

*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**

January 16, 2019

### **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. 2018-1239-AIR.](#)**

Consideration of application by The Kansas City Southern Railway Company for an initial Air Quality Permit No. 124775 to authorize a green field crude oil and refined product rail and marine terminal. The facility is located at 7200 Highway 87, Port Arthur, Jefferson 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. (Jeff Greif, Nimasha Weliwitigoda)

Deny the hearing request filed by Hilton Kelley on behalf of himself and Community In-Power Development Association, Inc.; Adopt the Executive Director's Response to Comment; and Issue New Air Quality Permit No. 124775 to The Kansas City Southern Railway Company as recommended by the Executive Director. EL/JN; all agree.

Item 2

**Docket No. 2018-1305-IWD.**

Consideration of the application by NRG Texas Power LLC, which operates the Cedar Bayou Electric Generating Station, for a major amendment with renewal to TPDES Permit No. WQ0001241000 to authorize the discharge of non-contact cooling water used to grow aquatic plants and stormwater on an intermittent and flow-variable basis via new Outfall 006; to add low volume waste sources as an authorized waste stream to internal Outfall 101; to add stormwater as an authorized waste stream to Outfalls 002, 004, and 005 and internal Outfall 201; to reduce sampling frequencies for certain constituents at Outfall 005 and internal Outfalls 101 and 201; and to authorize reuse of wastewater from Outfalls 002, 003, and 004 and internal Outfall 101. The existing permit authorizes the discharge of once through cooling water, utility wastewater, stormwater, and previously monitored effluent (metal cleaning wastes, ash pond wastewater, stormwater, mariculture lab wastewater, and treated domestic wastewater) at a daily average flow not to exceed 1,616,000,000 gallons per day via Outfall 001; low volume waste sources via Outfall 002; low volume waste sources and stormwater via Outfall 003; low volume waste sources via Outfall 004; and treated domestic wastewater via Outfall 005. The facility is located at 7705 West Bay Road, on the east bank of Cedar Bayou, approximately one and one-half miles south of the intersection of State Highway 146 and Farm-to-Market Road 565, Chambers County, Texas 77523. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Karen Holligan, Robert Brush)

Deny the hearing request of Glen Pelts; Grant the major amendment with renewal to NRG Texas Power LLC for TPDES Permit No. WQ0001241000 as recommended in the draft permit prepared by the Executive Director; and Adopt the ED's Amended Response to Comments. EL/JN; all agree.

**EMERGENCY ORDER**

Item 3

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

Consideration of whether to affirm, modify, or set aside the Emergency Order Renewing the Appointment of a Temporary Manager of a Water Utility issued on November 28, 2018, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, 30 Tex. Admin. Code chs. 35, 290, 291, 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 dba Walnut Bend Water System; TCEQ PWS ID No. 0030037;

RN102315124; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order appointed Joshua Culbert as temporary manager of the Utility. (Isaac Ta)

Affirm the Executive Director's Emergency Order reappointing Joshua Culbert as the temporary manager for the Walnut Bend Water System and Issue the proposed Order. EL/JN; all agree.

### **SUPERFUND MATTER**

Item 4 **Docket No. 2018-1622-SPF.**

Consideration of an 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 Hu-Mar Chemicals Proposed State Superfund site, Palacios, Matagorda County, RN105166920. The Order includes the description of the selected remedial action, the listing of the site on the state registry of Superfund sites, and a determination of responsible parties. The Order also requires the responsible parties to remediate the site. The soil at the site is contaminated with semi-volatile organic compounds and the groundwater is contaminated with semi-volatile and volatile organic compounds and metals. The proposed remedy for the groundwater at this site is a Plume Management Zone with limited in-situ chemical oxidation treatment to control and prevent the use of and exposure to the groundwater. The proposed remedy for off-site soil that exceeds groundwater Protective Concentration Levels is excavation and off-site disposal. On-site soil that exceeds groundwater Protective Concentration Levels will be managed within the groundwater Plume Management Zone. The site consists of 18 acres and is located on McGlothlin Road, between 4th and 12th streets, in Palacios, Matagorda County. (Terry Andrews, P.G., Theda Strickler)

Adopt the proposed Administrative Order as recommended by the Executive Director. EL/JN; all agree.

### **TOTAL MAXIMUM DAILY LOAD MATTERS**

Item 5 **Docket No. 2018-1401-TML.**

Consideration for approval to publish and solicit public comment on Two Draft Total Maximum Daily Loads for Indicator Bacteria in Lavaca River Above Tidal and Rocky Creek of the Lavaca River Basin, in Calhoun, DeWitt, Fayette, Gonzales, Jackson, Lavaca, and Victoria

Counties. (Kerry Niemann, Robert Brush) (Project No. 2019-030-TML-NR)

Joint Motion for Items 5 and 6.

Approve for publication and solicitation of comment on Two Draft Total Maximum Daily Loads and the corresponding Implementation Plan for Indicator Bacteria in the Lavaca River Above Tidal and Rocky Creek of the Lavaca River Basin, in Calhoun, DeWitt, Fayette, Gonzales, Jackson, Lavaca, and Victoria Counties as recommended by the Executive Director. EL/JN; all agree.

