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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

April 24, 2019

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

MOTIONS TO OVERTURN

Item 1 **[Docket No. 2019-0202-MSW.](#)**

Consideration of Motions to Overturn the Executive Director's approval of the application by MedCare Environmental Solutions, Inc., for Medical Waste Processing Registration No. 40294. The registration authorizes a medical waste processing facility to be located at 9119 Billy the Kid Street, El Paso, El Paso County. The Commission will also consider timely filed responses to the Motions to Overturn from the Executive Director, Office of Public Interest Counsel, and MedCare Environmental Services, Inc.; and the Movants' replies to the responses to the Motions to Overturn.

Overturn the Executive Director's Issuance of Registration 40294 to MedCare Environmental Solutions, Inc. and Remand to the Executive Director for re-evaluation of land use compatibility consistent with the conversation from the dais. JN/EL; all agree.

PROPOSALS FOR DECISION

Item 2 [**TCEQ Docket No. 2017-1779-MSW; SOAH Docket No. 582-18-3435.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of the City of Temple, for Municipal Solid Waste (MSW) Permit No. 692B, a major amendment to MSW Permit No. 692A, pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code ch. 361. The facility is located at 706 Landfill Road, approximately 0.25 miles east of the intersection of Loop 363 and Little Flock Road, Temple, Bell County. The Commission will also consider the application; timely public comments and the Executive Director's Response to Comments; the record; and timely related filings, exceptions and replies. (Shannon Love)

Adopt the ALJ's Proposed Order as modified by the ALJ's letter dated January 31, 2019, but also add the phrase "Second Revised" before "Response to Public Comment" in Ordering Provision No. 3. EL/JN; all agree.

Item 3 [**TCEQ Docket Nos. 2017-1024-LIC, 2017-1026-LIC & 2018-0546-LIC; SOAH Docket Nos. 582-17-5381, 582-17-5382 & 582-18-3569.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the denial of James Trimble's application for a new On-Site Sewage Facility (OSSF) Site Evaluator license and renewal of OSSF Installer license and OSSF Maintenance Provider license, pursuant to Texas Health & Safety Code Chapter 366, Texas Water Code Chapter 37, and 30 Texas Administrative Code Chapter 285. The Commission will also consider the record, timely related filings, exceptions and replies. (Hollis Henley)

Continue this matter to the May 22, 2019 Agenda. JN/EL; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 4 [**Docket No. 2019-0026-AGR.**](#)

Consideration of the application by BLUE SKY FARMS, LLC for a major amendment of Texas Pollutant Discharge Elimination System Permit No. WQ0003077000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to add five new land management units (LMUs): LMU #12 - 156 acres, LMU #13 - 63 acres, LMU #14 - 174 acres, LMU #15A - 56 acres and LMU #15B - 64 acres; increase the

acreage of LMU #6 from 83 to 86 acres and LMU #7 from 76 to 89 acres; and reconfigure LMUs #3, #4 and #9 so that the acreage of LMU #3 will decrease from 60 to 41 acres, and LMU #4 and LMU #9 will increase from 42 to 58 acres and 25 to 28 acres, respectively. The total land application area has increased from 682 to 1,211 acres. Other proposed changes include the expansion of the cross ventilated barn, addition of Well #15 and plugging of Wells #14 and #16. The authorized maximum capacity of 7,100 total dairy cattle, of which 3,100 head are milking cows, remains unchanged. The facility is located on the east side of Farm-to-Market Road 219 approximately 2.25 miles south of the intersection of Farm-to-Market Road 219 and Farm-to-Market Road 1702, Dublin in Erath 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. (Joy Alabi, Michael Parr)

Grant the hearing requests of Ernest Cannon and Cannon JWC Ranch LP; Refer the matter to the commission's Alternative Dispute Resolution Program to run concurrent with SOAH's preliminary hearing scheduling efforts; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the draft permit contains sufficient provisions to protect the health of the requestors, health of the requestors' livestock, and the requestors' use and enjoyment of their property, b) Whether the draft permit complies with applicable buffer zone requirements and regulations, c) Whether the draft permit complies with applicable Nutrient Management Plan and/or Nutrient Utilization Plan requirements and regulations, d) Whether the applicant's compliance history prevents issuance of the draft permit or requires specific permit terms in the draft permit, e) Whether the draft permit is protective against the discharge of manure, sludge, or wastewater from a land management unit, f) Whether the draft permit contains sufficient provisions to prevent nuisance odors, and g) Whether the draft permit complies with applicable monitoring, management documentation, record keeping, and reporting requirements; and Set the duration of 180 days from the date of the preliminary hearing until the proposal for decision is issued. EL/JN; all agree.

