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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

March 4, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 [**TCEQ Docket No. 2018-0947-LIC; SOAH Docket No. 582-18-5013.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the denial of Xavier Frank's renewal application for a Customer Service Inspector License CI0007429, pursuant to Texas Water Code Chapter 37, Texas Occupations Code Chapter 53, and 30 Texas Administrative Code Chapter 30. The Commission will also consider the record, timely related filings, exceptions and replies. (Alicia Ramirez)

Adopt the ALJ's Proposed Order denying the application of Xavier Frank for renewal of Customer Service Inspector License No. CI0007429. JN/EL; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATIONS

Item 2 [**Docket No. 2019-1534-MSW.**](#)

Consideration of an application by Greenhouse Road Landfill, LP for a major amendment to authorize the vertical and lateral expansion of the Greenhouse Road Landfill, which operates under existing Municipal Solid Waste Permit No. 1599A. The landfill is located at 3510 Greenhouse Road, Houston, Harris 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. (Shea Pearson, Eric Clegg)

Grant the hearing requests of Harris County, Gary Brown, Linnette Figueroa, John Greene, Susan Kaylor, Guillermo Lopez, Pedro and Ruth Ramos, Cindy Riley, and Marcia Thomas; Deny the remaining hearing requests and all requests for reconsideration; Refer the matter to SOAH for a contested case hearing on the following issues: a) Whether the draft permit is protective of the health and welfare of affected persons and their families; b) Whether sufficient measures are proposed to prevent nuisance odors and controlled disease vectors; c) Whether the landfill gas management plan meets all applicable rule requirements; d) Whether sufficient measures are proposed to control and manage surface water drainage and minimize run-on and runoff as required by applicable rule requirements; e) Whether the landfill expansion is compatible with surrounding land use; f) Whether sufficient measures are proposed to control dust in accordance with applicable rule requirements; g) Whether the Applicant's compliance history warrants denying or altering the terms of the draft permit; h) Whether sufficient measures are proposed to control windblown waste and cleanup public access roads and rights of way as required by applicable rules; i) Whether sufficient measures are proposed to maintain the landfill cover as required by applicable rule requirements; j) Whether the proposed leachate collection system and groundwater monitoring and reporting requirements are sufficient to comply with applicable rule requirements; k) Whether the proposed Site Operating Plan is sufficient to comply with applicable rule requirements; l) Whether the Applicant provided the required traffic data and documentation to meet the requirements of 30 TAC § 330.61(i); m) Whether sufficient measures are proposed to detect and prevent unauthorized waste acceptance as required by applicable rule requirements; n) Whether sufficient measures are proposed to address personnel training requirements in applicable rules; o) Whether sufficient measures are proposed to adequately address flooding and floodplain requirements in applicable rules; p) Whether the application complies with applicable buffer zone requirements; q) Whether the Applicant substantially complied with all applicable notice requirements; and r) Whether the Applicant provided the required information on all known water wells within 500 feet of the proposed permit boundary as required by 30 TAC § 330.61(c)(2); and Specify that the maximum duration of the hearing is 180 days from the preliminary hearing to issuance of the Proposal for Decision. BJ/EL; all agree.

Consideration of the application by Victor Dee Turley and Alexis Hill Turley for new Texas Pollutant Discharge Elimination System Permit No. WQ0015728001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 220,000 gallons per day. The facility will be located approximately 2,000 feet south of the intersection of Farm-to-Market Road 2268 and Gooseneck Road on Gooseneck Road, in Bell County, Texas 76571. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Gunnar Dubke, Celia Castro)

Grant the hearing requests of Arthur Wade Capps and Lena Heitmeyer; Deny all remaining hearing requests and all requests for reconsideration; Refer the matter to TCEQ's Alternative Dispute Resolution Program, to run concurrently with SOAH preliminary hearing scheduling efforts; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the draft permit is protective of the health of the requestors and their families; b.) Whether the draft permit is protective of livestock and aquatic animals; c.) Whether the draft permit complies with the applicable regulations regarding nuisance odors; d.) Whether the draft permit, including the effluent limitations, is protective of the existing uses of the receiving waters in accordance with the Texas Surface Water Quality Standards; e.) Whether the draft permit is protective of groundwater, including private wells; and Set a hearing duration of 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. EL/BJ; all agree.

