

*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, the Commissioners may discuss or consider posted items in an order other than the order posted.*

## **AGENDA**

November 20, 2019

### **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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

#### **PROPOSAL FOR DECISION**

- Item 1 [\*\*TCEQ Docket No. 2018-1303-AIR; SOAH Docket No. 582-19-1955.\*\*](#)

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of Vulcan Construction Materials, LLC, for new Air Quality Permit No. 147392L001, pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code Chapter 382. The proposed rock crushing plant would be on property whose northeast corner is on the southwest corner of the intersection of Highway 46 and Farm-to-Market Road 3009 in Bulverde, in Comal County. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Colleen Ford)

#### **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

- Item 2 [\*\*Docket No. 2019-1162-AIR.\*\*](#)

Consideration of application by US Cement LLC for New Air Quality Permit Nos. 144729, PSDTX1514, and GHGPSDTX165 to authorize the construction of a royal white cement kiln. The proposed plant site would be located 6.5 miles north on US 377 from the intersection of 100

West Main Street and US 377, Brady, McCulloch 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. (Laura Gibson, Sierra Redding).

### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 3 **[Docket No. 2018-0604-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF Corporation in Jefferson County; RN100634922; 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)

Item 4 **[Docket No. 2018-1208-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN102018322; 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)

Item 5 **[Docket No. 2018-1293-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Midstream Services LLC in Chambers County; RN100222900; 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)

### **AIR QUALITY ENFORCEMENT DEFAULT ORDER**

Item 6 **[Docket No. 2017-1563-AIR-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Dennis Smith dba King's Custom Collision in El Paso County; RN100810407; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental

Quality, including specifically 30 Tex. Admin. Code ch. 60. (Clayton Smith, Janice Hernandez)

### **EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 7

#### **[Docket No. 2018-0245-EAQ-E.](#)**

**Hyperlink  
Update**  
11-7-2019  
8:30 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of REALTEX VENTURES, LP in Travis County; RN105658223; 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. (Caleb Olson, Michael Parrish)

### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 8

#### **[Docket No. 2018-1104-IWD-E.](#)**

Remanded  
to the  
Executive  
Director

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LCY Elastomers LP in Harris County; RN102325974; 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. (Chase Davenport, Michael Parrish)

### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 9

#### **[Docket No. 2018-0277-MLM-E.](#)**

**Hyperlink  
Update**  
11-12-2019  
5:00 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Alpine in Brewster County; RN103114690 and RN101176261; for public drinking water and water quality violations pursuant to Tex. Health & Safety Code ch. 341, 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)

Item 10

#### **[Docket No. 2019-0595-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Walter J. Carroll Water Company, Inc. in Ellis County; RN101282762; for public drinking water and public water utilities violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Michael Parrish)

Item 11

**[Docket No. 2017-1023-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of International Aluminum Corporation dba International Extrusion Company - Texas and Universal Molding Company, Inc. in Ellis County; RN102799947; for water quality, industrial solid and/or hazardous waste, and used oil violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Lieberknecht, Janice Hernandez)

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 12

**[Docket No. 2017-1517-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of BrandLich Holdings LLC in Bexar County; RN109754820; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, 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. (Audrey Liter, Janice Hernandez)

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 13

**[Docket No. 2017-0264-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Childress in Childress County; RN101612521 and RN101612604; 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)

Item 14

**[Docket No. 2018-0507-MWD-E.](#)**

**Hyperlink  
Update**  
11-12-2019  
5:00 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Streetman in Freestone County; RN101919991; 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)

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 15

**[Docket No. 2018-1252-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sanger Independent School District in Denton County; RN101826253; 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)

Item 16

**[Docket No. 2018-0747-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Susser Petroleum Company LLC dba Snax Max 1 in Hays County; RN102964707; 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. (Alain Elegbe, Michael Parrish)

Item 17

**[Docket No. 2018-1188-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of NAVROJ BUSINESS, INC. dba Grab N Go 3 in Brazoria County; RN101913911; 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. (Jaime Garcia, Janice Hernandez)

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 18

**[Docket No. 2018-1370-PST-E.](#)**

Remanded  
to the  
Executive  
Director

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of TEXAS NEW HORIZON, INC. dba Merito Food Mart in Harris County; RN101881084; 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. (Ryan Rutledge, Janice Hernandez)

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 19

**[Docket No. 2018-0398-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Terrell County Water Control and Improvement District No. 1 in Terrell County; RN101251437; 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)

Item 20

**[Docket No. 2017-0103-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Charles M. Watts dba Island View Landing in Marion County; RN101239606; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Logan Harrell, Janice Hernandez)

**SLUDGE ENFORCEMENT AGREED ORDER**

Item 21

**[Docket No. 2018-1076-SLG-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Impact Waste, LLC in Jefferson County; RN109541417; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, 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)

**MONTHLY ENFORCEMENT REPORT**

Item 22

**[Docket No. 2019-0017-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)

**RULE MATTERS**

Item 23

**[Docket No. 2018-0165-RUL.](#)**

Consideration for publication of, and hearing on, proposed new 30 TAC Chapter 352, Coal Combustion Residuals Waste Management. The proposed rulemaking would create Chapter 352 to implement a new coal combustion residuals (CCR) management program for owners and operators of landfills and surface impoundments used to manage or dispose of CCR generated from the combustion of coal by electric utilities and independent power producers. Proposed new Chapter 352

