

**TCEQ COMMISSION MEETING  
AGENDA  
OCTOBER 20, 2021  
9:30 A.M.**

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

By Computer/Por computadora: <https://www.gotomeeting.com/webinar/join-webinar>  
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Se incluye información importante sobre esta agenda, que incluye cómo verla en línea o escucharla por teléfono, cómo registrarse para hablar, cómo solicitar adaptaciones especiales, cómo obtener un intérprete para su presentación, cómo leer este documento y más disponible en [la sección de Información general](#).

Chairman Jon Niermann, present  
Commissioner Emily Lindley, absent  
Commissioner Bobby Janecka, present

**AGENDA ITEMS/ELEMENTOS DE LA AGENDA**

**OLD BUSINESS AGENDA**

**TOTAL MAXIMUM DAILY LOAD MATTER**

**Item 1**      [Docket No. 2021-0634-TML](#).

Consideration for approval to publish and solicit public comment on Two Draft Total Maximum Daily Loads for Indicator Bacteria in Sandy Creek and Wolf Creek, of the Neches River Basin, in Jasper and Tyler Counties. (Kerry Niemann, Stefanie Skogen) (Project No. 2021-023-TML-NR)

Approve the publication of, and the solicitation of public comment on, Two Draft Total Maximum Daily Loads for Indicator Bacteria in Sandy Creek and Wolf Creek, in the Neches River Basin, as recommend by the Executive Director. BJ/JN; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDER**

**Item 2**      [Docket No. 2020-1064-AIR-E](#).

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Wharton County; RN104198643; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Yuliya Dunaway, Michael Parrish)

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

### **AIR QUALITY ENFORCEMENT DEFAULT ORDER**

**Item 3**      [Docket No. 2019-0695-AIR-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of A & W Industries, Inc. in Tarrant County; RN100739952; 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. (Benjamin Warms, Elisa Guerra)

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

### **INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

**Item 4**      [Docket No. 2020-0684-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KEP-RMA, LLC in Tarrant County; RN100653138; for industrial and hazardous 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. (Ken Moller, Michael Parrish)

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

### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

**Item 5**      [Docket No. 2019-0372-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of La Feria in Cameron County; RN101612646; for water quality and municipal solid waste 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/JN; all agree.

**Item 6**      [Docket No. 2019-0338-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mart in McLennan County; RN102079274; 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/JN; all agree.

**Item 7**      [Docket No. 2020-0514-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SJWTX, Inc. dba Canyon Lake Water Service Company in Comal County; RN107867194; 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/JN; all agree.

## **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

### **Item 8**            [Docket No. 2020-0853-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bastrop Independent School District in Bastrop County; RN102336393; 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. BJ/JN; all agree.

### **Item 9**            [Docket No. 2020-0475-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Elkhart in Anderson County; RN102844610; 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. BJ/JN; all agree.

### **Item 10**           [Docket No. 2019-1544-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Douglas Utility Company in Harris County; RN101608586; 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/JN; all agree.

### **Item 11**           [Docket No. 2019-0774-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pettus Municipal Utility District in Bee County; RN102079100; 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/JN; all agree.

### **Item 12**           [Docket No. 2019-1494-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Riviera Water Control and Improvement District in Kleberg County; RN105377535; 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/JN; all agree.

## **PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

### **Item 13**           [Docket No. 2020-0915-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against NAAZ Trading Inc. dba Shell Coldspring in San Jacinto County; RN102028016; 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/JN; all agree.

**Item 14**      [Docket No. 2020-1479-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Parking Spot Irving, LLC in Dallas County; RN101056034; 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. (Stephanie McCurley, Michael Parrish)

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

**Item 15**      [Docket No. 2020-1250-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SECURITY AIRPARK, INCORPORATED in Bexar County; RN102452232; 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/JN; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

**Item 16**      [Docket No. 2020-0709-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of BENTON RAINEY, INC. in Lamar County; RN102043692; 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. (Roslyn Dubberstein, Elisa Guerra)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

**Item 17**      [Docket No. 2020-1480-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Munday in Knox County; RN101268829; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Aaron Vincent, Michael Parrish)

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

**Item 18**      [Docket No. 2020-0936-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Wills Point in Van Zandt County; RN101388973; 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/JN; all agree.

