

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 but may attend telephonically or via webinar or view the meeting on the web at no cost.

To watch or listen to the meeting:

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<https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>

To address the Commission at the meeting:

Members of the public who would like to address the Commission on an item for which the Commission is accepting comment, must register as indicated below and access the meeting via webcast by following this [link](#) and entering Webinar ID 656-047-907. Those without internet access may call (512) 239-3313 before the meeting begins for assistance in accessing the meeting telephonically.

To register, please call (512) 239-3313 or email agenda@tceq.texas.gov. Please complete this [Public Participation Form](#) or provide 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.

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

August 12, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 656-047-907

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PROPOSAL FOR DECISION

- Item 1 [**TCEQ Docket No. 2014-1658-WR; SOAH Docket No. 582-15-2477.**](#)

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of the Guadalupe-Blanco River Authority (GBRA), for new Water Use Permit No. 12378, pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code Chapter 11. The proposed Water Use Permit would divert and use up to 75,000 acre-feet per year from the unappropriated run-of-river flows of the Guadalupe River, Guadalupe River Basin, at the maximum diversion rate of 500 cubic feet per second for the recognized beneficial uses of municipal and industrial purposes anywhere within GBRA's 10-county district of Kendall, Comal, Hays, Caldwell, Guadalupe, Gonzales, DeWitt, Victoria, Calhoun, and Refugio Counties. The Commission will also consider timely public comments, the record, timely related filings, exceptions and replies. (Robin Smith)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

- Item 2 [**Docket No. 2020-0716-AIR.**](#)

Consideration of application by Citgo Refining and Chemical Company L.P. for the amendment of Air Quality Permit Nos. 3123A and 9604A to authorize hydrogen cyanide (HCN), sulfuric acid (H₂SO₄) and ammonia (NH₃) emissions from the Fluid Catalytic Cracking Unit (FCCU) #1 and HCN and NH₃ from FCCU #2, based on stack testing data. The refinery FCCUs 1 and 2 are located at 1801 Nueces Bay Blvd, Corpus Christi, Nueces County, Texas 78407. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Jeff Greif, Amy Browning)

TOTAL MAXIMUM DAILY LOAD MATTER

- Item 3 [**Docket No. 2020-0499-TML.**](#)

Consideration for approval to publish and solicit public comment on Two Draft Total Maximum Daily Loads for Indicator Bacteria in Corpus Christi Bay Beaches, Cole Park and Ropes Park, of the Nueces-Rio Grande Coastal Basin, in Nueces County. (Kerry Niemann, Stefanie Skogen) (Project No. 2020-035-TML-NR)

MISCELLANEOUS MATTER

- Item 4 [**Docket No. 2019-1802-MIS.**](#)

Consideration of the adoption of revisions to Texas Emissions Reduction Plan: Guidelines for Emissions Reduction Incentive Grants (DERIP; RG-388) and Texas Emissions Reduction Plan: Guidelines for Seaport and Rail Yard Areas Emissions Reduction Program (SPRY; RG-524). Revisions to the DERIP and SPRY guidelines incorporate changes made to DERIP and SPRY rules in 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K. The rules were amended to implement portions of House Bill (HB) 1346 and HB 1627, 86th Texas Legislature, 2019, Regular Session. These revisions include a change to allow the commission to lower the required minimum usage in a nonattainment area or affected county for grant-funded vehicles and equipment from 75% to as low as 55% and to remove Victoria County from the list of affected counties. Additional revisions are proposed by the executive director to clarify requirements and establish more specific criteria for implementing the program rules. The proposed revisions to the DERIP and SPRY guidelines were made available for public comment and published in the April 10, 2020, issue of the *Texas Register* (45 TexReg 2444). Comments received have been considered and responded to in the Response to Comments. (Amancio Gutierrez, Sierra Redding) (Non-Rule Project No. 2020-017-OTH-NR)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5

[Docket No. 2019-0751-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Orange County; RN100215615; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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. 2019-0728-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Honeywell International Inc. in Orange County; RN100217405; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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 7

[Docket No. 2019-1248-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Legacy Reserves Operating LP in Anderson County; RN100222223; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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 8 [**Docket No. 2020-0056-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MarkWest Javelina Company, L.L.C. in Nueces County; RN102190139; 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. (Mackenzie Mehlmann, Michael Parrish)

