

The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. Updates to backup documents will be noted by a purple indicator. Finally, the Commissioners may discuss or consider posted items in an order other than the order posted.

On March 16, 2020, in accordance with section 418.016 of the Texas Government Code, Governor Abbott suspended various provisions of the Open Meetings Act that require government officials and members of the public to be physically present at a specified meeting location. Pursuant to that suspension, the public will not be able to attend the Agenda in person but may attend telephonically or via webinar or view the meeting on the web at no cost.

To watch or listen to the meeting:

Members of the public may listen to the meeting telephonically by calling, toll free, (562) 247-8422 and entering access code 573-553-182. The public may also view live TCEQ meetings on the TCEQ YouTube Channel at no cost at:

<https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>.

To address the Commission at the meeting:

Members of the public who would like to address the Commission on an item for which the Commission is accepting comment, must register as indicated below and access the meeting via webcast by following this [link](#) and entering Webinar ID 506-415-507. Those without internet access may call (512) 239-3313 before the meeting begins for assistance in accessing the meeting telephonically.

To register, please call (512) 239-3313 or email agenda@tceq.texas.gov. Please complete this [Public Participation Form](#) or provide the following information: 1. Agenda item number; 2. Name; 3. Affiliation; 4. Address; 5. Phone number; 6. whom you represent (self or company/client); and 7. whether you wish to address the Commission, are available for questions from the Commission, or would like to be noted as present for the record.

Registration for agenda will conclude at 9:30 a.m. Please register before this time. Late registration could result in your missing the opportunity to comment on your item.

Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka

AGENDA

May 20, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 506-415-507

or

(562) 247-8422 / Access Code 573-553-182

PROPOSAL FOR DECISION

Item 1 **[TCEQ Docket No. 2018-0414-DIS; SOAH Docket No. 582-18-3270.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the appeal by 308 Furman, Ltd. of the Decisions of the Board of Directors of Harris County Water Control and Improvement District No. 89, pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code Chapter 54. The basis of the appeal is the Board of Directors omission of certain items in Bond Application No. 7 regarding the Brunswick Meadows development, in Harris County. The Commission will also consider the record, timely related filings, exceptions and replies. (Kayla Murray)

Adopt the ALJ's Proposed Order but amend Ordering Provision No. 4 to require reimbursement of the appeals deposits within 45 days of the effective date of the Order. JN/EL; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 **[Docket No. 2019-1340-IWD.](#)**

Consideration of the application by Lion Elastomers LLC, which operates Lion Elastomers Facility, a synthetic rubber manufacturing facility, has applied for a major amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002487000 to authorize replacing the daily average limit for the dry-weather flow with the requirement to report; removing the daily average limit for oil and grease; removing the daily average limit, increasing the daily maximum limit to 75 mg/L, increasing the single grab limit to 75 mg/L, and replacing the 24-hour composite sample with a grab sample for total organic carbon; and removing all copper, mercury, and silver limitations and associated requirements. The draft permit authorizes the discharge of fire hydrant water, potable water, steam condensate, and non-process area stormwater at a daily average dry-weather flow not to exceed 253,000 gallons per day. The facility is located at 1615 Main Street, in the City of Port Neches, Jefferson County, Texas 77651. The TCEQ executive director reviewed this action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the regulations of the General Land Office and has determined that the action is consistent with the applicable CMP goals

and policies. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Sarah A. Johnson, Michael Parr)

Refer the hearing request of Community In-Power and Development Association Inc. to SOAH for an affectedness determination; If SOAH determines Community In-Power and Development Association Inc. is an affected person, refer the following issues: A) Whether the draft permit adequately protects human health, safety, the environment, water quality, and aquatic life, under the applicable Texas Surface Water Quality Standards and B) Whether the applicant's compliance history raises 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; and Specify that the maximum duration of the hearing is 180 days from the preliminary hearing to issuance of the Proposal for Decision. JN/EL; all agree.

Item 3 **[Docket No. 2019-0715-WR.](#)**

Consideration of an application by JusRyn Company, Inc. (JusRyn) for an amendment to Certificate of Adjudication No. 12-4055. JusRyn is requesting authorization to add a diversion point on the Brazos River (Lake Granbury), Brazos River Basin and to change the place of use for agricultural purposes to irrigate land in Hood County. The Commission will consider all timely filed hearing requests and related responses and replies. (Lillian E. Beerman, Ruth Takeda)

Grant the hearing request of the Brazos River Authority; Refer the matter to SOAH for a contested case hearing on the application; and Refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrently with the SOAH scheduling process. EL/BJ; all agree.

