated process wastewater, cooling tower blowdown, maintenance wastewater, water treatment wastewater, railcar wash water, miscellaneous wastewaters, wastewater from commissioning activities, and stormwater at a daily average flow not to exceed 9,030,000 gallons per day via Outfall 001 and stormwater and allowable non-stormwater on an intermittent and flow-variable basis via Outfalls 002, 003, 004, and 005. The facility is proposed to be located on the south side of State Highway 181 and on the west side of Farm-to-Market Road 2986, approximately one mile west of the City of Gregory, in San Patricio County, Texas 78359. The Commission will also consider requests for hearing or reconsideration,

related responses and replies, public comment, and the Executive Director's response to comments. (Michael Parr, Karen Holligan)

Deny all hearing requests and requests for reconsideration; Issue the TPDES Permit No. WQ0005228000 to GCGV Asset Holding LLC, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. TB/JN; all agree.

Item 2 **Docket No. 2018-0630-AIR.**

Consideration of an application by Suncot Gin, LLC. for renewal of Air Quality Permit Number 39211 to authorize continued operation of a cotton gin located at 531 State Highway 83, Denver City, Yoakum County, Texas. 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 Fuchs, Sierra Redding)

Find that there is no right to a hearing on this application pursuant to Texas Health and Safety Code § 382.056; Deny the hearing request filed by J. Kim Davis; Issue renewal of Air Quality Permit Number 39211 to Suncot Gin, LLC, as recommended by the Executive Director; and Adopt the Executive Director's Response to Public Comment. JN/TB; all agree.

EMERGENCY ORDER

Item 3 **Docket No. 2018-0742-UCR-E.**

Consideration of whether to affirm, modify, or set aside the Emergency Order Appointing a Temporary Manager of a Water Utility issued on June 1, 2018, by the Interim Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by Sylvia Holt, aka Syll Holt, and David Holt d/b/a Walnut Bend Water System; TCEQ PWS ID No. TX0030037; RN102315124; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Utility is located near the intersection of Flurry and Lakewood Drive, Angelina County. The Emergency Order appointed Joshua Culbert as temporary manager of the Utility. (Meaghan Bailey)

Affirm the Interim Executive Director's Emergency Order establishing the appointment of Joshua Culbert as temporary manager for the Walnut Bend Water System, with a modification to Findings of Fact Paragraph 20 to replace "Joseph" with

“Joshua,” as recommended by the ED; and Issue the Executive Director’s Proposed Order. TB/JN; all agree.

DISTRICTS MATTER

- Item 4 **[Docket No. 2018-0496-DIS.](#)**
Consideration of a petition by LSF Properties, LLC (Petitioner), for dissolution of Rock Creek Water Control and Improvement District No. 1 (District). The District contains approximately 3,059.489 acres of land located in Hays County. The Petitioner requests that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327. (TCEQ Internal Control No. D-10112017-016) (Pirainder Lall, Hollis Henley)

Grant the petition to the dissolution of Rock Creek Water Control and Improvement District No. 1; and Issue the Executive Director’s Proposed Order but remove “of Hays County” from the name of the District. JN/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

- Item 5 **[Docket No. 2017-1402-AIR-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Explorer Pipeline Company in Tarrant County; RN100225739; 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. 2017-1092-AIR-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Hutchinson County; RN102495884; 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.

DRY CLEANER ENFORCEMENT DEFAULT ORDER

Item 7 [Docket No. 2017-1050-DCL-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of W R J CLEANERS, INC dba Deluxe Cleaners in Harris County; RN104989967; for dry cleaner performance standards and/or registration violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Audrey Liter, Janice Hernandez)

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

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 8 [Docket No. 2017-0236-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S.a.r.l. in Victoria County; RN102663671; 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. TB/JN; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 9 [Docket No. 2016-1417-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against City of Brady in McCulloch County; RN104191200; 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 Agreed Order. TB/JN; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 10 [Docket No. 2017-0603-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Mertzon in Irion County; RN101919546 and RN102143336; for water quality and 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. (Alejandro Laje, Michael Parrish)

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

Item 11 [**Docket No. 2017-0764-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of L.A. PORTER CONSTRUCTION, INC. in Lampasas County; RN104892906; for water quality violations and petroleum storage tank 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. (Chris Moreno, Michael Parrish)

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

Item 12 [**Docket No. 2016-0948-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CAN-DOO BUDJET RENTALS INCORPORATED in Tom Green County; RN103157673; for municipal solid waste, used oil, 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. (Had Darling, Michael Parrish)

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

Item 13 [**Docket No. 2016-1755-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GONZALES COUNTY WATER SUPPLY CORPORATION in Gonzales County; RN101235778; for public drinking water and water quality violations pursuant to Tex. Health & Safety Code ch. 341, 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. (Yuliya Dunaway, Michael Parrish)

