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*On March 16, 2020, in accordance with section 418.016 of the Texas Government Code, Governor Abbott suspended various provisions of the Open Meetings Act that require government officials and members of the public to be physically present at a specified meeting location. Pursuant to that suspension, the public will not be able to attend the Agenda in person. Instead, the Agenda may be attended telephonically by calling (844) 368-7161 and entering meeting code 435007#. 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>.*

To register to address the Commission on an item for which the Commission is accepting comment at the Agenda, please call (512) 239-3313 or email agenda@tceq.texas.gov. Please include 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. [Click here for the Public Participation Form](#). Registration for agenda will conclude at 9:30 a.m. Please register before this time. Late registration could result in your missing the opportunity to comment on your item.

Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka

OLD BUSINESS AGENDA

April 8, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

Toll Free (844) 368-7161 / Meeting Code 435007#

Continued from the March 25, 2020 Agenda.

STATE IMPLEMENTATION PLANS

Item 1 [**Docket No. 2020-0078-SIP.**](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Southwestern Electric Power Company, H.W. Pirkey Power Plant in Harrison County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Southwestern Electric Power Company, H.W. Pirkey Power Plant in Harrison County. (John Minter) (Non-Rule Project No. 2020-021-SIP-NR)

Joint Motion for Old Business Items 1 - 8 and New Business Item 1.

Approve the publication of, and hearing on, the Agreed Orders with the following eight power plants: Southwestern Electric Power Company, H.W. Pirkey Power Plant; Lower Colorado River Authority Sam Seymour Fayette Power Plant; Luminant Generation Company LLC, Martin Lake Steam Electric Station; NRG Texas Power LLC, Limestone Electric Generating Station; San Miguel Electric Cooperative, Inc., San Miguel Electric Plant; Southwestern Public Service Company, Harrington Station; Public Service Company of Oklahoma, Oklaunion Power Station; Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Approve the publication of, and hearing on, the Proposed SIP Revision Regarding Planned Startup and Shutdown Emissions for Certain Electric Generating Units. EL/BJ; all agree.

Item 2 **[Docket No. 2020-0077-SIP.](#)**

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Lower Colorado River Authority (LCRA) Sam Seymour Fayette Power Project in Fayette County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the LCRA Sam Seymour Fayette Power Project in Fayette County. (John Minter) (Non-Rule Project No. 2020-022-SIP-NR)

Joint Motion for Old Business Items 1 - 8 and New Business Item 1.

Approve the publication of, and hearing on, the Agreed Orders with the following eight power plants: Southwestern Electric Power Company, H.W. Pirkey Power Plant; Lower Colorado River Authority Sam Seymour Fayette Power Plant; Luminant Generation Company LLC, Martin Lake Steam Electric Station; NRG Texas Power LLC, Limestone Electric Generating Station; San Miguel Electric

Cooperative, Inc., San Miguel Electric Plant; Southwestern Public Service Company, Harrington Station; Public Service Company of Oklahoma, Oklaunion Power Station; Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Approve the publication of, and hearing on, the Proposed SIP Revision Regarding Planned Startup and Shutdown Emissions for Certain Electric Generating Units. EL/BJ; all agree.

Item 3 [**Docket No. 2020-0076-SIP.**](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Luminant Generation Company LLC, Martin Lake Steam Electric Station in Rusk County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Luminant Generation Company LLC, Martin Lake Steam Electric Station in Rusk County. (John Minter) (Non-Rule Project No. 2020-023-SIP-NR)

Joint Motion for Old Business Items 1 - 8 and New Business Item 1.

Approve the publication of, and hearing on, the Agreed Orders with the following eight power plants: Southwestern Electric Power Company, H.W. Pirkey Power Plant; Lower Colorado River Authority Sam Seymour Fayette Power Plant; Luminant Generation Company LLC, Martin Lake Steam Electric Station; NRG Texas Power LLC, Limestone Electric Generating Station; San Miguel Electric Cooperative, Inc., San Miguel Electric Plant; Southwestern Public Service Company, Harrington Station; Public Service Company of Oklahoma, Oklaunion Power Station; Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Approve the publication of, and hearing on, the Proposed SIP Revision Regarding Planned Startup and Shutdown Emissions for Certain Electric Generating Units. EL/BJ; all agree.

