

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.

To watch or listen to the meeting:

Members of the public may listen to the meeting telephonically by calling, toll free, (914) 614-3221 and entering Access Code 365-393-798. 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>

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 144-530-627. 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. 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

July 1, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1 **[Docket No. 2020-0308-MWD.](#)**

Consideration of the application by Cherryville GP, Inc. and Cherryville #5, Ltd., for new Texas Pollutant Discharge Elimination System Permit No. WQ0015738001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 160,000 gallons per day. The facility will be located approximately 600 feet south of the intersection of Dickerson Road and State Highway 80, east of State Highway 80, in Caldwell County, Texas 78655. 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, Hollis Henley)

Grant the hearing requests filed by Ben O Corp, Michael and Nancy Ohlendorf, the San Marcos River Foundation, and the Texas Rivers Protection Association; Deny all remaining hearing requests and requests for reconsideration; Refer the matter to TCEQ's Alternative Dispute Resolution Program to run concurrently with SOAH preliminary hearing scheduling efforts; Refer the application to SOAH for a contested case hearing concerning the following issues: a) Whether the draft permit is protective of water quality and existing uses of the receiving waters in accordance with applicable Texas Surface Water Quality Standards, including protection of the requesters' use and enjoyment of their property; b) Whether the draft permit adequately addresses nuisance odor in accordance with 30 TAC § 309.13; c) Whether the proposed discharge complies with applicable anti-degradation requirements; d) Whether the draft permit is protective of existing uses of Dickerson Creek and the San Marcos River, including: A) use as a source of groundwater recharge for public water supply and private wells; B) aquatic life use; and C) primary contact recreation use; e) Whether the application properly describes the discharge route; f) Whether the Applicant sufficiently demonstrated need for the volume requested in its application for a new discharge permit under Texas Water Code § 26.0282; g) Whether the Applicant substantially complied with applicable notice requirements; and h) Whether the draft permit contains sufficient provisions to ensure protection of water quality, including necessary operational requirements; and Set the hearing duration for the proceeding at 180 days from the date of the preliminary hearing to the issuance of the Proposal for Decision. EL/BJ; all agree.

Item 2 **[Docket No. 2020-0590-IWD.](#)**

Consideration of the application by Clean Harbors San Leon, Inc., a recycling and storage facility that manages catalyst and oily wastes from the petroleum refining and petrochemical industries, for a major amendment of Texas Pollutant Discharge Elimination System (TPDES)

Permit No. WQ0004086000, to authorize the addition of a new internal outfall (Outfall 102) to discharge treated process wastewater and treated contaminated stormwater at a daily average flow not to exceed 40,000 gallons per day (GPD); and to reduce the daily average flow from 105,000 GPD to 65,000 GPD and the daily maximum flow from 165,000 GPD to 105,000 GPD at internal Outfall 101. The facility is located at 2700 Avenue South, in the City of San Leon, Galveston County, Texas 77539. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Mónica Vallin-Báez, Stefanie Skogen)

Deny all hearing requests; Grant the major amendment to Clean Harbors San Leon, Inc., for TPDES Permit No. WQ0004086000, as recommended in the draft permit prepared by the Executive Director; and Adopt the ED's Response to Comments. BJ/EL; all agree.

EMERGENCY ORDER

Item 3 [**Docket No. 2020-0667-UCR-E.**](#)

Consideration of whether to affirm, modify, or set aside the Emergency Order Appointing a Temporary Manager of a Water Utility issued on June 1, 2020, 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 BEACHVIEW ACRES WATER ASSOCIATION; TCEQ PWS ID No. TX1090045; RN101437135; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Utility is located in Whitney, Hill County, Texas. The Emergency Order appointed Hilco United Services, Inc. as temporary manager of the Utility. (Jaime Garcia)

