

**TCEQ COMMISSION MEETING
AGENDA
OCTOBER 6, 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>
Webinar ID 953-961-995

By Telephone/por teléfono: (213) 929-4232
Access Code 482-680-223

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Se incluye información importante sobre esta agenda, que incluye cómo verla en línea o escucharla por teléfono, cómo registrarse para hablar, cómo solicitar adaptaciones especiales, cómo obtener un intérprete para su presentación, cómo leer este documento y más. disponible en [la sección de Información general](#).

AGENDA ITEMS/ELEMENTOS DE LA AGENDA

PROPOSAL FOR DECISION

Item 1 [TCEQ Docket No. 2020-1080-AIR; SOAH Docket No. 582-20-0111.](#)

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of Jupiter Brownsville, LLC for new New Source Review Permit Nos. 147681, PSDTX1522, and GHGPSDTX172, authorization to construct a condensate tower, a gas plant with debutanizer and depropanizer, a naphtha hydrotreater, an isomerization unit, a continuous catalytic reformer, and a diesel hydrotreater pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code ch. 5, and Texas Health & Safety Code ch. 382. The proposed heavy condensate upgrader facility would be located on the Brownsville Ship Channel in Brownsville, Cameron 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. (Amy Browning)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 [Docket No. 2021-1002-MWD](#)

Consideration of the application by Astra Investments I, LLC, and Sandfield Limited Partnership, for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015901001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 800,000 gallons per day. The wastewater treatment facility will be located approximately 1,267 feet northwest of the intersection of Farm-to-Market Road 156 and T L Ranch Road, in Denton County, Texas 76259. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Abdur Rahim, Stefanie Skogen)

Item 3 [Docket No. 2021-0999-MWD](#)

Consideration of the application by City of Liberty Hill, for a renewal of TPDES Permit No. WQ0014477001, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 4,000,000 gallons per day. The facility is located approximately 8,800 feet southeast of the intersection of U.S. Highway 29 and U.S. Highway 183, in Williamson County, Texas 78641. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (J. Alfonso Martinez, III, Bobby Salehi)

Item 4 [Docket No. 2021-1000-MSW](#)

Consideration of the application by Diamond Back Recycling and Sanitary Landfill, LP, for a new Type I MSW landfill, Permit No. 2404, with separate Type I and Type IV units. The landfill is proposed to accept and dispose of solid waste from and incidental to municipal, community, commercial, institutional, recreational, and industrial activities, including garbage, putrescible wastes, rubbish, ashes, brush, street cleanings, dead animals, abandoned automobiles, construction-demolition waste, yard waste, non-hazardous industrial solid waste, and some special waste. The Diamond Back Solid Waste Facility and Recycling Center is proposed to be located at 2301 South FM 866, Odessa, Ector County, Texas 79763. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Chandra Yadav, Anthony Tatu)

TOTAL MAXIMUM DAILY LOAD MATTER

Item 5 [Docket No. 2021-0634-TML](#)

Consideration for approval to publish and solicit public comment on Two Draft Total Maximum Daily Loads for Indicator Bacteria in Sandy Creek and Wolf Creek, of the Neches River Basin, in Jasper and Tyler Counties. (Kerry Niemann, Stefanie Skogen) (Project No. 2021-023-TML-NR)

AIR QUALITY ENFORCEMENT AGREED ORDER

Item 6 [Docket No. 2020-1064-AIR-E](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Wharton County; RN104198643; 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)

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 7 [Docket No. 2019-0695-AIR-E](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of A & W Industries, Inc. in Tarrant County; RN100739952; 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. (Benjamin Warms, Elisa Guerra)

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 8 [Docket No. 2020-0684-IHW-E](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KEP-RMA, LLC in Tarrant County; RN100653138; 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. (Ken Moller, Michael Parrish)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 9 [Docket No. 2020-1476-IWD-E.](#)

Remanded to the Executive Director on 10/5/2021

Consideration of an Agreed Order assessing administrative penalties against Covia Holdings Corporation in Cherokee County; RN100219120; 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)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 10 [Docket No. 2019-0372-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of La Feria in Cameron County; RN101612646; for water quality and municipal solid waste 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 11 [Docket No. 2019-0338-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mart in McLennan County; RN102079274; 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 12 [Docket No. 2020-0514-MLM-E.](#)

Hyperlink Updated 9/29/2021 at 4:00 PM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SJWTX, Inc. dba Canyon Lake Water Service Company in Comal County; RN107867194; 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)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 13 [Docket No. 2020-0853-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bastrop Independent School District in Bastrop County; RN102336393; 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 14 [Docket No. 2020-0475-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Elkhart in Anderson County; RN102844610; 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)

Item 15 [Docket No. 2019-1544-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Douglas Utility Company in Harris County; RN101608586; 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 16 [Docket No. 2019-0774-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pettus Municipal Utility District in Bee County; RN102079100; 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 17 [Docket No. 2019-1494-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Riviera Water Control and Improvement District in Kleberg County; RN105377535; 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. 2020-0915-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against NAAZ Trading Inc. dba Shell Coldspring in San Jacinto County; RN102028016; 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 19 [Docket No. 2020-1479-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Parking Spot Irving, LLC in Dallas County; RN101056034; 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 20 [Docket No. 2020-1250-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SECURITY AIRPARK, INCORPORATED in Bexar County; RN102452232; 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)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 21 [Docket No. 2020-0709-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of BENTON RAINEY, INC. in Lamar County; RN102043692; 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. (Roslyn Dubberstein, Elisa Guerra)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 22 [Docket No. 2020-1480-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Munday in Knox County; RN101268829; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Aaron Vincent, Michael Parrish)

Item 23 [Docket No. 2020-0936-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Wills Point in Van Zandt County; RN101388973; 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 24 [Docket No. 2020-0739-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mark Kenneth Stewart dba Green Hills Subdivision in Cass County; RN101194447; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Julianne Matthews, Michael Parrish)

Item 25 [Docket No. 2020-1468-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RIVER BEND WATER SERVICES, INC. in Matagorda County; RN102681467; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Miles Wehner, Michael Parrish)

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 26 [Docket No. 2020-1464-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Precast Concrete of Texas, LLC in Navarro County; RN105384432; 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)

PUBLIC COMMENT SESSION

Item 27 **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 28 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 29 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 30 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 31 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

How to watch or listen to the meeting

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<https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>.

Cómo ver o escuchar la reunion

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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 953-961-995. Those without internet access may call (512) 239-3313 before the meeting begins for assistance in accessing the meeting telephonically.

To register, you may provide information via the Public Participation Form at: https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/AgendaRegistrationForm.docx. If you have challenges with the Public Participation Form, you may call (512) 239-3313 or email agenda@tceq.texas.gov and 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. 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: <https://www.gotomeeting.com/webinar/join-webinar> e ingresando el ID del seminario 953-961-995. Aquellos sin acceso a Internet pueden llamar al (512) 239-3313 antes de que comience la reunión para recibir ayuda para acceder a la reunión por teléfono.

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.

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.

How to read the Agenda document

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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 (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.