

The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. Updates to backup documents will be noted by a purple indicator. Finally, the Commissioners may discuss or consider posted items in an order other than the order posted.

On March 16, 2020, in accordance with section 418.016 of the Texas Government Code, Governor Abbott suspended various provisions of the Open Meetings Act that require government officials and members of the public to be physically present at a specified meeting location. Pursuant to that suspension, the public will not be able to attend the Agenda in person but may attend telephonically or via webinar or view the meeting on the web at no cost.

To watch or listen to the meeting:

Members of the public may listen to the meeting telephonically by calling, toll free, (415) 655-0060 and entering Access Code 232-852-833. The public may also view live TCEQ meetings on the TCEQ YouTube Channel at no cost at:

<https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>

To address the Commission at the meeting:

Members of the public who would like to address the Commission on an item for which the Commission is accepting comment, must register as indicated below and access the meeting via webcast by following this [link](#) and entering Webinar ID 556-651-683. Those without internet access may call (512) 239-3313 before the meeting begins for assistance in accessing the meeting telephonically.

To register, please call (512) 239-3313 or email agenda@tceq.texas.gov. Please complete this [Public Participation Form](#) or provide the following information: 1. Agenda item number; 2. Name; 3. Affiliation; 4. Address; 5. Phone number; 6. whom you represent (self or company/client); and 7. whether you wish to address the Commission, are available for questions from the Commission, or would like to be noted as present for the record.

Registration for agenda will conclude at 9:30 a.m. Please register before this time. Late registration could result in your missing the opportunity to comment on your item.

Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka

AGENDA

June 10, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 556-651-683

(415) 655-0060 / Access Code 232-852-833

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1 **Docket No. 2020-0411-MWD.**

Consideration of the application by Crystal Clear Special Utility District and MCLB Land, LLC for a new permit, Texas Pollutant Discharge Elimination System Permit No. WQ0015266002, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 100,000 gallons per day. The facility will be located approximately 1,000 feet west of Francis Harris Lane and 800 feet south of South Old Bastrop Highway, in Hays County, Texas 78666. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (John O. Onyenobi, Bobby Salehi)

Grant the hearing requests filed by Chris Carson, Carson Select Investments, LP, and the City of San Marcos; Deny all requests for reconsideration; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the proposed discharge will violate TCEQ's antidegradation policies and procedures, or negatively impact aquatic or terrestrial wildlife species, including livestock; b) Whether the draft will be protective of surface water and groundwater quality; c) Whether the nutrient limits in the draft permit comply with applicable Texas Surface Water Quality Standards; d) Whether the draft permit complies with applicable requirements to abate and control nuisance odors, as set forth in 30 TAC § 309.13(e); e) Whether the application is complete and accurate; f) Whether the Applicants' compliance histories or technical capabilities raise any issues regarding the Applicants' ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit; g) Whether issuance of the draft permit is contrary to the state's regionalization policy or Texas Water Code § 26.0282; h) 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; and i) Whether the draft permit is protective of the health of nearby residents; 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. EL/BJ all agree.

Item 2 **Docket No. 2019-1472-MWD.**

Consideration of the application by Quail Run Services, LLC, for a new Texas Pollutant Discharge Elimination System Permit No. WQ0015711001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 50,000 gallons per day. The facility will be located on the east side of State Highway 80,

approximately 1.0 mile south of the intersection of County Road 488 and State Highway 80, in Karnes County, Texas 78116. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Gordon R. Cooper, Michael T. Parr II)

Grant the hearing requests of Carleen and Patrick Janysek, Jonathan B. Wheat, and Michael B. Wheat; Deny all remaining hearing requests and requests for reconsideration; Refer the matter to the TCEQ's Alternative Dispute Resolution Program to run concurrently with the SOAH preliminary hearing scheduling efforts; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the draft permit adequately addresses nuisance odor in accordance with 30 Texas Administrative Code § 309.13; and b) Whether the draft permit is protective of water quality, including the protection of existing uses of the receiving waters, livestock, and wildlife, in accordance with the applicable regulations including the Texas Surface Water Quality Standards; and Set a hearing duration of 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. BJ/EL; all agree.

MISCELLANEOUS MATTER

Item 3 **[Docket No. 2020-0547-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 September 1, 2019 to November 30, 2019, as described in the TCEQ Interoffice Memorandum to the Commissioners and Executive Director dated Jun 10, 2020 in Docket Number 2020-0547-MIS. EL/BJ; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 **[Docket No. 2019-1006-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Air Liquide Large Industries U.S. LP in Brazoria County; RN100215334; 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. BJ/EL; all agree.

