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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)).

Chairman Jon Niermann
Commissioner Emily Lindley

AGENDA

March 27, 2019

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1 **[Docket No. 2018-1578-IWD.](#)**

Consideration of the application by U.S. Steel Tubular Products, Inc., which operates Lone Star Tubular Operations, a steelmaking and pipe manufacturing facility, for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0000348000 to reduce testing frequencies for E. coli at Outfall 001 and total suspended solids, total lead, total zinc, residual chlorine, and pH at Outfall 002, and to remove Outfalls 004 and 005 and internal Outfall 102. The draft permit authorizes the discharge of treated domestic wastewater, non-contact cooling water, (pretreated) oily wastewaters, vehicle and equipment wash water, and diluted metalworking fluids at a daily average flow not to exceed 500,000 gallons per day via Outfall 001; contact process wastewater, non-contact cooling water, and stormwater at a daily average flow not to exceed 70,000,000 gallons per day via Outfall 002; and stormwater runoff from Lower Barnes Reservoir on an intermittent and flow-variable basis via Outfall 003. The facility is

located at 6866 U.S. Highway 259 South, at the intersection of U.S. Highway 259 and Farm-to-Market Road 729, south of the City of Lone Star, in Morris County, Texas 75668. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Karen Holligan, Michael Parr)

Remanded to the Executive Director by the Office of General Counsel on March 26, 2019.

Item 2 **[Docket No. 2018-1164-WR.](#)**

Consideration of an application by Aethon Energy Operating LLC for Temporary Water Use Permit No. 13418, to divert a maximum of 2,706.8 acre-feet of water within a period of three years from Ayish Bayou, Neches River Basin at a maximum rate of 8.42 cfs (3,780 gpm) for mining purposes in San Augustine County. The Commission will consider all timely filed hearing requests and related responses and replies. (Martha Todd, Ruth Takeda)

Deny all hearing requests and Issue Temporary Water Use Permit No. 13418 to Aethon Energy Operating LLC, as recommend by the Executive Director. EL/JN; all agree.

DISTRICTS MATTER

Item 3 **[Docket No. 2018-1412-DIS.](#)**

Consideration and hearing on a petition from Double R Land Company, LLC and D.R. Horton-Texas, Ltd. for the creation of Caddo Mills Municipal Management District No. 1 of Hunt County ("District") and the appointment of five initial directors, pursuant to Chapter 375, Texas Local Government Code. The proposed District is comprised of approximately 454.28 acres of land within the corporate limits of the City of Caddo Mills, Hunt County, Texas. (Clyde Sifford, Shea Pearson)

Grant the petition for the creation of Caddo Mills Municipal Management District No. 1 of Hunt County and Issue the Executive Director's recommended Commission Order for creating the District and appointing five initial directors. EL/JN; all agree.

MISCELLANEOUS MATTERS

Item 4 **[Docket No. 2018-0365-MIS.](#)**

Consideration of the adoption of the renewal with amendment of the John Graves Scenic Riverway General Permit No. TXG500000 which authorizes the discharge of process wastewater, mine dewatering, stormwater associated with industrial activity, construction stormwater, and certain non-stormwater discharges from quarries located greater than one mile from a water body within the water quality protection area in the John Graves Scenic Riverway. Public notice of the proposed general permit was published in the August 31, 2018, issue of the *Texas Register* (43 TexReg Pages 5699). (Danny Siebeneicher, Michael Parr) (Non-Rule Project No. 2018-016-OTH-NR)

Adopt the renewal with amendments of the John Graves Scenic Riverway General Permit No. TXG500000. EL/JN; all agree.

