

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, the Commissioners may discuss or consider posted items in an order other than the order posted.

Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka

AGENDA

February 12, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

Item 1 [**Docket No. 2017-0926-MLM-E; SOAH Docket No. 582-19-1845.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against Doug Calhoun dba Bubba's Scrap and Junk Removal in Brazoria County, Texas; RN109729541; regarding air and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 382 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Jess Robinson)

Adopt the ALJ's Proposed Order with the modifications recommended in the ED's October 15, 2019 Exceptions. EL/BJ; all agree.

Item 2 [**Docket No. 2018-0796-PST-E; SOAH Docket No. 582-19-3136.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against and requiring corrective action of R & K LLC dba Discount Self Serve 2 in Tarrant County, Texas; RN101444628; regarding underground storage tank violations pursuant to Tex. Water Code ch. 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Taylor Pearson)

Adopt the Administrative Law Judge's Proposed Order with the modifications recommended by the Executive Director's Exceptions and agreed to by the Administrative Law Judge's Reply, dated November 1, 2019, with the following changes: a) Replace § 335.50(b)(1)(A) and (b)(2) with § 334.50(b)(1)(A) and (b)(2) in Findings of Fact 10 and 11; b) Replace Texas Water Code § 26.3475(d) and (c)(1) with Texas Water Code § 26.3475(a), (c)(1), and (d) in Conclusion of Law 8; and c) Revise Conclusion of Law 16 so that it states: "The corrective actions to which the ED and Respondent stipulated conform to the requirements of the Texas Water Code and Texas Administrative Code and are appropriate;" and Authorize a 36 month payment plan for the administrative penalty in Ordering Provision No. 1. BJ/EL; all agree.

EMERGENCY ORDER

Item 3 [**Docket No. 2019-0923-UCR-E.**](#)

Consideration of whether to affirm, modify, or set aside the Emergency Order Renewing the Appointment a Temporary Manager of a Water Utility issued on December 30, 2019, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility ("Utility") by CASTLE WATER, INC.; TCEQ PWS ID No. TX1840002; RN101283679; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Utility is located in Weatherford, Parker County, Texas. The Emergency Order renewed the appointment Mark Patterson as temporary manager of the Utility. (Adam Taylor)

Adopt the ED's Proposed Order modifying and affirming the December 30, 2019, Emergency Order reappointing Mark Patterson as temporary manager for CASTLE WATER, INC. EL/BJ; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 [**Docket No. 2018-1616-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Blaine Larsen Farms, Inc. in Hartley County; RN109220137; 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. BJ/EL; all agree.

Item 5 [**Docket No. 2019-0932-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Concrete on Demand, LLC in Fort Bend County; RN107647349; 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. BJ/EL; all agree.

Item 6 [**Docket No. 2018-0669-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against EnerVest Operating, L.L.C. in Denton County; RN108365305; 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. BJ/EL; all agree.

Item 7 [**Docket No. 2019-0190-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. BJ/EL; all agree.

Item 8 [**Docket No. 2018-1516-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TEDA TPCO America Corporation f/k/a TPCO America Corporation in San Patricio County; RN106224447; 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. BJ/EL; all agree.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 9 [**Docket No. 2018-1416-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of One Eighty Collision Center, LLC in El Paso County; RN100546928; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Benjamin Warms, Janice Hernandez)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 10 [**Docket No. 2018-0544-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP and LyondellBasell Acetyls, LLC in Harris County; RN100210319; 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. BJ/EL; all agree.

Item 11 [**Docket No. 2018-1434-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Wyman-Gordon Forgings, Inc. in

Harris County; RN100217413; 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)

Remanded to the Executive Director on February 6, 2020.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 12 [Docket No. 2018-1739-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Frankie Bell dba Trenton Tire Shop in Fannin County; RN109679928; for used tires 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. (Ken Moller, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 13 [Docket No. 2019-0300-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Donita Banks in Hardin County; RN110441920; 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. (Jaime Garcia, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 14 [Docket No. 2017-1458-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Castroville in Medina County; RN101721645; 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. (Had Darling, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 15 **[Docket No. 2018-0575-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ALIKE INC. dba Beta C Store in Dallas County; RN102487568; 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. BJ/EL; all agree.

Item 16 **[Docket No. 2018-1234-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of La Feria in Cameron County; RN102449063; 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. (Margarita Dennis, Michael Parrish)

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

Item 17 **[Docket No. 2019-0444-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GURUDEO CORPORATION dba K A Minimart in Tarrant County; RN101431583; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie McCurley, Michael Parrish)

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

Item 18 **[Docket No. 2019-0336-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of IJKM Inc. dba Hi Mart Beverage Store in Dallas County; RN106447774; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Fennell, Michael Parrish)

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

Item 19 [**Docket No. 2019-0668-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against MOLINA'S COUNTRY STORE, INC. in Webb County; RN102395217; 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 Smith, Michael Parrish)

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

Item 20 [**Docket No. 2019-0537-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Positano Properties, LLC in Shelby County; RN101748788; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Danielle Porras, Michael Parrish)

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

Item 21 [**Docket No. 2018-1526-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Bassam S. Zahra dba Saveway FS in Dallas County; RN102355690; 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. BJ/EL; all agree.

