

THIS AGENDA IS A DRAFT OF THE SEPTEMBER 11, 2019 AGENDA. THE FINAL VERSION OF THE AGENDA WILL BE POSTED NO LATER THAN THE 8TH DAY BEFORE THE SCHEDULED AGENDA DATE.

The Agenda document below 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)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).

Updates to backup documents will be noted by a purple indicator. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 7 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).

AGENDA

September 11, 2019

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.
12100 Park 35 Circle
Room 201S, Bldg. E

PROPOSAL FOR DECISION

Item 1 [**TCEQ Docket No. 2018-0013-IHW; SOAH Docket No. 582-18-1960.**](#)

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the Application of Altair Disposal Services, LLC, for New Hazardous Waste Permit No. 50407 pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code ch. 361. The facility is proposed to be located approximately six miles south of the intersection of Interstate Highway 10 and Texas Highway 71, and two miles north of Altair, Texas in Colorado County. The Commission will also consider the application; timely public comments and the Executive Director's Response to Comments; the record; and timely related filings, exceptions and replies. (Diane Goss, Don Redmond, Natasha Douglas)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 **[Docket No. 2019-0946-AIR.](#)**

Consideration of application by Austin Asphalt, Inc., for Air Quality Permit No. 76338L002, to authorize the renewal of a hot mix asphalt plant located at 7580 South Central Expressway, Dallas, Dallas County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Dana Johnson, Amy Browning)

MISCELLANEOUS MATTERS

Item 3 **[Docket No. 2019-0313-RES.](#)**

Consideration of a resolution appointing five nominees to serve on the Municipal Solid Waste Management and Resource Recovery Advisory Council (Advisory Council). In addition, the executive director requests the commission chairman appoint a current member as Advisory Council President. The Advisory Council reviews and evaluates the effect of state policies and programs on municipal solid waste (MSW) management; makes recommendations on matters related to MSW management; recommends legislation to encourage the efficient management of MSW; recommends policies for the use, allocation, or distribution of the planning fund; and recommends special studies and projects to further the effectiveness of MSW management and recovery for Texas. The Notice of Request for Nominations was published in the May 3, 2019 issue of the *Texas Register* (44 TexReg 2295). (Anju Chalise, Shea Person) (Project No. 2019-101-RES-NR)

Item 3 **[Docket No. 2019-0750-MIS.](#)**

Discussion of the Office of Public Interest Counsel's Annual Report to the Commission made pursuant to Texas Water Code, Section 5.2725, Annual Report; Performance Measures. (Vic McWherter)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 4 **[Docket No. 2018-1435-EAQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SterMaster Properties, LLC in Williamson County; RN110477593; 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)

**INDUSTRIAL SOLID AND/OR HAZARDOUS WASTE
ENFORCEMENT AGREED ORDER**

Item 5 [Docket No. 2016-1479-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of DLUBAK GLASS COMPANY in Ellis County; RN105518500; for industrial solid and/or hazardous 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. (Audrey Liter, Janice Hernandez)

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED
ORDER**

Item 6 [Docket No. 2018-0923-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PHILLIPS 66 COMPANY in Brazoria County; RN101619179; 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)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 7 [Docket No. 2017-1005-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Sabinal in Uvalde County; RN102143328; for municipal solid waste, occupational license, and water quality violations pursuant to Tex. Health & Safety Code ch. 361, 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. (Amanda Scott, Michael Parrish)

Item 8 **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED
ORDER**

[Docket No. 2018-0075-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Dario Jaime Gonzalez in Hidalgo County; RN110024569; 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)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 9 [**Docket No. 2018-1556-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Baytown in Harris County; RN101611572; 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)

[**Docket No. 2018-1466-MWD-E.**](#)

Item 10 Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Emory in Rains County; RN102916822; 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)

Item 11 [**Docket No. 2018-1044-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Gainesville in Cooke County; RN101918050; 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 12 [**Docket No. 2018-1270-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Roma in Starr County; RN103138095; 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)

Item 13 [**Docket No. 2018-0369-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Ponder in Denton County;

RN102739349; 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)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 14

[Docket No. 2018-0415-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ANITRIO, INC. dba Mr. Discount in Ellis County; RN102276011; 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)

Item 15

[Docket No. 2018-0765-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dupre Logistics LLC in Tarrant County; RN100648096; 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 Gerhardt, Michael Parrish)

Item 16

[Docket No. 2018-0090-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kashmira Investments, Inc. dba Copperas Cove Food Mart in Coryell County; RN101667293; 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. (Danielle Porras, Michael Parrish)

Item 17

[Docket No. 2016-1076-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rigsby Ventures, Inc. dba Neighborhood Food Mart in Bexar County; RN101815538; 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)

Item 18

[Docket No. 2018-0697-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the United States Department of the Navy in Nueces County; RN101131332; 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. (Danielle Porras, Michael Parrish)

Item 19

[Docket No. 2018-0078-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of SPENCER & SPENCER LLC in Jack County; RN106852346; 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. (Logan Harrell, Janice Hernandez)

PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDER

Item 20

[Docket No. 2018-1096-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SIMPLY AQUATICS, INC. in San Augustine County; RN101247815; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Toni Red, Michael Parrish)

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 21

[Docket No. 2018-0824-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hutchins in Dallas County; RN101385219; 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)

RULE MATTERS

Item 22

[Docket No. 2019-0266-RUL.](#)

