

**TCEQ COMMISSION MEETING  
AGENDA  
AUGUST 25, 2021  
9:30 A.M.**

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A Spanish interpreter will be available for Item 28. To listen or participate in Spanish, please dial (844) 368-7161 and enter Collaboration Code 904535#. If you have any questions regarding the Spanish interpretation of Item 28, please contact Marisa Weber at (512) 239-6776. Please see the [General Information section](#) below for information on registering to address the Commission.

Habrá un intérprete de español disponible para el artículo 28. Para escuchar o participar en español, marque (844) 368-7161 e ingrese el código de colaboración 904535 #. Si tiene alguna pregunta con respecto a la interpretación en español del artículo 28, comuníquese con Marisa Weber al (512) 239-6776. Consulte [la sección Información general](#) a continuación para obtener información sobre cómo registrarse para dirigirse a la Comisión.

Chairman Jon Niermann  
Commissioner Emily Lindley  
Commissioner Bobby Janecka

**OLD BUSINESS/NEGOCIO VIEJO**

**AGENDA ITEMS/ELEMENTOS DE LA AGENDA**

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER**

**Item 1**      [Docket No. 2019-0866-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Syed Sajid in Dallas County; RN101545572; 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)

Remand the matter to the Executive Director to include an adjustment under other factors as justice may require to reduce the penalty to sums already paid. JN/EL; all agree.

# NEW BUSINESS/NEGOCIO ANTIGUO

## AGENDA ITEMS/ELEMENTOS DE LA AGENDA

### HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

**Item 1**      [Docket No. 2021-0572-DIS.](#)

Consideration of a Petition by Finch FP, Ltd. (Petitioner) for Creation of Lakeview Municipal Utility District No. 1 of Ellis County (District). The Petitioner requests that the Commission create the District pursuant to Article XVI, Section 59, of the Texas Constitution, Chapters 49 and 54, Texas Water Code; and Chapter 293, Title 30 Texas Administrative Code. The proposed District would contain approximately 362.037 acres within Ellis County. The proposed District would be located within the extraterritorial jurisdiction of the City of Waxahachie. The Commission will consider all timely filed hearing requests and related responses and replies. (Chris Ulmann, Mattie Isturiz) (TCEQ Internal Control No. D-11042020-005)

Grant the hearing requests of Ellis County and the City of Waxahachie; Refer the matter to SOAH for a contested case hearing on the petition; and Refer the matter to the Commission's Alternative Dispute Resolution Program to run concurrently with SOAH's scheduling process. EL/BJ; all agree.

**Item 2**      [Docket No. 2021-0571-DIS.](#)

Consideration of a Petition by Finch FP, Ltd. and Brian Edward Finch (Petitioners) for Creation of Lakeview Municipal Utility District No. 2 of Ellis County (District). The Petitioners request that the Commission create the District pursuant to Article XVI, Section 59, of the Texas Constitution, Chapters 49 and 54, Texas Water Code; and Chapter 293, Title 30 Texas Administrative Code. The proposed District would contain approximately 209.355 acres within Ellis County. The proposed District would be located within the extraterritorial jurisdiction of the City of Waxahachie. The Commission will consider all timely filed hearing requests and related responses and replies. (Chris Ulmann, Mattie Isturiz) (TCEQ Internal Control No. D-11042020-004)

Grant the hearing requests of Ellis County, the City of Waxahachie, Christopher and Kori Dillow, Kyle and Megan Dillow, Travis Dillow, Vickie Dillow, Tabitha Faulkner, Tracy Evatt, Gary Reed, Stacy Reed, William Rogers, Tabithaa Tricomi-Rogers, Kenneth Hall, Kenneth Hall Sr., Ann Hall, Sharon Plunkett, Mike Foran, Daniel Frisse, Stephanie Frisse, Randy Rogers, Casey Rogers, Brandon and Paula Lee, John Boswell, Monica Hall, Kenneth Plunkett, William Koonce, and Christi Piekos and Refer the matter to SOAH for a contested case hearing on the petition. BJ/EL; all agree.

