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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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***<https://www.gotomeeting.com/webinar/join-webinar>*** and entering Webinar ID 972-318-219. Those without internet access may call (512) 239-3313 before the meeting begins for assistance in accessing the meeting telephonically.

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***[http://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**

April 14, 2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 972-318-219  
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**PROPOSALS FOR DECISION**

Item 1 [\*\*TCEQ Docket No. 2019-0665-AIR; SOAH Docket No. 582-19-6473.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Bosque Solutions LLC, for an Air Quality Standard Permit for Concrete Batch Plant Registration No. 152013, pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code Chapter 382. The facility is located at 7327 Gibson Cemetery Road, Mansfield, in Tarrant 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. (Amy Browning, Betsy Peticolas)

Continued to the May 19, 2021 Agenda. JN/BJ; all agree.

Item 2 [\*\*TCEQ Docket No. 2019-0219-MLM-E; SOAH Docket No. 582-20-1744.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against and requiring certain actions of Garrison Maurer in Comal County, Texas; RN105522999; regarding air quality and waste violations pursuant to Texas Water Code Chapter 7, Texas Health & Safety Code Chapters 361 and 382, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions, and replies. (John Merculief, II)

Adopt the Administrative Law Judge's Proposed Order as amended by her March 30, 2021, letter. BJ/EL; all agree.

**HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 3 **Docket No. 2021-0049-AIR.**

Consideration of application by Equistar Chemicals, LP for amendment of Air Quality Permit Nos. 4682B, PSDTX761M4, and GHGPSDTX32M1 to authorize additional natural gas for the flares. The petrochemical manufacturing plant is located at 1501 McKinzie Road, Corpus Christi, Nueces 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. (Cara Hill, Sierra Redding)

Deny the hearing requests; Issue Air Quality Permit Nos. 4682B, PSDTX761M4, and GHGPSDTX32M1, to Equistar Chemicals, LP, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. EL/BJ; all agree.

Item 4 **Docket No. 2021-0047-DIS.**

Consideration of the petition by 2018 Blackhawk 31 Holdings Ltd. (Petitioner) for the creation of Prairie Oaks Municipal Utility District of Denton County (District). The Petitioner requests that the Commission create the District as a municipal utility district pursuant to Article XVI, Section 59 and Article III, Section 52, of the Texas Constitution; Texas Water Code, Chapters 49 and 54; and the Commission's rules in Title 30, Texas Administrative Code, Chapter 293. The proposed District would contain approximately 31.696 acres within Denton County. The proposed District would be located within the extraterritorial jurisdiction of the City of Oak Point. The Commission will consider all timely filed hearing requests and related responses and replies. (Kenneth Jones, Bobby Salehi) (TCEQ Internal Control No. D-06012020-001)

Deny the hearing request of State Representative Jared Patterson; Grant the petition for the creation of Prairie Oaks Municipal Utility District of Denton County; and Appoint the five Temporary Directors proposed by the applicant and recommended by the ED. EL/BJ; all agree.

Item 5 **Docket No. 2021-0048-DIS.**

Consideration of a petition by Bonzo, LP with General Partners Sonbeta, LLC and Four Seasons Land and Development, LLC

(Petitioner) for the creation of Rancho del Cielo Municipal Utility District of Williamson County (District). The Petitioner requests that the Commission create the District pursuant to Article XVI, Section 59, of the Texas Constitution, Chapters 49 and 54, Texas Water Code; and Chapter 293, Title 30 Texas Administrative Code. The proposed District would contain 198.487 acres within Williamson County. It is located approximately 10.5 miles north of the City of Georgetown and 3.75 miles southwest of the central business district of the City of Jarrell. The proposed District is not located within the corporate limits or extraterritorial jurisdiction of any city. The Commission will consider all timely filed hearing requests and related responses and replies. (Jaime Ealey, Kayla Murray) (TCEQ Internal Control No. D-04092020-24)

Remand the petition for the creation of Rancho del Cielo Municipal Utility District of Williamson County to the Executive Director. JN/EL; all agree.

### **AUTHORIZATION TO CONSTRUCT**

Item 6

#### **Docket No. 2021-0391-IWD.**

Consideration of an application by Steel Dynamics Southwest, LLC for an 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 at 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; then to the confluence of the Aransas River Tidal and Copano Bay/Port Bay/ Mission Bay. Steel Dynamics Southwest, LLC requests the authorization to construct 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 an 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 from, the proposed treatment facility. (Hollis Henley)

Grant the application of Steel Dynamics Southwest, LLC, for an Authorization to Construct and Issue the Executive Director's Proposed Order. BJ/EL; all agree.

