

*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)]. Updates to backup documents will be noted by a purple indicator. Finally, the Commissioners may discuss or consider posted items in an order other than the order posted.*

*On March 16, 2020, in accordance with section 418.016 of the Texas Government Code, Governor Abbott suspended various provisions of the Open Meetings Act that require government officials and members of the public to be physically present at a specified meeting location. Pursuant to that suspension, the public will not be able to attend the Agenda in person but may attend telephonically or via webinar or view the meeting on the web at no cost.*

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***<https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>***

***To address the Commission at the meeting:***

*Members of the public who would like to address the Commission on an item for which the Commission is accepting comment, must register as indicated below and access the meeting via webcast by following this [link](#) and entering Webinar ID 831-228-715. Those without internet access may call (512) 239-3313 before the meeting begins for assistance in accessing the meeting telephonically.*

*To register, please call (512) 239-3313 or email [agenda@tceq.texas.gov](mailto:agenda@tceq.texas.gov). Please complete this [Public Participation Form](#) or provide the following information: 1. Agenda item number; 2. Name; 3. Affiliation; 4. Address; 5. Phone number; 6. whom you represent (self or company/client); and 7. whether you wish to address the Commission, are available for questions from the Commission, or would like to be noted as present for the record.*

*Registration for agenda will conclude at 9:30 a.m. Please register before this time. Late registration could result in your missing the opportunity to comment on your item.*

Chairman Jon Niermann  
Commissioner Emily Lindley  
Commissioner Bobby Janecka

## **AGENDA**

April 22, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 831-228-715

or

(415) 655-0600 / Access Code 424-598-432

## **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

### Item 1 **Docket No. 2019-1795-MWD.**

Consideration of the application by RR 417, LLC, for new Texas Pollutant Discharge Elimination System Permit No. WQ0015713001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 49,000 gallons per day. The facility will be located at 8839 Farm to Market 470, in Bandera County, Texas 78003. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Gunnar Dubke, Kathy Humphreys)

Grant the hearing requests filed by Charles and John Blackwell, Edgar and Laura Finner, Glynn and Sandra Rainey, and Friends of Hondo Canyon; Deny all remaining hearing requests and all requests for reconsideration; Refer the matter to TCEQ's Alternative Dispute Resolution Program for an initial 4 to 6 week ADR period before the start of the preliminary hearing scheduling process begins; Refer the application to SOAH for a contested case hearing concerning the following issues: a) Whether the draft permit is protective of water quality, including compliance with applicable antidegradation requirements; b) Whether the draft permit is protective of groundwater and wells; c) Whether the draft permit is protective of the health of the requestors and their families, livestock, and wildlife; d) Whether the application accurately depicts the location of the outfall and satisfies applicable public notice requirements; e) Whether the Applicant's compliance history raises an issue regarding the Applicant's ability to comply with the material terms of the permit warranting alternating the terms of the draft permit for denial; f) Whether the Commission should alter the terms and conditions of the draft permit or deny the application based on the consideration of need under Texas Water Code § 26.0282; g) Whether the draft permit complies with applicable requirements in 30 Texas Administrative Code § 309.13, relating to site suitability and odor abatement; and Set the hearing duration for the proceeding at 180 days from the date of preliminary hearing to the issuance of the Proposal for Decision. EL/BJ; all agree.

### Item 2 **Docket No. 2020-0406-AIR.**

Consideration of the application by Lhoist North America of Texas, LLC (formerly known as Lhoist North America of Texas, Ltd), to amend Air Quality Permit No. 9009, to authorize a new natural gas-fired vertical kiln with associated material handling equipment located at 7829 South

US Highway 281, near Marble Falls, Burnet 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. (Joel Stanford, Katie Moore)

Deny all hearing requests; Issue the amendment to Air Quality Permit No. 9009 to Lhoist North America of Texas as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. BJ/EL; all agree.

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

Item 3 **[Docket No. 2018-1473-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Lhoist North America of Texas, Ltd. in Comal County; RN100552454; 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. (Margarita Dennis, Michael Parrish)

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

Item 4 **[Docket No. 2018-1500-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Atmos Energy Corporation in Ellis County; RN100542588; 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. (Margarita Dennis, Michael Parrish)

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

Item 5 **[Docket No. 2019-0696-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Eagle Railcar Services, L.P. in Anderson County; RN102955150; 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/BJ; all agree.