MISCELLANEOUS MATTER

Item 4 [**Docket No. 2019-1335-MIS.**](#)

Consideration of the adoption of an amendment with renewal of the Hydrostatic Test General Permit, TXG670000 which authorizes the discharge of hydrostatic test water from new vessels; vessels which contained raw water, potable water, or elemental gases; or vessels which contained petroleum substances or waste related to petroleum substances. Public notice of the proposed general permit was published in the October 25, 2019, issue of the *Texas Register* (44 TexReg 6432). (Laurie Fleet, Shea Pearson) (Non-Rule Project No. 2019-100-OTH-NR)

Adopt the proposed resolution providing for the issuance of renewed and amended TPDS Permit TXG670000 as recommended by the Executive Director. BJ/EL; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 [**Docket No. 2019-0359-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Agrium U.S. Inc. in Hutchinson County; RN101865715; 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. (Rebecca Johnson, Michael Parrish)

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

Item 6 **[Docket No. 2019-0448-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Clearstream Wastewater Systems, Incorporated in Hardin County; RN100214659; 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. 2019-0151-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Davis Gas Processing, Inc. in Reagan County; RN100217686; 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 8 **[Docket No. 2018-1669-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Chambers County; RN102323268; 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 9 **[Docket No. 2019-0147-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100542281; 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. (Rebecca Johnson, Michael Parrish)

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

Item 10 **[Docket No. 2018-1384-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Formosa Plastics Corporation, Texas in Calhoun County; RN100218973; 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 11 **[Docket No. 2019-0289-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GenTex Power Corporation in Bastrop County; RN100723915; 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 12 **[Docket No. 2018-1504-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S.a r.l. in Orange County; RN104392626; 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. 2018-1464-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KMCO, LLC in Harris County; RN101613511; 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. (Rebecca Johnson, Michael Parrish)

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

Item 14 [**Docket No. 2019-0381-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marathon Oil EF LLC in Atascosa County; RN107050122; 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 15 [**Docket No. 2019-0397-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Owens Corning Insulating Systems, LLC in Ellis County; RN100223585; 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 16 [**Docket No. 2019-0039-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Oxy Vinyls, LP in Harris County; RN100706803; 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 17 [**Docket No. 2019-0145-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Chambers County; RN100229319; 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 18 [**Docket No. 2019-0780-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Thomas Steel Drums, Inc. in Tarrant County; RN100688738; 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 19 [**Docket No. 2019-0342-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)

Remanded to the Executive Director on February 28, 2020.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 20 [**Docket No. 2019-0390-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Riverbend Water Resources District in Bowie County; RN101274231; 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 21 [**Docket No. 2019-0340-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Chemours Company FC, LLC in San Patricio County; RN101623254; 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.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 22 [**Docket No. 2018-0803-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Mary Regina Hunt in Jasper County; RN107151995; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7 and 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. (Tracy Chandler, Janice Hernandez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 23 [**Docket No. 2018-0276-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SSAM INDUSTRIES LLC in El Paso County; RN109914929; for used tires and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, 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 24 **[Docket No. 2019-0500-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of East Tawakoni in Rains County; RN101917847; 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 25 **[Docket No. 2018-1065-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kingsville in Kleberg County; RN101612877; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 26 **[Docket No. 2019-0643-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KARMAN DHILLON INC dba Nu Way in Delta County; RN102345451; 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 27 **[Docket No. 2018-0833-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of TEXAS TRANSEASTERN, INC. in Harris and Jefferson Counties; RN100928571; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Taylor Pearson, Janice Hernandez)

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

Item 28 **[Docket No. 2018-1215-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against PORT NECHES FORTUNE, LLC dba 24 Seven 27 in Jefferson County; RN102424660; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Taylor Pearson, Janice Hernandez)

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

Item 29 **[Docket No. 2018-1736-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SNZ INVESTMENTS, INC. dba Lockhart Grocery in Caldwell County; RN101491462; 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 Garcia, Janice Hernandez)

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

Item 30 **[Docket No. 2019-0615-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Taft Independent School District in San Patricio County; RN101767804; 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 31 **Docket No. 2019-0063-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TEXAS GIANT KIM'S, INC. dba Fast & Low in Bowie County; RN102938925; 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.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 32 **Docket No. 2018-0976-PST-E.**

Consideration of a Default Order assessing administrative penalties against MANJARI INC. dba OM Mart in Parker County; RN101900397; 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. (Jake Marx, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 33 **Docket No. 2019-0428-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Addie Marlin dba Marlin Marina Water System in Brazoria County; RN101196079; 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.