Item 5 **Docket No. 2018-0710-AIR.**

Consideration of the application by K & K CONSTRUCTION, INC., for Air Quality Permit No. 141957, to authorize the operation of a concrete crusher and pug mill located at 10300 Farrell Rd, Willis, Montgomery 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. (Joel Stanford, Betsy Peticolas)

Grant the hearing request of Jon Buckholtz; Refer the matter to the commission's Alternative Dispute Resolution Program to run concurrent with the SOAH preliminary hearing schedule; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the residence is located within 440 yards of the facility, b) Whether the applicant's compliance history warrants additional terms or conditions in the draft permit or denial of the permit, c) Whether dust and emissions from the facility will adversely impact the health of the requestor and the requestor's family; and d) Whether dust and emissions from the facility will adversely affect air quality; Deny the remaining hearing requests and all requests for reconsideration; and Set a hearing duration of 120 days from the date of the preliminary hearing until the Proposal for Decision is issued. JN/EL; all agree.

Item 6 **Docket No. 2019-0305-MWD.**

Consideration of the application by United Front, LLC, for new Texas Pollutant Discharge Elimination System Permit No. WQ0015563001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 25,000 gallons per day. The facility will be located at 7040 Interstate 10 Frontage Road, in Colorado County, Texas 77474. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (J. Alfonso Martinez III, Ashley McDonald)

Grant the hearing requests of Ronda Landers and Bradley Young; Deny all remaining hearing requests; Refer the matter to the commission's Alternative Dispute Resolution Program to run concurrent with SOAH preliminary hearing scheduling efforts; Refer the matter to the State Office of Administrative Hearings for a contested case hearing on the following issues: a) Whether the proposed discharge will negatively impact surface or ground water; b) Whether the application has accurately characterized the receiving streams; c) Whether the treated effluent will negatively affect the cows and wildlife in the area; and d) Whether information provided in the application is accurate; Set the duration of 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. EL/JN; all agree.

Item 7 **Docket No. 2019-0306-MWD.**

Consideration of the application by DHJB Development, LLC for a renewal of Texas Pollutant Discharge Elimination System Permit No. WQ0014975001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 350,000 gallons per day in the Final Phase. The facility serves the Johnson Ranch Subdivision and is located at 3775 Horseshoe Path, in Comal County, Texas 78163. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the

Executive Director's response to comments. (Julian Centeno, Jr., Kathy Humphreys)

Find that no right to a hearing exists on the application; Deny the hearing requests and requests for reconsideration; Grant the renewal of the TPDES Permit No. WQ0014975001 to DHJB Development, LLC, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments but correctly note on Page 2 that the Commission granted the hearing request by Patricia Graham and referred the 2012 application to SOAH for a contested case on four issues where the ALJ admitted Terrell Graham, Margie Hastings, Asa Dunn, and the Greater Edwards Aquifer Alliance as parties aligned with Patricia Graham as protestants at the preliminary hearing. EL/JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8 **[Docket No. 2018-0565-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Atlas Eagle Ford Operating Company, LLC in Atascosa County; RN107304321; 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. 2018-0124-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Celanese Ltd. in Harris County; RN100227016; 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 10 **[Docket No. 2016-1659-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Hansford County; RN100219955; 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. 2017-1565-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102579307; 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 12 **[Docket No. 2018-0400-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Harris County; RN100229905; 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 13 **[Docket No. 2017-1561-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kinder Morgan Crude & Condensate LLC in Harris County; RN100237452; 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 14 **[Docket No. 2018-0782-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties

and requiring certain actions of MERIDIAN BRICK LLC in Parker County; RN100542497; 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. (Rebecca Johnson, Michael Parrish)

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

Item 15 [**Docket No. 2017-0536-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nalco Company LLC in Fort Bend County; RN101618882; 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. (Johnnie Wu, Michael Parrish)

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

Item 16 [**Docket No. 2018-0504-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NuStar Logistics, L.P. in Tarrant County; RN102560067; 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 17 [**Docket No. 2017-1422-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against PCI Nitrogen, LLC in Harris County; RN101621944; 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 18 [**Docket No. 2018-0372-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PENCCO, INC. in Ellis County; RN104790670; 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 19 [**Docket No. 2018-0564-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TrinityRail Maintenance Services, Inc. in Tarrant County; RN102418563; 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 20 [**Docket No. 2017-0885-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against ETC Field Services LLC in Winkler County; RN100238633; 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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 21 [**Docket No. 2018-0056-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Austin Curling Center, LLC in Travis County; RN110060118; for Edwards Aquifer 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. (Alejandro Laje, Michael Parrish)

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

Item 22 [Docket No. 2018-0263-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bharat Patel in Hays County; RN110098241; for Edwards Aquifer 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.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 23 [Docket No. 2018-0223-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Dallas Fort Worth International Airport Board in Tarrant and Dallas Counties; RN100213990; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven Van Landingham, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 24 [Docket No. 2017-0937-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Sandra Ortega in Irion County; RN106542483; for water quality and on-site sewage facility violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 366, 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.

