

*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 31, 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. 2017-0944-PST-E; SOAH Docket No. 582-18-1848.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against LANDED I, LTD. dba J.H. Walker Trucking in Harris County, Texas; RN100713775; regarding underground storage tank violations pursuant to Tex. Water Code ch. 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Adam Taylor)

Adopt the ALJ's proposed Order with the modifications recommended by the ED's Exceptions and agreed to by the ALJ's Reply but utilize the capitalization of the Respondent's corporate name as provided in the EDPRP. EL/JN; all agree.

## **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 2

### **Docket No. 2017-1138-WR.**

Consideration of an application by San Jacinto River Authority (SJRA) for Water Use Permit No. 13183. SJRA is requesting authorization to use the bed and banks of the West Fork San Jacinto River, tributary of the San Jacinto River, San Jacinto River Basin to convey up to 11,200 acre-feet per year of surface water-based return flows. SJRA will use the return flows for municipal, industrial, agricultural, and mining purposes in SJRA's service area in Montgomery and Harris Counties, Texas. SJRA also requests authorization for an exempt interbasin transfer to those portions of its service area within the Trinity-San Jacinto Coastal Basin. The Commission will consider all timely filed hearing requests and related responses and replies. (Chris Kozlowski, Dinniah C. Tadema)

Grant the hearing request of the City of Houston and refer the matter to the State Office of Administrative Hearings to conduct a contested case hearing. EL/JN; all agree.

## **MISCELLANEOUS MATTERS**

Item 3

### **Docket No. 2018-0622-MIS.**

Consideration of the adoption of a renewal with amendment of the Livestock Manure Compost General Permit Number WQG200000 which authorizes the disposal of wastewater by evaporation or beneficial irrigation adjacent to water in the state from livestock manure compost operations. Public notice of the proposed general permit was published in the June 8, 2018, issue of the *Texas Register* (43 TexReg 3825). (Laurie Fleet, Shea Pearson) (Non-Rule Project No. 2018-020-OTH-NR)

Adopt the renewal with amendments of the Livestock Manure Compost General Permit Number WQG200000. EL/JN; all agree.

Item 4

### **Docket No. 2018-0646-RES.**

Consideration of a Resolution to extend the existence of the Irrigator Advisory Council until February 1, 2025, and to appoint three members to the Irrigator Advisory Council at the Texas Commission on Environmental Quality (Commission) to six-year terms. The Irrigator Advisory Council advises the Commission on matters related to landscape irrigation in Texas. These new members would replace three members whose terms are set to expire on February 1, 2019. Notice was

published in the June 15, 2018, issue of the *Texas Register* (43 TexReg 3929). (James Hemple, Alicia Ramirez) (Project No. 2018-023-RES-NR)

Adopt the Executive Director's recommended Resolution extending the existence of the Irrigator Advisory Council until February 1, 2025 and filling the vacancies of the Irrigator Advisory Council as follows: 1) Appoint David Moulton, whose term shall be effective February 1, 2019 for a six-year term to expire February 1, 2025; 2) Appoint Charles Swanson, whose term shall be effective February 1, 2019 for a six-year term to expire February 1, 2025; and 3) Appoint Jennifer Walker, whose term shall be effective February 1, 2019 for a six-year term to expire February 1, 2025. EL/JN; all agree.

Item 5 [\*\*Docket No. 2018-1331-MIS.\*\*](#)

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Chris Gobert)

Approve issuance of the Executive Director's proposed Resolution that acknowledges the material changes to the contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code for the time period of June 1, 2018 to August 31, 2018, as described in the TCEQ Interoffice Memorandum to the Commissioners and Executive Director dated October 31, 2018 and Docket No. 2018-1331-MIS. EL/JN; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 6 [\*\*Docket No. 2017-1787-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against EnLink Midstream Services, LLC in Wise County; RN102913225; 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. EL/JN; all agree.

Item 7 [\*\*Docket No. 2017-1425-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Flowers Baking Co. of Tyler, LLC in Smith County; RN100218221; 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. EL/JN; all agree.

Item 8 [\*\*Docket No. 2018-0053-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of General Dynamics Ordnance and Tactical Systems, Inc. in Dallas County; RN102660909; 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. EL/JN; all agree.

Item 9 [\*\*Docket No. 2018-0254-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against JSW Steel (USA) Inc. in Chambers County; RN100217421; 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 10 [\*\*Docket No. 2017-1032-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of National Oilwell Varco, L.P. in Tom Green County; RN102602307; 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 11 [\*\*Docket No. 2018-0070-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Midstream Services LLC in Wise County; RN100238716; 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. EL/JN; all agree.

Item 12 [\*\*Docket No. 2017-0909-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Harris County; RN100909373; 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. EL/JN; all agree.

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT  
AGREED ORDER**

Item 13 [\*\*Docket No. 2017-0018-IHW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lazarus Refining & Marketing, LLC in Wilson County; RN105094031; for industrial and hazardous 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. (Epifanio Villarreal, Michael Parrish)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED  
ORDER**

Item 14 [\*\*Docket No. 2017-0656-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Weslaco in Hidalgo County; RN101612166; 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. EL/JN; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 15 **[Docket No. 2017-1695-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against BLACKLANDS INVESTMENT CORPORATION dba Bearcat Shamrock in Parker County; RN101561330; 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. (Carlos Molina, Michael Parrish)

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

Item 16 **[Docket No. 2017-1179-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Garland in Dallas County; RN100796499; 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. EL/JN; all agree.

