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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**

January 15, 2020

### **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. 2019-1536-MWD.](#)**

Consideration of the application by City of Leander for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0012644001 to authorize an increase in the discharge of treated domestic wastewater from an annual average flow not to exceed 2,250,000 gallons per day to an annual average flow not to exceed 5,250,000 gallons per day. The facility is located at 10201 Ranch-to-Market Road 2243, in the City of Leander, 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. (Julian Centeno, Jr., Isaac Ta)

Deny all hearing requests; Grant the major amendment to the City of Leander for TPDES Permit No. WQ0012644001 as recommend in the Draft Permit prepared by

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

### **MISCELLANEOUS MATTER**

Item 2 **[Docket No. 2019-1636-MIS.](#)**

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Chris Gobert)

Approve issuance of the Executive Director's Proposed Resolution that acknowledges the material changes to contracts for goods and services in accordance with Texas Government Code § 2155.088 for the period of June 1, 2019, to August 31, 2019, as described in the TCEQ Interoffice Memorandum to the Commissioners and Executive Director dated January 15, 2020 and Docket Number 2019-1636-MIS. BJ/EL; all agree.

### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 3 **[Docket No. 2018-1203-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Casita Enterprises, Inc. in Navarro County; RN100215664; 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. EL/BJ; all agree.

Item 4 **[Docket No. 2019-0091-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Operating Company, LP in Panola County; RN104204193; 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. EL/BJ; all agree.

Item 5 **[Docket No. 2018-1718-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Flint Hills Resources Port Arthur, LLC in Jefferson County; RN100217389; 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. EL/BJ; all agree.

Item 6 [\*\*Docket No. 2017-1529-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against German Pellets Texas, LLC in Jefferson County; RN106530108; 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. EL/BJ; all agree.

Item 7 [\*\*Docket No. 2018-1538-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against INEOS Americas LLC in Harris County; RN100213958; 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. EL/BJ; all agree.

Item 8 [\*\*Docket No. 2018-1437-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Hutchinson County; RN102495884; 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)

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

Item 9 [\*\*Docket No. 2019-0105-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of South Hampton Resources, Inc. in Hardin County; RN101995611; 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. EL/BJ; all agree.

Item 10 [\*\*Docket No. 2018-1184-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sunoco Partners Marketing & Terminals L.P. in Jefferson County; RN100214626; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mackenzie Mehlmann, Michael Parrish)

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

Item 11 [\*\*Docket No. 2018-0772-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Chemours Company FC, LLC in Harris County; RN108202599; 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. EL/BJ; all agree.

Item 12 [\*\*Docket No. 2019-0325-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Methodist Hospital in Harris County; RN102962446; 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. EL/BJ; all agree.

Item 13 [Docket No. 2018-1427-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Western Dairy Transport, L.L.C. in Erath County; RN105139372; 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)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 14 [Docket No. 2019-0365-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical LLC in Montgomery County; RN100219740; 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. EL/BJ; all agree.

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 15 [Docket No. 2016-2129-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Junction in Kimble County; RN101383990; 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. EL/BJ; all agree.

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 16 [Docket No. 2018-0654-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Haskell in Haskell County; RN102214624; 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. (Carlos Molina, Michael Parrish)

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

Item 17 [\*\*Docket No. 2018-0590-MSW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Michael Espitia in Guadalupe County; RN109641498; 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. (Jess Robinson, Janice Hernandez)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 18 [\*\*Docket No. 2019-0183-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bell County Water Control and Improvement District No. 2 in Bell County; RN101610418; 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. EL/BJ; all agree.

Item 19 [\*\*Docket No. 2019-0222-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Colorado City in Mitchell County; RN102182557; 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. EL/BJ; all agree.

Item 20 [\*\*Docket No. 2019-0085-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Grapevine in Tarrant County; RN101614352; 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. EL/BJ; all agree.

Item 21 [\*\*Docket No. 2018-1607-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hooks in Bowie County; RN101916468; 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. EL/BJ; all agree.

Item 22 [\*\*Docket No. 2018-1509-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Nacogdoches in Nacogdoches County; RN101611283; 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. EL/BJ; all agree.

Item 23 [\*\*Docket No. 2019-0072-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of White Oak in Gregg County; RN102079696; 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. EL/BJ; all agree.

Item 24 [\*\*Docket No. 2019-0182-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Shalimar Fort Worth, LP in Johnson County; RN102915691; 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. EL/BJ; all agree.

Item 25 [\*\*Docket No. 2019-0054-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of West Memorial Municipal Utility District in Harris County; RN101721314; 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. EL/BJ; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 26 [\*\*Docket No. 2019-0392-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MURPHY OIL USA, INC. dba Murphy USA 5665 in Titus County; RN102258761; 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 Smith, Michael Parrish)

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

Item 27 [\*\*Docket No. 2019-0402-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PAK PETROLEUM MARKETING, INC. in Wharton County; RN110640240; 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. EL/BJ; all agree.

Item 28 **Docket No. 2019-0371-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of XPERT TRANSPORTATION, LLC in El Paso County; RN102594934; 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. EL/BJ; all agree.

