

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 638-408-860. 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 945-980-235. 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

November 4, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 945-980-235
(415) 655-0060 and entering Access Code 638-408-860

PROPOSAL FOR DECISION

Item 1 **[TCEQ Docket No. 2019-0488-PST-E; SOAH Docket No. 582-20-1750.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against Vachana S. Mao dba N V Food Mart in Tarrant County, Texas; RN102385325; regarding underground storage tank violations pursuant to the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Clayton Smith)

Adopt the ALJ's Proposed Order with the modifications recommended by the ED's Exceptions and agreed to by the ALJ's Reply. BJ/EL; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 **[Docket No. 2020-1246-MWD.](#)**

Consideration of the application by Silesia Properties, LP, for new TCEQ Permit No. WQ0015835001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 365,000 gallons per day via public access subsurface area drip dispersal system with a minimum area of 84 acres. The wastewater treatment facility and disposal site will be located at 26226 West State Highway 46, in the City of Spring Branch, Comal County, Texas 78070. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (J. Alfonso Martinez III, Anthony Tatu, and Bobby Salehi)

Grant the hearing requests filed by Boulevard Neighborhoods for Clean Water, Greater Edwards Aquifer Alliance, Texas Cave Management Association, Inc., Dennis and Joanne Dawson, Joyce Moore, and the Honey Creek Spring Ranch LP; Deny all remaining hearing requests and all requests for reconsideration; Refer the application to SOAH for a contested case hearing concerning the following issues: a) Whether the draft permit will be protective of nearby groundwater and surface water quality; b) Whether the draft permit will be protective of the health of the requestors and their families, livestock, and wildlife; c) Whether the operator requirements of the draft permit are sufficient to ensure adequate management and oversight of the facility; d) Whether the applicant provided an adequate effluent volume estimate in the application; e) Whether the design of the facility will satisfy the requirements of the

subsurface area drip dispersal rules; f) Whether operations under the permit will negatively impact affected persons and the use of the property under the regulations; g) Whether the effluent land application rates under the draft permit are adequately protective; h) Whether the applicant properly demonstrated a need for the permit, as required by Texas Water Code § 26.0282S; and Set the hearing duration for the proceeding at 180 days from the date of the preliminary hearing to the issuance to the Proposal for Decision. EL/BJ; all agree.

PETITIONS TO REVOKE

Item 3 [**Docket No. 2020-0799-MSW.**](#)

Consideration of a Petition to Revoke Municipal Solid Waste Compost Notification No. 47068 issued to Employee Owned Nursery Enterprises Ltd. dba Organics by Gosh Composting Facility 2 in Bastrop County filed by Central Texas Airport, LLC. The Commission will also consider related responses and replies to the Petition. (Ian Groetsch)

Joint Motion for Items 3 and 4.

Deny the petitions for revocation filed by Central Texas Airport, LLC. Concerning Municipal Solid Waste Notification Nos. 47068 and 47070 issued to Employee Owned Nursery Enterprises Ltd. dba Organics by Gosh. EL/BJ; all agree.

Item 4 [**Docket No. 2020-1089-MSW.**](#)

Consideration of a Petition to Revoke Municipal Solid Waste Compost Notification No. 47070 issued to Employee Owned Nursery Enterprises Ltd. dba Organics by Gosh Composting Facility 3 in Bastrop County filed by Central Texas Airport, LLC. The Commission will also consider related responses and replies to the Petition. (Ian Groetsch)

Joint Motion for Items 3 and 4.