Item 4 [**Docket No. 2020-0075-SIP.**](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with NRG Texas Power LLC, Limestone Electric Generating Station in Limestone County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the NRG Texas Power LLC, Limestone Electric Generating Station in Limestone County. (John Minter) (Non-Rule Project No. 2020-024-SIP-NR)

Joint Motion for Old Business Items 1 - 8 and New Business Item 1.

Approve the publication of, and hearing on, the Agreed Orders with the following eight power plants: Southwestern Electric Power Company, H.W. Pirkey Power Plant; Lower Colorado River Authority Sam Seymour Fayette Power Plant; Luminant Generation Company LLC, Martin Lake Steam Electric Station; NRG Texas Power LLC, Limestone Electric Generating Station; San Miguel Electric Cooperative, Inc., San Miguel Electric Plant; Southwestern Public Service Company, Harrington Station; Public Service Company of Oklahoma, Oklaunion Power Station; Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Approve the publication of, and hearing on, the Proposed SIP Revision Regarding Planned Startup and Shutdown Emissions for Certain Electric Generating Units. EL/BJ; all agree.

Item 5 [**Docket No. 2020-0074-SIP.**](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with San Miguel Electric Cooperative, Inc. San Miguel Electric Plant in Atascosa County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the San Miguel Electric Cooperative, Inc. San Miguel Electric Plant in Atascosa County. (John Minter) (Non-Rule Project No. 2020-025-SIP-NR)

Joint Motion for Old Business Items 1 - 8 and New Business Item 1.

Approve the publication of, and hearing on, the Agreed Orders with the following eight power plants: Southwestern Electric Power Company, H.W. Pirkey Power Plant; Lower Colorado River Authority Sam Seymour Fayette Power Plant; Luminant Generation Company LLC, Martin Lake Steam Electric Station; NRG Texas Power LLC, Limestone Electric Generating Station; San Miguel Electric Cooperative, Inc., San Miguel Electric Plant; Southwestern Public Service Company, Harrington Station; Public Service Company of Oklahoma, Oklaunion Power Station; Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Approve the publication of, and hearing on, the Proposed SIP Revision Regarding Planned Startup and Shutdown Emissions for Certain Electric Generating Units. EL/BJ; all agree.

Item 6 [**Docket No. 2020-0073-SIP.**](#)

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Southwestern Public Service Company, Harrington Station in Potter County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Southwestern Public Service Company, Harrington Station in Potter County. (John Minter) (Non-Rule Project No. 2020-026-SIP-NR)

Joint Motion for Old Business Items 1 - 8 and New Business Item 1.

Approve the publication of, and hearing on, the Agreed Orders with the following eight power plants: Southwestern Electric Power Company, H.W. Pirkey Power Plant; Lower Colorado River Authority Sam Seymour Fayette Power Plant; Luminant Generation Company LLC, Martin Lake Steam Electric Station; NRG Texas Power LLC, Limestone Electric Generating Station; San Miguel Electric Cooperative, Inc., San Miguel Electric Plant; Southwestern Public Service Company, Harrington Station; Public Service Company of Oklahoma, Oklaunion Power Station; Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Approve the publication of, and hearing on, the Proposed SIP Revision Regarding Planned Startup and Shutdown Emissions for Certain Electric Generating Units. EL/BJ; all agree.

Item 7 **[Docket No. 2020-0072-SIP.](#)**

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Public Service Company of Oklahoma, Oklaunion Power Station in Wilbarger County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Public Service Company of Oklahoma, Oklaunion Power Station in Wilbarger County. (John Minter) (Non-Rule Project No. 2020-027-SIP-NR)

Joint Motion for Old Business Items 1 - 8 and New Business Item 1.

Approve the publication of, and hearing on, the Agreed Orders with the following eight power plants: Southwestern Electric Power Company, H.W. Pirkey Power Plant; Lower Colorado River Authority Sam Seymour Fayette Power Plant; Luminant Generation Company LLC, Martin Lake Steam Electric Station; NRG Texas Power LLC, Limestone Electric Generating Station; San Miguel Electric

Cooperative, Inc., San Miguel Electric Plant; Southwestern Public Service Company, Harrington Station; Public Service Company of Oklahoma, Oklaunion Power Station; Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Approve the publication of, and hearing on, the Proposed SIP Revision Regarding Planned Startup and Shutdown Emissions for Certain Electric Generating Units. EL/BJ; all agree.

