

TCEQ COMMISSION MEETING

AGENDA

OCTOBER 25, 2023

9:30 A.M.

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

By Computer: <https://www.gotomeeting.com/webinar/join-webinar>
Webinar ID 384-412-707

By Telephone: (415) 930-5321
Access Code 981-388-773

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AGENDA ITEMS

PROPOSAL FOR DECISION

Item 1 [TCEQ Docket No. 2021-1000-MSW; SOAH Docket No. 582-22-0844.](#)

Consideration of the Administrative Law Judge's Proposal for Decision, Supplemental Proposal for Decision on Remand, and Proposed Order regarding the application of Diamond Back Recycling and Sanitary Landfill, LP for new Municipal Solid Waste Permit No. 2404, to authorize construction and operation of a Type I MSW landfill, with both Type I and Type IV disposal cells, pursuant to rules of the Texas Commission on Environmental Quality and 30 Texas Administrative Code Chapter 330. The proposed landfill facility will be located at 2301 South FM 866, Odessa, Ector County, Texas 79763. The Commission will also consider the application; timely public comments and the Executive Director's Response to Public Comments; the record; and timely related filings, exceptions, and replies. (Anthony Tatu)

Item 2 [TCEQ Docket No. 2022-0532-DIS; SOAH Docket No. 582-22-07138.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order regarding the petition by Highland Lakes Midlothian I, LLC for the creation of Highland Lakes Municipal Utility District No. 1 of Ellis County (District) pursuant to the rules of the Texas Commission on Environmental Quality and Texas Water Code Chapters 49 and 54. The proposed District contains approximately 2,153.6 acres located in Ellis County, Texas. Approximately 1,270 acres are located in the extraterritorial jurisdiction (ETJ) of the City of Waxahachie, and approximately 883 acres are in the ETJ of the City of Midlothian. The Commission will also consider the record and timely related filings, exceptions, and replies. (Bobby Salehi)

Item 3 [TCEQ Docket No. 2022-0063-PWS-E; SOAH Docket No. 582-23-05477.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against Ranch Hand Apartments, LLC, RN108863192, in Randall County, Texas, regarding public water system violations pursuant to statutes in Texas Health and Safety Code Chapter 341 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Megan Grace)

EMERGENCY ORDER

Item 4 [Docket No. 2023-1075-UCR-E.](#)

Consideration of whether to affirm, modify, or set aside the Emergency Order Appointing a Temporary Manager of a Water Utility issued on September 1, 2023, by the Interim Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code Chapters 5 and 13, Tex. Health & Safety Code Chapter 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by Linda Royall, Robert Watts, Peggy Parlin, Mitchell Watts, and Shane Watts; RN102676350; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Utility is located at 114 Salt Lake Road, Luling, Guadalupe County, Texas. The Emergency Order appointed Jaime Ovalle, Sr. as temporary manager of the Utility. (Benjamin Warms, Katherine McKenzie)

HEARING REQUEST/REQUEST FOR RECONSIDERATION

Item 5 [Docket No. 2023-0850-MWD.](#)

Consideration of the application by Megatel Homes, L.L.C., for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System Permit No. WQ0016162001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 1,000,000 gallons per day. The facility will be located approximately one mile southwest of the intersection of Bedford Street and North Farm-to-Market Road 157, in Johnson County, Texas 76084. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments (Deba P. Dutta, P.E. and Bobby Salehi)

Item 6 [Docket No. 2023-0954-MWD.](#)

Consideration of the application by Camden Parc Municipal Utility District of Rockwall County for a new Texas Pollutant Discharge Elimination System Permit No. WQ0016036001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 550,000 gallons per day. The facility will be located approximately 0.85 of a mile northeast of the intersection of Farm-to-Market Road 548 and North Munson Road, in Rockwall County, Texas 75891. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Venkata S Kancharla and Kathy Humphreys)

Item 7 [Docket No. 2023-0845-DIS.](#)

Hyperlink Updated 10/13/2023 at 2:00 PM

Consideration of a petition by Samuel Sparkman Brindley Trust (Petitioner) for the creation of Johnson County Municipal Utility District No. 1 (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 approximately 333.32 acres, located in Johnson County. The proposed district is entirely within the extraterritorial jurisdiction of the Mansfield. The Commission will consider all timely filed hearing requests and related responses and replies. (Justin Taack, Harrison Cole Malley) (TCEQ Internal Control No. D-07202022-033)

