

**TCEQ COMMISSION MEETING
AGENDA
SEPTEMBER 22, 2021
9:30 A.M.**

In person/En persona: 12100 Park 35 Circle
Building E, Room 201S

By Computer/Por computadora: <https://www.gotomeeting.com/webinar/join-webinar>
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Chairman Jon Niermann, present
Commissioner Bobby Janecka, present
Commissioner Emily Lindley, absent

AGENDA ITEMS/ELEMENTOS DE LA AGENDA

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1 [Docket No. 2021-0998-AIR.](#)

Consideration of an application by Lampasas Trucking and Redi-Mix, LLC for the approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 162529, which would authorize construction of a permanent concrete batch plant. The plant site is located at 2605 Morris Sheppard Drive, Brownwood, Brown County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Kristyn Jacher, Ashley Rich)

Grant the hearing request of Don Jordan; Deny all remaining hearing requests; Refer the application to SOAH for a contested case hearing on the following issues: 1) Whether the draft permit contains adequate conditions to protect the health and safety of the requester; 2) Whether the draft permit contains adequate conditions to protect against nuisance dust conditions that may affect the requester; Refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrently with SOAH scheduling process; and Set a hearing duration of 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. BJ/JN; all agree.

Item 2 [Docket No. 2021-1001-MWD.](#)

Consideration of the application by the City of Granbury for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015821001 to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 2,000,000 gallons per day. The wastewater treatment facility will be located at 3121 Old Granbury Road, Granbury, in Hood County, Texas 76049. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Anthony Tatu, Gordon Cooper)

Grant the hearing requests of Bennett's Camping Center and RV Ranch, Walter Shaw and Victoria Calder, Debra and Peter Cook, Doris and John Faber, Woody Frossard, Judith Gagliardo, Cynthia and Norman Gookins, George and Cynthia Griffin, Ronnie and Dianne Hasty, Kay and Bud Lowack, John and Susan Meche, David and Kathy Montgomery, Keith and Colleen Nielsen, Jason Nolte, Stacy and Jim Rist, and Paul Williams; Deny all remaining hearing requests and requests for reconsideration; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the draft permit complies with applicable requirements to abate and control nuisance odors as set forth in 30 Texas Administrative Code § 309.13(e); b) Whether the draft permit is protective of water quality; c) Whether the draft permit is protective of ground water and wells; d) Whether the draft permit is protective of the health of the requesters and their families, livestock, and wildlife, including endangered species; e) Whether the proposed discharge will adversely impact recreational activities; f) Whether the application is accurate and complete; g) Whether the modeling complies with applicable regulations to ensure the draft permit is protective of water quality; h) Whether the Executive Director's antidegradation review was accurate; i) Whether the nutrient limits in the draft permit comply with applicable Texas Surface Water Quality Standards; j) Whether the Commission should deny or alter the terms and conditions of the draft permit based on the consideration of need under Texas Water Code § 26.0282; k) Whether the applicant's compliance history or technical capabilities raise any issues regarding the applicant's ability to comply with the material terms of the permit that warrant denying or altering the terms of the draft permit; l) Whether the proposed location for the facility complies with the 100-year flood plain and wetland location standards found in 30 Texas Administrative Code § 309.13(a) and (b); m) Whether the applicant substantially complied with applicable public notice requirements; and Set a hearing duration of 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. BJ/JN; all agree.

USE DETERMINATION MATTERS

Item 3 [Docket No. 2021-0925-MIS-U.](#)

Consideration of the appeal filed by the Deputy Chief Appraiser of the Reeves County Appraisal District regarding the Executive Director's June 15, 2021 positive use determination issued on Application No. 23712 to Rattler Midstream Operating LLC in Reeves County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Don Redmond, Sierra Redding, Heidi Maldonado, Guy Hoffman)

Deny Reeves County Appraisal District's appeal and Affirm the Executive Director's positive use determination on Application No. 23712 issued to Rattler Midstream Operating LLC. BJ/JN; all agree.