Item 6 [\*\*Docket No. 2018-1400-TML.\*\*](#)

Consideration for approval to publish and solicit public comment on the draft Implementation Plan for Two Total Maximum Daily Loads for Indicator Bacteria in the Lavaca River Above Tidal and Rocky Creek of the Lavaca River Basin, in Calhoun, DeWitt, Fayette, Gonzales, Jackson, Lavaca, and Victoria Counties. (Kerry Niemann, Robert Brush) (Project No. 2019-031-TML-NR)

Joint Motion for Items 5 and 6.

Approve for publication and solicitation of comment on Two Draft Total Maximum Daily Loads and the corresponding Implementation Plan for Indicator Bacteria in the Lavaca River Above Tidal and Rocky Creek of the Lavaca River Basin, in Calhoun, DeWitt, Fayette, Gonzales, Jackson, Lavaca, and Victoria Counties as recommended by the Executive Director. EL/JN; all agree.

Item 7 [\*\*Docket No. 2018-0251-TML.\*\*](#)

Consideration for adoption of One Total Maximum Daily Load (TMDL) for Indicator Bacteria in Sycamore Creek of the Trinity River Basin, in Tarrant County. Notice of a public meeting to receive comments on the TMDL was published in the June 8, 2018, issue of the *Texas Register* (43 TexReg 3828). (Kerry Niemann, Robert Brush) (Project No. 2018-022-TML-NR)

Adopt the Total Maximum Daily Load for Indicator Bacteria in Sycamore Creek of the Trinity River Basin as recommended by the Executive Director and Adopt the Executive Director's proposed Order. EL/JN; all agree.

## **MISCELLANEOUS MATTERS**

Item 8 **[Docket No. 2018-1061-MIS.](#)**

Consideration of the adoption of the renewal with amendment of the Texas Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer System General Permit, TXR040000, which authorizes the discharge of stormwater and certain non-stormwater discharges from small municipal separate storm sewer systems located in urbanized areas state-wide into surface water in the state. Public notice of the proposed general permit was published in the August 24, 2018 issue of the *Texas Register* (43 TexReg 5586). (Hanne Nielsen, Robert Brush) (Rule Project No. 2017-017-OTH-NR)

Adopt the renewal with amendments of the Texas Pollutant Discharge Elimination System General Permit TXR040000. EL/JN; all agree.

Item 9 **[Docket No. 2018-1064-MIS.](#)**

Consideration of the adoption of a renewal with amendment of the Harris County Onsite General Permit Number TXG530000 which authorizes the discharge of wastewater from on-site treatment systems connected to single family residences located in Harris County, Texas. Public notice of the proposed general permit was published in the August 31, 2018, issue of the *Texas Register* (43 TexReg 5699). (Laurie Fleet, Kathy Humphreys) (Non-Rule Project No. 2018-021-OTH-NR)

Adopt the renewal with amendments to the Harris County Onsite General Permit Number TXG530000 as recommended by the Executive Director. EL/JN; all agree.

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 10 **[Docket No. 2017-1330-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Southcross Processing LLC in Refugio County; RN106131113; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Abigail Lindsey, Michael Parrish)

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

Item 11 **[Docket No. 2017-1228-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against TPC Group LLC in Harris County; RN100219526; 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. EL/JN; all agree.

Item 12 [\*\*Docket No. 2016-2134-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Oxy USA WTP LP in Kent County; RN101222602; 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. (Elizabeth Lieberknecht, Janice Hernandez)

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

Item 13 [\*\*Docket No. 2017-1735-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of RED EWALD, INC. in Karnes County; RN100212612; 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. (Jess Robinson, Janice Hernandez)

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

**AIR QUALITY ENFORCEMENT DEFAULT ORDER**

Item 14 [\*\*Docket No. 2017-1723-AIR-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against Alex Rangel in Harris County; RN109741785; 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. (Jess Robinson, Janice Hernandez)

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

**INDUSTRIAL AND/OR HAZARDOUS WASTE  
ENFORCEMENT AGREED ORDERS**

Item 15

**[Docket No. 2017-0969-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CLEAN-CO SYSTEMS, INC. in Harris County; RN102161478; 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. (Epifanio Villarreal, Michael Parrish)

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

Item 16

**[Docket No. 2017-1514-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SOUTHERN METAL PROCESSING COMPANY, INC. in Harris County; RN100557982; 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. (Abigail Lindsey, Michael Parrish)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED  
ORDER**

Item 17

**[Docket No. 2017-0737-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FORMOSA UTILITY VENTURE, LTD. and FORMOSA PLASTICS CORPORATION, TEXAS in Calhoun County; RN100218973; 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.