Affirm the Executive Director's June 1, 2020, Emergency Order, appointing Hilco United Services, Inc., as temporary manager for the water utility owned and operated by BEACHVIEW ACRES WATER ASSOCIATION, with the following modification: Modify Finding of Fact paragraph 17, subclause one to state: "(1) failed to provide appropriate water treatment resulting in potential health hazards;" and Issue an Order approving and modifying the Executive Director's Emergency Order to reflect this change. JN/EL; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 [**Docket No. 2019-1125-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brenntag Southwest, Inc. in Harris County; RN100544675; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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. 2019-1240-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN102018322; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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 6 **[Docket No. 2019-1571-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CITGO Refining and Chemicals Company L.P. in Nueces County; RN100238799; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Carol McGrath, Michael Parrish)

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

Item 7 **[Docket No. 2019-0503-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Orange County; RN100542711; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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. 2019-1072-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100216761; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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 9 [**Docket No. 2019-1491-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Nueces County; RN100221662; 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. (Danielle Porras, Michael Parrish)

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

Item 10 [**Docket No. 2019-1306-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102579307; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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. 2019-1189-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Felix Energy Holdings II, LLC in Ward County; RN110608072; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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 12 **[Docket No. 2019-1566-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Frio LaSalle Pipeline, LP in Atascosa County; RN109980268; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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 13 **[Docket No. 2019-1136-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Union Carbide Corporation in Calhoun County; RN102181526; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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 14 **[Docket No. 2019-1261-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Valero Refining-Texas, L.P. in Galveston County; RN100238385; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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 15 **[Docket No. 2019-1532-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ygriega Environmental Services, LLC in Hidalgo County; RN107742637; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and 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.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 16 **[Docket No. 2019-0221-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bastrop in Bastrop County; RN101510832; 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. 2018-1265-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HEART O' TEXAS COUNCIL OF THE BOY SCOUTS OF AMERICA in Wise County; RN101285245; for public drinking water and water quality violations pursuant to Tex. Health & Safety Code ch. 341, 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. (Michaelle Garza, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 18 **[Docket No. 2019-0375-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Port Arthur in Jefferson County; RN100225390; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including

specifically 30 Tex. Admin. Code ch. 60. (Stephanie McCurley, Michael Parrish)

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

Item 19 **Docket No. 2018-0842-MSW-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Santek Environmental of Texas, LLC dba Polk County Landfill and Polk County dba Polk County Landfill in Polk County; RN102668654; 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. (Ken Moller, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 20 **Docket No. 2018-1505-MSW-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Kenneth Marriott in Angelina County; RN109966317; 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. (Jake Marx, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21 **Docket No. 2015-1160-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nueces County Water Control and Improvement District No. 5 in Nueces County; RN101609543; for water quality violations pursuant to Tex. Water Code chs. 7, 26, and 37 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 22 [**Docket No. 2019-0210-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Port O'Connor Improvement District in Calhoun County; RN106064280; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Had Darling, Michael Parrish)

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

Item 23 [**Docket No. 2019-1033-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SOUTH CENTRAL WATER COMPANY in Comal County; RN105921738; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Christopher Moreno, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 24 [**Docket No. 2019-1052-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against SANR, INC. dba China Market in Jefferson County; RN101763282; 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. (Alain Elegbe, Michael Parrish)

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

Item 25 [**Docket No. 2019-0722-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sunwest Grocery, LLC in Johnson County; RN101556256; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Berenice Munoz, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 26 [Docket No. 2018-0246-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Bandera Shell LLC dba Bandera Stop in Bexar County; RN101433076; 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 Order. EL/BJ; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 27 [Docket No. 2019-0064-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of A A & R Business Investments Inc dba Quick Step N Save in Tarrant County; RN102031192; 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 Order. EL/BJ; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 28 [Docket No. 2019-1692-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAM RAYBURN WATER, INC. in San Augustine County; RN101249787; for public drinking water violations

pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Aaron Vincent, Michael Parrish)

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

Item 29 [**Docket No. 2019-1396-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Undine Texas, LLC in Brazoria County; RN101190361; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Danielle Porras, Michael Parrish)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 30 [**Docket No. 2019-0956-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Federal Bureau of Prisons in Tarrant County; RN106194921; 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. EL/BJ; all agree.

