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*On March 16, 2020, in accordance with section 418.016 of the Texas Government Code, Governor Abbott suspended various provisions of the Open Meetings Act that require government officials and members of the public to be physically present at a specified meeting location. Pursuant to that suspension, the public will not be able to attend the Agenda in person but may attend telephonically or via webinar or view the meeting on the web at no cost.*

***To watch or listen to the meeting:***

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***To address the Commission at the meeting:***

*Members of the public who would like to address the Commission on an item for which the Commission is accepting comment, must register as indicated below and access the meeting via webcast by following this [link](#) and entering Webinar ID 830-176-923. Those without internet access may call (512) 239-3313 before the meeting begins for assistance in accessing the meeting telephonically.*

*To register, please call (512) 239-3313 or email [agenda@tceq.texas.gov](mailto:agenda@tceq.texas.gov). Please complete this [Public Participation Form](#) or provide the following information: 1. Agenda item number; 2. Name; 3. Affiliation; 4. Address; 5. Phone number; 6. whom you represent (self or company/client); and 7. whether you wish to address the Commission, are available for questions from the Commission, or would like to be noted as present for the record.*

*Registration for agenda will conclude at 9:30 a.m. Please register before this time. Late registration could result in your missing the opportunity to comment on your item.*

Chairman Jon Niermann  
Commissioner Emily Lindley  
Commissioner Bobby Janecka

## **AGENDA**

October 21, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / 830-176-923  
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**DISTRICTS MATTERS**

Item 1 **Docket No. 2020-1264-DIS.**

Consideration and hearing on a resolution from Redbird Ranch Fresh Water Supply District No. 2 ("District") for additional powers. The District requests approval to exercise additional waste disposal and drainage powers as provided in Texas Water Code §§ 51.331-51.332 and 30 Texas Administrative Code § 293.15. The District is comprised of 433.807 acres within Medina County. (Jaime Ealey, Kayla Murray)

Joint Motion for Items 1 and 2.

Approve the applications of Redbird Ranch Fresh Water Supply District No. 2 and Redbird Ranch Fresh Water Supply District No. 3, for additional powers to provide wastewater and drainage services within the district and Issue the Executive Director's Proposed Orders. EL/BJ; all agree.

Item 2 **Docket No. 2020-1265-DIS.**

Consideration and hearing on a resolution from Redbird Ranch Fresh Water Supply District No. 3 ("District") for additional powers. The District requests approval to exercise additional waste disposal and drainage powers as provided in Texas Water Code §§ 51.331-51.332 and 30 Texas Administrative Code § 293.15. The District is comprised of 537.645 acres within Medina County. (Jaime Ealey, Kayla Murray)

Joint Motion for Items 1 and 2.

Approve the applications of Redbird Ranch Fresh Water Supply District No. 2 and Redbird Ranch Fresh Water Supply District No. 3, for additional powers to provide wastewater and drainage services within the district and Issue the Executive Director's Proposed Orders. EL/BJ; all agree.

**MISCELLANEOUS MATTERS**

Item 3 **Docket No. 2020-0695-MIS.**

Consideration of the adoption of an amendment without renewal of the Hydrostatic Test General Permit, TXG670000 which authorizes the discharge of hydrostatic test water from new vessels; existing vessels

which contained raw water, potable water, or elemental gases; and existing vessels which contained petroleum substances or natural gas substances, or waste related to petroleum substances or natural gas substances. Public notice of the proposed general permit was published in the July 3, 2020, issue of the Texas Register (45 TexReg 4549). (Chris Linendoll, Kathy Humphreys) (Non-Rule Project No. 2020-019-OTH-NR)

Adopt the Proposed Resolution providing for the issuance of amended TPDES Permit No. TXG670000, as recommended by the Executive Director. BJ/EL; all agree.

Item 4      **[Docket No. 2020-0982-MIS.](#)**

Consideration of adoption of an Agreed Order between the Texas Commission on Environmental Quality (the Commission) and Southwestern Public Service Company, dba Xcel Energy, Harrington Station Power Plant (the Company), for the purpose of supporting attainment and maintenance of the 2010 sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS), as required by the Federal Clean Air Act. The Agreed Order documents requirements to ensure that the Company will cease coal-fired operations and resume operation utilizing natural gas by January 1, 2025. (Terry Salem, John Minter) (Non-Rule Project No. 2020-046-OTH-NR)

Adopt the Agreed Order with Southwestern Public Service Company dba Xcel Energy, as recommend by the Executive Director. JN/BJ; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 5      **[Docket No. 2019-1222-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Blanchard Refining Company LLC in Galveston County; RN102535077; 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. EL/BJ; all agree.

Item 6      **[Docket No. 2019-0558-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chase Industries, Inc. in Cameron County;

RN100244433; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Margarita Dennis, Michael Parrish)

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

Item 7      **Docket No. 2019-1331-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Flint Hills Resources Houston Chemical, LLC in Harris County; RN102576063; 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. EL/BJ; all agree.

Item 8      **Docket No. 2016-1906-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical LLC in Jefferson County; RN100219252; 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. (Robyn Babyak, Michael Parrish)

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

Item 9      **Docket No. 2020-0524-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Nueces County; RN100221662; 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. EL/BJ; all agree.