Item 6 [\*\*Docket No. 2019-0490-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Lion Elastomers LLC in Jefferson County; RN100224799; 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 7 [\*\*Docket No. 2019-0377-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Jefferson County; RN100209451; 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 8 [\*\*Docket No. 2019-0872-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PeroxyChem LLC in Harris County; RN100215417; 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/BJ; all agree.

Item 9 [\*\*Docket No. 2018-1364-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rohm and Haas Texas Incorporated in Harris County; RN100223205; 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. 2019-0104-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shintech Incorporated in Brazoria County; RN100213198; 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.

**EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 11 [Docket No. 2018-1058-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against 290 East Bush, Inc. in Hays County; RN105981849; 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. (Chase Davenport, Michael Parrish)

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

**LANDSCAPE IRRIGATION LICENSING ENFORCEMENT  
DEFAULT ORDER**

Item 12 [Docket No. 2019-0653-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Anthony Reed in Harris County and Montgomery County; RN110064995; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Kevin R. Bartz, Janice Hernandez)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 13 [Docket No. 2018-0910-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AGRIMUM U.S. INC. in Hutchinson County; RN101865715; for waste disposal well and air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 7 and 27, 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.

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 14 [Docket No. 2018-1195-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Eldorado in Schleicher County; RN102142999; 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. (Danielle Porras, Michael Parrish)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 15 [Docket No. 2018-1512-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Big Lake in Reagan County; RN101611820; 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.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER**

Item 16 [Docket No. 2018-1255-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of C.M.T. ENTERPRISES, LLC dba In N Out C Store Gas Station in El Paso County; RN103940854; 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 Agreed Order. EL/BJ; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**

Item 17 [Docket No. 2018-0092-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against FATIMA ALI LLC dba F & A Food Mart in Smith County; RN101793776; 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. EL/BJ; all agree.

Item 18 [Docket No. 2018-1342-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of WORTH OIL COMPANY in Tarrant County; RN110484060; 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. (Benjamin Warms, Janice Hernandez)

Remand to the Executive Director. EL/BJ; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS**

Item 19 [Docket No. 2019-0486-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Rupinderjit Singh dba Family Mart in Hopkins County; RN101744613; 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. (Kevin R. Bartz, Janice Hernandez)

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

Item 20 **Docket No. 2019-0380-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of SAI SUMU INC dba Andy's Food Store in Tarrant County; RN101632081; 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. EL/BJ; all agree.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 21 **Docket No. 2019-0757-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bell County Water Control & Improvement District 5 in Bell County; RN102691466; 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. EL/BJ; all agree.

Item 22 **Docket No. 2018-1731-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Byers in Clay County; RN101236404; 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. EL/BJ; all agree.

Item 23 **Docket No. 2018-1553-PWS-E.**



Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Cameron in Milam County; RN101392215; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Julianne Dewar, Michael Parrish)

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

Item 24 [\*\*Docket No. 2018-1480-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Junction in Kimble County; RN101383990; 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. 2018-1727-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Nome in Jefferson County; RN101387843; 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 26 [\*\*Docket No. 2019-0834-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Grassland Water Supply Corporation in Lynn County; RN101244093; 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. EL/BJ; all agree.

Item 27 [\*\*Docket No. 2018-1291-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAGUNA VISTA, LIMITED in Hood

County; RN101276806; 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.

Item 28 [\*\*Docket No. 2019-0038-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LLANO WEST MHP, L.P. in Hidalgo County; RN102323904; 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. EL/BJ; all agree.

Item 29 [\*\*Docket No. 2019-0083-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TERRA SOUTHWEST, INC. in Denton County; RN101242915; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Julianne Dewar, Michael Parrish)

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

Item 30 [\*\*Docket No. 2018-1403-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pure Utilities, L.C. in Tyler County; RN101256998; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Julianne Dewar, Michael Parrish)

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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 31 [\*\*Docket No. 2019-0546-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of CATALPA WATER SUPPLY

CORPORATION in Randall County; RN101247211; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality.  
(Ian Groetsch, Janice Hernandez)

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

### **SLUDGE ENFORCEMENT AGREED ORDER**

Item 32 [\*\*Docket No. 2019-0148-SLG-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RPM Oilfield Services Inc. in Panola and San Augustine Counties; RN106054471; 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. (Alejandro Laje, Michael Parrish)

