

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)]. Updates to backup documents will be noted by a purple indicator. Finally, the Commissioners may discuss or consider posted items in an order other than the order posted.

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.

To watch or listen to the meeting:

Members of the public may listen to the meeting telephonically by calling, toll-free, (562) 247-8422 and entering Access Code 916-243-806. The public may also view live TCEQ meetings on the TCEQ YouTube Channel at no cost at:

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

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 following this [link](#) and entering Webinar ID 578-937-587. Those without internet access may call (512) 239-3313 before the meeting begins for assistance in accessing the meeting telephonically.

To register, please call (512) 239-3313 or email agenda@tceq.texas.gov. Please complete this [Public Participation Form](#) or 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. Please register before this time. Late registration could result in your missing the opportunity to comment on your item.

Chairman Jon Niermann
Commissioner Emily Lindley
Commissioner Bobby Janecka

AGENDA

September 9, 2020

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

<https://www.gotomeeting.com/webinar/join-webinar> / Webinar ID 578-937-587

(562) 247-8422 / Access Code 916-243-806

PROPOSAL FOR DECISION

Item 1 **[TCEQ Docket No. 2018-0057-MSW-E; SOAH Docket No. 582-19-6826.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Proposed Order assessing administrative penalties against and requiring corrective action of John S. Jones dba John's Tire & Wheels and dba John's Tire Shop in Tom Green County, Texas; RN108821125 and RN103074274; regarding municipal solid waste violations pursuant to Texas Health & Safety Code ch. 361 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Tracy Chandler)

Adopt the ALJ's revised Proposed Order as submitted as a Reply to the ED's Exceptions, with the following additional modifications: a) Revise Conclusion of Law No. 10 to add "(d)" between "328.58(a) and (f)" and b) Direct the General Counsel to make any typographical and clerical changes necessary in the Order. EL/BJ; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 **[Docket No. 2018-1021-WR.](#)**

Consideration of an application by Curtis J Wheatcraft and Christina Wheatcraft to amend their portion of Certificate of Adjudication No. 18-2020, seeking to add mining use and add two diversion points for mining use on the Guadalupe River, Guadalupe River Basin in Kerr County. A portion of Certificate of Adjudication No. 18-2020 currently authorizes Curtis J Wheatcraft and Christina Wheatcraft to divert and use not to exceed 15 acre-feet of water per year from the Guadalupe River, Guadalupe River Basin, at a maximum diversion rate of 0.7 cubic feet per second for agricultural purposes in Kerr County with a priority date of June 22, 1914. The Commission will consider all timely filed hearing requests and related responses and replies. (Bert Galvan, Robin Smith)

Deny the hearing requests of Frances Lovett and Robert Mosty, Jr.; and Issue the Amendment to Certificate of Adjudication No. 18-2020 to Curtis J Wheatcraft and Christina Wheatcraft. BJ/EL; all agree.

MISCELLANEOUS MATTERS

Item 3 [**Docket No. 2020-0174-MIS.**](#)

Consideration of the adoption of an amendment with renewal of the Evaporation Pond General Permit Number WQG100000 which authorizes wastewater generated by industrial or water treatment facilities to be disposed of by evaporation from surface impoundments adjacent to water in the state. Public notice of the proposed general permit was published in the February 28, 2020, issue of the *Texas Register* (45 TexReg 1493). (Laurie Fleet, Michael Parr) (Non-Rule Project No. 2020-013-OTH-NR)

Adopt the renewal and amendments to the Evaporation Pond General Permit Number WQG100000, as recommended by the Executive Director; and Adopt the Executive Director's Response to Comments. EL/BJ; all agree.

Item 4 [**Docket No. 2020-0724-MIS.**](#)

Discussion of the Office of Public Interest Counsel's Annual Report to the Commission made pursuant to Texas Water Code, Section 5.2725, Annual Report; Performance Measures. (Vic McWherter)

No action taken.

WATERMASTER BUDGET MATTERS

Item 5 [**Docket No. 2020-0804-BGT.**](#)

Consideration of Fiscal Year 2021 assessment of annual costs for Watermaster operations in the Rio Grande Water Division. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 303.71-303.73 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2020 and ending August 31, 2021, for water right holders in the Rio Grande Water Division, and approve \$918,291.35 as the amount to be assessed for annual costs. The Rio Grande Water Division extends from Fort Quitman, Texas to the mouth of the Rio Grande River, excluding the watersheds of the Pecos and Devils Rivers and including that portion of the Nueces-Rio Grande Coastal Basin lying in Hidalgo, Cameron, Willacy, and Starr Counties whose source of water is the Rio Grande. (Laurie Gharis, Cole Malley)

Approve the Concho River, Rio Grande, South Texas, and Brazos Watermaster budgets for Fiscal Year 2021 and Issue the Executive Director's four Proposed Orders assessing the annual costs of those Watermaster programs. BJ/EL; all agree.