**Item 19**      [Docket No. 2020-0739-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mark Kenneth Stewart dba Green Hills Subdivision in Cass County; RN101194447; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Julianne Matthews, Michael Parrish)

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

**Item 20**      [Docket No. 2020-1468-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RIVER BEND WATER SERVICES, INC. in Matagorda County; RN102681467; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Miles Wehner, Michael Parrish)

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

**WATER QUALITY ENFORCEMENT AGREED ORDER**

**Item 21**      [Docket No. 2020-1464-WO-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Precast Concrete of Texas, LLC in Navarro County; RN105384432; 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/JN; all agree.

**PUBLIC COMMENT SESSION**

**Item 22**      **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.

**NEW BUSINESS AGENDA**

**MOTION TO OVERTURN**

**Item 1**      [Docket No. 2021-1114-AIR.](#)

Consideration of the Motion to Overturn filed by Citizens for Clean Air and Clean Water concerning the Executive Director's decision to approve the applications by Gladieux Metals Recycling, LLC for amendments to and the renewal of New Source Review Permit No. 1157c authorizing the continued operation of a metals recovery and recycling operation. The spent-catalyst recycling facility is located in Brazoria County at 302 Midway Road, Freeport, Texas 77541. The Commission will also consider the related responses and reply. (Amy Browning)

Overturn the Executive Director's approval of the 2014 Amendment Application sought by Gladieux Metals Recycling, LLC, for amendments to New Source Review Permit No. 1157c; and Remand the 2014 amendment application to the Executive Director with instructions that further processing of that application may occur only after the Notice of Application and Preliminary Decision for the final iteration of the amended application is issued and public comments related to that notice are considered and a response to those comments issued. JN/BJ; all agree.

## HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

### Item 2 [Docket No. 2021-1004-AIR](#)

Consideration of application by Vulcan Construction Materials, LLC, for Air Quality Permit No. 163812, to authorize the operation of a rock crushing facility located approximately 1.5 miles east of the intersection of US 90 & Farm-to-Market Road 1022 on the north and south sides of US 90, Uvalde, Uvalde County, Texas 78801. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Alexander Au, Amanda Kraynok)

Deny all hearing requests and the request for reconsideration; Issue Air Quality Permit No. 163812 to Vulcan Construction Materials, LLC, as recommend by the Executive Director; and Adopt the Executive Director's Response to Comments. BJ/JN; all agree.

### Item 3 [Docket No. 2021-1210-MWD](#)

Consideration of the application by Brickston Municipal Utility District, for a new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015839001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day. The wastewater treatment facility will be located approximately 2,000 feet northwest of the intersection of Albert Voelker Road and U.S. Highway 290 East, in Travis County, Texas 78621. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Gordon Cooper, Michael Parr)

Grant the hearing requests of Jerry and Donna Douglas, Carolyn Heine, Shanna Heine, and John Leader; Deny the remaining requests for a hearing; Refer the matter to the commission's Alternative Dispute Resolution Program concurrently with the SOAH preliminary hearing scheduling process; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the application and draft permit adequately address nuisance odor conditions in accordance with 30 Texas Administrative Code § 309.13(e); b) Whether the draft permit adequately addresses malfunctions and spills; c) Whether the draft permit includes adequate provisions to protect the health of the requestors and their families, aquatic and terrestrial wildlife, and livestock; and d) Whether the draft permit is protective of water quality and uses of the receiving waters; and Set a hearing duration of 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. BJ/JN; all agree.

## MISCELLANEOUS MATTERS

### Item 4 [Docket No. 2020-1598-MIS.](#)

Consideration of the adoption of an amendment with renewal of the Pesticide General Permit TXG870000, which authorizes the point source discharge of pesticides for the control of mosquito and other insect pests, vegetation and algae pests, animal pests, area-wide pests, and forest canopy pests. Public notice of the proposed general permit was published in the June 11, 2021, issue of the *Texas Register* (46 TexReg 3628). (Laurie Fleet, Harrison Malley) (Non-Rule Project No. 2020-043-OTH-NR)

Adopt the renewal with amendments of Texas Pollutant Discharge Elimination System General Permit No. TXG870000, relating to pesticide application, as recommend by the Executive Director. BJ/JN; all agree.

