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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.

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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. Finally, the Commissioners may discuss or consider posted items in an order other than the order posted.

Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka

OLD BUSINESS AGENDA

May 19, 2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

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Continued from the April 14, 2021 Commissioners' Agenda.

PROPOSAL FOR DECISION

Item 1

[TCEQ Docket No. 2019-0665-AIR; SOAH Docket No. 582-19-6473.](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Bosque Solutions LLC, for an Air Quality Standard Permit for Concrete Batch Plant Registration No. 152013, pursuant to rules of the Texas Commission on Environmental Quality and Texas Health & Safety Code Chapter 382. The facility is located at 7327 Gibson Cemetery Road, Mansfield, in Tarrant County. The Commission will also consider the application; timely public comments and the Executive Director's Response to Comments; the record; and timely related filings, exceptions and replies. (Amy Browning, Betsy Peticolas)

Continue Old Business Item 1 to the June 9, 2021 Agenda. JN/EL; all agree.

NEW BUSINESS AGENDA

May 19, 2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 509-764-595
(415) 655-0052 / Access Code 809-814-013

MOTION FOR REHEARING

Item 1

[Docket No. 2021-0056-AIR.](#)

Consideration of a Motion for Rehearing of the Commission's issuance of the Air Quality Registration No. 159336 to Ameritex Pipe & Products, LLC. The registration authorizes construction of two permanent concrete batch plants to be located at a plant site located approximately 2,200 feet southeast of the McDonald Road and Wall Street Road intersection, Gunter, Grayson County, Texas. The Commission will also consider timely filed responses from the Executive Director, Office of Public Interest Counsel, and Ameritex Pipe & Products, LLC; and the Movant's reply to the Motion for Rehearing.

Removed from the Agenda on May 13, 2021.

PROPOSAL FOR DECISION

Item 2

[TCEQ Docket No. 2019-1156-IWD; SOAH Docket No. 582-20-1895.](#)

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of Port of Corpus Christi Authority of Nueces County for new TPDES Permit No. WQ0005253000, authorizing the discharge of treated effluent into the Corpus Christi Ship Channel pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code chs. 5 and 26. The proposed marine seawater desalination plant is to be located adjacent to State Highway 361 just northeast of the Ferry Landing, Nueces County, Texas. The Commission will also consider the application; timely public comments and the Executive Director's Response to Comments; the record; and timely related filings, exceptions and replies. (Kathy Humphreys)

Remand this matter to SOAH for the ALJs to: 1) Apply the appropriate legal standard for non-numeric criteria found in 30 Texas Administrative Code § 307.6 (e)(1) for evaluating the impacts to aquatic organisms that move through a zone of initial dilution; 2) Take additional evidence on the following issues: a) Whether the proposed discharge will adversely impact: the marine environment, aquatic life, and wildlife including birds, and endangered or threatened species, spawning eggs or larval migration; c) Whether the proposed discharge will adversely impact recreational activities, commercial fishing or fisheries in Corpus Christi Bay and the ship channel; d) Whether the application, and representations contained therein, are complete and accurate; g) Whether the modeling complies with applicable regulations to ensure the draft permit is protective of water quality, including utilizing accurate inputs; h) Whether the Executive Director's antidegradation review was accurate; and i) Whether the draft permit includes all appropriate and necessary requirements; 3) Set a 30-day deadline from the issuance of the Commission's Order for the applicant to provide revised information to all parties including: the depth of the channel, site-specific ambient velocity, and the depth of the diffuser; 4) Allow the parties 30 days to review the revised information before setting a preliminary hearing; and 5) Set the hearing duration for the proceeding at 120 days from the date of the preliminary hearing on remand to the issuance of the proposal for decision. JN/BJ; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 3

[Docket No. 2021-0444-IWD.](#)

Consideration of the application by Steel Dynamics Southwest, LLC, which proposes to operate Sinton Mill, an iron and steel manufacturing and coil coating facility, for a new Texas Pollutant Discharge Elimination System Permit No. WQ0005283000, to authorize the discharge of treated process wastewater, utility wastewater, and previously monitored effluent (treated domestic wastewater via Outfall 101 and coil coating process wastewater via Outfall 201) at a daily average flow not to exceed 1,560,000 gallons per day via Outfall 001; and industrial stormwater on an intermittent and flow-variable basis via Outfalls 002, 003, and 004. The facility will be located at 8534 State Highway 89, near Sinton, in San Patricio County, Texas 78387. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Hollis Henley, Melinda Luxemburg)

Deny all hearing requests; Issue new Texas Pollutant Discharge Elimination System Permit No. WQ0005283000 to Steel Dynamics Southwest, LLC, as recommend by the Executive Director; and Adopt the Executive Director's Response to Comments. EL/BJ; all agree.

