THIS AGENDA IS A DRAFT OF THE JANUARY 11, 2012 AGENDA. THE FINAL VERSION OF THE AGENDA WILL BE POSTED NO LATER THAN THE 8TH DAY BEFORE THE SCHEDULED AGENDA DATE.

The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).

Updates to backup documents will be noted by a purple indicator. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 7 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).

AGENDA

January 11, 2012

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUEST/REQUEST FOR RECONSIDERATION

Item 1 **TCEQ Docket No. 2011-2016-MWD.**

Consideration of the application by the City of Aledo for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010847001 which authorizes the discharge of treated domestic wastewater with a daily average flow not to exceed 600,000 gallons per day. The wastewater treatment facility is located at 600 Barnwell Road, approximately 0.5 mile west of the intersection of Farm-to-Market Road 5 and Farm-to-Market Road 1187 in the City of Aledo in Parker County, Texas 76008. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Kathy Humphreys, Larry Diamond).

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MISCELLANEOUS MATTERS

Item 2 **TCEQ Docket No. 2011-1444-UCR.**

Consideration of a request for a Commission Order approving a contract designating service areas between the City of Marble Falls (Marble Falls), Certificate of Convenience and Necessity (CCN) No. 11137, and the Lower Colorado River Authority (LCRA), (CCN) No. 11670, in Burnet County, Texas, pursuant to section 13.248 of the Texas Water Code. Currently, LCRA holds a CCN for the area in question. Marble Falls and LCRA have agreed that the area would be better served by a single water utility provider. Under the contract, LCRA will transfer approximately 1,817 acres of its CCN area to Marble Falls and Marble Falls will be the sole retail water service provider in this area. Under the agreement, facilities and 99 customers will be transferred. (Kayla Murray, Heidi Graham)

Item 3 **TCEQ Docket No. 2011-1135-UCR.**

Consideration of a request for a Commission Order approving a contract, designating water and sewer service areas between the Hidalgo County Municipal Utility District No. 1 (Hidalgo MUD), Certificate of Convenience and Necessity (CCN) Nos. 11611 and 21046, and the Agua Special Utility District (Agua SUD), CCN Nos. 10559 and 20785, in Hidalgo County, Texas, pursuant to section 13.248 of the Texas Water Code. Currently, Agua SUD holds CCNs for the area in question. Under the contract, Agua SUD will transfer approximately 187 acres to Hidalgo MUD's CCN area. Hidalgo MUD will be the sole retail water and sewer service provider in this area. There are seven customers and approximately 4,000 feet of pipeline in this area that will be transferred under the Agreement. (Douglas Brown, Lisa Fuentes)

Item 4 **Docket No. 2011-1511-MIS.**

Consideration for proposal of the revised Procedures to Implement the Texas Surface Water Quality Standards, RG-194. The revisions are proposed to address United States Environmental Protection Agency objections to the Whole Effluent Toxicity and de-chlorination requirements. Additional non-substantive corrections and changes are also proposed. (David Galindo, Robert Brush) (Project No. 2011-061-OTH-NR)

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 **Docket No. 2011-0688-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Jefferson County; RN100209451; 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 Texas Administrative Code ch. 60. (Audra Benoit, Debra Barber)

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Item 6 **Docket No. 2011-1121-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Prairie View A&M University in Waller County; RN100219666; 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 Texas Administrative Code ch. 60. (Kimberly Morales, Debra Barber)

Item 7 **Docket No. 2011-1190-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Oldcastle BuildingEnvelope, Inc. in Kaufman County; RN100218783; 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 Texas Administrative Code ch. 60. (Trina Grieco, Debra Barber)

Item 8 **Docket No. 2011-0782-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Enbridge G & P (East Texas) L.P. in Freestone and Robertson Counties; RN100222819 and RN104898978; 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 Texas Administrative Code ch. 60. (Allison Fischer, Debra Barber)

