

**TCEQ COMMISSION MEETING
AGENDA
NOVEMBER 3, 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 213-635-995

By Telephone/por teléfono: (562) 247-8422
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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

OLD BUSINESS AGENDA

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDER

Continued from the October 20, 2021 Agenda.

Item 1 [Docket No. 2020-1352-PWS-E](#)

Hyperlink Updated 10/29/2021 at 8:30 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Toyah in Reeves County; RN101225001; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Hall, Michael Parrish)

NEW BUSINESS AGENDA

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1 [Docket No. 2021-1003-AGR](#)

Hyperlink Updated 10/28/2021 at 12:15 PM

Consideration of the application by Van Ruiten Dairy Partners for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003290000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to replace the list of alternative crops and yield goals, add one new land management unit (LMU), reconfigure existing LMUs, add a water well, add one freestall barn, reconfigure and increase the drainage areas of the

retention controls structures, and increase the total land application area from 93 to 138 acres. The maximum capacity of 990 head total dairy cattle, all of which are milking cows, will not change. The facility is located at 1572 County Road 202, Iredell, Erath County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Joy Alabi, Jessie Spears)

Item 2 [Docket No. 2021-1211-MWD](#)

Consideration of the application by City of Fort Worth for new Texas Pollutant Discharge Elimination System Permit No. WQ0015668001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 15,000,000 gallons per day. The facility will be located at 11091 Chapin Road, in the City of Fort Worth, Tarrant County, Texas 76108. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Sonia Bhuiya, Bobby Salehi)

Item 3 [Docket No. 2021-1214-MWD](#)

Consideration of the application by AIRW 2017-7, L.P., for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System Permit No. WQ0015878001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 200,000 gallons per day. The wastewater treatment facility will be located approximately 500 feet southeast of the intersection of Rockride Lane (County Road 110) and Westinghouse Road (County Road 111), in Williamson County, Texas 78626. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Gordon Cooper, Bobby Salehi)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 [Docket No. 2020-1238-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Navarro Midstream Services, LLC in Webb County; RN106484413; 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. (Toni Red, Michael Parrish)

Item 5 [Docket No. 2021-0010-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 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 6 [Docket No. 2021-0008-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against in SI Group, Inc. in Brazoria County; RN100218999; 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 7 [Docket No. 2020-1214-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Harris County; RN100219526; 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. (Toni Red, Michael Parrish)

Item 8 [Docket No. 2021-0006-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of XTO Energy Inc. in Wood County; RN100210434; 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)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 9 [Docket No. 2021-0164-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Dallas in Dallas County; RN101549061; 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 10 [Docket No. 2019-0861-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Galveston in Galveston County; RN102342680 and RN101613925; 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)

Item 11 [Docket No. 2021-0150-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Gregory in San Patricio County; RN101917623; 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)

Item 12 [Docket No. 2020-0745-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Navasota in Grimes County; RN101608131; 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 13 [Docket No. 2021-0028-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PAWLK'S SUPER MARKET, INC. dba Pawlik Ace Mart in Frio County; RN101434892; 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 14 [Docket No. 2020-0305-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of KBB & KBB, INC dba Crossroads Conoco in Jones County; RN101827293; 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. (Taylor Pearson, Elisa Guerra)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 15 [Docket No. 2018-1720-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against AMR Food, Inc. dba STOP N GET in Bexar County; RN101746022; 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. (Taylor Pearson, Elisa Guerra)

Item 16 [Docket No. 2020-0641-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of John Vasquez in Eastland County; RN102046026; 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. (Casey Kurnath, Elisa Guerra)

Item 17 [Docket No. 2020-0502-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Arnolando Perez formerly dba Perez Fuel Stop in Hidalgo County; RN101445310; 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. (Judy Bohr, Elisa Guerra)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 18 [Docket No. 2021-0156-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Christian Life Center of Lubbock in Lubbock County; RN101184257; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Carlos Molina, Michael Parrish)

Item 19 [Docket No. 2020-1116-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Gorman in Eastland County; RN101198794; 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 20 [Docket No. 2019-1108-PWS-E.](#)

Hyperlink Updated 10/28/2021 at 3:30 PM

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Realty Income Properties 22, LLC in Midland County; RN106064561; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Benjamin Warms, Elisa Guerra)

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 21 [Docket No. 2020-0713-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DERICHEBOURG RECYCLING USA, INC. in Harris County; RN104772967; 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)

Item 22 [Docket No. 2019-1356-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against MCP 100 Congress Member, LLC in Travis County; RN107235871; 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)

WATER QUALITY ENFORCEMENT DEFAULT ORDERS

Item 23 [Docket No. 2020-0187-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of AK CUSTOM HOMES LLC in Parker County; RN110796745; 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. (Casey Kurnath, Elisa Guerra)

Item 24 [Docket No. 2018-1108-WQ-E.](#)

Consideration of a Default Order assessing administrative penalties against Quadvest Construction, L.P. in Montgomery County; RN110045226; 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. (John Mercurief II, Elisa Guerra)

RULE MATTER

Item 25 [Docket No. 2020-0032-RUL](#)

Consideration of the adoption of amendments to 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste, Section 335.323 and Section 335.325. The rulemaking adoption will establish increases to the industrial and hazardous waste (IHW) generator fee schedule and the IHW management fee schedule. The proposed rules were published in the June 4, 2021, issue of the *Texas Register* (46 TexReg 3499). (Garrett Heathman, Audrey Liter, Jessie Spears; Rule Project No. 2020-010-335-WS)

PUBLIC COMMENT SESSION

Item 26 **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 27 **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 28 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 29 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 30 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 213-635-995. 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 reunion

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 web 213-635-995. 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

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 Chief Clerk at (512) 239-3300 at least five (5) work days prior to the Agenda so that appropriate arrangements may be made.

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

The Agenda document above 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 under the hyperlinks.

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.