

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 Bryan W. Shaw, Ph.D., P.E.
Commissioner Toby Baker
Commissioner Jon Niermann

AGENDA

June 7, 2017

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. 2017-0491-MWD.](#)

Consideration of the application by Big Sky Trails, Ltd, for new Texas Pollutant Discharge Elimination System Permit No. WQ0015479001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 680,000 gallons per day. The facility will be located approximately 1 mile northwest of the intersection of U.S. Highway 380 and Jackson Road, and approximately 8 miles west of the City of Krum, in Denton County, Texas 76259. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Michael Parr, Sonia Bhuiya)

Grant the hearing requests of Serax Ranch, Ltd. and David Adami; Refer the matter to the Commission's Alternative Dispute Resolution Program, to run concurrent with SOAH preliminary hearing scheduling efforts; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the aquatic life use attributed to the receiving stream and its impoundments above Denton creek is

correct; b) Whether the anti-degradation review undertaken by TCEQ staff for this proposed discharge conforms to the requirements of 30 TAC § 307.5; c) Whether the proposed permit's DO limit (4 mg/L) will maintain compliance with the Texas Surface Water Quality Standards; d) Whether the proposed permit's nutrient limits complies with the Texas Surface Water Quality Standards; e) Whether the increased flows in the receiving waters will increase turbidity and Total Suspended Solids in the receiving stream as it flows over the Serax Ranch; f) Whether any wastewater treatment plant unit is located in a wetland; g) Whether the design of the proposed facility will abate and control odors and allow the receiving waters to meet the Texas Surface Water Quality Standards, particularly for PH and the aesthetic standards of 30 TAC § 307.4(b); and h) Whether the means of effluent measurement to determine permit compliance are adequate to assure compliance; and Set a hearing duration of 180 days from the date of the preliminary hearing until the proposal for decision is issued. TB/JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDER

Item 2 **[Docket No. 2016-1297-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Florestone Products Co. in Grayson County; RN104120100; 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. (Rajesh Acharya, Michael Parrish)

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

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 3 **[Docket No. 2015-1162-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COATS INTERNATIONAL HOLDINGS, INC. in Dallas County; RN106033285; 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. (Steven Van Landingham, Michael Parrish)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 4 **[Docket No. 2015-1523-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Angus in Navarro County; RN102806734; 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. JN/TB; all agree.

Item 5 **[Docket No. 2015-0943-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pasadena in Harris County; RN101608693; 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. (Jason Fraley, Michael Parrish)

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

Item 6 **[Docket No. 2014-1609-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hamshire-Fannett Independent School District in Jefferson County; RN102334877; 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. (Melissa Castro, Michael Parrish)

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

Item 7 **[Docket No. 2016-0132-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Meadowland Utility Corporation in Brazoria County; RN102815198; 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. (Ross Luedtke, Michael Parrish)

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

Item 8 **[Docket No. 2015-1326-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mount Vernon in Franklin County; RN102962230; 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. (Jason Fraley, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 9 **[Docket No. 2016-1716-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SABIR, INC. d/b/a STOP N DRIVE #7 in Jefferson County; RN101867992; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Isaac Ta, Janice Hernandez)

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

Item 10 **[Docket No. 2016-1157-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against BALQUES INC. dba Sunshine 3 in Grayson County; RN102646726; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Fennell, Michael Parrish)

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

Item 11 **[Docket No. 2016-1832-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CROCKETT EXPRESS, INC. dba Bigs 3830 in Houston County; RN105019574; 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. (Rebecca Boyett, Michael Parrish)

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

Item 12 **[Docket No. 2016-1652-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CSTORE VENTURES INC dba Kwik Stop in Llano County; RN101636447; 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. (James Baldwin, Michael Parrish)

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

Item 13 **[Docket No. 2016-1980-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dupre Logistics LLC in Jefferson County; RN100648096; 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. (Keith Frank, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 14 **[Docket No. 2016-0633-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Sharif & Associates, Inc. d/b/a Texan Stop 2 in Morris County; RN102228202; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Isaac Ta, Janice Hernandez)

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

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

Item 15 [**Docket No. 2016-0750-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of G & RAZI INVESTMENT, INC. dba Seidels Country Store in Bastrop County; RN101497634; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 16 [**Docket No. 2016-1264-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Clay Water Supply Corporation in Burleson County; RN101188639; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Steven Van Landingham, Michael Parrish)

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

Item 17 [**Docket No. 2016-1664-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Coleman County Special Utility District in Coleman County; RN101212520; 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. JN/TB; all agree.

Item 18 [**Docket No. 2016-2082-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KEMPNER WATER SUPPLY CORPORATION in Lampasas County; RN101197549; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sandra Douglas, Michael Parrish)

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

Item 19 **[Docket No. 2015-1476-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. JN/TB; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 20 **[Docket No. 2015-1767-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of the City of Danbury in Brazoria County; RN101253607; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Isaac Ta, Janice Hernandez)

Remanded to the Executive Director on June 1, 2017.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 21 **[Docket No. 2016-1327-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Federal Bureau of Prisons in Tarrant County; RN105804470; 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 Agreed Order. JN/TB; all agree.

MONTHLY ENFORCEMENT REPORT

Item 22 **Docket No. 2017-0626-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.

PETITION FOR RULEMAKING

Item 23 **Docket No. 2017-0534-PET.**

Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality (commission) on April 13, 2017, by Jed Anderson (petitioner). The petitioner requests the commission modify 30 TAC Chapter 1, Purpose of Rules, General Provisions, regarding the commission's rulemaking procedures. The request specifically concerns the stated purpose of rules and amending regulatory requirements. (Janis Hudson) (Project No. 2017-023-PET-NR)

Deny the Petition for Rulemaking filed by Jed Anderson concerning amendments to 30 Texas Administrative Code Chapter 1 for the reasons stated in the Executive Director's Interoffice Memorandum to the Commissioners dated May 19, 2017, along with the fact that the Texas Legislature has passed HB 1290; Issue the Executive Director's Proposed Order, but modify the Order denying the Petition by adding the following two sentences to the end of the second paragraph: "The Commission further incorporates in its rationale the reasons for denial expressed in the Executive Director's four page Interoffice Memorandum to the Commissioners filed with the Chief Clerk, dated May 19, 2017, Docket No. 2017-0534-PET. In addition, this decision is based on our conclusion that the Texas Legislature passed HB 1290 in the 85th Regular Legislative Session to provide a comprehensive methodology for all state agencies to adhere to, in adopting rules that increase costs to regulated persons, and is there by spoken to this issue and given the Agency it's preferred direction with regard to regulatory offset requirements." TB/JN; all agree.

PUBLIC COMMENT SESSION

Item 24 **Docket No. 2017-0005-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 25 Docket No. 2017-0001-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 26 Docket No. 2017-0002-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 27 Docket No. 2017-0003-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 28 **Docket No. 2017-0004-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 AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT:
[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**

/s/ Ron Olson
Assistant General Counsel
Ron Olson

06-23-2017
Date