Item 8 **Docket No. 2020-0178-SIP.**

Consideration for publication of, and hearing on, a Voluntary Agreed Order with Texas Municipal Power Agency Gibbons Creek Steam Electric Station in Grimes County; and corresponding revisions to the State Implementation Plan. The Voluntary Agreed Order would establish certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) as federally enforceable emission limits for the Texas Municipal Power Agency Gibbons Creek Steam Electric Station in Grimes County. (John Minter) (Non-Rule Project No. 2020-032-SIP-NR)

Joint Motion for Old Business Items 1 - 8 and New Business Item 1.

Approve the publication of, and hearing on, the Agreed Orders with the following eight power plants: Southwestern Electric Power Company, H.W. Pirkey Power Plant; Lower Colorado River Authority Sam Seymour Fayette Power Plant; Luminant Generation Company LLC, Martin Lake Steam Electric Station; NRG Texas Power LLC, Limestone Electric Generating Station; San Miguel Electric Cooperative, Inc., San Miguel Electric Plant; Southwestern Public Service Company, Harrington Station; Public Service Company of Oklahoma, Oklaunion Power Station; Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Approve the publication of, and hearing on, the Proposed SIP Revision Regarding Planned Startup and Shutdown Emissions for Certain Electric Generating Units. EL/BJ; all agree.

NEW BUSINESS AGENDA

April 8, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

Toll Free (844) 368-7161 / Meeting Code 435007#

STATE IMPLEMENTATION PLAN

Item 1 [Docket No. 2020-0071-SIP.](#)

Consideration for publication of, and hearing on, a proposed State Implementation Plan (SIP) Revision Regarding Planned Startup and Shutdown Emissions for Certain Electric Generating Units (EGUs). The SIP Narrative would consist of a demonstration that the SIP revision will meet the requirements of Federal Clean Air Act (FCCA), Section 110(l) (42 United States Code, Section 7410(l)) to ensure noninterference with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the FCCA. (John Minter) (Non-Rule Project No. 2020-028-SIP-NR)

Joint Motion for Old Business Items 1 - 8 and New Business Item 1.

Approve the publication of, and hearing on, the Agreed Orders with the following eight power plants: Southwestern Electric Power Company, H.W. Pirkey Power Plant; Lower Colorado River Authority Sam Seymour Fayette Power Plant; Luminant Generation Company LLC, Martin Lake Steam Electric Station; NRG Texas Power LLC, Limestone Electric Generating Station; San Miguel Electric Cooperative, Inc., San Miguel Electric Plant; Southwestern Public Service Company, Harrington Station; Public Service Company of Oklahoma, Oklahoma Power Station; Texas Municipal Power Agency Gibbons Creek Steam Electric Station and Approve the publication of, and hearing on, the Proposed SIP Revision Regarding Planned Startup and Shutdown Emissions for Certain Electric Generating Units. EL/BJ; all agree.

PROPOSAL FOR DECISION

Item 2 [TCEQ DOCKET NO. 2019-0665-AIR; SOAH DOCKET NO. 582-19-6473.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Bosque Solutions LLC, for an Air Quality Standard Permit for Concrete Batch Plant Registration No.

152013, pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code Chapter 382. The facility is located at 7327 Gibson Cemetery Road, Mansfield, in Tarrant County. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Amy Browning)

Remand this matter to the State Office of Administrative Hearings and Direct the Administrative Law Judge to continue with the Hearing on the Merits. JN/BJ; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3 **[Docket No. 2019-0638-WR.](#)**

Consideration of the application of DDR ROCK RANCH PARTNERS, LTD. to amend Certificate of Adjudication No. 19-1160A to add mining uses and a place of use in Wilson, Karnes, DeWitt, Gonzales, Atascosa and Live Oak Counties for mining purposes. Certificate of Adjudication No. 19-1160 currently allows applicant to divert and use not to exceed 140 acre feet of water from Cibolo Creek, tributary of the San Antonio River, San Antonio River Basin for agricultural purposes to irrigate 80 acres of a 401.1 acre tract of land in Wilson County at a priority date of June 1, 1966. Applicant also requests to add an exempt interbasin transfer to the Guadalupe River Basin, Nueces River Basin, and the San Antonio-Nueces Coastal Basin in Wilson, Karnes, DeWitt, Gonzales, Atascosa and Live Oak Counties, and to add a diversion reach on Cibolo Creek and the San Antonio River for mining purposes. The upstream point of the diversion reach will be in Wilson County, the downstream point will be in Karnes County, and water diverted from the new reach will be stored in off-channel reservoirs. The Commission will consider all timely filed hearing requests and related responses and replies. (Joshua Schauer, Robin Smith)

