

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.

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:

Members of the public may listen to the meeting telephonically by calling, toll-free, (631) 992-3221 and entering Access Code 469-537-804. 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 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 navigating to:

<https://www.gotomeeting.com/webinar/join-webinar> and entering Webinar ID 931-887-619. 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 the Public Participation Form at:

http://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/AgendaRegistrationForm.docx 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. Finally, the Commissioners may discuss or consider posted items in an order other than the order posted.

OLD BUSINESS AGENDA

March 10, 2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 931-887-619
(631) 992-3221 / Access Code 469-537-804

Continued from the February 24, 2021 Commissioners' Agenda.

Item 1

Docket No. 2018-1115-AIR-E.

**Hyperlink
Update**
3-9-2021
9:15 PM

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Texas Materials Group, Inc. fka Oldcastle Materials Texas, Inc. in Collin County; RN104992276; 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)

AGENDA

March 10, 2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

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(631) 992-3221 / Access Code 469-537-804

PROPOSALS FOR DECISION

Item 1

[TCEQ Docket No. 2019-1806-MSW; SOAH Docket No. 582-20-2569.](#)

**Hyperlink
Update**
3-1-2021
10:15 PM

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of Texas Regional Landfill Company, LP, for Municipal Solid Waste (MSW) Permit No. 1841B, a major amendment to authorize the expansion of the Travis County Landfill, a MSW Type IV landfill pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code ch. 361. The facility is located at 9600 FM 812, Austin in Travis County. The Commission will also consider the application; timely public comments and the Executive Director's Response to Comments; the record; and timely related filings, exceptions and replies. (Amie Robinson, Natasha Douglas, Ian Groetsch)

Item 2

[TCEQ Docket No. 2020-0511-AIR; SOAH Docket No. 582-20-3438.](#)

**Hyperlink
Update**
2-26-2021
2:45 PM

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of Lone Star Ports, LLC, for new Air Quality Permit No. 157150, authorizing construction of an onshore crude-oil-loading marine terminal pursuant to rules of the Texas Commission on Environmental Quality, Texas Health & Safety Code ch. 382, and Texas Water Code ch. 5. The proposed facility is to be located on Harbor Island adjacent to Highway 361 and northeast of the ferry landing in Port Aransas, Nueces County, Texas. The Commission will also consider the application; timely public comments and the Executive Director's Response to Comments; the record; and timely related filings, exceptions and replies. (Betsy Peticolas, Adam Taylor)

Item 3

[TCEQ Docket No. 2017-0898-PST-E; SOAH Docket No. 582-20-3433.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against Shrishubh, LLC dba Super Food Mart in Dallas County, Texas; RN102852423; regarding underground storage tank violations pursuant to the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Christopher Mullins)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 4

[Docket No. 2021-0053-MWD.](#)

Consideration of application by HK Real Estate Development LLC for the new Texas Pollutant Discharge Elimination System Permit No. WQ0015784001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 450,000 gallons per day. The facility will be located approximately 4,600 feet northeast of the intersection of Old Bastrop Road and Staples Road, in Hays 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. (Jose Alfonso Martinez, Hollis Henley)

MOTION TO OVERTURN

Item 5

[Docket No. 2021-0104-AGR.](#)

Consideration of the Motion to Overturn filed by Durk and Shawna DeBoer concerning the Executive Director's decision to reject the application by Durk and Shawna DeBoer for the renewal of TXG921433. The concentrated animal feeding operation facility known as the Dutch Tex Dairy is located in Erath County, Texas. The Commission will also consider the related responses and reply. (Michael Parr, Katherine McKenzie)

MISCELLANEOUS MATTER

Item 6

[Docket No. 2021-0241-MIS.](#)

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Chris Gobert)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7

[Docket No. 2018-0987-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kuraray America, Inc. in Harris County; RN106155849; 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. 2020-0977-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against PCI Nitrogen, LLC in Harris County; RN101621944; 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. 2020-0433-AIR-E.](#)

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. (Johnnie Wu, Michael Parrish)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 10

[Docket No. 2020-0458-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Harris County; RN100210665; 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)

Item 11

[Docket No. 2019-1485-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Dow Chemical Company in Brazoria County; RN100225945; 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. (Harley Hobson, Michael Parrish)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 12

[Docket No. 2019-1238-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against LOGAN AND SON USED TIRE SERVICE, INCORPORATED in Dallas County; RN103101317; for used tires 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. (Ken Moller, Michael Parrish)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 13

[Docket No. 2019-1300-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Roscoe in Nolan County; RN105605927; 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. (Aaron Vincent, Michael Parrish)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER

Item 14

[Docket No. 2020-0822-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Swash Car Wash, LLC dba Swash Car Spa in Harris County; RN101741122; 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. (Courtney Atkins, Michael Parrish)

WASTE DISPOSAL WELL ENFORCEMENT AGREED ORDER

Item 15

[Docket No. 2019-1251-WDW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against South Texas Mining Venture L.L.P. dba Hobson Mining Project in Karnes County; RN102342995; for waste disposal well violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 27, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ken Moller, Michael Parrish)

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 16

Docket No. 2019-1272-WQ-E.

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Ferris in Ellis County; RN101404358; 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)

RULE MATTERS

Item 17

Docket No. 2020-0040-RUL.

Consideration for publication of, and hearing on, proposed new Section 39.426 and amendments to Sections 39.405, 39.412, 39.418, 39.419, 39.423, 39.503, 39.602, 39.604, and 39.651 of 30 TAC Chapter 39, Public Notice and proposed amendments to Sections 55.154, 55.156, 55.209, and 55.210 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment and corresponding revisions to the State Implementation Plan. (Amy Browning, Adam Taylor) (Rule Project No. 2020-018-039-LS)

Item 18

Docket No. 2020-0820-RUL.

Consideration of the adoption of the repeal of Section 328.203 and Section 328.204; and simultaneous adoption of new Section 328.203 and Section 328.204 of 30 TAC Chapter 328, Waste Minimization and Recycling. (Calen Roome, Kathy Humphreys) (Rule Project No. 2020-041-328-AD)

PUBLIC COMMENT SESSION

Item 19

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 20 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 21 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 22 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 23 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 FIVE (5) 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, (631) 992-3221 AND ENTERING ACCESS CODE 469-537-804. 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/WEB
CASTS.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 NAVIGATING TO:

[HTTPS://WWW.GOTOMEETING.COM/WEBINAR/JOIN-WEBINAR](https://www.gotomeeting.com/webinar/join-webinar) AND ENTERING WEBINAR ID 931-887-619. 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 THE PUBLIC PARTICIPATION FORM AT:

[HTTP://WWW.TCEQ.TEXAS.GOV/ASSETS/PUBLIC/COMM_EXEC/AGENDAS/COMM/AGENDAREGISTRATIONFORM.DOCX](http://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/agendaregistrationform.docx) 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. FINALLY, THE COMMISSIONERS MAY DISCUSS OR CONSIDER POSTED ITEMS IN AN ORDER OTHER THAN THE ORDER POSTED.