

**TCEQ COMMISSION MEETING
AGENDA
SEPTEMBER 8, 2021
9:30 A.M.**

In person/En persona: 12100 Park 35 Circle
Building E, Room 201S

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Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka

AGENDA ITEMS/ELEMENTOS DE LA AGENDA

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1 [Docket No. 2021-0755-MWD.](#)

Consideration of the application by Kendall West Utility, LLC, for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015787001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 490,000 gallons per day. The wastewater treatment facility will be located approximately 500 feet north of Eagle Drive, and 1,375 feet east-southeast of the intersection of Eagle Drive and Tapatio Drive East, in Kendall County, Texas 78006. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Stefanie Skogen, Gordon Cooper)

Grant the hearing requests of Barry N Christman, Michael Dillinger, Willis Jay Harpole, Chris W Hyvonen, Dennis Juren, Clint McNew, Heather McNew, John Meador, Deborah Miller, Michael John Miller, Rita J Smith, and Warren J Zaccaro; Deny all remaining hearing requests and requests for reconsideration; Refer the application to SOAH for a contested case hearing concerning the following issues: a) Whether the draft permit is protective of groundwater; b) Whether the permit adequately addresses nuisance odor in accordance with 30 Texas Administrative Code § 309.13(e); c) Whether the draft permit includes adequate provisions to protect the health of the requestors and aquatic and terrestrial wildlife; d) Whether the draft permit is protective of water quality and the existing uses of the receiving waters in accordance with applicable Surface Water Quality Standards; e) Whether the draft permit complies with applicable antidegradation requirements; f) Whether the draft permit includes adequate provisions to protect the requestors use and enjoyment of their property; g) Whether the

facility complies with the siting requirements of 30 Texas Administrative Code Chapter 309, Subchapter B, including the required buffer zones for private water wells and portable water storage tanks; h) Whether the permit application is substantially complete and contains accurate information; i) Whether the applicant adequately demonstrated a need for the proposed facility as required by Texas Water Code § 26.0282, consideration of need and regional treatment options; j) Whether the draft permit includes sufficient monitoring and reporting requirements including necessary operational requirements; k) Whether the draft permit was provided to the U.S. EPA for review as required; and l) Whether the applicant substantially complied with all applicable notice requirements; and Set the hearing duration for the proceeding at 180 days from the date of the preliminary hearing to the issuance of the Proposal for Decision. BJ/EL; all agree.

Item 2 [Docket No. 2021-1005-IWD.](#)

Consideration of the application by Grandy Ranch, Ltd. for a major amendment to TCEQ Permit No. WQ0004458000. The proposed amendment requests to authorize increasing the property acreage to 556.5 acres and the application acreage to 373 acres. The existing permit authorizes the land application of Class B wastewater treatment plant biosolids and water treatment plant residuals and domestic septage for beneficial use on 368 acres. This permit will not authorize a discharge of pollutants into water in the state. The land application site is located at 508 Jackrabbit Flat Road, Belton, in Bell County, Texas 76513. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Harrison "Cole" Malley, Brian Sierant)

Grant the hearing requests of Neil and Kristen Searcy and Dorothy Gonder; Refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrently with SOAH's preliminary hearing scheduling efforts; Refer the matter to SOAH for a contested case hearing on the following issues: 1) Whether the draft permit contains sufficient provisions to protect the health of the requestors and wildlife; 2) Whether the draft permit contains sufficient provisions to prevent nuisance odors; and 3) Whether the applicant's Compliance History warrants denial of the application or modification of the draft permit; and Specify that the maximum duration of the hearing is 180 days from the preliminary hearing until the issuance of the Proposal for Decision. EL/BJ: all agree.

Item 3 [Docket No. 2021-0441-AIR.](#)

Consideration of application by KMTEX, LLC, now known as Monument Chemical Port Arthur LLC, for the renewal and amendment of Air Quality Permit No. 74398, including the modification of permitted facilities located at 2450 Gulfway Drive, Port Arthur, Jefferson County, Texas 77640. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Lorena Patrick, Louis Malarcher)

Deny the hearing request filed by Community In-Power and Development Association Incorporated and Hilton Kelley; Issue the renewal and amendment of Air Quality Permit No. 74398 to KMTEX, LLC, now known as Monument Chemical Port Arthur LLC, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. BJ/EL; all agree.

WATERMASTER BUDGET MATTERS

Item 4 [Docket No. 2021-0579-BGT](#)

Consideration of Fiscal Year 2022 assessment of annual costs for Watermaster operations in the Rio Grande Water Division. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 303.71-303.73 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2021 and ending August 31, 2022, for water

right holders in the Rio Grande Water Division, and approve \$874,066.25 as the amount to be assessed for annual costs. The Rio Grande Water Division extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers and including that portion of the Nueces-Rio Grande Coastal Basin lying in Hidalgo, Cameron, Willacy, and Starr Counties whose source of water is the Rio Grande. (Jose Davila, Jessie Spears)

Joint Motion for Items 4 - 7.

