

*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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*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 18, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / 937-486-731  
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## **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 1

### **Docket No. 2020-1324-IWD.**

Consideration of the application by Lower Colorado River Authority, which operates Sam Seymour Fayette Power Plant, for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002105000 to correct the calculation of the mass limit for total residual chlorine for Outfall 001 and minor amendment requests to remove internal Outfall 103; update Other Requirement No. 7 to remove the authorization to use Reclaimed Pond and Ash Pond (closed and capped) water for dust suppression; update the wastewater description for Outfall 003 to remove "previously monitored effluent"; and update the pond freeboard requirement and pond language. The draft permit authorizes the discharge of once-through cooling water and previously monitored effluent at a daily average flow not to exceed 1,509 million gallons per day via Outfall 001; cooling water drained from the condensers and other cooling equipment during maintenance periods at a daily average flow not to exceed 2.5 million gallons per day via Outfall 002; low volume waste, coal pile runoff, truck wash water, and stormwater from the coal pile runoff pond on an intermittent and flow-variable basis via Outfall 003; and low volume waste, truck wash water, and stormwater from the Combustion Byproducts Landfill Pond on an intermittent and flow-variable basis via Outfall 004. The facility is located at 6549 Power Plant Road, near the City of La Grange in Fayette County, Texas 78945. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Sarah A. Johnson, Kathy Humphreys)

Deny all hearing requests; Issue the amendment and renewal of TPDES Permit No. WQ0002105000, to the Lower Colorado River Authority, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. EL/BJ; all agree.

## **MISCELLANEOUS MATTER**

Item 2

### **Docket No. 2020-1289-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 June 1, 2020 to August 31, 2020, as described in the TCEQ Interoffice Memorandum to the Commissioners and Executive Director dated November 18, 2020, Docket No. 2020-1289-MIS. BJ/EL; all agree.

### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 3      **[Docket No. 2019-1600-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Corrigan OSB, L.L.C. in Polk County; RN107922510; 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. (Toni Red, Michael Parrish)

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

Item 4      **[Docket No. 2020-0461-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Chambers County; RN102323268; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amanda Diaz, Michael Parrish)

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

Item 5      **[Docket No. 2020-0205-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against OXY USA Inc. in Gaines County; RN103758470; 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. 2019-0878-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Performance Materials NA, Inc. in Orange County; RN100542711; 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 7 **[Docket No. 2019-0052-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Salzgitter Mannesmann Stainless Tubes USA, Inc. in Harris County; RN100210962; 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. EL/BJ; all agree.

Item 8 **[Docket No. 2020-0612-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Midstream Services LLC in Chambers County; RN100222900; 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. (Toni Red, Michael Parrish)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 9 **[Docket No. 2019-1604-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COOK THE PAINTER, LLC. in Harris County; RN106872443; for municipal 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. (Hailey Johnson, Michael Parrish)

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

Item 10 [\*\*Docket No. 2019-0582-MSW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Ronald Hines dba Sixth Street Mini Storage in Dallas County; RN110690138; for municipal 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. (Stephanie McCurley, Michael Parrish)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 11 [\*\*Docket No. 2019-1323-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Graham in Young County; RN101916880; 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 12 [\*\*Docket No. 2019-1025-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Penelope in Hill County; RN101523066; 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. EL/BJ; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 13 [\*\*Docket No. 2019-1701-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LMMM Houston #67, Ltd. dba La Michoacana Meat Market in Montgomery County; RN101754323; 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. EL/BJ; all agree.

Item 14      **Docket No. 2019-1019-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MURPHY OIL USA, INC. dba Murphy USA 6824 in Bexar County; RN102805264; 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. EL/BJ; all agree.

Item 15      **Docket No. 2019-1381-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OMRI 80 INC dba Edgewood Mart in Van Zandt County; RN101758423; 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. (Christopher Moreno, Michael Parrish)

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

Item 16      **Docket No. 2019-1415-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of R. D. Wallace Oil Co., Inc. dba M & M Grocery in Cochran County; RN101444123; 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. EL/BJ; all agree.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 17

**[Docket No. 2020-0455-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain action of Angus Water Supply Corporation in Navarro County; RN101436566; 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 18

**[Docket No. 2020-0526-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bryson in Jack County; RN101399699; 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. EL/BJ; all agree.

Item 19

**[Docket No. 2019-1259-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Rio Hondo in Cameron County; RN101209195; 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. EL/BJ; all agree.

Item 20

**[Docket No. 2020-0228-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Scott W. Gray dba Iwanda Mobile Home Park in Orange County; RN101245751; 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. 2020-0456-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WESTBOUND WATER SUPPLY CORPORATION in Eastland County; RN101195733; 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. EL/BJ; all agree.

**WASTEWATER DISPOSAL ENFORCEMENT AGREED ORDER**

Item 22

**[Docket No. 2019-1100-WDW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DIAMOND SHAMROCK REFINING COMPANY, L.P. dba Valero McKee Refinery in Moore County; RN100210517; for waste disposal well violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 27, 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. EL/BJ; all agree.

**MONTHLY ENFORCEMENT REPORT**

Item 23

**[Docket No. 2020-0153-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 24

**[Docket No. 2018-0983-RUL.](#)**

Consideration of the adoption of amended Sections 30.20, 30.24, 30.33, 30.34, 30.36, 30.81, 30.95, 30.129, and 30.402, and new Section 30.29 of 30 TAC Chapter 30, Occupational Licenses and Registrations. The adoption will implement House Bill (HB) 1508 from the 85th Texas Legislature, 2017, Regular Session; and HB 1342, Senate Bill (SB) 37, and SB 1217 from the 86th Texas Legislature, 2019, Regular Session.



The adopted rulemaking will also include administrative changes to ensure current and accurate cross-references. The proposed rules were published in the July 31, 2020, issue of the *Texas Register* (45 TexReg 5313). (Rebecca Moore, Hollis Henley) (Rule Project No. 2018-024-030-WS)

Adopt the amendments to and new Section of 30 Texas Administrative Code Chapter 30, Occupational Licenses and Registrations, as recommended by the Executive Director. BJ/EL; all agree.

### **EXECUTIVE MEETING**

Item 25      **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 26      **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 27      **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 28      **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:**

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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  
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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/ Ron Olson  
Assistant General Counsel  
Ron Olson

December 4, 2020  
Date