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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

OLD BUSINESS AGENDA

January 29, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the January 15, 2020 Agenda.

Item 1 **[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)

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

NEW BUSINESS AGENDA

January 29, 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. 2019-1473-AIR.**

Consideration of application by Collier Materials, Inc. for Air Quality Permit No. 152092L001, to authorize the construction of a portable rock crusher to be located to the north of Highway 71, approximately 1.3 miles east of the intersection of Highway 71 and Farm-to-Market Road 2233, Sunrise Beach Village, Llano 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. (Jennifer Harvey, Katie Moore)

Grant the hearing requests of Llano County, Katherine and Randy Binder, Tracy Black, Erwin Johnson, Lewanne Ray, Richard and Mary Miller, Winnie Tate Morgan, David Oswald, Kathy Stockton, Carla and Max Ramsey, Miriam Redwine, Jesus Vasquez, and Patsy and John Wiley; Deny the remaining requests and all requests for reconsideration; Refer the matter to SOAH for a contested case hearing on the following issues: a) Whether the permit will be protective of the health and safety of the requestors and their families including sensitive groups; b) Whether the permit will negatively affect air quality; c) Whether the proposed facility will adversely affect the use and enjoyment of the requestors' properties; d) Whether the proposed facility will adversely affect animals and vegetation; e) Whether the permit will be protective against dust emissions generated from the proposed plant including nuisance dust emissions; f) Whether the application contains sufficient and accurate information for TCEQ to develop a draft permit; g) Whether admissions from on-site diesel engines will negatively impact the health and welfare of the requestors and their families including sensitive subgroups; h) Whether a site inspection was performed; i) Whether the permit application and associated air dispersion modeling included and properly evaluated all applicable emissions; and j) Whether the applicant substantially complied with TCEQ's public notice requirements related to sign posting; and Specify the maximum duration of the hearing is 180 days from the preliminary hearing to issuance of the Proposal for Decision. EL/BJ; all agree.

Item 2 **Docket No. 2019-1474-MWD.**

Consideration of the application by D.R. Horton - Texas, Ltd., for new Texas Pollutant Discharge Elimination System Permit No. WQ0015686001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 400,000 gallons per day. The facility will be located at 5300 Barnes Bridge Road, in Dallas County, Texas 75043. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comments, and the Executive Director's response to comments. (Gunnar Dubke, Hollis Henley)

Grant the hearing requests filed by Sosamma Abraham, Lisa Carlock, Valsan Cherian, Tenetra Clemons, Annie Cullivan, Melvin Day, Bianca Gantt, Theo Gantt, Aleyamma George, Christen George, Geena George, Willy George, Karen Gonzales, Joe Gonzales, Larry Hall, Donald Haynes, Sheena John, Becnamma Kochukunju, Renji Kochukunju, Ramchand Kumaresan, Emilia Leon, John Masterson, Susan Masterson, Luz Matias-Biehle, Ali Mirjahangiri, Elizabeth Mirjahangiri, Hoa Nguyen, Daniel Palomino, Alice Peter, James Pruitt, Janett Pruitt, Souvik Raha, Blake Rudolph, Kaylene Rudolph, Mony Samuel, James Tyler Schaaf, Morgan Schaaf, Aimee Schurmann, Jason Smith, LaToya Smith, Alex Thevalasseivadakkathil, Mundakathil Thomaskutty, James Otis Torrence, Melissa Allene Torrence, Artis Turner, Rahel Valsen, George Varghese, Abrohem Vargheu, Grace Wang, Carla Watts, Veronica Whitehead, Dewayne Williams, Shandranet Starr Williams, Vicki Wohlander, Copelon Wright, Wei Zhang, the City of Dallas, and the City of Garland; Deny all remaining hearing requests and all requests for reconsideration; Refer the matter to the TCEQ's Alternative Dispute Resolution Program for an initial four to six week ADR referral period prior to the commencement of the SOAH preliminary hearing scheduling process; Refer the application to SOAH for a contested case hearing concerning the following issues: a) Whether the draft permit complies with applicable requirements to abate and control nuisance odors as set forth in 30 TAC § 309.13(e); b) Whether the draft permit is protective of water quality and the uses of the receiving waters under the applicable Texas Surface Water Quality Standards; c) Whether the draft permit is protective of the health of the requestors and their families; d) 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; e) Whether the draft permit is protective of groundwater and drinking water in the area; f) Whether the draft permit complies with applicable Texas Surface Water Quality Standards related to phosphorus; g) Whether the applicant has substantially complied with all applicable notice requirements; and h) Whether the draft permit is protective of wildlife; and Set the hearing duration for the proceeding at 180 days from the date of the preliminary hearing to the issuance of the Proposal for Decision. BJ/EL; all agree.

