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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 Jon Niermann  
Commissioner Emily Lindley

## **AGENDA**

June 12, 2019

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

### **PROPOSAL FOR DECISION**

Item 1 [\*\*TCEQ Docket Nos. 2018-0899-AIR and 2018-0900-AIR; SOAH Docket Nos. 582-18-4846 and 582-18-4847.\*\*](#)

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the applications of GCGV Asset Holding LLC, for new Air Quality Permit Nos. 146425, PSDTX1518, 146959, and PSDTX1520, pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code chapter 382. The proposed petrochemical manufacturing complex, including a main site and plastics logistics center, would be located in Gregory, in San Patricio County. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Sierra Redding)

Adopt the ALJs' Proposed Order as modified by the ALJs' letter dated June 6, 2019, with the following change: Revise Ordering Provision No. 6 to state "The effective date of this Order is the date that it is signed by the commission. The Order will become

final as provided by Texas Government Code § 2001.144 and 30 Texas Administrative Code § 80.273.”; Grant the permit applications of GCGV Asset Holding LLC, for new Air Quality Permits Nos. 146425, PSDTX1518 and 146959, PSDTX1520; and Adopt the ED’s Response to Comments. EL/JN; all agree.

## **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

### **Item 2      [Docket No. 2019-0575-MWD.](#)**

Consideration of the application by City of Star Harbor for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014268002 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 240,000 gallons per day. The facility will be located approximately 3,050 feet west of the intersection of Briarwood and Farm-to-Market Road 3062, and 3,500 feet south of the intersection of Farm-to-Market Road 3062 and Jupiter Road, in Henderson County, Texas 75148. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director’s response to comments. (Julian Centeno, Jr., Michael Parr)

Grant the hearing requests of Castell Realty, LLC, Cedar Creek Ranch, Ltd., Don Norwood, and the City of Malakoff; Deny the requests for reconsideration; Refer the matter to TCEQ’s Alternative Dispute Resolution Program to run concurrently with SOAH’s preliminary hearing scheduling efforts; Refer the application to SOAH for a contested case hearing on the following issues: a) Whether the applicant has a sufficient legal interest in the property proposed for the facility to submit an application for an permit under 30 TAC § 305.43(a); b) Whether the applicant has adequately demonstrated a need for each phase of the draft permit; c) Whether the issuance of the draft permit is contrary to the state’s regionalization policy or Texas Water Code § 26.0282; d) Whether the proposed facility will cause nuisance odors, including compliance with any applicable buffer zone requirements; e) Whether the water quality uses of the receiving waters were correctly determined; f) Whether the proposed discharge will violate TCEQ’s antidegradation policy and procedures or negatively impact aquatic or terrestrial wildlife species; and g) Whether the proposed discharge will be protective of water quality under the applicable surface water quality standards in 30 TAC Chapter 307; and Set a hearing duration for 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. EL/JN; all agree.

### **Item 3      [Docket No. 2019-0624-AIR.](#)**

Consideration of application by Texas LNG Brownsville LLC, for Air Quality Permit No. 139561 to authorize the construction of the natural gas liquefaction and export terminal on State Highway 48 approximately 12.2 miles to the east of the intersection of State Highway 48 and State Highway 550. The facility is on Brownsville Ship

Channel located in Cameron County, Texas 78521. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Sushil Gautam, Sierra Redding)

Grant the hearing request filed by the City of Port Isabel; Deny all other hearing requests and the requests for reconsideration; Refer the matter to TCEQ's Alternative Dispute Resolution Program to run concurrently with SOAH's preliminary hearing scheduling efforts; Refer the application to SOAH for a contested case hearing concerning the following issues: a) Whether the draft permit contains adequate conditions to protect against adverse effects on the health and safety of the requester's residents, and employees, including sensitive subgroups; b) Whether the draft permit contains adequate conditions to protect against adverse effects on plants, marine and aquatic organisms, animals, wildlife, and sensitive receptors within the requester's corporate and ETJ boundaries; c) Whether the application properly calculated and addressed potential emission sources, emission rates, and background concentrations to establish appropriate conditions and the draft permit, and d) Whether the draft permit contains adequate conditions to protect against nuisance dust conditions effecting the requester's property during operations; Set the hearing duration for the proceeding at 150 days from the date of the preliminary hearing to the issuance of the Proposal for Decision. EL/JN; all agree.