Item 29 **Docket No. 2019-0035-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ysleta ISD in El Paso County; RN102304086; 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. (Danielle Porras, Michael Parrish)

Continue to a future Agenda. EL/BJ; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 30 **Docket No. 2018-0848-PST-E.**

Consideration of a Default Order assessing administrative penalties against SSIA GROUP INC dba Gateway Foodmart 3 in Bell County; RN101664456; 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. (Kevin R. Bartz, Janice Hernandez)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS**

Item 31 [\*\*Docket No. 2018-1583-PST-E.\*\*](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of BVE ENTERPRISES INC. dba Easy Stop in San Patricio County; RN102353729; 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. (Kevin R. Bartz, Janice Hernandez)

Adopt the Default and Shutdown Order. EL/BJ; all agree.

Item 32 [\*\*Docket No. 2019-0515-PST-E.\*\*](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of NIROJ CORPORATION dba Cigarette Mart in Dallas County; RN105680375; 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. (Jaime C. Garcia, Janice Hernandez)

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

Item 33 [\*\*Docket No. 2018-1756-PST-E.\*\*](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of 1203 Chestnut, Inc. dba All Stop Food Mart in Bastrop County; RN101492999; 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, Janice Hernandez)

Adopt the Default and Shutdown Order. EL/BJ; all agree.

Item 34 [\*\*Docket No. 2018-0932-PST-E.\*\*](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of SHERA CORPORATION dba Dairy Way Food Mart in Dallas County; RN102049632; 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. (Kevin R. Bartz, Janice Hernandez)

Adopt the Default and Shutdown Order. EL/BJ; all agree.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 35 **[Docket No. 2018-1289-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Allen Watts dba Lago Vista Water System in Guadalupe County; RN102676350; 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. (Danielle Porras, Michael Parrish)

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

Item 36 **[Docket No. 2019-0304-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Andrews in Andrews County; RN101190718; 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)

Remanded to the Executive Director on January 8, 2020.

Item 37 **[Docket No. 2019-0082-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Calvert in Robertson County; RN101392355; 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. EL/BJ; all agree.

Item 38 **[Docket No. 2019-0244-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Chillicothe in Hardeman

County; RN101389542; 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. EL/BJ; all agree.

Item 39 [\*\*Docket No. 2019-0189-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Covance Research Products Inc. in Jim Wells County; RN101986834; 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. EL/BJ; all agree.

Item 40 [\*\*Docket No. 2019-0188-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hardin County Water Control and Improvement District No. 1 in Hardin County; RN101389278; 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. EL/BJ; all agree.

Item 41 [\*\*Docket No. 2018-1230-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lake Livingston Water Supply Corporation in Polk County; RN101253136; 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. EL/BJ; all agree.

Item 42 [\*\*Docket No. 2019-0128-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Military Highway Water Supply Corporation in Cameron County; RN101258515; 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. EL/BJ; all agree.

Item 43 [\*\*Docket No. 2018-1139-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Siesta Shores Water Control and Improvement District in Zapata County; RN101451599; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Soraya Bun, Michael Parrish)

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

Item 44 [\*\*Docket No. 2019-0483-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tidehaven Independent School District in Matagorda County; RN109227942; 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)

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

Item 45 [\*\*Docket No. 2018-1760-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Victoria County Water Control and Improvement District No. 2; RN101398303; 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. EL/BJ; all agree.

Item 46 [\*\*Docket No. 2018-0639-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of CRIDER'S MANAGEMENT, LLC dba Crider's Frio River Resort in Uvalde County; RN101259372; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Audrey Liter, Janice Hernandez)

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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 47 [\*\*Docket No. 2018-1592-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Edward M. Moss and Lourdes Moss in Wise County; RN109321638; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Audrey Liter, Janice Hernandez)

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

Item 48 [\*\*Docket No. 2018-1503-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of George W. Jackson dba Fort Jackson Mobile Estates in Lubbock County; RN102698545; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kevin R. Bartz, Janice Hernandez)

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

Item 49 [\*\*Docket No. 2019-0070-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against Linda W. Ball in Harris County; RN102708153; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

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

## **RULE MATTERS**

Item 50 **[Docket No. 2018-0294-RUL.](#)**

Consideration for publication of, and hearing on, proposed amendments to Sections 344.1, 344.20 - 344.22, 344.24, 344.30, 344.31, 344.33 - 344.38, 344.40, 344.42, 344.43, 344.50 - 344.52, 344.60 - 344.65, 344.70 - 344.72, and 344.80; the repeal of Section 344.32; and new Section 344.66 of 30 TAC Chapter 344, Landscape Irrigation. The proposed rulemaking would incorporate some of the requested changes made by the two rule petitions, as well as, amend existing sections, repeal a section, and add a new section in order to be better aligned with state statute and other related regulations. These proposed revisions would strengthen the rules to increase protection of the public health and increase water conservation. (Al Fuentes, Alicia Ramirez) (Rule Project No. 2018-004-344-CE)

Approve the publication of, and hearing on, proposed new, amended, and repealed Sections of 30 Texas Administrative Code Chapter 334, as recommended by the Executive Director. BJ/EL; all agree.

