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Updates to backup documents will be noted by a purple indicator. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 7 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).

Chairman Bryan W. Shaw, Ph.D., P.E.
Commissioner Toby Baker
Commissioner Jon Niermann

AGENDA

November 15, 2017

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.
12100 Park 35 Circle
Room 201S, Bldg. E

PROPOSALS FOR DECISION

Item 1 [**TCEQ Docket No. 2016-0437-PST-E; SOAH Docket No. 582-17-1700.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against and requiring certain actions of JENKINS INVESTMENT, LTD. in Harris County, Texas; RN102454998; regarding petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Elizabeth Lieberknecht)

Adopt the Administrative Law Judge's Proposed Order as amended by her September 20, 2017 letter. TB/JN; all agree.

Item 2 [TCEQ Docket No. 2016-1352-PST-E; SOAH Docket No. 582-17-2459.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against and requiring certain actions of NNP TRADING, INC. dba Easy Food Mart in Tarrant County, Texas; RN102042710; regarding petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Isaac Ta)

Adopt the ALJ's Proposed Order with the four modifications recommended by the ED's Exceptions and agreed to by the ALJ's Reply. JN/TB; all agree.

WATERMASTER EVALUATION MATTER

Item 3 [Docket No. 2017-1391-MIS.](#)

Consideration of the Executive Director's findings and recommendation on whether a watermaster should be appointed for the Upper Brazos River Basin, Colorado River Basin, San Jacinto-Brazos Coastal Basin, Colorado-Lavaca Coastal Basin, or the Brazos-Colorado Coastal Basin. Texas Water Code, Section 11.326(g) requires that in river basins where no watermaster has been appointed, the executive director shall evaluate the river basin at least once every 5 years to determine whether a watermaster should be appointed, and report the findings and make recommendations to the commission. The commission shall include the findings and recommendations in the commission's biennial report to the Legislature (Amy Settemeyer, Dinniah Tadema).

No action taken.

MISCELLANEOUS MATTERS

Item 4 [Docket No. 2017-0696-RES.](#)

Consideration of a resolution to fill membership positions on the Galveston Bay Council (GBC). The GBC is a 41-member advisory body to the Texas Commission on Environmental Quality (Commission), whose function is to advise the Commission on the implementation of The Galveston Bay Plan, the Comprehensive Conservation Management Plan for Galveston Bay. These nominations would be for 22 of the 41 members. Membership includes representatives from federal agencies; state agencies; regional and local governments; environmental and citizen groups; the private sector; and a representative from research/academia. These membership positions are consistent with

the Texas Government Code, Chapter 2110, State Agency Advisory Committees, as well as the requirements of the Federal Clean Water Act, §320. (Sarah Bernhardt, Celia Castro) (Non-Rule Project No. 2017-024-RES-NR)

Approve the Resolution appointing stakeholders to fill the 22 membership positions on the Galveston Bay Council, Docket Number 2017-0696-RES, as recommended by the Executive Director. JN/TB; all agree.

Item 5 **Docket No. 2017-0777-RES.**

Consideration of a resolution appointing nominees to serve on the Municipal Solid Waste Management and Resource Advisory Council (Advisory Council) and the possible appointment of one member as the Advisory Council president. The Advisory Council reviews and evaluates the effect of state policies and programs on municipal solid waste (MSW) management; makes recommendations on matters relating to MSW management; recommends legislation to encourage the efficient management of MSW; recommends policies for the use, allocation, or distribution of the planning fund; and recommends special studies and projects to further the effectiveness of MSW management and recovery for Texas. (Steve Hutchinson, Shannon Love) (Project No. 2017-028-RES-NR)

Appoint the following nominees to the Advisory Council: Trent Perez, P.E., an elected official from a municipality with a population of 100,000 or more but less than 750,000, to expire August 31, 2019; Mark Briggs, an elected official from a municipality with a population fewer than 25,000, to expire August 31, 2023; Maurice Pitts, an elected official from a county with any population size, to expire August 31, 2023; Richard McHale, an official from a city or county solid waste agency, to expire August 31, 2023; Jeffrey Mayfield, P.E., a representative from a public solid waste district or authority, to expire August 31, 2023; Scott Pasternak, a representative of the general public, to expire August 31, 2023; Rosemary Wyman, P.G., a representative of the general public, to expire August 31, 2019; and that we appoint current advisory council member Robert Holder, P.E., as advisory council president, to expire August 31, 2019. TB/JN; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6 **Docket No. 2017-0311-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AFTON CHEMICAL CORPORATION in Harris County; RN101613230; 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. JN/TB; all agree.

