

*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:***

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***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 840-212-963. 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**

September 25, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 840-212-963

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## **PROPOSAL FOR DECISION**

Item 1 [\*\*TCEQ Docket No. 2019-0902-AIR; SOAH Docket No. 582-20-0884.\*\*](#)

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of Ingram Concrete, LLC, for Air Quality Permit No. 152417L001, pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code Chapter 382. The proposed rock crushing plant would be located at 1346 County Road 401, near Nemo, in Somervell County, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Amy Browning and Betsy Peticolas)

Adopt the ALJs' Proposed Order as modified by the ALJ's letter dated September 15, 2020; Grant the application of Ingram Concrete, LLC, for new Air Quality Permit No. 152417L001; and Adopt the ED's Response to Comments. EL/BJ; all agree.

## **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 2 [\*\*Docket No. 2020-0837-AIR.\*\*](#)

Consideration of an application by Epic Piping, LLC for the issuance of Air Quality Permit No. 154774 to authorize the operation of three paint booths that are currently authorized under a permit by rule for their piping fabrication operations. The facility is located at 2301 N IH 35, San Marcos, Hays 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. (Mike Coldiron, Betsy Peticolas)

Deny all hearing requests; Grant the new Air Quality Permit No. 154774 to Epic Piping, LLC; and Adopt the Executive Director's Response to Comments. BJ/EL; all agree.

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 3 [\*\*Docket No. 2020-0119-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ARLANXEO USA LLC in Orange County;

RN100825363; 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. (Michaëlle Garza, Michael Parrish)

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

Item 4 [\*\*Docket No. 2020-0415-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ash Grove Cement Company in Ellis County; RN100225978; 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. (Michaëlle Garza, Michael Parrish)

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

Item 5 [\*\*Docket No. 2019-1430-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kinder Morgan Crude & Condensate LLC in Harris County; RN100237452; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mackenzie Mehlmann, Michael Parrish)

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

Item 6 [\*\*Docket No. 2019-1296-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Scout Energy Management LLC in Carson County; RN100211580; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amanda Diaz, Michael Parrish)

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

Item 7

**[Docket No. 2019-1309-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Chemical LP in Harris County; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mackenzie Mehlmann, Michael Parrish)

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

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 8

**[Docket No. 2019-0632-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Miller Environmental Services, LLC in Nueces County; RN107648925; 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. (Tyler Richardson, Michael Parrish)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 9

**[Docket No. 2018-0032-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Epic Renewables, Inc. and William Michael Bruce in Jasper County; RN106330459; for industrial and hazardous waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, 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. (Elizabeth Lieberknecht, Janice Hernandez)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 10

**[Docket No. 2020-0068-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Austin in Travis County; RN101607901; 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. (Katelyn Tubbs, Michael Parrish)

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

Item 11      **[Docket No. 2018-1091-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Marine Quest - Hidden Cove, L.P. in Denton County; RN102094950; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Christopher Moreno, Michael Parrish)

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

Item 12      **[Docket No. 2019-1721-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Quadvest, L.P. in Liberty County; RN109018424; 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. EL/BJ; all agree.

Item 13      **[Docket No. 2020-0368-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SR Aus, LLC in Travis County; RN107988586; 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 14 [Docket No. 2019-1663-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Undine Texas Environmental, LLC in Parker County; RN101522464; 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 ORDER**

Item 15 [Docket No. 2020-0042-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ZAFAR, INC. dba Bellaire Shell in Harris County; RN100531870; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ken Moller, Michael Parrish)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 16 [Docket No. 2019-1752-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Blue Origin Texas, LLC in Culberson County; RN104961164; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marla Waters, Michael Parrish)

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

Item 17 [Docket No. 2020-0377-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Canyon Regional Water Authority in Guadalupe County; RN101439339; 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 18      **[Docket No. 2019-1678-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harris County Municipal Utility District 304 in Harris County; RN102975877; 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. EL/BJ; all agree.

