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Updates to backup documents will be noted by a purple indicator. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, the Commissioners may discuss or consider posted items in an order other than the order posted.

Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka

AGENDA

December 18, 2019

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.
12100 Park 35 Circle
Room 201S, Bldg. E

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1

[Docket No. 2019-1343-MWD.](#)

Consideration of the application by City of Bovina for a renewal of Texas Commission on Environmental Quality Permit No. WQ0014730001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day via surface irrigation of 63 acres of non-public access pastureland. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment facility and disposal site are located approximately 0.75 mile northeast of the intersection of State Highway 86 and Farm-to-Market Road 1731, to the south of State Highway 86, in Parmer County, Texas 79009. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (John O. Onyenobi, Bobby Salehi)

Find that there is no right to a hearing on this application pursuant to Texas Water Code § 26.028(d); Deny all hearing requests and requests for reconsideration; Issue the renewal of TCEQ Permit No. WQ0014730001 to the City of Bovina as recommend

by the Executive Director; and Adopt the Executive Director's Response Public to Comment. EL/BJ; all agree.

Item 2 **Docket No. 2019-1342-MWD.**

Consideration of the application by City of Blanco for a major amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0010549002 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 225,000 gallons per day (gpd) to an annual average flow not to exceed 1,600,000 gpd. In addition, the amendment would authorize decommissioning the existing lagoon treatment facilities and irrigation facilities, decommissioning Outfalls 001 and 002, constructing a new conventional wastewater treatment facility, adding a new pond, and adding new Outfall 003. The facility is located at 289 Waters Edge Road, in Blanco County, Texas 78606. 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, Hollis Henley)

Grant the hearing requests filed by Protect Our Blanco, Save Our Springs Alliance, Wimberley Valley Watershed Association, Barnett and Nancy Cline, Virginia Faught, and Joseph and Mary Theriot; Deny all remaining hearing requests and all requests for reconsideration; Refer the application to SOAH for a contested case hearing concerning the following issues: a) Whether the draft permit will be protective of water quality and the uses of the receiving waters under the applicable Texas Surface Water Quality Standards; b) Whether the permit is protective of the health of the requestors and their families; c) Whether the draft permit complies with applicable requirements to abate and control nuisance odors, as set forth in 30 Texas Administrative Code § 309.13(e); d) Whether the draft permit is adequately protective of aquatic life and wildlife, including endangered species and their habitat; e) Whether the applicant provided the required effluent analysis data; f) Whether the draft permit is protective of existing use and enjoyment of neighboring property, including recreational use; g) Whether the nutrient limits in the draft permit comply with applicable Texas Surface Water Quality Standards; h) Whether the draft permit is protective of groundwater and drinking water in the area; i) Whether the proposed discharge will comply with applicable anti-degradation requirements; j) Whether the draft permit provides adequate provisions for Whole Effluent Toxicity testing, de-chlorination, and effluent monitoring; k) Whether the modeling analysis of the proposed effluent discharge is adequate; l) Whether the discharge route has been properly characterized; m) Whether the Commission should deny or alter the terms and conditions of the draft permit based on the consideration of need under Texas Water Code § 26.0282; n) Whether the applicant's compliance history raises any issues regarding the applicant's ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit; and o) Whether the applicant substantially complied with all applicable notice requirements; and Set the

hearing duration for the proceeding at 180 days from the date of the preliminary hearing to the issuance for the Proposal for Decision. BJ/EL; all agree.

MISCELLANEOUS MATTERS

Docket No. 2019-0907-RES.

Consideration of the nomination and appointment of six individuals to the Tax Relief for Pollution Control Property Advisory Committee. Texas Tax Code, Section 11.31 requires the Texas Commission on Environmental Quality (TCEQ) to form a permanent advisory committee to make recommendations to the TCEQ commissioners on matters relating to property tax exemptions for pollution control property. The advisory committee is required to have representatives from industry, appraisal districts, taxing units, environmental groups, a school district or junior college, and other members who have substantial technical expertise in pollution control technology and environmental engineering. The committee positions to be filled include three industry representatives, one taxing representative, one school or junior college district representative, and one environmental group representative. A request for applications for nomination was published in the August 2, 2019, issue of the *Texas Register* (44 TexReg 4104). Elizabeth Sartain, Don Redmond) (Non-Rule Project No. 2019-114-RES-NR)

Appoint the following individuals to serve four years terms, expiring December 31, 2023; Gregory Maxim, representing industry; Michael Nasi, representing industry; Dr. Cyrus Reed, representing environmental groups; Lloyd Graham, representing a school or junior college district and the new members; Justin Hyland, representing industry and Adam Haines, representing taxing units. EL/BJ; all agree.

