

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)]. Updates to backup documents will be noted by a purple indicator. Finally, the Commissioners may discuss or consider posted items in an order other than the order posted.

On March 16, 2020, in accordance with section 418.016 of the Texas Government Code, Governor Abbott suspended various provisions of the Open Meetings Act that require government officials and members of the public to be physically present at a specified meeting location. Pursuant to that suspension, the public will not be able to attend the Agenda in person. Instead, the Agenda may be attended telephonically by calling (844) 368-7161 and entering meeting code 435007#. The public may also view live TCEQ meetings on the TCEQ YouTube Channel at no cost at: <https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>.

To register to address the Commission on an item for which the Commission is accepting comment at the Agenda, please call (512) 239-3313 or email agenda@tceq.texas.gov. Please include the following information: 1. Agenda item number; 2. Name; 3. Affiliation; 4. Address; 5. Phone number; 6. whom you represent (self or company/client); and 7. whether you wish to address the Commission, are available for questions from the Commission, or would like to be noted as present for the record. [Click here for the Public Participation Form](#). Registration for agenda will conclude at 9:30 a.m. Please register before this time. Late registration could result in your missing the opportunity to comment on your item.

AGENDA

March 25, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

Toll Free (844) 368-7161 / Meeting Code 435007#

PETITION FOR INQUIRY

Item 1 **[Docket No. 2019-1092-MIS.](#)**

Consideration of the Review Panel's Report on the Petition for Inquiry filed by eight groundwater conservation districts in Groundwater Management Area 16 regarding Starr County Groundwater Conservation District. The review panel was appointed by the Commission pursuant to Texas Water Code Section 36.3011 and 30 TAC § 293.23 after considering the Petition for Inquiry. The Commission will

also consider the Executive Director's recommendations and draft Order requiring certain actions of Starr County Groundwater Conservation District submitted in accordance with 30 TAC § 293.23(i) and any timely filed responses. (Kelly Mills, Shea Pearson)

MISCELLANEOUS MATTERS

Item 2 [**Docket No. 2019-1303-MIS.**](#)

Consideration of the adoption of the Draft 2020 Texas Integrated Report, for compliance with the requirements of the federal Clean Water Act, Sections 303(d) and 305(b), which is a compilation of documents and information which provides an overview of the state's surface water quality. The Draft 2020 Texas Integrated Report will inform the regulated community and the public of water quality status of surface waters in the state. The Draft 2020 Texas Integrated Report will also provide agencies with information to enable informed permitting decisions, resource allocations, and to determine where total maximum daily loads, watershed protection plans, and other water quality improvement efforts are needed. Notice of the proposed Draft 2020 Texas Integrated Report was published in the November 22, 2019, issue of the *Texas Register* (44 TexReg 7201). The proposed Draft 2020 Texas Integrated Report was posted on the commission's Water Quality Planning Division's website on November 22, 2019. (Laura Ryckman, Michael Parr) (Non-Rule Project No. 2020-003-OTH-NR)

Item 3 [**Docket No. 2019-1807-MIS.**](#)

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3-13-2020
12:15 PM

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Yen Tran)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 [**Docket No. 2019-0301-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF Corporation in Brazoria County; RN100218049; 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 5 [**Docket No. 2019-0232-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 6 [**Docket No. 2019-0641-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. (Carol McGrath, Michael Parrish)

Item 7 [**Docket No. 2019-0420-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Laredo Petroleum, Inc. in Reagan County; RN106662620; 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. (Margarita Dennis, Michael Parrish)

Item 8 [**Docket No. 2019-0873-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TEDA TPCO America Corporation in San Patricio County; RN106224447; 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. (Margarita Dennis, Michael Parrish)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 9 [**Docket No. 2018-1223-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Robert Lee in Coke County; RN101920163; 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)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 10 [**Docket No. 2019-0573-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COMBINE RETAIL LLC dba Beaumont Chevron in Jefferson County; RN106186349; 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. (Tyler Smith, Michael Parrish)

Item 11 [**Docket No. 2019-0472-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sunoco, LLC dba Sunoco Energy Services Nacogdoches in Nacogdoches County; RN104267083; 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. (Tyler Smith, Michael Parrish)

Item 12 [**Docket No. 2018-1241-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of BuckSaver, LLC in Jefferson County; RN101811347; 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)

Item 13 [**Docket No. 2018-1370-PST-E.**](#)

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Consideration of an Agreed 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 SUPPLY ENFORCEMENT AGREED ORDERS

- Item 14 **[Docket No. 2018-1606-PWS-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brighton Manor Apartments, L. P. in Blanco County; RN102698743; 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)
- Item 15 **[Docket No. 2019-0882-PWS-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Blanco in Blanco County; RN101389047; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marla Waters, Michael Parrish)
- Item 16 **[Docket No. 2019-0885-PWS-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Idalou in Lubbock County; RN101406825; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Miles Wehner, Michael Parrish)
- Item 17 **[Docket No. 2018-1470-PWS-E.](#)**
Consideration of an Agreed Order assessing administrative penalties against OXY USA Inc. in Gaines County; RN103758470; 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)

PUBLIC WATER SUPPLY ENFORCEMENT DEFAULT ORDERS

- Item 18 **[Docket No. 2018-1112-PWS-E.](#)**
Consideration of a Default Order assessing administrative penalties against and requiring certain actions of JIMBO'S ROAD HOUSE, LLC in Harris County; RN102317138; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ian Groetsch, Janice Hernandez)

Item 19

[**Docket No. 2019-0531-PWS-E.**](#)

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Consideration of a Default Order assessing administrative penalties against and requiring certain actions of LAKESHORE UTILITY COMPANY in Henderson County; RN102673712; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jaime Garcia, Janice Hernandez)

