

*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)).*

Chairman Jon Niermann  
Commissioner Emily Lindley

## **OLD BUSINESS AGENDA**

May 22, 2019

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the April 24, 2019 Agenda.

#### **PROPOSAL FOR DECISION**

Item 1      [\*\*TCEQ Docket Nos. 2017-1024-LIC, 2017-1026-LIC & 2018-0546-LIC; SOAH Docket Nos. 582-17-5381, 582-17-5382 & 582-18-3569.\*\*](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the denial of James Trimble's application for a new On-Site Sewage Facility (OSSF) Site Evaluator license and renewal of OSSF Installer license and OSSF Maintenance Provider license, pursuant to Texas Health & Safety Code Chapter 366, Texas Water Code Chapter 37, and 30 Texas Administrative Code Chapter 285. The Commission will also consider the record, timely related filings, exceptions and replies. (Hollis Henley)

Adopt the ALJ's Proposed Order with the following change: Add Finding of Fact No. 12A to state, "Mr. Trimble submitted a total of 39 maintenance inspection reports to the department before the inspections were actually performed." EL/JN; all agree.

# AGENDA

May 22, 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. 2019-0440-AIR.](#)**

Consideration of application by Tex-Mix Partners, Ltd. for the approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 152399, which would authorize the construction and operation of a permanent concrete batch plant. The site for the plant is located on the east side of U.S. Highway 281 approximately 0.5 mile south of its intersection with Rebecca Creek Road, Spring Branch, Comal 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. (Don Nelon, Colleen Ford)

Grant the hearing requests of Diana Hager, Juanita Marga Proffitt, Kaitlyn Rehkop, and Ryan Rehkop; Refer the hearing requests of Kristen Wessale and William Wessale to SOAH for an affectedness determination; Deny the remaining hearing requests and all the requests for reconsideration; Refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrently with the SOAH preliminary hearing scheduling efforts; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the proposed plant will negatively affect air quality, b) Whether the draft permit is protective of animals, vegetation, and human health including sensitive groups, and c) Whether the proposed plant will cause nuisance conditions in violation of 30 TAC § 101.4; Set the hearing duration of 180 days from the date of the preliminary hearing to until the Proposal for Decision is issued. EL/JN; all agree.

Item 2 **[Docket No. 2019-0530-AIR.](#)**

Consideration of application by Capital Ready Mix, LLC for Air Quality Permit No. 149092, to authorize the construction and operation of a permanent concrete batch plant to be located at 13133 South Wayside Drive, Houston, Harris 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. (Steven Stump, Katie Moore)

Grant the hearing request of Marguerite Ann Wagoner; Deny all remaining hearing requests; Refer the matter to the Commission's Alternative Dispute Resolution Program for a period to run concurrently with the preliminary hearing scheduling process; Refer the matter to SOAH on the following issues: a) Whether the draft permit is sufficiently protective of air quality, b) Whether the draft permit is sufficiently protective of human health and safety, and c) Whether the application, air modeling, and draft permit sufficiently address the necessity for buffer zones, the type and size of fencing, and the paving of roads and surfaces; and Set the hearing duration for 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. EL/JN; all agree.

Item 3 [\*\*Docket No. 2019-0439-MWD.\*\*](#)

Consideration of the application by CW Construction Development, L.P., for new TPDES Permit No. WQ0015595001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 900,000 gallons per day. The facility will be located 1.4 miles west of the intersection of Interstate 45 and Calvary Road and 0.25 miles south of Calvary Road, in Montgomery County, Texas 77318. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (John O. Onyenobi, Ashley McDonald)

Grant the hearing requests of Ronnie and Peggy Belinoski; Refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrently with the SOAH preliminary hearing scheduling efforts; Refer the matter to SOAH for a contested case hearing on the following issue: Whether the draft permit contains sufficient provisions to prevent nuisance odors; and Set a hearing duration of 120 days from the date of the preliminary hearing until the Proposal for Decision is issued. EL/JN; all agree.

**DISTRICTS MATTER**

Item 4 [\*\*Docket No. 2019-0352-DIS.\*\*](#)

Consideration of a petition by AP Point Blank Limited Partnership, APMI Athens Limited Partnership, and Somerset Shores, LLC (Petitioners), for dissolution of Somerset Municipal Utility District No. 3 of San Jacinto County (District). The Applicant requests that the Commission dissolve the District pursuant to Texas Water Code, Sections 49.321 to 49.327 and Title 30 of the Texas Administrative

Code, Sections 293.131 to 293.136. The District was created by the 81<sup>st</sup> Legislature in June 2009 and contains 1,045.023 acres of land within San Jacinto County. (Bobby Salehi, Maxine Gilford) (TCEQ Internal Control No. D-10312018-062)

Grant the Petition for the Dissolution of Somerset Municipal Utility District No. 3 of San Jacinto County and Issue the Executive Director's Proposed Order. EL/JN; all agree.