Item 4 **Docket No. 2019-1339-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)

Approve issuance of the Resolution acknowledging the Executive Director's acceptance of the gifts and donations contained in the TCEQ Interoffice Memorandum to the Commissioners dated December 2, 2019, Docket No. 2019-1339-MIS. BJ/EL; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 [**Docket No. 2018-1152-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Jefferson County; RN100209857; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 6 [**Docket No. 2018-1614-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against DAVIS OPERATING COMPANY in Brazoria County; RN110469616; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 7 [**Docket No. 2018-1380-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Brazoria County; RN100237668; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 8 [**Docket No. 2019-0060-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ETC Field Services LLC in Reeves County; RN106173644; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 9 **[Docket No. 2018-0917-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Holt Crushing, LLC in Irion County; RN110316312; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 10 **[Docket No. 2018-1693-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lion Elastomers LLC in Jefferson County; RN100224799; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 11 **[Docket No. 2018-1335-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Pelican Island Storage Terminal, LLC in Galveston County; RN100224120; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 12 **[Docket No. 2018-1474-AIR-E.](#)**

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

Adopt the Agreed Order. JN/EL; all agree.

Item 13 **Docket No. 2018-1458-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of United States Gypsum Company in Harris County; RN100212281; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 14 **Docket No. 2018-0863-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marathon Petroleum Company LP and Blanchard Refining Company LLC in Galveston County; RN102535077; 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. (Carol McGrath, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 15 **Docket No. 2018-1097-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Jefferson County; RN104964267; 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)

Remand to the Executive Director for referral to the Office of the Attorney General. JN/EL; all agree.

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT
AGREED ORDER**

Item 16 **Docket No. 2018-0868-IHW-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lion Elastomers LLC in Jefferson

County; RN100224799; for industrial and hazardous 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. (Stephanie McCurley, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 17 **[Docket No. 2018-0624-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GRASSLAND WATER SUPPLY CORPORATION in Lynn County; RN101244093; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 18 **[Docket No. 2018-0905-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NORTH ALAMO WATER SUPPLY CORPORATION in Hidalgo County; RN101247922; for public water supply and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 341 and 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Michaëlle Garza, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 19 **[Docket No. 2018-0753-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PARTNERS DEWATERING INTERNATIONAL, L.C. in Medina County; RN101999290; for municipal solid 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. (Danielle Porras, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 20 **[Docket No. 2018-0532-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Littlefield in Lamb County; RN102070257 and RN102217593; for municipal solid 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. (Danielle Porras, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21 **[Docket No. 2019-0086-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Aubrey in Denton County; RN102336666; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 22 **[Docket No. 2018-1529-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Horseshoe Bay in Llano County; RN101189801; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 23 [**Docket No. 2018-1495-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Liberty in Liberty County; RN102078128; 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. (Abigail Lindsey, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 24 [**Docket No. 2019-0168-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Queen City in Cass County; RN101918910; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 25 [**Docket No. 2018-1522-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Weslaco in Hidalgo County; RN101607943; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 26 [**Docket No. 2019-0144-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Meadowhill Regional Municipal Utility District in Harris County; RN101511384; 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. (Chase Davenport, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 27 [**Docket No. 2017-0785-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of P C S DEVELOPMENT COMPANY in Orange County; RN101273241; 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)

Adopt the Agreed Order. JN/EL; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 28 [**Docket No. 2017-1767-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AMER & MILAD INVESTMENTS INC dba Bruton Store in Dallas County; RN101550192; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 29 [**Docket No. 2018-1418-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DEAL DASH C-STORES, INC. dba 24/7 Xpresway in Denton County; RN102248093; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 30 [**Docket No. 2018-1040-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against E & B, LLC dba Swif-T Food Store in Tarrant County; RN102040466; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 31 **[Docket No. 2018-1757-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GEVERS INVESTMENT INC dba Stanleys Ice House in Bexar County; RN101378222; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 32 **[Docket No. 2016-2116-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of John Chau dba Roundup 5 in Burnet County; RN101494821; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 33 **[Docket No. 2018-1257-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of M-CO AUTO SUPPLY, INC. in Bexar County; RN101739282; 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. (Carlos Molina, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 34 **[Docket No. 2018-0080-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SJ&F LLC dba Shell C.F. Hawn in Dallas County; RN101563476; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 35 [**Docket No. 2018-0481-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SPIDLE & SPIDLE, INC. in Orange County; RN100519644; 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. (Hailey Johnson, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 36 [**Docket No. 2019-0100-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PREMIER PARKING COMPANY dba Premier Convenience Store in Midland County; RN101754802; 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. (Hailey Johnson, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDERS

Item 37 [**Docket No. 2018-1728-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Utilities, Inc. in Kimble County; RN101217826; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marla Waters, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 38 [**Docket No. 2018-1585-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Arp in Smith County; RN101209732; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 39 [**Docket No. 2019-0046-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hudson Water Supply Corporation in Angelina County; RN101455954; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Julianne Dewar, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 40 [**Docket No. 2018-0878-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Johnny T. Arroyos dba Johnny Arroyos RV Park in Lubbock County; RN109759472; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Julianne Dewar, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 41 [**Docket No. 2019-0333-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAKE BONANZA WATER SUPPLY CORPORATION in Montgomery County; RN102673282; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marla Waters, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 42 [**Docket No. 2018-1344-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Breeze MHC, LLC in Bexar County; RN101262665; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steve Van Landingham, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 43 [**Docket No. 2018-1414-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. (Yuliya Dunaway, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 44 [**Docket No. 2018-1501-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Solidwood Forest Ltd. in Waller County; RN105074736; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Julianne Dewar, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 45 [**Docket No. 2018-1603-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WORLEY WELDING WORKS, INC. in Hockley County; RN102803228; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 46

[Docket No. 2018-1432-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rio Water Supply Corporation in Starr County; RN101456689; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

PUBLIC WATER SUPPLY ENFORCEMENT DEFAULT ORDER

Item 47

[Docket No. 2016-2069-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of CATALPA WATER SUPPLY CORPORATION in Randall County; RN101247211; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Ian Groetsch, Janice Hernandez)

Adopt the Default Order. JN/EL; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 48

[Docket No. 2019-0218-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Corinth in Denton County; RN101217156; 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. (Christopher Moreno, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

Item 49

[Docket No. 2018-1103-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Elsa in Hidalgo County; RN106088248; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 50 [**Docket No. 2018-1047-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of White Settlement in Tarrant County; RN101242642; 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)

Adopt the Agreed Order. JN/EL; all agree.

Item 51 [**Docket No. 2018-1383-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Shade Structures, Inc. in Dallas County; RN110464369; 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. (Christopher Moreno, Michael Parrish)

Adopt the Agreed Order. JN/EL; all agree.

MONTHLY ENFORCEMENT REPORT

Item 52 [**Docket No. 2019-0018-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)

No action taken.

PETITION FOR RULEMAKING

Item 53 [**Docket No. 2019-1620-PET.**](#)

Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality (Commission) on November 12, 2019, by Texas Environmental Justice Advocacy Services and Sierra Club (Petitioners). The Petitioners requested that the Commission adopt rules that extend existing alternative language requirement found

at 30 TAC Section 39.405(h) to public meetings held under 30 TAC Section 55.154, require at least 30 days mailed and published notice of such public meetings, and guarantee professional interpretation services when Commission rules require alternative language public meeting notice. (Amy Browning) (Project No. 2020-012-PET-NR)

Initiate rulemaking on the petition for rulemaking filed by Texas Environmental Justice Advocacy Services and Sierra Club and Adopt the Executive Director's amended Proposed Order. BJ/EL; all agree.

RULE MATTERS

Item 54 **[Docket No. 2019-0896-RUL.](#)**

Consideration for publication of, and hearing on, proposed amendment to 30 TAC Chapter 305, Consolidated Permits, Section 305.64; the repeal of 30 TAC Chapter 305, Section 305.149; amendments to 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste, Sections 335.1, 335.2, 335.10 - 335.13, 335.24, 335.31, 335.43, 335.63, 335.69, 335.71, 335.76, 335.78, 335.91, 335.112, 335.152, 335.251, 335.261, 335.262, 335.331, 335.501, 335.504, 335.590, and 335.602; and new 30 TAC Chapter 335, Section 335.281. 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 rulemaking would also implement House Bill 1953, 86th Texas Legislature, 2019, Regular Session, relating to the conversion of plastics and other recyclable material through pyrolysis or gasification. Furthermore, the proposed repeal of 30 TAC §305.149, Time Limitation for Construction of Commercial Hazardous Waste Management Units, is due to the Quadrennial Review of Chapter 305. (Jarita Sepulvado, Natasha Douglas) (Rule Project No. 2019-085-335-WS)

Approve the publication of, and hearing on, the proposed amendment to 30 TAC Chapter 305, Consolidated Permits, Section 305.64, the repeal of Section 305.149, and multiple amendments to 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste, as recommended by the Executive Director. EL/BJ; all agree.