Item 3 **[Docket No. 2019-1341-IWD.](#)**

Consideration of the application by GCM Liquidation Corporation / Gladieux Metals Recycling, LLC, which operates Gladieux Metals Recycling, a commercial industrial and hazardous waste management

facility which processes spent refinery catalysts to produce molybdenum oxide, vanadium oxide, cobalt/nickel alloy, and fused alumina, for a renewal of Texas Pollutant Discharge Elimination System Permit No. WQ0001861000, which authorizes the discharge of process wastewater, cooling water, treated domestic wastewater, and stormwater at a daily average flow not to exceed 350,000 gallons per day via Outfall 001 and stormwater on an intermittent and flow-variable basis via Outfall 002. The facility is located at 302 Midway Road, approximately 0.5 mile north of the intersection of Midway Road and Dow Canal Road, near the City of Freeport, in Brazoria County, Texas 77541. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Sarah A. Johnson, Shea Pearson)

Find that a right to a hearing exists on the application; Deny the hearing requests for failure to establish affected person's status; Deny the request for reconsideration; Grant the renewal of TPDES Permit No. WQ0001861000 to Gladieux Metals Recycling, LLC, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments with a modification to Response 3 to include the site information from the initial compliance history report for the period of September 1, 2011 through August 31, 2016, prepared by the Executive Director for the initial renewal application. EL/BJ; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 **[Docket No. 2019-0449-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Alvin Chemical, Inc. in Brazoria County; RN100914613; 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. BJ/EL; all agree.

Item 5 **[Docket No. 2018-1307-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Garland Power & Light in Collin County; RN100219203; 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. BJ/EL; all agree.

Item 6 **[Docket No. 2018-1747-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Johnnie Wu, Michael Parrish)

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

Item 7 **[Docket No. 2019-0180-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102212925; 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. BJ/EL; all agree.

Item 8 **[Docket No. 2019-0376-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Laredo Petroleum, Inc. in Reagan County; RN106947963; 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. BJ/EL; all agree.

Item 9 **[Docket No. 2019-0421-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Laredo Petroleum, Inc. in Reagan County; RN106863830; 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. BJ/EL; all agree.

Item 10 [**Docket No. 2018-1068-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mitsubishi Caterpillar Forklift America Inc. in Harris County; RN100219161; 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. BJ/EL; all agree.

Item 11 [**Docket No. 2018-1260-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against North Texas Epitaxy, LLC in Collin County; RN100734169; 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. BJ/EL; all agree.

Item 12 [**Docket No. 2019-0357-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Targa Midstream Services LLC in Wise County; RN102552387; 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. BJ/EL; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 13 [**Docket No. 2018-0059-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Juan de Dios Perez dba La Blanca Recycling in Hidalgo County; RN106301633; for municipal solid waste, water quality, waste tires, and used oil violations pursuant to

Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jake Marx, Janice Hernandez)

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

Item 14 [**Docket No. 2018-0495-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Linda Davis in Polk County; RN109830414; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Clayton Smith, Janice Hernandez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 15 [**Docket No. 2017-1582-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Alex Mendez dba Mendez Tire Shop 3 in Hidalgo County; RN105107197; 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. (Ken Moller, Michael Parrish)

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

Item 16 [**Docket No. 2019-0053-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ronald E. Coffey dba TCC Tire Disposal in Johnson County; RN110366580; for used tires 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. (Stephanie McCurley, Michael Parrish)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 17 [Docket No. 2019-0569-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Quail Run Services, LLC in Reeves County; RN106431174; 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. BJ/EL; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 18 [Docket No. 2018-0259-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Amanson Enterprises LLC dba Bar-G-Store in Fayette County; RN101698355; 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. BJ/EL; all agree.

Item 19 [Docket No. 2019-0212-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PETROFUELS CORPORATION dba Paradise Seafood Market in Jefferson County; RN102491099; 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. BJ/EL; all agree.

Item 20 [Docket No. 2019-0413-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Texas Facilities Commission in Travis County; RN100691435; 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. (Caleb Olson, Michael Parrish)

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

Item 21 **[Docket No. 2018-1581-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against NIROJ CORPORATION dba Cigarette Mart in Tarrant County; RN102227071; 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)

Remanded to the Executive Director on January 23, 2020.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 22 **[Docket No. 2018-0897-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against BZSTAR'S 2, INC. dba EZ Trip 2 in Dallas County; RN102130531; 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)

Remanded to the Executive Director on January 28, 2020.