Deny all hearing requests and Issue the amendment to Certificate of Adjudication No. 19-1160A to DDR ROCK RANCH PARTNERS, LTD., as recommended by the Executive Director. BJ/EL; all agree.

Item 4 **[Docket No. 2019-1640-MWD.](#)**

Consideration of the application by DTB INVESTMENTS, L.P., for a major amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0015092001, to authorize a change in the method of disposal from land application to discharge to waters in the state via Texas Pollutant Discharge Elimination System Permit No.

WQ0015092001 and to increase the discharge from a daily average flow not to exceed 180,000 gallons per day (gpd) to a daily average flow not to exceed 300,000 gpd. The facility will be located 0.42 mile west of the intersection of East Ammann Road and Persimmon Road and 0.13 mile north of East Ammann Road, in Comal County, Texas 78163. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (J. Alfonso Martinez III, Kathy Humphreys)

Grant the hearing requests of Bulverde Neighborhoods for Clean Water, Benno Lux, Jr., Dr. Linzy Fitzsimons, Julie Goss, John Lavin, Anne Lynette Lavin, Mary Lou Jenkins, John P. Courtney, Shannon E. Scott, Agnes Mary Klar, James Klar, Elizabeth Klar, Adrah Lea Anzalotta, Scott A. Barnes, Joseph Brockman, Margie Brockman, Annette L. Lewis, Peter Lewis, Brent Winkler, Lorie Winkler, Ricky Crow, III, and Robert Scott Pegues; Deny all other hearing requests and requests for reconsideration; Refer the application to SOAH for a contested case hearing on the following issues: 1) Whether the application and supporting materials substantially complied with all Commission rules regarding their submission and adequately demonstrated the facility's boundaries and properly characterized the proposed discharge route; 2) Whether the draft permit is protective of water quality and the uses in the receiving waters under the applicable Surface Water Quality Standards in 30 Texas Administrative Code Chapter 307; 3) Whether the draft permit is protective of groundwater and drinking water in the area; 4) Whether the draft permit complies with applicable requirements to abate and control nuisance odors as set forth in 30 Texas Administrative Code § 309.13; 5) Whether the draft permit is protective of the health of the requesters and their families; 6) Whether the draft permit is protective of aquatic vegetation, livestock, and wildlife, including endangered species, in the immediate vicinity of the proposed facility and discharge route; 7) Whether the applicant substantially complied with all applicable public notice requirements; 8) Whether the Commission should deny or alter the terms and conditions of the draft permit based on consideration of need under Texas Water Code § 26.0282 and the general policies to promote regional or area-wide systems under Texas Water Code § 26.081; 9) Whether the draft permit contains adequate monitoring requirements to demonstrate compliance with its material terms; 10) Whether the draft permit should require the facility to be operated by a higher than Class C licensed operator; and 11) Whether the applicant's Compliance History for the previous five years raises issues regarding the applicant's ability to comply with the material terms of the permit that warrant altering the terms of the draft permit; 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.

Item 5 **[Docket No. 2020-0193-AIR.](#)**

Consideration of the application by Annova LNG Common Infrastructure, LLC, for Air Quality Permit No. 144829, to authorize the

construction of the Annova LNG Common Infrastructure Facility located on approximately 731 acres of land at mile marker 8.2 on the Brownsville Ship Channel. The facility's northern border is the Brownsville ship channel, Brownsville, Cameron County, Texas 78521. The facility receives natural gas via pipeline, which is then treated, liquified, and stored until transferred to marine transfer facilities. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Marc Sturdivant, Colleen Ford)

Deny all hearing requests and requests for reconsideration; Grant the new Air Quality Permit No. 144829 to Annova LNG Common Infrastructure Facility, LLC; and Adopt the Executive Director's Response to Comments. EL/JN; all agree. BJ abstained.

