

**TCEQ COMMISSION MEETING
AGENDA
DECEMBER 15, 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>
Webinar ID 278-120-371

By Telephone/Por Teléfono: (914) 614-3221
Access Code 668-783-868

Important information about this agenda, including how to watch it online or listen to it by phone, how to register to speak, how to ask for special accommodations, how to obtain an interpreter for your presentation, how to read this document, and more is available in the [General Information section](#).

Información importante sobre esta agenda, que incluye cómo verla en línea o escucharla por teléfono, cómo registrarse para hablar, cómo solicitar acomodaciones especiales, cómo obtener un intérprete para su presentación, cómo leer este documento y más está disponible en [la sección de Información general](#).

Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka

AGENDA ITEMS/ARTÍCULOS DE LA AGENDA

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1 [Docket No. 2021-1465-AIR.](#)

Consideration of application by Rhino Ready Mix, LLC for the approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 162413, which would authorize construction and operation of a permanent concrete batch plant. The plant site is located at 9230 Winfield Road, Houston, Harris 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. (Don Nelon, Ashley Rich)

Refer the hearing requests of Carol Dejean, Christina Rios, and Dyersforest Heights Civic Club to SOAH for a determination on their affectedness in accordance with the distance requirement in Texas Health and Safety Code § 382.058(c). If SOAH determines that a requestor referred by the Commission satisfies the distance requirement in Texas Health and Safety Code § 382.058(c), the Administrative Law Judge should proceed with a hearing on the following issues: 1) Whether the permit will negatively affect air quality; 2) Whether the permit will be protective of the health and safety of the requestors and their families, including sensitive subgroups; and 3) Whether the applicant has met the requirements for a concrete batch plant standard permit; Deny all remaining hearing requests and requests for reconsideration; Refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrently with SOAH's scheduling process; and Set a hearing duration of 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. JN/BJ; EL opposed.

Item 2 [Docket No. 2021-1212-AIR.](#)

Consideration of application by United Ready Mix, LLC for the approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 161495, which would authorize construction and operation of a permanent concrete batch plant. The plant site is located at the following driving directions: from the intersection of Sanders Road and Bullard Road, go north on Sanders Road approximately 0.15 mile, the site entrance will be on the right, Iowa Colony, Brazoria 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. (Don Nelon, Contessa Gay)

Grant the hearing request of Milinda Hymel; Deny the remaining hearing requests; Refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrently with the SOAH preliminary hearing scheduling efforts; Refer the matter to SOAH for a contested case hearing on the following issues: 1) Whether the permit is protective of the health of the requestor and her family; 2) Whether the permit is protective against dust emissions generated from the proposed plant including nuisance dust admissions; and Specify that the maximum duration of the hearing is 180 days from the preliminary hearing to issuance for the Proposal for Decision. EL/BJ; all agree.

USE DETERMINATION MATTERS

Item 3 [Docket No. 2021-1355-MIS-U.](#)

Consideration of the appeal filed by the Ector County Appraisal District regarding the Executive Director's September 10, 2021 positive use determination issued on Application No. 23951 to Gcc Permian, LLC in Ector County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Don Redmond, Sierra Redding, Elizabeth Sartain, Guy Hoffman)

Joint Motion for Items 3 and 4.

Deny Ector County Appraisal District's appeals and affirm the Executive Director's positive use determinations for Application Nos. 23951 and 23954. BJ/EL; all agree.

Item 4 [Docket No. 2021-1358-MIS-U.](#)

Consideration of the appeal filed by the Ector County Appraisal District regarding the Executive Director's September 10, 2021 positive use determination issued on Application No. 23954 to Gcc Permian, LLC in Ector County, Texas. The Commission will also consider the application and all timely responses and reply briefs. (Don Redmond, Sierra Redding, Elizabeth Sartain, Guy Hoffman)

Joint Motion for Items 3 and 4.

Deny Ector County Appraisal District's appeals and affirm the Executive Director's positive use determinations for Application Nos. 23951 and 23954. BJ/EL; all agree.