**Item 3**      [Docket No. 2021-0573-DIS.](#)

Consideration of a Petition by Finch FP, Ltd. (Petitioner) for Creation of Lakeview Municipal Utility District No. 3 of Ellis County (District). The Petitioner requests that the Commission create the District pursuant to Article XVI, Section 59, of the Texas Constitution, Chapters 49 and 54, Texas Water Code; and Chapter 293, Title 30 Texas Administrative Code. The proposed District would contain approximately 135.745 acres within Ellis County. The proposed District would be located within the extraterritorial jurisdiction of the City of Waxahachie. The Commission will consider all timely filed hearing requests and related responses and replies. (Chris Ulmann, Mattie Isturiz) (TCEQ Internal Control No. D-11042020-006).

Grant the hearing requests of Ellis County and the City of Waxahachie, Carlton and Jackie Milam, Richard and Robin Carroll; Refer the matter to SOAH for a contested case hearing on the petition; and Refer this matter to the Commission's Alternative Dispute Resolution Program to run concurrently with SOAH's scheduling process. EL/BJ; all agree.

**Item 4**            [Docket No. 2021-0943-IHW.](#)

Consideration of an application by Gladieux Metals Recycling, LLC for the ten year renewal and major amendment of Industrial Hazardous Waste Permit No. 50204 to authorize continued industrial and hazardous waste storage operations, structural changes to permitted units, the reclassification of a permitted containment building to a container storage area, post closure care of a closed waste pile and to remove air emissions requirements that have been authorized in Air Permit No. 9803. The facility is located at 302 Midway Road, Freeport, Texas in Brazoria County. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comment. (Martin Torres, Diane Goss)

Grant Citizens for Clean Air and Clean Water's hearing request; Deny the request for reconsideration; Refer the application to the State Office of Administrative Hearings for a contested case hearing on the following issues: 1) Whether the compliance history raises issues regarding GMR's ability to comply with the material terms of the draft permit or requires additional permit conditions; 2) Whether the draft permit contains adequate conditions to protect the health and safety of the Citizens for Clean Air and Clean Water's members residing and working near the facility; 3) Whether the application and draft permit satisfy the state's adopted by reference requirements for receipt of hazardous waste imported from outside the United States; 4) Whether the application and draft permit satisfy the requirements to identify, report, delineate, and remediate existing on site contamination; 5) Whether the application and draft permit satisfy the requirements for closure and post closure care of Unit NOR 10; 6) Whether the draft permit contains adequate conditions for managing the facility's waste streams to protect against adverse effects to environmental receptors and ground water and surface water near the facility; 7) Whether the application adequately supports the draft permits removal of air emissions requirements and standards previously required under IHW Permit No. 50204; and 8) Whether the applicants substantially complied with all applicable public notice requirements; Establish a maximum hearing duration of 180 days from the date of the preliminary hearing until the Proposal for Decision is issued. BJ/EL; all agree

**Item 5**            [Docket No. 2021-0942-AIR.](#)

Consideration of application by Port Arthur LNG LLC, for Air Quality Permit No. 158420, Prevention of Significant Deterioration Air Quality Permit No. PSDTX1572, and Greenhouse Gas Prevention of Significant Deterioration Air Quality Permit No. GHGPSDTX198 to authorize the construction of the Port Arthur LNG Facility, consisting of natural gas liquefaction trains and an export terminal. The proposed facility's eastern border is the Port Arthur Ship Canal on Sabine Lake. It is located just north of the existing Golden Pass LNG terminal on State Highway 87, approximately 5.3 miles to the south of the intersection of State Highway 87 and State Highway 82, and approximately 5.5 miles northwest of the community of Sabine Pass in Port Arthur, Jefferson County, Texas 77642. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Benjamin Hansen, Adam Taylor)

