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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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http://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/AgendaRegistrationForm.docx 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. Finally, the Commissioners may discuss or consider posted items in an order other than the order posted.

Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka

OLD BUSINESS AGENDA

June 9, 2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 822-704-547
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Continued from the May 19, 2021 Commissioners' Agenda

PROPOSAL FOR DECISION

Item 1 **[TCEQ Docket No. 2019-0665-AIR; SOAH Docket No. 582-19-6473.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Bosque Solutions LLC, for an Air Quality Standard Permit for Concrete Batch Plant Registration No. 152013, pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code Chapter 382. The facility is located at 7327 Gibson Cemetery Road, Mansfield, in Tarrant County. The Commission will also consider the application; timely public comments and the Executive Director's Response to Comments; the record; and timely related filings, exceptions and replies. (Amy Browning, Betsy Peticolas)

Adopt the ALJ's Proposed Order with the following changes: a) Amend Finding of Fact No. 15 to replace "January 17, 2020" with "February 14, 2020" for accuracy; b) Amend Finding of Fact No. 29 to replace "2001" with "2000" for accuracy; c) Amend Finding of Fact No. 63 to state, "The CBP Standard Permit requires concrete batch plants to demonstrate compliance with 30 TAC §§ 106.261 and 106.262" to reflect TCEQ's interpretation of its rules; d) Amend Finding of Fact No. 64 to add the word "percent" after the number "70" to correct a clerical error; e) Amend Finding of Fact No. 68 to state, "Emissions of a chemical with a limit value of less than 200 mg/m³ are not allowed under 30 TAC § 106.261. However, these chemicals may be authorized under the emissions limits in 30 TAC § 106.262" to reflect TCEQ's interpretation of its rules; f) Amend finding of Fact No. 69 to state, "Bosque failed to demonstrate that emissions from the sand used at the Plant would meet the emissions limits for crystalline silica required under 30 TAC §§ 106.261 or 106.262" to correct the ALJ's misunderstanding of the legal difference between an effects screening level and an emissions limit and to replace ESL with the correct legal term; g) Amend Finding of Fact No. 70 to state, "Long-term exposure to crystalline silica emissions may pose a danger to human health and safety. The Applicant did not present sufficient evidence to demonstrate the amount of crystalline silica that would be emitted from the proposed Plant" to more accurately reflect the evidence in the record; h) Amend Finding of Fact No. 71 to replace the capital "A" in the citation with a lower case "a" to correct a clerical error; i) Amend Finding of Fact No. 77 to state,

“Other than not providing sufficient evidence regarding the emissions of crystalline silica, Bosque demonstrated that the Plant would: (1) not negatively affect air quality; and (2) be protective of general welfare, including animals, vegetation, and the environment. Protestants failed to rebut this showing” to better conform the finding to the ALJ’s conclusions of law and more accurately describe the evidence in the record; j) Amend Conclusion of Law No. 12 to state, “The CBP Standard Permit requires the Applicant to demonstrate that it meets emissions limitations in 30 TAC §§ 106.261 or 106.262” to more accurately state the applicable law; k) Amend Conclusion of Law No. 13 to state, Bosque failed to demonstrate that the Plant will be constructed and operated in accordance with the emissions limitations of 30 TAC §§ 106.261 or 106.262” to more accurately state the applicable law; l) Amend Conclusion of Law No. 16 to state, “Bosque did not demonstrate that the crystalline silica emissions from the proposed Plant would be authorized under 30 TAC §§ 106.261 or 106.262 or any other applicable TCEQ rule” to reflect the agency’s interpretation of its rules and more accurately state the applicable law; m) Add new Ordering Provision No. 3 to state, “The Executive Director’s Response to Comments is hereby adopted to the extent it is consistent with the Commission’s decision and final order in this matter pursuant to 30 TAC § 50.117;” and renumber the remaining ordering provisions; and n) Amend the signature block of the order to reflect the name of the current chairman; and Adopt the Executive Director’s Response to Comments to the extent it is consistent with the Commission’s decision and final order in this matter. EL/BJ; JN opposed.

Continued from the May 19, 2021 Commissioners’ Agenda

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDER

Item 2 **[Docket No. 2019-1661-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Laredo in Webb County; RN100524099; 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)

Continue to the June 30, 2021 Agenda. JN/EL; all agree.