Item 5 [**Docket No. 2019-1070-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Archer-Daniels-Midland Company in Lubbock County; RN100221159; 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 6 [**Docket No. 2019-0356-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF TOTAL Petrochemicals LLC in Jefferson County; RN100216977; 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 7 [**Docket No. 2019-0690-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Blaine Larsen Farms, Inc. in Hartley County; RN109220137; 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)

Remanded to the Executive Director by the Office of the General Counsel on June 9, 2020.

Item 8 [**Docket No. 2019-1360-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. (Richard Garza, Michael Parrish)

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

Item 9 **[Docket No. 2019-1202-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gulf South Pipeline Company, LP in Wharton County; RN108443706; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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 10 **[Docket No. 2019-1021-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. (Mackenzie Mehlmann, Michael Parrish)

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

Item 11 **[Docket No. 2019-0874-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rohm and Haas Texas Incorporated in Harris County; RN100223205; 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 12 [**Docket No. 2019-0976-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ball Metal Beverage Container Corp. in Montgomery County; RN100214881; 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 13 [**Docket No. 2018-1688-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against TX LFG Energy, LP in Harris County; RN102495421; 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.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 14 [**Docket No. 2019-1172-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against RT 29 Development LLC in Williamson County; RN110790177; for Edwards Aquifer 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.

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 15 [**Docket No. 2018-0798-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pitts Oilfield Products & Services, LLC in Tom Green County; RN105632376; for industrial and hazardous 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. (John Paul Fennell, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 16 **[Docket No. 2018-1024-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Liberty Hill in Williamson County; RN104102132; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Caleb Olson, Michael Parrish)

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

Item 17 **[Docket No. 2019-1026-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ELR Land Investments, LLC in Williamson County; RN110769502; for Edwards Aquifer and 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. BJ/EL; all agree.

Item 18 **[Docket No. 2018-0591-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPLUBB, LLC in Lubbock County; RN102692167; for municipal solid waste and public drinking water violations pursuant to Tex. Health & Safety Code chs. 341 and 361, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Byer, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 19 [Docket No. 2018-1449-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Felipe Guajardo in Hidalgo County; RN110024684; 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. (Ian Groetsch, Janice Hernandez)

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

Item 20 [Docket No. 2019-0828-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Serapio Lara and Lydia Lara in Atascosa County; RN110396421; 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. (Taylor Pearson, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21 [Docket No. 2019-0894-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Baytown in Harris County; RN104153697; 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.

Item 22 [Docket No. 2019-1075-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Dumas in Moore County;

RN101921005; 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. BJ/EL; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 23 **[Docket No. 2018-1272-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against SAI JBA INC dba Tijuana Grocery in Tarrant County; RN102443538; 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. BJ/EL; all agree.

Item 24 **[Docket No. 2018-1537-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Braman Ranches LLC dba Mellon Creek Ranch in Refugio County; RN102852878; 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. (Marla Waters, Michael Parrish)

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

Item 25 **[Docket No. 2019-1283-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CAL'S CONVENIENCE, INC. dba Stripes 268 and dba Stripes 5043 in Crockett County; RN102006897 and RN101735942; 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. BJ/EL; all agree.

Item 26 [**Docket No. 2019-0335-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Roma in Starr County; RN102008737; 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 Fennell, Michael Parrish)

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

Item 27 [**Docket No. 2019-0315-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of D.N.D. Corporation dba Quick Stop Food Mart in Tarrant County; RN101997948; 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 28 [**Docket No. 2018-1734-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mo Pham dba 24th Discount Store in Potter County; RN101725026; 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. (Berenice Munoz, Michael Parrish)

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

Item 29 [**Docket No. 2017-0549-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against NARAYANSWARUP, INC. in Brazoria County; RN102492055; 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.

Item 30 [**Docket No. 2019-0423-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against QUIKTRIP CORPORATION dba QUIKTRIP 4045 in Bexar County; RN110644879; 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. BJ/EL; all agree.

Item 31 [**Docket No. 2019-1391-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ROUND MOUNTAIN EXPRESS INC. dba Bigs 108 in Blanco County; RN101433191; 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. BJ/EL; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

[**Docket No. 2019-0844-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of IDRIS INVESTMENTS, INC. dba AFG Food Mart in Tarrant County; RN104004197; 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. BJ/EL; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 33 [**Docket No. 2019-1424-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Callahan County Water Supply Corporation in Callahan County; RN101206522; 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. BJ/EL; all agree.

