

*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 124-170-811.*

*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](mailto: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**

October 7, 2020

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

9:30 A.M.

**<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 124-170-811**

**(415) 930-5321 / Access Code 676-314-554**

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

Item 1

### **[Docket No. 2020-0973-MWD.](#)**

Consideration of the application by Regal, LLC, for a new Texas Pollutant Discharge Elimination System Permit No. WQ0015817001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 80,000 gallons per day. The facility will be located approximately 1.2 miles east of the intersection of Farm-to-Market Road 1978 and State Highway 123, in Guadalupe County, Texas 78666. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Abdur Rahim, Bobby Salehi)

## **MISCELLANEOUS MATTER**

Item 2

### **[Docket No. 2020-0576-MIS.](#)**

Consideration of the adoption of a new general permit (TXG640000) authorizing the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. Public notice of the proposed general permit was published in the May 29, 2020, issue of the *Texas Register* (45 TexReg 3680). (Laurie Fleet, Harrison Cole Malley) (Non-Rule Project No. 2019-110-OTH-NR)

## **AGRICULTURAL ENFORCEMENT AGREED ORDER**

Item 3

### **[Docket No. 2019-0451-AGR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Robert Lynn Goodloe and Roy King Carrell dba Rock Ridge Dairy in Johnson County; RN102336682; 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)

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4

### **[Docket No. 2020-0384-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ETC Texas Pipeline, Ltd. in Pecos County; RN100239698; 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. (Toni Red, Michael Parrish)

Item 5

**[Docket No. 2020-0402-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S.a r.l. in Orange County; RN104392626; 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. (Yuliya Dunaway, Michael Parrish)

Item 6

**[Docket No. 2020-0172-AIR-E.](#)**

**Hyperlink  
Update**  
9-27-2020  
9:45 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of South Hampton Resources, Inc. in Hardin County; RN101995611; 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 7

**[Docket No. 2019-1308-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Yara Freeport LLC 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 8

**[Docket No. 2017-1722-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of KM Liquids Terminals LLC in Harris County; RN100224815; 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. (Jess Robinson, Janice Hernandez)

**AIR QUALITY ENFORCEMENT DEFAULT ORDER**

Item 9

**[Docket No. 2019-0464-AIR-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Brandon Bass dba Brando Custom Paint in Guadalupe County; RN110256591; 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. (Kevin R. Bartz, Janice Hernandez)

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

Item 10

#### **[Docket No. 2019-0458-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Frey, Inc. in Montgomery County; RN105526479; for water quality and water rights violations pursuant to Tex. Water Code chs. 7, 11, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Aaron Vincent, Michael Parrish)

### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 11

#### **[Docket No. 2019-0534-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against ACME BRICK COMPANY in Austin County; RN102094802; 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. (Steven Van Landingham, Michael Parrish)

### **PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 12

#### **[Docket No. 2019-1714-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CARBINE KILO INC dba Gina's Kwik Pantry in Williamson County; RN102351103; 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. (Karolyn Kent, Michael Parrish)

Item 13

#### **[Docket No. 2019-1555-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kingsville Independent School District in Kleberg County; RN101873024; 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. (Hailey Johnson, Michael Parrish)

Item 14

**[Docket No. 2018-1564-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OM TJ, INC. dba T J Mart in Tarrant County; RN102367117; 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. (Berenice Munoz, Michael Parrish)

Item 15

**[Docket No. 2019-1368-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAHI-4 INVESTMENTS, Inc. dba Pronto Food Mart in Bexar County; RN105019541; 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. (Hailey Johnson, Michael Parrish)

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 16

**[Docket No. 2018-0567-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against ASLAM CORPORATION dba Xpress Beer & Wine in Collin County; RN101378206; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Benjamin Warms, Janice Hernandez)

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 17

**[Docket No. 2019-1502-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 122nd & FRANKFORD / DISCOUNT SHOP RENTALS, INC. in Lubbock County; RN106514029; 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 18

**[Docket No. 2019-1537-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rio Hondo in Cameron County; RN101209195; for public drinking water violations pursuant to Tex.

Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Aaron Vincent, Michael Parrish)

Item 19 [\*\*Docket No. 2019-1659-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gill Water Supply Corporation in Harrison County; RN101208544; 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 20 [\*\*Docket No. 2019-1654-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Thalia Water Supply Corporation in Foard County; RN101454569; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Duncan, Michael Parrish)

**RULE MATTERS**

Item 21 [\*\*Docket No. 2020-0820-RUL.\*\*](#)

Consideration for publication of, and hearing on, the proposed repeal of Section 328.203 and Section 328.204; and simultaneous proposal of new Section 328.203 and Section 328.204 of 30 TAC Chapter 328, Waste Minimization and Recycling. The proposed rulemaking would restructure the rules to provide additional clarity to Chapter 328. (Calen Roome, Kathy Humphreys) (Rule Project No. 2020-041-328-AD)

Item 22 [\*\*Docket No. 2019-1562-RUL.\*\*](#)

**Hyperlink  
Update**  
10-6-2020  
8:15 AM

Consideration for the adoption of amended Sections 293.3, 293.11, 293.14, 293.15, 293.44, 293.81, 293.94, 293.201, and 293.202; new Section 293.90 and Sections 293.132 - 293.137; and repeal of Sections 293.132 - 293.136 of 30 Texas Administrative Code Chapter 293, Water Districts. The adopted rulemaking implements Senate Bill (SB) 1234, 82nd Texas Legislature, 2011, Regular Session; SB 1987 and SB 2014, 85th Texas Legislature, 2017, Regular Session; and House Bill (HB) 304, HB 2590, HB 2914, SB 239, and SB 911, 86th Texas Legislature, 2019, Regular Session, to revise creation, bond, road powers, change orders, meeting location, and dissolution rules for water districts including their general provisions and annual reporting requirements. The proposed rules were published in the May 15, 2020, issue of the *Texas Register* (45 TexReg 3218). (Jaime Ealey, Kayla Murray) (Rule Project No. 2020-008-293-OW)



Item 23

**Docket No. 2019-1389-RUL.**

Consideration of the adoption of amendments to 30 TAC Chapter 305, Consolidated Permits, Section 305.53; and 30 TAC Chapter 330, Municipal Solid Waste, Sections 330.3, 330.13, 330.59, and 330.73; and the repeal of Sections 330.261, 330.263, 330.265, 330.267, 330.269, 330.271, 330.273, 330.275, 330.277, 330.279, 330.281, 330.283, 330.285, 330.287, and 330.289. The adoption will implement bills as passed by the 86th Texas Legislature, 2019, Regular Session. Specifically, the adopted rulemaking will implement House Bill (HB) 1331, by increasing Municipal Solid Waste permit application fees; HB 1435, by providing for site assessments for new permits and major permit amendments; and HB 1953, by adding an exempt activity for beneficial conversion of plastics and recoverable materials using pyrolysis and gasification processes. The adopted rulemaking will also repeal the rules found to be obsolete in Chapter 330, Subchapter F, Analytical Quality Assurance and Quality Control, as a result of the Quadrennial Rules Review of Chapter 330. The proposed rules were published in the May 15, 2020, issue of the *Texas Register* (45 TexReg 3239). (Steve Odil, Anthony Tatu) (Rule Project No. 2020-006-305-WS)

Item 24

**Docket No. 2019-0694-RUL.**

Consideration of the adoption of amended Section 281.18 of 30 TAC Chapter 281, Applications Processing. The adoption will allow for the use of electronic mail for application deficiency notices and responses. The proposed rule was published in the May 15, 2020, issue of the *Texas Register* (45 TexReg 3205). (Laurie Fleet, Stefanie Skogen) (Rule Project No. 2019-108-281-OW)

**STATE IMPLEMENTATION PLAN**

Item 25

**Docket No. 2020-0924-SIP.**

Consideration for publication of, and hearing on, the proposed state implementation plan (SIP) revision to address the regional haze requirements of Federal Clean Air Act, Section 169A. The proposed SIP revision addresses regional haze in Big Bend and Guadalupe National Parks and Federal Class I areas located outside Texas that may be affected by emissions from within the state. The proposed SIP revision contains the core federal Regional Haze Rule (40 Code of Federal Regulations, Section 51.308) requirements, including: calculations of baseline; current and natural visibility conditions; progress-to-date and the uniform rate of progress; a long-term strategy for regional haze; reasonable progress goals; a monitoring strategy; and a statewide emissions inventory. (Margaret Earnest, John Minter) (Non-Rule Project No. 2019-112-SIP-NR)

## **PUBLIC COMMENT SESSION**

**Item 26      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 27      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 28      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 29      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 30 **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.**

**TO WATCH OR LISTEN TO THE MEETING:**

**MEMBERS OF THE PUBLIC MAY LISTEN TO THE MEETING TELEPHONICALLY BY CALLING, TOLL-FREE, (415) 930-5321 AND ENTERING ACCESS CODE 676-314-554. THE PUBLIC MAY ALSO VIEW LIVE TCEQ MEETINGS ON THE TCEQ YOUTUBE CHANNEL AT NO COST AT:**

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**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 124-170-811. THOSE WITHOUT INTERNET ACCESS MAY CALL (512) 239-3313 BEFORE THE MEETING BEGINS FOR ASSISTANCE IN ACCESSING THE MEETING TELEPHONICALLY.**

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**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.**