Item 34 **[Docket No. 2019-0784-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Luling in Gonzales County; RN101219301; 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 35 **[Docket No. 2019-0470-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Opdyke West in Hockley County; RN103788832; 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 36 **[Docket No. 2019-0327-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Colleen Ortiz dba River Oaks Water System and Gerard Ortiz dba River Oaks Water System in Burnet County; RN101189348; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Michael Parrish)

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

Item 37 **[Docket No. 2019-0310-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ERICKSDAHL WATER SUPPLY CORPORATION in Jones County; RN101438877; 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 38 **[Docket No. 2019-0204-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of J. L. Refrigeration, LLC in Dimmit County; RN101270007; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Michael Parrish)

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

Item 39 **[Docket No. 2019-0542-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Key Largo Utilities LLC in Brazoria County; RN101244481; 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 40 **[Docket No. 2019-0647-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lake Texoma Highport, L.L.C. dba Highport Resort & Marina in Grayson County; RN101549228; 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 41 **[Docket No. 2019-1141-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Monarch Utilities I L.P. in Polk County; RN102987856; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Salas, Michael Parrish)

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

Item 42 [**Docket No. 2019-0762-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pecos County; RN101255933; 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. JN/EL; all agree.

Item 43 [**Docket No. 2019-0303-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ranch Hand Apartments, LLC in Randall County; RN108863192; 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.

Item 44 [**Docket No. 2018-1279-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of San Augustine Rural Water Supply Corporation in San Augustine County; RN101450054; 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 45 [**Docket No. 2019-0702-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Steamboat Mountain Water Supply Corporation in Taylor County; RN101450773; 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 46 [**Docket No. 2019-0836-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION in Trinity County; RN101452621; 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. (Epifanio Villarreal, Michael Parrish)

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

Item 47 [**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)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 48 [**Docket No. 2018-1650-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Burnet in Burnet County; RN100824895; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alejandro Laje, Michael Parrish)

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

Item 49 [**Docket No. 2019-0813-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Universal City in Bexar County; RN101206449; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including

specifically 30 Tex. Admin. Code ch. 60. (Alejandro Laje, Michael Parrish)

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

Item 50 [**Docket No. 2019-0364-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Glenn A. Smith Corporation in Smith County; RN109709964; 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 51 [**Docket No. 2019-0658-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against KHBM Partners III, Ltd. in Montgomery County; RN109325696; 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 52 [**Docket No. 2018-1236-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Texas Municipal Water District in Collin County; RN102315579; 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.

WATER RIGHTS ENFORCEMENT AGREED ORDER

Item 53 [**Docket No. 2014-1024-WR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against REVEILLE PEAK RANCH, L.L.C. in Burnet County; RN107463549; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Janice Hernandez)

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

RULE MATTERS

Item 54 **[Docket No. 2019-0267-RUL.](#)**

Consideration of the adoption of amendments to Sections 115.10, 115.111, 115.112, 115.119, and 115.421 of 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds, and corresponding revisions to the State Implementation Plan. The adoption revises Chapter 115, Subchapter B, Division 1, Storage of Volatile Organic Compounds, to implement volatile organic compounds (VOC) reasonably available control technology (RACT) for major source fixed roof oil and condensate storage tanks in order to ensure that RACT is implemented for all major sources in the Dallas-Fort Worth (DFW) 2008 eight-hour ozone serious nonattainment area, as required by Federal Clean Air Act, Section 172(c)(1) and Section 182(b)(2). The amended rules extends implementation of RACT to new major VOC sources located in Wise County due to the reclassification of the DFW area from moderate to serious nonattainment. The amended rules also correct inadvertent errors in Chapter 115, Subchapter E, Division 2, Surface Coating Processes, made during a previous Chapter 115 VOC RACT rulemaking (Rule Project No. 2013-048-115-AI, 40 TexReg 3907, June 19, 2015), to ensure consistency with the agency's intent. The proposed rules were published in the September 27, 2019, issue of the *Texas Register* (44 TexReg 5564). (Graham Bates, Amy Browning) (Rule Project No. 2019-075-115-AI)

Adopt the amended Sections of 30 Texas Administrative Code 115, Control of Air Pollution from Volatile Organic Compounds, and corresponding revisions to the State Implementation Plan as recommended by the Executive Director. EL/BJ; all agree.