Item 17 **[Docket No. 2017-1677-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MERITOCRACY C-STORE INC. dba Win Star Food Mart in Cooke County; RN101444230; 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. (Epifanio Villarreal, Michael Parrish)

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

Item 18 [\*\*Docket No. 2017-1575-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NEPAL SALES MART LLC dba Fresh Food Store in Dallas County; RN102092624; 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. (Marla Waters, Michael Parrish)

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

Item 19 [\*\*Docket No. 2017-1649-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RYDER TRUCK RENTAL, INC. dba Ryder 0588A in Dallas County; RN102226016; 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. EL/JN; all agree.

Item 20 [\*\*Docket No. 2018-0313-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Steinhagen Oil Company, Inc. dba Fastlane No 14 in Orange County; RN101908952; 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. (Berenice Munoz, Michael Parrish)

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

Item 21 [\*\*Docket No. 2016-1375-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against SR BUKHARI INC. dba Quicky Mart in Galveston County; RN100533900; 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. EL/JN; all agree.

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

Item 22 [Docket No. 2017-1594-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of KIRK SHEET METAL COMPANY, INC. in Dallas County; RN101554947; 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)

Remanded to the Executive Director by the Office of the General Counsel on October 25, 2018.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 23 [Docket No. 2017-1785-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Southside Place in Harris County; RN101178978; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Soraya Bun, Michael Parrish)

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

Item 24 [Docket No. 2018-0220-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MULTI-COUNTY WATER SUPPLY CORPORATION in Coryell County; RN101428746; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Soraya Bun, Michael Parrish)

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

Item 25 [Docket No. 2017-1659-PWS-E.](#)



Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SKIDMORE WATER SUPPLY CORPORATION in Bee County; RN104620026; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jonathan Nguyen, Michael Parrish)

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

#### **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 26 [Docket No. 2017-1674-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against Samuel Coronado dba Citrus Trailer Park in Cameron County; RN102319720; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Clayton Smith, Janice Hernandez)

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

#### **WASTE DISPOSAL WELL ENFORCEMENT AGREED ORDER**

Item 27 [Docket No. 2017-1756-WDW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EQUISTAR CHEMICALS, LP in Nueces County; RN100221662; for waste disposal well violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 27, 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. EL/JN; all agree.

#### **WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 28 [Docket No. 2017-0789-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of DOUBLE-O-OPERATING LLC in Shelby County; RN108401506; for water quality violations pursuant to Tex. Water Code chs. 7, 26, and 28A, 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.

### **MONTHLY ENFORCEMENT REPORT**

Item 29 **Docket No. 2018-0611-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 MATTER**

Item 30 **Docket No. 2017-1641-RUL.**

Consideration for the adoption of the amendments to 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, Sections 116.114, 116.160, 116.164, 116.196, 116.198, 116.310, 116.611, and 116.615; Chapter 122, Federal Operating Permits Program, Sections 122.143, 122.146, 122.165, 122.204, 122.210, 122.241, 122.320, 122.345, and 122.503 - 122.505; and corresponding revisions to the state implementation plan and the Texas Federal Operating Permits Program. The adoption would implement provisions of House Bill 4181, 85th Texas Legislature (2017), Regular Session, which granted the commission with the authority to provide certain notices relating to new source review air permitting and federal operating permits in an electronic format. The adopted rules would: clarify notification and registration requirements for changes at facilities authorized by air quality standard permits; clarify requirements for Prevention of Significant Deterioration review of greenhouse gas emissions; clarify renewal requirements for Plant-wide Applicability Limit Permits; clarify requirements for compliance certifications; revise the documentation required for certain federal operating permit actions; allow for the use of an electronic method to transmit renewal notices to permit holders of Site Operating Permits and General Operating Permits; and make various updates and revisions to sections in Chapters 116 and 122. The proposed rules were published in the May 25, 2018, issue of the *Texas Register* (43 TexReg 3297). (Michael Wilhoit, Nimasha Weliwitigoda) (Rule Project No. 2018-003-116-AI)

Adopt the amendments to 30 Texas Administrative Code Chapters 116 and 122 and corresponding revisions to the State Implementation Plan and Texas Federal Operating Permits Program as recommended by the Executive Director. EL/JN; all agree.

## **EXECUTIVE MEETING**

**Item 31      Docket No. 2018-0001-EXE.**

The Commission will conduct a closed meeting to receive legal advice from its attorney(s) and will discuss pending or contemplated litigation, and/or settlement offers, as permitted by Section 551.071 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

The Commission did not meet on this item.

**Item 32      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 33      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 on this item.

**Item 34      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 on this item.

**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/AGENDAS/WEBCASTS.HTML](https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html)**

Elaine Lucas  
Assistant General Counsel  
Elaine Lucas

November 9, 2018  
Date