DISTRICTS MATTER

Item 5 [Docket No. 2021-0259-DIS.](#)

Consideration and hearing on a petition from Morton Lake Investments, LP, a Texas limited partnership, and Westgreen Venture, LP, a Texas limited partnership, for creation of Sun Lake Improvement District (District), pursuant to Chapter 375, Texas Local Government Code. The proposed District will contain approximately 139.104 acres of land the extraterritorial jurisdiction of Houston, Harris County, Texas. (Andrew Paynter, Hollis Henley)

Grant the petition for the creation of Sun Lake Improvement District; and Issue the Executive Director's recommended Commission order for creating the district and appointing five initial directors. EL/BJ; all agree.

MOTION TO DISMISS AN AGREED ORDER

Item 6 [Docket No. 1997-0364-IHW-E.](#)

Consideration of an Order Dismissing Agreed Order concerning McKinney Smelting, Inc. in Collin County for industrial solid and hazardous waste violations pursuant to Tex. Water Code ch. 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality. (Courtney Sprague, Katherine McKenzie)

Adopt the Executive Director's Proposed Order dismissing the Commission's December 1998 Agreed Order concerning an enforcement action against McKinney Smelting, Inc., Docket No. 97-0364-IHW-E. BJ/EL; all agree.

MISCELLANEOUS MATTERS

Item 7 [Docket No. 2020-1449-MIS.](#)

Consideration for adoption of the 2022 Texas Nonpoint Source Management Program. This update must be submitted through the Governor's Office to the United States Environmental Protection Agency for continued eligibility for Section 319 Nonpoint Source Grant funds under the federal Clean Water Act. This update represents the joint submission of both the Texas Commission on Environmental Quality and the Texas State Soil and Water Conservation Board. (Kerry Niemann, Stefanie Skogen) (Project No. 2021-004-MIS-NR)

Adopt the 2022 Texas Nonpoint Source Management Program, as recommend by the Executive Director. EL/BJ; all agree.

Item 8 [Docket No. 2021-0578-RES.](#)

Consideration of the nomination and appointment of seven individuals to the Tax Relief for Pollution Control Property Advisory Committee. Texas Tax Code Section 11.31 requires the Texas Commission on Environmental Quality (TCEQ) to form a permanent advisory committee to make recommendations to the TCEQ commissioners on matters relating to property tax exemptions for pollution control property. The advisory committee is required to have representatives from industry, appraisal districts, taxing units, environmental groups, a school district or junior college, and other members who have substantial technical expertise in pollution control technology and environmental engineering. The committee positions to be filled include three industry representatives, two appraisal district representatives, one taxing unit representative, and one independent technical expert. A request for applications for nomination was published in the July 2, 2021, issue of the *Texas Register* (46 TexReg 4044). (Elizabeth Sartain, Don Redmond) (Non-Rule Project No. 2021-019-OTH-NR)

Adopt the revised proposed Resolution appointing the following individuals as members of the Tax Relief for Pollution Control Property Advisory Committee to expire on December 31, 2025: Bob Adair as a representative from industry; Michelle Carder as a representative from industry; Martha Landwehr as a representative from industry; Roland Bieber as a representative from appraisal districts; Hugh Landrum, Jr. as a representative from appraisal districts; Bill Longley as a representative from taxing districts; and Charles Allred as an independent technical expert. BJ/EL; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 9 [Docket No. 2020-1273-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Federal Heath Sign Company, LLC in Cherokee County; RN102570645; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on

Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Margarita Dennis, Michael Parrish)

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

Item 10 [Docket No. 2020-1176-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Formosa Plastics Corporation, Texas in Calhoun County; RN100218973; 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. (Abigail Lindsey, Michael Parrish)

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

Item 11 [Docket No. 2020-0978-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MDC Texas Operator LLC in Reeves County; RN110681970; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mackenzie Mehlmann, Michael Parrish)

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

Item 12 [Docket No. 2020-1139-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against SEA Eagle Ford, LLC in McMullen County; RN107916439; for air quality violations pursuant Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Richard Garza, Michael Parrish)

