

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

December 9, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSAL FOR DECISION

Item 1 **[TCEQ Docket No. 2014-1401-AIR; SOAH Docket No. 582-15-0460.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Southern Crushed Concrete, LLC for Air Quality Standard Permit No. 119443L001, authorizing the construction and operation of a temporary concrete batch plant. The proposed temporary concrete batch plant would be located at 5001 Gasmer Drive, in Harris County. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Sierra Redding, Don Nelson)

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 **[Docket No. 2015-0565-MWD.](#)**

Consideration of the application by 3 B&J Wastewater Company, Inc., for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014911002 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 950,000 gallons per day. The facility was previously permitted under TPDES Permit No. WQ0014911001, which

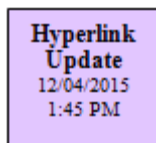
expired on December 1, 2013, prior to the proposed facility's construction. The facility will be located approximately 0.45 mile northwest of the intersection of County Road 248 and Westridge Lane in Williamson County, Texas 78622. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Larry Diamond, Michael Parr).

Item 3 [**Docket No. 2015-1488-AIR.**](#)

Consideration of application by the Port of Corpus Christi Authority of Nueces County for renewal of Air Quality Permit No. 47881 to authorize continued operation of an existing permitted plant consisting of a material handling operation at Bulk Dock 1. The facility is located at 4820 East Navigation Boulevard, Corpus Christi, Nueces County. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Blake Stewart, Becky Petty)

EMERGENCY ORDER

Item 4 [**Docket No. 2015-1594-UCR-E.**](#)



Consideration of whether to affirm, modify, or set aside the Emergency Order issued on October 26, 2015, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code Chapters 5 and 13, Tex. Health & Safety Code Chapter 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by Shawn M. Horvath d/b/a Aero Valley Water Service; TCEQ ID No. RN101198331; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order appointed Eric Tamayo as temporary manager of the Utility. (Meaghan Bailey)

MISCELLANEOUS MATTERS

Item 5 [**Docket No. 2015-1424-MIS.**](#)

Consideration of the re-nomination and reappointment of six positions on the Tax Relief for Pollution Control Property Advisory Committee. House Bills 3206 and 3544, 81st Legislature, 2009, amended Texas Tax Code (TTC), Section 11.31 to require the Texas Commission on Environmental Quality (TCEQ) to form a permanent advisory committee that will make recommendations to the TCEQ commissioners on matters relating to property tax exemptions for pollution control property. TTC, Section 11.31(n) requires the advisory committee to have representatives from industry, appraisal districts, taxing units, environmental groups, and

members who are not representatives of any of the aforementioned entities but have substantial technical expertise in pollution control technology and environmental engineering. House Bill 2280, 82nd Legislature, 2011, amended TTC, Section 11.31(n) to require that at least one member of the advisory committee be a representative of a school district or junior college district in which property is located that is or previously was subject to an exemption under this section. (Shelley Naik, Ron Olson)

Item 6 **[Docket No. 2015-1370-MIS.](#)**

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Elizabeth West)

MOTION TO DISMISS AN AGREED ORDER

Item 7 **[Docket No. 2005-0959-MLM-E.](#)**

Consideration of an Order Dismissing an Agreed Order concerning Donald Burkhardt d/b/a Clearwood Recycling Center in Harris County; RN102952785; for municipal solid waste and used oil violations pursuant to Tex. Health & Safety Code Chapters 361 and 371 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code Chapter 60. (Elizabeth Harkrider, Lena Roberts)

AIR QUALITY ENFORCEMENT AGREED ORDER

Item 8 **[Docket No. 2015-0560-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LoneStar Fiberglass Components of Texas LLC in Guadalupe County; RN104314273; 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. (Amancio R. Gutierrez, Candy Garrett)

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 9 **[Docket No. 2015-0283-EAQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ryan Shapiro in Travis County; RN107961674; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Alejandro Laje, Candy Garrett)

INDUSTRIAL AND/OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 10

Hyperlink
Update
12/07/2015
11:15 AM

[Docket No. 2015-1139-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of United States of America Department of Energy in Andrews County; RN108214016; for radioactive and industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 401, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Keith Frank)

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 11

[Docket No. 2014-0371-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Chambers County; RN102323268; 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, Candy Garrett)

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 12

Hyperlink
Update
12/02/2015
9:00 AM

[Docket No. 2013-0694-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Johnny D. Johnson dba Johnson Excavating in Angelina County; RN105694665; for petroleum storage tank, water quality, and aggregate production operation violations pursuant to Tex. Water Code chs. 7, 26, and 28A and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Candy Garrett)

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 13

[Docket No. 2014-1486-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Franklin Joseph Bowers in Bosque County; RN107137887; for air quality and used oil violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 371 and 382, and the rules of the Texas Commission on Environmental Quality, including

specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Lena Roberts)

