

*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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***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 695-439-259. 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**

January 13, 2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / 695-439-259  
(631) 992-3221 / Access Code 887-549-894

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

Item 1

### **[Docket No. 2020-1326-IHW.](#)**

Consideration of an application by US Department of the Army for Renewal and Major Amendment of Hazardous Waste Permit No. 50292, to authorize the continued closure and corrective action of seven hazardous waste management units and update associated plans and reports. The existing facility is located on the east and west side of Bowie Parkway approximately three miles south of US Highway 82 in Bowie County, Texas. The Commission will also consider a request for hearing, related responses and replies, public comment, and the Executive Director's Response to Comments. (Sierra Redding, Audrey Liter, Anna Lleras)

Item 2

### **[Docket No. 2020-0717-MWD.](#)**

Consideration of the application by JW Development Partners, LP, for new Texas Pollutant Discharge Elimination System Permit No. WQ0015778001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 32,000 gallons per day. The facility is located at 3560 County Road 305, Port Lavaca, in Calhoun County, Texas 77979. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Gordon R. Cooper, Celia Castro)

## **EMERGENCY ORDER**

Item 3

### **[Docket No. 2020-0667-UCR-E.](#)**

Consideration of whether to affirm, modify, or set aside the Emergency Order Renewing the Appointment of a Temporary Manager of a Water Utility issued on November 30, 2020, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility ("Utility") by BEACHVIEW ACRES WATER ASSOCIATION; TCEQ PWS ID No. TX1090045; RN101437135; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Utility is located in Whitney, Hill County, Texas. The Emergency Order renewed the appointment of Hilco United Services, Inc. as temporary manager of the Utility. (Benjamin Warmes)

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4

**[Docket No. 2019-1201-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of ALFE PROPERTIES LLC in Harris County; RN109638338; 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)

Item 5

**[Docket No. 2020-0752-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Harris County; RN100210665; 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. (Danielle Porras, Michael Parrish)

Item 6

**[Docket No. 2020-0268-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ExxonMobil Oil Corporation in Jefferson County; RN100542844; 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. 2019-0276-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Midcoast G & P (North Texas) L.P. f/k/a Enbridge G & P (North Texas) L.P. in Parker County; RN105093512; 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. (Danielle Porras, Michael Parrish)

Item 8

**[Docket No. 2020-0730-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Hutchinson County; RN102495884; 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 9

**[Docket No. 2019-1365-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Harris County; RN100219526; 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)

**AIR QUALITY ENFORCEMENT DEFAULT ORDER**

Item 10

**[Docket No. 2019-1234-AIR-E.](#)**

**Hyperlink  
Update**  
1-8-2021  
4:15 PM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Mark Alvarez, L.L.C. in El Paso County; RN105809016; 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. (Taylor Pearson, Janice Hernandez)

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT  
AGREED ORDERS**

Item 11

**[Docket No. 2019-0611-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Texas Sludge Disposal Inc in San Patricio County; RN103197638; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Berenice Munoz, Michael Parrish)

Item 12

**[Docket No. 2019-0386-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Universal Pressure Pumping, Inc. in Frio and La Salle Counties; RN109716191; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Berenice Munoz, Michael Parrish)

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 13

**[Docket No. 2018-1433-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of EE-TDF Cleveland LLC in Liberty County; RN103100202; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Janice Hernandez)

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 14

**[Docket No. 2018-0273-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Sanger in Denton County; RN103014155; 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. (Ryan Rutledge, Janice Hernandez)

Item 15

**[Docket No. 2019-0453-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Aransas Pass in San Patricio County; RN102076452; 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)

Item 16

**[Docket No. 2019-0339-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Crosbyton in Crosby County; RN101918142; 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. (Herbert Darling, Michael Parrish)

Item 17

**[Docket No. 2019-1625-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SWWC Utilities, Inc. in Travis County;

RN101717791; 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 18

### **[Docket No. 2019-0899-PST-E.](#)**

**Hyperlink  
Update**  
1-11-2021  
5:00 PM

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of NNP TRADING, INC. dba Easy Food Mart in Tarrant County; RN102042710; 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 19

### **[Docket No. 2018-0991-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SK Alliance Inc dba On the Road 103 in Angelina County; RN103730917; 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)

Item 20

### **[Docket No. 2019-0141-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Calhoun's Country Store, Incorporated dba Crossroads 13 in Liberty County; RN104778535; 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 21

### **[Docket No. 2020-0087-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of REGAL OIL INC. dba Star Stop Food Mart 17 in Kimble County; RN102391844; 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 Richardson, Michael Parrish)

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

Item 22

**[Docket No. 2019-1018-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of JC & G Company, LLC dba Grace's one stop in Trinity County; RN101443877; 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. (Christopher Mullins, Janice Hernandez)

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 23

**[Docket No. 2020-0279-PWS-E.](#)**

**Hyperlink Update**  
1-8-2021  
4:15 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Ackerly in Dawson County; RN101174985; 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 24

**[Docket No. 2019-1738-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hooks in Bowie County; RN101389245; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epi Villarreal, Michael Parrish)

Item 25

**[Docket No. 2020-0986-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Quintana in Brazoria County; RN101242907; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Carlos Molina, Michael Parrish)

Item 26

**[Docket No. 2020-0803-PWS-E.](#)**

**Hyperlink Update**  
1-8-2021  
4:15 PM

Consideration of an Agreed Order assessing administrative penalties against Walter J. Carroll Water Company, Inc. in Ellis County; RN102688041; 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 27

**[Docket No. 2020-0516-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Undine Texas, LLC in Brazoria County; RN101192078; 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)

Item 28

**[Docket No. 2018-0856-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Noor Ali dba Brazos Bend Home & Ranch and TANK WORKS, INC. dba Brazos Bend Home & Ranch in Fort Bend County; RN101176592; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (John S. Mercurief II, Janice Hernandez)

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 29

**[Docket No. 2018-0993-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Santa Rosa in Cameron County; RN105573984; 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)

**RULE MATTER**

Item 30

**[Docket No. 2020-1005-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended Sections 115.111, 115.112, 115.119, 115.121, and 115.357 and new sections 115.170 - 115.181, and 115.183 of 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds, and corresponding revisions to the state implementation plan. The proposed rulemaking would implement Federal Clean Air Act reasonably available control technology for all volatile organic compounds emission sources addressed in the United States Environmental Protection Agency's *Control Techniques Guidelines for the Oil and Natural Gas Industry* and would apply to the Dallas-Fort Worth (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties) and Houston-Galveston-Brazoria (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties) nonattainment areas for the 2008 eight-hour ozone National Ambient



Air Quality Standard. (John Lewis, Amy Browning) (Rule Project No. 2020-038-115-AI)

### **PUBLIC COMMENT SESSION**

**Item 31      Docket No. 2021-0005-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. 2021-0001-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. 2021-0002-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. 2021-0003-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. 2021-0004-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:**

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**[HTTPS://WWW.TCEQ.TEXAS.GOV/AGENCY/DECISIONS/AGENDAS/WEBCASTS.HTML](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 695-439-259. THOSE WITHOUT INTERNET ACCESS MAY CALL (512) 239-3313 BEFORE THE MEETING BEGINS FOR ASSISTANCE IN ACCESSING THE MEETING TELEPHONICALLY.**

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**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.**