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*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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***[www.tceq.texas.gov/assets/public/comm\\_exec/agendas/comm/agendaregistrationform.docx](http://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/agendaregistrationform.docx)*** 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. Finally, the Commissioners may discuss or consider posted items in an order other than the order posted.*

Chairman Jon Niermann  
Commissioner Emily Lindley  
Commissioner Bobby Janecka

## **AGENDA**

February 24, 2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 483-841-875  
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**PROPOSALS FOR DECISION**

Item 1 **[TCEQ Docket No. 2019-1806-MSW; SOAH Docket No. 582-20-2569.](#)**

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of Texas Regional Landfill Company, LP, for Municipal Solid Waste (MSW) Permit No. 1841B, a major amendment to authorize the expansion of the Travis County Landfill, a MSW Type IV landfill pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code ch. 361. The facility is located at 9600 FM 812, Austin in Travis County. The Commission will also consider the application; timely public comments and the Executive Director's Response to Comments; the record; and timely related filings, exceptions and replies. (Amie Robinson, Natasha Douglas, Ian Groetsch)

Continued to the March 10, 2021 Agenda by the Office of the General Counsel.

Item 2 **[TCEQ Docket No. 2018-1695-IHW-E; SOAH Docket No. 582-20-0332.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against and requiring certain actions of Anthony "Tony" Aguilar and Benita Castillo Villasenor in El Paso County, Texas; RN106083215; regarding industrial solid waste violations pursuant to Texas Water Code Chapters 5 and 7, Texas Health & Safety Code Chapter 361, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions, and replies. (Audrey Liter, Jake Marx)

Adopt the Administrative Law Judge's Proposed Order with the modifications recommended by the Executive Director's Exceptions and agreed to by the Administrative Law Judge's Reply dated January 28, 2020, with the following additional changes: a) Finding of Fact No. 4 should be revised to state that the effective date of the Agreed Order was "June 19, 2015"; b) Ordering Provision No. 3 should be revised to change "has" to "have;" and (c) Conclusion of Law No. 5 should be revised to delete "the" after "Discharge means...." JN/BJ; all agree.

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

Item 3

### **Docket No. 2020-1430-IWD.**

Chevron Phillips Chemical Company LP, which operates Chevron Phillips Chemical Cedar Bayou Plant, has applied for a major amendment of Texas Pollutant Discharge Elimination System Permit No. WQ0001006000 to increase the daily average and daily maximum mass limits and single grab concentration limit for chloroform at internal Outfall 104. The facility is located at 9500 Interstate 10 East, north of the City of Baytown, in Harris County, Texas 77521. (Thomas Starr, Hollis Henley)

Deny the hearing request filed by Carrie Adcox; Issue the amendment to TPDES Permit No. WQ0001006000 to Chevron Phillips Chemical Company LP, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. EL/BJ; all agree.

Item 4

### **Docket No. 2021-0056-AIR.**

Consideration of application by Ameritex Pipe & Products, LLC for the approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 159336, which would authorize construction of two permanent concrete batch plants. The plant site is located approximately 2,200 feet southeast of the McDonald Road and Wall Street Road intersection, Gunter, Grayson 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. (Don Nelson, Betsy Peticolas)

Deny all hearing requests and requests for reconsideration; Issue Air Quality Registration No. 159336 to Ameritex Pipe & Products, LLC, as recommend by the Executive Director; and Adopt the Executive Director's Response to Public Comment. BJ/EL; all agree.

## **AUTHORIZATION TO CONSTRUCT**

Item 5

### **Docket No. 2021-0190-IWD.**

Consideration of an application by Steel Dynamics Southwest, LLC for Authorization to Construct a new wastewater treatment facility, pursuant to Texas Water Code Sections 26.019 and 26.027. Steel Dynamics Southwest, LLC has applied for new Texas Pollutant Discharge Elimination System Permit (TPDES) No. WQ0005283000 to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 1,560,000 gallons per day. The facility will be

located 8534 State Highway 89, Sinton, in San Patricio County, Texas 78387. The discharge route will be from the plant site via onsite ditches to Chiltipin Creek; thence to the confluence of the Aransas River Tidal and Copano Bay/Port Bay/ Mission Bay. Steel Dynamics Southwest, LLC requests the Authorization to Construct in order to promote a more efficient construction schedule for the facility and allow for more cohesive construction of electrical, plumbing and support functions that will be in the same general area of the proposed wastewater treatment plant. An order granting this application for Authorization to Construct would not constitute permit issuance or a guarantee of future permit issuance, and would not authorize operation of, or discharge of effluent from, the proposed treatment facility until Steel Dynamics Southwest, LLC obtains a TPDES permit from the Commission. (Hollis Henley)

Deny the application of Steel Dynamics Southwest, LLC, for an Authorization to Construct. JN/EL; BJ voting no.

