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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

August 8, 2018

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 [**TCEQ Docket No. 2012-0905-MSW; SOAH Docket No. 582-15-2498.**](#)

Consideration of the Administrative Law Judges' Proposal for Decision, Proposal for Decision on Remand and Order regarding the Application of Post Oak Clean Green, Inc., for new Type I Municipal Solid Waste Landfill Permit No. 2378 pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code ch. 361. The facility is proposed to be located at 7787 Farm to Market Road 1150, approximately 12 miles east of Seguin in Guadalupe County. The Commission will also consider the application; timely public comments and the Executive Director's Response to Comments; the record; and timely related filings, exceptions and replies. (Steven Shepherd, Kathy Humphreys)

Adopt the ALJ's May 15, 2018 Proposed Order, as modified by the ALJ's letter dated July 6, 2018, with the following additional changes: a) Delete Finding of Fact Number

121 regarding limits based on geology for the reasons set forth in the Executive Director's original Reply to Exceptions; b) Delete Proposed Ordering Provision Number 1.a as duplicative, as the draft permit already requires that the improvements to roadways recommended by the Texas Department of Transportation be implemented prior to waste acceptance in Special Provision IX.5; c) Amend the May 15, 2018 Proposed Order to retain Proposed Finding of Fact Numbers 208 and 209 from the ALJ's January 11, 2017 Proposed Order and add an ordering provision requiring that the Applicant train all on-site employees about possible endangered or threatened species that may be found on the site. The ALJ provided no explanation for deleting those provisions and not ordering the additional training; d) Modify Special Condition Number 3 in the draft permit to read: "Proof of a final Wetlands Mitigation Plan from the United States Army Corp of Engineers must be provided to the Executive Director before commencement of physical construction;" e) Modify Finding of Fact Number 291; Delete Finding of Fact Number 292; Modify Conclusion of Law Numbers 30 and 115; Modify Ordering Provision Number 1.d; and Retain Special Provision Number IX.7 in the draft permit to allow the Applicant's use of the alternative liner; f) Modify Finding of Fact Numbers 303 and 304; Delete Finding of Fact Number 305; Modify Conclusion of Law Number 57; Delete Conclusion of Law Number 58; and Delete Ordering Provision Number 1.b for the reasons set forth in the ED's Exceptions regarding radioactive waste; g) Amend the May 15, 2018 Proposed Order to retain Proposed Finding of Fact Number 273 from the ALJ's January 11, 2017 Proposed Order related to notices of deficiency. the ALJ provided no explanation for deleting this Finding of Fact; h) Add a Special Condition to the draft permit prohibiting recirculation of leachate, as recommended by the ALJ and the Executive Director; i) Delete Finding of Fact Numbers 226 through 228, and Conclusion of Law Number 44 related to groundwater conservation district rules for the reasons set forth in the Protestant's Exceptions and Replies; and j) Modify Ordering Provision Number 1.e to change references from "site operating plan" to "the Application," as explained this morning by the Executive Director at Agenda; Grant the permit application of Post Oak Clean Green, Inc. for MSW Permit No. 2378, as modified by the ALJ's May 15, 2018 Proposed Order, and by the Commission from the dais today; and Adopt the Executive Director's Response to Comments to the extent that it is not inconsistent with the Commission's decision here today. JN/TB; all agree.

SUPERFUND MATTER

Item 2 [Docket No. 2018-0911-SPF.](#)

Consideration of an Agreed Administrative Order, as authorized under Subchapter F of the Texas Solid Waste Disposal Act, Tex. Health & Safety Code §§ 361.001-.992, with additional authorities from Subchapters I, K, and L of the Act, for the Col-Tex Refinery State Superfund site (Site), Colorado City, Mitchell County, RN105198584. The Order describes the selected remedial action and sets forth the terms of the agreement by which the agreeing respondents will conduct the remedial design/remedial action at the Site. The soil at the site is contaminated with volatile organic compounds (VOCs), semi-volatile