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11-15-2019  
2:15 PM

would establish a registration requirement as well as compliance monitoring for regulated facilities. (Kara Denney, Shannon Love) (Rule Project No. 2017-037-352-WS)

Item 24 **[Docket No. 2019-1059-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended Section 101.601 of 30 TAC Chapter 101, General Air Quality Rules. The proposed rulemaking would implement Senate Bill 698 from the 86th Texas Legislature, 2019, Regular Session, by amending Section 101.601 to include full-time equivalent employees as an expense that may be fully paid for by the surcharge collected for an expedited application. (Sherry Davis, Booker Harrison) (Rule Project No. 2019-127-101-AI)

Item 25 **[Docket No. 2019-0895-RUL.](#)**

Consideration for publication of, and hearing on, proposed amendment to Section 331.19 of 30 TAC Chapter 331, Underground Injection Control. The proposed rulemaking would implement Senate Bill (SB) 483 and SB 520 from the 86th Texas Legislature, 2019, relating to certain injection wells in the Edwards Aquifer and injection wells within the boundaries of the Barton Springs Edwards Aquifer Conservation District, including injection wells used for aquifer storage and recovery projects. (Carol Dye, P.G., Don Redmond) (Rule Project No. 2019-117-331-WS)

Item 26 **[Docket No. 2019-1000-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended Section 39.651 of 30 TAC Chapter 39, Public Notice; Section 281.19 of 30 TAC Chapter 281, Applications Processing; Section 295.158 of 30 TAC Chapter 295, Water Rights, Procedural; Sections 297.1 and 297.41 - 297.43 of 30 TAC Chapter 297, Water Rights, Substantive; and Sections 331.2, 331.7, 331.9, and 331.131 and new Subchapter O of 30 TAC Chapter 331, Underground Injection Control. The proposed rulemaking would implement House Bills 720 and 1964, 86th Texas Legislature, 2019, Regular Session, by amending existing requirements for underground injection control program public notice to include aquifer recharge (AR) projects; amend existing definitions, authorization mechanisms, standards, and requirements to include new standards for AR projects; and add new Subchapter O to implement Texas Water Code (TWC), Chapter 27, Subchapter H. The proposed rulemaking would also amend existing requirements for water right applications related to technical review and public notice; add and revise definitions; define availability criteria for various types of AR and aquifer storage and recovery projects; and implement the provisions of TWC, Sections

11.023, 11.122(b-3), 11.157, and 11.158. The proposed rulemaking would also remove obsolete text in Section 39.651(e) as a result of the Quadrennial Review of Chapter 39. (Kathy Ramirez, Ruth Takeda) (Rule Project No. 2019-116-297-OW)

## **STATE IMPLEMENTATION PLAN**

Item 27

### **[Docket No. 2019-0904-SIP.](#)**

**Hyperlink  
Update**  
11-18-2019  
1:15 PM

Consideration for publication of, and hearing on, the proposed 2015 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) Emissions Inventory (EI) State Implementation Plan (SIP) Revision for the Houston-Galveston-Brazoria (HGB), Dallas-Fort Worth (DFW), and Bexar County Nonattainment Areas. States are required to submit comprehensive, accurate, current EI information from all sources in ozone nonattainment areas within two years of the effective date of designations. The proposed SIP revision would satisfy the Federal Clean Air Act, Section 172(c)(3) and Section 182(a)(1) EI reporting requirements for areas designated nonattainment for the 2015 eight-hour ozone NAAQS. The proposed SIP revision would also include a certification statement to confirm that the emissions statements and nonattainment new source review requirements have been met for the HGB, DFW, and Bexar County 2015 eight-hour ozone nonattainment areas. (Mary Ann Cook, Amy Browning, and Terry Salem) (Non-Rule Project No. 2019-111-SIP-NR)

## **QUADRENNIAL RULE REVIEWS**

Item 28

### **[Docket No. 2018-1515-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 281, Applications Processing. 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 June 21, 2019, issue of the *Texas Register* (44 TexReg 3135). (Kathy Ramirez, Amie Robinson) (Project No. 2019-051-281-OW)

Item 29

### **[Docket No. 2018-1563-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 288, Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements. 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 June 21, 2019, issue of the



*Texas Register* (44 TexReg 3135). (Kathleen Ramirez, Ruth Takeda)  
(Project No. 2019-054-288-OW)

Item 30

**Docket No. 2018-1454-MIS.**

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 308, Criteria and Standards for the National Pollutant Discharge Elimination System. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years. The proposal was published in the July 5, 2019, issue of the *Texas Register* (44 TexReg 3439). (Laurie Fleet, Celia Castro) (Project No. 2019-034-308-OW)

Item 31

**Docket No. 2019-0132-MIS.**

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years. The proposal was published in the July 5, 2019, issue of the *Texas Register* (44 TexReg 3439). (Laurie Fleet, Anthony Tatu) (Project No. 2019-035-312-OW)

Item 32

**Docket No. 2018-1453-MIS.**

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 321, Control of Certain Activities by Rule. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years. The proposal was published in the June 21, 2019, issue of the *Texas Register* (44 TexReg 3136). (Laurie Fleet, Hollis Henley) (Project No. 2019-033-321-OW)

**EXECUTIVE MEETING**

Item 33

**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 34 **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 35 **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 36 **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](https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html)**