

*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.*

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***<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 831-213-259. 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](mailto: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**

July 29, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

**<https://www.gotomeeting.com/webinar/join-webinar>** / Webinar ID 831-213-259

**DISTRICTS MATTERS**

Item 1 **[Docket No. 2020-0812-DIS.](#)**

Consideration and hearing on a resolution from Alpha Ranch Fresh Water Supply District No. 1 (“District”) for additional powers. The District requests approval for additional powers to provide drainage services as provided in Texas Water Code (TWC) Sections 51.331-51.332 and 30 Texas Administrative Code (TAC) Section 293.15. The District is comprised of 1,477.75 acres of land within Denton and Wise Counties. (Jaime Ealey, Bobby Salehi)

Approve the application of Alpha Ranch Fresh Water Supply District No. 1 for additional powers to provide drainage services within the District and Issue the Executive Director’s proposed Order with today’s proposed revision. BJ/EL; all agree.

Item 2 **[Docket No. 2020-0813-DIS.](#)**

Consideration and hearing on a petition from Brookfield Fresh Water Supply District No. 1 (“District”) for approval of additional powers for drainage, Pursuant to Texas Water Code Sections 51.331–51.332 and 30 Texas Administrative Code Section 293.15. The District is located west of Interstate Highway 35 West and north of State Highway 114 in Denton County and contains approximately 231.579 acres. The District submitted a request for the addition of drainage powers. (Jaime Ealey, Cole Malley)

Grant the request by Brookfield Fresh Water Supply District No. 1 for approval of additional drainage powers and Issue the Executive Director’s proposed Order with the revised Technical Memorandum. EL/BJ; all agree.

**MISCELLANEOUS MATTER**

Item 3 **[Docket No. 2020-0810-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 March 1, 2020 to May 31, 2020, as described in the TCEQ Interoffice Memorandum to the Commissioners and Executive Director dated July 29, 2020, Docket No. 2020-0810-MIS. BJ/EL; all agree.

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4 **[Docket No. 2019-0838-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ISP Technologies Inc. in Galveston County; RN100825272; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Richard Garza, Michael Parrish)

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

Item 5 **[Docket No. 2019-1436-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lucite International, Inc. in Jefferson County; RN102736089; 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. EL/BJ; all agree.

Item 6 **[Docket No. 2019-1167-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Midcoast G & P (East Texas) L.P. in Camp County; RN100223783; 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. (Richard Garza, Michael Parrish)

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

Item 7 **[Docket No. 2019-1311-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Midcoast G & P (East Texas) L.P. in Camp County; RN100223783; 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. (Richard Garza, Michael Parrish)

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

Item 8 [\*\*Docket No. 2019-1645-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Total Petrochemicals & Refining USA, Inc. in Harris County; RN100212109; 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. EL/BJ; all agree.

Item 9 [\*\*Docket No. 2019-1431-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TXI Operations, LP in Collin County; RN102171238; 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. EL/BJ; all agree.

Item 10 [\*\*Docket No. 2019-0748-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 and Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Johnnie Wu, Michael Parrish)

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

**INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT  
AGREED ORDER**

Item 11 [\*\*Docket No. 2018-1084-IHW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Apex Blasting, Inc. in Chambers County; RN109912592; for industrial solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules

of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Danielle Porras, Michael Parrish)

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

### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 12 **[Docket No. 2019-1540-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Gulf Coast Properties LLC and Phillips 66 Pipeline LLC in Jefferson County; RN102596210; 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. (Stephanie Frederick, Michael Parrish)

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

Item 13 **[Docket No. 2019-1639-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PRINTPACK, INC. in Orange County; RN102076163; 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. (Stephanie Frederick, Michael Parrish)

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

### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 14 **[Docket No. 2019-1275-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chris Harp Construction Limited Liability Company in Kaufman County; RN110817780; for municipal solid waste and air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, 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. EL/BJ; all agree.