Item 23 **[Docket No. 2018-0289-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Superior Advantage GP, LLC in Val Verde County; RN102432630; 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. (John S. Mercurief II, Janice Hernandez)

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

Item 24 [**Docket No. 2018-0246-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Bandera Shell LLC dba Bandera Stop in Bexar County; RN101433076; 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)

Remand to the Executive Director. BJ/EL; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 25 [**Docket No. 2018-1483-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Hugh Espy Howard Jr., Executor of the Estate of Hugh Espy Howard, Deceased in Presidio County; RN104198460; 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. BJ/EL; all agree.

PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDERS

Item 26 [**Docket No. 2019-0405-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron U.S.A. Inc. dba Chevron M11270 in Midland County; RN106598360; 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. BJ/EL; all agree.

Item 27 [**Docket No. 2019-0205-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Granite Shoals in Burnet County; RN101214815; 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. BJ/EL; all agree.

Item 28 [**Docket No. 2018-1023-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Haskell in Haskell County; RN101429561; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Michael Parrish)

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

Item 29 [**Docket No. 2019-0197-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Zavalla in Angelina County; RN101386100; 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. BJ/EL; all agree.

Item 30 [**Docket No. 2019-0683-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nerro Supply, LLC in Brazos County; RN102684149; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Duncan, Michael Parrish)

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

Item 31 [**Docket No. 2019-0541-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Texas Department of Transportation in Concho County; RN101205649; 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. BJ/EL; all agree.

Item 32 [**Docket No. 2018-1217-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Jeffrey H. Brennan dba P & B Water in Harris County; RN102953718; 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. (Adam Taylor, Janice Hernandez)

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

Item 33 [**Docket No. 2018-1643-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of WOODS CREEK WATER SUPPLY CORPORATION in Polk County; RN101212199; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Adam Taylor, Janice Hernandez)

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

PUBLIC WATER SUPPLY ENFORCEMENT DEFAULT ORDERS

Item 34 [**Docket No. 2017-1250-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of DEL RIO MANAGEMENT CO., LLC in Val Verde County; RN101657872; 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. BJ/EL; all agree.

Item 35 [Docket No. 2018-1677-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Heidi Fensterbush dba Country View MHP and Michael D. Fensterbush dba Country View MHP in Lubbock County; RN101278190; 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)

Remand to the Executive Director. BJ/EL; all agree.

Item 36 [Docket No. 2018-1277-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of LAKESHORE UTILITY COMPANY in Henderson County and Smith County; RN102681665, RN102676970, RN101174902, RN102679701, RN101177897, and RN101266039; 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. BJ/EL; all agree.

WASTE WATER DISPOSAL ENFORCEMENT AGREED ORDER

Item 37 [Docket No. 2019-0655-WDW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against SOUTHWESTERN PUBLIC SERVICE COMPANY in Potter County; RN100224641; for waste disposal well violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 27, 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. BJ/EL; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 38 [Docket No. 2019-0056-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Flower Mound in Denton County; RN101251619; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven Van Landingham, Michael Parrish)

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

MONTHLY ENFORCEMENT REPORT

Item 39 [Docket No. 2019-0019-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.

RULE MATTER

Item 40 [Docket No. 2019-1588-RUL.](#)

Consideration for publication of, and hearing on, amended Sections 116.110, 116.116, 116.710, and 116.721 and new Section 116.118 of 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, and corresponding revisions to the State Implementation Plan. The proposed rulemaking would revise Chapter 116 to implement provisions of House Bill 2726, 86th Texas Legislature, 2019, Regular Session, which revised Texas Health and Safety Code, Section 382.004. The proposed changes to Chapter 116 would allow applicants for a permit amendment to begin construction, at their own risk, when the draft permit has been issued and certain other criteria have been satisfied. (Michael Wilhoit, John Minter) (Rule Project No. 2019-129-116-AI)

Approve the publication of, and hearing on, proposed amended 30 Texas Administrative Code §§ 116.110, 116.116, 116.710, and 116.721 and new 30 Texas Administrative Code § 116.118, as recommended by the Executive Director. EL/BJ; all agree.

EXECUTIVE MEETING

Item 41 **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 Session.

Item 42 **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 Session.

Item 43 **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 Session.

Item 44 **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 Session.

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/ Dinniah Tadema
Assistant General Counsel
Dinniah Tadema

February 10, 2020
Date