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

Item 13 [Docket No. 2021-0012-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Targa Pipeline Mid-Continent WestTex LLC in Midland County; RN105856306; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Johnnie Wu, Michael Parrish)

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

Item 14 [Docket No. 2020-1256-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Valero Refining-Texas, L.P. in Nueces County; RN100214386; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Johnnie Wu, Michael Parrish)

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

Item 15 [Docket No. 2020-1593-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical LLC in Montgomery County; RN100219740; 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. (Abigail Lindsey, Michael Parrish)

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

Item 16 [Docket No. 2020-1582-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OQ Chemicals Corporation in Matagorda County; RN105195655; 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. (Toni Red, Michael Parrish)

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

Item 17 [Docket No. 2019-1304-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Phillips 66 Company in Chambers County; RN100229319; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amanda Diaz, Michael Parrish)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 18 [Docket No. 2021-0253-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Goodyear Tire & Rubber Company in Harris County; RN100870898; 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.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 19 [Docket No. 2021-0119-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brook Ed Burnett in Nolan County; RN111144366; for municipal solid waste and water quality 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. (Berenice Munoz, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 20 [Docket No. 2021-0290-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Keith Dorn and Cindy Dorn in Sabine County; RN111023974; for municipal solid waste("MSW") 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. (Taylor Pearson, Katherine McKenzie)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21 [Docket No. 2021-0015-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Alpine in Brewster County; RN103114690; 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 22 [Docket No. 2020-1119-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of China in Jefferson County; RN101721686; 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 23 [Docket No. 2020-1254-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Tyler in Smith County; RN102916459; 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. (Mark Gamble, Michael Parrish)

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

Item 24 [Docket No. 2020-0336-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of San Antonio River Authority in Bexar County; RN101514560; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Caleb Olson, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 25 [Docket No. 2021-0313-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Lone Star 259 Operating LLC dba Texan Stop 2 in Morris County; RN102228202; 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. (Cynthia Sirois, Katherine McKenzie)

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

Item 26 [Docket No. 2020-1317-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against NNS Group Inc dba Shady Grove Food Mart in Dallas County; RN102285327; 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, Katherine McKenzie)

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

Item 27 [Docket No. 2020-1528-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against ShepTex Business Inc. dba Shepherd Market in San Jacinto County; RN102272556; 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, Katherine McKenzie)

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

Item 28 [Docket No. 2020-1249-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HOLLYWOOD PARK AUTOMOTIVE, INC. in Bexar County; RN102226032; 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. EL/BJ; all agree.

Item 29 [Docket No. 2018-0725-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TEXAS KSD ENTERPRISE INC dba Savannah Food & Deli in Jefferson County; RN101774040; 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 AND SHUTDOWN ORDER

Item 30 [Docket No. 2019-1496-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of GOODEN PETROLEUM, INC. in Comanche County; RN101827541; 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. 334. (Barrett Hollingsworth, Katherine McKenzie)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 31 [Docket No. 2021-0248-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brazoria County; RN101267029; for public drinking water violations pursuant Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ecko Beggs, Michael Parrish)

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

Item 32 [Docket No. 2021-0244-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fort Davis Water Supply Corporation in Jeff Davis County; RN101218022; 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 33 [Docket No. 2019-0776-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Heidi Fensterbush and Michael D. Fensterbush dba Country View Mobile Home Park and dba Valley Estates in Lubbock County; RN101278190 and RN101278018; 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. (Epi Villarreal, Michael Parrish)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 34 [Docket No. 2019-1386-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties against REBEL CONTRACTORS, INC. in Montgomery County; RN110646890; 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 Mullins, Katherine McKenzie)

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

Item 35 [Docket No. 2019-1388-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CROWN RECYCLING COMPANY in Val Verde County; RN105985147; for water quality violations pursuant to Tex. Water Code chs. 5, 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.

WATER RIGHTS ENFORCEMENT DEFAULT ORDER

Item 36 [Docket No. 2020-0283-WR-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Daniel Williams in Nueces County; RN110892221; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Katherine McKenzie)

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

MONTHLY ENFORCEMENT REPORT

Item 37 [Docket No. 2021-0094-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.

