

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 748-065-286. 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 955-062-059. 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

OLD BUSINESS AGENDA

July 15, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 955-062-059
(562) 247-8422 / Access Code 748-065-286

Continued from the July 1, 2020 Agenda.

RULE MATTER

Item 1 **[Docket No. 2019-1580-RUL.](#)**

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

Adopt amended Section 336.1310 of 30 Texas Administrative Code Chapter 336, as recommended by the Executive Director. EL/BJ; all agree.

NEW BUSINESS AGENDA

July 15, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 955-062-059
(562) 247-8422 / Access Code 748-065-286

DISTRICTS MATTER

Item 1 **[Docket No. 2020-0599-DIS.](#)**

Consideration and hearing on a petition from Post Oak Pointe, Ltd., for creation of Arcola Municipal Management District No. 1 ("District"), pursuant to Chapter 375, Texas Local Government Code. The proposed District is comprised of approximately 190.42 acres of land within the corporate limits of the City of Arcola, Fort Bend County, Texas. (Kayla Murray, Bijaya Chalise)

Grant the petition for the creation of Arcola Municipal Management District No. 1 and Issue the Commission Order for creating the district and appointing five initial directors, as recommended by the Executive Director. BJ/EL; all agree.

MISCELLANEOUS MATTERS

Item 2 **[Docket No. 209-1160-RES.](#)**

Consideration of a Resolution to appoint new members to the Water Utility Operator Licensing Advisory Committee (Advisory Committee). The resolution will appoint new members to replace outgoing members or appoint existing members to an additional term and approve continuing the existence of the Advisory Committee until August 31, 2024. The Advisory Committee operates through the Occupational Licensing Section of the Permitting & Registration Support Division (PRS), and provides assistance and advice to the Texas Commission on Environmental Quality on matters related to the training and licensing of water and wastewater operators. The Advisory Committee was created pursuant to 30 TAC Chapter 5, Advisory Committees and Groups and consists of 13 members, representing various water and wastewater regulated entities, from diverse geographic areas of the state, ethnic groups, businesses, government entities, and associations. The PRS Division solicited nominees by sending direct correspondence to all interested persons in the industry, as well as by asking current members to recommend potential members. A Notice of Request for Applications was published in the February 7, 2020, issue of the *Texas*

Register (45 TexReg 940). (James Murphy, Alicia Ramirez) (Rule Project No. 2019-131-RES-NR)

Adopt the Executive Director's proposed Resolution continuing the existence of the Water Utility Operator Licensing Advisory Committee until August 31, 2024 and Appoint the following nominees for terms effective September 1, 2020 for a four year term to expire August 31, 2024: Larry Bell, David Garza, David Harris, Jake Hollingsworth, Karen Menard, Robert Starr, and Crystal Ybanez. EL/BJ; all agree.

Item 3 **[Docket No. 2020-0662-MIS.](#)**

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Yen Tran)

Approve issuance of the Resolution acknowledging the Executive Director's acceptance of the gifts and donations contained in the TCEQ Interoffice Memorandum to the Commissioners dated June 22, 2020, Docket No. 2020-0662-MIS. BJ/EL; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 **[Docket No. 2019-0487-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Blanchard Refining Company LLC in Galveston County; RN102535077; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Richard Garza, Michael Parrish)

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

Item 5 **[Docket No. 2020-0026-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Blanchard Refining Company LLC in Galveston County; RN102535077; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Carol McGrath, Michael Parrish)

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

Item 6 [**Docket No. 2019-1464-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Braskem America, Inc. in Harris County; RN102888328; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Danielle Porras, Michael Parrish)

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

Item 7 [**Docket No. 2019-0809-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN103919817; 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 8 [**Docket No. 2019-1223-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Brazoria County; RN100825249; 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 9 [**Docket No. 2018-1499-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Citgo Pipeline Company in Hardin

County; RN100224088; 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 10 [**Docket No. 2019-1007-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DCP Operating Company, LP in Midland County; RN100209907; 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. (Michaëlle Garza, Michael Parrish)

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

Item 11 [**Docket No. 2019-1295-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eastman Chemical Company in Harrison County; RN100219815; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amanda Diaz, Michael Parrish)

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

Item 12 [**Docket No. 2017-1118-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Chambers County; RN102323268; 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. BJ/EL; all agree.