Item 15 [Docket No. 2018-1544-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mort Roszell Rentals, Limited Liability Company in Comal County; RN101777738; for Edwards Aquifer and used oil violations pursuant to Tex. Health & Safety Code ch. 371, 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. (Had Darling, Michael Parrish)

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

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS**

Item 16 [Docket No. 2019-0538-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Andra J. Odom in Newton County; RN110488814; for municipal solid waste and air 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. (Audrey Liter, Janice Hernandez)

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

Item 17 [Docket No. 2019-0438-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Rapid Marine Fuels, LLC in Harris County; RN101061422; for industrial solid and/or hazardous waste and used oil violations pursuant to Tex. Water Code ch. 7, 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. (Ryan Rutledge, Janice Hernandez)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 18 [\*\*Docket No. 2019-1712-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Chico in Wise County; RN102833845; 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. (Stephanie Frederick, Michael Parrish)

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

Item 19 [\*\*Docket No. 2019-1720-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Fort Worth in Tarrant County; RN100942259; 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. (Stephanie Frederick, Michael Parrish)

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

Item 20 [\*\*Docket No. 2019-0881-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Laredo in Webb County; RN103026043; 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. (Stephanie Frederick, Michael Parrish)

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

Item 21 [\*\*Docket No. 2019-0260-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Manor in Travis County; RN101610228; 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. (Had Darling, Michael Parrish)

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

Item 22 [\*\*Docket No. 2019-1667-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Edwards Construction in Gregg County; RN101513000; 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. EL/BJ; all agree.

Item 23 [\*\*Docket No. 2019-1722-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Trinity River Authority of Texas in Tarrant and Denton Counties; RN102004355; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Harley Hobson, Michael Parrish)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 24 [\*\*Docket No. 2019-0361-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of CLIFTON FOOD MART, L.L.C. dba Clifton Food Mart in Bosque County; RN101662724; 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. (Clayton Smith, Janice Hernandez)

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

Item 25 [\*\*Docket No. 2019-1016-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BAHRAMI ENTERPRISES L-L-C dba Minit Mart in Ellis County; RN101650885; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, 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. EL/BJ; all agree.

Item 26 **Docket No. 2019-1651-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HAMPTON COMMERCIAL, INC dba Hampton Food Mart in Dallas County; RN100586163; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tyler Richardson, Michael Parrish)

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

Item 27 **Docket No. 2018-0227-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against CIRCLE K STORES INC. dba Circle K Store 2706981 in Williamson County; RN101635357; 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. (Clayton Smith, Janice Hernandez)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 28 **Docket No. 2017-1650-PST-E.**

Consideration of a Default Order assessing administrative penalties against P&U KING CORPORATION dba Quick Track 7 in Cooke County; RN102027372; 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. (Ian Groetsch, Janice Hernandez)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 29 [\*\*Docket No. 2019-1711-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Texas, Inc. in Harris County; RN101199495; 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. EL/BJ; all agree.

Item 30 [\*\*Docket No. 2019-1668-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against HARLETON WATER SUPPLY CORPORATION in Harrison County; RN101211225; 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. EL/BJ; all agree.

Item 31 [\*\*Docket No. 2019-1677-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Lake Fork Water Supply Corp. in Wood County; RN101453421; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jée Willis, Michael Parrish)

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

Item 32 [\*\*Docket No. 2019-1631-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Starrville Water Supply Corporation in Smith County; RN101450237; 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. EL/BJ; all agree.

Item 33 [Docket No. 2019-1706-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TABORCA PROPERTIES, LLC in Parker County; RN105596860; 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. EL/BJ; all agree.

Item 34 [Docket No. 2019-1506-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Debbie Sharp and Ronnie W. Sharp dba Chipper Point Apartments in Lubbock County; RN105068431; 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. EL/BJ; all agree.

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 35 [Docket No. 2019-0997-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Jon David Stover in Bowie County; RN110761574; 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. EL/BJ; all agree.

**MONTHLY ENFORCEMENT REPORT**

Item 36 [Docket No. 2020-0149-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 PETITION**

Item 37 **Docket No. 2020-0742-PET.**

Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality (commission) on June 1, 2020 by James B. Thompson (petitioner). The petitioner requested that the commission amend 30 TAC Section 217.155(b)(5)(C)(v) to clarify rule language. Specifically, the petitioner requested that the commission amend the rule to allow the use of fiberglass pipe and reinforced thermoset pipes to be included in the design criteria for wastewater treatment aeration systems. (Shelby Williams, Hollis Henley) (Project No. 2020-037-PET-NR)

Deny the petition for rulemaking submitted by James Thompson concerning amendments to 30 Texas Administrative Code § 217.155 and Issue the Executive Director's proposed Order. BJ/EL; all agree.