MISCELLANEOUS MATTER

Item 4 **[Docket No. 2020-0548-MIS.](#)**

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Chris Gobert)

Approve issuance of the Executive Director's Proposed Resolution that acknowledges the material changes to contracts for goods and services in accordance with Texas Government Code § 2155.088 for the period of December 1, 2019 to February 29, 2020, as described in the TCEQ Interoffice Memorandum to the Commissioners and

Executive Director dated May 20, 2020 and Docket No. 2020-0548-MIS. BJ/EL; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 **[Docket No. 2019-0167-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Air Liquide Large Industries U.S. LP in Harris County; RN100233998; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Carol McGrath, Michael Parrish)

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

Item 6 **[Docket No. 2019-0521-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against DCP Operating Company, LP in Nueces County; RN102557931; 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. BJ/EL; all agree.

Item 7 **[Docket No. 2019-0165-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dril-Quip, Inc. in Harris County; RN102150570; 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/EL; all agree.

Item 8 **[Docket No. 2019-0579-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Friendswood Energy Genco, LLC in Harris County; RN106425242; 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. (Rebecca Johnson, Michael Parrish)

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

Item 9 **[Docket No. 2019-1221-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Lhoist North America of Texas, Ltd. in Comal County; RN100552454; 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/EL; all agree.

Item 10 **[Docket No. 2019-0282-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Lion Elastomers LLC in Jefferson County; RN100224799; 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. (Rebecca Johnson, Michael Parrish)

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

Item 11 **[Docket No. 2019-0735-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pelican Island Storage Terminal, LLC in Galveston County; RN100224120; 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. BJ/EL; all agree.

Item 12 **[Docket No. 2019-0957-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Troy Dodson in Jefferson County;

RN107657728; 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. BJ/EL; all agree.

Item 13 [**Docket No. 2019-0892-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WestRock Texas, L.P. in Jasper County; RN102157609; 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. BJ/EL; all agree.

Item 14 [**Docket No. 2018-1589-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against BNSF Railway Company and Fort Worth & Western Railroad Company in Hood County; RN110494770; 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. (Clayton Smith, Janice Hernandez)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 15 [**Docket No. 2018-1104-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LCY Elastomers LP in Harris County; RN102325974; 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/EL; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 16 [**Docket No. 2018-1361-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Omar Tello in Hidalgo County; RN110463155; for used tires 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. (Carlos Molina, Michael Parrish)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 17 [**Docket No. 2019-0916-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Buda and the Guadalupe-Blanco River Authority in Hays County; RN101703288; 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. (Alejandro Laje, Michael Parrish)

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

Item 18 [**Docket No. 2019-0557-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Corrigan in Polk County; RN101918464; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Abigail Lindsey, Michael Parrish)

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

Item 19 [**Docket No. 2019-1229-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Dallas in Dallas County; RN101549061; 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. BJ/EL; all agree.

Item 20 [**Docket No. 2019-0703-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Poteet in Atascosa County; RN102078417; 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/EL; all agree.

Item 21 [**Docket No. 2019-1078-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Refugio in Refugio County; RN103913935; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Abigail Lindsey, Michael Parrish)

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

Item 22 [**Docket No. 2019-0452-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of H & K JOLLY LLC in Clay County; RN103012720; 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. (Alejandro Laje, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 23 [**Docket No. 2019-0642-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Hurst in Tarrant County; RN102653441; 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. (Ken Moller, Michael Parrish)

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

Item 24 [**Docket No. 2019-0348-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MURPHY OIL USA, INC. dba Murphy Express 8541 in Hunt County; RN102389012; 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. (John Fennell, Michael Parrish)

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

Item 25 [**Docket No. 2019-0320-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Roma Independent School District in Starr County; RN101684595; 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/EL; all agree.

Item 26 [**Docket No. 2019-0281-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RSN INVESTMENTS INC dba Town & Country RV Food Mart in Brazos County; RN102384930; 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. (Stephanie McCurley, Michael Parrish)

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

Item 27 [**Docket No. 2018-1668-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SANM INC. dba Rick's Drive In in Denton County; RN101377471; 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/EL; all agree.

Item 28 [**Docket No. 2017-1151-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of WEST PARK BUSINESS INC dba Gator Stop 4 in Jefferson County; RN101818201; 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. (Ian Groetsch, Janice Hernandez)

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

Item 29 [**Docket No. 2018-0464-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Michael Johnson in Jim Hogg County; RN101443802; 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. (Ian Groetsch, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 30 [**Docket No. 2019-0471-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Anita Lewis and Cody Brent Lewis in Burnet County; RN102697794; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas

Commission on Environmental Quality. (Epifanio Villarreal, Michael Parrish)

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

Item 31 **[Docket No. 2019-0425-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Christian Heritage Classical School in Gregg County; RN101182277; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven Hall, Michael Parrish)

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

Item 32 **[Docket No. 2019-0779-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Deerhaven Water Control and Improvement District in Llano County; RN105777015; 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. BJ/EL; all agree.