Approve the Concho River, Rio Grande, South Texas, Brazos, Watermaster budgets for Fiscal Year 2022 and renew each Watermaster Advisory Committee; and Issue the Executive Director's four Proposed Orders accepting the annual costs of those Watermaster programs and renewing their Watermaster advisory committees. EL/BJ; all agree.

Item 5 [Docket No. 2021-0580-BGT](#)

Consideration of Fiscal Year 2022 assessment of annual costs for Watermaster operations in the South Texas Water Division. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2021 and ending August 31, 2022, for water right holders in the South Texas Water Division, and approve \$715,120.71 as the amount to be assessed for annual costs. The South Texas Water Division consists of the Nueces, San Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in Hidalgo, Cameron, Willacy, and Starr Counties. (Jose Davila, Jessie Spears)

Joint Motion for Items 4 - 7.

Approve the Concho River, Rio Grande, South Texas, Brazos, Watermaster budgets for Fiscal Year 2022 and renew each Watermaster Advisory Committee; and Issue the Executive Director's four Proposed Orders accepting the annual costs of those Watermaster programs and renewing their Watermaster advisory committees. EL/BJ; all agree.

Item 6 [Docket No. 2021-0581-BGT](#)

Consideration of Fiscal Year 2022 assessment of annual costs for Watermaster operations in the Concho River Watermaster Program. Pursuant to Texas Water Code Sections 11.329 and 11.558 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2021 and ending August 31, 2022, for water right holders in the Concho River Watermaster Program and approve \$212,044.84 as the amount to be assessed for annual costs. The Concho River Watermaster Program consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in Concho County. (Jose Davila, Jessie Spears)

Joint Motion for Items 4 - 7.

Approve the Concho River, Rio Grande, South Texas, Brazos, Watermaster budgets for Fiscal Year 2022 and renew each Watermaster Advisory Committee; and Issue the Executive Director's four Proposed Orders accepting the annual costs of those Watermaster programs and renewing their Watermaster advisory committees. EL/BJ; all agree.

Item 7 [Docket No. 2021-0582-BGT](#)

Consideration of Fiscal Year 2022 assessment of annual costs for Watermaster operations in the Brazos Watermaster Program. Pursuant to Texas Water Code Sections 11.329 and 11.455 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the

Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2021 and ending August 31, 2022, and approve \$853,602.25 as the amount to be assessed for annual costs for water right holders. The Brazos Watermaster Program consists of the Brazos River Basin including and below Possum Kingdom Lake. (Jose Davila, Jessie Spears)

Joint Motion for Items 4 - 7.

Approve the Concho River, Rio Grande, South Texas, Brazos, Watermaster budgets for Fiscal Year 2022 and renew each Watermaster Advisory Committee; and Issue the Executive Director's four Proposed Orders accepting the annual costs of those Watermaster programs and renewing their Watermaster advisory committees. EL/BJ; all agree.

WATERMASTER EVALUATION

Item 8 [Docket No. 2021-0583-MIS.](#)

Consideration of the Executive Director's findings and recommendation on whether a watermaster should be appointed for the Cypress Creek and Sulphur River Basins. Texas Water Code, Section 11.326(g) requires that in river basins where no watermaster has been appointed, the Executive Director shall evaluate the river basin at least once every 5 years to determine whether a watermaster should be appointed and to report the findings and make recommendations to the commission. The commission shall include the findings and recommendations in the commission's biennial report to the Legislature. (Jose Davila, Jessie Spears)

No formal action taken. JN/EL; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 9 [Docket No. 2019-1703-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Ascend Performance Materials Inc. and Ascend Performance Materials Texas Inc. in Brazoria County; RN100238682; 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.

Item 10 [Docket No. 2020-0347-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Brazoria County; RN100825249; 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 11 [Docket No. 2020-0253-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102579307; 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. (Margarita Dennis, Michael Parrish)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 12 [Docket No. 2020-1191-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Comal County Emergency Services District No. 6 in Comal County; RN111017877; 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. (Harley Hobson, Michael Parrish)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 13 [Docket No. 2020-0865-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LyondellBasell Advanced Polymers Inc. in Harris County; RN101613370; 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. (Steven Van Landingham, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 14 [Docket No. 2020-0580-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against CCD Meyer Ranch Land LLC in Comal County; RN109684928; for Edwards Aquifer and municipal solid waste 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. (Steven Van Landingham, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 15 [Docket No. 2019-1330-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of MEDCLEAN MANAGEMENT SOLUTIONS INC. in Dallas County; RN105513519; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tracy Chandler, Elisa Guerra)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 16 [Docket No. 2020-0250-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Como in Hopkins County; RN101917367; 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 17 [Docket No. 2020-0125-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Goodrich in Polk County; RN101917649; 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 18 [Docket No. 2019-1637-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Port Arthur in Jefferson County; RN101608024; 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. BJ/EL; all agree.