Item 6 **[Docket No. 2020-0805-BGT.](#)**

Consideration of Fiscal Year 2021 assessment of annual costs for Watermaster operations in the South Texas Water Division. Pursuant to Texas Water Code Section 11.329 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2020 and ending August 31, 2021, for water right holders in the South Texas Water Division, and approve \$732,602.58 as the amount to be assessed for annual costs. The South Texas Water Division consists of the Nueces, San Antonio, Guadalupe, and Lavaca River Basins, as well as the Lavaca-Guadalupe Coastal Basin, the San Antonio-Nueces Coastal Basin, and the Nueces-Rio Grande Coastal Basin, except that part in Hidalgo, Cameron, Willacy, and Starr Counties. (Laurie Gharis, Cole Malley)

Joint Motion for Items 5 – 8

Approve the Concho River, Rio Grande, South Texas, and Brazos Watermaster budgets for Fiscal Year 2021 and Issue the Executive Director's four Proposed Orders assessing the annual costs of those Watermaster programs. BJ/EL; all agree.

Item 7 **[Docket No. 2020-0806-BGT.](#)**

Consideration of Fiscal Year 2021 assessment of annual costs for Watermaster operations in the Concho River Watermaster Program. Pursuant to Texas Water Code Sections 11.329 and 11.558 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2020 and ending August 31, 2021, for water right holders in the Concho River Watermaster Program and approve \$208,031.04 as the amount to be assessed for annual costs. The Concho River Watermaster Program consists of the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O.H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in Concho County (Laurie Gharis, Cole Malley)

Joint Motion for Items 5 – 8

Approve the Concho River, Rio Grande, South Texas, and Brazos Watermaster budgets for Fiscal Year 2021 and Issue the Executive Director's four Proposed Orders assessing the annual costs of those Watermaster programs. BJ/EL; all agree.

Item 8 [Docket No. 2020-0807-BGT.](#)

Consideration of Fiscal Year 2021 assessment of annual costs for Watermaster operations in the Brazos Watermaster Program. Pursuant to Texas Water Code Sections 11.329 and 11.455 and 30 Tex. Admin. Code Sections 12.1, 12.3, 12.5, and 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster assessment of annual costs for the fiscal year beginning September 1, 2020 and ending August 31, 2021, and approve \$861,510.52 as the amount to be assessed for annual costs for water right holders. The Brazos Watermaster Program consists of the Brazos River Basin including and below Possum Kingdom Lake. (Laurie Gharis, Cole Malley)

Joint Motion for Items 5 – 8

Approve the Concho River, Rio Grande, South Texas, and Brazos Watermaster budgets for Fiscal Year 2021 and Issue the Executive Director's four Proposed Orders assessing the annual costs of those Watermaster programs. BJ/EL; all agree.

WATERMASTER EVALUATION

Item 9 [Docket No. 2020-0808-MIS.](#)

Consideration of the Executive Director's findings and recommendation on whether a watermaster should be appointed for the Canadian and Red River Basins. Texas Water Code, Section 11.326(g) requires that in river basins where no watermaster has been appointed, the Executive Director shall evaluate the river basin at least once every 5 years to determine whether a watermaster should be appointed and to report the findings and make recommendations to the commission. The commission shall include the findings and recommendations in the commission's biennial report to the Legislature. (Laurie Gharis, Ruth Takeda)

No action taken.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 10 [Docket No. 2019-0246-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CEMENTOS READY-MIX LLC in Ector County; RN102195732; 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/BJ; all agree.

Item 11 [**Docket No. 2020-0263-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. (Toni Red, Michael Parrish)

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

Item 12 [**Docket No. 2020-0157-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Oro Resources, LLC in Fort Bend County; RN100911429; 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. EL/BJ; all agree.

Item 13 [**Docket No. 2019-1725-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OXY USA WTP LP in Kent County; RN101222602; 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/BJ; all agree.

Item 14 [**Docket No. 2019-1760-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rohm and Haas Chemicals LLC in Harris County; RN102776002; 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. (Margarita Dennis, Michael Parrish)

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

Item 15 [**Docket No. 2019-0519-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Scout Energy Management LLC in Carson County; RN100212414; 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/BJ; all agree.

Item 16 [**Docket No. 2020-0342-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against SilverBow Resources Operating, LLC in McMullen County; RN105901136; 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. (Yuliya Dunaway, Michael Parrish)

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

Item 17 [**Docket No. 2019-1672-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Superior Silica Sands LLC in Bexar County; RN100846443; 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/BJ; all agree.

Item 18 [**Docket No. 2020-0169-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of US Ecology Texas, Inc. in Nueces County; RN101445666; 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/BJ; all agree.

**INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT
AGREED ORDER**

Item 19 [**Docket No. 2018-1461-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Liberty Tire Recycling, LLC in Harris County; RN105851703; for industrial 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. (John Fennell, Michael Parrish)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 20 [**Docket No. 2017-1707-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of GO GREEN & RECYCLE, LLC in Tom Green County; RN109733956; for municipal solid waste, air quality, and water quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, 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. (Clayton Smith, Janice Hernandez)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 21 [**Docket No. 2019-0346-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Rose Bailey in Tom Green County; RN105843106; 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. (Kevin R. Bartz, Janice Hernandez)

Remanded to the Executive Director on September 8, 2020.

Item 22 [**Docket No. 2018-0964-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of WELLS LANDING PROPERTY OWNERS ASSOCIATION in Polk County; RN110835469; 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. (Clayton Smith, Janice Hernandez)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 23 [**Docket No. 2019-1337-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Fairfield in Freestone County; RN101607778; 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. EL/BJ; all agree.

Item 24 [**Docket No. 2020-0102-MWD-E.**](#)

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

RN101920288; 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. EL/BJ; all agree.

Item 25 [**Docket No. 2020-0259-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MILITARY HIGHWAY WATER SUPPLY CORPORATION in Hidalgo County; RN101611366; 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. EL/BJ; all agree.

Item 26 [**Docket No. 2019-0645-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Texas Department of Transportation in Guadalupe County; RN101458834; 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/BJ; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDER

Item 27 [**Docket No. 2020-0326-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of VAPIWALLA & SON'S INC. dba Right Choice Food Mart 8 in Gonzales County; RN102273711; 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/BJ; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 28 **[Docket No. 2019-1453-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Crystal Clear Special Utility District in Guadalupe County; RN101437994; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Marla Waters, Michael Parrish)

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

Item 29 **[Docket No. 2019-1258-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of I.P. "SARGE" BELL MEMORIAL POST NO. 3377 VETERANS OF FOREIGN WARS OF THE UNITED STATES, AUSTIN, TEXAS in Travis County; RN101651966; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Salas, Michael Parrish)

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

Item 30 **[Docket No. 2020-0098-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JACKSON WATER SUPPLY CORPORATION in Smith County; RN101177194; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Duncan, Michael Parrish)

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

Item 31 **[Docket No. 2020-0022-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JBS Live Pork, LLC in Dallam County; RN102852654; for public drinking water violations pursuant to Tex.

Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Samantha Salas, Michael Parrish)

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

Item 32 [**Docket No. 2020-0246-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Monarch Utilities I L.P. in Smith County; RN101281004; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jée Willis, Michael Parrish)

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

Item 33 [**Docket No. 2019-1122-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PERMIAN LODGING MIDLAND LLC in Midland County; RN107150658; 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. (Ryan Byer, Michael Parrish)

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

Item 34 [**Docket No. 2019-1731-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAM RAYBURN WATER, INC. in San Augustine County; RN101189736; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Julianne Dewar, Michael Parrish)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 35 [**Docket No. 2020-0295-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of D.R. Horton - Texas, Ltd. in

Montgomery County; RN108365420; 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. EL/BJ; all agree.

Item 36 **Docket No. 2019-1774-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties against Richmond Signature Homes, LLC. in Johnson County; RN110898186; 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/BJ; all agree.

PUBLIC COMMENT SESSION

Item 37 **Docket No. 2020-0005-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 38 **Docket No. 2020-0001-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 on this item.

Item 39 Docket No. 2020-0002-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 40 Docket No. 2020-0003-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 41 Docket No. 2020-0004-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 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.

TO WATCH OR LISTEN TO THE MEETING:

MEMBERS OF THE PUBLIC MAY LISTEN TO THE MEETING TELEPHONICALLY BY CALLING, TOLL-FREE, (562) 247-8422 AND ENTERING ACCESS CODE 916-243-806. THE PUBLIC MAY ALSO VIEW LIVE TCEQ MEETINGS ON THE TCEQ YOUTUBE CHANNEL AT NO COST AT:

**[HTTPS://WWW.TCEQ.TEXAS.GOV/AGENCY/DECISIONS/AGENDAS/WEB
CASTS.HTML](https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html).**

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 FOLLOWING THIS [LINK](#) AND ENTERING WEBINAR ID 578-937-587. THOSE WITHOUT INTERNET ACCESS MAY CALL (512) 239-3313 BEFORE THE MEETING BEGINS FOR ASSISTANCE IN ACCESSING THE MEETING TELEPHONICALLY.

TO REGISTER, PLEASE CALL (512) 239-3313 OR EMAIL AGENDA@TCEQ.TEXAS.GOV. PLEASE COMPLETE THIS [PUBLIC PARTICIPATION FORM](#) OR 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. PLEASE REGISTER BEFORE THIS TIME. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

/s/ Ron Olson
Assistant General Counsel
Ron Olson

September 15, 2020
Date