Item 13 **[Docket No. 2019-0620-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100210319; 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 14 **[Docket No. 2019-0491-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Dallas County; RN100519651; for air quality violations pursuant to Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Johnnie Wu, Michael Parrish)

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

Item 15 **[Docket No. 2019-0225-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OCI Beaumont LLC in Jefferson County; RN102559291; 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 16 **[Docket No. 2019-0690-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Blaine Larsen Farms, Inc. in Hartley County; RN109220137; 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.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 17 [Docket No. 2019-1439-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Nacogdoches in Nacogdoches County; RN102217395; for municipal solid waste and air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 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 18 [Docket No. 2019-0478-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lone Pine Enterprises, Inc. in Travis County; RN106178619; 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. (Carlos Molina, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 19 [Docket No. 2019-0275-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Seng Phet Souimaniphanh dba T L Water Jones Acres in Wise County; RN101196905; for public drinking water and water rights violations pursuant to Tex. Water Code chs. 5 and 11, Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Ryan Rutledge, Janice Hernandez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 20 **[Docket No. 2019-0853-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Luis Enrique Estrada in Bell County; RN109302489; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Fennell, Michael Parrish)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21 **[Docket No. 2019-0196-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Nocona in Montague County; RN101609287 and RN102181591; 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.

Item 22 **[Docket No. 2019-0614-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain action of the City of Pflugerville in Travis County; RN101611440; 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 23 **[Docket No. 2019-1113-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Greenwood Utility District in Harris County; RN101526093; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 24 **[Docket No. 2019-1284-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Longhorn Horizon, Inc. dba Star One in Johnson County; RN101463180; 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 Smith, Michael Parrish)

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

Item 25 **[Docket No. 2019-1627-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SanBock, LLC dba Bristol General Store in Ellis County; RN109997379; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Hailey Johnson, Michael Parrish)

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

Item 26 **[Docket No. 2019-0368-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of UNITED PARCEL SERVICE, INC. in Tarrant County; RN100699495; 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. (Ryan Rutledge, Janice Hernandez)

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

Item 27 **[Docket No. 2018-1581-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against NIROJ CORPORATION dba Cigarette Mart in Tarrant County; RN102227071; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kevin R. Bartz, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 28 [Docket No. 2018-1387-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against RACE TRIP, LLC dba Hill Top Food Mart in Parker County; RN101436541; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health and Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jake Marx, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 29 [Docket No. 2019-1099-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ha Van Nguyen dba Austin Aqua System in Burnet County; RN101197986; 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. (Julianne Dewar, Michael Parrish)

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

Item 30 [Docket No. 2018-1531-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MANCHACA BAPTIST CHURCH, INC. in Travis County; RN101252757; 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 31 **[Docket No. 2019-1227-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OILTON RURAL WATER SUPPLY CORPORATION THE STATE OF TEXAS in Webb County; RN101195683; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Danielle Porras, Michael Parrish)

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

Item 32 **[Docket No. 2019-0886-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Dale W. Haggard dba Spring Valley Subdivision in Cass County; RN101229185; 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. (Jaime C. Garcia, Janice Hernandez)

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

Item 33 **[Docket No. 2018-1128-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against River Acres Water Supply Corporation in Nueces County; RN101222966; 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. 2018-1677-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Heidi Fensterbush dba Country View MHP and Michael D. Fensterbush dba Country View MHP in Lubbock County; RN101278190; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 35 **[Docket No. 2019-0649-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against Mesquite Tranquility, LLC in Brewster County; RN109535013; 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, Janice Hernandez)

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

SLUDGE ENFORCEMENT AGREED ORDERS

Item 36 **[Docket No. 2018-0752-SLG-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Francisco Valenzuela dba Prontos Septic Services in Bexar County; RN105359236; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven Van Landingham, Michael Parrish)

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

Item 37 **[Docket No. 2018-0773-SLG-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Henry Rodriguez dba Gulf Coast Septic Waste in Cameron County; RN106337926; for sludge transportation violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Janice Hernandez)

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

WASTE DISPOSAL WELL ENFORCEMENT AGREED ORDER

Item 38 [**Docket No. 2019-1228-WDW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Chevron Phillips Chemical Company LP in Hutchinson County; RN102320850; for waste disposal well violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 27, 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. BJ/EL; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 39 [**Docket No. 2019-0714-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against American TieTek, LLC in Harrison County; RN104613401; 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. (Aaron Vincent, Michael Parrish)

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

Item 40 [**Docket No. 2019-1171-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Weir Brothers Contracting, LLC in Dallas County; RN109791616; 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.