### **EMERGENCY ORDER**

Item 4 **[Docket No. 2019-0619-UCR-E.](#)**

Consideration of whether to affirm, modify, or set aside the Emergency Order Appointing a Temporary Manager of a Water Utility issued on May 3, 2019, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5, 13, Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a public water system ("Utility") by Perrin Water Systems, Inc. and Texas Rain Holding Company, Inc.; TCEQ PWS ID No. TX1190005; RN102681897; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Utility is located at 215 South Smith Street, Jack County, Texas. The Emergency Order appointed Mark Patterson as temporary manager of the Utility. (Logan Harrell, Janice Hernandez)

Adopt the ED's Proposed Order modifying and affirming the May 3, 2019, Emergency Order appointing Mark Patterson as temporary manager for the Perrin Water Systems with the following change: Revise Ordering Provision No. 3, Subclause 2, of the ED's Proposed Order to state, "failed to provide appropriate water treatment that does not pose potential health hazards;". EL/JN; all agree.

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 5 **[Docket No. 2018-0585-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ball Metal Beverage Container Corp. in Tarrant County; RN100225440; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amanda Diaz, Michael Parrish)

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

Item 6 **[Docket No. 2017-0838-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN102926920; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amanda Diaz, Michael Parrish)

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

Item 7 **[Docket No. 2018-0687-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 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. (Richard Garza, Michael Parrish)

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

Item 8 **[Docket No. 2018-0557-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Harris County; RN100219526; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Johnnie Wu, Michael Parrish)

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

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 9 [Docket No. 2017-1093-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Loadcraft Industries, Ltd. in McCulloch County; RN101620748; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Epifanio Villarreal, Michael Parrish)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 10 [Docket No. 2018-0830-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Aaron Vincent, Michael Parrish)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 11 [Docket No. 2017-1553-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Lake Padre Development Company, LLC in Nueces County; RN109187450; for air and water quality violations pursuant to Tex. Health & Safety Code ch. 382, and 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. (Jess Robinson, Janice Hernandez)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 12 [Docket No. 2017-1747-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against The Organic Recycler of Texas LLC in Tarrant County; RN106903230; 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. (Margarita Dennis, Michael Parrish)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 13 [Docket No. 2018-1174-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Abbott in Hill County; RN101720753; 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. EL/JN; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER**

Item 14 [Docket No. 2018-0467-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties against ASMAR KHALIL INC dba Super Track 2 in Tarrant County; RN102236296; 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. EL/JN; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER**

Item 15 [Docket No. 2017-1503-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Faye Zahi Rafidi dba Southmost Shop in Cameron County; RN102008927; 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. (Tracy Chandler, Janice Hernandez)

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

### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 16 **[Docket No. 2018-0769-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Keene in Johnson County; RN101917110; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaëlle Garza, Michael Parrish)

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

Item 17 **[Docket No. 2018-1067-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of San Augustine in San Augustine County; RN103779302; 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. EL/JN; all agree.

Item 18 **[Docket No. 2018-0934-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Deer Country Water Supply Corporation in Llano County; RN102670775; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Toni Red, Michael Parrish)

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

Item 19 [\*\*Docket No. 2018-0974-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eastland County Water Supply District in Eastland County; RN101250868; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Soraya Bun, Michael Parrish)

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

Item 20 [\*\*Docket No. 2018-0845-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JUSRYN COMPANY, INC. in Hood County; RN101276806; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ross Luedtke, Michael Parrish)

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

Item 21 [\*\*Docket No. 2018-0219-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PALO DURO SERVICE COMPANY, INC. in Wise County; RN102324217; 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. (Steven Hall, Michael Parrish)

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

Item 22 [\*\*Docket No. 2018-0189-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Veterans of Foreign Wars of the United States dba Lake Texoma VFW Post 7873 in Grayson County; RN101273381; 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. EL/JN; all agree.