Item 5 [**Docket No. 2018-1463-RES.**](#)

Consideration of a resolution to fill membership positions on the Galveston Bay Council (GBC). The GBC is a 41-member advisory body to the Texas Commission on Environmental Quality (commission), whose function is to advise the commission on the implementation of The Galveston Bay Plan, the Comprehensive Conservation and Management Plan for Galveston Bay. The nominations are for 22 of the 41 members. Membership includes representatives from federal agencies; state agencies; regional and local governments; environmental and citizen groups; the private sector; and a representative from research/academia. These membership positions are consistent with the Texas Government Code, Chapter 2110, State Agency Advisory Committees, as well as the requirements of the federal Clean Water Act, Section 320. The GBC revised two titles of the membership representatives. The Galveston County Chamber of Commerce representative was replaced with Nature and Tourism, and the Minority Community representative was replaced with Underrepresented Communities. (Lisa Marshall, Celia Castro) (Non-Project No. 2019-041-RES-NR)

Approve the Executive Director's Proposed Resolution appointing stakeholders to fill 22 membership positions on the Galveston Bay Council. EL/JN; all agree.

Item 6 [**Docket No. 2018-1488-MIS.**](#)

Consideration of a resolution to approve The Galveston Bay Plan (2nd Edition), The Comprehensive Conservation and Management Plan for the Galveston Bay Ecosystem. The Galveston Bay Estuary Program (GBEP) is one of 28 National Estuary Programs (NEPs) designated by the United States Environmental Protection Agency (EPA) under

federal Clean Water Act, Section 320. The NEPs were designated to protect and restore the nation's estuaries. Each of the 28 NEPs are charged with developing and implementing a Comprehensive Conservation and Management Plan (CCMP) that serves as a blueprint to guide future decisions and addresses a wide range of environmental issues. The CCMP for the Galveston Bay estuary defines stakeholder-identified priority issues and presents them as Action Plans to effectively address those issues. The CCMP, also known as the Galveston Bay Plan, was first published in 1995 and was approved by the Governor of Texas and the Administrator of the EPA. In 2009, the Galveston Bay Council (GBC) - the 41-member advisory committee to the commission for the GBEP – published *Charting the Course to 2015: Galveston Bay Strategic Action Plan*. It consolidated the 17 Priority Issues identified in the 1995 CCMP and new or emerging issues into three priority focus areas. The Galveston Bay Plan is a revision of the original CCMP and addresses many of the same priority issues and actions while also identifying new approaches to conservation and management. More than 150 members of the Galveston Bay community, representing local governments, industry, academia, nonprofit organizations, resource agencies and the public, donated their time and talents to develop the Galveston Bay Plan. The commission is charged with implementing the CCMP as outlined in the Texas Estuaries Act, Senate Bill 708, 76th Texas Legislature, Regular Session (1999), under Texas Water Code, Sections 5.601 - 5.609. (Lisa Marshall, Celia Castro) (Non-Rule Project No. 2019-046-OTH-NR)

Approve *The Galveston Bay Plan (2nd Edition)*, *The Comprehensive Conservation and Management Plan for the Galveston Bay Ecosystem*, as requested by the Executive Director, and Adopt the Executive Director's Proposed Resolution. EL/JN; all agree.

Item 7 **[Docket No. 2019-0007-MIS.](#)**

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Chris Gobert)

Approve the issuance of the Executive Director's Proposed Resolution that acknowledges the material changes to contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code for the period of September 1, 2018 to November 30, 2018, as described in the TCEQ Interoffice Memorandum to the Commissioners and Executive Director dated February 28, 2019 and Docket No. 2019-0007-MIS. EL/JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8

[Docket No. 2018-0317-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Orange County; RN100542711; 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. (Trina Grieco, Michael Parrish)

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

Item 9

[Docket No. 2018-0439-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GB Biosciences LLC in Harris County; RN100238492; 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/JN; all agree.