Item 19 [Docket No. 2020-0609-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Quadvest, L.P. in Montgomery County; RN102180411; 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. BJ/EL; all agree.

OCCUPATIONAL LICENSING ENFORCEMENT DEFAULT ORDER

Item 20 [Docket No. 2020-0349-WOC-E](#)

Consideration of a Default Order assessing administrative penalties against James T. Scott in Lubbock County; RN105733927; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Elisa Guerra)

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

ON-SITE SEWAGE DISPOSAL SYSTEM ENFORCEMENT DEFAULT ORDER

Item 21 [Docket No. 2019-0961-OSS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Michael Gerald Barron in Irion County; RN110775467 and RN110775863; for on-site sewage disposal system violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 366, and the rules of the Texas Commission on Environmental Quality. (Casey Kurnath, Elisa Guerra)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 22 [Docket No. 2020-1202-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bertha Pelzl dba Little Super Fina in Panola County; RN101431799; 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. (Karolyn Kent, Michael Parrish)

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

Item 23 [Docket No. 2020-1291-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Khurram Adnan dba Store T 24 4 in Dallas County; RN102395936; 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. (Karolyn Kent, Michael Parrish)

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

Item 24 [Docket No. 2020-0453-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against SHEULI INVESTMENTS, INC. dba Four Corners Food Mart in Rusk County; RN101906329; 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. (Tyler Richardson, Michael Parrish)

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

Item 25 [Docket No. 2019-0651-PST-E](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Martin Contreras and Otilia Contreras in Hale County; RN101905164; 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, Elisa Guerra)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 26 [Docket No. 2020-1031-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Arimak Water Supply Corporation (Arimak) in Kerr County; RN101264380; 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 27 [Docket No. 2020-1029-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Clay Water Supply Corporation in Burleson County; RN101188639; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Duncan, Michael Parrish)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 28 [Docket No. 2020-0217-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ARTAVIA Development Company in Montgomery County; RN110469897; 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.

Item 29 [Docket No. 2019-1513-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Double Oak Construction, Inc. in Montgomery County; RN110478583; 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. BJ/EL; all agree.

MISCELLANEOUS MATTER

Item 30 [Docket No. 2021-0941-MIS.](#)

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Yen Tran)

Approve issuance of the resolution acknowledging the Executive Director's acceptance of the gifts and donations contained in the TCEQ Interoffice Memorandum to the Commissioners dated August 20, 2021, Docket No. 2021-0941-MIS. EL/BJ; all agree

STATE IMPLEMENTATION PLAN MATTERS

Item 31 [Docket No. 2021-0508-MIS.](#)

Consideration for publication of, and hearing on, the proposed Agreed Order between the Texas Commission on Environmental Quality (the Commission) and Luminant Generation Company, LLC (the Company), to support attainment and maintenance of the 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS), in the Rusk-Panola SO₂ nonattainment area, as required by the Federal Clean Air Act (FCAA). The proposed Agreed Order will provide the enforceable control strategy for the associated proposed Rusk-Panola Attainment Demonstration State Implementation Plan Revision for the 2010 SO₂ NAAQS, by documenting the Commission's order, and the Company's agreement, to comply with the requirements identified for the Martin Lake Steam Electric Station in Rusk County, pursuant to the Texas Clean Air Act, the Texas Health & Safety Code, and the FCAA. (Terry Salem, John Minter) (Non-Rule Project No. 2021-013-OTH-NR)

Joint Motion for Items 31 - 32.

Approve the publication of, and hearing on, the Agreed Order with Luminant Generation Company, LLC, Martin Lake Steam Electric Station, and the corresponding Rusk-Panola Attainment Demonstration State Implementation Plan for the 2010 SO₂ National Ambient Air Quality Standard, as recommended by the Executive Director. BJ/EL; all agree.

