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*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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***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 825-728-043. 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**

May 6, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 825-728-043

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**PROPOSAL FOR DECISION**

Item 1 **[TCEQ Docket No. 2019-0624-AIR; SOAH Docket No. 582-19-6261.](#)**

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of TEXAS LNG BROWNSVILLE LLC, for new Air Quality Permit No. 139561, pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code chapter 382. The natural gas liquefaction and export terminal would be on located on the north side of the Brownsville Ship Channel, roughly five miles southwest of the Gulf of Mexico in Brownsville, in Cameron County. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Sierra Redding)

Adopt the Administrative Law Judges' Proposed Order; Modify Finding of Fact Number 37 to state: "Rio Grande LNG has a NOx limit of 0.015 lb./MMBtu, which is accepted as BACT for the hot oil heaters as configured for its facility, and Texas LNG has agreed to adopt this NOx emission limit with respect to its hot oil heaters."; Modify Conclusion of Law Number 11 to state: "Consistent with Texas Health and Safety Code § 382.0518 and 30 Texas Administrative Code § 116.111(a)(2)(C), and with the Applicant's agreement to set the NOx emission limits for hot oil heaters at 0.015 lb./MMBtu, the Facility will use BACT, with consideration given to the technical practicability and economic reasonableness of reducing or eliminating emissions from the Facility." JN/EL; all agree.

**HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 2 **[Docket No. 2019-0964-WR.](#)**

Consideration of the application by the Public Utilities Board of the City of Brownsville for an extension of time to commence and complete construction of a dam and reservoir located on the Rio Grande, Rio Grande Basin, as authorized by Water Use Permit No. 5259. The Commission will consider all timely filed hearing requests and related responses and replies. (Humberto Galvan, Ruth Takeda)

Deny all the hearing requests and Extend the time for the Public Utilities Board of the City of Brownsville to commence construction of the reservoir located on the Rio Grande as authorized by Water Use Permit No. 5259, by September 29, 2028, and complete construction by September 29, 2031. BJ/EL; all agree. JN abstained.

Item 3 **Docket No. 2020-0010-MWD.**

Consideration of the application by City of Georgetown, for a renewal of Texas Pollutant Discharge Elimination System Permit No. WQ0010489005, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 3,000,000 gallons per day. The facility is located at 3502 Farm-to-Market Road 971, in Williamson County, Texas 78626. 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, Kathy Humphreys)

Find there's no right to a hearing on this application pursuant to Texas Water Code § 26.028(d); Deny all hearing requests; Issue the renewal of Texas Pollutant Discharge Elimination System Permit No. WQ001048900 to the City of Georgetown, as recommend by the Executive Director; and Adopt the Executive Directors Response to Public Comment. EL/BJ; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4 **Docket No. 2019-0283-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF Corporation in Brazoria County; RN100218049; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amanda Diaz, Michael Parrish)

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

Item 5 **Docket No. 2019-0112-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Chevron Phillips Chemical Company LP in Harris County; RN103919817; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mackenzie Mehlmann, Michael Parrish)

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

Item 6        **[Docket No. 2019-0919-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Copano Processing LLC in Colorado County; RN101271419; 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. (Mackenzie Mehlmann, Michael Parrish)

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

Item 7        **[Docket No. 2019-0975-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INEOS USA LLC in Harris County; RN100229905; 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 8        **[Docket No. 2019-1112-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Miller Milling Company, LLC in Tarrant County; RN100746262; 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. 2019-0288-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against The Sherwin-Williams Manufacturing Company in Ellis County; RN100212166; 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 10 [Docket No. 2019-0959-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Triple C Concrete of Lubbock, Ltd in Lubbock County; RN104156286; 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 11 [Docket No. 2019-0800-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of U.S. Silica Company in Limestone County; RN100215672; 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.

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 12 [Docket No. 2019-1022-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Reagent Chemical & Research, Inc. in Harris County; RN100916907; 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.

