

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)).

AGENDA

May 11, 2016

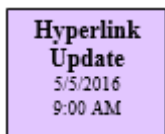
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1

[Docket No. 2016-0229-MWD.](#)



Consideration of the application by SouthStar at Vintage Oaks, LLC, for new Texas Commission on Environmental Quality (TCEQ) Permit No. WQ0015320001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 130,000 gallons per day via surface irrigation of 40 acres of public access open areas with trails. The wastewater treatment facility and disposal site will be located in the Vintage Oaks at the Vineyard subdivision, 0.2 mile east of the intersection of Vintage Way and State Highway 46, partially within the City of New Braunfels's extraterritorial jurisdiction, in Comal County, Texas 78132. 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)

Item 2

[Docket No. 2016-0306-MWD.](#)

Consideration of the application by the City of Farmersville for renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No.

WQ0014778001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day. The wastewater treatment facility will be located approximately 0.5 mile southwest of the intersection of State Highway 78 and County Road 550, in Collin County, Texas 75442. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's responses to comments. (Hilario Arriaga, Linda Horng)

EMERGENCY ORDER

Item 3

[Docket No. 2015-1594-UCR-E.](#)

Hyperlink
Update
5/6/2016
3:00 PM

Consideration of whether to affirm, modify, or set aside the Emergency Order Renewal Appointing a Temporary Manager of a Water Utility issued on April 20, 2016, 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, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by Shawn M. Horvath d/b/a Aero Valley Water Service in Denton County; TCEQ PWS ID No. TX0610243; RN101198331; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order Renewal appointed PATTERSON WATER SUPPLY, LLC as temporary manager of the Utility. (Meaghan Bailey)

DISTRICTS MATTER

Item 4

[Docket No. 2015-1776-DIS.](#)

Consideration of a petition from Santa Rita C7 Investments, LLC (Petitioner), for the dissolution of Williamson County Municipal Utility District No.18, pursuant to Texas Water Code Sections 49.321 to 49.327 and Title 30 of the Texas Administrative Code, Sections 293.131 to 293.136. The District was created in 2004, and contains 1100.074 acres of land within Williamson County. (Sheresia Perryman, Kayla Murray)

TOTAL MAXIMUM DAILY LOAD MATTER

Item 5

[Docket No. 2016-0131-TML.](#)

Consideration for approval to publish and solicit public comment on Four Total Maximum Daily Loads for Indicator Bacteria in the Cottonwood Creek, Fish Creek, Kirby Creek, and Crockett Branch Watersheds Upstream of Mountain Creek Lake. (Chris Loft, Robert Brush) (Project No. 2015-017-TML-NR)

MISCELLANEOUS MATTERS

Item 6 **[Docket No. 2016-0283-RES.](#)**

Consideration of a Resolution to appoint two replacement members to the Irrigator Advisory Council at the Texas Commission on Environmental Quality (TCEQ) to three-year terms. The Irrigator Advisory Council advises the TCEQ on matters related to landscape irrigation in Texas. These new members would replace two members whose terms were set to expire on February 1, 2019. (Melissa Keller, Robert Brush) (Project No. 2016-001-RES-NR)

Item 7 **[Docket No. 2016-0196-MIS.](#)**

Consideration of gifts and donations of \$500.00 or more in value given to the Texas Commission on Environmental Quality, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8 **[Docket No. 2015-0874-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against DCP Midstream, LP in Crockett County; RN100219278; 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, Melissa Cordell)

Item 9 **[Docket No. 2015-1243-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Brazoria County; RN101619179; 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, Melissa Cordell)

Item 10 **[Docket No. 2015-1367-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company in Harris County; RN100211879; 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, Melissa Cordell)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 11

[Docket No. 2015-0095-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kenneth Patrick Whittlesey and WKP ENTERPRISES, INC. in Williamson County; RN101499879; 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. (Cheryl Thompson, Melissa Cordell)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 12

[Docket No. 2015-1323-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of At the Tower RV & Boat Storage LLC in Williamson County; RN108632704; for Edwards Aquifer and 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, Melissa Cordell)

Item 13

[Docket No. 2015-1238-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Upper Padre Partners, LP d/b/a Schlitterbahn NP Water Resort in Nueces County; RN101749299; for petroleum storage tank and used oil violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (David A. Terry, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 14

[Docket No. 2015-0284-MWD-E.](#)

Hyperlink
Update
5/6/2016
2:30 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Cleburne in Johnson County; RN101721579; 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, Melissa Cordell)

Item 15 **[Docket No. 2014-1438-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Sonora in Sutton County; RN102806411; 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, Melissa Cordell)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 16 **[Docket No. 2015-0700-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of D. TRAN, INC. dba Manns Chevron 2 in Bexar County; RN102260213; 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 Duncan, Melissa Cordell)

Item 17 **[Docket No. 2015-1539-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KBR INVESTMENT INC. dba Super Stop 22 in Orange County; RN102361938; 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. (Tiffany Maurer, Melissa Cordell)

Item 18 **[Docket No. 2015-1622-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAHAR ENTERPRISES, INC. dba Amber Food Mart in Harris County; RN102965191; 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, Melissa Cordell)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 19 **[Docket No. 2015-1405-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of KENNARD'S THOMAS

CORNER, LLC dba Thomas Corner Fine Fina in Houston County; RN101817419; 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. (Clayton Smith, Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 20 **[Docket No. 2015-1291-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Alcomat, LLC dba Allied Concrete Plant No Three in Harris County; RN105599021; 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, Melissa Cordell)

Item 21 **[Docket No. 2014-1847-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L. Morris d/b/a Space Estates Mobile Home Park in Harris County; RN103998811; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (J. Amber Ahmed, Lena Roberts)