Item 34 [**Docket No. 2019-0050-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Strawn in Palo Pinto County; RN101424968; 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 35 [**Docket No. 2019-0485-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Winona in Smith County; RN101387983; 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. BJ/EL; all agree.

Item 36 [**Docket No. 2019-0758-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Corix Utilities (Texas) Inc. in Llano County and Lampasas County; RN101183721 and RN101211126; 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. BJ/EL; all agree.

Item 37 [**Docket No. 2019-1652-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Elderville Water Supply Corporation in Gregg County; RN101439966; for public drinking water violations

pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Conner, Michael Parrish)

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

Item 38 [**Docket No. 2019-1243-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of George Oberdorf dba Boyd Acres Water System in Denton County; RN102313608; 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. (Julianne Dewar, Michael Parrish)

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

Item 39 [**Docket No. 2019-0725-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harris County Municipal Utility District No. 238 in Harris County; RN102944014; 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. BJ/EL; all agree.

Item 40 [**Docket No. 2019-0509-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HOBCO, Incorporated in Victoria County; RN101220812; 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 41 [**Docket No. 2019-1133-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lilbert-Looneyville Water Supply Corporation in Nacogdoches County; RN101187433; 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 42 [**Docket No. 2019-1263-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Montesino Developments, LLC dba Cash Register Services in Lubbock County; RN106182207; 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. BJ/EL; all agree.

Item 43 [**Docket No. 2019-1660-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rainbow Ranch of Texas, L.L.C. in Limestone County; RN110118643; 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. BJ/EL; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 44 [**Docket No. 2018-1399-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Glendale Water Supply Corporation in Trinity County; RN101436319; 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 45 [**Docket No. 2018-1611-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of TANK WORKS, INC. dba Brazos Bend Home & Ranch in Fort Bend County; RN101176592; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Clayton Smith, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 46 [**Docket No. 2019-1117-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Hurst in Tarrant County; RN102944410; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Caleb Olson, Michael Parrish)

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

Item 47 [**Docket No. 2019-0250-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Luciano Trevino in Bastrop County; RN109241158; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Caleb Olson, Michael Parrish)

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

Item 48 [**Docket No. 2018-1751-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rainbow Rider Enterprises, Inc. in Walker County; RN107687121; 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. BJ/EL; all agree.

MONTHLY ENFORCEMENT REPORT

Item 49 **[Docket No. 2020-0148-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 MATTERS

Item 50 **[Docket No. 2019-1750-RUL.](#)**

Consideration of the adoption of the repeal of Section 7.117 and simultaneous adoption of new Section 7.117 of 30 TAC Chapter 7, Memoranda of Understanding. This rulemaking implements House Bill (HB) 2230, 84th Texas Legislature, 2015, Regular Session and HB 2771, 86th Texas Legislature, 2019, Regular Session. The adoption repeals Section 7.117, which adopts by reference the Memorandum of Understanding (MOU) between the Railroad Commission of Texas (RRC) and the Texas Commission on Environmental Quality (TCEQ) found at 16 TAC Section 3.30, and adopts the full text of the MOU between RRC and TCEQ under new Section 7.117 with changes regarding the transfer of responsibilities relating to certain oil and gas discharges from the RRC to the TCEQ, and the dual authorization of Class II injection wells and Class V injection wells for the disposal of nonhazardous desalination brine and nonhazardous drinking water treatment residuals. The proposed rules were published in the February 28, 2020, issue of the *Texas Register* (45 TexReg 1302). (Kathy Humphreys, Laurie Fleet, Diane Goss) (Rule Project No. 2020-016-007-LS)

Adopt the repeal of 30 Texas Administrative Code Section 7.117 and simultaneous adoption of new Section 7.117, as recommended by the Executive Director. EL/BJ; all agree.

Item 51 **[Docket No. 2019-0963-RUL.](#)**

Consideration of the adoption of new Sections 328.200 - 328.204 of 30 TAC Chapter 328, Waste Minimization and Recycling. The adoption implements 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. Adopted new Subchapter K, Governmental Entity Recycling and Purchasing of Recycled Materials, documents the requirement for governmental entities to establish a program for the separation and collection of recyclable materials generated by the entity; establishes that governmental entities shall give a preference in purchasing for products made of recyclable materials; and provides for exemptions from the requirements. The proposed rules were published in the January 31, 2020, issue of the *Texas Register* (45 TexReg 691). (Calen Roome, Kathy Humphreys) (Rule Project No. 2019-125-328-AD)

Adopt 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.