### **MISCELLANEOUS MATTERS**

Item 5 **[Docket No. 2019-0461-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 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 December 1, 2018 to February 28, 2019, as described in the TCEQ Interoffice Memorandum to the Commissioners and Executive Director dated April 9, 2019 and TCEQ Docket No. 2019-0461-MIS. EL/JN; all agree.

Item 6 **[Docket No. 2019-0462-MIS.](#)**

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

Approve issuance of the Resolution that acknowledges the Executive Director's acceptance of the gifts and donations contained in the TCEQ Interoffice Memorandum to the Commissioners dated May 3, 2019 with the caption of Docket No. 2019-0462-MIS. EL/JN; all agree.

### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 7 **[Docket No. 2017-1763-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF Corporation in Brazoria County; RN100218049; 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 8 **Docket No. 2018-0274-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. (Carol McGrath, Michael Parrish)

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

Item 9 **Docket No. 2017-1562-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN103919817; 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. (Rebecca Johnson, Michael Parrish)

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

Item 10 **Docket No. 2018-0306-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ETC Field Services LLC in Winkler County; RN100238633; 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. EL/JN; all agree.

Item 11 **Docket No. 2018-0771-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Pioneer Natural Resources USA, Inc. in Potter County; RN100229673; 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. (Amanda Diaz, Michael Parrish)

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

Item 12 [\*\*Docket No. 2017-1450-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company in Harris County; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rebecca Johnson, Michael Parrish)

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

Item 13 [\*\*Docket No. 2018-0359-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Downstream LLC in Chambers County; RN100222900; 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.

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 14 [\*\*Docket No. 2017-1602-MLM-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Industrial Asphalt, LLC in Williamson County; RN105532782; for Edwards Aquifer and 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)

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

Item 15 [Docket No. 2018-0187-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of COMAL IRON & METAL, INC. in Comal County; RN103219572; for industrial solid and/or hazardous waste, municipal solid waste, and used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Audrey Liter, Janice Hernandez)

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

Item 16 [Docket No. 2018-0249-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of US Ecology Texas, Inc. in Nueces County; RN101445666; for air quality, water quality, hazardous waste and industrial solid waste, and waste disposal well violations pursuant to Tex. Water Code chs. 7, 26, and 27, 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 Agreed Order. EL/JN; all agree.

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 17 [Docket No. 2018-1016-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Barbara L. Burch in Montague County; RN110433356; 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. (Kathryn Schroeder, Janice Hernandez)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**



Item 18 [\*\*Docket No. 2018-0839-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Big Sandy in Upshur County; RN102845666; 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. EL/JN; all agree.

Item 19 [\*\*Docket No. 2018-0347-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Goodrich in Polk County; RN101917649; 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. EL/JN; all agree.

Item 20 [\*\*Docket No. 2017-0415-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Port Lavaca in Calhoun County; RN101612893; 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. EL/JN; all agree.

Item 21 [\*\*Docket No. 2018-0472-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Port O'Connor Improvement District in Calhoun County; RN106064280; 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. EL/JN; all agree.

Item 22 [Docket No. 2017-0319-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION in Jackson County; RN103015053; 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. (Alejandro Laje, Michael Parrish)

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

Item 23 [Docket No. 2017-0801-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WHITHARRAL WATER AND SEWER SERVICE SUPPLY CORPORATION in Hockley County; RN102329695; 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. (Alejandro Laje, Michael Parrish)

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

Item 24 [Docket No. 2016-1657-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Santa Rosa in Cameron County; RN101918696; 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 Agreed Order. EL/JN; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 25 [Docket No. 2018-0133-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E-Z MART STORES, INC. dba EZ Mart 489 in Tarrant County; RN102346855; for petroleum storage tank 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. (Marla Waters, Michael Parrish)

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

Item 26 [\*\*Docket No. 2018-0627-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against PAK-a-SAK, INC. dba Pak-a-Sak 7 and dba Pak-a-Sak 16 in Randall County and Potter County; RN101727782 and RN102954104; 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. (Berenice Munoz, Michael Parrish)

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

Item 27 [\*\*Docket No. 2018-0520-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the UNIVERSITY OF NORTH TEXAS in Denton County; RN100221423; 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. (Marla Waters, Michael Parrish)

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

Item 28 [\*\*Docket No. 2017-1550-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of FIRST TRANSIT, INC. in Denton County; RN106215130; 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. (Audrey Liter, Janice Hernandez)

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

Item 29 [\*\*Docket No. 2017-1687-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Khurram Adnan dba Store T 24 4 in Dallas County; RN102395936; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Adam Taylor, Janice Hernandez)

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

### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDER**

Item 30 **[Docket No. 2017-1541-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PERRIN WATER SYSTEMS, INC. in Jack County; RN102681897; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Michael Parrish)

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

### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 31 **[Docket No. 2018-0942-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Grapevine in Tarrant County; RN110399391; 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. (Chris Moreno, Michael Parrish)

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

Item 32 **[Docket No. 2018-0737-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against J & S Materials, LLC in Kendall County; RN110342961; for water quality and aggregate production operation violations pursuant to Tex. Water Code chs. 7, 26, and 28A, 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. EL/JN; all agree.