Item 10

[Docket No. 2018-0299-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PHILLIPS 66 COMPANY in Hutchinson County; RN102495884; 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. (Raime Hayes-Falero, Michael Parrish)

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

Item 11

[Docket No. 2015-0477-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Midstream, LP in Nueces County; RN102557931; 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. (Raime Hayes-Falero, Michael Parrish)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 12 [Docket No. 2017-1176-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against A.J. Brauer Stone, Inc. in Williamson County; RN106619265; 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. (Had Darling, Michael Parrish)

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

LANDSCAPE IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 13 [Docket No. 2015-1735-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of David Lamar Gray in Tarrant County; RN108740960; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Clayton Smith, Janice Hernandez)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 14 [Docket No. 2018-0060-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against CIRCLE Y SADDLES, INC. in Lavaca County; RN106037542; for industrial and hazardous waste and municipal solid waste 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. (Carlos Molina, Michael Parrish)

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

Item 15 [**Docket No. 2016-1202-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Clarksville in Red River County; RN102654266; for municipal solid waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tyler Gerhardt, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 16 [**Docket No. 2017-1583-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties against Events Downrange LLC in Dallas County; RN109470773; for water quality, air quality, and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26 and Tex. Health & Safety Code chs. 361 and 382, 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. EL/JN; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 17 [**Docket No. 2018-0374-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Roy L. Guillory in Newton County; RN109734392; 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. EL/JN; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 18 [Docket No. 2018-0349-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kaufman County Fresh Water Supply District No. 1A in Kaufman County; RN102334638; 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. EL/JN; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 19 [Docket No. 2017-1418-MWD-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Donald S. Fletcher dba Cattail Creek Mobile Home Park in Erath County; RN102672854; 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. (Audrey Liter, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 20 [Docket No. 2017-1670-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Frontier Tank Lines, Inc. in Tarrant County; RN107152720; 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. EL/JN; all agree.

Item 21 [Docket No. 2016-1438-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SHARDA CONVENIENCE STORE, INC. dba Sunrise Market 1 in Aransas County; RN102358108; 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. (Johnnie Wu, Michael Parrish)

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

Item 22 [**Docket No. 2017-0781-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against WESTOAKS PLAZA LLC dba On Point in Anderson County; RN102035151; 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. (Ian Groetsch, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 23 [**Docket No. 2017-0702-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of BHATTI'S GROCERY, LLC dba S&A GROCERY in Jefferson County; RN102717238; 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. (Ian Groetsch, Janice Hernandez)

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

Item 24 [**Docket No. 2018-0383-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against Glenn Lacey and Donna Lacey in Newton County; RN101738631; 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. (Isaac Ta, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 25 **[Docket No. 2017-1292-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BFE DEVELOPMENT CORP. in Parker County; RN101264075; 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. EL/JN; all agree.

Item 26 **[Docket No. 2018-0459-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CENTERVILLE WATER SUPPLY CORPORATION in Trinity County; RN101439818; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Austin Henck, Michael Parrish)

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

MONTHLY ENFORCEMENT REPORT

Item 27 **[Docket No. 2019-0009-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.

PETITION FOR RULEMAKING

Item 28 **[Docket No. 2019-0201-PET.](#)**

Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality (commission) on February 5, 2019, by Lloyd Gosselink Rochelle & Townsend, P.C. on behalf of the City of Wichita Falls (petitioner). The petitioner requested that the

commission amend 30 TAC Section 295.159 to include an exception from the notice requirements for amendments to permits to extend the deadline to commence or complete construction of a reservoir designed for storage of more than 50,000 acre-feet of water. (Ross Henderson, Robin Smith) (Project No. 2019-098-PET-NR)

Initiate rulemaking on the petition for rulemaking filed by the City of Wichita Falls and Adopt the Executive Director's Proposed Order but replace the phrase "to grant the petition and to" with the phrase "that the Executive Director" in paragraph two. EL/JN; all agree.

RULE MATTER

Item 29 **[Docket No. 2018-1713-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended Section 7.119 of 30 TAC Chapter 7, Memoranda of Understanding. The proposed rulemaking would amend the section to adopt by reference updates to the Memorandum of Understanding (MOU) between the Texas Commission on Environmental Quality and the Texas Department of Transportation regarding the review of the potential environmental effect of transportation projects. The updated MOU would remove unnecessary definitions and simplify the coordination process. The updates to the MOU are the result of the review required by the Texas Transportation Code, Section 201.607. (Kathy Humphreys) (Rule Project No. 2017-008-007-LS)

Approve the publication of, and hearing on, proposed amended Section 7.119 of 30 Texas Administrative Code Chapter 7, as recommended by the Executive Director. EL/JN; all agree.