Item 9 **Docket No. 2011-1353-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Arkema Inc. in Jefferson County; RN100216373; 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 Texas Administrative Code ch. 60. (Raymond Marlow, P.G., Debra Barber)

Item 10 **Docket No. 2011-1354-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sivalls, Inc. in Ector County; RN100661784; 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 Texas Administrative Code ch. 60. (Allison Fischer, Debra Barber)

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Item 11 **Docket No. 2011-0991-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Valero Refining Texas LP in Galveston County; RN100238385; 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 Texas Administrative Code ch. 60. (Audra Benoit, Debra Barber)

Item 12 **Docket No. 2011-0659-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ONEOK Hydrocarbon Southwest, LLC in Chambers County; RN100209949; 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 Texas Administrative Code ch. 60. (Heather Podlipny, Debra Barber)

Item 13 **Docket No. 2011-0783-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Belvan Corp. in Crockett County; RN100214022; 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 Texas Administrative Code ch. 60. (Heather Podlipny, Debra Barber)

Item 14 **Docket No. 2011-0956-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Zoltek Corporation in Taylor County; RN100543867; 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 Texas Administrative Code ch. 60. (Miriam Hall, Debra Barber)

Item 15 **Docket No. 2011-0934-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against David Longoria Trucking & Construction, L.L.C. in Duval County; RN106144363; 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 Texas Administrative Code ch. 60. (Rebecca Johnson, Debra Barber)

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Item 16 **Docket No. 2011-0710-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Diamond Shamrock Refining Company, L.P. in Moore County; RN100210517; 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 Texas Administrative Code ch. 60. (Trina Grieco, Debra Barber)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 17 **Docket No. 2011-1035-EAQ-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AVG-Austin, LP in Travis County; RN102734035; 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 Texas Administrative Code ch. 60. (JR Cao, Debra Barber)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 18 **Docket No. 2011-0284-IWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GULF COPPER & MANUFACTURING CORPORATION in Galveston County; RN100214840; 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 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Debra Barber)

Item 19 **Docket No. 2010-1631-IWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Calabrian Corporation in Jefferson County; RN101645018; 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. (Jennifer Cook, Lena Roberts)

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 20 **Docket No. 2011-1218-LII-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of George Santos in Harris County; RN105797856; 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. (Steven M. Fishburn, Lena Roberts)

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MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 21 **Docket No. 2010-1852-MLM-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Driscoll in Nueces County; RN102983442; for air quality, municipal solid waste, and industrial hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip Aldridge, Debra Barber)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 22 **Docket No. 2011-0379-MLM-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of YFZ Land, LLC in Schleicher County; RN104250626; for municipal waste discharge 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. (James Sallans, Lena Roberts)

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 23 **Docket No. 2010-1179-MSW-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Four States Recycling, Inc. in Potter County; RN103204954; 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. (Xavier Guerra, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 24 **Docket No. 2011-0969-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Trinity Bay Conservation District in Chambers County; RN102077393; 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 Texas Administrative Code ch. 60. (Merrilee Hupp, Debra Barber)

Item 25 **Docket No. 2010-1111-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of K C Utilities, Inc. in Brazoria County; RN102186459; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality,

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including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Lena Roberts)

Item 26 **Docket No. 2011-0203-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Jacksonville in Cherokee County; RN101613305 and RN101613180; for water quality violations pursuant to Tex. Water Code ch. 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Debra Barber)

Item 27 **Docket No. 2011-0544-MWD-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mike Oda d/b/a Riverbend RV Park and Resort in Fort Bend County; RN103016234; 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 Texas Administrative Code ch. 60. (Jeremy Escobar, Debra Barber)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 28 **Docket No. 2011-0558-MWD-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of JATRA INTERNATIONAL, INC. in Freestone County; RN101516037; 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. (Kari L. Gilbreth, Lena Roberts)