Item 4 [Docket No. 2021-0945-MIS-U.](#)

Consideration of the appeal filed by the Deputy Chief Appraiser of Reeves County Appraisal District regarding the Executive Director's June 30, 2021 positive use determination issued on Application No. 23720 to Diamondback E&P LLC in Reeves County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Don Redmond, Sierra Redding, Heidi Maldonado, Guy Hoffman)

Deny Reeves County Appraisal District's appeal and Affirm the Executive Director's positive use determination on Application No. 23720 issued to Diamondback E&P LLC. BJ/JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 [Docket No. 2020-1051-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cambrian Management, Ltd. in Ector County; RN102190485; 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. BJ/JN; all agree.

Item 6 [Docket No. 2020-0998-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gulf Coast Authority in Harris County; RN100219211; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Richard Garza, Michael Parrish)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 7 [Docket No. 2020-1440-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against West Harbour, LLC in Travis County; RN111069696; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alejandro Laje, Michael Parrish)

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

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 8 [Docket No. 2020-0842-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Blanchard Refining Company LLC in Galveston County; RN102535077; for industrial and hazardous 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. (Hailey Johnson, Michael Parrish)

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

Item 9 [Docket No. 2020-0592-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against SET ENVIRONMENTAL, INC. in Harris County; RN100607126; for industrial and hazardous 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. BJ/JN; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 10 [Docket No. 2020-1414-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; 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. (Stephanie Frederick, Michael Parrish)

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

Item 11 [Docket No. 2020-1303-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of voestalpine Texas LLC in San Patricio County; RN106597875; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Katelyn Tubbs, Michael Parrish)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 12 [Docket No. 2019-0493-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against Marco Linares dba Linares Auto Salvage in Trinity County; RN106242357; for used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 371, and the rules of the Texas Commission on Environmental Quality. (Taylor Pearson, Elisa Guerra)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 13 [Docket No. 2020-1231-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Corpus Christi in Nueces County; RN101610327; 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. (Stephanie Frederick, Michael Parrish)

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

Item 14 [Docket No. 2020-1381-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Trinidad in Henderson County; RN101609378; 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. (Ellen Ojeda, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 15 [Docket No. 2020-1146-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EZ ACTION RETAIL, L.P. dba Busy Beaver in Karnes County; RN101837862; 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. (Courtney Atkins, Michael Parrish)

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

Item 16 [Docket No. 2020-1157-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Quik-Way Retail Associates II, Ltd. in Denton County; RN101827665; 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. (Amanda Conner, Michael Parrish)

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

Item 17 [Docket No. 2020-0300-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RC Lakeside Properties LLC dba RC Lakeside Store in Navarro County; RN102020088; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Fennell, Michael Parrish)

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

Item 18 [Docket No. 2020-1112-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SANTA FE CHEVRON, INC. in Galveston County; RN102010865; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tyler Richardson, Michael Parrish)

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

Item 19 [Docket No. 2020-0554-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SEZAA, INC. dba Korner Food Mart in Fort Bend County; RN101436202; 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. BJ/JN; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 20 [Docket No. 2019-1723-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Oscar Castro dba Guidry's Body Shop in Jefferson County; RN100694876; 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, Elisa Guerra)

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

Item 21 [Docket No. 2020-0530-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against Reza Family Inc. dba Valley View Station in Cooke County; RN105571921; 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. (Casey Kurnath, Elisa Guerra)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 22 [Docket No. 2020-0272-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Michael Reid dba Mike's Mini Mart in Gregg County; RN102719937; 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. (Casey Kurnath, Elisa Guerra)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 23 [Docket No. 2020-1353-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Anton in Hockley County; RN101202448; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Conner, Michael Parrish)

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

Item 24 [Docket No. 2020-0954-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Shepherd in San Jacinto County; RN101213718; 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. BJ/JN; all agree.

Item 25 [Docket No. 2020-1375-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PIXLEY WATER WORKS, INC. in Polk County; RN101182814; 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)

Item 26 [Docket No. 2020-1320-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAM RAYBURN WATER, INC. in San Augustine County; RN101274165; 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. BJ/JN; all agree.