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS**

Item 13 [Docket No. 2018-1649-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of David Morse dba D&M Trash Removal in Cooke County; RN110182979; 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. (Kevin R. Bartz, Janice Hernandez)

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

Item 14 [\*\*Docket No. 2018-1545-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Terry Lummus in Sabine County; RN110287356; 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. (Benjamin Warms, Janice Hernandez)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 15 [\*\*Docket No. 2018-1300-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Aransas Pass in San Patricio County; RN102076452; 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 16 [\*\*Docket No. 2018-1034-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Huntington in Angelina County; RN102184355; 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 17 [Docket No. 2019-0839-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rio Vista in Johnson County; RN101919876; 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 18 [Docket No. 2019-0830-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Undine Texas Environmental, LLC in Parker County; RN101522464; 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.

**OCCUPATIONAL LICENSING ENFORCEMENT DEFAULT ORDER**

Item 19 [Docket No. 2018-0477-WOC-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Wallace Hardie in Wise County; RN110128691; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Benjamin Warms, Janice Hernandez)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER**

Item 20 [Docket No. 2019-0554-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KD GILL LLC dba Four Corner in Concho County; RN102891819; 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. (Hailey Johnson, Michael Parrish)

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

### **PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**

Item 21 **[Docket No. 2018-1570-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against MA FOOD MART, INC. dba Woodhaven Food Mart in Tarrant County; RN101432235; 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. (Ben Warms, Janice Hernandez)

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

Item 22 **[Docket No. 2019-0029-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Nelson Mena dba KUBA Transport in Bexar County and Wilson County; RN110538667; 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)

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

### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 23 **[Docket No. 2019-0716-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against 4-D Water Company, LLC in Comal County; RN102320660; 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 24 [\*\*Docket No. 2019-0759-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Comanche in Comanche County; RN101200962; 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 25 [\*\*Docket No. 2019-0270-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Follett in Lipscomb County; RN101409514; 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 26 [\*\*Docket No. 2019-0561-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lawn in Taylor County; RN101406916; 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 27 [\*\*Docket No. 2019-0898-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Goodsprings Water Supply Corporation in Rusk County; RN101440253; 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 28 [\*\*Docket No. 2019-0199-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jarvis Christian College in Wood County; RN101217032; 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 29 [\*\*Docket No. 2019-1010-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Victoria County Water Control and Improvement District No. 2 in Victoria County; RN101398303; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Michael Parrish)

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

Item 30 [\*\*Docket No. 2019-0224-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of William Brent Davis dba Cypresswood Estates in Montgomery County; RN101176287; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Julianne Dewar, Michael Parrish)

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

Item 31 [\*\*Docket No. 2018-1623-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Michael D. Fensterbush and Heidi Fensterbush dba Valley Estates in Lubbock County; RN101278018; 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.

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 32 [Docket No. 2019-0198-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against WILDWOOD MHP OF LUBBOCK LLC in Lubbock County; RN101193357; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kevin R. Bartz, Janice Hernandez)

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

Item 33 [Docket No. 2019-0908-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of ELM RIDGE WATER COMPANY, INC. in Comal County; RN101210672; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kevin R. Bartz, Janice Hernandez)

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

**WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 34 [Docket No. 2019-1082-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Round Rock in Williamson County; RN102912565; 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. EL/BJ; all agree.

Item 35 [Docket No. 2019-0074-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against KELLY BURT DOZER, INC. in Brazos County; RN104317862; for water quality violations pursuant to Tex. Water Code chs. 7 and 26

and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Chris Moreno, Michael Parrish)

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

### **RULE MATTERS**

Item 36 **[Docket No. 2019-1059-RUL.](#)**

Consideration of the adoption of amended Section 101.601 of 30 TAC Chapter 101, General Air Quality Rules. The adoption would implement Senate Bill 698 from the 86th Texas Legislature, 2019, Regular Session, by amending Section 101.601 to include full-time equivalent employees as an expense that may be fully paid for by the surcharge collected for an expedited application. The proposed rules were published in the December 13, 2019, issue of the *Texas Register* (44 TexReg 7608). (Sherry Davis, Booker Harrison) (Rule Project No. 2019-127-101-AI)

Adopt amended 30 Texas Administrative Code § 101.601, as recommend by the Executive Director. EL/BJ; all agree.