Item 55 **[Docket No. 2019-0893-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended Section 305.541 of 30 TAC Chapter 305, Consolidated Permits. The proposed rulemaking would implement House Bill 2771 from the 86th Texas Legislature, 2019, Regular Session, by amending Section 305.541

to adopt by reference the United States Environmental Protection Agency's effluent limitations guidelines for the oil and gas extraction point source category and the centralized waste treatment category (40 Code of Federal Regulations Parts 435 and 437). (Laurie Fleet, Kathy Humphreys) (Rule Project No. 2019-118-305-OW)

Approve the publication of, and hearing on, the proposed amendments to 30 TAC Chapter 305, as recommended by the Executive Director. BJ/EL; all agree.

Item 56 **Docket No. 2019-0399-RUL.**

Consideration of the adoption of amended Sections 222.1, 222.3, 222.5, 222.31, 222.33, 222.73, 222.75, 222.81, 222.83, 222.85, 222.87, 222.115, 222.119, 222.127, 222.157, 222.159, and 222.163 of 30 TAC Chapter 222, Subsurface Area Drip Dispersal Systems; and amended Sections 309.1 - 309.4, 309.10 - 309.14, and 309.20 and new Sections 309.21 – 309.25 of 30 TAC Chapter 309, Domestic Wastewater Effluent Limitation and Plant Siting. The adoption would allow an applicant for a Texas Land Application Permit the option to reduce the acreage required for land application of treated domestic wastewater by obtaining a "beneficial reuse credit" that accounts for offsite beneficial reuse. The adopted rulemaking would also include administrative changes to ensure current and accurate cross-references, improve readability, improve rule structure, and use consistent and industry accepted terminology. The proposed rules were published in the June 28, 2019, issue of the *Texas Register* (44 TexReg 3227). (Rebecca Moore, Michael Parr) (Rule Project No. 2016-042-309-OW)

Adopt the amended Sections of 30 TAC Chapter 222 and new and amended Sections in 30 TAC Chapter 309, recommended by the Executive Director. EL/BJ; all agree.

QUADRENNIAL RULE REVIEWS

Item 57 **Docket No. 2019-0133-MIS.**

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 214, Secondary Containment Requirements for Underground Storage Tank Systems Located Over Certain Aquifers. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years. The proposal was published in the July 19, 2019, issue of the *Texas Register* (44 TexReg 3653). (Elizabeth Vanderwerken, Michael Parr) (Non-Rule Project No. 2019-090-214-CE)

Joint Motion for Items 57-61.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 214, 295, 299, 309, and 350 without amendment. JN/BJ; all agree.

Item 58 [**Docket No. 2018-1597-MIS.**](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 295, Water Rights, Procedural. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the July 19, 2019, issue of the *Texas Register* (44 TexReg 3653). (Kathy Ramirez, Robin Smith) (Rule Project No. 2019-057-295-OW)

Joint Motion for Items 57-61.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 214, 295, 299, 309, and 350 without amendment. JN/BJ; all agree.

Item 59 [**Docket No. 2019-0134-MIS.**](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 299, Dams and Reservoirs. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the July 19, 2019, issue of the *Texas Register* (44 TexReg 3654). (Warren Samuelson, P.E., Robin Smith) (Project No. 2019-091-299-CE)

Joint Motion for Items 57-61.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 214, 295, 299, 309, and 350 without amendment. JN/BJ; all agree.

Item 60 [**Docket No. 2019-0135-MIS.**](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 309, Domestic Wastewater Effluent Limitation and Plant Siting. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the July 19, 2019, issue of the *Texas Register* (44 TexReg 3654). (Laurie Fleet, Celia Castro) (Project No. 2019-036-309-OW)

Joint Motion for Items 57-61.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 214, 295, 299, 309, and 350 without amendment. JN/BJ; all agree.

Item 61 **Docket No. 2019-0109-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 350, Texas Risk Reduction Program. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the July 19, 2019, issue of the *Texas Register* (44 TexReg 3654). (Anna R. Brulloths, Courtney Sprague, Natasha Douglas) (Project No. 2019-082-350-WS)

Joint Motion for Items 57-61.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 214, 295, 299, 309, and 350 without amendment. JN/BJ; all agree.

PUBLIC COMMENT SESSION

Item 62 **Docket No. 2019-0005-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.

Isabel Segarra Trevino, Earthjustice and Yvette Arellano addressed the Commission. No action taken.

EXECUTIVE MEETING

Item 63 **Docket No. 2019-0001-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.

No action taken.

Item 64 **Docket No. 2019-0002-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.

The Commission did not meet on this item.

Item 65 **Docket No. 2019-0003-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.

The Commission did not meet on this item.

Item 66 **Docket No. 2019-0004-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.

The Commission did not meet on this item.

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 SIX (6) 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.

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

**THE PUBLIC CAN 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)**

/s/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

January 8, 2020
Date