organic compounds (SVOCs), and metals; and the groundwater is contaminated with VOCs, SVOCs, metals, and total petroleum hydrocarbons. The proposed remedy for soil is an on-site containment cell and institutional controls. The proposed remedy for the groundwater at this site consists of multiple technologies and strategies, including a plume management zone with monitored natural attenuation to control and prevent the use of and exposure to the groundwater; active groundwater pumping; a hydrocarbon abatement system; hydraulic physical barriers to control groundwater; and institutional controls. The Col-Tex Refinery State Superfund site consists of 158 acres bisected by Business Interstate 20, just west of the city limits of Colorado City, Mitchell County. (Monica Harris, P.G., Cullen McMorrow)

Adopt the Proposed Agreed Administrative Order, as recommended by the Executive Director. TB/JN; all agree.

TOTAL MAXIMUM DAILY LOAD MATTER

Item 3 [**Docket No. 2017-1721-TML.**](#)

Consideration for approval of an Implementation Plan (I-Plan) for Five Total Maximum Daily Loads for Bacteria in the Lower San Antonio River Watershed, in Goliad, Karnes, and Wilson Counties. Notice of a public meeting to receive comments on the draft I-Plan was published in the March 23, 2018, issue of *Texas Register* (43 TexReg 1908). (Kerry Niemann, Robert Brush) (Project No. 2018-012-TML-NR)

Approve the Implementation Plan for Five Total Maximum Daily Loads for Bacteria in the Lower San Antonio River Watershed, as recommended by the Executive Director. JN/TB; all agree.

MISCELLANEOUS MATTERS

Item 4 [**Docket No. 2018-0810-BGT.**](#)

Consideration and approval of the Agency's FY 2019 Operating Budget and FY 2020/2021 Legislative Appropriations Request (LAR). (Elizabeth Sifuentez Koch)

Approve the Commission's fiscal year 2019 Operating Budget and fiscal years 2020/2021 Legislative Appropriations Request, as proposed by the Executive Director. TB/JN; all agree.

Item 5 [**Docket No. 2018-0794-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 July 20, 2018 with the caption of Docket No. 2018-0794-MIS. JN/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6 [**Docket No. 2016-2070-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Houston Refining LP in Harris County; RN100218130; 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. TB/JN; all agree.

Item 7 [**Docket No. 2017-0658-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. (Shelby Orme, Michael Parrish)

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

Item 8 [**Docket No. 2017-1313-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Solutia Inc. in Brazoria County; RN103057568; 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. TB/JN; all agree.

Item 9 [**Docket No. 2017-1251-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sunoco Partners Marketing & Terminals L.P. in Jefferson County; RN100214626; 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. TB/JN; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 10 [**Docket No. 2017-0957-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TEXAS BARGE & BOAT, INC. in Brazoria County; RN102037959; 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. TB/JN; all agree.

Item 11 [**Docket No. 2017-0615-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against LCY ELASTOMERS LP in Harris County; RN102325974; 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. (Audrey Liter, Janice Hernandez)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 12 [**Docket No. 2017-1175-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Cinco Electronics Recycling, Inc in Tarrant County; RN109811257; for industrial solid waste and municipal solid 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. (Stephanie McCurley, Michael Parrish)

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

Item 13 **[Docket No. 2016-1251-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MINSA CORPORATION in Bailey County; RN102597200; for public drinking water and water quality violations pursuant to Tex. Water Code chs. 7 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. (Caleb Olson, Michael Parrish)

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

Item 14 **[Docket No. 2017-1225-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RED RIVER DOZER & FARM SERVICE, INC. in Montague County; RN109619627; for municipal solid waste and air quality 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. (Jonathan Nguyen, Michael Parrish)

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

Item 15 **[Docket No. 2017-1519-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Twin Eagle Sand Logistics, LLC in Webb County; RN109684670; 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. (Sandra Douglas, Michael Parrish)

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

Item 16 **[Docket No. 2017-0463-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Jennifer Ann Greene in Kendall County; RN109202218; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Clayton Smith, Janice Hernandez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 17 **[Docket No. 2016-1929-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Brady in McCulloch County; RN102003811; for municipal solid 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.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 18 **[Docket No. 2017-0247-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Texas, Inc. in Harris and Polk Counties; RN102340841 and RN102343175; 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. TB/JN; all agree.