Item 27 [Docket No. 2019-1747-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Jack Glover dba Panhandle Utility in Hutchinson County; RN102694189; for

public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (John S. Mercurief II, Elisa Guerra)

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

Item 28 [Docket No. 2020-1455-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Caney Creek Municipal Utility District of Matagorda County in Matagorda County; RN101384717; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Judy Bohr, Elisa Guerra)

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

PUBLIC WATER SUPPLY ENFORCEMENT DEFAULT ORDERS

Item 29 [Docket No. 2019-1504-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Larry E. Smith dba Little Lions Learning Academy in Bexar County; RN106357403; 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. (Ryan Rutledge, Elisa Guerra)

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

Item 30 [Docket No. 2020-0093-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of CENTERLINE WATER SUPPLY CORPORATION, Clarence Grays dba CENTERLINE WATER SUPPLY CORPORATION, James A. McGruder dba CENTERLINE WATER SUPPLY CORPORATION, Walter E. Nix, Jr. dba CENTERLINE WATER SUPPLY CORPORATION, Donna Williams dba CENTERLINE WATER SUPPLY CORPORATION, and Terry Williams dba CENTERLINE WATER SUPPLY CORPORATION in Bureson County; RN101439776; 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, Elisa Guerra)

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

Item 31 [Docket No. 2020-0719-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Brighton Manor Apartments, L.P. in Blanco County; RN102698743; 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, Elisa Guerra)

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

SLUDGE ENFORCEMENT AGREED ORDERS

Item 32 [Docket No. 2020-0889-SLG-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Baker Septic Service, LLC in Comal County; RN109805341; 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. (Alejandro Laje, Michael Parrish)

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

Item 33 [Docket No. 2019-1514-SLG-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LONGHORN SEPTIC SERVICE, L.C. in Polk County; RN102761384; 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. (Mark Gamble, Michael Parrish)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 34 [Docket No. 2020-0780-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CONATSER CONSTRUCTION TX, LP in Hood County; RN111033726; 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. BJ/JN; all agree.

Item 35 [Docket No. 2020-0631-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Renda Environmental, Inc. and the Trinity River Authority of Texas in Wise County; RN110743671; 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. BJ/JN; all agree.

MONTHLY ENFORCEMENT REPORT

Item 36 [Docket No. 2021-0097-MIS.](#)

Consideration of the Texas Commission on Environmental Quality Monthly Enforcement Report, submitted for discussion in accordance with Texas Water Code § 7.003. (Susan M. Jablonski, P.E., Melissa Cordell)

No action taken.

MISCELLANEOUS MATTERS

Item 37 [Docket No. 2021-0315-RES.](#)

Consideration of a resolution appointing eight nominees to serve on the Municipal Solid Waste Management and Resource Recovery Advisory Council (Advisory Council) and appointing a current member as Advisory Council President. The Executive Director also requests that the Commission renew the Advisory Council. The Advisory Council reviews and evaluates the effect of state policies and programs on municipal solid waste (MSW) management; makes recommendations on matters related to MSW management; recommends legislation to encourage the efficient management of MSW; recommends policies for the use, allocation, or distribution of the planning fund; and recommends special studies and projects to further the effectiveness of MSW management and recovery for Texas. The Notice of Request for Nominations was published in the April 16, 2021 issue of the *Texas Register*. (Anju Chalise, Kayla Murray) (Project No. 2021-009-RES-NR)

Adopt the Executive Director's revised Resolution extending the existence of the Municipal Solid Waste Management and Resource Recovery Advisory Council until August 31, 2027, and filling the vacancies on the Municipal Solid Waste Management and Resource Recovery Advisory Council as follows: Tennell Atkins, as an elected official from a municipality with a population of 750,000 or more, to expire on August 31, 2023; Richard Abramowitz, as a representative for the general public who would not otherwise qualify as members, to expire on August 31, 2025; Steve Shannon, as a representative from a private environmental conservation organization, to expire on August 31, 2027; Frank Pugsley P.E., as a professional engineer from a private engineering firm with experience in the design and management of solid waste facilities, to expire August 31, 2027; Jennifer Lutz, as a registered waste tire processor, to expire August 31, 2027; Cheryl Mergo, as a representative from a planning region, to expire on August 31, 2027; Charles A. Rivette, as a solid waste professional with experience managing or operating a commercial solid waste landfill, to expire on August 31, 2027; Tom Yardley, as an elected official from a county with a population less than 150,000, to expire on August 31, 2017; and Appoint current advisory council member David Yanke as advisory council president, to expire August 31, 2023. BJ/JN; all agree.