Consideration for publication of, and hearings on, proposed amended Sections 117.10, 117.400, 117.403, 117.8000, and 117.9030 of 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds; and corresponding revisions to the state implementation plan. The proposed rulemaking would revise Chapter 117 to implement reasonably available

control technology (RACT) for all major sources of nitrogen oxides (NOX) in the Dallas-Fort Worth 2008 eight-hour ozone serious nonattainment area, consisting of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties, as required by the Federal Clean Air Act, Section 172(c)(1) and Section 182(f). The proposed rulemaking would extend implementation of RACT to new major sources of NOX located in Wise County due to the reclassification from moderate to serious nonattainment. The proposed rulemaking would also update allowed emission test methods for engines. (Javier Galván, Amy Browning) (Rule Project No. 2019-074-117-AI)

Item 23 [**Docket No. 2019-0267-RUL.**](#)

Consideration for publication of, and hearings on, proposed amendments to Sections 115.10, 115.111, 115.112, 115.119, and 115.421 of 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds, and corresponding revisions to the State Implementation Plan. The proposed rulemaking would revise Chapter 115, Subchapter B, Division 1, Storage of Volatile Organic Compounds, to implement volatile organic compounds (VOC) reasonably available control technology (RACT) for major source fixed roof oil and condensate storage tanks in order to ensure that RACT is implemented for all major sources in the Dallas-Fort Worth (DFW) 2008 eight-hour ozone serious nonattainment area, as required by Federal Clean Air Act, Section 172(c)(1) and Section 182(b)(2). The proposed rulemaking would extend implementation of RACT to new major VOC sources located in Wise County due to the reclassification of the DFW area from moderate to serious nonattainment. The proposed rulemaking would also correct inadvertent errors in Chapter 115, Subchapter E, Division 2, Surface Coating Processes, made during a previous Chapter 115 VOC RACT rulemaking (Rule Project No. 2013-048-115-AI, 40 TexReg 3907, June 19, 2015), to ensure consistency with the agency's intent. (Graham Bates, Amy Browning) (Rule Project No. 2019-075-115-AI)

STATE IMPLEMENTATION PLANS

Item 24 [**Docket No. 2019-0692-SIP.**](#)

Consideration for publication of, and hearing on, the proposed Houston-Galveston-Brazoria Serious Classification Attainment Demonstration State Implementation Plan (SIP) Revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard. To meet Federal Clean Air Act requirements, the proposed SIP revision would include a photochemical modeling analysis, a weight of evidence analysis, a reasonably available control technology analysis, a reasonably available control measures analysis, motor vehicle emissions

budgets for 2020, and a contingency plan. (Alison Stokes, John Minter)
(Rule Project No. 2019-077-SIP-NR)

Item 25 [**Docket No. 2019-0693-SIP.**](#)

Consideration for publication of, and hearing on, the proposed Dallas-Fort Worth Serious Classification Attainment Demonstration State Implementation Plan (SIP) Revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard. To meet Federal Clean Air Act requirements, the proposed SIP revision would include a photochemical modeling analysis, a weight of evidence analysis, a reasonably available control technology (RACT) analysis, a reasonably available control measures analysis, motor vehicle emissions budgets for 2020, and a contingency plan. This SIP revision would also incorporate proposed revisions to the 30 Texas Administrative Code Chapters 115 and 117 rules to address major source RACT requirements for nitrogen oxides and volatile organic compounds associated with reclassification from moderate to serious. (Kristin Jacobsen, Terry Salem) (Project No. 2019-078-SIP-NR)

Item 26 [**Docket No. 2019-0660-SIP.**](#)

Consideration for publication of, and hearing on, the proposed Dallas-Fort Worth (DFW) and Houston-Galveston-Brazoria (HGB) Serious Classification Reasonable Further Progress (RFP) State Implementation Plan (SIP) Revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS). To meet Federal Clean Air Act requirements, the proposed SIP revision would include an analysis of reasonable further progress toward attainment of the 2008 eight-hour ozone NAAQS, demonstrating a 9% emissions reduction in ozone precursors from January 1, 2018 through December 31, 2020, a 3% emissions reduction from January 1, 2021 through December 31, 2021 for attainment year RFP contingency, and RFP motor vehicle emissions budgets for the 2020 attainment year. (Denine Calvin, Terry Salem) (Non-Rule Project No. 2019-079-SIP-NR)

QUADRENNIAL RULE REVIEWS

Item 27 [**Docket No. 2019-0023-MIS.**](#)

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 35, Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years. The proposal was published in the April 12, 2019, issue of the *Texas Register* (44 TexReg 1901). (Kathy Humphreys) (Project No. 2019-070-035-LS)

Item 28 [**Docket No. 2018-1372-MIS.**](#)
Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 101, General Air Quality Rules. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the March 29, 2019, issue of the *Texas Register* (44 TexReg 1589). (Frances Clark, Janis Hudson) (Project No. 2019-026-101-AI)

Item 29 [**Docket No. 2019-0068-MIS.**](#)
Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 113, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the April 12, 2019, issue of the *Texas Register* (44 TexReg 1901). (Sherry Davis, Terry Salem) (Project No. 2019-073-113-AI)

Item 30 [**Docket No. 2018-1576-MIS.**](#)
Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 301, Levee Improvement Districts, District Plans of Reclamation, and Levees and Other Improvements. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the April 12, 2019, issue of the *Texas Register* (44 TexReg 1901). (Chris Ulmann, Robin Smith) (Project No. 2019-056-301-OW)

Item 31 [**Docket No. 2019-0087-MIS.**](#)
Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 324, Used Oil Standards. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the April 12, 2019, issue of the *Texas Register* (44 TexReg 1902). (Shea Backus, Don Redmond) (Project No. 2019-076-324-WS)

PUBLIC COMMENT SESSION

Item 32 **Docket No. 2019-0005-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.

EXECUTIVE MEETING

Item 33 Docket No. 2019-0001-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 34 Docket No. 2019-0002-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 35 Docket No. 2019-0003-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 36

Docket No. 2019-0004-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.

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.

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. 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)**