### **RULE MATTER**

Item 38 **Docket No. 2019-1749-RUL.**

Consideration for publication of proposed amended Sections 39.403, 50.113, 55.101, 55.201, 331.2, 331.5, 331.7, 331.47, 331.64, and 331.121, and repealed Sections 331.17 and 331.18 of 30 TAC Chapters 39, Public Notice, 50, Action on Applications and Other Authorizations, 55, Requests for Reconsideration and Contested Case Hearings; Public Comment, and 331, Underground Injection Control. Consistent with other commission rules and the United States Environmental Protection Agency's regulations, the proposed rulemaking would amend and repeal rules for pre-injection units associated with nonhazardous, noncommercial injection wells to remove the requirements to permit or register pre-injection units under Chapter 331 and would result in a streamlined underground injection control permit application process. (Tamara Young, Don Redmond) (Rule Project No. 2016-022-331-WS)

Approve the publication of proposed amended Sections 39.403, 50.113, 55.101, 55.201, 331.2, 331.5, 331.7, 331.47, 331.64, and 331.121 and repealed Sections 331.17 and 331.18, as recommended by the Executive Director. EL/BJ; all agree.

### **STATE IMPLEMENTATION PLANS**

Item 39 [\*\*Docket No. 2020-0078-SIP.\*\*](#)

Consideration for the adoption of a Voluntary Agreed Order with Southwestern Electric Power Company, H.W. Pirkey Power Plant in Harrison County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order establishes certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Southwestern Electric Power Company, H.W. Pirkey Power Plant in Harrison County. Notice was published in the April 24, 2020, issue of the *Texas Register* (45 TexReg 2736). (John Minter) (Non-Rule Project No. 2020-021-SIP-NR)

Joint Motion for Items 39 - 47.

Adopt the Voluntary Agreed Orders with the following eight power plants: 1) Southwestern Electric Power Company, H.W. Pirkey Power Plant; 2) Lower Colorado River Authority, Sam Seymour Fayette Power Project; 3) Luminant Generation Company, LLC, Martin Lake Steam Electric Station; 4) NRG Texas Power LLC, Limestone Electric Generating Station; 5) San Miguel Electric Cooperative, Inc. San Miguel Electric Plant; 6) Southwestern Public Service Company, Harrington Station; 7) Public Service Company of Oklahoma, Oklaunion Power Station; and 8) Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Adopt the proposed SIP Revision regarding Planned Maintenance Startup and Shutdown Emissions for Certain Electric Generating Units, as recommended by the Executive Director. BJ/EL; all agree.

Item 40 [\*\*Docket No. 2020-0077-SIP.\*\*](#)

Consideration for the adoption of a Voluntary Agreed Order with Lower Colorado River Authority (LCRA), Lower Colorado River Authority; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order establishes certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the LCRA, Sam Seymour Fayette Power Project in Fayette County. Notice was published in the April 24, 2020, issue of the *Texas Register* (45 TexReg 2736). (John Minter) (Non-Rule Project No. 2020-022-SIP-NR)

Joint Motion for Items 39 - 47.

Adopt the Voluntary Agreed Orders with the following eight power plants: 1) Southwestern Electric Power Company, H.W. Pirkey Power Plant; 2) Lower Colorado River Authority, Sam Seymour Fayette Power Project; 3) Luminant Generation Company, LLC, Martin Lake Steam Electric Station; 4) NRG Texas Power LLC, Limestone Electric Generating Station; 5) San Miguel Electric Cooperative, Inc. San Miguel Electric Plant; 6) Southwestern Public Service Company, Harrington Station;

7) Public Service Company of Oklahoma, Oklaunion Power Station; and 8) Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Adopt the proposed SIP Revision regarding Planned Maintenance Startup and Shutdown Emissions for Certain Electric Generating Units, as recommended by the Executive Director. BJ/EL; all agree.

Item 41 **[Docket No. 2020-0076-SIP.](#)**

Consideration for the adoption of a Voluntary Agreed Order with Luminant Generation Company, LLC, Martin Lake Steam Electric Station in Rusk County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order establishes certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Luminant Generation Company, LLC, Martin Lake Steam Electric Station in Rusk County. Notice was published in the April 24, 2020, issue of the *Texas Register* (45 TexReg 2736). (John Minter) (Non-Rule Project No. 2020-023-SIP-NR)

Joint Motion for Items 39 - 47.