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 14 **[Docket No. 2014-1432-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Roosevelt Roddy Jr. in McLennan County; RN105943229; 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. (Colleen Lenahan, Lena Roberts)

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 15 **[Docket No. 2015-0529-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mason in Mason County; RN101917599; 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. (James Boyle, Candy Garrett)

Item 16 **[Docket No. 2014-1261-MWD-E.](#)**

Hyperlink
Update
12/07/2015
11:15 AM

Consideration of an Agreed Order assessing administrative penalties against MIRANDO CITY WATER SUPPLY CORPORATION in Webb County; RN101455624; 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. (Had Darling, Candy Garrett)

Item 17 **[Docket No. 2013-2206-MWD-E.](#)**

Hyperlink
Update
12/02/2015
9:00 AM

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Randolph Water Supply Corporation in Fannin County; RN102915469; 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, Candy Garrett)

Item 18 **[Docket No. 2014-1490-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Windom in Fannin County;

RN103014619; 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. (Jason Fraley, Candy Garrett)

Item 19 **[Docket No. 2014-0688-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Town of Mustang in Navarro County; RN102807864; 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. (Jacquelyn Boutwell, Lena Roberts)

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 20 **[Docket No. 2015-0309-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CHRISTUS HEALTH dba Christus Santa Rosa Hospital Medical Center in Bexar County; RN101858504; 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. (Holly Kneisley, Candy Garrett)

Item 21 **[Docket No. 2015-0759-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Methodist Healthcare System of San Antonio, Ltd., L.L.P. in Bexar County; RN103931549; 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. (Danielle Porras, Candy Garrett)

Item 22 **[Docket No. 2015-0548-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against RACETRAC PETROLEUM, INC. in Orange County; RN106875552; 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. (Abigail Lindsey, Candy Garrett)

Item 23 **[Docket No. 2015-0628-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tae Kil Kim dba Bok Food Mart and Washateria in Harris County; RN103134953; 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. (Steven Van Landingham, Candy Garrett)

Item 24 **[Docket No. 2015-0296-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tegh & Shiva, LLC dba Combes Auto Truck Stop in Cameron County; RN101680197; 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. (Steven Van Landingham, Candy Garrett)

Item 25 **[Docket No. 2015-0559-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Flashmart Stores Management Inc. f/k/a Flash Mart Stores, Inc. in Dallas County; RN101570737; 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. (Amanda Patel, Lena Roberts)

Item 26 **[Docket No. 2014-1229-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of AL-ROYAL INC. d/b/a TJ's Grocery in Grimes County; RN101728830; 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. (Elizabeth Carroll Harkrider, Lena Roberts)

Item 27 **[Docket No. 2014-1589-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of AMIR TIMOOR INC. and HAREVA INC. d/b/a Eagle Travel Center 1 and d/b/a Eagle Travel Center 2 in Dallas County; RN103051819 and RN102092574; 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. (Jacquelyn Boutwell, Lena Roberts)

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 28 **[Docket No. 2014-0850-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against A.D.A. GROUP, INC. in Dallas County; RN102250784; 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. (Colleen Lenahan, Lena Roberts)

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 29 **[Docket No. 2015-0847-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Comanche in Comanche County; RN101200962; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Candy Garrett)

Item 30 **[Docket No. 2015-0020-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dey's RV and Mobile Park, LLC in Andrews County; RN106914047; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Montgomery, Candy Garrett)

Item 31 **[Docket No. 2015-0133-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fly By Night Cattle Company Private Club, Inc. dba Fly By Night Cattle in Johnson County; RN104375670; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jennifer Graves, Candy Garrett)

Item 32 **[Docket No. 2015-0570-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kundan Greenwood, LP dba Greenwood Business Park in Harris County; RN106059066; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of

the Texas Commission on Environmental Quality. (Jim Fisher, Candy Garrett)

Item 33 **[Docket No. 2014-1820-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Melissa Lee Carpenter and Lynn Morren dba Chaplins Mobile Home Park in Brazoria County; RN101232536; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Candy Garrett)

Item 34 **[Docket No. 2012-1692-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ranger Utility Company in Bowie County; RN101273761; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Fisher, Candy Garrett)

Item 35 **[Docket No. 2015-0676-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SP UTILITY COMPANY, INC. in Brazoria County; RN103779039; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Montgomery, Candy Garrett)

Item 36 **[Docket No. 2015-0772-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WRIGHT CITY WATER SUPPLY CORPORATION in Smith County; RN101238459; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Ryan Byer, Candy Garrett)

Item 37 **[Docket No. 2015-0744-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ZEPHYR WATER SUPPLY CORPORATION in Brown County; RN101205524; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Boyle, Candy Garrett)