Item 7 **[Docket No. 2017-0429-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Albemarle Corporation in Harris County; RN100218247; 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. JN/TB; all agree.

Item 8 **[Docket No. 2017-0335-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Chevron Phillips Chemical Company LP in Jefferson County; RN100209857; 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. (David Carney, Michael Parrish)

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

Item 9 **[Docket No. 2017-0420-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. (Jo Hunsberger, Michael Parrish)

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

Item 10 **[Docket No. 2017-0386-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ExxonMobil Oil Corporation in

Jefferson County; RN102450756; 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. (David Carney, Michael Parrish)

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

Item 11 [**Docket No. 2017-0164-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against True Grit Redi Mix, Ltd. in Tarrant County; RN104348933; 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. JN/TB; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 12 [**Docket No. 2017-0079-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Tim Wilson and Teresa Wilson in Howard County; RN109341420; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Adam Taylor, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 13 [**Docket No. 2016-0717-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Trophy Club Municipal Utility District No. 1 in Denton County; RN101520286; 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. (Melissa Castro, Michael Parrish)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 14 **Docket No. 2016-1316-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17 in Jefferson County; RN102927894; 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. (Epifanio Villarreal, Michael Parrish)

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

Item 15 **Docket No. 2016-1330-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PRITEN YOGESH PATEL LLC. in Lubbock County; RN103036679; 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. JN/TB; all agree.

Item 16 **Docket No. 2016-0878-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against MURPHY OIL USA, INC. in Grayson County; RN102257961; 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. (Isaac Ta, Janice Hernandez)

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

Item 17 [Docket No. 2016-1036-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Ty Osmani dba Lucky Truck Stop in Grayson County; RN105061006; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Isaac Ta, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 18 [Docket No. 2017-0258-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Alan Glenn Johnson and Jeff Milton Haney dba Big Boyz Tire Shop in Jefferson County; RN101808244; 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. (Lena Roberts, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 19 [Docket No. 2016-0075-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Roha Enterprises, Inc. dba GK Mart Convenience Store in Bell County; RN102277324; 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. (James Sallans, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 20 [Docket No. 2017-0555-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Clyde in Callahan County; RN101410751; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ronica Rodriguez, Michael Parrish)

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

Item 21 [**Docket No. 2016-1844-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Graham in Young County; RN101386308; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jason Fraley, Michael Parrish)

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

Item 22 [**Docket No. 2016-2039-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Melvin in McCulloch County; RN101217636; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Caleb Olson, Michael Parrish)

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

Item 23 [**Docket No. 2017-0101-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of the City of Dell City in Hudspeth County; RN101210409; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Eric Grady, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 24 **[Docket No. 2015-0364-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Donald E. Schigut dba Schigut Property WS and Virginia A. Schigut dba Schigut Property WS in Burnet County; RN107033318; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Eric Grady, Janice Hernandez)

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

MONTHLY ENFORCEMENT REPORT

Item 25 **[Docket No. 2017-1484-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.

MISCELLANEOUS MATTER

Item 26 **[Docket No. 2017-1102-MIS.](#)**

Consideration of the adoption of revisions to New Technology Implementation Grant Program: Guidelines for Grants (RG-484). The adoption of the revisions to the guidelines would add new project categories to the New Technology Implementation Grant (NTIG) Program established under Texas Health and Safety Code (THSC), Chapter 391. The new project categories were added to THSC, Chapter 391, by Senate Bill 1731, 85th Texas Legislature, 2017, Regular Session. The purpose of the NTIG Program is to assist the implementation of new technologies to reduce emissions from facilities and other stationary sources in this state. The additional project categories include new technology projects that reduce emissions from upstream and midstream oil and gas production, completions, gathering, storage, processing, and transmission activities through: the replacement or repower of stationary compressors or retrofit of a stationary compressor or engine/compressor; the installation of systems to reduce or eliminate the loss of gas, flaring of gas, or burning of gas using other combustion control devices; or the installation of systems that reduce flaring emissions and other site emissions by capturing waste heat to generate

electricity solely for on-site service. (Steve Dayton, Dylan Dobecki)
(Non-Rule Project No. 2017-033-OTH-NR)

