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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 Jon Niermann
Commissioner Emily Lindley

AGENDA

February 27, 2019

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

Item 1 [**TCEQ Docket No. 2017-1749-MWD; SOAH Docket No. 582-18-3000.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of the City of Dripping Springs, for new TPDES Permit No. WQ0014488003 pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code chs. 5 and 26. The proposed permit would authorize the discharge of up to 822,500 gallons per day of treated wastewater into a small tributary, Walnut Springs, which flows into Onion Creek, in Hays County. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Kathy Humphreys, Ashley McDonald)

Adopt the ALJ's Proposed Order as revised by the ALJ's letter dated January 8, 2019, with the following changes: a) Add new Ordering Provision No. 2 to state "Save Our

Springs Alliance shall reimburse the City of Dripping Springs \$1,000 for reporting and transcription costs for the hearing on the merits.”; b) Add new Ordering Provision No. 3 to state “The Executive Director’s Response to Comments is hereby adopted pursuant to 30 TAC § 50.117.”; and c) Renumber the remaining Ordering Provisions; Approve issuance of the ED’s draft permit; and Adopt the ED’s Response to Comments. EL/JN; all agree.

Item 2 [**TCEQ Docket No. 2015-1823-MWD-E; SOAH Docket No. 582-18-2499.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against RA-TE, INC. in Jefferson County, Texas; RN101702108; regarding municipal waste discharge violations pursuant to Tex. Water Code chs. 5 and 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Ryan Rutledge)

Adopt the ALJ’s Proposed Order with the three modifications recommended by the Executive Director’s Exceptions and agreed to by the ALJ’s Reply, but that under the Commission’s authority under *Other Factors as Justice Requires*, reduce the administrative penalty amount from \$19,125 to \$6,750 in Conclusion of Law No. 13 and in Ordering Provision No. 1; and Authorize an 18-month payment plan for paying the reduced administrative penalty in Ordering Provision No. 1. JN/EL; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3 [**Docket No. 2015-1577-MWD.**](#)

Consideration of the application by Town of Lakeside for a new permit, TCEQ Permit No. WQ0015566001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 30,000 gallons per day via surface irrigation of 12.46 acres of non-public access pasture land. The facility was previously permitted under Permit No. WQ0011573001, which expired on December 1, 2016. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment facility and disposal site are located in the southwest portion of the Town of Lakeside and about 700 feet south of the intersection of Aquilla Drive and Crest Ridge Drive in Tarrant County, Texas 76108. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director’s response to comments. (John O. Onyenobi, Robert Brush)

Grant the hearing request of Phillip Hawkins, Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the proposed permit is adequately protective of groundwater quality and b) Whether the proposed permit adequately addresses nuisance odors in accordance with 30 TAC Chapter 309; and Set a hearing duration of 180 days from the date of preliminary hearing until the Proposal for Decision is issued. EL/JN; all agree.

Item 4 [**Docket No. 2018-1662-AIR.**](#)

Consideration of application by Oldcastle Materials Texas, Inc. *now known as* Texas Materials Group, Inc. for the renewal of Air Quality Permit No. 84703, to authorize the continued operation of a material handling facility and a batch plant located at 14201 Littig Road, Manor, Texas 78653. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Amy Prescott, Joel Stanford)

Find there is no right to a hearing on the application pursuant to Texas Health and Safety Code § 382.056; Deny all hearing requests; Issue the renewal of Air Quality Permit No. 84703 to Oldcastle Materials Texas, Inc. *now known as* Texas Materials Group, Inc., as recommended by the Executive Director; and Adopt the Executive Director's Response to Public Comment. EL/JN; all agree.

Item 5 [**Docket No. 2018-1663-AIR.**](#)

Consideration of application by Texas Concrete Enterprise Ready Mix, Inc. for the approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 150603, which would authorize the continued operation of a permanent concrete batch plant and the construction and operation of a secondary permanent concrete batch plant. The site for both plants is located at 6001 Homestead Road, Houston, Harris 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. (Don Nelon, Katie Moore)

Deny all hearing requests; Issue Air Quality Standard Permit, Registration No. 150603 to Texas Concrete Enterprise Ready Mix, Inc.; and Adopt the Executive Director's Response to Comments. EL/JN; all agree.

