

*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)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).*

*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)).*

## **AGENDA**

July 31, 2019

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **EMERGENCY ORDER**

Item 1      **[Docket No. 2018-1749-UCR-E.](#)**

Consideration of whether to affirm, modify, or set aside the Emergency Order renewing the appointment of the temporary manager issued on June 19, 2019, by the Executive Director pursuant to Tex. Water Code chs. 5, 13, and 26 and the rules of the Commission. The Emergency Order addresses the abandonment of a wastewater treatment utility (“Sewer Utility”) by Tawakoni Waste, LLC and Texas Rain Holding Company, Inc.; Texas Permit Discharge Elimination System Permit No. WQ0014297001; RN103014973; to ensure continued operation of the Sewer Utility and to provide continuous and adequate service to the customers in Hunt County, Texas. The Emergency Order renews the appointment of Troy Henry as temporary manager of the Sewer Utility. (Adam Taylor)

Affirm the Executive Director’s Emergency Order reappointing Troy Henry as the temporary manager for the sewer utility owned or operated by Tawakoni Waste, LLC and Texas Rain Holding Company, Inc.; Modify the Emergency Order with one typographical modification recommended by the Executive Director; and Issue the proposed Order. EL/JN; all agree.

## **TOTAL MAXIMUM DAILY LOAD MATTER**

Item 2 **[Docket No. 2018-1105-TML.](#)**

Consideration for adoption of One Total Maximum Daily Load (TMDL) for Indicator Bacteria in Oso Creek of the Nueces-Rio Grande Coastal Basin, in Nueces County. Notice of a public meeting to receive comments on the TMDL was published in the February 15, 2019, issue of the *Texas Register* (44 TexReg 744). (Kerry Niemann, Stefanie Skogen) (Project No. 2018-038-TML-NR)

Adopt the Total Maximum Daily Load for Indicator Bacteria in Oso Creek as recommended by the Executive Director. EL/JN; all agree.

## **MISCELLANEOUS MATTER**

Item 3 **[Docket No. 2019-0463-RES.](#)**

Consideration of a Resolution reauthorizing the Executive Director to enter all contracts and grant agreements on behalf of the agency, to manage such contracts and other agreements, and perform all contractual actions on behalf of the agency, to delegate such authority to the staff, and to designate individuals to approve the Commission's payment documents. The Commission's current resolution regarding contracts and delegation was issued on July 27, 2017, and expires on August 31, 2019. The proposed resolution would renew the Commission's current resolution regarding contracts and delegation for an additional two years until August 31, 2021. (Elizabeth West)

Adopt the contract delegation revised Resolution as recommended by the Executive Director. EL/JN; all agree.

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4 **[Docket No. 2018-0799-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF TOTAL Petrochemicals LLC in Jefferson County; RN100216977; 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 5 [\*\*Docket No. 2016-1354-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, 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. EL/JN; all agree.

Item 6 [\*\*Docket No. 2018-1132-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gulf South Pipeline Company, LP in Wharton County; RN108443706; 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. 2018-0809-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lone Star NGL Fractionators LLC in Chambers County; RN106018260; 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. EL/JN; all agree.

Item 8 [\*\*Docket No. 2018-0152-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ETC Field Services LLC in Atascosa County; RN104858808; 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. EL/JN; all agree.

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 9 [Docket No. 2018-0678-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Buena Vista Turf Farm, LLC in Fannin County; RN109752238; for industrial solid waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Berenice Munoz, Michael Parrish)

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

Item 10 [Docket No. 2018-0589-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against C-A Round Rock Holdings, Inc. and Airco Mechanical, Ltd. in Williamson County; RN109267468; for Edwards Aquifer and municipal solid waste 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. (Chase Davenport, Michael Parrish)

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

Item 11 [Docket No. 2018-0558-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against ROAD BUILDERS LLC in Comal County; RN110046877; for municipal solid waste, water quality, and used oil violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 371, 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 DEFAULT ORDER**

Item 12 [\*\*Docket No. 2016-1186-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Joe Martinez, Jr. dba Retired Rubber Solutions in Randall County; RN109202655; 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. (Jake Marx, Janice Hernandez)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 13 [\*\*Docket No. 2018-1090-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. (Caleb Olson, Michael Parrish)

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

Item 14 [\*\*Docket No. 2018-1081-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kilgore in Gregg County; RN102079985; 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.

Item 15 [\*\*Docket No. 2018-1117-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Northwest Harris County Municipal Utility District No. 15 in Harris County; RN103123238; 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.

Item 16 [Docket No. 2018-1083-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Valley Ranch Municipal Utility District No. 1 in Montgomery County; RN104614797; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Harley Hobson, Michael Parrish)

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

Item 17 [Docket No. 2017-1734-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kyle in Hays County; RN102182680; 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. (Austin Henck, Michael Parrish)

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

**OCCUPATIONAL LICENSING ENFORCEMENT DEFAULT ORDER**

Item 18 [Docket No. 2018-0621-WOC-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Justo Ramirez in Denton County; RN110247848; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Taylor Pearson, Janice Hernandez)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 19 [Docket No. 2018-1072-PST-E](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BW Gas & Convenience Retail, LLC dba Yesway 1070 in Tom Green County; RN102429123; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tyler Richardson, Michael Parrish)

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

Item 20 **Docket No. 2018-1120-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chris Truong LLC dba Crystal Grocery 2 in Jefferson County; RN108874157; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tyler Richardson, Michael Parrish)

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

Item 21 **Docket No. 2018-1143-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GROVES XPRESS LLC dba Super Stop in Jefferson County; RN101822856; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Berenice Munoz, Michael Parrish)

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

Item 22 **Docket No. 2018-0527-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Zapata 83 Retail, LLC dba Pump N Shop 17 in Zapata County; RN101890846; 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. EL/JN; all agree.

