

**TCEQ COMMISSION MEETING
AGENDA
SEPTEMBER 8, 2021
9:30 A.M.**

In person/En persona: 12100 Park 35 Circle
Building E, Room 201S

By Computer/Por computadora: <https://www.gotomeeting.com/webinar/join-webinar>
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AGENDA ITEMS/ELEMENTOS DE LA AGENDA

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1 [Docket No. 2021-0755-MWD.](#)

Consideration of the application by Kendall West Utility, LLC, for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015787001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 490,000 gallons per day. The wastewater treatment facility will be located approximately 500 feet north of Eagle Drive, and 1,375 feet east-southeast of the intersection of Eagle Drive and Tapatío Drive East, in Kendall County, Texas 78006. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Stefanie Skogen, Gordon Cooper)

Item 2 [Docket No. 2021-1005-IWD.](#)

Consideration of the application by Grandy Ranch, Ltd. for a major amendment to TCEQ Permit No. WQ0004458000. The proposed amendment requests to authorize increasing the property acreage to 556.5 acres and the application acreage to 373 acres. The existing permit authorizes the land application of Class B wastewater treatment plant biosolids and water treatment plant residuals and domestic septage for beneficial use on 368 acres. This permit will not authorize a discharge of pollutants into water in the state. The land application site is located at 508 Jackrabbit Flat Road, Belton, in Bell County, Texas 76513. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Harrison "Cole" Malley, Brian Sierant)

Item 3 [Docket No. 2021-0441-AIR.](#)

Consideration of application by KMTEX, LLC, now known as Monument Chemical Port Arthur LLC, for the renewal and amendment of Air Quality Permit No. 74398, including the modification of permitted facilities located at 2450 Gulfway Drive, Port Arthur, Jefferson

County, Texas 77640. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Lorena Patrick, Louis Malarcher)

WATERMASTER BUDGET MATTERS

Item 4 [Docket No. 2021-0579-BGT](#)

Consideration of Fiscal Year 2022 assessment of annual costs for Watermaster operations in the Rio Grande Water Division. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 303.71-303.73 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2021 and ending August 31, 2022, for water right holders in the Rio Grande Water Division, and approve \$874,066.25 as the amount to be assessed for annual costs. The Rio Grande Water Division extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers and including that portion of the Nueces-Rio Grande Coastal Basin lying in Hidalgo, Cameron, Willacy, and Starr Counties whose source of water is the Rio Grande. (Jose Davila, Jessie Spears)

Item 5 [Docket No. 2021-0580-BGT](#)

Consideration of Fiscal Year 2022 assessment of annual costs for Watermaster operations in the South Texas Water Division. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2021 and ending August 31, 2022, for water right holders in the South Texas Water Division, and approve \$715,120.71 as the amount to be assessed for annual costs. The South Texas Water Division consists of the Nueces, San Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in Hidalgo, Cameron, Willacy, and Starr Counties. (Jose Davila, Jessie Spears)

Item 6 [Docket No. 2021-0581-BGT](#)

Consideration of Fiscal Year 2022 assessment of annual costs for Watermaster operations in the Concho River Watermaster Program. Pursuant to Texas Water Code Sections 11.329 and 11.558 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2021 and ending August 31, 2022, for water right holders in the Concho River Watermaster Program and approve \$212,044.84 as the amount to be assessed for annual costs. The Concho River Watermaster Program consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in Concho County. (Jose Davila, Jessie Spears)

Item 7 [Docket No. 2021-0582-BGT](#)

Hyperlink Updated 8/31/2021 at 10:00 AM

Consideration of Fiscal Year 2022 assessment of annual costs for Watermaster operations in the Brazos Watermaster Program. Pursuant to Texas Water Code Sections 11.329 and 11.455 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2021 and ending August 31, 2022, and approve \$853,602.25 as the amount to be assessed for annual costs for water right holders. The Brazos

Watermaster Program consists of the Brazos River Basin including and below Possum Kingdom Lake. (Jose Davila, Jessie Spears)

WATERMASTER EVALUATION

Item 8 [Docket No. 2021-0583-MIS.](#)

Consideration of the Executive Director's findings and recommendation on whether a watermaster should be appointed for the Cypress Creek and Sulphur River Basins. Texas Water Code, Section 11.326(g) requires that in river basins where no watermaster has been appointed, the Executive Director shall evaluate the river basin at least once every 5 years to determine whether a watermaster should be appointed and to report the findings and make recommendations to the commission. The commission shall include the findings and recommendations in the commission's biennial report to the Legislature. (Jose Davila, Jessie Spears)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 9 [Docket No. 2019-1703-AIR-E.](#)

Hyperlink Updated 9/7/2021 at 8:30 AM

Consideration of an Agreed Order assessing administrative penalties against Ascend Performance Materials Inc. and Ascend Performance Materials Texas Inc. in Brazoria County; RN100238682; 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. 2020-0347-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Brazoria County; RN100825249; 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 11 [Docket No. 2020-0253-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102579307; 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)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 12 [Docket No. 2020-1191-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Comal County Emergency Services District No. 6 in Comal County; RN111017877; for Edwards Aquifer 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)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 13 [Docket No. 2020-0865-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LyondellBasell Advanced Polymers Inc. in Harris County; RN101613370; 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)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 14 [Docket No. 2020-0580-MLM-E.](#)

Hyperlink Updated 9/7/2021 at 8:30 AM

Consideration of an Agreed Order assessing administrative penalties against CCD Meyer Ranch Land LLC in Comal County; RN109684928; for Edwards Aquifer and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, 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)

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 15 [Docket No. 2019-1330-MSW-E.](#)