NEW BUSINESS AGENDA

June 9, 2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 822-704-547
(631) 992-3221 / Access Code 152-398-389

PROPOSAL FOR DECISION

Item 1

[TCEQ Docket No. 2020-0411-MWD; SOAH Docket No. 582-20-4141.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Crystal Clear Special Utility District and MCLB LAND, LLC, for new TPDES Permit No. WQ0015266002 pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code chs. 5 and 26. The proposed facility would be located approximately 1,000 feet west of Francis Harris Lane and 800 feet south of South Old Bastrop Highway in Hays County, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Bobby Salehi)

Adopt the ALJs' Proposed Order as amended by the ALJs' letter dated April 27, 2021; Grant the permit application of Crystal Clear Special Utility District and MCLB LAND, LLC, for TPDES Permit No. WQ0015266002; and Adopt the ED's Response to Comments. BJ/EL; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2

[Docket No. 2021-0055-IWD.](#)

INEOS Nitriles USA LLC, which operates INEOS Green Lake Plant, has applied for a major amendment of Texas Pollutant Discharge Elimination System Permit No. WQ0002181000 to add water treatment wastes to Outfall 001; correct the nonhazardous landfill wastewaters description; remove Outfall 004; add Outfalls 006 and 007; renumber internal Outfalls 104 and 204 to final Outfalls 002 and 003; and remove Other Requirement No. 4 and No. 9, which authorizes irrigation. The draft permit authorizes water treatment wastes, boiler blowdown, cooling tower blowdown, nonhazardous landfill leachate and stormwater from the nonhazardous landfill, treated domestic water, supernatant from lime sludge pits, and previously monitored effluent

(from internal Outfall 101) at a daily average flow not to exceed 1.20 million gallons per day via Outfall 001; hydrostatic test water and stormwater via Outfalls 002 and 007 on an intermittent and flow-variable basis; hydrostatic test water, compressor condensate, and stormwater via Outfall 003 on an intermittent and flow-variable basis; and stormwater via Outfalls 005 and 006 on an intermittent and flow-variable basis. The facility is located at 13050 State Highway 185 North, west of the City of Port Lavaca, in Calhoun County, Texas 77979. (Thomas Starr, Mattie Isturiz)

Grant the hearing request of Adam Adams; Refer the matter to SOAH for an contested case hearing on the following issues: a) Whether the draft permit will be protective of the water quality in the receiving waters under the applicable Texas Surface Water Quality Standards and b) Whether the draft permit will adversely affect the use and enjoyment of the requestor's property; and Specify the maximum duration of the hearing to 150 days from the preliminary hearing to issuance of the Proposal for Decision. EL/BJ; all agree.

Item 3 **[Docket No. 2020-1490-WR.](#)**

The Commission will consider the application of Select Energy Services, LLC (Applicant) which requests a temporary water use permit to divert a maximum of 387 acre-feet within a three year period from a point on Cibolo Creek, San Antonio River, San Antonio River basin, at a maximum diversion rate of 11.64 cfs (5,226 gpm) for mining purposes in Karnes County. The proposed permit would contain several special conditions. The commission will also consider timely hearing requests, and any related responses and replies. (Natalia Ponebshek, Ruth Takeda)

Grant the hearing requests of Clifford B. Baker, on behalf of the Baker Family River Farm, the Guadalupe-Blanco River Authority, Zachary X. Yanta, and Linda A. Yanta; Deny all remaining hearing requests; and Refer Application No. 13679 by Select Energy Services, LLC, to SOAH for a contested case hearing with a referral to the TCEQ's ADR Program to run concurrently with SOAH preliminary hearing scheduling efforts. BJ/EL; all agree.

Item 4 **[Docket No. 2020-1424-WR.](#)**

The Commission will consider the application of Select Energy Services, LLC (Applicant) which requests a temporary water use permit to divert a maximum of 387 acre-feet of water within a three-year period from a point on the San Antonio River, San Antonio River Basin, at a maximum diversion rate of 11.64 cfs (5,226 gpm), for mining purposes in Karnes County. The proposed permit would contain several special conditions. The commission will also consider timely filed hearing

requests, and any related responses or replies. (Hal Bailey, Jr., Ruth Takeda)

Grant the hearing requests of Clifford B. Baker, on behalf of Baker Family River Farm, the Guadalupe-Blanco River Authority, Zachary X. Yanta, and Linda A. Yanta; Deny all remaining hearing requests; and Refer Application No. 13674 by Select Energy Services, LLC, to SOAH for a contested case hearing with a referral to the TCEQ's ADR Program to run concurrently with SOAH preliminary hearing scheduling efforts. EL/BJ; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDER

Item 5 [**Docket No. 2018-1411-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Quikrete Companies, LLC in Johnson County; RN100760396; 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)