Item 33 **[Docket No. 2019-0775-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of M & M Water Supply Corporation in Angelina County; RN101185700; 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. BJ/EL; all agree.

Item 34 **[Docket No. 2019-0414-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRUNO Perpetual Point of Sale, LLC dba Cash Register Services and Montesino Developments, LLC dba

Cash Register Services in Lubbock County; RN106182207; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Michael Parrish)

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

Item 35 [**Docket No. 2019-0172-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of PILOT POINT RURAL WATER SUPPLY, INC. in Denton County; RN102692837; 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. (Clayton Smith, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 36 [**Docket No. 2019-0540-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Texas Municipal Water District in Collin County; RN102315579; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Christopher Moreno, Michael Parrish)

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

MONTHLY ENFORCEMENT REPORT

Item 37 [**Docket No. 2020-0147-MIS.**](#)

Consideration of the Texas Commission on Environmental Quality Monthly Enforcement Report, submitted for discussion in accordance with Texas Water Code § 7.003. (Bryan Sinclair, Melissa Cordell)

No action taken.

RULE MATTERS

Item 38 [Docket No. 2020-0080-RUL.](#)

Consideration for publication of, and hearing on, proposed repeal of Sections 325.1 - 325.3; and the simultaneous proposal of new Sections 325.1 - 325.4 of 30 TAC Chapter 325, Hazardous Substances Inventory. This proposed rulemaking would repeal and replace the existing rules, remove obsolete references, provide consistency with federal rules, provide clarity to definitions, and add requirements stemming from the new online reporting system. In addition, the proposed rulemaking would include changes to reduce the number of consolidated filings of multiple Tier II reports. (Melinda Johnston, Amie Robinson) (Rule Project No. 2020-015-325-CE)

Approve the publication of, and hearing on, the proposed repeal of Sections 325.1 - 325.3, and the simultaneous proposal of new Sections 325.1 - 325.4 of 30 Texas Administrative Code Chapter 325, Hazardous Substances Inventory, as recommended by the Executive Director. EL/BJ; all agree.

Item 39 [Docket No. 2019-1297-RUL.](#)

Consideration for publication of, and hearing on, proposed amendments to Sections 319.1, 319.2, 319.4 – 319.9, 319.11, 319.12, 319.22, 319.23, 319.25, 319.28, and 319.29; and the repeal of Section 319.3 of 30 TAC Chapter 319, General Regulations Incorporated into Permits. The proposed rulemaking would clarify the procedures for approval of alternate test procedures, remove inconsistencies, and improve readability. (Sarah A. Johnson, Stefanie Skogen) (Rule Project No. 2019-115-319-OW)

Approve the publication of, and hearing on, the amended and repealed Sections of 30 Texas Administrative Code Chapter 319, as recommended by the Executive Director. BJ/EL; all agree.

Item 40 [Docket No. 2019-0896-RUL.](#)

Consideration of the adoption of amended Section 305.64 and the repeal of Section 305.149 of 30 TAC Chapter 305, Consolidated Permits; and amended Sections 335.1, 335.2, 335.10 - 335.13, 335.24, 335.31, 335.43, 335.63, 335.69, 335.71, 335.76, 335.78, 335.91, 335.112, 335.152, 335.251, 335.261, 335.262, 335.331, 335.501, 335.504, 335.590, and 335.602 and new Section 335.281 of 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste. The adopted rulemaking revises state industrial solid waste and hazardous waste management regulations to maintain equivalency with Resource

Conservation and Recovery Act revisions promulgated by the United States Environmental Protection Agency. The adopted rulemaking also implements House Bill 1953, 86th Texas Legislature, 2019, Regular Session, relating to the conversion of plastics and other recyclable material through pyrolysis or gasification. Furthermore, the adopted rulemaking repeals §305.149, Time Limitation for Construction of Commercial Hazardous Waste Management Units, determined to be obsolete in the Quadrennial Review of Chapter 305. The proposal was published in the January 10, 2020, issue of the *Texas Register* (45 TexReg 272). (Jarita Sepulvado, Natasha Douglas) (Rule Project No. 2019-085-335-WS)

Adopt the amendments to 30 Texas Administrative Code Chapter 305, Consolidated Permits; Section 305.64; the repeal of Section 305.149; and multiple amendments to 30 Texas Administrative Code Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste; as recommend by the Executive Director. EL/BJ; all agree.