Item 9 [**Docket No. 2019-1289-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Chemicals LLC f/k/a Flint Hills Resources Port Arthur, LLC in Jefferson County; RN100217389; 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 10 [**Docket No. 2019-1280-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Odfjell Terminals (Houston) Inc. in Harris County; RN100218411; 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 11 [**Docket No. 2019-1595-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Riviana Foods Inc. in Brazoria County; RN101734267; 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 12 [**Docket No. 2019-0977-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Lubrizol Corporation in Harris County; RN100221589; 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)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 13

[Docket No. 2019-1277-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GrubTubs, Inc in Hays County; RN110279692; for municipal solid waste and air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie McCurley, Michael Parrish)

Item 14

[Docket No. 2019-1547-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Paper Retriever of Texas, LLC in Bexar County; RN103028684; for municipal solid waste and water quality 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. (Berenice Munoz, Michael Parrish)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 15

[Docket No. 2019-1077-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Crandall in Kaufman County; RN101917136; 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 16

[Docket No. 2019-0769-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jim Eanes dba Midway Grocery in Milam County; RN102965480; 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. (Carlos Molina, Michael Parrish)

Item 17 [**Docket No. 2019-0230-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against NA Group LLC dba Lewisville Chevron in Denton County; RN101473718; 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. (Stephanie McCurley, Michael Parrish)

Item 18 [**Docket No. 2018-1071-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against J.P. GAS & MEGAMART, INC. dba J P Truckstop in Chambers County; RN102041225; 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. (Jake Marx, Janice Hernandez)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 19 [**Docket No. 2019-0744-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against Khaled Hassan dba Corner Store in Smith County; RN101843407; 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. (Taylor Pearson, Janice Hernandez)

Item 20 [**Docket No. 2018-0843-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Brian Smith in Orange County; RN106597966; 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. (Taylor Pearson, Janice Hernandez)

Item 21

[Docket No. 2018-1634-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Greenville USA Investments Inc dba Prime Stop USA in Hunt County; RN102049202; 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. (Kevin R. Bartz, Janice Hernandez)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 22

[Docket No. 2019-1452-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BEACH RV PARTNERSHIP, LTD. in Llano County; RN100825074; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Salas, Michael Parrish)

Item 23

[Docket No. 2019-0517-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA dba Longhorn Council, Boy Scouts of America in Palo Pinto County; RN101229219; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Michael Parrish)

Item 24

[Docket No. 2020-0021-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jim Wells County Fresh Water Supply District 1 in Jim Wells County; RN102673506; 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 25

[Docket No. 2019-1730-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAM RAYBURN WATER, INC. in San Augustine County; RN101274165; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas

Commission on Environmental Quality. (Julianne Dewar, Michael Parrish)

Item 26 [**Docket No. 2019-1264-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Specht's Operations, LLC dba Specht's Store in Bexar County; RN101217370; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Salas, Michael Parrish)

Item 27 [**Docket No. 2019-1653-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texas Water Systems, Inc. in Gregg County; RN101376705; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jée Willis, Michael Parrish)

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 28 [**Docket No. 2019-1338-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JAMERA CUSTOM HOMES, INC. in Montgomery County; RN109812586; 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)

PETITIONS FOR RULEMAKING

Item 29 [**Docket No. 2020-0821-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 June 15, 2020 by Texas Aggregates & Concrete Association (petitioner). The petitioner requested that the Commission adopt a new rule that would establish best management practices for commercial sand mining and other lawful purposes within the San Jacinto River Watershed. (Shelby Williams, Michael Parr II) (Project No. 2020-042-PET-NR)

Item 30 [**Docket No. 2020-0836-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 June 23, 2020 by Lake Houston Area Grassroots Flood Prevention Initiative (petitioner). The petitioner requested that the Commission adopt a new rule that would establish best management practices for commercial sand mining and other lawful purposes within the San Jacinto River Watershed. (Shelby Williams, Michael Parr II) (Project No. 2020-044-PET-NR)

PUBLIC COMMENT SESSION

Item 31 Docket No. 2020-0005-PUB.

The Commission will receive comments from the public on any matters within the jurisdiction of the Texas Commission on Environmental Quality in accordance with Texas Water Code Section 5.112, except for 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.

EXECUTIVE MEETING

Item 32 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 33 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 34 **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 35 **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.

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1. AGENDA ITEM NUMBER; 2. NAME; 3. AFFILIATION; 4. ADDRESS; 5.
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IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.**