Adopt the revisions to New Technology Implementation Grant Program: Guidelines for Grants (RG-484), as recommended by the Executive Director. TB/JN; all agree.

RULE MATTERS

Item 27

[Docket No. 2017-0866-RUL.](#)

Consideration for publication of, and hearing on, proposed repeal of Sections 114.610 - 114.612 and 114.616; and proposed new Sections 114.610 - 114.613 of 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles. The proposed rulemaking would implement Senate Bill (SB) 1731 from the 85th Texas Legislature, 2017, Regular Session, to implement a new Light-Duty Motor Vehicle Purchase or Lease Incentive Program (program) established under Texas Health and Safety Code, Chapter 386, Subchapter D. The proposed rulemaking would repeal the criteria and requirements pertaining to the previous program that ended in 2015, and would replace those sections with the criteria and requirements for the new program established under SB 1731. The new program would provide an incentive of up to \$5,000 for the purchase or lease of an eligible new light-duty motor vehicle powered by compressed natural gas or liquefied petroleum gas. An incentive of up to \$2,500 would be available for the purchase or lease of an eligible new light-duty motor vehicle powered by an electric motor that draws electricity from a hydrogen fuel cell or from a battery. The proposed new sections would include the eligibility criteria for applicants and the new light-duty motor vehicles that may qualify for the incentive. The proposed new sections would also include requirements and procedures for a manufacturer of an eligible new light-duty motor vehicle, an intermediate or final state manufacturer, or a manufacturer of compressed natural gas or liquefied petroleum gas systems to submit information on the new light-duty motor vehicle models or natural gas or liquefied petroleum gas systems and the vehicle models on which the systems are approved for installation that the manufacturer intends to sell in this state during the model year. Under the proposed rulemaking, the manufacturer reports would need to be submitted to the executive director, or the executive director's designee, upon request initially and then no later than July 1 of each year preceding the new vehicle model year. (Steve Dayton, Sierra Redding) (Rule Project No. 2017-030-114-AI)

[Chairman Shaw's Handout from the November 15, 2017 Commissioners' Agenda.](#)

Approve the publication of, and hearing on, the proposed new and repealed sections of 30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K, as recommended by the Executive Director, except include the revisions offered in hard copy and made available to the public today by Chairman Shaw, that remove the Executive Director's new interpretation of Texas Health and Safety Code § 386.155(a). JN/TB; all agree.

Item 28 **Docket No. 2017-0867-RUL.**

Consideration for publication of, and hearing on, proposed amended Sections 114.620, 114.622, 114.623, 114.644, 114.650 - 114.653, and 114.680 - 114.682 of 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K; and proposed repeal of Sections 114.648, 114.658, 114.660 - 114.662, and 114.670 - 114.672. If adopted, the amendments to Sections 114.620, 114.622, 114.623, 114.650 - 114.653, and 114.680 - 114.682 would be submitted to the United States Environmental Protection Agency (EPA) as a revision to the state implementation plan. The proposed rulemaking would implement portions of Senate Bill (SB) 1731 enacted by the 85th Legislature, 2017, Regular Session, which amended statutory provisions pertaining to programs that are part of the Texas Emissions Reduction Plan (TERP). The proposed rulemaking would amend existing rules implementing the Diesel Emissions Reduction Incentive Program established under Texas Health and Safety Code (THSC), Chapter 386, Subchapter C; the Texas Clean School Bus Program (TCSBP) established under THSC, Chapter 390; the Texas Clean Fleet Program (TCFP) established under THSC, Chapter 392; and the Seaport and Rail Yard Areas Emissions Reduction Program established under THSC, Chapter 386, Subchapter D - 1. The proposed changes include updates and revisions to program criteria and processes. The proposed rulemaking would repeal the expiration dates of the rules for the TCSBP and the TCFP. SB 1731 removed specific statutory expiration dates for the TERP programs and extended the programs until the commission publishes notification in the *Texas Register* of actions by the EPA designating areas in Texas as attainment or unclassifiable/attainment for National Ambient Air Quality Standards for ozone, or EPA has approved a redesignation substitute making a finding of nonattainment for an area, and all judicial reviews of the EPA actions and rules have been completed and upheld the findings or the limitations period to seek judicial review has expired. The proposed rulemaking would also repeal rules for the Alternative Fueling Facilities Program established under THSC, Chapter 393; and the Texas Natural Gas Vehicle Grants Program established under THSC, Chapter 394. The statutory rulemaking requirements for these two programs were removed by SB 1731. (Steve Dayton, Sierra Redding) (Rule Project No. 2017-031-114-AI)