Item 4

[Docket No. 2021-0438-MWD.](#)

Consideration of the application by Marbac, L.L.C., for new Texas Pollutant Discharge Elimination System Permit No. WQ0015880001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 99,000 gallons per day. The domestic wastewater treatment facility will be located at 17431 Farm-to-Market Road 1314, in Montgomery County, Texas 77302. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Tong Li, Celia Castro)

Grant the hearing request of Pilot Land Acquisitions, LLC; Refer the application to SOAH for an contested case hearing on the following issue: Whether the application properly characterizes and the draft permit properly addresses the discharge route; Refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrently with SOAH's scheduling process; Set a hearing duration of 150 days from the date of the preliminary hearing until the Proposal for Decision is issued; and Deny the request for reconsideration. BJ/EL; all agree.

MISCELLANEOUS MATTER

Item 5

[Docket No. 2020-1449-MIS.](#)

Consideration for approval to publish and solicit public comment on the draft 2022 Texas Nonpoint Source Management Program. This update must be submitted through the Governor's Office to the United States Environmental Protection Agency for continued eligibility for Section 319 Nonpoint Source Grant funds under the federal Clean Water Act. This update represents the joint submission of both the Texas Commission on Environmental Quality and the Texas State Soil and Water Conservation Board. (Kerry Niemann, Stefanie Skogen) (Project No. 2021-004-MIS-NR)

Approve the publication of, and solicitation of, public comment on the proposed 2022 Texas Nonpoint Source Management Program, as recommend by the Executive Director. EL/BJ; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDER

[Docket No. 2020-0906-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company in Harris County; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mackenzie Mehlmann, Michael Parrish)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 7 [Docket No. 2019-1433-AIR-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of T & S Quality Services, LLC in Gregg County; RN106131139; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Christopher Mullins, Janice Hernandez)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 8 [Docket No. 2019-1357-EAQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Black Market Investments, LLC in Hays County; RN109874339; for Edwards Aquifer 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. JN/BJ; all agree.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 9 [Docket No. 2019-1402-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rock Dicke Incorporated dba RDI Fabricators in Mason County; RN103788162; 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. (Ken Moller, Michael Parrish)

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

**LANDSCAPE IRRIGATOR LICENSING ENFORCEMENT
DEFAULT ORDER**

Item 10 [Docket No. 2019-1793-LII-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Cary M. Cantu dba MC Sprinkler Repair in Collin County; RN105963466; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Janice Hernandez)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 11 [Docket No. 2019-1168-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Sherry Moore-Chapman a.k.a. Sherry Sue Workman in Jasper County; RN110773702; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, 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. JN/BJ; all agree.

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED
ORDER**

Item 12 [Docket No. 2019-1086-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Juan Garcia dba Regio Tires 2 in Tarrant County; RN110521069; for used tires violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Carlos Molina, Michael Parrish)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED
ORDERS**

Item 13 **[Docket No. 2019-1034-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Galena Park in Harris County; RN101701324; 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. JN/BJ; all agree.

Item 14 **[Docket No. 2018-1440-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Driscoll in Nueces County; RN101612810; 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. JN/BJ; all agree.

Item 15 **[Docket No. 2019-0549-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of La Marque in Galveston County; RN101917284; 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. JN/BJ; all agree.

Item 16 **[Docket No. 2019-1101-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mercedes in Hidalgo County; RN101610731; 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. JN/BJ; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 17 [**Docket No. 2020-0535-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HARVEY'S LP GAS COMPANY in Cameron County; RN105213961; 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. (Karolyn Kent, Michael Parrish)

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

Item 18 [**Docket No. 2020-0735-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JEANNIE MART INVESTMENT INC dba J Mart in Guadalupe County; RN101867109; 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. (Courtney Atkins, Michael Parrish)

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

Item 19 [**Docket No. 2020-0627-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PRIME TIME GROCERY, LLC. dba E Z Buy in Bexar County; RN102873031; 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. JN/BJ; all agree.

Item 20 [**Docket No. 2020-0427-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAAHEL, INC. dba Snappy Foods 20 and dba Snappy Foods 22 in Nueces County; RN105021364 and RN105909402; 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. JN/BJ; all agree.

Item 21 **[Docket No. 2019-0179-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of NAAZ 24 BIZ INC dba Foodies 2 in Travis County; RN102866217; 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. JN/BJ; all agree.