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 29 **Docket No. 2011-1278-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against Carl Homeyer in Burleson County; RN101673929; 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 Texas Administrative Code ch. 60. (John Muennink, Debra Barber)

Item 30 **Docket No. 2011-1023-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Houston in Harris County; RN100618636, RN102383890, and RN102396611; 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 Texas

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Administrative Code ch. 60. (Wallace Myers, Debra Barber)

Item 31 **Docket No. 2011-0895-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Masood Ahmad dba Fannett Drive In in Jefferson County; RN101750834; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Debra Barber)

Item 32 **Docket No. 2011-1054-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of VOSS ROAD EXXON, LLC in Harris County; RN101474005; 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 Texas Administrative Code ch. 60. (Kimberly Walker, Debra Barber)

Item 33 **Docket No. 2011-0953-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAAI, LLC dba Bar G Store in Fayette County; RN101698355; 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 Texas Administrative Code ch. 60. (Brianna Carlson, Debra Barber)

Item 34 **Docket No. 2011-1142-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of QUICK GAS & LUBE INC. in Harris County; RN101906485; 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 Texas Administrative Code ch. 60. (Judy Kluge, Debra Barber)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 35 **Docket No. 2011-0968-PST-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Ashok K. Sharma d/b/a A-1 Mart and Pokhrel Enterprises Inc d/b/a A-1 Mart in Tarrant County; RN102010097; 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

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specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 36 **Docket No. 2011-1229-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lief Zars in Kendall County; RN101217396; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Merrilee Hupp, Debra Barber)

Item 37 **Docket No. 2010-1574-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of White Oak Estates MHC LLC d/b/a Whiye MHC LLC, d/b/a White Oak Estates I and White Oak Estates II in Montgomery County; RN103017620 and RN103017612; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Stephanie J. Frazee, Lena Roberts)

Item 38 **Docket No. 2011-0874-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WHITHARRAL WATER AND SEWER SERVICE SUPPLY CORPORATION in Hockley County; RN101453066; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Byington, Debra Barber)

Item 39 **Docket No. 2011-1318-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Happy Hill Farm Children's Home, Inc. in Somervell County; RN101236990; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steve Villatoro, Debra Barber)

Item 40 **Docket No. 2011-0990-PWS-E.**

Consideration of an Agreed Order assessing administrative penalties against Olmito Water Supply Corporation in Cameron County; RN102673332; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Sherlock, Debra Barber)

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PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 41 **Docket No. 2011-0970-PWS-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Christopher W. Duncan d/b/a Lakeside Water Company in Angelina County; RN103778247; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

Item 42 **Docket No. 2011-1313-PWS-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Terry L. Babb, Sr. d/b/a Twin Oaks Mobile Home Park in Henderson County; RN101192995; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Peipey Tang, Lena Roberts)

Item 43 **Docket No. 2011-0911-PWS-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Richard Sullivan d/b/a Country View Mobile Home Park and d/b/a Valley Estates in Lubbock County; RN101278190 and RN101278018; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

Item 44 **Docket No. 2011-1126-PWS-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Richard J. Duda in Kaufman County; RN105362529; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

SLUDGE ENFORCEMENT DEFAULT ORDER

Item 45 **Docket No. 2011-0216-SLG-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of HAMILTON CUSTOM SERVICE, INC. in Young County; RN103155198; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Xavier Guerra, Lena Roberts)

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WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 46 **Docket No. 2010-1619-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Carrollton in Dallas County; RN101391456 and RN101384535; 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 Texas Administrative Code ch. 60. (Heather Brister, Debra Barber)

Item 47 **Docket No. 2011-1066-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sadler's Smokehouse, Ltd. in Rusk County; RN101747905; 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 Texas Administrative Code ch. 60. (Samuel Short, Debra Barber)