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 23 [Docket No. 2017-0972-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of 247 Legacy Investments, LLC dba Balcones Heights Chevron in Bexar County; RN101908051; 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 Default Order. EL/JN; all agree.

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

Item 24 [Docket No. 2018-0914-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of Samay Piya Enterprise Inc dba Seminary Food Mart in Tarrant County; RN102387107; 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. (John S. Mercurief II, Janice Hernandez)

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

**PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDERS**

Item 25 [Docket No. 2018-0973-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Santa Rosa in Cameron County; RN101242170; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Michael Parrish)

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

Item 26 [Docket No. 2018-0667-PWS-E.](#)



Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Midway Range, LLC in Hood County; RN101247229; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Michael Parrish)

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

Item 27 [\*\*Docket No. 2018-0864-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NIGTON-WAKEFIELD WATER SUPPLY CORPORATION in Trinity County; RN101219277; 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 28 [\*\*Docket No. 2018-0826-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION in Lamar County; RN101179703; 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 29 [\*\*Docket No. 2018-1128-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 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)

Remanded to the Executive Director on July 29, 2019.

Item 30 [\*\*Docket No. 2018-0580-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tommy Fisher dba Acuff Steak House in Lubbock County; RN102319571; 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. (Soraya Bun, Michael Parrish)

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

Item 31 [\*\*Docket No. 2018-1075-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of VALESKA'S, INC. in Gillespie County; RN110050077; 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 32 [\*\*Docket No. 2018-0960-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CLAYTON WATER SUPPLY CORPORATION in Panola County; RN101436137; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaella Garza, Michael Parrish)

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

**WATER QUALITY ENFORCEMENT DEFAULT ORDER**

Item 33 [\*\*Docket No. 2018-0491-WQ-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against Macat Services, LLC in Colorado County; RN109633305; for water quality violations pursuant to Tex. Water Code chs. 7, 26, and 28A and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Taylor Pearson, Janice Hernandez)

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

## **MONTHLY ENFORCEMENT REPORT**

Item 34 **Docket No. 2019-0013-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 MATTER**

Item 35 **Docket No. 2018-1713-RUL.**

Consideration of the adoption of amended Section 7.119 of 30 TAC Chapter 7, Memoranda of Understanding. The adoption would amend the section to adopt by reference updates to the Memorandum of Understanding (MOU) between the Texas Commission on Environmental Quality and the Texas Department of Transportation regarding the review of the potential environmental effect of transportation projects. The updated MOU would remove unnecessary definitions and simplify the coordination process. The updates to the MOU are the result of the review required by the Texas Transportation Code, Section 201.607. The proposed rule was published in the April 12, 2019, issue of the *Texas Register* (44 TexReg 1813). (Kathy Humphreys, Katherine Nelson) (Rule Project No. 2017-008-007-LS)

Adopt the amended Section 7.119 of 30 Texas Administrative Code Chapter 7 as recommended by the Executive Director. EL/JN; all agree.

## **QUADRENNIAL RULE REVIEWS**

Item 36 **Docket No. 2018-1489-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 1, Purpose of Rules, General Provisions. 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 February 15, 2019, issue of the *Texas Register* (44 TexReg 717). (Kathy Humphreys) (Project No. 2019-047-001-LS)

Joint Motion for Items 36 – 39.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 1, 33, 37 and 311 without amendment. EL/JN; all agree.

Item 37 **Docket No. 2018-1647-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 33, Consolidated Permit Processing. 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 February 15, 2019, issue of the *Texas Register* (44 TexReg 718). (Sherry Davis, Nimasha Weliwitigoda) (Project No. 2019-058-033-AI)

Joint Motion for Items 36 – 39.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 1, 33, 37 and 311 without amendment. EL/JN; all agree.

Item 38 **Docket No. 2018-1690-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 37, Financial Assurance. 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 February 15, 2019, issue of the *Texas Register* (44 TexReg 718). (Rob Norris, Aaron Vargas) (Project No. 2019-063-037-AS)

Joint Motion for Items 36 – 39.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 1, 33, 37 and 311 without amendment. EL/JN; all agree.

Item 39 **Docket No. 2018-1365-MIS.**

Consideration for the adoption of the rules review and readoption of 30 TAC Chapter 311, Watershed Protection. 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 February 15, 2019, issue of the *Texas Register* (44 TexReg 718). (Laurie Fleet, Shea Pearson) (Project No. 2019-021-311-OW)

Joint Motion for Items 36 – 39.

Adopt the rule reviews and readopt the rules in 30 Texas Administrative Code Chapters 1, 33, 37 and 311 without amendment. EL/JN; all agree.

## **MISCELLANEOUS MATTER**

**Item 40 Docket No. 2019-0733-MIS.**

Consideration of mandates issued by the Texas Supreme Court on July 10, 2019 and July 22, 2019 related to 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.

Remand the Use Determination Applications of 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; Tenaska Gateway Partners, LTD, and Brazos Electric Power Cooperative, Inc., to the Executive Director for reconsideration consistent with the Texas Supreme Court's opinions in *Brazos Electric Power Cooperative, Inc. v. Texas Commission on Environmental Quality and Richard A. Hyde*; and *Texas Commission on Environmental Quality and Richard A. Hyde v. Brazos Valley Energy, LLC., et al.* EL/JN; all agree.

## **EXECUTIVE MEETING**

**Item 41 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.

The Commission did not meet in Executive Session.

**Item 42 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.

The Commission did not meet in Executive Session.

Item 43 **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 in Executive Session.

Item 44 **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 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.**

**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 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)**

/s/ Tracy Gross  
Assistant General Counsel  
Tracy Gross

August 5, 2019  
Date