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Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka

AGENDA

October 23, 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. 2017-0550-PST-E; SOAH Docket No. 582-18-3786.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against and requiring corrective action of SKYPAK CORP dba Country Food Store in Jasper County, Texas; RN101444941; regarding underground storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Ian Groetsch)

Adopt the Administrative Law Judge's Proposed Order as modified by the Executive Director's Exceptions to the Administrative Law Judge's Proposed Order and recommended by the ALJ in her reply letter dated July 11, 2019, with the following

additional modification: Revise Finding of Fact No. 20 by removing the word “and” located in the second sentence between “McGlaughlin” and “that.” BJ/EL; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 **Docket No. 2019-1049-MWD.**

Consideration of the application by Fort Bend County Municipal Utility District No. 143 for a major amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0015241001 to authorize an increase in the discharge of treated domestic wastewater from a daily average flow not to exceed 200,000 gallons per day (gpd) to a daily average flow not to exceed 500,000 gpd. The facility is located approximately 0.25 mile north of the intersection of Brandt Road and McCrary Road, on the east side of McCrary Road, in Fort Bend County, Texas 77406. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director’s response to comments. (J. Alfonso Martinez III, Bobby Salehi)

Grant the hearing requests of Clark and Sara Blair; Refer the matter to the Commission’s Alternative Dispute Resolution Program to run concurrently with SOAH’s preliminary hearing scheduling effects; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the draft permit is protective of the health of the requesters and their family, wildlife, aquatic life, and livestock in the area; b) Whether the proposed discharge permit under the draft permit will be protective of surface water and ground water quality in accordance with applicable regulations including surface water quality standards in 30 TAC Chapter 307; c) Whether the facility and the draft permit comply with the plant siting requirements in 30 Texas Administrative Code § 309.12 and § 309.13; and Set the hearing duration of 180 days from the date of the preliminary hearing and until the Proposal for Decision is issued. EL/BJ; all agree.

PETITION FOR INQUIRY

Item 3 **Docket No. 2019-1092-MIS.**

Consideration of the Petition for Inquiry filed by eight groundwater conservation districts in Groundwater Management Area (GMA) 16 regarding Starr County Groundwater Conservation District’s (Starr County GCD) failure to participate in joint planning and to adopt desired future conditions (DFC) pursuant to Tex. Water Code § 36.3011 and 30 Tex. Admin. Code § 293.23. Starr County Groundwater Conservation District is part of GMA 16. The GMA 16 Petitioners include Bee County GCD, Brush County GCD, Live Oak Underground Water Conservation District, McMullen County GCD, Kenedy County GCD, Corpus Christi Aquifer and Storage and Recovery Conservation

District, San Patricio GCD, and Duval County GCD. The Petition for Inquiry alleges that Starr County GCD: i) failed to participate in joint planning process; ii) failed to adopt the applicable DFCs adopted by the management area at a joint meeting; and iii) failed to update its management plan before the second anniversary of the adoption of DFCs by the management area. The Commission may take action in accordance with TWC § 36.3011(c) and 30 Tex. Admin. Code § 293.23. (Bee, Brush, Live Oak, McMullen, Kenedy, San Patricio, Starr, and Duval Counties) (Shea Pearson)

Grant the Petition for Inquiry against Starr County Groundwater Conservation District; Appoint a review panel consisting of Dirk Aaron as the Chairman; Lynn Smith, Zack Holland, Micah Voulgaris, and Joe Cooper as the four other members and Peggy Hunka, P.G., as the nonvoting recording secretary for the review panel; and Direct the review panel's inquiry to consider and adopt a report be performed in accordance with Texas Water Code § 36.3011 and 30 TAC § 293.23. BJ/EL; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 **[Docket No. 2018-0795-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Harris County; RN102528197; 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 5 **[Docket No. 2018-1514-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102579307; 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/BJ; all agree.

Item 6 **[Docket No. 2018-1573-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102579307; 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/BJ; all agree.

Item 7 [**Docket No. 2018-0770-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Industrial Models Group, Inc. in Cooke County; RN100225952; 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/BJ; all agree.

Item 8 [**Docket No. 2018-1320-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against WTG Gas Processing, L.P. in Howard County; RN100211473; 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/BJ; all agree.

Item 9 [**Docket No. 2018-1098-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Kuraray America, Inc. in Harris County; RN100212216; 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/BJ; all agree.