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

### **WATER QUALITY ENFORCEMENT AGREED ORDER**

Item 33 [\*\*Docket No. 2019-0129-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of ARNOLD TRUCKING, INC. in Harrison County; RN109813758; 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. (Ryan Rutledge, Janice Hernandez)

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

### **WATER QUALITY ENFORCEMENT DEFAULT ORDER**

Item 34 [\*\*Docket No. 2017-1772-WQ-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Keith Woodard in Jasper County; RN109447581; 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. (Jake Marx, Janice Hernandez)

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

### **MONTHLY ENFORCEMENT REPORT**

Item 35 **[Docket No. 2020-0146-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 36 **[Docket No. 2019-1096-RUL.](#)**

Consideration for publication of, and hearing on, proposed amendment to §111.209 of 30 TAC Chapter 111, Control of Air Pollution from Visible Emissions and Particulate Matter. The proposed rulemaking would implement House Bill 2386 from the 85th Legislature, 2017, Regular Session, by amending Section 111.209(5) to include volunteer firefighters, acting within the scope of their duties, to fulfill the requirements for providing supervision of the burning of waste. (Keith Sheedy, Betsy Peticolas) (Rule Project No. 2019-124-111-CE)

Approve the publication of, and hearing on, the proposed amendments to 30 Texas Administrative Code § 111.209 and corresponding revisions to the State Implementation Plan, as recommended by the Executive Director. BJ/EL; all agree.

Item 37 **[Docket No. 2019-0915-RUL.](#)**

Consideration of the adoption of the 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 adoption repeals 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. The proposal for the repeals was published in the November 8, 2019, issue of the *Texas Register* (44 TexReg 6717). (Amy Browning) (Rule Project No. 2019-119-039-LS)

Joint Motion for Items 37 - 39.

Adopt the new, amended, and repealed, Sections in 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 recommended by the Executive Director. EL/BJ; all agree.

Item 38      **Docket No. 2019-0914-RUL.**

Consideration of the adoption of 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 (SIP). If adopted, amendments to the following rules will 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) and (ii), (e)(5), (f)(8) and (9), and (g); 39.419(e)(1); 39.420(b)(6) and (d)(6); 39.601; 39.603; 55.154(c), (c)(3) and (4), (e), and (f); 55.156(a), (c), and (f); 101.306; 116.111; and 116.112(a). This adoption updates cross-references and removes or replaces obsolete text determined to be unnecessary as a result of the Quadrennial Reviews of Chapters 39, 50, 55, and 80. The proposed rules were published in the November 8, 2019, issue of the *Texas Register* (44 TexReg 6733). (Amy Browning) (Rule Project No. 2019-120-039-LS)

Joint Motion for Items 37 - 39.

Adopt the new, amended, and repealed, Sections in 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 recommended by the Executive Director. EL/BJ; all agree.

Item 39      **Docket No. 2019-0913-RUL.**

Consideration of the adoption of amended and new sections of 30 TAC Chapter 33, Consolidated Permit Processing; 30 TAC Chapter 35, Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions; 30 TAC Chapter 39, Public Notice; 30 TAC Chapter 50, Action on Applications and Other Authorizations; 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; 30 TAC Chapter 60, Compliance History; 30 TAC Chapter 70, Enforcement; 30 TAC Chapter 80, Contested Case Hearings; 30 TAC Chapter 90, Innovative

Programs; 30 TAC Chapter 205, General Permits for Waste Discharges; 30 TAC Chapter 285, On-Site Sewage Facilities; 30 TAC Chapter 294, Priority Groundwater Management Areas; 30 TAC Chapter 305, Consolidated Permits; 30 TAC Chapter 321, Control of Certain Activities by Rule; 30 TAC Chapter 330, Municipal Solid Waste; 30 TAC Chapter 331, Underground Injection Control; 30 TAC Chapter 332, Composting; 30 TAC Chapter 334, Underground and Aboveground Storage Tanks; 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste; and 30 TAC Chapter 350, Texas Risk Reduction Program. The adoption updates cross-references, removes obsolete text, and relocates 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. The proposed rules were published in the November 8, 2019, issue of the *Texas Register* (44 TexReg 6710). (Amy Browning) (Rule Project No. 2019-121-033-LS)

Joint Motion for Items 37 - 39.