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 18

**[Docket No. 2016-1688-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Texas Hill Country Landscaping Inc dba Quality Organic Products in Bexar County; RN105468904; for air quality, water quality, and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, 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. (Elizabeth Lieberknecht, Janice Hernandez)

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

Item 19 [\*\*Docket No. 2017-0611-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Royal Mfg Co, LP in Comal County; RN105434708; for water quality and industrial solid and/or hazardous 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. (Elizabeth Carroll Harkrider, Janice Hernandez)

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

Item 20 [\*\*Docket No. 2017-1611-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Jesus Espinoza in Williamson County; RN107326126; for aggregate production operation 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. (Jake Marx, Janice Hernandez)

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

Item 21 [\*\*Docket No. 2017-0961-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rio Grande City in Starr County; RN102777661; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 & 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. EL/JN; all agree.

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 22 [Docket No. 2018-0386-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against Jose M. Baca in El Paso County; RN109946426; 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. (Audrey Liter, Janice Hernandez)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 23 [Docket No. 2017-1494-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Archer City in Archer County; RN101721587; 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. EL/JN; all agree.

Item 24 [Docket No. 2017-1791-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Eustace in Henderson County; RN101919140; 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. EL/JN; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER**

Item 25 [\*\*Docket No. 2017-1090-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Richard C. Carr in Tarrant County; RN102793684; 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.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 26 [\*\*Docket No. 2017-0120-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against MPRM Investments, Inc. dba Quik Pantry in Kendall County; RN102356433; 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 27 [\*\*Docket No. 2018-0218-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Byers in Clay County; RN101236404; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Toni Red, Michael Parrish)

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

Item 28 [\*\*Docket No. 2017-1682-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against the City of New Summerfield in Cherokee County; RN102692621; 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. EL/JN; all agree.

Item 29 [\*\*Docket No. 2017-1431-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Toyah in Reeves County; RN101225001; 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. EL/JN; all agree.

Item 30 [\*\*Docket No. 2018-0050-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GREEN ACRES RV PARK & RENTALS LLC in Lavaca County; RN106171119; 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. EL/JN; all agree.

Item 31 [\*\*Docket No. 2018-0298-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GSM Land Holdings, Ltd. in Deaf Smith County; RN108441551; 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.

Item 32 [\*\*Docket No. 2017-1321-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Hess Corporation in Gaines County; RN103758470; 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 33 [\*\*Docket No. 2017-1713-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Love's Travel Stops & Country Stores, Inc. in Carson County; RN102228939; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Michael Parrish)

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

Item 34 [\*\*Docket No. 2016-2045-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Marin Gonzalez dba Lazy Palms Ranch in Hidalgo County; RN101281582; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Michael Parrish)

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

Item 35 [\*\*Docket No. 2018-0370-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Midkiff Avenue RV Park, LLC in Midland County; RN107349532; 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. EL/JN; all agree.

Item 36 [\*\*Docket No. 2017-1384-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of LANGTRY WATER SUPPLY CORPORATION in Val Verde County; RN101454791; 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 Agreed Order. EL/JN; all agree.

Item 37 [\*\*Docket No. 2017-1535-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Meta Marie Dolgener dba Bernhard Trailer Park in Gillespie County; RN109450668; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Taylor Pearson, Janice Hernandez)

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

Item 38 [\*\*Docket No. 2017-1740-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of TEXAS AIRSTREAM HARBOR, INC. in Angelina County; RN101182509; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Adam Taylor, Janice Hernandez)

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

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 39 [\*\*Docket No. 2017-1492-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Richardson in Dallas County; RN101391480; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Caleb Olson, Michael Parrish)

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

**WATER QUALITY ENFORCEMENT DEFAULT ORDERS**

Item 40 [\*\*Docket No. 2017-1417-WQ-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Michael Ninh in Ellis County; RN109495424; 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.

Item 41 **Docket No. 2018-0713-WQ-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Jim Dollins in McLennan County; RN105464119; for water quality violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Jess Robinson, Janice Hernandez)

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

**STATE IMPLEMENTATION PLAN MATTER**

Item 42 **Docket No. 2018-1670-SIP.**

Consideration for publication of, and hearing on, the proposed El Paso Redesignation Request and Maintenance Plan State Implementation Plan (SIP) revision for the One-Hour Ozone National Ambient Air Quality Standards (NAAQS). The proposed SIP revision would include a request that the United States Environmental Protection Agency (EPA) redesignate the El Paso area (El Paso County) to attainment for the one-hour ozone NAAQS and provide a maintenance plan that will ensure the area remains in attainment of the NAAQS through 2032. The SIP revision would include a request that the EPA also consider this plan as a second 10-year maintenance plan for the one-hour ozone standard NAAQS. (Margaret Earnest, Nicolas Parke) (Project No. 2018-029-SIP-NR)

Approve the publication of, and hearing on, the proposed El Paso Redesignation Request and Maintenance Plan State Implementation Plan revision for the One-Hour Ozone National Ambient Air Quality Standards as recommend by the Executive Director. EL/JN; all agree.

**PUBLIC COMMENT SESSION**

Item 43 **Docket No. 2019-0005-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 44      Docket No. 2019-0001-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 45      Docket No. 2019-0002-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 46      Docket No. 2019-0003-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 47      **Docket No. 2019-0004-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 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/ Ron Olson  
Assistant General Counsel  
Ron Olson

January 23, 2019  
Date