

TCEQ COMMISSION MEETING

AGENDA

July 14, 2021

9:30 A.M.

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Webinar ID 212-117-867

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AGENDA ITEMS/ELEMENTOS DE LA AGENDA

MISCELLANEOUS MATTER

Item 1. [Docket No. 2020-1467-MIS.](#)

Hyperlink Updated 7/9/2021 at 10:00 AM

Consideration of the adoption of an amendment with renewal of the statewide Multi-Sector General Permit, TXR050000 which authorizes stormwater discharges into or adjacent to water in the state by certain types of industrial activities. Public notice of the proposed general permit was published in the December 11, 2020 issue of the *Texas Register* (45 TexReg 8912). (Hanne L. Nielsen, Michael Parr) (Non-Rule Project No. 2020-002-OTH-NR)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 2. [Docket No. 2020-0057-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF Corporation 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. (Richard Garza, Michael Parrish)

Item 3. [Docket No. 2020-0729-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Carlisle Construction Materials, LLC in Kaufman County; RN104728795; 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 4. [Docket No. 2020-0796-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. (Yuliya Dunaway, Michael Parrish)

Item 5. [Docket No. 2020-0917-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Colt G & P (North Texas) L.P. f/k/a Midcoast G & P (North Texas) L.P. in Parker County; RN100226414; 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 6. [Docket No. 2020-0878-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Chambers County; RN102323268; 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 7. [Docket No. 2020-0802-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against 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 8. [Docket No. 2019-1001-AIR-E.](#)

Hyperlink Updated 7/7/2021 at 5:15 PM

Consideration of an Agreed Order assessing administrative penalties against Renda Environmental, Inc. in Hood and Johnson Counties; RN110664174, RN110633732, and RN110663424; 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 9. [Docket No. 2020-0400-AIR-E.](#)

Hyperlink Updated 7/8/2021 at 10:30 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sulphur River Exploration, Inc. in Lavaca County; RN106502636; 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 10. [Docket No. 2020-0975-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sunoco Partners Marketing & Terminals L.P. in Jefferson County; RN100214626; 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 ORDER

Item 11. [Docket No. 2020-1117-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Angelina County; RN101947323; 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. (Margarita Dennis, Michael Parrish)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 12. [Docket No. 2019-1279-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of NICO-TYME WATER CO-OP, INC. in Bexar County; RN101215788; for water rights and public drinking water violations pursuant to Tex. Water Code chs. 5 and 11 and Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 13. [Docket No. 2020-1008-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AAA NURSERY/SAND & STONE, INC. in Dallas County; RN111070223; for municipal solid waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Hailey Johnson, Michael Parrish)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 14. [Docket No. 2020-1060-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Texas, Inc. in Victoria County; RN101516789; 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. (Alyssa Loveday, Michael Parrish)

Item 15. [Docket No. 2019-0951-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Beechwood Water Supply Corporation in Sabine County; RN101610129; 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. (Alyssa Loveday, Michael Parrish)

Item 16. [Docket No. 2019-0979-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Victoria County Water Control and Improvement District No. 1 in Victoria County; RN101516714; 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)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 17. [Docket No. 2020-0542-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AMANIE, CORP. dba KP Food Mart in Dallas County; RN102357043; 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. (Stephanie McCurley, Michael Parrish)

Item 18. [Docket No. 2020-0626-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against BADESHA ENTERPRISE LLC dba Grand Central Express in Cooke County; RN102249281; 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 Fennell, Michael Parrish)

Item 19. [Docket No. 2020-0948-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fort Worth Transportation Authority in Tarrant County; RN102029121; 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. (Terrany Binford, Michael Parrish)

Item 20. [Docket No. 2020-1011-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Island Star Food Business, Inc. dba Star Food Store in Galveston County; RN102226578; 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)

Item 21. [Docket No. 2020-0337-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAKE HILLS EXPRESS, INC dba Lakehills Ice House in Bandera County; RN101434264; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Terrany Binford, Michael Parrish)

Item 22. [Docket No. 2020-0952-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RACETRAC PETROLEUM, INC. dba Racetrac 2445 in Tarrant County; RN109618827; 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. (Stephanie McCurley, Michael Parrish)

Item 23. [Docket No. 2019-1065-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SEGUIN BUSINESS, L.L.C. dba Park Place 1 in Guadalupe County; RN102008588; 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. (Alain Elegbe, Michael Parrish)

Item 24. [Docket No. 2020-0920-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of STROEHER & SON, INC. dba Stroehrer & Son Self Serve in Gillespie County;

RN101800860; 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)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 25. [Docket No. 2019-1377-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Sandra West dba Home on the Range RV Park in Madison County; RN106595366; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

Item 26. [Docket No. 2020-0537-PWS-E.](#)

Hyperlink Updated 7/8/2021 at 10:00 AM

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Randy L. Snapp dba Fredericksburg Kampgrounds of America in Gillespie County; RN101257129; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Judy Bohr, Janice Hernandez)

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 27. [Docket No. 2018-1176-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Austin Forest Creek Apartments, L.C. in Travis County; RN106614704; 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. (Roslyn Dubberstein, Janice Hernandez)

RULE MATTERS

Item 28. [Docket No. 2019-1058-RUL.](#)

