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*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.*

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***[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.*

## **AGENDA**

April 28, 2021

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 387-981-355  
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## **PROPOSAL FOR DECISION**

Item 1 **[TCEQ Docket No. 2019-0724-PST-E; SOAH Docket No. 582-20-3021.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against DAY NIGHT FOOD MART LLC in Bexar County, Texas; RN101722619; regarding underground storage tank violations pursuant to Texas Water Code Chapters 7 and 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Ryan Rutledge)

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

Item 2 **[Docket No. 2020-1310-MWD.](#)**

Consideration of the application by Denton County Municipal Utility District No. 10 for new Texas Pollutant Discharge Elimination System Permit No. WQ0015803001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 120,000 gallons per day. The facility will be located approximately 400 feet north and 400 feet west of the northwest corner of the intersection of Boss Range Road and Sam Reynolds Road, in Denton County, Texas 76247. (Michael Parr, Sonia Bhuiya)

Item 3 **[Docket No. 2021-0057-MWD.](#)**

Consideration of the application by Kali Kate Services Inc., for new Texas Pollutant Discharge Elimination System Permit No. WQ0015843001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 34,300 gallons per day. The domestic wastewater treatment facility will be located approximately 0.3 mile northeast of the intersection of Farm-to-Market Road 1102 and Havenwood Boulevard, in Comal County, Texas 78130. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Tong Li, Celia Castro)

Item 4 **[Docket No. 2021-0257-IWD.](#)**

Consideration of the application by Falcon Development, LLC, which operates Big Brown Steam Electric Station, a steam-electric power

generation facility, for a renewal of Texas Pollutant Discharge Elimination System Permit No. WQ0001309000, which authorizes the discharge of once-through cooling water and previously monitored effluent at a daily average flow not to exceed 1,015,000,000 gallons per day via Outfall 001 and stormwater runoff and low-volume wastes on an intermittent and flow-variable basis via Outfall 002. The facility is located on the north bank of Fairfield Lake on Farm-to-Market Road 2570, approximately eleven miles northeast of the City of Fairfield, in Freestone County, Texas 75840. (Hollis Henley, Shannon Gibson)

Item 5 [\*\*Docket No. 2021-0403-AIR.\*\*](#)

Consideration of application by Black Mountain Sand Eagle Ford, LLC, for the issuance of Air Quality Permit No. 159610 to authorize an existing sand plant currently authorized under Permit by Rule. The plant is located at 1176 Merz Circle, Carrizo Springs, Dimmit County Texas, 78834. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Joel Stanford, Sierra Redding, Ashley Rich)

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 6 [\*\*Docket No. 2020-0824-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bayport Polymers LLC in Harris County; RN100909373; 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 Gaza, Michael Parrish)

Item 7 [\*\*Docket No. 2019-1527-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN103919817; 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. 2020-0687-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Moss Bluff Hub, LLC in Liberty County;

RN100217256; 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. 2020-0939-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sekisui Specialty Chemicals America, LLC in Harris County; RN103012183; 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 10 [\*\*Docket No. 2020-0879-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Garland in Dallas County; RN103049490; 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)

**INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT  
AGREED ORDER**

Item 11 [\*\*Docket No. 2018-1027-IHW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Texas Turbine, LLC in Lubbock County; RN110394731; for industrial solid and/or hazardous 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. (Jess Robinson, Janice Hernandez)

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED  
ORDER**

Item 12 [\*\*Docket No. 2020-0515-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ameriforge Corporation in Harris County; RN102075686; 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. (Stephanie Frederick, Michael Parrish)

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 13 [\*\*Docket No. 2019-1587-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Conroe in Montgomery County; RN101607257; 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)

Item 14 [\*\*Docket No. 2020-0711-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Quadvest, L.P. in Montgomery County; RN107834962; 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. (Katelyn Tubbs, Michael Parrish)

Item 15 [\*\*Docket No. 2020-0018-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RANCHO DEL LAGO, INC. in Blanco County; RN106482029; 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. (Stephanie Frederick, Michael Parrish)

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 16 [\*\*Docket No. 2020-0358-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DNR BUSINESS, INC. dba Sunmart 121 in Austin County; RN102461290; 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)

Item 17 [\*\*Docket No. 2020-0363-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LALINDA LLC dba Shell Quick Stop in Dallas County; RN101532620; 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. (Ken Moller, Michael Parrish)

Item 18

**[Docket No. 2020-0983-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Leander Independent School District in Williamson County; RN101492627; 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 19

**[Docket No. 2020-0679-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ricardo Gamboa in Gregg County; RN101444347; 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)

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 20

**[Docket No. 2019-0597-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Kickin' A Inc. in Hood County; RN107114142; for water quality violations pursuant to Tex. Water Code chs. 7, 26, and 28A and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Janice Hernandez)

**MONTHLY ENFORCEMENT REPORT**

Item 21

**[Docket No. 2021-0102-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)

**MONTHLY PUBLIC WATER SYSTEM REPORT**

Item 22      **Docket No. 2021-0309-MIS.**

Consideration of agency post-incident response actions related to the February 2021 severe winter storm, including plans to evaluate factors that impacted public water system response and recovery actions.

**EXECUTIVE MEETING**

Item 23      **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 24      **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 25      **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 26      **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, (415) 930-5321 AND ENTERING ACCESS CODE 656-705-056. 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](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 387-981-355. 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 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.**