### **MONTHLY ENFORCEMENT REPORT**

Item 33 **Docket No. 2019-0011-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 MATTER**

Item 34 **Docket No. 2017-0766-RUL.**

Consideration of the adoption of amended Sections 342.1 and 342.25 of 30 TAC Chapter 342, Regulation of Certain Aggregate Production Operations. The adoption would implement House Bill 2582, 85th Texas Legislature, 2017, relating to an exemption for certain quarries from regulation as aggregate production operations. The proposed rules were published in the December 28, 2018, issue of the *Texas Register* (43 TexReg 8558). (Laurie Fleet, Michael Parr) (Rule Project No. 2017-026-342-OW)

Adopt the amendments of 30 Texas Administrative Code Chapter 342 as recommended by the Executive Director. EL/JN; all agree.

### **QUADRENNIAL RULE REVIEWS**

Item 35 **Docket No. 2018-1166-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 17, Tax Relief for Property Used for Environmental Protection. 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 December 21, 2018, issue of the *Texas Register* (43 TexReg 8481). (Kelly MacKenzie, Don Redmond) (Project No. 2018-040-017-AI)

Joint Motion for Items 35 - 41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 17, 18, 20, 122, 218, 298, and 305 without amendment. EL/JN; all agree.

Item 36 [\*\*Docket No. 2018-1167-MIS.\*\*](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 18, Rollback Relief for Pollution Control Requirements. 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 December 21, 2018, issue of the *Texas Register* (43 TexReg 8481). (Elizabeth Sartain, Don Redmond) (Project No. 2018-041-018-AI)

Joint Motion for Items 35 - 41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 17, 18, 20, 122, 218, 298, and 305 without amendment. EL/JN; all agree.

Item 37 [\*\*Docket No. 2018-1267-MIS.\*\*](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 20, Rulemaking. 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 December 7, 2018, issue of the *Texas Register* (43 TexReg 7919). (Kathy Humphreys) (Project No. 2019-004-020-LS)

Joint Motion for Items 35 - 41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 17, 18, 20, 122, 218, 298, and 305 without amendment. EL/JN; all agree.

Item 38 [\*\*Docket No. 2018-1191-MIS.\*\*](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 122, Federal Operating Permits Program. 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 December 7, 2018, issue of the *Texas Register* (43 TexReg 7919). (Sherry Davis, Terry Salem) (Project No. 2018-048-122-AI)

Joint Motion for Items 35 - 41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 17, 18, 20, 122, 218, 298, and 305 without amendment. EL/JN; all agree.

Item 39 [\*\*Docket No. 2018-1247-MIS.\*\*](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 218, Brine Evaporation Pits. 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 December 7, 2018, issue of the *Texas Register* (43 TexReg 7919). (Laurie Fleet, Shea Pearson) (Project No. 2018-052-218-OW)

Joint Motion for Items 35 - 41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 17, 18, 20, 122, 218, 298, and 305 without amendment. EL/JN; all agree.

Item 40 [\*\*Docket No. 2018-1168-MIS.\*\*](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 298, Environmental Flow Standards for Surface Water. 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 December 21, 2018, issue of the *Texas Register* (43 TexReg 8482). (Kathy Ramirez, Robin Smith) (Project No. 2018-042-298-OW)

Joint Motion for Items 35 - 41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 17, 18, 20, 122, 218, 298, and 305 without amendment. EL/JN; all agree.

Item 41 [\*\*Docket No. 2018-1275-MIS.\*\*](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 305, Consolidated Permits. 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 December 7, 2018, issue of the *Texas Register* (43 TexReg 7920). (Charly Fritz, Amie Robinson) (Project No. 2019-005-305-WS)

Joint Motion for Items 35 - 41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 17, 18, 20, 122, 218, 298, and 305 without amendment. EL/JN; all agree.

### **EXECUTIVE MEETING**

**Item 42      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 43      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.

No action taken.

**Item 44      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 45 **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.

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.**

**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/ Barham A. Richard  
Assistant General Counsel  
Barham A. Richard

May 30, 2019  
Date