Item 55 **[Docket No. 2019-0266-RUL.](#)**

Consideration of the adoption of amended Sections 117.10, 117.403, 117.8000, and 117.9030 of 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds; and corresponding revisions to the State Implementation Plan (SIP). Additionally, the commission withdraws its proposal to revise Section 117.400. If adopted, the amendments to

Sections §117.10, 117.403, 117.800, and 117.9030 will be submitted to the United States Environmental Protection Agency as revisions to the SIP. The adoption revises Chapter 117 to implement reasonably available control technology (RACT) for all major sources of nitrogen oxides (NOX) in the Dallas-Fort Worth 2008 eight-hour ozone serious nonattainment area, consisting of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties, as required by the Federal Clean Air Act, Section 172(c)(1) and Section 182(f). The amended rules extend implementation of RACT to new major sources of NOX located in Wise County due to the reclassification from moderate to serious nonattainment. The amended rules also update allowed emission test methods for engines. The proposed rules were published in the September 27, 2019, issue of the *Texas Register* (44 TexReg 5582). (Javier Galván, Amy Browning) (Rule Project No. 2019-074-117-AI)

Adopt the amended Sections in 30 TAC 117, Control of Air Pollution from Nitrogen Compounds, and corresponding revisions to the State Implementation Plan as recommended by the Executive Director. BJ/EL; all agree.

STATE IMPLEMENTATION PLANS

Item 56 **[Docket No. 2019-0692-SIP.](#)**

Consideration of the adoption of the Houston-Galveston-Brazoria Serious Classification Attainment Demonstration State Implementation Plan (SIP) Revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard. To meet Federal Clean Air Act requirements, this SIP revision includes a photochemical modeling analysis, a weight of evidence analysis, a reasonably available control technology analysis, a reasonably available control measures analysis, motor vehicle emissions budgets for 2020, and a contingency plan. (Alison Stokes, John Minter) (Rule Project No. 2019-077-SIP-NR)

Joint Motion for Items 56 – 58.

Adopt the Houston-Galveston-Brazoria Serious Classification Attainment Demonstration State Implementation Plan Revision, Dallas-Fort Worth Serious Classification Attainment Demonstration State Implementation Plan Revision, Dallas-Fort Worth and Houston-Galveston-Brazoria Serious Classification Reasonable Further Progress State Implementation Plan Revision as recommended by the Executive Director. EL/BJ; all agree.

Item 57 **[Docket No. 2019-0693-SIP.](#)**

Consideration of the adoption of the Dallas-Fort Worth Serious Classification Attainment Demonstration State Implementation Plan (SIP) Revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard. To meet Federal Clean Air Act requirements, the SIP revision includes a photochemical modeling analysis, a weight-of-evidence analysis, a reasonably available control technology (RACT) analysis, a reasonably available control measures analysis, motor vehicle emissions budgets for 2020, and a contingency plan. This SIP revision also incorporates revisions to rules in 30 Texas Administrative Code Chapters 115 and 117 to address major source RACT requirements for nitrogen oxides and volatile organic compounds associated with reclassification from moderate to serious. (Denine Calvin, Terry Salem) (Project No. 2019-078-SIP-NR)

Joint Motion for Items 56 – 58.

Adopt the Houston-Galveston-Brazoria Serious Classification Attainment Demonstration State Implementation Plan Revision, Dallas-Fort Worth Serious Classification Attainment Demonstration State Implementation Plan Revision, Dallas-Fort Worth and Houston-Galveston-Brazoria Serious Classification Reasonable Further Progress State Implementation Plan Revision as recommended by the Executive Director. EL/BJ; all agree.

Item 58 **[Docket No. 2019-0660-SIP.](#)**

Consideration of the adoption of the Dallas-Fort Worth (DFW) and Houston-Galveston-Brazoria (HGB) Serious Classification Reasonable Further Progress (RFP) State Implementation Plan (SIP) Revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS). To meet Federal Clean Air Act requirements, the SIP revision includes an analysis of RFP toward attainment of the 2008 eight-hour ozone NAAQS, demonstrating a nine percent emissions reduction in ozone precursors from January 1, 2018 through December 31, 2020, a three percent emissions reduction from January 1, 2021 through December 31, 2021 as an attainment year RFP contingency, and RFP motor vehicle emissions budgets for the 2020 attainment year. (Denine Calvin, Terry Salem) (Non-Rule Project No. 2019-079-SIP-NR)

Joint Motion for Items 56 – 58.

Adopt the Houston-Galveston-Brazoria Serious Classification Attainment Demonstration State Implementation Plan Revision, Dallas-Fort Worth Serious Classification Attainment Demonstration State Implementation Plan Revision, Dallas-Fort Worth and Houston-Galveston-Brazoria Serious Classification Reasonable Further Progress State Implementation Plan Revision as recommended by the Executive Director. EL/BJ; all agree.

PUBLIC COMMENT SESSION

Item 59 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 60 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.

No action taken.

Item 61 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.

No action taken.

Item 62 **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.

No action taken.

Item 63 **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.

No action taken.

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/ Ron Olson
Assistant General Counsel
Ron Olson

March 11, 2020
Date