The Chief Clerk shall refer the hearing request filed by Port Arthur Community Action Network to SOAH to determine whether its member, John Beard, is affected; Should SOAH determine that Port Arthur Community Action Network has demonstrated affectedness, then the following issues are referred to SOAH for a contested case hearing: a) Whether the proposed permit will be protective of the health and safety of the requestors; b) Whether the proposed emissions will cause or contribute to exceedances of the National Ambient Air Quality Standards; c) Whether the proposed emissions will cause nuisance conditions violating 30 Texas Administrative Code § 101.4; d) Whether the Air Quality Analysis complies with TCEQ's rules and guidance; e) Whether the proposed plant will be protective of welfare, including wildlife and the environment in the surrounding area; f) Whether the controls proposed in the draft permit constitute Best Available Control Technology; g) Whether the emissions rates in the draft permit are accurately calculated using the appropriate methodology; h) Whether the quantity of

emissions from the project will exceed allowable Prevention of Significant Deterioration Increments; i) Whether the proposed permit contains adequate monitoring and reporting requirements; and j) Whether cumulative impacts were appropriately evaluated for the project pursuant to applicable TCEQ rules and guidance; Set the duration of the hearing at 180 days from the date of the preliminary hearing until the issuance of the Proposal for Decision. BJ/JN; EL voting no.

**Item 6**      [Docket No. 2021-0439-AIR.](#)

Consideration of application by Stella-Jones Corporation, for Air Quality Permit No. 8262, to authorize the modification of the wood treating facility located at 5865 South US Highway 69, in Lufkin, Angelina County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Jean Shaw, Sierra Redding)

Deny the hearing request filed by Betty C. Jordan; Issue Air Quality Permit No. 8262 to Stella-Jones Corporation, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. EL/BJ; all agree.

## **DISTRICT MATTER**

**Item 7**      [Docket No. 2021-0575-DIS.](#)

Consideration and hearing on a resolution from Williamson County Water Control and Improvement District No. 2 ("District") for additional powers. The District requests approval for additional powers to provide wastewater and drainage services as provided in Texas Water Code (TWC) Sections 51.331-51.332 and 30 Texas Administrative Code (TAC) Section 293.15. The District is comprised of 553.66 acres of land within Williamson County. (Bobby Salehi, Jaime Ealey)

Approve the request of Williamson County Water Control and Improvement District No. 2 for additional powers to provide wastewater and drainage services within the district; and Issue the Executive Director's proposed Order with the following modifications: a) Revise the second to last sentence of the third paragraph to state "The Commission finds that expanding the powers of the District to include wastewater and drainage services will give it the ability to treat waste and control storm water to prevent erosion and flooding."; b) Revise the last sentence of the Order to state "NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the application of Williamson County Water Control and Improvement District No. 2 for additional powers to provide wastewater and drainage services within the district is approved pursuant to Texas Water Code §§ 51.331 - 51.332, and 30 Tex. Admin. Code § 293.15." JN/EL; all agree.

## **MISCELLANEOUS MATTERS**

**Item 8**      [Docket No. 2021-0657-MIS.](#)

In compliance with 30 Texas Administrative Code Sections 336.736(c), 336.737(c), 336.738(b) and 336.1235(c), the licensee, Waste Control Specialists LLC's financial assurance mechanisms and cost estimates are reviewed annually to assure that sufficient funds are available for institutional control, any corrective action and completion of the closure plan, assuming that the work has to be performed by an independent contractor. (Vaishali Tendolkar, Amie Robinson; Non-Rule Project No. 2021-024-MIS-NR)

Approve Waste Control Specialists LLC's financial assurance mechanisms and cost estimates, as recommended by the Executive Director. BJ/EL; all agree.