TOTAL MAXIMUM DAILY LOAD MATTERS

Item 6 **[Docket No. 2019-1366-TML.](#)**

Consideration for approval to publish and solicit public comment on 23 Draft Total Maximum Daily Loads for Indicator Bacteria, Dissolved Oxygen, and pH in Adams Bayou, Cow Bayou, and associated tributaries in the Sabine River Basin, in Jasper, Newton, and Orange Counties. (Kerry Niemann, Stefanie Skogen) (Project No. 2020-004-TML-NR)

Approve the publication of, and solicitation of public comment on 23 Draft Total Maximum Daily Loads for Indicator Bacteria, Dissolved Oxygen, and pH in Adams Bayou, Cow Bayou, and associated tributaries in the Sabine River Basin as recommended by the Executive Director. EL/BJ; all agree.

Item 7 **[Docket No. 2019-0460-TML.](#)**

Consideration for approval to publish and solicit public comment on One Draft Total Maximum Daily Load for Indicator Bacteria in Carancahua Bay of the Colorado-Lavaca Coastal Basin, in Calhoun, Jackson, Wharton, and Matagorda Counties. (Kerry Niemann, Stefanie Skogen) (Project No. 2019-103-TML-NR)

Joint Motion for Items 7 - 8.

Approve the publication of, and the solicitation of public comments on, One Draft Total Maximum Daily Load and the corresponding Implementation Plan for Indicator

Bacteria in Carancahua Bay of the Colorado-Lavaca Coastal Basin as recommended by the Executive Director. BJ/EL; all agree.

Item 8 [**Docket No. 2019-0459-TML.**](#)

Consideration for approval to publish and solicit public comment on the draft Implementation Plan for One Draft Total Maximum Daily Load for Indicator Bacteria in Carancahua Bay of the Colorado-Lavaca Coastal Basin, in Calhoun, Jackson, Wharton, and Matagorda Counties. (Kerry Niemann, Stefanie Skogen) (Project No. 2019-104-TML-NR)

Joint Motion for Items 7 - 8.

Approve the publication of, and the solicitation of public comments on, One Draft Total Maximum Daily Load and the corresponding Implementation Plan for Indicator Bacteria in Carancahua Bay of the Colorado-Lavaca Coastal Basin as recommended by the Executive Director. BJ/EL; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 9 [**Docket No. 2019-0832-AGR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Daisy Farms, LLC in Lamar County; RN105670905; 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. (Chase Davenport, Michael Parrish)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 10 [**Docket No. 2018-1310-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Buckeye Texas Processing LLC in Nueces County; RN106620438; 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. JN/EL; all agree.

Item 11 [**Docket No. 2018-1326-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OXY USA WTP LP in Kent County; RN101222602; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Johnnie Wu, Michael Parrish)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 12 [**Docket No. 2018-1200-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Emmanuel Mendoza dba Mendoza Body Shop in El Paso County; RN104363270; 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. (Clayton Smith, Janice Hernandez)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 13 [**Docket No. 2019-1185-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Republic Metal Roofing LLC in Williamson County; RN110740750; 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. JN/EL; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 14 [**Docket No. 2018-1434-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Wyman-Gordon Forgings, Inc. in Harris County; RN100217413; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Harley Hobson, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 15 **[Docket No. 2018-0712-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Audelia Herrera and Salomon Vasquez dba Salomon Vasquez & Sons and dba Tony's Construction Garbage Cleanup and Demolition Work in Hidalgo County; RN109785816; 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. (Ian Groetsch, Janice Hernandez)

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

Item 16 **[Docket No. 2018-1505-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of William Dennis Cowart in Angelina County; RN109966317; 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. (Jake Marx, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 17 **[Docket No. 2019-0738-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Texas, Inc. in Chambers County; RN101525806; 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. JN/EL; all agree.