Adopt the Voluntary Agreed Orders with the following eight power plants: 1) Southwestern Electric Power Company, H.W. Pirkey Power Plant; 2) Lower Colorado River Authority, Sam Seymour Fayette Power Project; 3) Luminant Generation Company, LLC, Martin Lake Steam Electric Station; 4) NRG Texas Power LLC, Limestone Electric Generating Station; 5) San Miguel Electric Cooperative, Inc. San Miguel Electric Plant; 6) Southwestern Public Service Company, Harrington Station; 7) Public Service Company of Oklahoma, Oklaunion Power Station; and 8) Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Adopt the proposed SIP Revision regarding Planned Maintenance Startup and Shutdown Emissions for Certain Electric Generating Units, as recommended by the Executive Director. BJ/EL; all agree.

Item 42 **[Docket No. 2020-0075-SIP.](#)**

Consideration for the adoption of a Voluntary Agreed Order with NRG Texas Power LLC, Limestone Electric Generating Station in Limestone County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order establishes certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the NRG Texas Power LLC, Limestone Electric Generating Station in Limestone County. Notice was published in the April 24, 2020, issue of the *Texas Register* (45 TexReg 2736). (John Minter) (Non-Rule Project No. 2020-024-SIP-NR)

Joint Motion for Items 39 - 47.

Adopt the Voluntary Agreed Orders with the following eight power plants: 1) Southwestern Electric Power Company, H.W. Pirkey Power Plant; 2) Lower Colorado River Authority, Sam Seymour Fayette Power Project; 3) Luminant Generation Company, LLC, Martin Lake Steam Electric Station; 4) NRG Texas Power LLC, Limestone Electric Generating Station; 5) San Miguel Electric Cooperative, Inc. San Miguel Electric Plant; 6) Southwestern Public Service Company, Harrington Station; 7) Public Service Company of Oklahoma, Oklaunion Power Station; and 8) Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Adopt the proposed SIP Revision regarding Planned Maintenance Startup and Shutdown Emissions for Certain Electric Generating Units, as recommended by the Executive Director. BJ/EL; all agree.

Item 43      **[Docket No. 2020-0074-SIP.](#)**

Consideration for the adoption of a Voluntary Agreed Order with San Miguel Electric Cooperative, Inc. San Miguel Electric Plant in Atascosa County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order establishes certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the San Miguel Electric Cooperative, Inc. San Miguel Electric Plant in Atascosa County. Notice was published in the April 24, 2020, issue of the *Texas Register* (45 TexReg 2736). (John Minter) (Non-Rule Project No. 2020-025-SIP-NR)

Joint Motion for Items 39 - 47.

Adopt the Voluntary Agreed Orders with the following eight power plants: 1) Southwestern Electric Power Company, H.W. Pirkey Power Plant; 2) Lower Colorado River Authority, Sam Seymour Fayette Power Project; 3) Luminant Generation Company, LLC, Martin Lake Steam Electric Station; 4) NRG Texas Power LLC, Limestone Electric Generating Station; 5) San Miguel Electric Cooperative, Inc. San Miguel Electric Plant; 6) Southwestern Public Service Company, Harrington Station; 7) Public Service Company of Oklahoma, Oklaunion Power Station; and 8) Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Adopt the proposed SIP Revision regarding Planned Maintenance Startup and Shutdown Emissions for Certain Electric Generating Units, as recommended by the Executive Director. BJ/EL; all agree.

Item 44      **[Docket No. 2020-0073-SIP.](#)**

Consideration for adoption of a Voluntary Agreed Order with Southwestern Public Service Company, Harrington Station in Potter County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order establishes certain operational limits and

work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Southwestern Public Service Company, Harrington Station in Potter County. Notice was published in the April 24, 2020, issue of the *Texas Register* (45 TexReg 2736). (John Minter) (Non-Rule Project No. 2020-026-SIP-NR)

Joint Motion for Items 39 - 47.

Adopt the Voluntary Agreed Orders with the following eight power plants: 1) Southwestern Electric Power Company, H.W. Pirkey Power Plant; 2) Lower Colorado River Authority, Sam Seymour Fayette Power Project; 3) Luminant Generation Company, LLC, Martin Lake Steam Electric Station; 4) NRG Texas Power LLC, Limestone Electric Generating Station; 5) San Miguel Electric Cooperative, Inc. San Miguel Electric Plant; 6) Southwestern Public Service Company, Harrington Station; 7) Public Service Company of Oklahoma, Oklaunion Power Station; and 8) Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Adopt the proposed SIP Revision regarding Planned Maintenance Startup and Shutdown Emissions for Certain Electric Generating Units, as recommended by the Executive Director. BJ/EL; all agree.