Item 6 [**Docket No. 2019-0061-AIR.**](#)

Consideration of application by Adobe Walls Gin, LP for Air Quality Permit No. 151562, to authorize the construction of a cotton gin to be located 3.75 miles south of the intersection of Highway 70 and Highway 171 and 0.50 mile west of Highway 70, Pampa, Gray 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. (Bill Moody, Katie Moore)

Deny the hearing request filed by Ellen S. Copeland; Issue draft Air Quality Permit No. 151562 to Adobe Walls Gin, LP, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. EL/JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7 **[Docket No. 2018-0174-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ACME BRICK COMPANY in Henderson County; RN100221993; 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. (Robyn Babyak, Michael Parrish)

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

Item 8 **[Docket No. 2018-0071-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Operating Company, LP in Hutchinson County; RN100216613; 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 9 **[Docket No. 2017-0313-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Oxy Vinyls, LP in Harris County; RN100217363; 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.

Item 10 [**Docket No. 2017-1416-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rohm and Haas Chemicals LLC in Harris County; RN100223205; 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.

Item 11 [**Docket No. 2018-0235-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Jefferson County; RN104964267; 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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 12 [**Docket No. 2016-0807-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Caroline Lyn Foley in Hays County; RN109190694 and RN105378574; 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. (Tracy Chandler, Janice Hernandez)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 13 [Docket No. 2018-0378-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Premium Waters, Inc. in Tarrant County; RN105975452; 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. (Harley Hobson, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 14 [Docket No. 2015-0481-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of ELM RIDGE WATER COMPANY, INC. in Comal County; RN101210672; for public drinking water and water rights violations pursuant to Tex. Water Code ch. 11, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 15 [Docket No. 2017-1569-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Antonio Saucedo in Kimble County; RN105599674; 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. (Carlos Molina, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 16 [Docket No. 2018-0361-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of TEX-Q EXPRESS INC in

Menard County; RN110061736; for municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Audrey Liter, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 17 [**Docket No. 2018-0231-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BW Gas & Convenience Retail, LLC dba Yesway 1051, 1059, 1066, and 1067 in Eastland, Haskell, and Taylor Counties; RN101765972, RN103788667, RN101905578, and RN101898070; 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 18 [**Docket No. 2018-0239-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hana Travel Plaza Winfield, Inc. in Titus County; RN108928938; 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.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 19 [**Docket No. 2016-1376-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against Country Stop, LLC. in Brown County; RN102281417; 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 S. Mercurief II, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 20 **[Docket No. 2018-0351-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Clarksville in Red River County; RN102929734; 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 21 **[Docket No. 2016-0779-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Craig Rossell dba Lemley RV Park and Marsha Rossell dba Lemley RV Park in Limestone County; RN106255334; 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 22 **[Docket No. 2018-0352-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Scott W. Gray dba Iwanda Mobile Home Park in Orange County; RN101245751; 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 23 **[Docket No. 2017-1167-PWS-E.](#)**

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

SUPPLY CORPORATION in Angelina County; RN101459758; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Adam Taylor, Janice Hernandez)

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

Item 24 [Docket No. 2018-0553-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of STAFF WATER SUPPLY CORPORATION in Eastland County; RN101189918; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Logan Harrell, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 25 [Docket No. 2018-0178-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Sachse in Dallas County; RN101197747; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Had Darling, Michael Parrish)

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

MONTHLY ENFORCEMENT REPORT

Item 26 [Docket No. 2018-0615-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.

EXECUTIVE MEETING

Item 27 **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 Session.

Item 28 **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 Session.

Item 29 **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 Session.

Item 30 **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 Session.

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)

/s/ Barham Richard
Assistant General Counsel
Barham Richard

March 7, 2019
Date