Item 38 [Docket No. 2021-0493-MIS.](#)

Consideration of the adoption of an amendment to air quality standard permit for concrete batch plants under Texas Health and Safety Code, Section 382.05195, Standard Permit, and 30 Texas Administrative Code (TAC) Chapter 116, Subchapter F, Standard Permits. The adopted amendment will update the standard permit to reinstate an exemption from emissions and distance limitations in 30 TAC Section 116.610(a)(1). The exemption was inadvertently removed during a previous amendment. Public notice of the proposed amendment was published in the May 28, 2021, issue of the *Texas Register* (46 TexReg 3440). (David Munzenmaier, Amy Browning; Non-Rule Project No. 2021-016-OTH-NR)

Adopt the amendments to the Air Quality Standard Permit for Concrete Batch Plants and the ED's revised Response to Comments. BJ/JN; all agree.

Item 39 [Docket No. 2021-0946-MIS.](#)

Discussion of the Office of Public Interest Counsel's Annual Report to the Commission made pursuant to Texas Water Code, Section 5.2725, Annual Report; Performance Measures. (Vic McWherter)

No action taken.

RULE MATTERS

Item 40 [Docket No. 2021-0682-RUL](#)

Consideration for publication of, and hearing on, proposed repealed Sections 308.1, 308.21, 308.31, 308.41, 308.71, 308.81, 308.91, 308.101, and 308.141 of 30 TAC Chapter 308, Criteria and Standards for the National Pollutant Discharge Elimination System; Section 314.1 of 30 TAC Chapter 314, Toxic Pollutant Effluent Standards; and Section 315.1 of 30 TAC Chapter 315, Pretreatment Regulations for Existing and New Sources of Pollution; and proposed new Sections 305.542 - 305.544 of 30 TAC Chapter 305, Consolidated Permits. The proposed rulemaking is the result of the 2019 quadrennial rule reviews of these chapters. The proposed rulemaking would repeal and re-propose these rules within Chapter 305, Subchapter P, with the exception of Chapter 308, Subchapters C and J which have been determined as obsolete. The proposed rulemaking would also adopt by reference 40 Code of Federal Regulations Part 125, Subpart N. (Laurie Fleet, Celia Castro) (Rule Project No. 2021-020-305-OW)

Approve the publication of, and hearing on, the proposed repeal of sections of 30 Texas Administrative Code Chapters 308, 314, and 315; and proposed adoption of new sections of 30

Texas Administrative Code Chapter 305, as recommend by the Executive Director. BJ/JN; all agree.

Item 41 [Docket No. 2021-0681-RUL.](#)

Consideration for publication of, and hearing on, proposed repealed Sections 321.71 - 321.81, 321.91 - 321.97, and 321.211 - 321.220 of 30 TAC Chapter 321, Control of Certain Activities by Rule, and Sections 351.41 - 351.45 of 30 TAC Chapter 351, Regionalization. The proposed rulemaking would repeal rules determined to be obsolete as a result of the Quadrennial Reviews of Chapters 321 and 351. (Laurie Fleet, Hollis Henley; Rule Project No. 2021-022-321-OW)

Approve the publication of, and hearing on, the proposed repeal of 30 Texas Administrative Code Chapter 321, Subchapters E, F, and L; and Chapter 351, Subchapter D, as recommend by the Executive Director. BJ/JN; all agree.

MONTHLY PUBLIC WATER SYSTEM REPORT

Item 42 **Docket No. 2021-0309-MIS.**

Consideration of agency post-incident response actions related to the February 2021 severe winter storm, including plans to evaluate factors that impacted public water system response and recovery actions.