Item 23 [\*\*Docket No. 2017-1549-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OLD WEST MHP, LLC in Randall County; RN102316080; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Drew Gartman, Michael Parrish)

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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 24 [\*\*Docket No. 2018-0541-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Reyna A. Martinez in Midland County; RN106283666; for public drinking water violations pursuant to Tex. Water Code ch. 5, and Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Logan Harrell, Janice Hernandez)

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

**WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 25 [\*\*Docket No. 2018-0642-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of An Cong Van in Smith County; RN109969154; 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. (Steven Van Landingham, Michael Parrish)

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

Item 26 [\*\*Docket No. 2017-1771-WQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hidalgo County; RN106035801; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Caleb Olson, Michael Parrish)

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

Item 27 [Docket No. 2018-0657-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vincent Thien Nguyen in Smith County; RN109968982; 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. (Steven Van Landingham, Michael Parrish)

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

**RULE MATTER**

Item 28 [Docket No. 2019-0399-RUL.](#)

Consideration for publication of, and hearing on, proposed amendments to Sections 222.1, 222.3, 222.5, 222.31, 222.33, 222.73, 222.75, 222.81, 222.83, 222.85, 222.87, 222.115, 222.119, 222.127, 222.157, 222.159, and 222.163 of 30 TAC Chapter 222, Subsurface Area Drip Dispersal Systems; and proposed amendments to Sections 309.1 - 309.4, 309.10 - 309.14, and 309.20 and new Sections 309.21 – 309.25 of 30 TAC Chapter 309, Domestic Wastewater Effluent Limitation and Plant Siting. The proposed rulemaking would allow an applicant for a Texas Land Application Permit the option to reduce the acreage required for land application of treated domestic wastewater by obtaining a "beneficial reuse credit" that accounts for offsite beneficial reuse. The proposed rulemaking would also include administrative changes to ensure current and accurate cross-references, improve readability, improve rule structure, and use consistent and industry accepted terminology. (Rebecca Moore, Michael Parr) (Rule Project No. 2016-042-309-OW)

Approve for publication and hearing the proposed amendments to certain Sections of 30 Texas Administrative Code Chapters 222 and the new Sections of Chapter 309 Subchapter D, which provide a method for obtaining a beneficial reuse credit that will account for offsite beneficial reuse as recommended by the Executive Director.  
EL/JN; all agree.

**QUADRENNIAL RULE REVIEWS**

Item 29 [Docket No. 2018-1316-MIS.](#)

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 12, Payment of Fees. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the January 4, 2019, issue of the *Texas Register* (44 TexReg 120). (Scott Infinger, Patricia Scott) (Project No. 2019-012-012-AS)

Joint Motion for Items 29 – 33.

Adopt the rules and readopt the rules in 30 Texas Administrative Code Chapters 12, 39, 50, 55, and 80, without amendment; and Direct the Executive Director to initiate rulemaking to eliminate the obsolete subchapters and sections identified by the Executive Director in 30 Texas Administrative Code Chapters 39, 50, 55, and 80 before the next quadrennial rules review of those chapters. EL/JN; all agree.

Item 30     **[Docket No. 2018-1357-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 39, Public Notice. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the January 4, 2019, issue of the *Texas Register* (44 TexReg 120). (Janis Hudson) (Project No. 2019-013-039-LS)

Joint Motion for Items 29 – 33.