Item 22 [**Docket No. 2018-0916-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Shady Shores Communities, LLC in Nueces County; RN104072772; 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. BJ/EL; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 23 [**Docket No. 2017-0782-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of GSA C-STORES, INC. dba Savings Food Store in Galveston County; RN101769784; 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. (Taylor Pearson, Janice Hernandez)

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

Item 24 [**Docket No. 2018-1639-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Margaret Ann Manchac in Orange County; RN110315140; 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. (Taylor Pearson, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 25 [**Docket No. 2018-0230-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of SIAL INVESTMENT INC dba Texas Stop 1 in Morris County; RN102348737;

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. (Taylor Pearson, Janice Hernandez)

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

Item 26 [**Docket No. 2018-1599-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of BHAYANI INVESTMENT, INC. dba Mickeys Pitstop 2 in McLennan County; RN101666261; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John S. Mercurief II, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 27 [**Docket No. 2019-0513-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Benjamin in Knox County; RN101390169; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Duncan, Michael Parrish)

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

Item 28 [**Docket No. 2019-0228-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAKESHORE UTILITY COMPANY in Henderson County; RN102674587; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Miles Wehner, Michael Parrish)

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

Item 29 [**Docket No. 2019-0731-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Walter J. Carroll Water Company, Inc. in Ellis County; RN102688041; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Michael Parrish)

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

Item 30 [**Docket No. 2019-0605-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WHITE HORSE CHRISTIAN ACADEMY, INC., A Texas Nonprofit Corporation in Erath County; RN109985689; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Duncan, Michael Parrish)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 31 [**Docket No. 2019-0229-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Raymond W. Blair, Jr. dba Last Resort Properties in Denton County; RN102689452; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jaime Garcia, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 32 [**Docket No. 2019-0455-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Lake Conroe Holdings, LLC in Montgomery County; RN110553096; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Katelyn Tubbs, Michael Parrish)

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

MONTHLY ENFORCEMENT REPORT

Item 33 **[Docket No. 2019-0020-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 34 **[Docket No. 2019-1750-RUL.](#)**

Consideration for publication of and hearing on, proposed repeal of Section 7.117 and simultaneous proposal of new Section 7.117 of 30 TAC Chapter 7, Memoranda of Understanding. This rulemaking would implement House Bill (HB) 2230, 84th Texas Legislature, 2015, Regular Session and HB 2771, 86th Texas Legislature, 2019, Regular Session. The proposed rulemaking would repeal Section 7.117, which adopts by reference the Memorandum of Understanding (MOU) between the Railroad Commission of Texas (RRC) and the Texas Commission on Environmental Quality (TCEQ) found at 16 TAC Section 3.30, and adopt the full text of the MOU between RRC and TCEQ under new Section 7.117 with changes regarding the transfer of responsibilities relating to certain oil and gas discharges from the RRC to the TCEQ, and the dual authorization of Class II injection wells and Class V injection wells for the disposal of nonhazardous desalination brine and nonhazardous drinking water treatment residuals. (Kathy Humphreys, Diane Goss, Laurie Fleet) (Rule Project No. 2020-016-007-LS)

Approve the publication of, and hearing on, the proposed amendments to 30 Texas Administrative Code Chapter 7 as recommended by the Executive Director. EL/BJ; all agree.

Item 35 **[Docket No. 2019-1161-RUL.](#)**

Consideration for publication of, and hearing on, proposed amendment to Section 342.26 of 30 TAC Chapter 342, Regulation of Certain Aggregate Production Operations. The proposed rulemaking would implement House Bill 907, 86th Texas Legislature, 2019, Regular Session, relating to the increased maximum annual registration fee for

aggregate production operations in the state. (Shelby Williams, Michael Parr) (Rule Project No. 2019-130-342-OW)

Approve the publication on, and hearing on, the proposed amended Section 342.26 of 30 Texas Administrative Code Chapter 342, as recommend by the Executive Director. BJ/EL; all agree.

QUADRENNIAL RULE REVIEWS

Item 36 **Docket No. 2019-0140-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 7, Memoranda of Understanding. 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 August 30, 2019 issue of the *Texas Register* (44 TexReg 4749). (Katie Moore, Kathy Humphreys) (Non-Rule Project No. 2019-096-007-LS)

Joint Motion for items 36 – 41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 7, 36, 70, 210, 285, and 294 without amendment and Direct the Executive Director to initiate rulemaking to eliminate the obsolete sections identified by the Executive Director in 30 Texas Administrative Code Chapters 7 and 36 before the next Quadrennial Rules Review of those Chapters. JN/EL; all agree.