Consideration for publication of, and hearing on, proposed amendments to 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste, Sections 335.1, 335.2, 335.9, 335.10, 335.12, 335.13, 335.15, 335.18, 335.19, 335.24, 335.26, 335.27, 335.31, 335.41, 335.46, 335.91, 335.94, 335.112, 335.152, 335.221, 335.241, 335.251, 335.261, 335.272, 335.431, 335.471, 335.474, 335.477, 335.503, 335.504, 335.510, 335.511, 335.513, 335.521, 335.590, 335.602, 335.702, and 335.703; repeal of 30 TAC Chapter 335, Sections 335.6, 335.11, 335.14, 335.61 - 335.63, 335.65 - 335.71, and 335.73 - 335.79; and adoption of new 30 TAC Chapter 335, Sections 335.6, 335.11, 335.14, 335.51 - 335.61, 335.751, 335.753, 335.755, 335.757, 335.759, 335.761, 335.763, 335.765, 335.767, 335.769, and 335.771. The proposed rulemaking would revise state industrial solid waste and hazardous waste management regulations to maintain equivalency with Resource Conservation and Recovery Act revisions promulgated by the United States Environmental Protection Agency. The proposed rule would also formalize the foundry sands exclusion. (Jarita Sepulvado, Diane Goss) (Rule Project No. 2019-086-335-WS)

Item 29. [Docket No. 2021-0243-RUL.](#)

Consideration for publication of, and hearing on, amendments to Sections 332.2 - 332.4, 332.6, 332.8, 332.22, 332.23, 332.32, 332.33, 332.35 - 332.37, 332.41 - 332.45, 332.47, 332.61, 332.71, 332.72, and 332.75 of 30 TAC Chapter 332, Composting. The proposed rulemaking would

clarify and update existing notice language and requirements found in Section 332.22(b), add existing language that applies to composting from 30 Texas Administrative Code Chapter 330, Subchapter P, concerning Fees and Reporting, to Chapter 332, and make substantive and non-substantive revisions to bring the chapter more up to date with agency and program standards. (Adam Schnuriger, Ian Groetsch) (Rule Project No. 2021-006-332-WS)

PUBLIC COMMENT SESSION

Item 30. 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 31. 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 32. 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 33. 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 34. 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.

GENERAL INFORMATION/LA INFORMACIÓN GENERAL

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How to register and 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 212-117-867. 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. Late registration could result in your missing the opportunity to comment on your item. Please note that the Commissioners may discuss or consider posted items in an order other than the order posted.

Cómo registrarse y dirigirse a la Comisión en la reunión

Los miembros del público que deseen dirigirse a la Comisión sobre un tema sobre el cual la Comisión está aceptando comentarios, deben registrarse como se indica a continuación y acceder a la reunión a través de un webcast navegando a:

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El registro para la Agenda concluirá a las 9:30 a.m. El registro tardío podría resultar en que pierda la oportunidad de comentar sobre su artículo. Tenga en cuenta que los Comisionados pueden discutir o considerar los artículos publicados en un orden diferente al pedido publicado.

How to ask for accommodations

Persons with disabilities who may 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 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.

Cómo solicitar adaptaciones

Se solicita a las personas con discapacidades que planeen asistir a la Agenda de la TCEQ y que puedan necesitar ayudas o servicios auxiliares, como intérpretes para personas sordas o con problemas de audición, lectores, letra grande o braille, que se comuniquen con la Oficina del Secretario en Jefe al (512) 239-3300 al menos cinco (5) días hábiles antes de la agenda, para que se puedan hacer los arreglos apropiados.

How to ask for an interpreter

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Cómo pedir un intérprete

Se solicita a las personas que deseen la asistencia de un intérprete junto con su presentación oral en esta Agenda de la TCEQ que se comuniquen con la Oficina del Secretario en Jefe al (512) 239-3300 al menos cinco (5) días hábiles antes de la Agenda para que los arreglos apropiados puede hacerse.

Open Meetings Act during the pandemic

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.

Ley de reuniones abiertas durante la pandemia

El 16 de marzo de 2020, de acuerdo con la sección 418.016 del Código de Gobierno de Texas, el gobernador Abbott suspendió varias disposiciones de la Ley de Reuniones Abiertas que requieren que los funcionarios del gobierno y los miembros del público estén físicamente presentes en un lugar de reunión específico. De conformidad con esa suspensión, el público no podrá asistir a la Agenda en persona, pero podrá asistir telefónicamente o vía webinar o ver la reunión en la web sin costo alguno.

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Cómo leer el documento de la Agenda

El documento de la Agenda anterior incluye hipervínculos (números de expediente resaltados en azul) que permiten al usuario ver los documentos de respaldo de la agenda [documentos relacionados con un asunto en particular que se han presentado en la Oficina del Secretario en Jefe]. Las actualizaciones de los documentos de respaldo se anotarán debajo de los hipervínculos.

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Section 46.035 of the Texas Penal Code prohibits handgun licensees from carrying their handguns at government meetings such as this one. The prohibition applies to both concealed carry and open carry handgun licensees.

Prohibidas las pistolas

La sección 46.035 del Código Penal de Texas prohíbe a los titulares de licencias de armas de fuego portar sus armas en reuniones gubernamentales como esta. La prohibición se aplica tanto a los titulares de licencias de portar armas ocultas como abiertas.