Item 19 **[Docket No. 2017-0296-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Livingston Care Associates, Inc. and Polk Health Holdings LLC in Polk County; RN101718765; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven Van Landingham, Michael Parrish)

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

Item 20 **[Docket No. 2016-1825-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Alto in Cherokee County; RN101721363; 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. TB/JN; all agree.

Item 21 **[Docket No. 2016-1035-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of DSJS Management, LLC in Bexar County; RN106656671; 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. (Jake Marx, Janice Hernandez)

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

Item 22 **[Docket No. 2014-1899-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kenedy in Karnes County; RN102097839; 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. TB/JN; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 23 **[Docket No. 2016-2079-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ADICO ENTERPRISES INC. dba Scarsdale Shell in Harris County; RN102793114; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ken Moller, Michael Parrish)

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

Item 24 **[Docket No. 2017-1346-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AL'S QUICK STOP, INC. dba 7-Eleven Convenience Store 39309 in Tarrant County; RN105989255; 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. TB/JN; all agree.

Item 25 **[Docket No. 2017-0305-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CAMPBELL OIL CO. dba Conoco Kwik Stop in Newton County; RN102241668; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Paul Fennell, Michael Parrish)

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

Item 26 **[Docket No. 2017-1037-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of AARYA & ARJUN INC dba 24/7 Convenience Store in Dallas County; RN101545515; 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. (Joseph K. Washburn, Janice Hernandez)

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

Item 27 [**Docket No. 2017-1352-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Afshan & Iftikhar Enterprises, Inc. dba KWIK STOP #1 in Anderson County; RN105636476; 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. (Joseph K. Washburn, Janice Hernandez)

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

Item 28 [**Docket No. 2016-1411-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Southwest Convenience Stores, LLC dba 7 Eleven 57812 and 7 Eleven 57816 in Midland County; RN102410701 (Facility No. 1) and RN102436987 (Facility No. 2); for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tyler Gerhardt, Michael Parrish)

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

Item 29 [**Docket No. 2017-1410-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Brownsville in Cameron County; RN103059283; 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. (Epi Villarreal, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 30 [Docket No. 2017-0804-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of M.A.A.A. ENTERPRISES, INC. dba Clinton Food Market in Harris County; RN100647593; 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. (Isaac Ta, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 31 [Docket No. 2017-1370-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cecil Alfred Redford dba Lakehills Homestead and RV Park and Linda Carol Redford dba Lakehills Homestead and RV Park in Bandera County; RN109162057; 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. TB/JN; all agree.

Item 32 [Docket No. 2017-1297-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Edmonson in Hale County; RN101205375; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Michael Parrish)

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

Item 33 [Docket No. 2017-1299-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of TURLINGTON WATER

SUPPLY CORPORATION in Freestone County; RN101241446; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jess Robinson, Janice Hernandez)

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

Item 34 [**Docket No. 2017-0307-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAM RAYBURN WATER, INC. in San Augustine County; RN101274165; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Michael Parrish)

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

Item 35 [**Docket No. 2017-1585-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Thalia Water Supply Corporation in Foard County; RN101454569; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Farhaud Abbaszadeh, Michael Parrish)

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

Item 36 [**Docket No. 2017-1140-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RODELL WATER SYSTEM, INC. in Leon County; RN105061436; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Michael Parrish)

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

Item 37 [**Docket No. 2016-1965-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bridge City in Orange County; RN103778536; 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 38 [**Docket No. 2017-0998-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAHIL VENTURES, INC. dba Paradise Food Mart in Montgomery County; RN105996771; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Michael Parrish)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 39 [**Docket No. 2017-1732-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of EOLA WATER SUPPLY CORPORATION in Concho County; RN102673183; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Audrey Liter, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 40 [**Docket No. 2017-0344-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Arlington in Tarrant County; RN104950134; 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. (Claudia Corrales, Michael Parrish)

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

Item 41 [**Docket No. 2017-0835-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North East Texas Regional Mobility Authority and Webber, LLC in Smith County; RN109237925; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Austin Henck, Michael Parrish)

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

Item 42 [**Docket No. 2016-1640-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WINRE LLC in Kendall County; RN107818429; 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. TB/JN; all agree.