### **MISCELLANEOUS MATTERS**

Item 7

**Docket No. 2019-1474-MWD.**

Consideration of the request by D.R. Horton – Texas, Ltd., to withdraw its application for Texas Pollutant Discharge Elimination System Permit No. WQ0015686001 to treat and discharge domestic wastewater from the Cypress Cove Wastewater Treatment Facility in Dallas County, Texas. The Commission referred this application to the State Office of Administrative Hearings for a contested case hearing by interim order issued February 5, 2020. (Gunnar Dubke, Hollis Henley)

Remand the application by D.R. Horton – Texas, Ltd, for new TPDES Permit No. WQ0015686001 to the Executive Director to process the withdrawal of the application. EL/BJ; all agree.

Item 8

**Docket No. 2020-1262-RES.**

Consideration of the nomination and appointment of one person to fill the remainder of the term of the open position for an appraisal district representative on the Tax Relief for Pollution Control Property Advisory Committee. Texas Tax Code, Section 11.31 requires the Texas Commission on Environmental Quality (TCEQ) to form a permanent advisory committee to make recommendations to the TCEQ commissioners on matters relating to property tax exemptions for pollution control property. A request for applications for nomination was published in the November 13, 2020, issue of the *Texas Register* (45 TexReg 8190). (Elizabeth Sartain, Don Redmond) (Non-Rule Project No. 2020-055-OTH-NR)

Adopt the proposed Resolution appointing Hugh L. Landrum, Jr., P.E., to the Tax Relief for Pollution Control Property Advisory Committee, as a representative of an appraisal district, to complete the remaining term of Daryl D. Attaway, set to expire on December 31, 2021. BJ/EL; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 9

**Docket No. 2019-1463-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Agrium U.S. Inc. in Hutchinson County; RN101865715; 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. BJ/EL; all agree.

Item 10 [\*\*Docket No. 2020-0517-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Targa Pipeline Mid-Continent WestTex LLC in Midland County; RN100215102; 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. BJ/EL; all agree.

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 11 [\*\*Docket No. 2020-0323-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of McClelland Water Supply Corporation in Shelby County; RN101458297; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Ronica Rodriguez, Michael Parrish)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 12 [\*\*Docket No. 2020-0549-MSW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Redeeming Materials Landscape Supply and Recycling, LLC in Tarrant County; RN102071479; 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. (John Fennell, Michael Parrish)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 13      **[Docket No. 2020-0718-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kerrville in Kerr County; RN100844802; 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.

Item 14      **[Docket No. 2020-1167-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lovelady in Houston County; RN102185543; 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. (Alyssa Loveday, Michael Parrish)

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

Item 15      **[Docket No. 2019-0245-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Ozona Retail, Inc. and Platinum SA Properties, LLC in Crockett County; RN102844669; 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. (Clayton Smith, Janice Hernandez)

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

Item 16      **[Docket No. 2019-1539-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harris County Municipal Utility District No. 23 in Harris County; RN101513240; 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.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 17 **Docket No. 2020-0190-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Livingston in Polk County; RN101232874; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epi Villarreal, Michael Parrish)

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

Item 18 **Docket No. 2020-0987-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mingus in Palo Pinto County; RN101394765; 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. BJ/EL; all agree.

Item 19 **Docket No. 2020-1001-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tiki Leasing Company, Ltd. in Chambers County; RN101176444; 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. BJ/EL; all agree.

Item 20 **Docket No. 2020-1046-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Utilities Investment Company, Inc. in Walker County; RN101257590; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Carlos Molina, Michael Parrish)



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

### **PUBLIC COMMENT SESSION**

**Item 21      Docket No. 2021-0005-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 22      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 Session.

**Item 23      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 Session.

Item 24      **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 Session.

Item 25      **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 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 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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**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 NAVIGATING TO:**

**[HTTPS://WWW.GOTOMEETING.COM/WEBINAR/JOIN-WEBINAR](https://www.gotomeeting.com/webinar/join-webinar) AND ENTERING WEBINAR ID 972-318-219. THOSE WITHOUT INTERNET ACCESS MAY CALL (512) 239-3313 BEFORE THE MEETING BEGINS FOR ASSISTANCE IN ACCESSING THE MEETING TELEPHONICALLY.**

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**[HTTP://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.**

/s/ Tracy Gross  
Assistant General Counsel  
Tracy Gross

April 22, 2021  
Date