Deny the petitions for revocation filed by Central Texas Airport, LLC. Concerning Municipal Solid Waste Notification Nos. 47068 and 47070 issued to Employee Owned Nursery Enterprises Ltd. dba Organics by Gosh. EL/BJ; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 [**Docket No. 2019-0684-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Arcosa LWS, LLC f/k/a TRNLWS, LLC in Navarro County; RN100211283; 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. (Yuliya Dunaway, Michael Parrish)

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

Item 6 [**Docket No. 2020-0138-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marathon Petroleum Company LP in Galveston County; RN102535077; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Johnnie Wu, Michael Parrish)

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

Item 7 [**Docket No. 2020-0602-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the University of Texas Medical Branch at Galveston in Galveston County; RN101921138; 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. (Danielle Porras, Michael Parrish)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 8 [**Docket No. 2020-0134-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ESPINOZA STONE, INC. in Williamson County; RN110880325; 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. (Katelyn Tubbs, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 9

[Docket No. 2019-1444-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of All Paws Go To Heaven, LLC in Collin County; RN104271523; for air quality and municipal solid waste 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. (Richard Garza, Michael Parrish)

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

Item 10

[Docket No. 2020-0369-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of M & H Crates, Inc. in Cherokee County; RN101947919; for air quality and municipal solid waste 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. (Danielle Porras, Michael Parrish)

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

Item 11

[Docket No. 2019-1553-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of T7 Enterprises LLC dba Reliable Tire Disposal in Burnet County; RN100722362; for water quality and used tires 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. (Stephanie McCurley, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 12

[Docket No. 2019-0600-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Irving Molina in El Paso County;

RN110513710; for waste tires violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Danielle Porras, Michael Parrish)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 13 [**Docket No. 2020-0629-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against San Antonio River Authority in Bexar County; RN101514347; 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 14 [**Docket No. 2019-0555-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AK MOMIN ENTERPRISES, INC. dba Express Drive Inn in Bexar County; RN102229911; 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 15 [**Docket No. 2018-1299-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MOMENTUM INVESTMENT, INC. dba Angels Gas & Grocery in Harris County; RN101727758; 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. (Alain Elegbe, Michael Parrish)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 16 **[Docket No. 2019-0795-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Miles in Runnels County; RN101191237; 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 17 **[Docket No. 2020-0226-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DG RV Properties, LLC in San Jacinto County; RN108378654; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Aaron Vincent, Michael Parrish)

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

Item 18 **[Docket No. 2020-0445-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tidehaven Independent School District in Matagorda County; RN109227942; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Aaron Vincent, Michael Parrish)

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

Item 19 **[Docket No. 2019-0857-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Leona Bullock dba Blue Ridge

Mobile Home Park in Kerr County; RN101226538; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Mullins, Janice Hernandez)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 20 [**Docket No. 2019-0646-SLG-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against BONO BROTHERS, INC. in Fort Bend County; RN103184511; for water quality 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. (Christopher Moreno, Michael Parrish)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 21 [**Docket No. 2020-0399-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BODIN CONCRETE, L.P. in Dallas County; RN102070687; 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. BJ/EL; all agree.

RULE MATTER

Item 22 [**Docket No. 2020-0080-RUL.**](#)

Consideration of the adoption of the repeal of Sections 325.1 - 325.3; and the simultaneous adoption of new Sections 325.1 - 325.4 of 30 Texas Administrative Code Chapter 325, Hazardous Substances Inventory. The adoption will repeal and replace the existing rules, remove obsolete references, provide consistency with federal rules, provide clarity to definitions, and add requirements stemming from the new online reporting system. In addition, the adopted rulemaking will include changes to reduce the number of consolidated filings of multiple

Tier II reports. The proposed rules were published in the June 5, 2020, issue of the Texas Register (45 TexReg 3738). (Melinda Johnston, Amie Robinson) (Rule Project No. 2020-015-325-CE)

Adopt the repeal of Sections 325.1 - 325.3 and simultaneous proposal of new Sections 325.1 – 325.4 of 30 Texas Administrative Code Chapter 325, Hazardous Substances Inventory, as recommended by the Executive Director. EL/BJ; all agree.

PUBLIC COMMENT SESSION

Item 23 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 24 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 25 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 26 **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 27 **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 638-408-860. 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](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 945-980-235. 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/Colleen Ford
Assistant General Counsel
Colleen Ford

November 24, 2020
Date