STATE IMPLEMENTATION PLAN MATTERS

Item 43 [**Docket No. 2017-1648-SIP.**](#)

Consideration of the adoption of the Voluntary Agreed Order with TXI Operations, LP; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order identifies the federally enforceable emission limit for TXI Operations, LP, Portland Cement Plant in Midlothian, Ellis, County (Kiln Number 5) as satisfying the reasonably available control technology (RACT) requirement for nitrogen oxides (NOX) for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard to address the United States Environmental Protection Agency's final conditional approval of NOX RACT for the Dallas-Fort Worth 2008 eight-hour ozone standard nonattainment area. Notice was published in the April 6, 2018, issue of the *Texas Register* (43 TexReg 2482). (Terry Salem) (Non-Rule Project No. 2018-010-SIP-NR)

Joint Motion for Items 43-44.

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

Item 44 **[Docket No. 2018-0040-SIP.](#)**

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

Joint Motion for Items 43-44.

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

Item 45 **[Docket No. 2017-1762-SIP.](#)**

Consideration of the adoption of the Federal Clean Air Act (FCAA), Section 110(a)(1) and 110(a)(2)(D) Transport State Implementation Plan (SIP) Revision for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The SIP revision outlines the requirements of FCAA, Section 110(a)(2)(D)(i) and (ii) and the Texas provisions supporting the requirements for the 2015 ozone NAAQS. The revision also includes a technical demonstration to support the determination that Texas meets the interstate transport requirements of Section 110(a)(2)(D)(i)(I). The infrastructure requirements of FCAA, Section 110(a)(2)(A) through (C) and (E) through (M) are addressed in a separate SIP revision (Non-Rule Project No. 2017-040-SIP-NR). (Kristin Patton, Amy Browning) (Non-Rule Project No. 2017-039-SIP-NR)

Joint Motion for Items 45-46.

Adopt the Federal Clean Air Act, Section 110(a)(1) and 110(a)(2)(D) Transport and Infrastructure State Implementation Plan revisions for the 2015 Ozone National Ambient Air Quality Standards, as recommended by the Executive Director. TB/JN; all agree.

Item 46 **Docket No. 2017-1719-SIP.**

Consideration of the adoption of the Federal Clean Air Act (FCAA), Section 110(a)(1) and 110(a)(2) Infrastructure State Implementation Plan (SIP) Revision for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The SIP revision outlines the requirements of FCAA, Section 110(a)(2)(A) through (C) and (E) through (M), and the Texas provisions supporting the requirements for the 2015 ozone NAAQS. These requirements include basic program elements such as: enforceable emission limitations and control measures; air quality monitoring and modeling; a permitting program; adequate funding and personnel; authority under state law to carry out the plan; emissions reporting; emergency powers; public participation; and fee collection. The transport requirements of FCAA, Section 110(a)(2)(D) are addressed in a separate SIP revision (Non-Rule Project No. 2017-039-SIP-NR). (Kristin Patton, Amy Browning) (Non-Rule Project No. 2017-040-SIP-NR)

Joint Motion for Items 45-46.

Adopt the Federal Clean Air Act, Section 110(a)(1) and 110(a)(2)(D) Transport and Infrastructure State Implementation Plan revisions for the 2015 Ozone National Ambient Air Quality Standards, as recommended by the Executive Director. TB/JN; all agree.

PUBLIC COMMENT SESSION

Item 47 **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 48 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 49 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 50 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 51 **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/ Barham Richard
Assistant General Counsel
Barham Richard

08/23/2018
Date