Adopt the new, amended, and repealed, Sections in 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 recommended by the Executive Director. EL/BJ; all agree.

Item 40      **[Docket No. 2019-0897-RUL.](#)**

Consideration of the adoption of amended Section 295.302 of 30 TAC Chapter 295, Water Rights, Procedural; Section 297.202 of 30 TAC Chapter 297, Water Rights, Substantive; and adopted repeal of Section 318.9 and the simultaneous adoption of new Section 318.9 of 30 TAC Chapter 318, Marine Seawater Desalination Discharges. The adopted rulemaking implements House Bill 2031 from the 84th Legislature, 2015, Regular Session, by designating appropriate discharge and diversion zones according to the Marine Seawater Desalination Diversion and Discharge Zones Study completed by the Texas Parks and Wildlife Department and the General Land Office. The proposed rules were published in the November 22, 2019, issue of the *Texas Register* (44 TexReg 7127). (Kathy Ramirez, Robin Smith) (Rule Project No. 2019-102-295-OW)

Adopt the amended, repealed, and new rule Sections in 30 Texas Administrative Code in Chapters 295, 297, and 318, as recommended by the Executive Director. BJ/EL; all agree.

Item 41      **[Docket No. 2019-0756-RUL.](#)**

Consideration of the adoption of the amendment to 30 TAC Chapter 295, Water Rights, Procedural, Section 295.159. The adoption will add Section 295.159(c) which will provide an exception from notice requirements in Section 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. The proposed rule was published in the November 8, 2019, issue of the *Texas Register* (44 TexReg 6799). (Kathy Ramirez, Robin Smith) (Rule Project No. 2019-109-295-OW)

Adopt the proposed Amendments to 30 Texas Administrative Code Chapter 295, as recommended by the Executive Director. EL/BJ; all agree.

### **EXECUTIVE MEETING**

**Item 42      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.

The Commission did not meet in Executive Session.

**Item 43      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.

The Commission did not meet in Executive Session.

**Item 44      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.

The Commission did not meet in Executive Session.

Item 45      **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 in Executive Session.

**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.**

**TO WATCH OR LISTEN TO THE MEETING:  
MEMBERS OF THE PUBLIC MAY LISTEN TO THE MEETING TELEPHONICALLY BY CALLING, TOLL FREE, (415) 655-0600 AND ENTERING ACCESS CODE 424-598-432. THE PUBLIC MAY ALSO 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).**

**TO ADDRESS THE COMMISSION AT THE MEETING: MEMBERS OF THE PUBLIC WHO WOULD LIKE TO ADDRESS THE COMMISSION ON AN ITEM FOR WHICH THE COMMISSION IS ACCEPTING COMMENT, MUST REGISTER AS INDICATED BELOW AND ACCESS THE MEETING VIA WEBCAST BY FOLLOWING THIS [LINK](#) AND ENTERING WEBINAR ID 831-228-715. THOSE WITHOUT INTERNET ACCESS MAY CALL (512) 239-3313 BEFORE THE MEETING BEGINS FOR ASSISTANCE IN ACCESSING THE MEETING TELEPHONICALLY.**

**TO REGISTER, PLEASE CALL (512) 239-3313 OR EMAIL [AGENDA@TCEQ.TEXAS.GOV](mailto:AGENDA@TCEQ.TEXAS.GOV). PLEASE COMPLETE THIS [PUBLIC PARTICIPATION FORM](#) OR PROVIDE THE FOLLOWING INFORMATION: 1. AGENDA ITEM NUMBER; 2. NAME; 3. AFFILIATION; 4. ADDRESS; 5. PHONE NUMBER; 6. WHOM YOU REPRESENT (SELF OR COMPANY/CLIENT); AND 7. WHETHER YOU WISH TO ADDRESS THE COMMISSION, ARE AVAILABLE FOR QUESTIONS FROM THE COMMISSION, OR WOULD LIKE TO BE NOTED AS PRESENT FOR THE RECORD.**

**REGISTRATION FOR AGENDA WILL CONCLUDE AT 9:30 A.M. PLEASE REGISTER BEFORE THIS TIME. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.**

/s/ Dinniah Tadema  
Assistant General Counsel  
Dinniah Tadema

April 30, 2020  
Date