MONTHLY ENFORCEMENT REPORT

Item 20

[**Docket No. 2020-0145-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)

PETITIONS FOR RULEMAKING

Item 21

[**Docket No. 2020-0220-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 February 3, 2020 by Westlake Chemical Corporation (petitioner). The petitioner requested that the commission incorporate into agency's waste rules the recent United States Environmental Protection Agency adoption in 40 Code of Federal Regulations Part 273, which lists aerosol cans as a universal waste (December 9, 2019 Federal Register (84 FR 67202)). (Jarita Sepulvado, Don Redmond, Shannon Love) (Project No. 2020-033-PET-NR)

Item 22

[**Docket No. 2020-0254-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 February 7, 2020 by Baker Botts, L.L.P. (petitioner). The petitioner requested that the commission amend 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, to make Chapter 116 rule language governing federal new source review preconstruction permitting programs consistent with the United States Environmental Protection Agency's March 13, 2018 guidance regarding how project emissions accounting for such programs is to be conducted. (Michael Wilhoit, Sierra Redding, Colleen Ford) (Project No. 2020-034-PET-NR)

RULE MATTERS

- Item 23 **[Docket No. 2019-1554-RUL.](#)**
Consideration for publication of, and hearing on, proposed amendments to 30 TAC Chapter 290, Public Drinking Water, Section 290.39 and Section 290.122. The proposed rulemaking would implement House Bill (HB) 3552, 86th Texas Legislature, 2019, Regular Session, to require public water systems to notify their customers prior to permanently terminating the addition of fluoride to drinking water. (Patrick Kading, Ruth Takeda) (Rule Project No. 2020-007-290-OW)
- Item 24 **[Docket No. 2019-0694-RUL.](#)**
Consideration for publication of, and hearing on, proposed amended Section 281.18 of 30 TAC Chapter 281, Applications Processing. The proposed rulemaking would allow for the use of electronic mail for application deficiency notices and responses. (Laurie Fleet, Isaac Ta) (Rule Project No. 2019-108-281-OW)
- Item 25 **[Docket No. 2019-0391-RUL.](#)**
Consideration of the adoption of amended Sections 312.1 - 312.13, 312.41 - 312.50, 312.61 - 312.68, 312.81 - 312.83, 312.121, 312.122, 312.141 - 312.147, 312.149, and 312.150; the repeal of Section 312.123; and new Sections 312.123 - 312.130 of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The adoption will clarify existing rule requirements, remove inconsistencies, and improve readability. The proposed rules were published in the October 25, 2019, issue of the *Texas Register* (44 TexReg 6229). (Brian Sierant, Anthony Tatu) (Rule Project No. 2017-035-312-OW)

STATE IMPLEMENTATION PLANS

- Item 26 **[Docket No. 2020-0078-SIP.](#)**
Consideration for publication of, and hearing on, a Voluntary Agreed Order with Southwestern Electric Power Company, H.W. Pirkey Power Plant in Harrison County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Southwestern Electric Power Company, H.W. Pirkey Power Plant in Harrison County. (John Minter) (Non-Rule Project No. 2020-021-SIP-NR)

Item 27

[Docket No. 2020-0077-SIP.](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Lower Colorado River Authority (LCRA) Sam Seymour Fayette Power Project in Fayette County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the LCRA Sam Seymour Fayette Power Project in Fayette County. (John Minter) (Non-Rule Project No. 2020-022-SIP-NR)

Item 28

[Docket No. 2020-0076-SIP.](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Luminant Generation Company LLC, Martin Lake Steam Electric Station in Rusk County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Luminant Generation Company LLC, Martin Lake Steam Electric Station in Rusk County. (John Minter) (Non-Rule Project No. 2020-023-SIP-NR)

Item 29

[Docket No. 2020-0075-SIP.](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with NRG Texas Power LLC, Limestone Electric Generating Station in Limestone County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the NRG Texas Power LLC, Limestone Electric Generating Station in Limestone County. (John Minter) (Non-Rule Project No. 2020-024-SIP-NR)

Item 30

[Docket No. 2020-0074-SIP.](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with San Miguel Electric Cooperative, Inc. San Miguel Electric Plant in Atascosa County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the San Miguel Electric Cooperative, Inc.

San Miguel Electric Plant in Atascosa County. (John Minter) (Non-Rule Project No. 2020-025-SIP-NR)

Item 31 [**Docket No. 2020-0073-SIP.**](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Southwestern Public Service Company, Harrington Station in Potter County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Southwestern Public Service Company, Harrington Station in Potter County. (John Minter) (Non-Rule Project No. 2020-026-SIP-NR)

Item 32 [**Docket No. 2020-0072-SIP.**](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Public Service Company of Oklahoma, Oklaunion Power Station in Wilbarger County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Public Service Company of Oklahoma, Oklaunion Power Station in Wilbarger County. (John Minter) (Non-Rule Project No. 2020-027-SIP-NR)

Item 33 [**Docket No. 2020-0178-SIP.**](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Texas Municipal Power Agency Gibbons Creek Steam Electric Station in Grimes County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Texas Municipal Power Agency Gibbons Creek Steam Electric Station in Grimes County. (John Minter) (Non-Rule Project No. 2020-032-SIP-NR)

Item 34 [**Docket No. 2020-0071-SIP.**](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Texas Municipal Power Agency, Gibbons Creek Steam Electric Station in Grimes County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of

planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Texas Municipal Power Agency, Gibbons Creek Steam Electric Station in Grimes County. (John Minter) (Non-Rule Project No. 2020-032-SIP-NR)

EXECUTIVE MEETING

Item 35 Docket No. 2020-0001-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 36 Docket No. 2020-0002-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 37 Docket No. 2020-0003-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 38 Docket No. 2020-0004-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)**