**Item 9**      [Docket No. 2021-0947-AUD.](#)

Consideration and Approval of the TCEQ Chief Auditor's Office Fiscal Year 2022 Annual Risk Assessment and Audit Plan. (Mike Hardison)

Approve the Fiscal Year 2022 Annual Risk Assessment and Audit Plan, as recommended by the Chief Auditor. EL/BJ; all agree.

## **AIR QUALITY ENFORCEMENT AGREED ORDERS**

### **Item 10**      [Docket No. 2020-1140-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. (Danielle Porras, Michael Parrish)

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

### **Item 11**      [Docket No. 2020-1417-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Freeport LNG Development, L.P. in Brazoria County; RN106481500; 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. (Toni Red, Michael Parrish)

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

### **Item 12**      [Docket No. 2020-1179-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Gemini HDPE LLC in Harris County; RN100229905; 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. BJ/EL; all agree.

### **Item 13**      [Docket No. 2020-1180-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Odfjell Terminals (Houston) Inc. in Harris County; RN100218411; 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. BJ/EL; all agree.

### **Item 14**      [Docket No. 2020-1241-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Rock Solid Precast, LP in Montgomery County; RN110370574; 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. BJ/EL; all agree.

### **Item 15**      [Docket No. 2020-1209-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Scout Energy Management LLC in Carson County; RN100211580; 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. BJ/EL; all agree.

**Item 16**      [Docket No. 2020-1156-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Stolthaven Houston, Inc. in Harris County; RN100210475; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Abigail Lindsey, Michael Parrish)

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

### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

**Item 17**      [Docket No. 2020-1058-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Randy Corbin in Coke County; RN111067864; 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. (Karolyn Kent, Michael Parrish)

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

### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

**Item 18**      [Docket No. 2020-0274-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of American Religious Town Hall Meeting, Inc. in Hill County; RN105460646; 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. (Alejandro Laje, Michael Parrish)

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

**Item 19**      [Docket No. 2020-1035-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Aqua Texas, Inc. in Montgomery County; RN101515179; 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. BJ/EL; all agree.

**Item 20**      [Docket No. 2020-0854-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Wichita Falls in Wichita County; RN101611275; 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. BJ/EL; all agree.

**Item 21**      [Docket No. 2020-0919-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Nerro Supply, LLC in Chambers County; RN101613479; 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. BJ/EL; all agree.

## **PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER**

### **Item 22**      [Docket No. 2020-1516-PST-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Michael Lewis Barker dba Buddy's Kwik Stop in Coleman County; RN101433050; 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. BJ/EL; all agree.

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

### **Item 23**      [Docket No. 2020-1221-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bison Drilling and Field Services LLC in Ector County; RN106652894; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Carlos Molina, Michael Parrish)

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

### **Item 24**      [Docket No. 2020-1207-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Coryell City Water Supply District in Coryell County; RN102682937; 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. BJ/EL; all agree.

### **Item 25**      [Docket No. 2020-1446-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Runnels Water Supply Corporation in Runnels County; RN101222081; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Carlos Molina, Michael Parrish)

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

### **Item 26**      [Docket No. 2020-0817-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Mike Knowles dba Western Skies RV Campground and Kimberly Knowles dba Western Skies RV Campground in Ector County; RN106087216; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Casey Kurnath, Elisa Guerra)

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

## **MONTHLY ENFORCEMENT REPORT**

### **Item 27**      [Docket No. 2021-0098-MIS.](#)

Consideration of the Texas Commission on Environmental Quality Monthly Enforcement Report, submitted for discussion in accordance with Texas Water Code § 7.003. (Susan M. Jablonski, P.E., Melissa Cordell)

No action taken.