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 25 [Docket No. 2018-0427-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Buddy R. Collins and Sherrie R. Collins in Sabine County; RN109758367; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, 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 Default Order. EL/JN; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 26 [Docket No. 2017-1679-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Elsa Pirkle in Hidalgo County; RN109290684; 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. (Jake Marx, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 27 [Docket No. 2018-0329-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Austin in Travis County; RN101607794; 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.

Item 28 [Docket No. 2018-0316-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Chillicothe in Hardeman County; RN102985355; 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.

Item 29 **[Docket No. 2018-0305-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kenedy in Karnes County; RN102097839; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Chris Moreno, Michael Parrish)

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

Item 30 **[Docket No. 2017-1040-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mount Calm in Hill County; RN101919835; 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.

Item 31 **[Docket No. 2018-0762-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Point Comfort in Calhoun County; RN101920577; 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.

Item 32 **[Docket No. 2018-0840-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of San Benito in Cameron

County; RN103935599; 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.

Item 33 [**Docket No. 2016-2106-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Smithville in Bastrop County; RN102178209; 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. (Alejandro Laje, Michael Parrish)

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

Item 34 [**Docket No. 2018-0234-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Navasota Independent School District in Grimes County; RN104791876; 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 ORDERS

Item 35 [**Docket No. 2017-1595-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DALLAM-HARTLEY COUNTIES HOSPITAL DISTRICT dba Coon Memorial Hospital in Hartley County; RN101803542; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie McCurley, Michael Parrish)

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

Item 36 [**Docket No. 2017-1124-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dew Petroleum LLC dba Lucky JS Travel Center in Freestone County; RN106923220; 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 37 [**Docket No. 2018-0171-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HIGHLAND BUSINESS VENTURE, LLC. dba Highland Mart in Dallas County; RN102159431; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie McCurley, Michael Parrish)

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

Item 38 [**Docket No. 2016-1406-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pasadena Independent School District in Harris County; RN101443943; 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 Fennell, Michael Parrish)

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

Item 39 [**Docket No. 2018-0466-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Xuan Van Nguyen dba Super Gas Mart in Potter County; RN102227014; 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 AND SHUTDOWN ORDER

Item 40 [Docket No. 2018-0408-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of ALIAHSAN NADIA ENTERPRISES, INC. dba Diadem Food Mart in Bexar County; RN102014404; 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 41 [Docket No. 2017-1309-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Angel Elias dba Judy K's Kountry Kitchen in Ector County; RN101237683; 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 42 [Docket No. 2018-0579-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AXTELL WATER SUPPLY CORPORATION in McLennan County; RN101442648; 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 43 [Docket No. 2017-0504-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Camp Wood in Real County; RN101428381; 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 44 [**Docket No. 2018-0570-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Cisco in Eastland County; RN101389104; 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 45 [**Docket No. 2018-0921-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Moulton in Lavaca County; RN101391787; 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 46 [**Docket No. 2018-0605-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fort Griffin Special Utility District in Shackelford County; RN101264729; 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 47 [**Docket No. 2017-1671-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KENNEDY RIDGE WATER SUPPLY

CORPORATION in Travis County; RN101211993; 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. (Aaron Vincent, Michael Parrish)

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

Item 48 [**Docket No. 2018-0354-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Larry E. Smith dba Little Lions Learning Academy in Bexar County; RN106357403; 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 49 [**Docket No. 2018-0501-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mirando City Water Supply Corporation in Webb County; RN101195360; 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 50 [**Docket No. 2018-0377-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NORTH ALAMO WATER SUPPLY CORPORATION in Hidalgo County; RN101247922; 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 51 [**Docket No. 2018-0116-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pecan Grove Mobile Home Park, LLC in Midland County; RN101450526; 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 52 [**Docket No. 2018-0699-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION in Jackson County; RN101398733 and RN101399228; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Michael Parrish)

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

Item 53 [**Docket No. 2018-0192-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WESTBOUND WATER SUPPLY CORPORATION in Eastland County; RN101195733; 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 54 [**Docket No. 2018-0052-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Richard J. Burns dba Century Oaks Estates in Caldwell County; RN109144113; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and Tex. Water Code ch. 5 and the rules of the Texas Commission on Environmental Quality. (Logan Harrell, Janice Hernandez)

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

Item 55 [**Docket No. 2018-0540-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Point Evans, LLC dba Albert Ice House & Dance Hall in Gillespie County; RN109667402; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 56 [**Docket No. 2018-1169-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Randy L. Snapp dba Fredericksburg Kampgrounds of America in Gillespie County; RN101257129; 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.