Item 18 **[Docket No. 2019-0506-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Crockett in Houston County; RN101609741; 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. (Chase Davenport, Michael Parrish)

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

Item 19 **[Docket No. 2019-0654-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Denton in Denton County; RN102095445; 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. (Christopher Moreno, Michael Parrish)

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

Item 20 **[Docket No. 2019-0876-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Paris in Lamar County; RN101920767; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Harley Hobson, Michael Parrish)

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

Item 21 **[Docket No. 2019-0571-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Spearman in Hansford County; RN103137923; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Katelyn Tubbs, Michael Parrish)

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

Item 22 [**Docket No. 2019-0785-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Horizon Regional Municipal Utility District in El Paso County; RN102329075; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Katelyn Tubbs, Michael Parrish)

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

Item 23 [**Docket No. 2019-0981-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of White Oak Bayou Joint Powers Board in Harris County; RN102177524; 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. (Abigail Lindsey, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 24 [**Docket No. 2019-0631-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KWIK CHEK FOOD STORES, INC. dba Kwik Chek 37 in Hunt County; RN101562874; 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. (Carlos Molina, Michael Parrish)

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

Item 25 [**Docket No. 2018-1667-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MURPHY OIL USA, INC. dba Murphy USA 5694 and Murphy USA 7378 in Tom Green County; RN102238557 and RN105084552; 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. JN/EL; all agree.

Item 26 [**Docket No. 2019-0308-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PERVEN, LLC dba Stop N Drive 2 in Jefferson County; RN101433019; 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. (Alain Elegbe, Michael Parrish)

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

Item 27 [**Docket No. 2019-0544-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S & S B ENTERPRISES INC. dba Zara Food Mart in Bexar County; RN102355369; 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. JN/EL; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT
AND SHUTDOWN ORDERS**

Item 28 [**Docket No. 2019-0030-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of A-2 Convenience LLC dba Super Stop 181 in Wilson County; RN101447712;

for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Taylor Pearson, Janice Hernandez)

Adopt the Default and Shutdown Order. JN/EL; all agree.

Item 29 [**Docket No. 2019-0258-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of M J H Star Enterprises, Inc. dba Airline Food Mart in Harris County; RN102022902; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John S. Mercurief II, Janice Hernandez)

Adopt the Default and Shutdown Order. JN/EL; all agree.

Item 30 [**Docket No. 2019-0361-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of CLIFTON FOOD MART, L.L.C. dba Clifton Food Mart in Bosque County; RN101662724; 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. (Clayton Smith, Janice Hernandez)

Remanded to the Executive Director on April 7, 2020.

PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDERS

Item 31 [**Docket No. 2019-0591-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. (Julianne Dewar, Michael Parrish)

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

Item 32 [**Docket No. 2019-0524-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Trenton in Fannin County; RN101221489; 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. JN/EL; all agree.

Item 33 [**Docket No. 2019-0971-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DOBBIN-PLANTERSVILLE WATER SUPPLY CORPORATION, (A Non-Profit Corporation) in Montgomery County; RN101437754; 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. JN/EL; all agree.

Item 34 [**Docket No. 2019-0526-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Grand Harbor Water Supply Corporation in Wise County; RN104497946; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Julianne Dewar, Michael Parrish)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 35 [**Docket No. 2019-0778-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Midkiff Holdings, LLC in Denton County; RN110739695; 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. JN/EL; all agree.

RULE MATTERS

Item 36 **[Docket No. 2019-1580-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended Section 336.1310 of 30 TAC Chapter 336, Radioactive Substance Rules. The proposed rulemaking would lower the minimum rate for nonparty generators and the maximum rate for party state generators. (Hans Weger, Amie Robinson) (Rule Project No. 2020-009-336-WS)

Approve the publication of, and hearing on, proposed amended Section 336.1310 of 30 Texas Administrative Code Chapter 336, as recommended by the Executive Director. EL/BJ; all agree.

Item 37 **[Docket No. 2019-1562-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended Sections 293.3, 293.11, 293.14, 293.15, 293.44, 293.81, 293.94, 293.201, and 293.202; new Section 293.90 and Sections 293.132 – 293.137; and repeal of Sections 293.132 – 293.136 of 30 TAC Chapter 293, Water Districts. The proposed rulemaking would implement Senate Bill (SB) 1234, 82nd Texas Legislature, 2011, Regular Session; SB 1987 and SB 2014, 85th Texas Legislature, 2017, Regular Session; and House Bill (HB) 304, HB 440, HB 2590, HB 2914, SB 239, and SB 911, 86th Texas Legislature, 2019, Regular Session, to revise creation, bond, road powers, change orders, meeting location, and dissolution rules for water districts including their general provisions and annual reporting requirements. (Jaime Ealey, Kayla Murray) (Rule Project No. 2020-008-293-OW)

Approve the publication of, and hearing on, the proposed amendments to 30 Texas Administrative Code Sections 293.3, 293.11, 293.14, 293.15, 293.44, 293.81, 293.94, 293.201, and 293.202; proposed new Section 293.90 and Sections 293.132 - 293.137; and the proposed repeal of Sections 293.132 - 293.136, as recommend by the Executive Director. BJ/EL; all agree.