Item 10 [Docket No. 2018-0751-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Pioneer Natural Resources USA, Inc. in Potter County; RN100226943; 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/BJ; all agree.

Item 11 [Docket No. 2018-1445-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Harris County; RN100909373; 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/BJ; all agree.

EDWARDS AQUIFER ENFORCEMENT DEFAULT ORDER

Item 12 [Docket No. 2018-1394-EAQ-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Bernardo Espinoza dba J.B. Stone Quarry 2 in Williamson County; RN108876640; 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. (Logan Harrell, Janice Hernandez)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 13 [Docket No. 2018-0979-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS NITRILES USA LLC in Calhoun County; RN100210038; 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/BJ; all agree.

MULTI-MEDIA ENFORCEMENT AGREED ORDER

Item 14 **[Docket No. 2018-0478-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Linda Mosbacker in San Jacinto County; RN109492223; for municipal solid waste, used oil, and air quality violations pursuant to Tex. Health & Safety Code chs. 361, 371, and 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.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 15 **[Docket No. 2018-0474-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Carthage in Panola County; RN102834256; for 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. (Margarita Dennis, Michael Parrish)

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

Item 16 **[Docket No. 2018-1037-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Shamrock in Wheeler County; RN101507325; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, 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 WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 17 [**Docket No. 2018-0508-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Olton in Lamb County; RN102938065; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Abigail Lindsey, Michael Parrish)

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

Item 18 [**Docket No. 2018-1059-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Palmer in Ellis County; RN102092962; 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/BJ; all agree.

Item 19 [**Docket No. 2018-0888-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pearsall in Frio County; RN103016275; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven Van Landingham, Michael Parrish)

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

Item 20 [**Docket No. 2018-1276-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Liberty Utilities (Woodmark Sewer) Corp. in Smith County; RN101511400; 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)

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

Item 21 **Docket No. 2018-1494-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties against Trinity River Authority of Texas in Dallas County; RN100751577; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Christopher Moreno, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 22 **Docket No. 2018-1213-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cimarron Produce Corporation dba Chikita Express Store in Hidalgo County; RN101684306; 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/BJ; all agree.

Item 23 **Docket No. 2018-1343-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DRIVER LEASING, INC. in Potter County; RN106870884; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Carlos Molina, Michael Parrish)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 24 **[Docket No. 2019-0171-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Baybrook Municipal Utility District 1 in Harris County; RN101441590; 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.

Item 25 **[Docket No. 2018-1207-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Ladonia in Fannin County; RN101413136; 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 26 **[Docket No. 2017-1160-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Deyma Davila dba Dey's RV and Mobile Park, LLC in Andrews County; RN106914047; 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/BJ; all agree.

Item 27 **[Docket No. 2018-0877-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Robert Thomas Azzarello, Trustee of Robert Thomas Azzarello Trust, dba Pearland Acres Mobile Home Park in Brazoria County; RN101188753; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

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

Item 28 [**Docket No. 2019-0047-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lazbuddie Independent School District in Parmer County; RN102327178; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 29 [**Docket No. 2018-1066-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against JP80 RV, LLC in Gonzales County; RN110439510; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Logan Harrell, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 30 [**Docket No. 2018-1225-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Waxahachie in Ellis County; RN102004629; 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)

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

Item 31 [**Docket No. 2018-0389-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MO-VAC SERVICE COMPANY in Webb County; RN104148044; 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. (Ken Moller, Michael Parrish)

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

MONTHLY ENFORCEMENT REPORT

Item 32 **[Docket No. 2019-0016-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 33 **[Docket No. 2019-0756-RUL.](#)**

Consideration for publication of, and hearing on, proposed amendment to 30 TAC Chapter 295, Water Rights, Procedural, Section 295.159. The proposed rulemaking would add Section 295.159(c) which would provide an exception from notice requirements in Sections 295.159(a) and (b) relating to an application for an extension of time to commence or complete construction of a reservoir designed for storage of more than 50,000 acre-feet of water. (Kathy Ramirez, Robin Smith) (Rule Project No. 2019-109-295-OW)

Approve the publication of, and hearing on, proposed amendment to 30 Texas Administrative Code § 295.159 as recommend by the Executive Director. BJ/EL; all agree.