### Item 5 [Docket No. 2020-1599-MIS.](#)

Consideration of the adoption of an amendment with renewal of the Concrete Batch General Permit TXG110000 which authorizes discharges of facility wastewater and stormwater associated with industrial activities into or adjacent to water in the state from ready-mixed concrete plants, concrete products plants, and their associated facilities (Standard Industrial

Classification (SIC) 3271, 3272, and 3273). Public notice of the proposed general permit was published in the June 11, 2021, issue of the *Texas Register* (46 TexReg 3627). (Laurie Fleet, Bobby Salehi) (Non-Rule Project No. 2020-045-OTH-NR)

Approve the resolution adopting the renewal with amendments of Texas Pollutant Discharge Elimination System General Permit No. TXG110000, as recommended today by the Executive Director. BJ/JN; all agree.

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

**Item 6**            [Docket No. 2020-1062-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF Corporation in Brazoria County; RN100218049; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Johnnie Wu, Michael Parrish)

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

**Item 7**            [Docket No. 2020-1304-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN102018322; 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/JN; all agree.

**Item 8**            [Docket No. 2020-1409-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Devon Energy Production Company, L.P. in DeWitt County; RN110883436; 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/JN; all agree.

**Item 9**            [Docket No. 2020-1570-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Luna Road Recyclers, LLC in Dallas County; RN108296567; 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/JN; all agree.

**Item 10**           [Docket No. 2020-1275-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Chemicals LLC in Jefferson County; RN100217389; 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/JN; all agree.

**Item 11**           [Docket No. 2020-1235-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Navarro Midstream Services, LLC in Webb County; RN107258972; 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. BJ/JN; all agree.

**Item 12**      [Docket No. 2020-1580-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sekisui Specialty Chemicals America, LLC in Harris County; RN103012183; 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/JN; all agree.

**Item 13**      [Docket No. 2020-0779-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WestRock Texas, L.P. in Jasper County; RN102157609; 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. (Richard Garza, Michael Parrish)

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

**AIR QUALITY ENFORCEMENT DEFAULT ORDER**

**Item 14**      [Docket No. 2020-0999-AIR-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Rudy Ramos dba South Texas Collision Repair in Nueces County; RN110849841; 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. (Judy Bohr, Elisa Guerra)

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

**EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

**Item 15**      [Docket No. 2020-1053-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Austin in Travis County; RN111030862; 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. (Alejandro Laje, Michael Parrish)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

**Item 16**      [Docket No. 2020-0398-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SOUTHERN FOREST PRODUCTS, L.L.C. in Newton County; RN102336757; 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/JN; all agree.

### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

**Item 17**      [Docket No. 2019-1458-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AUSTIN PRECISION PRODUCTS INCORPORATED in Williamson County; RN103168571; for industrial and hazardous waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Carlos Molina, Michael Parrish)

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

**Item 18**      [Docket No. 2019-0437-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pearsall in Frio County; RN102022563; for petroleum storage tank, municipal solid waste, industrial and hazardous waste, and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Berenice Munoz, Michael Parrish)

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

**Item 19**      [Docket No. 2018-1264-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Justin B. Bownds in Lubbock County; RN110394731; for municipal solid waste and industrial and hazardous 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/JN; all agree.

### **MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

**Item 20**      [Docket No. 2020-0647-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Tom Holloway in Tarrant County; RN110651510; 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. (Taylor Pearson, Elisa Guerra)

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

### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

**Item 21**      [Docket No. 2020-0769-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Capital Ridge Condominiums Association in Travis County; RN104795836; 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. (Ellen Ojeda, Michael Parrish)

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

**Item 22**      [Docket No. 2019-0880-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hitchcock in Galveston County; RN101920031; 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/JN; all agree.

**Item 23**      [Docket No. 2020-0533-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Robstown in Nueces County; RN104347729; 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/JN; all agree.