No action taken.

EXECUTIVE MEETING

Item 43 **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 in Executive Session.

Item 44 **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.

The Commission did not meet in Executive Session.

Item 45 **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.

The Commission did not meet in Executive Session.

Item 46 **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.

The Commission did not meet in Executive Session.

GENERAL INFORMATION/LA INFORMACIÓN GENERAL

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How to register and 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> and entering Webinar ID 573-794-419. Those without internet access may call (512) 239-3313 before the meeting begins for assistance in accessing the meeting telephonically.

To register, you may provide information via the Public Participation Form at:

https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/AgendaRegistrationForm.docx. If you have challenges with the Public Participation Form, you may call (512) 239-3313 or email agenda@tceq.texas.gov and 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. Late registration could result in your missing the opportunity to comment on your item. Please note that the Commissioners may discuss or consider posted items in an order other than the order posted.

Cómo registrarse y dirigirse a la Comisión en la reunión

Los miembros del público que deseen dirigirse a la Comisión sobre un tema sobre el cual la Comisión está aceptando comentarios, deben registrarse como se indica a continuación y acceder a la reunión a través de un webcast navegando a:

<https://www.gotomeeting.com/webinar/join-webinar> e ingresando el ID del seminario web 573-794-419. Aquellos sin acceso a Internet pueden llamar al (512) 239-3313 antes de que comience la reunión para recibir ayuda para acceder a la reunión por teléfono.

Para registrarse, puede proporcionar información a través del Formulario de participación pública en:

https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/AgendaRegistrationForm.docx. Si tiene problemas con el Formulario de participación pública, puede llamar al (512) 239-3313 o enviar un correo electrónico a agenda@tceq.texas.gov y proporcionar la siguiente información: 1. Número de artículo de la agenda; 2. Nombre; 3. Afiliación; 4. Dirección; 5. Número de teléfono; 6. a quién representa (usted mismo o empresa / cliente); y 7. si desea

dirigirse a la Comisión, si está disponible para las preguntas de la Comisión o si desea que se le anote como presente para que conste en acta.

El registro para la Agenda concluirá a las 9:30 a.m. El registro tardío podría resultar en que pierda la oportunidad de comentar sobre su artículo. Tenga en cuenta que los Comisionados pueden discutir o considerar los artículos publicados en un orden diferente al pedido publicado.

How to ask for accommodations

Persons with disabilities who may 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 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.

Cómo solicitar adaptaciones

Se solicita a las personas con discapacidades que planeen asistir a la Agenda de la TCEQ y que puedan necesitar ayudas o servicios auxiliares, como intérpretes para personas sordas o con problemas de audición, lectores, letra grande o braille, que se comuniquen con la Oficina del Secretario en Jefe al (512) 239-3300 al menos cinco (5) días hábiles antes de la agenda, para que se puedan hacer los arreglos apropiados.

How to ask for an interpreter

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 Chief Clerk at (512) 239-3300 at least five (5) work days prior to the Agenda so that appropriate arrangements may be made.

Cómo pedir un intérprete

Se solicita a las personas que deseen la asistencia de un intérprete junto con su presentación oral en esta Agenda de la TCEQ que se comuniquen con la Oficina del Secretario en Jefe al (512) 239-3300 al menos cinco (5) días hábiles antes de la Agenda para que los arreglos apropiados puede hacerse.

How to read the Agenda document

The Agenda document above 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 under the hyperlinks.

Cómo leer el documento de la Agenda

El documento de la Agenda anterior incluye hipervínculos (números de expediente resaltados en azul) que permiten al usuario ver los documentos de respaldo de la agenda [documentos relacionados con un asunto en particular que se han presentado en la Oficina del Secretario en Jefe (OCC)]. Las actualizaciones de los documentos de respaldo se anotarán debajo de los hipervínculos.

Weapons Prohibited

Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into this meeting.

Armas prohibidas

En conformidad con la Sección 46.03, Código Penal (lugares con prohibición de armas), una persona no puede portar un arma de fuego u otra arma en esta reunión.

/s/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

October 5, 2021
Date