Item 31 [**Docket No. 2019-1120-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Howard Pierce & Sons Stone CO., LLC in San Saba County; RN105916548; for aggregate production operation violations pursuant to Tex. Water Code chs. 7 and 28A and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Michael Parrish)

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

Item 32 [**Docket No. 2019-0875-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Saratoga Services, Inc. in Nueces County; RN109823476; for water quality violations pursuant to Tex. Water Code chs. 7, 26, 28A 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 33 [**Docket No. 2019-1140-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Stephen D. Mundine in Victoria County; RN107154676; for water quality violations pursuant to Tex. Water Code chs. 7 and 28A 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.

Item 34 [**Docket No. 2019-1403-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against WWF Operating Company, LLC in Dallas County; RN100607902; 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.

WATER RIGHTS ENFORCEMENT AGREED ORDER

Item 35 [**Docket No. 2015-0549-WR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Town of Addison in Dallas County; RN105975361; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Janice Hernandez)

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

RULE MATTERS

Item 36 **Docket No. 2018-0294-RUL.**

Consideration of the adoption of the amendments to Sections 344.1, 344.20 - 344.22, 344.24, 344.30, 344.31, 344.33 - 344.38, 344.40, 344.42, 344.43, 344.50 - 344.52, 344.60 - 344.65, 344.70 - 344.72, and 344.80; the repeal of Section 344.32; and new Section 344.66 of 30 TAC Chapter 344, Landscape Irrigation. The adoption incorporates some of the requested changes made by the Texas Commission on Environmental Quality Irrigator Advisory Council in two rule petitions (Non-rule Project Nos. 2017-041-PET-NR and 2017-042-PET-NR), as well as amend existing sections, repeal a section, and add a new section in order to better align the rules with state statutes and other related regulations. These adopted revisions will strengthen the rules by increasing protection of public health and water conservation. The proposed rules were published in the January 31, 2020 issue of the *Texas Register* (45 TexReg 694). (Marilyn Gates, Alicia Ramirez) (Rule Project No. 2018-004-344-CE)

Adopt the new, amended, and repealed Sections of 30 Texas Administrative Code Chapter 344, as recommended by the Executive Director. EL/BJ; all agree.

Item 37 **Docket No. 2019-1580-RUL.**

Consideration for the adoption of amended Section 336.1310 of 30 TAC Chapter 336, Radioactive Substance Rules. The adopted rulemaking lowers the minimum rate for nonparty generators and the maximum rate for party state generators. The proposed rules were published in the May 8, 2020, issue of the *Texas Register* (45 TexReg 3022). (Hans Weger, Amie Robinson) (Rule Project No. 2020-009-336-WS)

Continue Item 37 to our next Agenda. JN/EL; all agree.

STATE IMPLEMENTATION PLAN

Item 38 **Docket No. 2019-0905-SIP.**

Consideration of the adoption of the Federal Clean Air Act (FCAA), Section 179B Demonstration State Implementation Plan (SIP) Revision for the Bexar County 2015 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) Nonattainment Area. The SIP revision includes a technical analysis and weight-of-evidence analysis to demonstrate that the Bexar County marginal ozone nonattainment area would attain the 2015 eight-hour ozone NAAQS by its attainment date “but for” anthropogenic emissions emanating from outside the United

States, in accordance with FCAA, Section 179B. (Brian Foster, Terry Salem) (Non-Rule Project No. 2019-106-SIP-NR)

Adopt the Federal Clean Air Act, Section 179B Demonstration State Implementation Plan Revision for the Bexar County 2015 Eight-Hour Ozone National Ambient Air Quality Standard Nonattainment Area, as recommended by the Executive Director. BJ/EL; all agree.

PUBLIC COMMENT SESSION

Item 39 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 40 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 41 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 on this item.

Item 42 **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 43 **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.

TO WATCH OR LISTEN TO THE MEETING:

MEMBERS OF THE PUBLIC MAY LISTEN TO THE MEETING TELEPHONICALLY BY CALLING, TOLL FREE, (914) 614-3221 AND ENTERING ACCESS CODE 365-393-798. 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 144-530-627. 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. 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/ Tracy Gross
Assistant General Counsel
Tracy Gross

July 17, 2020
Date