Item 38 **[Docket No. 2019-1389-RUL.](#)**

Consideration for publication of, and hearing on, proposed amendments to 30 TAC Chapter 305, Consolidated Permits, Section 305.53; and 30 TAC Chapter 330, Municipal Solid Waste, Sections 330.3, 330.13, 330.59, and 330.73; and the repeal of Sections 330.261, 330.263, 330.265, 330.267, 330.269, 330.271, 330.273, 330.275,

330.277, 330.279, 330.281, 330.283, 330.285, 330.287, and 330.289. The proposed rulemaking would implement bills as passed by the 86th Texas Legislature, 2019, Regular Session. Specifically, the proposed rulemaking would implement House Bill (HB) 1331, by increasing permit application fees; HB 1435, by providing for site assessments for new permits and major permit amendments; and HB 1953, by adding an exempt activity for beneficial conversion of plastics and recoverable materials using pyrolysis and gasification processes. The proposed rulemaking would also repeal the rules found to be obsolete in Chapter 330, Subchapter F, Analytical Quality Assurance and Quality Control, as a result of the Quadrennial Rules Review of Chapter 330. (Ruben Meza, Aaron Vargas) (Rule Project No. 2020-006-305-WS)

Approve the publication of, and hearing on, proposed amendments to 30 Texas Administrative Code Chapter 305, Consolidated Permits, and 30 Texas Administrative Code Chapter 330, Municipal Solid Waste and Repeal Chapter 330, Subchapter F, Analytical Quality Assurance and Quality Control, as recommend by the Executive Director. EL/BJ; all agree.

PUBLIC COMMENT SESSION

Item 39 Docket No. 2020-0005-PUB.

The Commission will receive comments from the public on any matters within the jurisdiction of the Texas Commission on Environmental Quality in accordance with Texas Water Code Section 5.112, except for pending permitting matters or other contested cases, which are subject to the *ex parte* prohibition found in Texas Government Code Section 2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour. Please note that the Commission's discussion of subjects for which public notice has not been given are limited to statements of specific factual responses and recitation of existing policy.

No action taken.

EXECUTIVE MEETING

Item 40 Docket No. 2020-0001-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 41 **Docket No. 2020-0002-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 42 **Docket No. 2020-0003-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 43 **Docket No. 2020-0004-EXE.**

The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

The Commission did not meet in Executive Session.

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST SIX (6) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

SECTION 46.035 OF THE TEXAS PENAL CODE PROHIBITS HANDGUN LICENSEES FROM CARRYING THEIR HANDGUNS AT GOVERNMENT MEETINGS SUCH AS THIS ONE. THIS PROHIBITION APPLIES TO BOTH CONCEALED CARRY AND OPEN CARRY BY HANDGUN LICENSEES.

TO REGISTER TO ADDRESS THE COMMISSION ON AN ITEM FOR WHICH THE COMMISSION IS ACCEPTING COMMENT AT THE AGENDA, PLEASE CALL (512) 239-3313 OR EMAIL AGENDA@TCEQ.TEXAS.GOV. PLEASE INCLUDE 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. [CLICK HERE FOR THE PUBLIC PARTICIPATION FORM](#). REGISTRATION FOR AGENDA WILL CONCLUDE AT 9:30 A.M. PLEASE REGISTER BEFORE THIS TIME. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

**THE PUBLIC CAN VIEW LIVE TCEQ MEETINGS ON THE TCEQ YOUTUBE CHANNEL AT NO COST, AT:
[HTTPS://WWW.TCEQ.TEXAS.GOV/AGENCY/DECISIONS/AGENDAS/WEBCASTS.HTML](https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html)**

Tracy Gross
Assistant General Counsel
Tracy Gross

April 30, 2020
Date