RULE MATTERS

Item 48 **Docket No. 2011-0893-RUL.**

Consideration for adoption of an amendment to 30 TAC Chapter 106, Permits by Rule, Subchapter O, Oil and Gas, Section 106.352, Oil and Gas Handling and Production Facilities; and the non-rule Air Quality Standard Permit for Oil and Gas Handling and Production Facilities. The adoption would revise Section 106.352 to restore the requirement that any facility handling sour gas shall be located at least one-quarter mile from any recreational area or residence or other structure not occupied or used solely by the owner or operator of the facility or the owner of the property upon which the facility is located, as the requirement existed in Section 106.352 prior to the January 26, 2011 amendment. This requirement would be added in proposed Section 106.352(l)(3). The subsequent paragraphs of subsection (l) would be re-numbered. The adoption would also correct typographical errors in Section 106.352 and the non-rule Air Quality Standard Permit for Oil and Gas Handling and Production Facilities. The proposed rules were published in the September 2, 2011, issue of the Texas Register (36 TexReg 5630). Notice of the non-rule Air Quality Standard Permit for Oil and Gas Handling and Production Facilities was published in the same issue of the Texas Register (36 TexReg 5725). (Blake Stewart, Betsy Peticolas) (Rule Project No. 2011-014-106-PR)

Item 49 **Docket No. 2011-0755-RUL.**

Consideration of the adoption of amendments to 30 TAC Chapter 336, Radioactive Substance Rules, Sections 336.1, 336.2, 336.103, 336.105, 336.210, 336.305, 336.309, 336.331, 336.359, and 336.405; and new Sections 336.351 and 336.357. The rulemaking revises the commission's radiation control rules to

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ensure compatibility with regulations promulgated by the United States Nuclear Regulatory Commission. The state must adopt compatible rules to maintain the status of Texas as an Agreement State authorized to administer a portion of the radiation control program under the Atomic Energy Act. The rulemaking also amends the fees charged for facilities regulated under Subchapter L of Chapter 336 (Licensing of Source Material Recovery and By-Product Material Disposal Facilities). The fee shall recover for the state the actual expenses arising from the regulatory activities associated with the license. The rulemaking requires the executive director to invoice and collect on a quarterly basis the annual fee for a license for the commercial disposal of low-level radioactive waste. The rulemaking also clarifies the requirements for license fees to fund the Radiation and Perpetual Care Account. The proposed rules were published in the August 5, 2011, issue of the Texas Register (36 TexReg 4920). (Hans Weger, Don Redmond) (Rule Project No. 2011-011-336-PR)

Item 50 **Docket No. 2011-1098-RUL.**

Consideration for publication of, and hearing on, proposed new 30 TAC Chapter 342, Regulation of Certain Aggregate Production Operations. The proposed rulemaking would establish a new chapter to implement House Bill 571 from the 82nd Legislature, 2011, Regular Session. The bill requires Aggregate Production Operations to register with the TCEQ annually and to pay an annual fee. (Lynda Clayton, Christine Angeletti) (Rule Project No. 2011-045-342-OW)

Item 51 **Docket No. 2011-1790-RUL.**

Consideration for publication of, and hearing on, proposed amendments to 30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor Vehicles, Section 114.7, Low Income Vehicle Repair Assistance, Retrofits, and Accelerated Vehicle Retirement Program Definitions; and Section 114.64, LIRAP Requirements. The proposed rulemaking would implement provisions of House Bill 3272, 82nd Legislature, 2011, Regular Session, by amending Section 114.7 and Section 114.64, revising requirements and guidelines of the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program. (Michael Regan, Betsy Peticolas) (Rule Project No. 2011-062-114-EN)

EXECUTIVE MEETING

Item 52 **Docket No. 2012-0001-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 and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the 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 Government Code.

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Item 53 **Docket No. 2012-0002-EXE.**

The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

Item 54 **Docket No. 2012-0003-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 Open Meetings Act, Codified as Chapter 551 of the 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 Government Code.

(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 TWO (2) 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.)

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT:
HTTP://WWW.TEXASADMIN.COM/tceqa.shtml

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