Item 52 **Docket No. 2019-1091-RUL.**

Consideration of the adoption of 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 adopted rulemaking implements 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. The proposed rules were published in the January 31, 2020, issue of the *Texas Register* (45 TexReg 688). (Amancio Gutierrez, Sierra Redding) (Rule Project No. 2019-122-114-AI)

Adopt the amendments to 30 Texas Administrative Code Chapter 114, and corresponding revisions to the State Implementation Plan, as recommended by the Executive Director. EL/BJ; all agree.

STATE IMPLEMENTATION PLAN

Item 53 **Docket No. 2019-0904-SIP.**

Consideration of the adoption of the 2015 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) Emissions Inventory (EI) State Implementation Plan (SIP) Revision for the Houston-Galveston-

Brazoria (HGB), Dallas-Fort Worth (DFW), and Bexar County Nonattainment Areas. States are required to submit current EI information from all sources in ozone nonattainment areas within two years of the effective date of designations. This SIP revision satisfies the Federal Clean Air Act, Section 172(c)(3) and Section 182(a)(1) EI reporting requirements for areas designated nonattainment for the 2015 eight-hour ozone NAAQS. The SIP revision also includes certification statements to confirm that emissions statement and nonattainment new source review SIP requirements have been met for the HGB, DFW, and Bexar County 2015 eight-hour ozone nonattainment areas. (Mary Ann Cook, Amy Browning, and Terry Salem) (Non-Rule Project No. 2019-111-SIP-NR)

Approve the adoption of 2015 Eight-Hour Ozone National Ambient Air Quality Standard Emissions Inventory State Implementation Plan Revision for the Houston-Galveston-Brazoria, Dallas-Fort Worth, and Bexar County Nonattainment Areas, as recommended by the Executive Director. BJ/EL; all agree.

PUBLIC COMMENT SESSION

Item 54 **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 55 **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 56 **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 57 **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 58 **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.

TO WATCH OR LISTEN TO THE MEETING:

MEMBERS OF THE PUBLIC MAY LISTEN TO THE MEETING TELEPHONICALLY BY CALLING, TOLL FREE, (415) 655-0060 AND ENTERING ACCESS CODE 232-852-833. THE PUBLIC MAY ALSO VIEW LIVE TCEQ MEETINGS ON THE TCEQ YOUTUBE CHANNEL AT NO COST AT:

**[HTTPS://WWW.TCEQ.TEXAS.GOV/AGENCY/DECISIONS/AGENDAS/WEB
CASTS.HTML](https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html).**

TO ADDRESS THE COMMISSION AT THE MEETING:

MEMBERS OF THE PUBLIC WHO WOULD LIKE TO ADDRESS THE COMMISSION ON AN ITEM FOR WHICH THE COMMISSION IS ACCEPTING COMMENT, MUST REGISTER AS INDICATED BELOW AND ACCESS THE MEETING VIA WEBCAST BY FOLLOWING THIS [LINK](#) AND ENTERING WEBINAR ID 556-651-683. THOSE WITHOUT INTERNET ACCESS MAY CALL (512) 239-3313 BEFORE THE MEETING BEGINS FOR ASSISTANCE IN ACCESSING THE MEETING TELEPHONICALLY.

TO REGISTER, PLEASE CALL (512) 239-3313 OR EMAIL

AGENDA@TCEQ.TEXAS.GOV. PLEASE COMPLETE THIS [PUBLIC PARTICIPATION FORM](#) OR PROVIDE THE FOLLOWING INFORMATION:

1. AGENDA ITEM NUMBER; 2. NAME; 3. AFFILIATION; 4. ADDRESS; 5. PHONE NUMBER; 6. WHOM YOU REPRESENT (SELF OR COMPANY/CLIENT); AND 7. WHETHER YOU WISH TO ADDRESS THE COMMISSION, ARE AVAILABLE FOR QUESTIONS FROM THE COMMISSION, OR WOULD LIKE TO BE NOTED AS PRESENT FOR THE RECORD.

REGISTRATION FOR AGENDA WILL CONCLUDE AT 9:30 A.M. PLEASE REGISTER BEFORE THIS TIME. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

/s/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

June 17, 2020
Date