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

Item 14 **[Docket No. 2014-0228-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pasadena Refining System, Inc in Harris County; RN100716661; for air quality and water quality 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. (Raime Hayes-Falero, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 15 **[Docket No. 2016-2135-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Charlie Card and Magdalena White in Grimes County; RN108942822; for municipal solid waste and used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Janice Hernandez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 16 **[Docket No. 2016-1452-MSW-E.](#)**

Consideration of a Default Order requiring certain actions of Albert Anthony Jamail in Kinney County; RN109247569; 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. (Isaac Ta, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 17 [Docket No. 2017-0447-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Beeville in Bee County; RN101614089; 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. TB/JN; all agree.

Item 18 [Docket No. 2016-1533-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Roscoe in Nolan County; RN105605927; 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. TB/JN; all agree.

Item 19 [Docket No. 2016-1137-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Thornton in Limestone County; RN102844461; 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. (Ross Luedtke, Michael Parrish)

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

Item 20 [Docket No. 2017-0380-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Waelder in Gonzales County; RN102916046; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on

Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sandra Douglas, Michael Parrish)

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

Item 21 **Docket No. 2016-0111-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of H & K JOLLY LLC in Clay County; RN103012720; 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. TB/JN; all agree.

Item 22 **Docket No. 2017-0208-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INSTITUTE IN BASIC LIFE PRINCIPLES, INC. and International A.L.E.R.T. Academy in Upshur County; RN101193167; 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. TB/JN; all agree.

Item 23 **Docket No. 2014-1043-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Refugio in Refugio County; RN103913935; 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. (Had Darling, Michael Parrish)

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

Item 24 [Docket No. 2016-1968-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lefors in Gray County; RN102184546; 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.

Item 25 [Docket No. 2016-1864-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Quanah in Hardeman County; RN102080215; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 26 [Docket No. 2017-1440-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DUBLIN STOP GROUP INC dba Dublin Stop in Erath County; RN102019536; 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. TB/JN; all agree.

Item 27 [Docket No. 2017-1180-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of G.T. Sirizzotti, Ltd. in Bexar County; RN102894177; 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. (Margarita Dennis, Michael Parrish)

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

Item 28 **Docket No. 2017-1398-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HH & BAR INVESTMENTS, INC. dba Pic-N-Sav in Harris County; RN101897080; 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. TB/JN; all agree.

Item 29 **Docket No. 2016-1799-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LANDMARK INDUSTRIES ENERGY, LLC dba Timewise Food Store 5701 in Fort Bend County; RN103148631; 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 30 **Docket No. 2017-0131-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Hub City Convenience Stores, Inc. dba Chisum Travel Center 36 in Wichita County; RN105560619; 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. (Audrey Liter, Janice Hernandez)

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

Item 31 [**Docket No. 2016-1623-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of LALANI'S INVESTMENT INC. dba 786 Truck Stop 1 in Fort Bend County; RN101880607; 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. (Lena Roberts, Janice Hernandez)

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

Item 32 [**Docket No. 2017-1355-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Shazaa Inc dba El Nino Foods in Zavala County; RN101431716; 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 Agreed Order. TB/JN; all agree.

Item 33 [**Docket No. 2017-0113-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of STAFFORD CHEVRON INC. dba Jacks Grocery 16 in Fort Bend County; RN101774057; 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. TB/JN; all agree.

Item 34 [**Docket No. 2016-1675-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of UNIVERSAL ENTERPRISES, INC. dba Handi Stop 116 in Chambers County; RN102235025; 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. (Jess Robinson, Janice Hernandez)

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

Item 35 [**Docket No. 2016-1651-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RSK Group Inc. dba Clark Gas & Convenience Store in Dallas County; RN105674204; 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. (Rahim Momin, Michael Parrish)

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

Item 36 [**Docket No. 2016-1822-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Whitener Enterprises, Incorporated in Liberty County; RN100523935; 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. (Claudia Corrales, Michael Parrish)

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

Item 37 [**Docket No. 2016-1594-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of H.N.B. BROTHERS, INC. dba Fancy Food Store in Harris County; RN101778280; 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. TB/JN; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT
AND SHUTDOWN ORDERS**

Item 38 [**Docket No. 2017-0897-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Real & Retail Unlimited, Inc. dba Johnny Joes 7 in Denton County; RN103052502; 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. (Lena Roberts, Janice Hernandez)

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

Item 39 [Docket No. 2017-1230-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of SHA-ADA GROUP LLC dba Lulu's Supermercado in Nolan County; RN102344959; 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 and Shutdown Order. TB/JN; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 40 [Docket No. 2017-1071-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Wilmer in Dallas County; RN101414332; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ross Luedtke, Michael Parrish)

