

The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).

Updates to backup documents will be noted by a purple indicator. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 7 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).

Chairman Jon Niermann
Commissioner Emily Lindley

AGENDA

October 3, 2018

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 1 **[Docket No. 2017-0880-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Chambers County; RN100224377; 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. EL/JN; all agree.

Item 2 **[Docket No. 2017-1596-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102212925; 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. (Richard Garza, Michael Parrish)

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

Item 3 **[Docket No. 2017-1219-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical LLC in Jefferson County; RN100219252; 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. EL/JN; all agree.

Item 4 **[Docket No. 2017-1013-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Intergulf Corporation in Harris County; RN105127476; 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. EL/JN; all agree.

Item 5 **[Docket No. 2017-1657-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of McCarty Road Landfill TX, LP in Harris County; RN100213602; 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. EL/JN; all agree.

Item 6 **[Docket No. 2017-1201-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Jefferson County; RN100209451; 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. EL/JN; all agree.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 7 [**Docket No. 2017-1220-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of CUSTOM COLLISION CENTER INC. in El Paso County; RN108637901; for air quality violations pursuant to Tex. Water Code ch. 7, 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 Order. EL/JN; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 8 [**Docket No. 2017-0913-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN102018322; 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. EL/JN; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 9 [**Docket No. 2017-1533-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Celina in Collin County; RN102336567; 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. (Christopher Moreno, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 10 **[Docket No. 2017-1504-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MONROE @ WINKLER INVESTMENTS, INC. dba Mike Food Mart in Harris County; RN101886216; 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. EL/JN; all agree.

Item 11 **[Docket No. 2017-0976-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against SELECT SPECIALTY HOSPITAL - DALLAS, INC. in Denton County; RN106125370; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jonathan Nguyen, Michael Parrish)

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

Item 12 **[Docket No. 2017-1161-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Shahsultana and Hamida, LLC dba Mont Belvieu Food Store in Chambers County; RN102052016; 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. EL/JN; all agree.

Item 13 [**Docket No. 2017-1294-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Adarsh Enterprises, LLC dba Nu Way of Joaquin in Shelby County; RN102359510; 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. EL/JN; all agree.

Item 14 [**Docket No. 2017-1268-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Montgomery County in Montgomery County; RN102368719; 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. (Ian Groetsch, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 15 [**Docket No. 2017-0636-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against MENGHI ENTERPRISES INC dba Flash Mart in Dallas County; RN103136362; 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 Default Order. EL/JN; all agree.

Item 16 [**Docket No. 2016-2031-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against Young J. Lee dba Times 21 in Nueces County; RN101838787; 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. (Amanda Patel, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 17 **Docket No. 2017-1691-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ABF, Inc. in Harrison County; RN101189629; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaëlle Garza, Michael Parrish)

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

Item 18 **Docket No. 2017-1508-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AMARILLO MHC, LLC. in Randall County; RN101439917; 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. EL/JN; all agree.

Item 19 **Docket No. 2017-0158-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ann Robinson dba Beachview Acres Water Association in Hill County; RN101437135; 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. EL/JN; all agree.

Item 20 **Docket No. 2018-0047-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Frost in Navarro County;

RN101390268; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Soraya Peters, Michael Parrish)

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

Item 21 [**Docket No. 2018-0020-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lueders in Jones County; RN101391340; 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. EL/JN; all agree.

Item 22 [**Docket No. 2018-0037-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Orange County; RN100542711; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Austin Henck, Michael Parrish)

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

Item 23 [**Docket No. 2017-1712-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OCCIDENTAL PERMIAN LTD. in Yoakum County; RN103119533; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Soraya Peters, Michael Parrish)

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

Item 24 [**Docket No. 2017-1614-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ricardo Water Supply Corporation in

Kleberg County; RN101188670; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Moreno, Michael Parrish)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 25 **Docket No. 2017-1627-WQ-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Billy Jack Stone in Parker County; RN109832808; 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 Default Order. EL/JN; all agree.

PETITION FOR RULEMAKING

Item 26 **Docket No. 2018-1136-PET.**

Consideration for a petition for rulemaking under Section 20.15 of 30 Texas Administrative Code (TAC) Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality (commission) on August 15, 2018, by Ms. Nancy Hernandez (petitioner). The petitioner requested that the commission amend Section 213.23(a)(2) of 30 TAC Chapter 213, Edwards Aquifer, Subchapter B, Plan Processing and Approval, to modify the rule to enhance Edwards Aquifer processes. (Anne Ruthstrom, Michael Parr) (Non-Rule Project No. 2018-037-PET-NR)

Deny the petition for the reasons stated in the Executive Director's Memorandum and because the requested amendments do not take into consideration the most effective uses of notice and instruct staff to present a status report at the November Commissioners' Agenda. EL/JN; all agree.

PUBLIC COMMENT SESSION

Item 27 **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.

Miriam Wright addressed the Commission. No action taken.

EXECUTIVE MEETING

Item 28 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 29 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.

Appoint Mike Hardison as Chief Auditor effective October 8, 2018. JN/EL; all agree.

Item 30 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 31 **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 TCEQ MEETINGS ON THE TCEQ
YOUTUBE CHANNEL AT NO COST, AT:**

**[HTTPS://WWW.TCEQ.TEXAS.GOV/AGENCY/DECISIONS/AG
NDAS/WEBCASTS.HTML](https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html)**

/s/ Greg Merrell
Assistant General Counsel
Greg Merrell

October 8, 2018
Date