Item 37 **[Docket No. 2019-0895-RUL.](#)**

Consideration of the adoption of the amendment to Section 331.19 of 30 TAC Chapter 331, Underground Injection Control. The adoption will implement Senate Bill (SB) 483 and SB 520 from the 86th Texas Legislature, 2019, Regular Session, relating to certain injection wells in the Edwards Aquifer and injection wells within the boundaries of the Barton Springs Edwards Aquifer Conservation District, including injection wells used for aquifer storage and recovery projects. The proposed rule was published in the December 13, 2019, issue of the *Texas Register* (44 TexReg 7637). (Carol Dye, P.G., Don Redmond) (Rule Project No. 2019-117-331-WS)

Adopt the amendments to 30 Texas Administrative Code § 331.19, as recommend by the Executive Director. BJ/EL; all agree.

Item 38 **[Docket No. 2019-1000-RUL.](#)**

Consideration of the adoption of amended Section 39.651 of 30 TAC Chapter 39, Public Notice; Section 281.19 of 30 TAC Chapter 281, Applications Processing; Section 295.158 of 30 TAC Chapter 295, Water Rights, Procedural; Sections 297.1 and 297.41 - 297.43 of 30 TAC

Chapter 297, Water Rights, Substantive; and Sections 331.2, 331.7, 331.9, and 331.131 and new Subchapter O of 30 TAC Chapter 331, Underground Injection Control. The adoption will implement House Bills 720 and 1964, 86th Texas Legislature, 2019, Regular Session, by amending existing requirements for underground injection control program public notice to include aquifer recharge (AR) projects; amend existing definitions, authorization mechanisms, standards, and requirements to include new standards for AR projects; and add new Subchapter O to implement Texas Water Code (TWC), Chapter 27, Subchapter H. The adopted rulemaking will also amend existing requirements for water right applications related to technical review and public notice; add and revise definitions; define availability criteria for various types of AR and aquifer storage and recovery projects; and implement the provisions of TWC, Sections 11.023, 11.122(b-3), 11.157, and 11.158. The adopted rulemaking will also remove obsolete text in Section 39.651(e) as a result of the Quadrennial Review of Chapter 39. The proposed rules were published in the December 13, 2019, issue of the *Texas Register* (44 TexReg 7603). (Kathy Ramirez, Ruth Takeda) (Rule Project No. 2019-116-297-OW)

Adopt the amendments to Chapters 39, 281, 295, 297, 331, and new Subchapter O of 30 Texas Administrative Code Chapter 331, Underground Injection Control, as recommended by the Executive Director, in addition to the non-substantive corrections that were identified today. BJ/EL; all agree.

Item 39      **[Docket No. 2018-0165-RUL.](#)**

Consideration of the adoption of new 30 TAC Chapter 352, Coal Combustion Residuals Waste Management and the withdrawal of new Sections 352.291 and 352.1401. The adoption creates Chapter 352 to implement a new coal combustion residuals (CCR) management program for owners and operators of landfills and surface impoundments used to manage or dispose of CCR generated from the combustion of coal by electric utilities and independent power producers. Adopted new Chapter 352 establishes a registration requirement as well as compliance monitoring for regulated facilities. The proposed rules were published in the December 13, 2019, issue of the *Texas Register* (44 TexReg 7641). (Charly Fritz, Don Redmond) (Rule Project No. 2017-037-352-WS)

Adopt the rules in new 30 Texas Administrative Code Chapter 352, as recommend by the Executive Director. EL/BJ; all agree.

**PUBLIC COMMENT SESSION**

Item 40 **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 41 **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 42 **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 43 **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 44 **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, (562) 247-8422 AND**

**ENTERING ACCESS CODE 523-435-963. 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/WEB  
CASTS.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 825-728-043. 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/ Greg Merrell  
Assistant General Counsel  
Greg Merrell

May 19, 2020  
Date