Continue to June 30, 2021, agenda. JN/EL; all agree.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 6 [**Docket No. 2019-1225-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of HEDO CAR SHOP SERVICES INC in El Paso County; RN100572775; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Christopher Mullins, Janice Hernandez)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 7 [**Docket No. 2019-0215-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Corpus Christi Alumina LLC in San

Patricio County; RN102318847; 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. JN/EL; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 8 **[Docket No. 2019-1352-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Riviera Water Control and Improvement District in Kleberg County; RN101251999; for public drinking water and water rights violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Aaron Vincent, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS

Item 9 **[Docket No. 2019-0594-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Felipe Zavala, Sr. dba Legacy Customs SS in Maverick County; RN110442811; for air quality, municipal solid waste, and used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361, 371, and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Clayton Smith, Janice Hernandez)

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

Item 10 **[Docket No. 2019-0999-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Christian Wilson in Coke County; RN110776945; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, 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. JN/EL; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 11 **[Docket No. 2019-1421-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of I.M.C. WASTE DISPOSAL, INC. in Wichita County; RN101306082; 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. (John Fennell, Michael Parrish)

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

Item 12 **[Docket No. 2019-1327-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BAR Recycling Enterprises, LLC in Bowie County; RN110449063; for used tires and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tyler Richardson, Michael Parrish)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 13 **[Docket No. 2019-1589-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Hamilton in Hamilton County; RN101918068; 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. JN/EL; all agree.

Item 14 [**Docket No. 2020-1099-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Teague in Freestone County; RN102181716; 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. (Alyssa Loveday, Michael Parrish)

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

Item 15 [**Docket No. 2019-0255-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Odem in San Patricio County; RN104188594; 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. (Taylor Pearson, Janice Hernandez)

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

Item 16 [**Docket No. 2020-0468-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texas Health and Human Services Commission in Limestone County; RN100834662; 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. JN/EL; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 17 [**Docket No. 2019-1767-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of B2 United, LLC dba Grab N Go in Tarrant County; RN102352333; 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. JN/EL; all agree.

Item 18 **Docket No. 2019-1061-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Mehroz Enterprises Inc dba Nasa Food Mart in Harris County; RN101436038; 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. (Christopher Mullins, Janice Hernandez)

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

Item 19 **Docket No. 2019-0662-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lancaster Street CStore LLC dba EZ 1 in Dallas County; RN100740901; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie McCurley, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 20 **Docket No. 2019-0821-PST-E.**

Consideration of a Default Order assessing administrative penalties against IBJ International, Inc. dba Quick Stop Chevron in Bexar County; RN102235777; 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. JN/EL; all agree.

Item 21 [**Docket No. 2020-0430-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Elizabeth K. Flores dba A & J Drive Thru in Zapata County; RN105834113; 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. JN/EL; all agree.

Item 22 [**Docket No. 2019-1064-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Irwin Zane Miller in Schleicher County; RN102277167; 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. (Christopher Mullins, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 23 [**Docket No. 2020-0556-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Toyah in Reeves County; RN101225001; 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. JN/EL; all agree.

Item 24 [**Docket No. 2020-0701-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAMESA ENTERPRISES, INC. in Midland County; RN104580758; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Carlos Molina, Michael Parrish)

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

Item 25 **[Docket No. 2020-0122-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lilbert-Looneyville Water Supply Corporation in Nacogdoches County; RN101187433; 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. JN/EL; all agree.

Item 26 **[Docket No. 2019-1134-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of VEREIT Real Estate, L.P. in Lubbock County; RN106882061; 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. JN/EL; all agree.

Item 27 **[Docket No. 2019-1333-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Snook in Burleson County; RN101195170; 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. JN/EL; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 28 **[Docket No. 2019-1028-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of RALSTON ACRES WATER SUPPLY CORPORATION in Harris County; RN101280865; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex.

Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 29 [**Docket No. 2019-1585-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RGI MATERIALS, INC. in Montgomery County; RN105195127; 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. JN/EL; all agree.

PETITION FOR RULEMAKING

Item 30 [**Docket No. 2021-0509-PET.**](#)

Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality (commission) on April 16, 2021 by Lloyd Gosselink Rochelle & Townsend, PC on behalf of the Chambers County Municipal Utility District No. 3 (petitioner). The petitioner requested that the Commission amend 30 Texas Administrative Code Chapter 293, Water Districts, Section 293.59(k)(3)(A), (4)(A), and (11)(C)(i) by modifying the maximum allowable combined projected tax rate and combined no-growth tax rate for the first and subsequent bond issues by a water district subject to the jurisdiction of the commission that is located in Chambers County, Texas. (Chris Ulmann, Hollis Henley) (Project No. 2021-017-PET-NR)

Direct the Executive Director to initiate rulemaking to examine the issues raised in the petition for rulemaking filed by Chambers County Municipal Utility District No. 3, concerning amendments to 30 Texas Administrative Code § 293.59. BJ/EL; all agree.

