AGENDA

June 26, 2019

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1  Docket No. 2019-0443-MWD.

Consideration of the application by WPS I LLC for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015679001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 60,000 gallons per day. The facility will be located at 9700 East Bankhead Highway, Aledo, in Parker County, Texas 76008. 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, Hollis Henley)

MISCELLANEOUS MATTERS

Item 2  Docket No. 2019-0095-MIS.

Consideration of the adoption of the First Submission of the Draft 2018 Texas Integrated Report, for the federal Clean Water Act Sections 303(d) and 305(b) – Spring Creek (Segment 1008), which is a compilation of documents and information that provides an overview of the surface water quality of Spring Creek (Segment 1008). The First Submission of the Draft 2018 Texas Integrated Report would inform the
regulated community and the public of water quality status of Spring Creek (Segment 1008). The First Submission of the Draft 2018 Texas Integrated Report would also provide agencies with information to enable informed permitting decisions, resource allocations, and to determine where total maximum daily loads, watershed action plans, and other water quality improvement efforts are needed. The proposed First Submission of the Draft 2018 Texas Integrated Report – Spring Creek (Segment 1008) Notice was published in the March 22, 2019, issue of the Texas Register (44 TexReg 1544). The proposed First Submission of the Draft 2018 Texas Integrated Report – Spring Creek (Segment 1008) was posted on the commission’s Water Quality Planning Division’s website on March 22, 2019. (Andrew Sullivan, Michael Parr) (Non-Rule Project Number 2019-080-OTH-NR)

Item 3

**Docket No. 2019-0156-MIS.**

Consideration of the adoption of an amendment with renewal of the Concentrated Animal Feeding Operations (CAFO) General Permit, TXG920000, which authorizes manure, sludge, and wastewater discharge into or adjacent to water in the state only during chronic or catastrophic rainfall or catastrophic conditions by CAFOs. Public notice of the proposed general permit was published in the February 22, 2019, issue of the Texas Register (44 TexReg 901). (Joy Alabi, Michael Parr) (Non-Rule Project No. 2018-015-OTH-NR)

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4

**Docket No. 2018-0307-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Blanchard Refining Company LLC in Galveston County; RN102535077; 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)

Item 5

**Docket No. 2018-0750-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Clarke Products, Inc. in McLennan County; RN104635032; 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)
Item 6  **Docket No. 2018-0738-AIR-E.**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gerdau Ameristeel US Inc. in Orange County; RN100226059; 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)

Item 7  **Docket No. 2017-0576-AIR-E.**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Harris County; RN102537289; 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)

Item 8  **Docket No. 2017-0837-AIR-E.**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KMCO, LLC in Harris County; RN101613511; 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. (Amanda Diaz, Michael Parrish)

Item 9  **Docket No. 2018-0781-AIR-E.**

Item 10  **Docket No. 2018-0870-AIR-E.**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Oldcastle Materials Texas, Inc. in Collin County; RN104992276; 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)
Item 11  **Docket No. 2018-0665-AIR-E.**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shintech Incorporated in Brazoria County; RN100213198; 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)

Item 12  **Docket No. 2018-0953-AIR-E.**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WTG South Permian Midstream LLC 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.  (Raime Hayes-Falero, Michael Parrish)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 13  **Docket No. 2018-0924-EAQ-E.**
Consideration of an Agreed Order assessing administrative penalties against North East Independent School District in Bexar County; RN110037298; 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)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS

Item 14  **Docket No. 2017-0985-MLM-E.**
Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Lucky’s Redi-Mix Co. LLC in Dewitt County; RN109781633; for municipal solid waste, air quality, water quality, and petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7 and 26, Tex. Health & Safety Code chs. 361 and 382 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60.  (Tracy Chandler, Janice Hernandez)

Item 15  **Docket No. 2017-0471-MLM-E.**
Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Water Association of North Lake, Inc. in Denton County; RN101450047; for water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 5 and 11, and the rules of the Texas Commission on Environmental Quality.  (Ryan Rutledge, Janice Hernandez)

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

**Item 16**  
**Docket No. 2017-0051-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Dilley in Frio County; RN101609048; RN105156699; RN103124137; 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)

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER**

**Item 17**  
**Docket No. 2018-0748-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of R.N.A. Corporation dba RNA Chevron in Brazoria County; RN102838729; 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.  (Harley Hobson, Michael Parrish)

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

**Item 18**  
**Docket No. 2018-0417-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of KUNWAR VENTURES LLC dba US Mart and Handi Stop in Guadalupe County; RN102794575; 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.  (Logan Harrell, Janice Hernandez)

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

**Item 19**  
**Docket No. 2018-0681-PWS-E.**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mart in McLennan County; RN10138544; 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)

**Item 20**  
**Docket No. 2018-0434-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Roscoe in Nolan County; RN101430924; 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)

**Item 21**  
**Docket No. 2018-0936-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FOOTHILLS MOBILE HOME RANCH, INC. in Kendall County; RN102687563; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Soraya Bun, Michael Parrish)

**Item 22**  
**Docket No. 2018-0033-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FOREST WATER SUPPLY CORPORATION in Cherokee County; RN101183465; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Hall, Michael Parrish)

**Item 23**  
**Docket No. 2018-0309-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAM RAYBURN WATER, INC. in San Augustine County; RN101282754 and RN101278786; 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)

**Item 24**  
**Docket No. 2018-0649-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Strip Property Land and Water, LLC in
Lubbock County; RN102315165; 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)

MONTHLY ENFORCEMENT REPORT

Item 25  
**Docket No. 2019-0012-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)

QUADRENNIAL RULE REVIEWS

Item 26  
**Docket No. 2018-1249-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds. 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 January 18, 2019, issue of the *Texas Register* (44 TexReg 335). (Graham Bates, Janis Hudson) (Project No. 2018-049-117-AI)

Item 27  
**Docket No. 2018-1369-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 222, Subsurface Area Drip Dispersal Systems. 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 January 18, 2019, issue of the *Texas Register* (44 TexReg 335). (Laurie Fleet, Stefanie Skogen) (Project No. 2019-007-222-OW)

Item 28  
**Docket No. 2018-1368-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 318, Marine Seawater Desalination Discharges. 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 January 18, 2019, issue of the *Texas Register* (44 TexReg 335). (Laurie Fleet, Michael Parr) (Project No. 2019-008-318-OW)
Item 29  **Docket No. 2018-1302-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 327, Spill Prevention and Control. 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 December 21, 2018, issue of the *Texas Register* (43 TexReg 8482). (Elizabeth Vanderwerken, Shea Pearson, Celia Castro) (Project No. 2019-010-327-CE)

Item 30  **Docket No. 2018-1366-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 332, Composting. 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 January 18, 2019, issue of the *Texas Register* (44 TexReg 336). (Charly Fritz, Anthony Tatu) (Project No. 2019-024-332-WS)

Item 31  **Docket No. 2018-1317-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 334, Underground and Aboveground Storage Tanks. 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 December 21, 2018, issue of the *Texas Register* (43 TexReg 8482). (Anna R. Brulloths, Cullen McMorrow) (Project No. 2019-011-334-WS)

**EXECUTIVE MEETING**

Item 32  **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.

Item 33  **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.

**Item 34  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.

**Item 35  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.

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