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

Item 41 [Docket No. 2017-1399-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ERICKSDAHL WATER SUPPLY CORPORATION in Jones County; RN101438877; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ross Luedtke, Michael Parrish)

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

Item 42 [**Docket No. 2017-1112-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Yorktown in Dewitt County; RN101386225; 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 43 [**Docket No. 2017-0999-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GIRL SCOUTS OF TEXAS OKLAHOMA PLAINS, INC. in Potter County; RN101197663; 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. (Jason Fraley, Michael Parrish)

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

Item 44 [**Docket No. 2016-2015-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against OCCIDENTAL PERMIAN LTD. in Ector County; RN102687639; 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 45 [**Docket No. 2017-1238-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of TPLUBB, LLC dba Pecan Grove Mobile Home Park in Lubbock County; RN102692167; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Audrey Liter, Janice Hernandez)

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

Item 46 **[Docket No. 2017-1010-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the United States National Park Service in Val Verde County; RN102878220; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tyler Gerhardt, Michael Parrish)

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

Item 47 **[Docket No. 2017-1285-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Sam Rayburn Water, Inc. in San Augustine County; RN101249787; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and Tex. Water Code ch. 5 and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

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

Item 48 **[Docket No. 2016-0632-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Samuel Coronado dba Citrus Trailer Park in Cameron County; RN102319720; 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. (Audrey Liter, Janice Hernandez)

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

Item 49 **[Docket No. 2017-1608-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Ms. Molly's LLC in Colorado County; RN104909882; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas

Commission on Environmental Quality. (Logan Harrell, Janice Hernandez)

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

Item 50 [Docket No. 2017-1542-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Monarch Utilities I L.P. in Wise County; RN101378917; 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 51 [Docket No. 2016-0430-PWS-E.](#)

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

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 52 [Docket No. 2016-0073-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Austin in Travis County; RN101220085 and RN101607794; 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. (Had Darling, Michael Parrish)

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

MONTHLY ENFORCEMENT REPORT

Item 53 [Docket No. 2018-0608-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 MATTERS

Item 54 **[Docket No. 2018-0165-RUL.](#)**

Consideration for publication of, and hearing on, proposed new 30 TAC Chapter 352, Coal Combustion Residuals Waste Management. The proposed rulemaking would create Chapter 352 to implement a new coal combustion residuals (CCR) management program for owners and operators of landfills and surface impoundments used to manage or dispose of CCR generated from the combustion of coal by electric utilities and independent power producers. Proposed new Chapter 352 would establish a registration requirement as well as compliance monitoring for regulated facilities. (Jarita Sepulvado, Shannon Love) (Rule Project No. 2017-037-352-WS)

Continued to the September 5, 2018 Commissioners' Agenda.

Item 55 **[Docket No. 2017-1482-RUL.](#)**

Consideration of the adoption of amended Sections 80.4 and 80.252 of 30 TAC Chapter 80, Contested Case Hearings; amended Sections 288.1 and 288.30 of 30 TAC Chapter 288, Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements; new Sections 295.73, 295.121, and 295.122, the repeal of Sections 295.121 - 295.126, and amended Sections 295.151 - 295.153 of 30 TAC Chapter 295, Water Rights, Procedural; and amended Section 297.46 of 30 TAC Chapter 297, Water Rights, Substantive. The adoption would implement House Bill (HB) 1600 and Senate Bill (SB) 567, 83rd Texas Legislature, 2013, Regular Session, to amend requirements related to the transfer of the utilities and rates program to the Public Utility Commission of Texas; HB 1648, 85th Texas Legislature, 2017, Regular Session, to amend requirements relating to certain retail public utilities and their designation of a water conservation coordinator; HB 3735, 85th Texas Legislature, 2017, Regular Session, to amend specific map requirements and to codify the commission's practice regarding consideration of the public welfare in water rights applications; SB 864, 85th Texas Legislature, 2017, Regular Session, to amend notice requirements relating to alternate sources of water used in water rights applications; and SB 1430, 85th Texas Legislature, 2017, Regular

Session, and HB 3735 to amend provisions relating to applications to change the diversion point for existing non-saline surface water rights when the applicant begins using desalinated seawater. The proposed rules were published in the February 23, 2018, issue of the *Texas Register* (43 TexReg 1007). (Kathy Ramirez, Robin Smith) (Rule Project No. 2017-034-295-OW)

Adopt the amendments, additions, and repeals to 30 TAC Chapters 80, 288, 295, and 297, as recommended by the Executive Director. JN/TB; all agree.

PUBLIC COMMENT SESSION

Item 56 **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 57 **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 58 **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 59 **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 60 **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/ Tracy Gross
Assistant General Counsel
Tracy Gross

 08/02/2018
Date