RULE MATTERS

Item 38 [Docket No. 2020-1173-RUL.](#)

Consideration for publication of, and hearing on, proposed new Section 60.4 of 30 TAC Chapter 60, Compliance History. The proposed rulemaking would add new Section 60.4, which would

allow for the executive director to designate and reclassify the compliance history classification for a site involved in an emergency event that causes or results in exigent circumstances. (Melissa Cordell, Jess Robinson) (Rule Project No. 2020-049-060-CE)

Approve the publication of, and hearing on, new 30 Texas Administrative Code § 60.4, as recommended by the Executive Director. EL/BJ; all agree.

Item 39 [Docket No. 2021-0948-RUL.](#)

Consideration for publication of, and hearing on, proposed removal of Section 331.11(d) of 30 TAC Chapter 331, Underground Injection Control. The proposed rulemaking would implement House Bill 1284 from the 87th Legislature, 2021, Regular Session, repealing TCEQ jurisdiction over the injection of CO2 produced by a clean coal project into a zone that is below the base of usable quality water and that is not productive of oil, gas, or geothermal resources. (Dan Hannah, Diane Goss) (Rule Project No. 2021-025-331-WS)

Approve the publication of, and hearing on, the proposed amendments to 30 Texas Administrative Code Chapter 331, as recommended by the Executive Director. BJ/EL; all agree.

Item 40 [Docket No. 2021-0372-RUL.](#)

Consideration of the adoption of 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 rulemaking would establish requirements for sand mining facilities in the San Jacinto River Watershed to develop and maintain onsite a Mine Plan before commencing or continuing operations at the site and to submit to the executive director a Final Stabilization Report for review and approval before terminating operations 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). The proposed rules were published in the June 25, 2021, issue of the *Texas Register* (46 TexReg 3846). (Macayla Coleman, Michael Parr) (Rule Project No. 2020-048-311-OW)

Adopt the amendments to 30 Texas Administrative Code Chapter 311, as recommend by the Executive Director. BJ/EL; all agree.

Item 41 [Docket No. 2021-0243-RUL.](#)

Consideration for adoption of amendments to Sections 332.2 - 332.4, 332.6, 332.8, 332.22, 332.23, 332.32, 332.33, 332.35 - 332.37, 332.41 - 332.45, 332.47, 332.61, 332.71, 332.72, and 332.75 of 30 TAC Chapter 332, Composting. The rulemaking adoption will clarify and update existing notice language and requirements found in Section 332.22(b), add existing language that applies to composting from 30 TAC Chapter 330, Subchapter P, concerning Fees and Reporting, to Chapter 332, and make substantive and non-substantive revisions to bring the chapter more up to date with agency and program standards. The proposed rules were published in the July 30, 2021, issue of the *Texas Register* (46 TexReg 4562). (Adam Schnuriger, Ian Groetsch) (Rule Project No. 2021-006-332-WS)

Continued to the January 12, 2022 Agenda by the Office of the General Counsel on December 9, 2021.

PUBLIC COMMENT SESSION

Item 42 **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 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 on this item.

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.

No action taken.

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.

No action taken.

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.

No action taken.

GENERAL INFORMATION/INFORMACIÓN GENERAL

How 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 668-783-868. 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>.

Cómo ver o escuchar la reunión

Los miembros del público pueden escuchar la reunión por teléfono llamando sin cargo al (914) 614-3221 e ingresando el código de acceso 668-783-868. El público también puede ver las reuniones de la TCEQ en vivo en el canal de YouTube de la TCEQ sin costo en:
<https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>.

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 278-120-371. 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 una transmisión web navegando a: <https://www.gotomeeting.com/webinar/join-webinar> e ingresando el ID del seminario web 278-120-371. 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 telefónico; 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 cecografía, que se comuniquen con la Oficina del Secretario Oficial 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 Oficial al (512) 239-3300 al menos cinco (5) días hábiles antes de la Agenda para que se puedan hacer los arreglos apropiados.

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 Oficial (OCC, por sus siglas en inglés)]. 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/ Colleen Ford
Assistant General Counsel
Colleen Ford

December 29, 2021
Date