**Item 24**      [Docket No. 2019-1123-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rosebud in Falls County; RN101918423; 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/JN; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER**

**Item 25**      [Docket No. 2020-1412-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAI JBA INC dba Saturn Fuel Center in Dallas County; RN102789906; 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. (Hailey Johnson, Michael Parrish)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

**Item 26**      [Docket No. 2020-1741-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of William D. Kirshy in Harris County; RN106400377; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7, 26, and 37, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John S. Mercurief II, Elisa Guerra)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

**Item 27**      [Docket No. 2020-1605-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Del Rio in Val Verde County; RN101264299; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ecko Beggs, Michael Parrish)

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

**Item 28**      [Docket No. 2020-1352-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Toyah in Reeves County; RN101225001; 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)

Continued to the November 3, 2021 Agenda. BJ/JN; all agree.

**Item 29**      [Docket No. 2020-1453-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Wilson in Lynn County; RN101388635; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Salas, Michael Parrish)

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

**Item 30**      [Docket No. 2020-1445-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EL SAUZ Water Supply Corporation in Starr County; RN101440311; 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/JN; all agree.

**Item 31**      [Docket No. 2020-1331-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Knob Hill Water Supply Corporation in Tarrant County; RN101456960; 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. BJ/JN; all agree.

**Item 32**      [Docket No. 2020-1151-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAKESHORE UTILITY COMPANY in Henderson County; RN102681665; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Miles Wehner, Michael Parrish)

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

**Item 33**      [Docket No. 2020-1068-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lucia Flores dba Royal Oaks Apartments and Margarito Flores dba Royal Oaks Apartments in Gillespie County; RN101261006; 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/JN; all agree.

## **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

**Item 34**      [Docket No. 2020-0697-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Canyon Lake Estates Water Supply Corporation in Comal County; RN101220309; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jess Robinson, Elisa Guerra)

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

**Item 35**      [Docket No. 2020-0214-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against New Oasis Kingdom Assembly Church in Harris County; RN102323458; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Casey Kurnath, Elisa Guerra)

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

## **WATER QUALITY ENFORCEMENT AGREED ORDER**

**Item 36**      [Docket No. 2020-1360-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Air Tractor, Inc. in Young County; RN101290682; 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/JN; all agree.

## **MONTHLY ENFORCEMENT REPORT**

**Item 37**      [Docket No. 2021-0096-MIS.](#)

Consideration of the Texas Commission on Environmental Quality Monthly Enforcement Report, submitted for discussion in accordance with Texas Water Code § 7.003. (Susan M. Jablonski, P.E., Melissa Cordell)

No action taken.

## **MONTHLY PUBLIC WATER SYSTEM REPORT**

**Item 38**      **Docket No. 2021-0309-MIS.**

Consideration of agency post-incident response actions related to the February 2021 severe winter storm, including plans to evaluate factors that impacted public water system response and recovery actions.

No action taken.

## **EXECUTIVE MEETING**

**Item 39**      **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 40            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 41            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 42            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.

## **GENERAL INFORMATION/LA INFORMACIÓN GENERAL**

### **How to watch or listen to the meeting**

Members of the public may listen to the meeting telephonically by calling, toll-free, (415) 655-0060 and entering Access Code 857-833-550. The public may also view live TCEQ meetings on the TCEQ YouTube Channel at no cost at:

<https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>.

### **Cómo ver o escuchar la reunión**

Los miembros del público pueden escuchar la reunión por teléfono llamando sin cargo al (415) 655-0060 e ingresando el código de acceso 857-833-550. El público también puede ver las reuniones de la TCEQ en vivo en el canal de YouTube de la TCEQ sin costo en:

<https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>.

### **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 657-466-259. 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](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](mailto: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: <https://www.gotomeeting.com/webinar/join-webinar> e ingresando el ID del seminario web 657-466-259. 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.

Para registrarse, puede proporcionar información a través del Formulario de participación pública en: [https://www.tceq.texas.gov/assets/public/comm\\_exec/agendas/comm/AgendaRegistrationForm.docx](https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/AgendaRegistrationForm.docx). Si tiene problemas con el Formulario de participación pública, puede llamar al (512) 239-3313 o enviar un correo electrónico a [agenda@tceq.texas.gov](mailto:agenda@tceq.texas.gov) y proporcionar la siguiente información: 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/ Tracy Harrison Gross  
Assistant General Counsel  
Tracy Harrison Gross

Date October 27, 2021