Item 32 [Docket No. 2021-0510-SIP.](#)

Consideration for publication of, and hearing on, a proposed state implementation plan (SIP) revision to address the Federal Clean Air Act (FCAA) requirements for the Rusk-Panola 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) nonattainment area. The proposed SIP revision includes a comprehensive inventory of current SO₂ emissions; evaluation

and provision for implementing all reasonably available control measures and reasonably available control technology; air quality dispersion modeling to demonstrate attainment of the 2010 SO₂ NAAQS; a reasonable further progress demonstration; contingency measures; and certification that nonattainment New Source Review requirements are met for the Rusk-Panola 2010 SO₂ NAAQS nonattainment area. An associated proposed Agreed Order with Luminant Generation Company, LLC provides the enforceable control strategy for this attainment demonstration by documenting the Commission's order, and Luminant Generation Company, LLC's agreement, to comply with requirements identified for the Martin Lake Steam Electric Station in Rusk County, pursuant to the Texas Clean Air Act, the Texas Health & Safety Code, and the FCAA. (Mary Ann Cook, John Minter, Terry Salem) (Non-Rule Project No. 2020-057-SIP-NR)

Joint Motion for Items 31 - 32.

Approve the publication of, and hearing on, the Agreed Order with Luminant Generation Company, LLC, Martin Lake Steam Electric Station, and the corresponding Rusk-Panola Attainment Demonstration State Implementation Plan for the 2010 SO₂ National Ambient Air Quality Standard, as recommended by the Executive Director. BJ/EL; all agree.

PUBLIC COMMENT SESSION

Item 33 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.

Robin Schneider made comments. No action taken.

EXECUTIVE MEETING

Item 34 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 on this item.

Item 35 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 on this item.

Item 36 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 on this item.

Item 37 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.

No action taken.

GENERAL INFORMATION/LA INFORMACIÓN GENERAL

How to watch or listen to the meeting

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How to register and 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> and entering Webinar ID 334-112-083. Those without internet access may call (512) 239-3313 before the meeting begins for assistance in accessing the meeting telephonically.

To register, you may provide information via the Public Participation Form at:

https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/AgendaRegistrationForm.docx. If you have challenges with the Public Participation Form, you may call (512) 239-3313 or email agenda@tceq.texas.gov and 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. Late registration could result in your missing the opportunity to comment on your item. Please note that the Commissioners may discuss or consider posted items in an order other than the order posted.

Cómo registrarse y dirigirse a la Comisión en la reunión

Los miembros del público que deseen dirigirse a la Comisión sobre un tema sobre el cual la Comisión está aceptando comentarios, deben registrarse como se indica a continuación y acceder a la reunión a través de un webcast navegando a:

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112-083. Aquellos sin acceso a Internet pueden llamar al (512) 239-3313 antes de que comience la reunión para recibir ayuda para acceder a la reunión por teléfono.

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1. Número de artículo de la agenda; 2. Nombre; 3. Afiliación; 4. Dirección; 5. Número de teléfono; 6. a quién representa (usted mismo o empresa / cliente); y 7. si desea dirigirse a la Comisión, si está disponible para las preguntas de la Comisión o si desea que se le anote como presente para que conste en acta.

El registro para la Agenda concluirá a las 9:30 a.m. El registro tardío podría resultar en que pierda la oportunidad de comentar sobre su artículo. Tenga en cuenta que los Comisionados pueden discutir o considerar los artículos publicados en un orden diferente al pedido publicado.

How to ask for accommodations

Persons with disabilities who may 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 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.

Cómo solicitar adaptaciones

Se solicita a las personas con discapacidades que planeen asistir a la Agenda de la TCEQ y que puedan necesitar ayudas o servicios auxiliares, como intérpretes para personas sordas o con problemas de audición, lectores, letra grande o braille, que se comuniquen con la Oficina del Secretario en Jefe al (512) 239-3300 al menos cinco (5) días hábiles antes de la agenda, para que se puedan hacer los arreglos apropiados.

How to ask for an interpreter

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 Chief Clerk at (512) 239-3300 at least five (5) work days prior to the Agenda so that appropriate arrangements may be made.

Cómo pedir un intérprete

Se solicita a las personas que deseen la asistencia de un intérprete junto con su presentación oral en esta Agenda de la TCEQ que se comuniquen con la Oficina del Secretario en Jefe al (512) 239-3300 al menos cinco (5) días hábiles antes de la Agenda para que los arreglos apropiados puede hacerse.

How to read the Agenda document

The Agenda document above 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 under the hyperlinks.

Cómo leer el documento de la Agenda

El documento de la Agenda anterior incluye hipervínculos (números de expediente resaltados en azul) que permiten al usuario ver los documentos de respaldo de la agenda [documentos relacionados con un asunto en particular que se han presentado en la Oficina del Secretario en Jefe (OCC)]. Las actualizaciones de los documentos de respaldo se anotarán debajo de los hipervínculos.

Weapons Prohibited

Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into this meeting.

Armas prohibidas

En conformidad con la Sección 46.03, Código Penal (lugares con prohibición de armas), una persona no puede portar un arma de fuego u otra arma en esta reunión.

/s/ Colleen Ford
Assistant General Counsel
Colleen Ford

September 20, 2021
Date