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 38

[Docket No. 2014-0565-PWS-E.](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of BAHAR DEVELOPMENT, INC. dba Key Largo Utilities in Brazoria County; RN101244481; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

RADIOACTIVE WASTE ENFORCEMENT AGREED ORDER

Item 39

[Docket No. 2015-0514-RAW-E.](#)

Hyperlink
Update
12/07/2015
11:15 AM

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Waste Control Specialists LLC in Andrews County; RN101702439; for radioactive waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 401, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Keith Frank)

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 40

[Docket No. 2015-0450-WQ-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Shady Shores in Denton County; RN105881262; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Austin Henck, Candy Garrett)

RULE MATTERS

Item 41

[Docket No. 2015-1448-RUL.](#)

Hyperlink
Update
12/04/2015
11:46 AM

Consideration for publication of, and hearing on, proposed new Sections 326.1, 326.3, 326.5, 326.7, 326.17, 326.19, 326.21, 326.23, 326.31, 326.37, 326.39, 326.41, 326.43, 326.53, 326.55, 326.61, 326.63, 326.65, 326.67, 326.69, 326.71, 326.73, 326.75, 326.77, 326.85, 326.87, and 326.89 of 30 TAC Chapter 326, Medical Waste Management; proposed amended Sections 330.1, 330.9, 330.11, 330.13, 330.103, 330.171, and 330.219; and the repeal of Sections 330.1201, 330.1203, 330.1205, 330.1207, 330.1209, 330.1211, 330.1213, 330.1215, 330.1217, 330.1219, and 330.1221 of 30 TAC Chapter 330, Municipal Solid Waste; and amended Section 335.508 of 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste. The proposed rulemaking would implement House Bill 2244, 84th Texas Legislature, 2015, Regular Session, which requires that Texas Commission

on Environmental Quality add and amend provisions that would specifically regulate medical waste; handling, transportation, storage, and disposal of medical waste in the state. (Mario Perez, Steve Shepherd) (Rule Project No. 2015-019-326-WS)

Item 42

[Docket No. 2015-1016-RUL.](#)

Hyperlink
Update
12/02/2015
10:15 AM

Consideration for publication of, and hearing on, proposed amended Sections 335.1, 335.4, 335.10 - 335.12, 335.17 - 335.19, 335.21, 335.112, 335.152, 335.504, and 335.602; and new Sections 335.26, 335.27, 335.32, and 335.701 - 335.706 of 30 Texas Administrative Code Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste. The proposed rulemaking updates Chapter 335 to include federal rule changes that are set forth in parts of the United States Environmental Protection Agency's Resource Conservation and Recovery Act Clusters XXIII and XXIV and implements the requirements of House Bill (HB) 2598, 84th Texas Legislature, 2015 and codified in Texas Health and Safety Code, §361.040, which establishes a new exclusion from regulation as solid waste for certain steel slag. Further, the proposed rulemaking establishes new requirements that will authorize the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste and Class 1 industrial waste; revises the export provisions of the cathode ray tube rule; and establishes new and revises existing hazardous waste recycling requirements under the definition of solid waste. Finally, this rulemaking initiative includes corrections to existing rules in Chapter 335 to revise language and correct typographical errors, incorrect and outdated citations, and omissions. (Cynthia Palomares, Diane Goss) (Rule Project No. 2015-021-335-WS)

Item 43

[Docket No. 2015-0870-RUL.](#)

Consideration for publication of, and hearing on, proposed amended Section 39.651 of 30 TAC Chapter 39, Public Notice; the repeal of Sections 295.21 and 295.22, new Section 295.21, and amended Section 295.202 of 30 TAC Chapter 295, Water Rights, Procedural; amended Sections 297.1, 297.13, and 297.19 of Chapter 297, Water Rights Substantive; and amended Sections 331.2, 331.7, 331.11, and 331.181 - 331.186 of 30 TAC Chapter 331, Underground Injection Control. The proposed rulemaking would implement House Bill 655, 84th Texas Legislature, 2015, Regular Session, relating to criteria for aquifer storage and recovery projects, including injection and recovery of appropriated water. (David Murry, Don Redmond) (Rule Project No. 2015-022-331-WS)

Item 44

[Docket No. 2015-0665-RUL.](#)

Consideration of the adoption of amended Section 336.2; simultaneous

adoption of the repeal of and new Section 336.357; and adoption of new Section 336.739 of 30 TAC Chapter 336, Radioactive Substance Rules. The adoption would revise the commission's rules concerning physical protection of radioactive material to ensure compatibility with federal regulations promulgated by the United States Nuclear Regulatory Commission and implements Senate Bill 347, 83rd Texas Legislature, 2013, Regular Session, by adopting new Section 336.739, to provide for volume reduction of low-level radioactive waste. The proposed rules were published in the September 4, 2015, issue of the *Texas Register* (40 TexReg 5722). (Bobby Janecka, Ron Olson, Amie Robinson) (Rule Project No. 2015-012-336-WS)