RULE MATTERS

Item 31 [**Docket No. 2021-0372-RUL.**](#)

Consideration for publication of, and hearing on, proposed new Subchapter J, Best Management Practices for Sand Mining Facility

Operations Within the San Jacinto River Basin, Sections 311.101-311.103 of 30 TAC Chapter 311, Watershed Protection. The proposed rulemaking would require the executive director to develop and maintain a guidance document of best management practices and establish requirements for sand mining facilities in the San Jacinto River Watershed to implement the best management practices. In addition, the proposed rulemaking would establish requirements for sand mining facilities in the San Jacinto River Watershed to submit to the executive director a final stabilization report for review and approval prior to operations terminating at the site or portion(s) of the site. This rulemaking is a follow up to petition requests by Texas Aggregates and Concrete Association, submitted on June 15, 2020, and Lake Houston Area Grassroots Flood Prevention Initiative, submitted on June 23, 2020 (Non-Rule Project Nos. 2020-042-PET-NR and 2020-044-PET-NR). (Macayla Coleman, Michael Parr) (Rule Project No. 2020-048-311-OW)

Approve the publication of, and hearing on, the proposed amendments to 30 Texas Administrative Code Chapter 311, as recommended by the Executive Director. EL/BJ; all agree.

Item 32

[Docket No. 2020-1109-RUL.](#)

Consideration of the adoption of amendments to 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, Sections 116.12, 116.150, 116.151, 116.160, 116.910, 116.911, 116.920, 116.1010, 116.1011, and 116.1530; the repeal of Section 116.16 and Section 116.128, and repeal of Subchapter H: Division 1, Sections 116.770 - 116.773; Division 2, Sections 116.774 - 116.781, 116.783, 116.785 - 116.788, and 116.790; Division 3, Sections 116.793 - 116.807; Division 4, Sections 116.810 - 116.814, 116.816, 116.820, 116.840 - 116.842, 116.850, 116.860, and 116.870; and corresponding revisions to the State Implementation Plan. The adoption will align Chapter 116 rules relating to the applicability of Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) requirements with recent guidance and adopted rules for Project Emissions Accounting issued by the United States Environmental Protection Agency, comply with congressional intent for the federal PSD and NNSR programs, and encourage emissions decreases that might not otherwise occur or would be delayed. The adopted rulemaking will also repeal obsolete rules associated with the permitting of grandfathered facilities. The proposed rules were published in the January 1, 2021, issue of the *Texas Register* (46 TexReg 123). (Michael Wilhoit, Terry Salem) (Rule Project No. 2020-001-116-AI)

Approve the adoption of amendments to 30 Texas Administrative Code Chapter 116, Control of Air Pollution by Permits for New Construction or Modification; Repeal of 30 Texas Administrative Code Chapter 116, Subchapter H, Permits for Grandfathered Facilities, and related sections; and corresponding revision of the State Implementation Plan as recommended by the Executive Director. BJ/EL; all agree.

PUBLIC COMMENT SESSION

Item 33 Docket No. 2021-0005-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 34 Docket No. 2021-0001-EXE.

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

The Commission did not meet on this item.

Item 35 Docket No. 2021-0002-EXE.

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

meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

No action taken.

Item 36 **Docket No. 2021-0003-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 37 **Docket No. 2021-0004-EXE.**

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

No action taken.

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) 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, (631) 992-3221 AND ENTERING ACCESS CODE 152-398-389. 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 NAVIGATING TO:

[HTTPS://WWW.GOTOMEETING.COM/WEBINAR/JOIN-WEBINAR](https://www.gotomeeting.com/webinar/join-webinar) AND ENTERING WEBINAR ID 822-704-547. 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 THE PUBLIC PARTICIPATION FORM AT:

[HTTP://WWW.TCEQ.TEXAS.GOV/ASSETS/PUBLIC/COMM_EXEC/AGENDAS/COMM/AGENDAREGISTRATIONFORM.DOCX](http://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/agendaregistrationform.docx) 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. FINALLY, THE COMMISSIONERS MAY DISCUSS OR CONSIDER POSTED ITEMS IN AN ORDER OTHER THAN THE ORDER POSTED.

/s/ Dinniah Tadema
Assistant General Counsel
Dinniah Tadema

June 29, 2021
Date