## **EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 10      [\*\*Docket No. 2020-0171-EAQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Wal-Mart Stores Texas, LLC in Williamson, Travis and Bexar Counties; RN104234679, RN102618154, RN100716190, RN102653946, and RN101690451; 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. EL/BJ; all agree.

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

Item 11      [\*\*Docket No. 2019-1332-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Polk County dba Polk County Landfill and Santek Environmental of Texas, LLC dba Polk County Landfill in Polk County; RN102668654; for municipal solid waste and petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Hailey Johnson, Michael Parrish)

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

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

Item 12      [\*\*Docket No. 2018-1545-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Terry Lummus in Sabine County; RN110287356; 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. (Benjamin Warms, Janice Hernandez)

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

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

Item 13      **[Docket No. 2019-0337-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Celeste in Hunt County; RN101919439; 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. (Ronica Rodriguez, Michael Parrish)

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

Item 14      **[Docket No. 2019-1079-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Edinburg in Hidalgo County; RN102080603; 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. EL/BJ; all agree.

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

Item 15      **[Docket No. 2020-0041-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Duncanville Independent School District in Dallas County; RN101554848; 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. EL/BJ; all agree.

Item 16      **[Docket No. 2020-0238-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shandha Inc dba 3 Star Mart in Harris County; RN101991644; 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. EL/BJ; all agree.

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

Item 17 **[Docket No. 2019-1245-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of A & K ENTERPRISES, INC. dba Country Food Store in Wharton County; RN101183861; 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 Mercurief II, Janice Hernandez)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 18 **[Docket No. 2020-0090-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AAAIS REAL ESTATE, INC. dba Oasis Travel Plaza Angleton in Brazoria County; RN106678329; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Michael Parrish)

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

Item 19 **[Docket No. 2019-1616-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pflugerville in Travis County; RN101430064; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Hall, Michael Parrish)

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



Item 20      **[Docket No. 2019-1670-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lou Felps dba Stonegate Subdivision Water System in Blanco County; RN101191302; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marla Waters, Michael Parrish)

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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 21      **[Docket No. 2019-1237-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Traveling Tiger Centers LLC in Hudspeth County; RN101180529; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Taylor Pearson, Janice Hernandez)

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

**MONTHLY ENFORCEMENT REPORT**

Item 22      **[Docket No. 2020-0152-MIS.](#)**

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

No action taken.

**RULE MATTERS**

Item 23      **[Docket No. 2019-1297-RUL.](#)**

Consideration of the adoption of amendments to Sections 319.1, 319.2, 319.4 – 319.9, 319.11, 319.12, 319.22, 319.23, 319.25, 319.28, and 319.29; and the repeal of Section 319.3 of 30 TAC Chapter 319, General Regulations Incorporated into Permits. The adoption will clarify the procedures for approval of alternate test procedures, remove inconsistencies, and improve readability. The proposed rules were published in the June 5, 2020, issue of the *Texas Register* (45 TexReg



3732). (Sarah A. Johnson, Stefanie Skogen) (Rule Project No. 2019-115-319-OW)

Adopt the amended and repealed sections of 30 Texas Administrative Code Chapter 319, as recommend by the Executive Director. BJ/EL; all agree.

Item 24      **Docket No. 2019-1096-RUL.**

Consideration of the adoption of amended Section 111.209 of 30 TAC Chapter 111, Control of Air Pollution from Visible Emissions and Particulate Matter. If adopted, the amendment to Section 111.209 will be submitted to the United States Environmental Protection Agency as a revision to the State Implementation Plan. The adoption will implement House Bill 2386 from the 85th Texas Legislature, 2017, Regular Session, by amending Section 111.209(5) to include volunteer firefighters, acting within the scope of their duties, to fulfill the requirements for providing supervision of the burning of waste. The proposed rule was published in the May 22, 2020, issue of the *Texas Register* (45 TexReg 3425). (Keith Sheedy, Betsy Peticolas) (Rule Project No. 2019-124-111-CE)

Adopt the amendments to 30 Texas Administrative Code Section 111.209 and corresponding revisions to the State Implementation Plan, as recommend by the Executive Director. EL/BJ; all agree.

**EXECUTIVE MEETING**

Item 25      **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 on this item.

Item 26      **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.

No action taken.

**Item 27      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 on this item.

**Item 28      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.

No action taken.

**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 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 985-328-691. THE PUBLIC MAY ALSO VIEW LIVE TCEQ MEETINGS ON THE TCEQ YOUTUBE CHANNEL AT NO COST AT:**

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**TO ADDRESS THE COMMISSION AT THE MEETING:**

**MEMBERS OF THE PUBLIC WHO WOULD LIKE TO ADDRESS THE COMMISSION ON AN ITEM FOR WHICH THE COMMISSION IS ACCEPTING COMMENT, MUST REGISTER AS INDICATED BELOW AND ACCESS THE MEETING VIA WEBCAST BY FOLLOWING THIS [LINK](#) AND ENTERING WEBINAR ID 830-176-923. THOSE WITHOUT INTERNET ACCESS MAY CALL (512) 239-3313 BEFORE THE MEETING BEGINS FOR ASSISTANCE IN ACCESSING THE MEETING TELEPHONICALLY.**

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**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.**

/s/ Greg Merrell  
Assistant General Counsel  
Greg Merrell

November 4, 2020  
Date