Item 34 **[Docket No. 2019-0915-RUL.](#)**

Consideration for publication of, and hearing on, proposed repeal of Subchapters A - E of 30 TAC Chapter 39, Public Notice; Subchapters A - C of 30 TAC Chapter 50, Action on Applications and Other Authorizations; Subchapters A and B of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; and Sections 80.3, 80.5, and 80.251 of 30 TAC Chapter 80, Contested Case Hearings. The proposed rulemaking would repeal rules determined to be obsolete as a result of the Quadrennial Reviews of Chapters 39, 50, 55, and 80. These rules generally applied to certain

permit applications declared administratively complete before September 1, 1999. (Janis Hudson) (Rule Project No. 2019-119-039-LS)

Joint Motion for Items 34-36.

Approve the publication of, and hearing on, new, amended, and repealed sections of 30 Texas Administrative Code Chapters 33, 35, 39, 50, 55, 60, 70, 80, 90, 101, 116, 205, 285, 294, 305, 321, 330, 331, 332, 334, 335, and 350, and corresponding revisions to the State Implementation Plan, as recommend by the Executive Director, including the modification to the preamble recommended by the Executive Director at Agenda today. BJ/EL all agree.

Item 35 [**Docket No. 2019-0914-RUL.**](#)

Consideration for publication of, and hearing on, proposed amended Sections 39.405, 39.411, 39.419, 39.420, 39.601, and 39.603 of 30 TAC Chapter 39, Public Notice; Sections 55.154 and 55.156 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; Section 101.306 of 30 TAC Chapter 101, General Air Quality Rules; and Sections 116.111 and 116.112 of Chapter 116, Control of Air Pollution by Permits for New Construction or Modification; and corresponding revisions to the State Implementation Plan. If adopted, the following rules would be submitted to the United States Environmental Protection Agency as revisions to the SIP: Sections 39.405(g)(3) and (h)(2)(C) and (3); 39.411(e)(4)(A)(i), (e)(5), (f)(8), and (g); 39.419(e)(1); 39.420(d)(6); 39.601; 39.603; 55.154(c), (c)(3), (e), and (f); 55.156(a) and (c); 101.306; 116.111; and 116.112(a). The proposed rulemaking would update cross-references and remove or replace obsolete text determined to be unnecessary as a result of the Quadrennial Reviews of Chapters 39, 50, 55, and 80. (Janis Hudson) (Rule Project No. 2019-120-039-LS)

Joint Motion for Items 34-36.

Approve the publication of, and hearing on, new, amended, and repealed sections of 30 Texas Administrative Code Chapters 33, 35, 39, 50, 55, 60, 70, 80, 90, 101, 116, 205, 285, 294, 305, 321, 330, 331, 332, 334, 335, and 350, and corresponding revisions to the State Implementation Plan, as recommend by the Executive Director, including the modification to the preamble recommended by the Executive Director at Agenda today. BJ/EL all agree.

Item 36 [**Docket No. 2019-0913-RUL.**](#)

Consideration for publication of, and hearing on, proposed amended Sections 33.25 of 30 TAC Chapter 33, Consolidated Permit Processing; 35.13 and 35.25 of 30 TAC Chapter 35, Emergency and Temporary

Orders and Permits; Temporary Suspension or Amendment of Permit Conditions; 39.402, 39.403, 39.501, 39.503, and 39.709 of 30 TAC Chapter 39, Public Notice; 50.102, 50.113, 50.131, and 50.139 of 30 TAC Chapter 50, Action on Applications and Other Authorizations; 55.201, 55.209, 55.253 and 55.254 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; 60.1 of 30 TAC Chapter 60, Compliance History; 70.109 of 30 TAC Chapter 70, Enforcement; 80.109, 80.117, 80.118, and 80.151 of 30 TAC Chapter 80, Contested Case Hearings; 90.22 of 30 TAC Chapter 90, Innovative Programs; 205.3 of 30 TAC Chapter 205, General Permits for Waste Discharges; 285.10 of 30 TAC Chapter 285, On-Site Sewage Facilities; 294.42 of 30 TAC Chapter 294, Priority Groundwater Management Areas; 305.2, 305.62, 305.69, 305.70, 305.172, 305.401, and 305.572 of 30 TAC Chapter 305, Consolidated Permits; 321.97, 321.212, and 321.253 of 30 TAC Chapter 321, Control of Certain Activities by Rule; 330.57, 330.69, and 330.411 of 30 TAC Chapter 330, Municipal Solid Waste; 331.202 of 30 TAC Chapter 331, Underground Injection Control; 332.35 of 30 TAC Chapter 332, Composting; 334.484 of 30 TAC Chapter 334, Underground and Aboveground Storage Tanks; 335.21 of 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste; and 350.74 of 30 TAC Chapter 350, Texas Risk Reduction Program; and new Sections 39.1001, 39.1003, 39.1005, 39.1007, 39.1009, and 39.1011 of 30 TAC Chapter 39, Public Notice. The proposed rulemaking would update cross-references, remove obsolete text, and relocate text from obsolete rules to improve clarity and readability of the rules, as a result of the Quadrennial Reviews of Chapters 39, 50, 55, 80, and 116. (Janis Hudson) (Rule Project No. 2019-121-033-LS)

Joint Motion for Items 34-36.