Item 41 **[Docket No. 2019-0893-RUL.](#)**

Consideration of the adoption of amended Section 305.541 of 30 TAC Chapter 305, Consolidated Permits. The adoption would implement House Bill (HB) 2771 from the 86th Texas Legislature, 2019, Regular Session, by amending Section 305.541 to adopt by reference the United States Environmental Protection Agency's effluent limitations guidelines for the oil and gas extraction point source category and the centralized waste treatment category (40 Code of Federal Regulations Parts 435 and 437). The adoption would also define produced water, as that term is used in HB 2771. The proposed rules were published in the January 10, 2020, issue of the *Texas Register* (45 TexReg 275). (Laurie Fleet, Kathy Humphreys) (Rule Project No. 2019-118-305-OW)

Adopt the amendment to 30 Texas Administrative Code Chapter 305, as recommended by the Executive Director. BJ/EL; all agree.

EXECUTIVE MEETING

Item 42 **Docket No. 2020-0001-EXE.**

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

The Commission did not meet in Executive Session.

Item 43 Docket No. 2020-0002-EXE.

The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, General Counsel, Chief Clerk, Public Interest Counsel, or Chief Auditor as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

The Commission did not meet in Executive Session.

Item 44 Docket No. 2020-0003-EXE.

The Commission will conduct a closed meeting to discuss the employment, evaluation, reassignment, duties, discipline or dismissal of a specific Commission employee(s) as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

The Commission did not meet in Executive Session.

Item 45 Docket No. 2020-0004-EXE.

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

The Commission did not meet in Executive Session.

**PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ
AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS
INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING**

IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST SIX (6) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

SECTION 46.035 OF THE TEXAS PENAL CODE PROHIBITS HANDGUN LICENSEES FROM CARRYING THEIR HANDGUNS AT GOVERNMENT MEETINGS SUCH AS THIS ONE. THIS PROHIBITION APPLIES TO BOTH CONCEALED CARRY AND OPEN CARRY BY HANDGUN LICENSEES.

ON MARCH 16, 2020, IN ACCORDANCE WITH SECTION 418.016 OF THE TEXAS GOVERNMENT CODE, GOVERNOR ABBOTT SUSPENDED VARIOUS PROVISIONS OF THE OPEN MEETINGS ACT THAT REQUIRE GOVERNMENT OFFICIALS AND MEMBERS OF THE PUBLIC TO BE PHYSICALLY PRESENT AT A SPECIFIED MEETING LOCATION. PURSUANT TO THAT SUSPENSION, THE PUBLIC WILL NOT BE ABLE TO ATTEND THE AGENDA IN PERSON BUT MAY ATTEND TELEPHONICALLY OR VIA WEBINAR OR VIEW THE MEETING ON THE WEB AT NO COST.

TO WATCH OR LISTEN TO THE MEETING:

MEMBERS OF THE PUBLIC MAY LISTEN TO THE MEETING TELEPHONICALLY BY CALLING, TOLL FREE, (562) 247-8422 AND ENTERING ACCESS CODE 573-553-182. 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 FOLLOWING THIS [LINK](#) AND ENTERING WEBINAR ID 506-415-507. THOSE WITHOUT INTERNET ACCESS MAY CALL (512) 239-3313 BEFORE THE MEETING BEGINS FOR ASSISTANCE IN ACCESSING THE MEETING TELEPHONICALLY.

TO REGISTER, PLEASE CALL (512) 239-3313 OR EMAIL AGENDA@TCEQ.TEXAS.GOV. PLEASE COMPLETE THIS [PUBLIC PARTICIPATION FORM](#) OR PROVIDE THE FOLLOWING INFORMATION: 1. AGENDA ITEM NUMBER; 2. NAME; 3. AFFILIATION; 4. ADDRESS; 5. PHONE NUMBER; 6. WHOM YOU REPRESENT (SELF OR COMPANY/CLIENT); AND 7. WHETHER YOU WISH TO ADDRESS THE

COMMISSION, ARE AVAILABLE FOR QUESTIONS FROM THE COMMISSION, OR WOULD LIKE TO BE NOTED AS PRESENT FOR THE RECORD.

REGISTRATION FOR AGENDA WILL CONCLUDE AT 9:30 A.M. PLEASE REGISTER BEFORE THIS TIME. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

/s/ Ron Olson
Assistant General Counsel
Ron Olson

May 26, 2020
Date