Approve the publication of, and hearing on, the proposed amended and repealed Sections of 30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K, as recommended by the Executive Director. TB/JN; all agree.

Item 29 **Docket No. 2017-0744-RUL.**

Consideration for publication of, and hearing on, proposed amendments to Sections 39.411 and 39.603 of 30 TAC Chapter 39, Public Notice, and Section 55.152 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; and corresponding revisions to the State Implementation Plan (SIP). If adopted, the amendments to Sections 39.411(e)(10) and (11)(A)(v) and (vi) and (F), (f) (introductory paragraph), and (f)(8); 39.603; and 55.152(a)(3), (4), (7), and (8) will be submitted to the United States Environmental Protection Agency as revisions to the SIP. The proposed rulemaking would implement Senate Bill 1045 from the 85th Texas Legislature, 2017, Regular Session, relating to consolidation of public notice requirements for certain air quality permit applications. (Janis Hudson) (Rule Project No. 2017-027-039-LS)

Approve the publication of, and hearing on, proposed amended Sections of 30 Texas Administrative Code Chapter 39, Public Notice, and 30 Texas Administrative Code Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; and corresponding revisions to the State Implementation Plan, as recommended by the Executive Director. JN/TB; all agree.

Item 30 **Docket No. 2016-1919-RUL.**

Consideration for publication of, and hearing on, proposed amendments to Sections 334.2, 334.4, 334.6, 334.7, 334.10, 334.19, 334.42, 334.45 - 334.52, 334.54, 334.55, 334.72, 334.74, 334.123 - 334.125, 334.127, 334.208, 334.407, 334.424, 334.491, 334.496, 334.499, 334.602, 334.603, and 334.605 of 30 TAC Chapter 334, Underground and Aboveground Storage Tanks. The proposed rulemaking would include federal rule updates required by the United States Environmental Protection Agency (EPA) pertaining to underground storage tanks (USTs). In addition to updates to EPA's UST regulations, this rulemaking also proposes minor rule revisions relating to fee on delivery of petroleum products and the funding of the Petroleum Storage Tank Remediation account (House Bill 7, 84th Texas Legislature, Regular Session, which amended Texas Water Code (TWC), Section 26.3574(b-1)), and rule revisions related to the fee on the delivery of certain petroleum products (Senate Bill 1557, 85th Texas

Legislature, Regular Session, which amended TWC, Section 26.3574(a) - (i)). (Cynthia Gandee, Isaac Ta) (Rule Project No. 2016-019-334-CE)

Approve the publication of, and hearing on, proposed amendments to 30 Texas Administrative Code Chapter 334, Underground and Aboveground Storage Tanks, as recommended by the Executive Director. TB/JN; all agree.

EXECUTIVE MEETING

Item 31 Docket No. 2017-0001-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 Meeting.

Item 32 Docket No. 2017-0002-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 Meeting.

Item 33 Docket No. 2017-0003-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 Meeting.

Item 34 **Docket No. 2017-0004-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 Meeting.

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.

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

**THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT:
[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**

/s/ Ron Olson
Assistant General Counsel
Ron Olson

11-16-2017
Date