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 22 **[Docket No. 2015-1255-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Nash in Bowie County; RN105864847; 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, Melissa Cordell)

Item 23 **[Docket No. 2015-1049-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Selma in Bexar, Comal, and Guadalupe Counties; RN105603435; 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. (Ronica Rodriguez, Melissa Cordell)

Item 24

[Docket No. 2015-1620-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Robinson in McLennan County; RN105550974; 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, Melissa Cordell)

Item 25

[Docket No. 2015-1180-WQ-E.](#)

Hyperlink
Update
5/6/2016
2:30 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of D.R. Horton - Texas, Ltd. in Fort Bend County; RN106946031; 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 Bost, Melissa Cordell)

Item 26

[Docket No. 2015-0583-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Earth Haulers, Inc. in Parker County; RN105327977; for aggregate production operation and water quality violations pursuant to Tex. Water Code chs. 7, 26, and 28A and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ronica Rodriguez, Melissa Cordell)

Item 27

[Docket No. 2015-0582-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Hernandez Rock, Inc. in Hood County; RN108128331; for water quality and 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. (Farhaud Abbaszadeh, Melissa Cordell)

Item 28

[Docket No. 2015-0937-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Miramont Management Company, L.L.C. in Brazos County; RN108279183; 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, Melissa Cordell)

Item 29 [**Docket No. 2015-1270-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TexRock Industries, LLC in Stephens County; RN106336704; for aggregate production operation violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Farhaud Abbaszadeh, Melissa Cordell)

WATER QUALITY ENFORCEMENT DEFAULT ORDERS

Item 30 [**Docket No. 2015-0660-WQ-E.**](#)

Consideration of a Default Order assessing administrative penalties against Binh Pham in Houston County; RN107752131; 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. (Jim Sallans, Lena Roberts)

Item 31 [**Docket No. 2015-0784-WQ-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of SCHMIDT LAND SERVICES, INC. in Atascosa County; RN107305567; 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. (Elizabeth Lieberknecht, Lena Roberts)

RULE PETITION

Item 32 [**Docket No. 2016-0381-PET.**](#)

Hyperlink
Update
5/10/2016
12:15 PM

Consideration of a petition for rulemaking under Section 20.15 of 30 Texas Administrative Code (TAC) Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality (commission) on March 14, 2016 by the City of Austin (petitioner). The petitioner requested that the commission initiate rulemaking to amend 30 TAC Chapters 222 and 309 concerning the beneficial reuse of treated effluent. (Laurie Fleet, Linda Horng) (Project No. 2016-033-PET-NR)

RULE MATTERS

Item 33 [**Docket No. 2015-1015-RUL.**](#)

Hyperlink
Update
4/29/2016
3:15 PM

Consideration for publication of, and hearing on, proposed new Sections 39.901 - 39.903 of 30 TAC Chapter 39, Public Notice; new Sections 295.300 - 295.306 of 30 TAC Chapter 295, Water Rights, Procedural; new Sections 297.200 - 297.210 of 30 TAC Chapter 297,

Water Rights, Substantive; and, new Sections 318.1 - 318.9, 318.21 - 318.30, 318.40 - 318.43, 318.60, and 318.61 of 30 TAC Chapter 318, Marine Seawater Desalination Discharges. The proposed rulemaking would implement House Bill (HB) 2031 from the 84th Texas Legislature, 2015, Regular Session, relating to the diversion, treatment, and use of marine seawater and the discharge of treated marine seawater and waste resulting from the desalination of marine seawater and HB 4097 from the 84th Texas Legislature, 2015, Regular Session, relating to seawater desalination projects. (Kathy Ramirez, Michael Parr) (Rule Project No. 2015-029-295-OW)

Item 34 **Docket No. 2015-1076-RUL.**

Consideration of the adoption of new Section 305.132 of 30 TAC Chapter 305, Consolidated Permits; and amended Section 327.1 and new Section 327.32 of 30 TAC Chapter 327, Spill Prevention and Control. The adopted rulemaking would implement Senate Bill 912, 84th Texas Legislature, 2015, Regular Session, by including a new monthly-based reporting option for certain accidental discharges or spills of treated or untreated wastewater from wastewater treatment facilities and collection systems in the new and amended sections. The proposed rules were published in the February 5, 2016, issue of the *Texas Register* (41 TexReg 930). (Macy Beauchamp, Celia Castro) (Rule Project No. 2015-024-305-CE)

Item 35 **Docket No. 2015-0984-RUL.**

Consideration of the adoption of an amendment to 30 TAC Chapter 290, Public Drinking Water, Section 290.51. The adopted rule would implement House Bill 1, Article IX, Section 18.01. (General Appropriations Act), 84th Texas Legislature (2015), Regular Session, which instructed the agency to raise fee rates by rule to ensure adequate revenue is available to support the agency water appropriation. The adopted rule provides the commission the ability to increase the Public Health Services fee on an annual basis in order to address future funding shortages. The proposed rule was published in the December 4, 2015, issue of the *Texas Register* (40 TexReg 8731). (Greg Yturralde, Todd Galiga) (Rule Project No. 2015-031-290-AD)

PUBLIC COMMENT SESSION

Item 36 **Docket No. 2016-0004-PUB.**

The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §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.

EXECUTIVE MEETING

Item 37 Docket No. 2016-0001-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 and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the 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 Government Code.

Item 38 Docket No. 2016-0002-EXE.

The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

Item 39 Docket No. 2016-0003-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 Open Meetings Act, Codified as Chapter 551 of the 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 Government Code.

(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)**