Item 45

[Docket No. 2015-0787-RUL.](#)

Hyperlink
Update
12/03/2015
1:15 PM

Consideration of the adoption of the following amended sections of 30 Texas Administrative Code: Chapter 1, Purpose of Rules, General Provisions, Section 1.11; Chapter 39, Public Notice, Sections 39.405, 39.419, and 39.602; Chapter 50, Action on Applications and Other Authorizations, Sections 50.115, 50.119, and 50.143; Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment, Sections 55.156, 55.201, 55.203, 55.205, 55.210, and 55.211; Chapter 70, Enforcement, Sections 70.10 and 70.106; and Chapter 80, Contested Case Hearings, Sections 80.4, 80.6, 80.17, 80.25, 80.105, 80.108, 80.117, 80.118, 80.127, 80.252, 80.267, 80.272 - 80.274, and adopted new Section 80.276, and corresponding revisions to the State Implementation Plan (SIP). The amendments to Sections 39.405(g)(3) and 39.419(e)(1) are adopted as revisions to the SIP. Section 55.156(e) is adopted to be withdrawn from the SIP. The adoption would implement changes made by Senate Bill (SB) 709, 84th Texas Legislature, 2015, Regular Session, to the Texas Water Code, Chapter 5, and Texas Government Code, Chapter 2003 regarding contested case hearings (CCH) on certain applications received by the commission, requests for CCH by individual entities and groups or associations, determination of affected persons and disputed issues for CCH, procedures for CCH, and providing web-based and mailed notice of permit applications. In addition, the rulemaking is adopted to implement changes made by SB 1267, 84th Texas Legislature, 2015, Regular Session, to the Texas Administrative Procedure Act, Texas Government Code, Chapter 2001, regarding the procedures for providing notice of the commission's decisions or orders and the procedures and timelines concerning motions for rehearing. The proposed rules were published in the August 21, 2015, issue of the *Texas Register* (40 TexReg 5225). (Janis Hudson) (Rule Project No. 2015-018-080-LS)

Item 46

[Docket No. 2015-1715-RUL.](#)

Consideration for publication of, and hearing on, proposed amended Section 35.29 of 30 TAC Chapter 35, Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions; Section 55.255 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; and the proposed repeal of Section 80.271 of 30 TAC Chapter 80, Contested Case Hearings. The proposed rulemaking would implement Senate Bill 1267, 84th Texas Legislature, 2015, Regular Session, relating to the procedures for providing notice of the commission's decisions or orders and the procedures and timelines concerning motions for rehearing. (Janis Hudson) (Rule Project No. 2016-008-055-LS)

Item 47 **Docket No. 2015-0868-RUL.**

Consideration of adoption of Section 20.15 of 30 TAC Chapter 20, Rulemaking. The adopted rulemaking implements House Bill 763, 84th Texas Legislature, 2015, Regular Session, by amending Section 20.15 to specifically provide that only an "interested person" may submit a petition for the adoption of rules, and defining "interested person" in the context of rule petitions. The proposed rule was published in the September 4, 2015, issue of the *Texas Register* (40 TexReg 5720) (Kathy Humphreys) (Rule Project No. 2015-023-020-LS)

STATE IMPLEMENTATION PLAN

Item 48 **Docket No. 2015-1380-SIP.**

Consideration for publication of, and hearing on, the proposed Dallas-Fort Worth (DFW) 2008 Eight-Hour Ozone Nonattainment Area Attainment Demonstration (AD) State Implementation Plan (SIP) Revision for the 2017 Attainment Year. The counties affected include Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise. In the DFW AD SIP revision for the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS) submitted to the EPA on July 10, 2015, a commitment was made to address the United States Court of Appeals for the District of Columbia Circuit decision that changed the attainment deadlines for the 2008 eight-hour ozone NAAQS to a July 20, 2018 attainment date and a 2017 attainment year. This SIP revision includes a photochemical modeling analysis, a weight of evidence analysis, and a reasonably available control measures analysis that reflect the 2017 attainment year. (Kathy Singleton, Terry Salem) (Non-Rule Project No. 2015-014-SIP-NR)

PUBLIC COMMENT SESSION

Item 49 **Docket No. 2015-0004-PUB.**

The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code §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.

EXECUTIVE MEETING

Item 50 Docket No. 2015-0001-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.

Item 51 Docket No. 2015-0002-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 52 Docket No. 2015-0003-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 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.)

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](http://www.texasadmin.com/tceqa.shtml)**