Approve the publication of, and hearing on, new, amended, and repealed sections of 30 Texas Administrative Code Chapters 33, 35, 39, 50, 55, 60, 70, 80, 90, 101, 116, 205, 285, 294, 305, 321, 330, 331, 332, 334, 335, and 350, and corresponding revisions to the State Implementation Plan, as recommend by the Executive Director, including the modification to the preamble recommended by the Executive Director at Agenda today. BJ/EL all agree.

QUADRENNIAL RULE REVIEWS

Item 37 [**Docket No. 2019-0107-MIS.**](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 111, Control of Air Pollution from Visible Emissions and Particulate Matter. 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 May 24, 2019, issue of the *Texas Register* (44 TexReg 2621). (Graham Bates, John Minter) (Project No. 2019-084-111-AI)

Joint Motion for Items 37-41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 111, 220, 323, 333, and 344 including the amendment proposed today as part of the preamble to Chapter 323 and Direct the Executive Director to initiate rulemaking to eliminate the obsolete sections identified by the Executive Director in 30 Texas Administrative Code Chapter 111 before the next quadrennial rule reviews of that chapter. EL/BJ; all agree.

Item 38 [**Docket No. 2019-0106-MIS.**](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 220, Regional Assessments of Water Quality. 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 May 24, 2019, issue of the *Texas Register* (44 TexReg 2621). (Sarah Eagle, Ashley McDonald) (Project No. 2019-087-220-OW)

Joint Motion for Items 37-41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 111, 220, 323, 333, and 344 including the amendment proposed today as part of the preamble to Chapter 323 and Direct the Executive Director to initiate rulemaking to eliminate the obsolete sections identified by the Executive Director in 30 Texas Administrative Code Chapter 111 before the next quadrennial rule reviews of that chapter. EL/BJ; all agree.

Item 39 [**Docket No. 2018-1452-MIS.**](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 323, Waste Disposal Approvals. 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 May 24, 2019, issue of the *Texas Register* (44 TexReg 2621). (Laurie Fleet, Ashley McDonald) (Project No. 2019-032-323-OW)

Joint Motion for Items 37-41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 111, 220, 323, 333, and 344 including the amendment proposed today as part of the preamble to Chapter 323 and Direct the Executive Director to initiate rulemaking to eliminate the obsolete sections identified by the Executive Director in 30 Texas Administrative Code Chapter 111 before the next quadrennial rule reviews of that chapter. EL/BJ; all agree.

Item 40 [**Docket No. 2019-0131-MIS.**](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 333, Brownfields Initiatives. 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 May 24, 2019, issue of the *Texas Register* (44 TexReg 2622). (Anna R. Brulloths, Preston Stone) (Project No. 2019-088-333-WS)

Joint Motion for Items 37-41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 111, 220, 323, 333, and 344 including the amendment proposed today as part of the preamble to Chapter 323 and Direct the Executive Director to initiate rulemaking to eliminate the obsolete sections identified by the Executive Director in 30 Texas Administrative Code Chapter 111 before the next quadrennial rule reviews of that chapter. EL/BJ; all agree.

Item 41 [**Docket No. 2019-0075-MIS.**](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 344, Landscape Irrigation. 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 May 24, 2019, issue of the *Texas Register* (44 TexReg 2622). (Alfonso Fuentes, Alicia Ramirez) (Project No. 2019-072-344-CE)

Joint Motion for Items 37-41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 111, 220, 323, 333, and 344 including the amendment proposed today as part of the preamble to Chapter 323 and Direct the Executive Director to initiate rulemaking to eliminate the obsolete sections identified by the Executive Director in 30 Texas Administrative Code Chapter 111 before the next quadrennial rule reviews of that chapter. EL/BJ; 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.

The Commission did not meet on this item.

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.

No action taken.

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/ Dinniah Tadema
Assistant General Counsel
Dinniah Tadema

November 4, 2019
Date