## **RULE MATTER**

### **Item 28**      [Docket No. 2020-0040-RUL.](#)

Consideration of the adoption of new Section 39.426 and amendments to Sections 39.405, 39.412, 39.418, 39.419, 39.423, 39.503, 39.602, 39.604, and 39.651 of 30 TAC Chapter 39, Public Notice and amendments to Sections 55.154, 55.156, and 55.210 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment and corresponding revisions to the State Implementation Plan (SIP). The commission will also consider withdrawing proposed Section 55.209. The proposed revisions regard providing translation and notice in alternative languages for various aspects of the permitting process. (Amy Browning, Adam Taylor; Rule Project No. 2020-018-039-LS)

Adopt new 30 Texas Administrative Code § 39.426 and amendments to 30 Texas Administrative Code Chapters 39 and 55; and corresponding revisions to the State Implementation Plan, as recommended by the Executive Director. EL/BJ; all agree.

## **STATE IMPLEMENTATION PLAN**

### **Item 29**      [Docket No. 2021-0594-SIP.](#)

Consideration for publication of, and hearing on, the proposed Redesignation Request and Maintenance Plan State Implementation Plan (SIP) Revision for the Freestone-Anderson and the Titus 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS) Nonattainment Areas. The proposed SIP revision includes a request that the United States Environmental Protection Agency redesignate the Freestone-Anderson and Titus nonattainment areas to attainment for the 2010 SO<sub>2</sub> NAAQS and provides 10-year maintenance plans for both areas consistent with Federal Clean Air Act (FCAA), §175A requirements. The proposed SIP revision also addresses the comprehensive emissions inventory and nonattainment new source review certification statement SIP requirements provided under Part D of the FCAA. (Mary Ann Cook, John Minter, Terry Salem; Project No. 2021-007-SIP-NR)

Approve for publication of, and hearing on, the proposed Redesignation Request and Maintenance Plan State Implementation Plan Revision for the Freestone-Anderson and the Titus 2010 Sulfur Dioxide National Ambient areas, as recommended by the Executive Director. BJ/EL; all agree.

## **MONTHLY PUBLIC WATER SYSTEM REPORT**

### **Item 30**      **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.

## **EXECUTIVE MEETING**

### **Item 31**      **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.

The Commission did not meet in Executive Session.

**Item 32            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.

The Commission did not meet in Executive Session.

**Item 33            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.

The Commission did not meet in Executive Session.

**Item 34            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.

The Commission did not meet in Executive Session.

## **GENERAL INFORMATION/LA INFORMACIÓN GENERAL**

### **How to watch or listen to the meeting**

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<https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>.

### **Cómo ver o escuchar la reunión**

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<https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>.

### **How to register and 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: <https://www.gotomeeting.com/webinar/join-webinar> and entering

Webinar ID 451-490-803. Those without internet access may call (512) 239-3313 before the meeting begins for assistance in accessing the meeting telephonically.

To register, you may provide information via the Public Participation Form at: [https://www.tceq.texas.gov/assets/public/comm\\_exec/agendas/comm/AgendaRegistrationForm.docx](https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/AgendaRegistrationForm.docx). If you have challenges with the Public Participation Form, you may call (512) 239-3313 or email [agenda@tceq.texas.gov](mailto:agenda@tceq.texas.gov) and provide the following information: 1. Agenda item number; 2. Name; 3. Affiliation; 4. Address; 5. Phone number; 6. Whom you represent (self or company/client); and 7. Whether you wish to address the Commission, are available for questions from the Commission, or would like to be noted as present for the record.

Registration for Agenda will conclude at 9:30 a.m. Late registration could result in your missing the opportunity to comment on your item. Please note that the Commissioners may discuss or consider posted items in an order other than the order posted.

### **Cómo registrarse y dirigirse a la Comisión en la reunión**

Los miembros del público que deseen dirigirse a la Comisión sobre un tema sobre el cual la Comisión está aceptando comentarios, deben registrarse como se indica a continuación y acceder a la reunión a través de un webcast navegando a: <https://www.gotomeeting.com/webinar/join-webinar> e ingresando el ID del seminario web 451-490-803. Aquellos sin acceso a Internet pueden llamar al (512) 239-3313 antes de que comience la reunión para recibir ayuda para acceder a la reunión por teléfono.