Item 57 [**Docket No. 2017-1572-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of RANGER UTILITY COMPANY in Bowie County; RN101273761; 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 Default Order. EL/JN; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 58 [**Docket No. 2018-0373-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against RGI MATERIALS, INC. in Montgomery County; RN105195127; 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. (Abigail Lindsey, Michael Parrish)

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

MONTHLY ENFORCEMENT REPORT

Item 59 **[Docket No. 2019-0010-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.

STATE IMPLEMENTATION PLAN

Item 60 **[Docket No. 2018-1670-SIP.](#)**

Consideration for adoption of the El Paso Redesignation Request and Maintenance Plan State Implementation Plan (SIP) revision for the One-Hour Ozone National Ambient Air Quality Standards (NAAQS). The SIP revision includes 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 includes 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)

Adopt the El Paso Redesignation Request and Maintenance Plan State Implementation Plan revision for the One-Hour Ozone National Ambient Air Quality Standards, as recommended by the Executive Director. EL/JN; all agree.

QUADRENNIAL RULE REVIEWS

Item 61 **[Docket No. 2018-1165-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 15, Fleet Vehicle Management. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the

November 9, 2018, issue of the *Texas Register* (43 TexReg 7473).
(Amber Kaskie, Taylor Pack Ellis) (Project No. 2018-043-015-AS)

Joint Motion for Items 61 – 66.

Adopt the rule reviews and readopt the rules in Chapters 15, 19, 21, 25, 30, and 86 of Title 30 Texas Administrative Code without amendment. EL/JN; all agree.

Item 62 [**Docket No. 2018-1149-MIS.**](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 19, Electronic Reporting; Electronic Transmission of Information by Commission. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the October 26, 2018, issue of the *Texas Register* (43 TexReg 7223). (Brad Patterson, Terry Salem) (Project No. 2018-034-019-AD)

Joint Motion for Items 61 – 66.

Adopt the rule reviews and readopt the rules in Chapters 15, 19, 21, 25, 30, and 86 of Title 30 Texas Administrative Code without amendment. EL/JN; all agree.

Item 63 [**Docket No. 2018-1145-MIS.**](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 21, Water Quality Fees. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the November 9, 2018, issue of the *Texas Register* (43 TexReg 7473). (Laurie Fleet, Todd Galiga) (Project No. 2018-030-021-OW)

Joint Motion for Items 61 – 66.

Adopt the rule reviews and readopt the rules in Chapters 15, 19, 21, 25, 30, and 86 of Title 30 Texas Administrative Code without amendment. EL/JN; all agree.

Item 64 [**Docket No. 2018-1148-MIS.**](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and

Certification. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the October 26, 2018, issue of the *Texas Register* (43 TexReg 7223). (Ken Lancaster, Kathy Humphreys) (Project No. 2018-035-025-CE)

Joint Motion for Items 61 – 66.

Adopt the rule reviews and readopt the rules in Chapters 15, 19, 21, 25, 30, and 86 of Title 30 Texas Administrative Code without amendment. EL/JN; all agree.

Item 65 **[Docket No. 2018-1147-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 30, Occupational Licenses and Registrations. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the October 26, 2018, issue of the *Texas Register* (43 TexReg 7223). (Kelly Zrubek, Alicia Ramirez) (Project No. 2018-036-030-WS)

Joint Motion for Items 61 – 66.

Adopt the rule reviews and readopt the rules in Chapters 15, 19, 21, 25, 30, and 86 of Title 30 Texas Administrative Code without amendment. EL/JN; all agree.

Item 66 **[Docket No. 2018-1179-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 86, Special Provisions for Contested Case Hearings. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the November 9, 2018, issue of the *Texas Register* (43 TexReg 7473). (Robin Smith) (Project No. 2018-044-086-LS)

Joint Motion for Items 61 – 66.

Adopt the rule reviews and readopt the rules in Chapters 15, 19, 21, 25, 30, and 86 of Title 30 Texas Administrative Code without amendment. EL/JN; all agree.

PUBLIC COMMENT SESSION

Item 67 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, except for 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 68 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 69 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 70 **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 71 **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/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

April 30, 2019
Date