Hyperlink Updated 9/1/2021 at 4:15 PM

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of MEDCLEAN MANAGEMENT SOLUTIONS INC. in Dallas County; RN105513519; 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. (Tracy Chandler, Elisa Guerra)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 16 [Docket No. 2020-0250-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Como in Hopkins County; RN101917367; 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 17 [Docket No. 2020-0125-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Goodrich in Polk County; RN101917649; 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 18 [Docket No. 2019-1637-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Port Arthur in Jefferson County; RN101608024; 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)

Item 19 [Docket No. 2020-0609-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Quadvest, L.P. in Montgomery County; RN102180411; 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)

OCCUPATIONAL LICENSING ENFORCEMENT DEFAULT ORDER

Item 20 [Docket No. 2020-0349-WOC-E](#)

Consideration of a Default Order assessing administrative penalties against James T. Scott in Lubbock County; RN105733927; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Elisa Guerra)

ON-SITE SEWAGE DISPOSAL SYSTEM ENFORCEMENT DEFAULT ORDER

Item 21 [Docket No. 2019-0961-OSS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Michael Gerald Barron in Irion County; RN110775467 and RN110775863; for on-site sewage disposal system violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Casey Kurnath, Elisa Guerra)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 22 [Docket No. 2020-1202-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bertha Pelzl dba Little Super Fina in Panola County; RN101431799; 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 23 [Docket No. 2020-1291-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Khurram Adnan dba Store T 24 4 in Dallas County; RN102395936; 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 24 [Docket No. 2020-0453-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against SHEULI INVESTMENTS, INC. dba Four Corners Food Mart in Rusk County; RN101906329; 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 25 [Docket No. 2019-0651-PST-E](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Martin Contreras and Otilia Contreras in Hale County; RN101905164; 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. (Ryan Rutledge, Elisa Guerra)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 26 [Docket No. 2020-1031-PWS-E.](#)

Hyperlink Updated 9/7/2021 at 8:30 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Arimak Water Supply Corporation (Arimak) in Kerr County; RN101264380; 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 27 [Docket No. 2020-1029-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Clay Water Supply Corporation in Burleson County; RN101188639; 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)

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 28 [Docket No. 2020-0217-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ARTAVIA Development Company in Montgomery County; RN110469897; 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 29 [Docket No. 2019-1513-WQ-E.](#)

Hyperlink Updated 8/26/2021 at 4:15 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Double Oak Construction, Inc. in Montgomery County; RN110478583; 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)

MISCELLANEOUS MATTER

Item 30 [Docket No. 2021-0941-MIS.](#)

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Yen Tran)

STATE IMPLEMENTATION PLAN MATTERS

Item 31 [Docket No. 2021-0508-MIS.](#)

Consideration for publication of, and hearing on, the proposed Agreed Order between the Texas Commission on Environmental Quality (the Commission) and Luminant Generation Company, LLC (the Company), to support attainment and maintenance of the 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS), in the Rusk-Panola SO₂ nonattainment area, as required by the Federal Clean Air Act (FCAA). The proposed Agreed Order will provide the enforceable control strategy for the associated proposed Rusk-Panola Attainment Demonstration State Implementation Plan Revision for the 2010 SO₂ NAAQS, by documenting

the Commission's order, and the Company's agreement, to comply with the requirements identified for the Martin Lake Steam Electric Station in Rusk County, pursuant to the Texas Clean Air Act, the Texas Health & Safety Code, and the FCAA. (Terry Salem, John Minter) (Non-Rule Project No. 2021-013-OTH-NR)

Item 32 [Docket No. 2021-0510-SIP.](#)

Consideration for publication of, and hearing on, a proposed state implementation plan (SIP) revision to address the Federal Clean Air Act (FCAA) requirements for the Rusk-Panola 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) nonattainment area. The proposed SIP revision includes a comprehensive inventory of current SO₂ emissions; evaluation and provision for implementing all reasonably available control measures and reasonably available control technology; air quality dispersion modeling to demonstrate attainment of the 2010 SO₂ NAAQS; a reasonable further progress demonstration; contingency measures; and certification that nonattainment New Source Review requirements are met for the Rusk-Panola 2010 SO₂ NAAQS nonattainment area. An associated proposed Agreed Order with Luminant Generation Company, LLC provides the enforceable control strategy for this attainment demonstration by documenting the Commission's order, and Luminant Generation Company, LLC's agreement, to comply with requirements identified for the Martin Lake Steam Electric Station in Rusk County, pursuant to the Texas Clean Air Act, the Texas Health & Safety Code, and the FCAA. (Mary Ann Cook, John Minter, Terry Salem) (Non-Rule Project No. 2020-057-SIP-NR)

PUBLIC COMMENT SESSION

Item 33 **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 34 **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 35 **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 36 **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 37 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.

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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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Para registrarse, puede proporcionar información a través del Formulario de participación pública en: https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/AgendaRegistrationForm.docx. Si tiene problemas con el Formulario de participación pública, puede llamar al (512) 239-3313 o enviar un correo electrónico a agenda@tceq.texas.gov y proporcionar la siguiente información: 1. Número de artículo de la agenda; 2. Nombre; 3. Afiliación; 4. Dirección; 5. Número de teléfono; 6. a quién representa (usted mismo o empresa / cliente); y 7. si desea dirigirse a la Comisión, si está disponible para las preguntas de la Comisión o si desea que se le anote como presente para que conste en acta.

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.

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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.

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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 (OCC)]. Las actualizaciones de los documentos de respaldo se anotarán debajo de los hipervínculos.

Weapons Prohibited

Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into this meeting.

Armas prohibidas

En conformidad con la Sección 46.03, Código Penal (lugares con prohibición de armas), una persona no puede portar un arma de fuego u otra arma en esta reunión.