Item 22 **[Docket No. 2020-0360-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Texas MEX Limited Company, LLC dba Tejano Mart 4 in Cameron County; RN102858297; 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. (Casey Kurnath, Janice Hernandez)

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

Item 23 **[Docket No. 2018-1240-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EMROOZ, Inc. dba Snappy Foods 8 in Nueces County; RN102427853; for petroleum storage tank and 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. (Berenice Munoz, Michael Parrish)

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

Item 24 **[Docket No. 2019-1210-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JOSEPH ADAM CORPORATION in Lubbock County; RN101843126; 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. JN/BJ; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 25 [Docket No. 2018-0602-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against SYED R ENTERPRISES INC dba King Mart 1 and dba King Mart 2 in Smith County; RN102220068 and RN102273315; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John S. Mercurief II, Janice Hernandez)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 26 [Docket No. 2019-0254-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties against and requiring certain actions of SKYTOP HIP HOP INC dba Skytop Food Mart in Bexar County; RN102839735; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John S. Mercurief II, Janice Hernandez)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 27 [Docket No. 2019-1661-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Laredo in Webb County;

RN100524099; 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)

Continue to June 9, 2021, agenda. JN/BJ; all agree.

Item 28 **[Docket No. 2019-1759-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TXBR Ramblewood MHP, LLC in Brazos County; RN101275378; 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. JN/BJ; all agree.

Item 29 **[Docket No. 2019-1011-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against ARC DGLBKT004, LLC in Lubbock County; RN107575987; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Taylor Pearson, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 30 **[Docket No. 2020-0410-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Weiss Sand and Clay, LP in Fort Bend County; RN105427744; 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. (Stephanie Frederick, Michael Parrish)

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

Item 31 **[Docket No. 2018-1329-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Ector County in Ector County;

RN105573729; 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. (Jake Marx, Janice Hernandez)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 32 [**Docket No. 2019-0848-WQ-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Rickey Evans in Harrison County; RN110526159; 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. (Ryan Rutledge, Janice Hernandez)

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

MONTHLY ENFORCEMENT REPORT

Item 33 [**Docket No. 2021-0101-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.

PETITION FOR RULEMAKING

Item 34 [**Docket No. 2021-0445-PET.**](#)

Consideration of a petition for rulemaking filed by B&J Wakefield Services, Inc., to amend 30 Texas Administrative Code Chapter 285, concerning on-site sewage disposal systems. The petition was filed with the Texas Commission on Environmental Quality (commission) on April 5, 2021 by B & J Wakefield Services, Inc. (petitioner). The petitioner requested that the commission initiate rulemaking to amend the reporting rules in 30 TAC Chapter 285, On-Site Sewage Facilities (OSSFs), by requiring: that maintenance reports only be submitted to Authorized Agent(s) for OSSFs that are failing, or systems that are in need of repair; that the maintenance provider only provide failing maintenance reports to the permitting authority; to allow the use of

approved direct bury wiring and sun resistant sheathing; and to allow electrical connections be water tight in lieu of being in a junction box. (Shannon Frazier, Kathy Humphreys) (Non-Rule Project No. 2021-015-PET-NR)

Direct the Executive Director to initiate rulemaking to examine the issues raised in the petition for rulemaking filed by B&J Wakefield Services, Inc., concerning amendments to 30 Texas Administrative Code Chapter 285. EL/BJ; all agree.

RULE MATTER

Item 35 **Docket No. 2020-0032-RUL.**

Consideration for publication of, and hearing on, amendments to 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste, Section 335.323 and Section 335.325. The proposed rulemaking would establish increases to the Industrial and Hazardous Waste (IHW) generator fee schedule and the IHW management fee schedule. (Garrett Heathman, Audrey Liter, Jessie Spears) (Rule Project No. 2020-010-335-WS)

Approve the publication of, and hearing on, amendments to 30 Texas Administrative Code Chapter 335, as recommended by the Executive Director. BJ/EL; all agree.

MONTHLY PUBLIC WATER SYSTEM REPORT

Item 36 **Docket No. 2021-0309-MIS.**

Consideration of agency post-incident response actions related to the February 2021 severe winter storm, including plans to evaluate factors that impacted public water system response and recovery actions.

No action taken.

MISCELLANEOUS MATTER

Item 37 **Docket No. 2021-0544-MIS.**

Consideration of TCEQ Fiscal Year 21 Semi-Annual Historically Underutilized Business (HUB) Subcontracting Expenditures.

No action taken.

PUBLIC COMMENT SESSION

Item 38 Docket No. 2021-0005-PUB.

The Commission will receive comments from the public on any matters within the jurisdiction of the Texas Commission on Environmental Quality 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 39 Docket No. 2021-0001-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 40 Docket No. 2021-0002-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 41 **Docket No. 2021-0003-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.

No action taken.

Item 42 **Docket No. 2021-0004-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.

No action taken.

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 FIVE (5) 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.

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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 NAVIGATING TO:

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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. FINALLY, THE COMMISSIONERS MAY DISCUSS OR CONSIDER POSTED ITEMS IN AN ORDER OTHER THAN THE ORDER POSTED.

/s/ Greg Merrell
Assistant General Counsel
Greg Merrell

June 2, 2021
Date