STATE IMPLEMENTATION PLAN

Item 30 **[Docket No. 2018-1506-SIP.](#)**

Consideration for adoption of the Dallas-Fort Worth (DFW) Redesignation Request and Maintenance Plan State Implementation Plan (SIP) revision for the One-Hour and 1997 Eight-Hour Ozone National Ambient Air Quality Standards (NAAQS). The SIP revision includes a request that the United States Environmental Protection Agency redesignate the DFW area to attainment for the one-hour (Collin, Dallas, Denton, and Tarrant Counties) and the 1997 eight-hour ozone (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties) NAAQS and provides a maintenance plan that will ensure the area remains in attainment of both NAAQS

through 2032. (Kathy Singleton, Terry Salem) (Project No. 2018-028-SIP-NR)

Approve the adoption of the Dallas-Fort Worth Redesignation Request and Maintenance Plan State Implementation Plan revision for the One-Hour and 1997 Eight-Hour Ozone National Ambient Air Quality Standards, as recommended by the Executive Director. EL/JN; all agree.

QUADRENNIAL RULE REVIEWS

Item 31 **[Docket No. 2018-1151-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 9, Training. 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 October 12, 2018, issue of the *Texas Register* (43 TexReg 6851). (Amber Kaskie, Yen Tran) (Project No. 2018-031-009-AS)

Joint Motion for Items 31 - 35.

Adopt the rule reviews and readopt the rules in Chapters 9, 91, 217, 317, and 337 of Title 30 Texas Administrative Code without amendment. EL/JN; all agree.

Item 32 **[Docket No. 2018-1106-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 91, Alternative Public Notice and Public Participation Requirements for Specific Designated Facilities. 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 October 12, 2018, issue of the *Texas Register* (43 TexReg 6851). (Sherry Davis, Janis Hudson) (Project No. 2018-032-091-AI)

Joint Motion for Items 31 - 35.

Adopt the rule reviews and readopt the rules in Chapters 9, 91, 217, 317, and 337 of Title 30 Texas Administrative Code without amendment. EL/JN; all agree.

Item 33 **[Docket No. 2018-1063-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems.

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 October 12, 2018, issue of the *Texas Register* (43 TexReg 6852). (Laurie Fleet, Kathy Humphreys) (Project No. 2018-009-217-OW)

Joint Motion for Items 31 - 35.

Adopt the rule reviews and readopt the rules in Chapters 9, 91, 217, 317, and 337 of Title 30 Texas Administrative Code without amendment. EL/JN; all agree.

Item 34 **Docket No. 2018-1062-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 317, Design Criteria Prior to 2008. 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 October 12, 2018, issue of the *Texas Register* (43 TexReg 6852). (Laurie Fleet, Kathy Humphreys) (Project No. 2018-008-317-OW)

Joint Motion for Items 31 - 35.

Adopt the rule reviews and readopt the rules in Chapters 9, 91, 217, 317, and 337 of Title 30 Texas Administrative Code without amendment. EL/JN; all agree.

Item 35 **Docket No. 2018-1150-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 337, Dry Cleaner Environmental Response. 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 October 12, 2018, issue of the *Texas Register* (43 TexReg 6852). (Anna Brulloths, Theda Strickler) (Project No. 2018-033-337-WS)

Joint Motion for Items 31 - 35.

Adopt the rule reviews and readopt the rules in Chapters 9, 91, 217, 317, and 337 of Title 30 Texas Administrative Code without amendment. EL/JN; all agree.

PUBLIC COMMENT SESSION

Item 36 Docket No. 2019-0005-PUB.

The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ 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 37 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.

No action taken.

Item 38 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.

The Commission did not meet on this item.

Item 39 **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.

The Commission did not meet on this item.

Item 40 **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.

The Commission did not meet on this item.

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)**

/s/ Greg Merrell
Assistant General Counsel
Greg Merrell

March 29, 2019
Date