Para registrarse, puede proporcionar información a través del Formulario de participación pública en: [https://www.tceq.texas.gov/assets/public/comm\\_exec/agendas/comm/AgendaRegistrationForm.docx](https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/AgendaRegistrationForm.docx). Si tiene problemas con el Formulario de participación pública, puede llamar al (512) 239-3313 o enviar un correo electrónico a [agenda@tceq.texas.gov](mailto:agenda@tceq.texas.gov) y proporcionar la siguiente información: 1. Número de artículo de la agenda; 2. Nombre; 3. Afiliación; 4. Dirección; 5. Número de teléfono; 6. a quién representa (usted mismo o empresa / cliente); y 7. si desea dirigirse a la Comisión, si está disponible para las preguntas de la Comisión o si desea que se le anote como presente para que conste en acta.

El registro para la Agenda concluirá a las 9:30 a.m. El registro tardío podría resultar en que pierda la oportunidad de comentar sobre su artículo. Tenga en cuenta que los Comisionados pueden discutir o considerar los artículos publicados en un orden diferente al pedido publicado.

### **How to ask for accommodations**

Persons with disabilities who may 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 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.

### **Cómo solicitar adaptaciones**

Se solicita a las personas con discapacidades que planeen asistir a la Agenda de la TCEQ y que puedan necesitar ayudas o servicios auxiliares, como intérpretes para personas sordas o con problemas de audición, lectores, letra grande o braille, que se comuniquen con la Oficina del Secretario en Jefe al (512) 239-3300 al menos cinco (5) días hábiles antes de la agenda, para que se puedan hacer los arreglos apropiados.

### **How to ask for an interpreter**

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 Chief Clerk at (512) 239-3300 at least five (5) work days prior to the Agenda so that appropriate arrangements may be made.

### **Cómo pedir un intérprete**

Se solicita a las personas que deseen la asistencia de un intérprete junto con su presentación oral en esta Agenda de la TCEQ que se comuniquen con la Oficina del Secretario en Jefe al (512) 239-3300 al menos cinco (5) días hábiles antes de la Agenda para que los arreglos apropiados puede hacerse.

### **Open Meetings Act during the pandemic**

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.

### **Ley de reuniones abiertas durante la pandemia**

El 16 de marzo de 2020, de acuerdo con la sección 418.016 del Código de Gobierno de Texas, el gobernador Abbott suspendió varias disposiciones de la Ley de Reuniones Abiertas que requieren que los funcionarios del gobierno y los miembros del público estén físicamente presentes en un lugar de reunión específico. De conformidad con esa suspensión, el público no podrá asistir a la Agenda en persona, pero podrá asistir telefónicamente o vía webinar o ver la reunión en la web sin costo alguno.

### **How to read the Agenda document**

The Agenda document above includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. Updates to backup documents will be noted under the hyperlinks.

### **Cómo leer el documento de la Agenda**

El documento de la Agenda anterior incluye hipervínculos (números de expediente resaltados en azul) que permiten al usuario ver los documentos de respaldo de la agenda [documentos relacionados con un asunto en particular que se han presentado en la Oficina del Secretario en Jefe (OCC)]. Las actualizaciones de los documentos de respaldo se anotarán debajo de los hipervínculos.

### **Handguns Prohibited**

Section 46.035 of the Texas Penal Code prohibits handgun licensees from carrying their handguns at government meetings such as this one. The prohibition applies to both concealed carry and open carry handgun licensees.

### **Prohibidas las pistolas**

La sección 46.035 del Código Penal de Texas prohíbe a los titulares de licencias de armas de fuego portar sus armas en reuniones gubernamentales como esta. La prohibición se aplica tanto a los titulares de licencias de portar armas ocultas como abiertas.

/s/ Greg Merrell  
Assistant General Counsel  
Greg Merrell

September 9, 2021  
Date