Adopt the rules and readopt the rules in 30 Texas Administrative Code Chapters 12, 39, 50, 55, and 80, without amendment; and Direct the Executive Director to initiate rulemaking to eliminate the obsolete subchapters and sections identified by the Executive Director in 30 Texas Administrative Code Chapters 39, 50, 55, and 80 before the next quadrennial rules review of those chapters. EL/JN; all agree.

Item 31     **[Docket No. 2018-1356-MIS.](#)**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 50, Action on Applications and Other Authorizations. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the January 4, 2019, issue of the *Texas Register* (44 TexReg 120). (Janis Hudson) (Project No. 2019-018-050-LS)

Joint Motion for Items 29 – 33.

Adopt the rules and readopt the rules in 30 Texas Administrative Code Chapters 12, 39, 50, 55, and 80, without amendment; and Direct the Executive Director to initiate rulemaking to eliminate the obsolete subchapters and sections identified by the Executive Director in 30 Texas Administrative Code Chapters 39, 50, 55, and 80 before the next quadrennial rules review of those chapters. EL/JN; all agree.

Item 32      **Docket No. 2018-1355-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the January 4, 2019, issue of the *Texas Register* (44 TexReg 120). (Janis Hudson) (Project No. 2019-019-055-LS)

Joint Motion for Items 29 – 33.

Adopt the rules and readopt the rules in 30 Texas Administrative Code Chapters 12, 39, 50, 55, and 80, without amendment; and Direct the Executive Director to initiate rulemaking to eliminate the obsolete subchapters and sections identified by the Executive Director in 30 Texas Administrative Code Chapters 39, 50, 55, and 80 before the next quadrennial rules review of those chapters. EL/JN; all agree.

Item 33      **Docket No. 2018-1354-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 80, Contested Case Hearings. This review is in accordance with Texas Government Code, Section 2001.039, which requires state agencies to review and consider for readoption each of their rules every four years. The proposal was published in the January 4, 2019, issue of the *Texas Register* (44 TexReg 121). (Janis Hudson) (Project No. 2019-020-080-LS)

Joint Motion for Items 29 – 33.

Adopt the rules and readopt the rules in 30 Texas Administrative Code Chapters 12, 39, 50, 55, and 80, without amendment; and Direct the Executive Director to initiate rulemaking to eliminate the obsolete subchapters and sections identified by the Executive Director in 30 Texas Administrative Code Chapters 39, 50, 55, and 80 before the next quadrennial rules review of those chapters. EL/JN; all agree.

**MISCELLANEOUS MATTER**

Item 34 **Docket No. 2019-0733-MIS.**

Discussion of future actions to be taken in light of the Texas Supreme Court's opinions delivered on May 3, 2019 in the matters of *Brazos Electric Power Cooperative, Inc. v. Texas Commission on Environmental Quality and Richard A. Hyde*, Cause No. 17-1003; and *Texas Commission on Environmental Quality and Richard A. Hyde v. Brazos Valley Energy, LLC; Hays Energy, LLC; Ennis Power Co., LLC; Midlothian Energy, LLC; Wise County Power Co., LLC; Freeport Energy Center, LLC; Freestone Power Generation, LLC; and Tenaska Gateway Partners, LTD*, Cause No. 18-0128.

No action taken.

**PUBLIC COMMENT SESSION**

Item 35 **Docket No. 2019-0005-PUB.**

The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ in accordance with Texas Water Code Section 5.112, except for pending permitting matters or other contested cases, which are subject to the *ex parte* prohibition found in Texas Government Code Section 2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour. Please note that the Commission's discussion of subjects for which public notice has not been given are limited to statements of specific factual responses and recitation of existing policy.

No action taken.

**EXECUTIVE MEETING**

Item 36 **Docket No. 2019-0001-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.

No action taken.

Item 37 **Docket No. 2019-0002-EXE.**

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

No action taken.

Item 38 **Docket No. 2019-0003-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 on this item.

Item 39 **Docket No. 2019-0004-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 on this item.

**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**