Item 37 **Docket No. 2018-1181-MIS.**

Consideration for the adoption of the rules review of 30 TAC Chapter 36, Suspension or Adjustment of Water Rights During Drought or Emergency Water Shortage. 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 September 13, 2019, issue of the *Texas Register* (44 TexReg 5153). (Robin Smith) (Non-Rule Project No. 2018-046-036-LS)

Joint Motion for items 36 – 41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 7, 36, 70, 210, 285, and 294 without amendment and Direct the Executive Director to initiate rulemaking to eliminate the obsolete sections identified by the

Executive Director in 30 Texas Administrative Code Chapters 7 and 36 before the next Quadrennial Rules Review of those Chapters. JN/EL; all agree.

Item 38 **[Docket No. 2019-0139-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 70, Enforcement. 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 August 30, 2019, issue of the *Texas Register* (44 TexReg 4749). (Melissa Cordell, Audrey Liter) (Non-Rule Project No. 2019-095-070-CE)

Joint Motion for items 36 – 41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 7, 36, 70, 210, 285, and 294 without amendment and Direct the Executive Director to initiate rulemaking to eliminate the obsolete sections identified by the Executive Director in 30 Texas Administrative Code Chapters 7 and 36 before the next Quadrennial Rules Review of those Chapters. JN/EL; all agree.

Item 39 **[Docket No. 2019-0138-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 210, Use of Reclaimed 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 September 13, 2019, issue of the *Texas Register* (44 TexReg 5153). (Laurie Fleet, Michael Parr) (Non-Rule Project No. 2019-037-210-OW)

Joint Motion for items 36 – 41.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 7, 36, 70, 210, 285, and 294 without amendment and Direct the Executive Director to initiate rulemaking to eliminate the obsolete sections identified by the Executive Director in 30 Texas Administrative Code Chapters 7 and 36 before the next Quadrennial Rules Review of those Chapters. JN/EL; all agree.

Item 40 **[Docket No. 2019-0807-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 285, On-Site Sewage Facilities. This review is in accordance with Texas Government Code, Section 2001.039, which

requires state agencies to review and consider for re-adoption each of their rules every four years. The proposal was published in the September 27, 2019, issue of the *Texas Register* (44 TexReg 5640). (Alfonso Fuentes, Kathy Humphreys) (Non-Rule Project No. 2019-094-285-CE)

Joint Motion for items 36 – 41.

Adopt the rule reviews and re-adopt the rules in 30 Texas Administrative Code Chapters 7, 36, 70, 210, 285, and 294 without amendment and Direct the Executive Director to initiate rulemaking to eliminate the obsolete sections identified by the Executive Director in 30 Texas Administrative Code Chapters 7 and 36 before the next Quadrennial Rules Review of those Chapters. JN/EL; all agree.

Item 41 [**Docket No. 2018-1636-MIS.**](#)

Consideration for the adoption of the rules review and re-adoption of 30 TAC Chapter 294, Priority Groundwater Management Areas. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years. The proposal was published in the September 6, 2019, issue of the *Texas Register* (44 TexReg 4879). (Kathy Ramirez, Robin Smith) (Non-Rule Project No. 2019-060-294-OW)

Joint Motion for items 36 – 41.

Adopt the rule reviews and re-adopt the rules in 30 Texas Administrative Code Chapters 7, 36, 70, 210, 285, and 294 without amendment and Direct the Executive Director to initiate rulemaking to eliminate the obsolete sections identified by the Executive Director in 30 Texas Administrative Code Chapters 7 and 36 before the next Quadrennial Rules Review of those Chapters. JN/EL; all agree.

PUBLIC COMMENT SESSION

Item 42 **Docket No. 2020-0005-PUB.**

The Commission will receive comments from the public on any matters within the jurisdiction of the Texas Commission on Environmental Quality in accordance with Texas Water Code Section 5.112, except for pending permitting matters or other contested cases, which are subject to the *ex parte* prohibition found in Texas Government Code Section 2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour. Please note that the Commission's discussion of subjects for

which public notice has not been given are limited to statements of specific factual responses and recitation of existing policy.

No action taken.

EXECUTIVE MEETING

Item 43 Docket No. 2020-0001-EXE.

The Commission will conduct a closed meeting to receive legal advice from its attorney(s) and will discuss pending or contemplated litigation, and/or settlement offers, as permitted by Section 551.071 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

No action taken.

Item 44 Docket No. 2020-0002-EXE.

The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, General Counsel, Chief Clerk, Public Interest Counsel, or Chief Auditor as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

No action taken.

Item 45 Docket No. 2020-0003-EXE.

The Commission will conduct a closed meeting to discuss the employment, evaluation, reassignment, duties, discipline or dismissal of a specific Commission employee(s) as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

No action taken.

Item 46 **Docket No. 2020-0004-EXE.**

The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

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

February 24, 2020
Date