Item 19      **[Docket No. 2020-0020-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Consolidated Water Supply Corporation in Houston County; RN101281632; 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 20      **[Docket No. 2019-1779-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tracy L. Taylor in Nacogdoches County; RN110868809; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Julianne Dewar, Michael Parrish)

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

Item 21      **[Docket No. 2019-1630-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Troy L. Williams dba Bell and Ford Marina Campground in Walker County; RN101220390; for public



drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marla Waters, Michael Parrish)

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

### **MONTHLY ENFORCEMENT REPORT**

Item 22 **[Docket No. 2020-0151-MIS.](#)**

Consideration of the Texas Commission on Environmental Quality Monthly Enforcement Report, submitted for discussion in accordance with Texas Water Code § 7.003. (Bryan Sinclair, Melissa Cordell)

No action taken.

### **RULE MATTER**

Item 23 **[Docket No. 2019-1609-RUL.](#)**

Consideration for publication of proposed new Section 35.202 in 30 Texas Administrative Code (TAC) Chapter 35, Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions; and amended Section 291.14 and Section 291.142 in 30 TAC Chapter 291, Utility Regulations. The proposed rulemaking would implement House Bill 3542, and Senate Bill 700, 86th Texas Legislature, 2019, Regular Session, to amend sections to reflect changes to Texas Water Code, Chapters 5 and 13. This rulemaking would amend Texas Commission on Environmental Quality's rules relating to the economic regulation of water and sewer utilities as directed by the legislature. (Brian Dickey, Benjamin Warms, Kayla Murray) (Rule Project No. 2020-011-291-OW)

Approve the publication of, and hearing on, the proposed amendments to 30 Texas Administrative Code Chapters 35 and 291, as recommend by the Executive Director. BJ/EL; all agree.

### **STATE IMPLEMENTATION PLANS**

Item 24 **[Docket No. 2020-0868-SIP.](#)**

Consideration to withdraw from the United States Environmental Protection Agency's review, a portion of the Beaumont-Port Arthur Redesignation Request and Maintenance Plan for the One-Hour Ozone Standard and Second 10-Year Maintenance Plan for the 1997 Eight-



Hour Ozone Standard State Implementation Plan Revision, adopted by the commission on January 30, 2019. The portion under consideration for withdrawal concerns the state's redesignation request and maintenance plan for the 1979 one-hour ozone National Ambient Air Quality Standard. (Denine Calvin, Terry Salem) (Non-Rule Project No. 2020-039-SIP-NR)

Joint Motion for Items 24 and 25

Withdraw from submission to EPA, the One-Hour Ozone portion of the Beaumont-Port Arthur Redesignation Request and Maintenance Plan for the 1997 Eight-Hour Ozone Standard and Second 10-Year Maintenance Plan, adopted by the Commission on January 30, 2019, as recommended by the Executive Director; and Withdraw from submission to EPA, the El Paso Redesignation Request and Maintenance Plan State Implementation Plan Revision for the One-Hour Ozone National Ambient Air Quality Standards, adopted by the Commission on April 24, 2019, as recommended by the Executive Director. EL/BJ; all agree.

Item 25      **[Docket No. 2020-0867-SIP.](#)**

Consideration to withdraw from the United States Environmental Protection Agency's review, the El Paso Redesignation Request and Maintenance Plan State Implementation Plan Revision for the One-Hour Ozone National Ambient Air Quality Standard (NAAQS), adopted by the commission on April 24, 2019. (Vanessa T. De Arman, Terry Salem) (Non-Rule Project No. 2020-040-SIP-NR)

Joint Motion for Items 24 and 25

Withdraw from submission to EPA, the One-Hour Ozone portion of the Beaumont-Port Arthur Redesignation Request and Maintenance Plan for the 1997 Eight-Hour Ozone Standard and Second 10-Year Maintenance Plan, adopted by the Commission on January 30, 2019, as recommended by the Executive Director; and Withdraw from submission to EPA, the El Paso Redesignation Request and Maintenance Plan State Implementation Plan Revision for the One-Hour Ozone National Ambient Air Quality Standards, adopted by the Commission on April 24, 2019, as recommended by the Executive Director. EL/BJ; all agree.

**EXECUTIVE MEETING**

Item 26      **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 27      **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 28      **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 on this item.

Item 29      **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 on this item.

**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, (562) 247-8422 AND ENTERING ACCESS CODE 113-318-810. THE PUBLIC MAY ALSO VIEW LIVE TCEQ MEETINGS ON THE TCEQ YOUTUBE CHANNEL AT NO COST AT:**

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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 840-212-963. 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.**

/s/ Tracy Gross  
Assistant General Counsel  
Tracy Gross

October 1, 2020  
Date