Item 45      [\*\*Docket No. 2020-0072-SIP.\*\*](#)

Consideration for the adoption of a Voluntary Agreed Order with Public Service Company of Oklahoma, Oklaunion Power Station in Wilbarger County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order establishes certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Public Service Company of Oklahoma, Oklaunion Power Station in Wilbarger County. Notice was published in the April 24, 2020, issue of the *Texas Register* (45 TexReg 2736). (John Minter) (Non-Rule Project No. 2020-027-SIP-NR)

Joint Motion for Items 39 - 47.

Adopt the Voluntary Agreed Orders with the following eight power plants: 1) Southwestern Electric Power Company, H.W. Pirkey Power Plant; 2) Lower Colorado River Authority, Sam Seymour Fayette Power Project; 3) Luminant Generation Company, LLC, Martin Lake Steam Electric Station; 4) NRG Texas Power LLC, Limestone Electric Generating Station; 5) San Miguel Electric Cooperative, Inc. San Miguel Electric Plant; 6) Southwestern Public Service Company, Harrington Station; 7) Public Service Company of Oklahoma, Oklaunion Power Station; and 8) Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Adopt the proposed SIP Revision regarding Planned Maintenance Startup and Shutdown

Emissions for Certain Electric Generating Units, as recommended by the Executive Director. BJ/EL; all agree.

Item 46 [\*\*Docket No. 2020-0071-SIP.\*\*](#)

Consideration for the adoption of the State Implementation Plan (SIP) Revision Regarding Planned Maintenance Startup and Shutdown Emissions for Certain Electric Generating Units (EGUs). The SIP Narrative consists of a demonstration that the SIP revision meets the requirements of Federal Clean Air Act (FCCA), Section 110(l) (42 United States Code, Section 7410(l)) to ensure noninterference with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the FCAA. Notice was published in the April 24, 2020, issue of the *Texas Register* (45 TexReg 2736). (John Minter) (Non-Rule Project No. 2020-028-SIP-NR)

Joint Motion for Items 39 - 47.

Adopt the Voluntary Agreed Orders with the following eight power plants: 1) Southwestern Electric Power Company, H.W. Pirkey Power Plant; 2) Lower Colorado River Authority, Sam Seymour Fayette Power Project; 3) Luminant Generation Company, LLC, Martin Lake Steam Electric Station; 4) NRG Texas Power LLC, Limestone Electric Generating Station; 5) San Miguel Electric Cooperative, Inc. San Miguel Electric Plant; 6) Southwestern Public Service Company, Harrington Station; 7) Public Service Company of Oklahoma, Oklaunion Power Station; and 8) Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Adopt the proposed SIP Revision regarding Planned Maintenance Startup and Shutdown Emissions for Certain Electric Generating Units, as recommended by the Executive Director. BJ/EL; all agree.

Item 47 [\*\*Docket No. 2020-0178-SIP.\*\*](#)

Consideration for the adoption of a Voluntary Agreed Order with Texas Municipal Power Agency Gibbons Creek Steam Electric Station in Grimes County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order establishes certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Texas Municipal Power Agency Gibbons Creek Steam Electric Station in Grimes County. Notice was published in the April 24, 2020, issue of the *Texas Register* (45 TexReg 2736). (John Minter) (Non-Rule Project No. 2020-032-SIP-NR)

Joint Motion for Items 39 - 47.

Adopt the Voluntary Agreed Orders with the following eight power plants: 1) Southwestern Electric Power Company, H.W. Pirkey Power Plant; 2) Lower Colorado River Authority, Sam Seymour Fayette Power Project; 3) Luminant Generation Company, LLC, Martin Lake Steam Electric Station; 4) NRG Texas Power LLC, Limestone Electric Generating Station; 5) San Miguel Electric Cooperative, Inc. San Miguel Electric Plant; 6) Southwestern Public Service Company, Harrington Station; 7) Public Service Company of Oklahoma, Oklaunion Power Station; and 8) Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Adopt the proposed SIP Revision regarding Planned Maintenance Startup and Shutdown Emissions for Certain Electric Generating Units, as recommended by the Executive Director. BJ/EL; all agree.

### **EXECUTIVE MEETING**

**Item 48      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 49      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 50      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 51      **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, (631) 992-3221 AND ENTERING ACCESS CODE 367-303-065. 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 831-213-259. 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/ Greg Merrell  
Assistant General Counsel  
Greg Merrell

August 14, 2020  
Date