Item 8 [Docket No. 2023-0847-DIS.](#)

Hyperlink Updated 10/13/2023 at 1:55 PM

Consideration of a petition by Cipriani Island Laguna Azure, LLC (Petitioner) for the creation of Johnson County Municipal Utility District No. 2 (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 approximately 184.30 acres, located in Johnson County. The proposed district is entirely within the extraterritorial jurisdiction of the Mansfield. The Commission will consider all timely filed hearing requests and related responses and replies. (Justin Taack, Harrison Cole Malley) (TCEQ Internal Control No. D-10132022-026)

Item 9 [Docket No. 2023-0575-DIS.](#)

Consideration of a petition by Vale Building Group LLC (Petitioner) for the creation of Williamson County Municipal Utility District No. 38 (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 approximately 145.17 acres, located in Williamson County. The proposed district is not within the corporate limits or extraterritorial jurisdiction of any City. The Commission will consider all timely filed hearing requests and related responses and replies. (Justin Taack, Harrison Cole Malley) (TCEQ Internal Control No. D-05312022-043)

MISCELLANEOUS MATTER

Item 10 [Docket No. 2023-1227-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)

AIR QUALITY ENFORCEMENT AGREED ORDER

Item 11 [Docket No. 2021-0555-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell USA, Inc. f/k/a Shell Oil Company in Harris County; RN100211879; 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)

MUNICIPAL WASTEWATER DISCHARGE ENFORCEMENT AGREED ORDERS

Item 12 [Docket No. 2021-0987-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cinco Southwest Municipal Utility District No. 1 in Fort Bend County; RN103215042; 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)

Item 13 [Docket No. 2023-0551-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Pool Brothers, LLC in Johnson County; RN109927756; 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)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 14 [Docket No. 2020-1500-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Joseph Gaber dba Cody's Market in Parker County; RN101230654; 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)

Item 15 [Docket No. 2022-0965-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ferguson Food Mart LLC dba EZ Stop 3 in Dallas County; RN110581154; 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)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 16 [Docket No. 2021-0964-PST-E.](#)

Hyperlink Updated 10/19/2023 at 1:50 PM

Consideration of a Default Order assessing administrative penalties against SOFIYASHANU ENTERPRISES INC dba 1604 Corner Store in Bexar County; RN101436475; 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. (Katherine Keithley, Katherine McKenzie)

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 17 [Docket No. 2021-0549-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of A & K ENTERPRISES, INC. dba Country Food Store in Wharton County; RN101183861; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and Tex. Water Code ch. 5 and the rules of the Texas Commission on Environmental Quality. (Benjamin Pence, Katherine McKenzie)

WASTE DISPOSAL WELLS ENFORCEMENT AGREED ORDER

Item 18 [Docket No. 2022-0806-WDW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against US Ecology Texas, Inc. in Nueces County; RN101445666; for waste disposal well violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 27, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Karolyn Kent, Michael Parrish)

MONTHLY ENFORCEMENT REPORT

Item 19 [Docket No. 2023-0013-MIS.](#)

Consideration of the Texas Commission on Environmental Quality Monthly Enforcement Report, submitted for discussion in accordance with Texas Water Code § 7.003. (Melissa Cordell, Michael Parrish)

EXECUTIVE MEETING

Item 20 **Docket No. 2023-0001-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.

Item 21 **Docket No. 2023-0002-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.

Item 22 Docket No. 2023-0003-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.

Item 23 Docket No. 2023-0004-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.

GENERAL INFORMATION

How to watch or listen to the meeting

Members of the public may listen to the meeting telephonically by calling, toll-free, (415) 930-5321 and entering Access Code 981-388-773. 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>.

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 384-412-707. 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](#). 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.

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.

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.

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.

Handguns Prohibited

Section 46.035 of the Texas Penal Code prohibits handgun licensees from carrying their handguns at government meetings such as this one. The prohibition applies to both concealed carry and open carry handgun licensees.