RULE MATTERS

Item 41 [**Docket No. 2020-0353-RUL.**](#)

Consideration for publication of proposed amended Sections 17.14 and 17.17 of 30 TAC Chapter 17, Tax Relief for Property Used for Environmental Protection; and Sections 18.25, 18.26, and 18.30 of 30 TAC Chapter 18, Rollback Relief for Pollution Control Requirements. The proposed rulemaking would revise the Tier I Tables in Section

17.14(a) and Section 18.25(a) consistent with the Tax Relief for Pollution Control Property Advisory Committee's formal recommendations. The proposed revisions would add heat recovery steam generators with a partial use determination of 65% and 11 other pollution control property items to both Tier I Tables. Other revisions are proposed to accommodate the addition of the Tier I Table property items at a partial use percentage. The proposed rulemaking would also implement Senate Bill 2, Section 44 from the 86th Texas Legislature, 2019, Regular Session, which requires rulemaking to revise the title of Chapter 18 from Rollback Relief for Pollution Control Requirements to Voter-Approval Tax Rate Relief for Pollution Control Requirements. Finally, the proposed rulemaking would fulfill the commission's statutory and regulatory requirements to review and update the property included on the Chapters 17 and 18 Expedited Review Lists (ERL) and Tier I Tables. Both ERLs are proposed for revision only to establish consistency with both Tier I Tables. (Elizabeth Sartain, Don Redmond) (Rule Project No. 2020-031-018-AI)

Approve the publication of the amended Sections of 30 Texas Administrative Code Chapters 17 and 18, as recommended by the Executive Director. EL/BJ; all agree.

Item 42 [**Docket No. 2018-0983-RUL.**](#)

Consideration for publication of proposed amended Sections 30.20, 30.24, 30.33, 30.34, 30.36, 30.81, 30.95, 30.129, and 30.402; and new Section 30.29 of 30 TAC Chapter 30, Occupational Licenses and Registrations. The proposed rulemaking would implement House Bill (HB) 1508, 85th Texas Legislature, 2017, Regular Session, relating to notice to applicants regarding the consequences of a criminal conviction on eligibility for an occupational license; and HB 1342, Senate Bill (SB) 37, and SB 1217, 86th Texas Legislature, 2019, Regular Session, relating to notice to individuals regarding the licensing authority's intention to deny an individual a license based on criminal history, the prohibition on denying or suspending an occupational license due to an individual's default on student loans, and the prohibition on including an arrest that did not result in a conviction in a licensing authority's determination of a person's fitness to perform the duties and responsibilities of a licensed occupation. The proposed rulemaking would also include administrative changes to ensure current and accurate cross-references. (Rebecca Moore, Hollis Henley) (Rule Project No. 2018-024-030-WS)

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

Item 43 **Docket No. 2019-1588-RUL.**

Consideration of the adoption of amended Sections 116.110, 116.116, 116.710, and 116.721 and new Section 116.118 of 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, and corresponding revisions to the State Implementation Plan. The adoption revises Chapter 116 to implement provisions of House Bill 2726, 86th Texas Legislature, 2019, Regular Session, which revised Texas Health and Safety Code, Section 382.004. The adopted revisions to Chapter 116 will allow applicants for a permit amendment to begin construction, at their own risk, when the draft permit has been issued and certain other criteria have been satisfied. The proposed rules were published in the February 14, 2020, issue of the *Texas Register* (45 TexReg 989). (Michael Wilhoit, John Minter) (Rule Project No. 2019-129-116-AI)

Adopt the amendments to 30 Texas Administrative Code §§ 116.110, 116.116, 116.710, 116.721, and new 30 Texas Administrative Code § 116.118, and corresponding revisions to the State Implementation Plan, as recommended by the Executive Director. EL/BJ; all agree.

Item 44 **Docket No. 2019-1161-RUL.**

Consideration of the adoption of amended Section 342.26 of 30 TAC Chapter 342, Regulation of Certain Aggregate Production Operations. The adopted rulemaking implements House Bill 907, 86th Texas Legislature, 2019, Regular Session, relating to the increased maximum annual registration fee for aggregate production operations in the state. The proposed rules were published in the February 28, 2020, issue of the *Texas Register* (45 TexReg 1314). (Shelby Williams, Michael Parr) (Rule Project No. 2019-130-342-OW)

Adopt the amendment to Section 342.26 of 30 Texas Administrative Code Chapter 342, as recommended by the Executive Director. BJ/EL; all agree.

EXECUTIVE MEETING

Item 45 **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 46 **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 47 **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 48 **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.

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 748-065-286. 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 955-062-059. 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/ Dinniah Tadema
Assistant General Counsel
Dinniah Tadema

August 3, 2020
Date