Item 51 **[Docket No. 2019-1091-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended Sections 114.622 and 114.629 of 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the State Implementation Plan. The proposed rulemaking would implement House Bill (HB) 1346 and HB 1627, from the 86th Texas Legislature, 2019, Regular Session, relating to the Diesel Emissions Reduction Incentive Program, to allow the commission to lower the required minimum usage in a nonattainment area or affected county for grant-funded vehicles and equipment from 75% to as low as 55% and to remove Victoria County from the list of affected counties. (Amancio Gutierrez, Sierra Redding) (Rule Project No. 2019-122-114-AI)

Approve the publication of, and hearing on, the proposed amendments to 30 TAC Chapter 114, as recommended by the Executive Director. EL/BJ; all agree.

Item 52 **[Docket No. 2019-0963-RUL.](#)**

Consideration for publication of, and hearing on, proposed new Sections 328.200 - 328.204 of 30 TAC Chapter 328, Waste Minimization and Recycling. The proposed rulemaking would

implement portions of Senate Bill 1376, 86th Texas Legislature, 2019, Regular Session, which amended Texas Health and Safety Code, Section 361.425 and Section 361.426. Proposed new Subchapter K, Governmental Entity Recycling and Purchasing of Recycled Materials, would document the requirement for governmental entities to establish a program for the separation and collection of recyclable materials generated by the entity; establish that governmental entities shall give a preference in purchasing for products made of recyclable materials; and provide for exemptions from the requirements. (Calen Roome, Colleen Ford) (Rule Project No. 2019-125-328-AD)

Approve the publication of, and hearing on, the proposed new Sections 328.200 - 328.204 of 30 Texas Administrative Code Chapter 328, Waste Minimization and Recycling, as recommended by the Executive Director. BJ/EL; all agree.

### **STATE IMPLEMENTATION PLAN**

Item 53 **[Docket No. 2019-0905-SIP.](#)**

Consideration for publication of, and hearing on, the proposed Federal Clean Air Act (FCAA), §179B Demonstration State Implementation Plan (SIP) Revision for the Bexar County 2015 Eight-Hour Ozone National Ambient Air Quality Standards (NAAQS) Nonattainment Area. The proposed SIP revision would include a technical analysis and weight of evidence analysis to demonstrate that the Bexar County marginal ozone nonattainment area would attain the 2015 eight-hour ozone NAAQS by its attainment date “but for” anthropogenic emissions emanating from outside the United States in accordance with FCAA, §179B. (Brian Foster, Terry Salem) (Non-Rule Project No. 2019-106-SIP-NR)

Approve the publication of, and hearing on, the proposed Federal Clean Air Act, §179B Demonstration State Implementation Plan Revision for the Bexar County 2015 Eight-Hour Ozone National Ambient Air Quality Standards Nonattainment Area, as recommended by the Executive Director. EL/BJ; all agree.

### **QUADRENNIAL RULE REVIEWS**

Item 54 **[Docket No. 2019-0136-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 60, Compliance History. 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 August 2, 2019, issue of the *Texas Register* (44 TexReg 4067). (Mark Staedtler, Betsy Peticolas) (Project No. 2019-092-060-CE)

Joint Motion for Items 54 - 57.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 60, 213, 230, and 307 without amendment. JN/BJ; all agree.

Item 55      **[Docket No. 2019-0137-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 213, Edwards Aquifer. 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 August 16, 2019, issue of the *Texas Register* (44 TexReg 4331). (Anne Ruthstrom, Michael Parr) (Non-Rule Project No. 2019-093-213-CE)

Joint Motion for Items 54 - 57.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 60, 213, 230, and 307 without amendment. JN/BJ; all agree.

Item 56      **[Docket No. 2018-1637-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 230, Groundwater Availability Certification for Platting. 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 August 16, 2019, issue of the *Texas Register* (44 TexReg 4331). (Kathleen Ramirez, Shea Pearson) (Non-Rule Project No. 2019-059-230-OW)

Joint Motion for Items 54 - 57.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 60, 213, 230, and 307 without amendment. JN/BJ; all agree.

Item 57      **[Docket No. 2019-0021-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 307, Texas Surface Water Quality Standards. 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 August 2, 2019, issue of the *Texas Register* (44 TexReg 4067). (Debra Miller, Stefanie Skogen) (Project No. 2019-061-307-OW)

Joint Motion for Items 54 - 57.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 60, 213, 230, and 307 without amendment. JN/BJ; all agree.

### **PUBLIC COMMENT SESSION**

**Item 58     Docket No. 2020-0005-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.

No action taken.

### **EXECUTIVE MEETING**

**Item 59     Docket No. 2020-0001-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.

The Commission did not meet in Executive Meeting.

**Item 60     Docket No. 2020-0002-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 in Executive Meeting.

Item 61 **Docket No. 2020-0003-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 in Executive Meeting.

Item 62 **Docket No. 2020-0004-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 in Executive Meeting.

**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/ Tracy Gross  
Assistant General Counsel  
Tracy Gross

January 24, 2020  
Date