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

Item 6

##### **[Docket No. 2018-1115-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Texas Materials Group, Inc. fka Oldcastle Materials Texas, Inc. in Collin County; RN104992276; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Janice Hernandez)

Continued to the March 10, 2021 Agenda. JN/EL; all agree.

Item 7

##### **[Docket No. 2020-0757-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WTG Jameson, LP in Coke County; RN101246478; 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. JN/EL; all agree.

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 8 [\*\*Docket No. 2020-0512-MSW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gregory Paul Mitchell dba Tire Recyclers of East Texas in Harrison County; RN109229880; for used 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. (Hailey Johnson, Michael Parrish)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 9 [\*\*Docket No. 2020-0284-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aus-Tex Parts & Services, Ltd. in Hays County; RN102314218; 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. JN/EL; all agree.

Item 10 [\*\*Docket No. 2019-1525-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of China in Jefferson County; RN101721686; 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. JN/EL; all agree.

Item 11 [\*\*Docket No. 2019-0626-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Edcouch in Hidalgo County; RN101916377; 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. JN/EL; all agree.

Item 12      **Docket No. 2019-1351-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties against the City of Longview in Gregg County; RN102845385; 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. (Herbert Darling, Michael Parrish)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 13      **Docket No. 2020-0244-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of KRZ OPERATIONS INC and Zia Mehar dba County Quick Mart in Hunt County; RN105487599; 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. (Ryan Rutledge, Janice Hernandez)

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

Item 14      **Docket No. 2019-0966-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against Safeway Inc. dba Albertsons Express 226 in Grayson County; RN102231503; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Fennell, Michael Parrish)

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

Item 15

**[Docket No. 2019-0764-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Maynard J. Haddad dba H & H Car Wash in El Paso County; RN100961473; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Taylor Pearson, Janice Hernandez)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 16

**[Docket No. 2020-0665-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Utilities, Inc. in Victoria County; RN102673894; 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. JN/EL; all agree.

Item 17

**[Docket No. 2020-0872-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lucky Star RVP, LLC in Midland County; RN107167207; 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. JN/EL; all agree.

**WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 18

**[Docket No. 2020-0843-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against G. E. HUEBNER CONCRETE INC. in Austin County; RN108713140; for water quality violations pursuant to Tex. Water Code chs. 7 and 28A 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. JN/EL; all agree.

### **MONTHLY ENFORCEMENT REPORT**

Item 19 **Docket No. 2020-1557-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 20 **Docket No. 2019-1609-RUL.**

Consideration of the adoption of 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 rulemaking adoption will 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 will amend Texas Commission on Environmental Quality's rules relating to the economic regulation of water and sewer utilities as directed by the legislature. The proposed rules were published in the October 16, 2020, issue of the *Texas Register* (45 TexReg 7393, 7396). (Brian Dickey, Benjamin Warms) (Rule Project No. 2020-011-291-OW)

Approve the adoption of amendments to 30 Texas Administrative Code Chapters 35 and 291, as recommended by the Executive Director. BJ/EL; all agree.

### **EXECUTIVE MEETING**

Item 21 **Docket No. 2021-0001-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 Meeting.

Item 22      **Docket No. 2021-0002-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 Meeting.

Item 23      **Docket No. 2021-0003-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 Meeting.

Item 24      **Docket No. 2021-0004-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 Meeting.

**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 FIVE (5) 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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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 483-841-875. THOSE WITHOUT INTERNET ACCESS MAY CALL (512) 239-3313 BEFORE THE MEETING BEGINS FOR ASSISTANCE IN ACCESSING THE MEETING TELEPHONICALLY.**

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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.**

/s/ Colleen Ford  
Assistant General Counsel  
Colleen Ford

March 11, 2021  
Date