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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)).

Chairman Bryan W. Shaw, Ph.D.
Commissioner H.S. Buddy Garcia
Commissioner Carlos Rubinstein

AGENDA
June 16, 2010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

Item 1. [TCEQ Docket No. 2009-1691-AIR; SOAH Docket No. 582-10-2070](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order concerning the application by **East Texas Precast Co., Ltd.** for registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 86593 which would authorize the construction of a permanent concrete batch plant. The plant is currently permitted as a specialty concrete batch plant under the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 50702. The plant site is located at 44855 Old Houston Hwy, Hempstead, **Waller County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application; and related filings, exceptions, and replies. (Catherine Chinni, Amy Browning)

Adopt the ALJ's proposed Order with modifications recommended in the ALJ's letter dated May 11, 2010. BG/CR; all agree.

Item 2. [TCEQ Docket No. 2008-0164-UCR; SOAH Docket No. 582-08-1719](#). Consideration of the Administrative Law Judge's Amended Proposal for Decision and proposed Order regarding the application of **HHJ, Inc., dba Decker Utilities** to change its water and sewer rates/tariff under Water Certificate of Convenience and Necessity ("CCN") No. 12841 and Sewer CCN No. 20833 in **Montgomery County**, Texas, pursuant to Texas Water Code Chapter 13 and the rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291. The Commission considered the Administrative Law Judge's Original Proposal for Decision at the June 26, 2009 Agenda, but determined to remand the matter in order to allow the Administrative Law Judge to conduct an additional hearing on the issue of the undocumented cost of service expenses to give the parties the opportunity to more fully address that issue. The Commission will also consider

the application, related filings, record evidence and exhibits, the original Proposal for Decision, exceptions and replies. (Erin Selvera)

Remand the matter to the State Office of Administrative Hearings to allow the ALJ to reopen the record in order to determine if the revenue generated from the rates proposed in the alleged written settlement offer(s) from all protestants would trigger the rate case expense limitation in 30 TAC § 291.28(9); instruct the ALJ to take additional evidence to establish the following items to determine if rate case expenses are barred under the rule: 1) the dates and contents of the written settlement offers sent to the Applicant from all Protestants; 2) the total revenue that would be generated by the rates proposed in written settlement offers; and 3) the amount of rate case expenses incurred after the written settlement offers; in addition, instruct the ALJ to take evidence, argument and make recommendations regarding the applicability of 30 TAC § 291.28(8) regarding the prohibition of rate case expense recovery; request the ALJ with the parties' input calculate the missing amounts left blank in the ALJ's amended proposed Order, including: 1) the total amount and the monthly amounts per connection for the refund or credit of overcharges based on the ALJ's proposed rates, a 0.61% interest rate, and a 24 month time period; and 2) the monthly surcharge amount needed to recover the ALJ's recommended rate case expenses over 2 years, subject to the ALJ's recommendation on any rate case expense limitation from the Protestants' settlement offer(s); and request that the ALJ provide recommendations on these issues in a supplemental proposal for decision to the Amended Proposal For Decision and proposed Order. CR/BG; all agree.

Item 3. [TCEQ Docket No. 2008-1305-MWD; SOAH Docket No. 582-09-2895](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Farmersville Investors, LP** for proposed Texas Pollutant Discharge Elimination System Permit No. WQ0014778001 pursuant to rules of the Texas Commission on Environmental Quality and Texas Water Code ch. 26. The proposed facility would be located approximately 0.5 mile southwest of the intersection of Highway 78 and County Road 550 in **Collin County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, related filings, exceptions and replies. (Kathy Humphreys)

Remand the matter to the State Office of Administrative Hearings pursuant to Tex. Gov't Code Section 2003.047(m) with direction that the ALJ take additional evidence on 1) whether the outfall will discharge into an intermittent stream or directly into Lavon Lake; 2) should the ALJ determine from the evidence that the outfall will discharge directly into Lavon Lake, take additional evidence as to whether the effluent limits in the draft permit will meet the requirements of 30 TAC Chapter 307 and if not, take additional evidence as to what effluent limits are necessary to meet the requirements of 30 TAC Chapter 307; 3) upon an offer into evidence, consider the admission into the record the final February 2010 Wastewater Feasibility Report and 4) make recommended Findings of Facts and Conclusion of Law to the Commission on the above evidentiary issues. BG/CR; all agree.

Item 4. [TCEQ Docket No. 2009-0048-UCR; SOAH Docket No. 582-09-2557](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the appeal of **Multi-County Water Supply Corporation** in **Coryell County**, Texas, to review the wholesale water rate increase imposed by the City of Hamilton, Certificate of Convenience and Necessity No. 11525, and request for interim rates in **Hamilton and Coryell Counties**, Texas, pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291 and Tex.

Water Code Chapter 13. The Commission will also consider the application and related filings, exceptions and replies. (Ron Olson)

Adopt the ALJ's proposed Order denying the appeal of the City of Hamilton's wholesale water rate increase and modify the header on page one of the Proposed Order to reference Hamilton County instead of Cooke County. CR/BG; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 5. [Docket No. 2010-0500-MWD](#). Consideration of the application by **Katy 884 Partners, Ltd.** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014943001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 750,000 gallons per day. The facility is located 1,400 feet northwest of the intersection of Stockdick Road and Schlipf Road in **Waller County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Anthony Tatu, Larry Diamond)

Deny all hearing requests; issue the Executive Director's proposed permit and adopt the Executive Director's Response to Comments. BG/CR; all agree.

Item 6. [Docket No. 2010-0654-MWD](#). Consideration of the application by **130 Cactus Investment, L.P.** for a permit renewal, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014548001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 950,000 gallons per day. The facility will be located on a 20-acre tract on the south side of Jesse Bohls Road, 7,000 feet east of the Weiss lane intersection in **Travis County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Kathy Humphreys, Larry Diamond)

Deny all hearing requests pursuant to Tex. Water Code Section 26.028(d); issue the renewal of Texas TPDES Permit No. WQ0014548001 to 130 Cactus Investment, L.P.; adopt the Executive Director's Response to Comments. CR/BG; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7. [Docket No. 2009-1836-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Vopak Terminal Galena Park, Inc.** in **Harris County**; RN102753670; 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, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 8. [Docket No. 2009-2073-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Lubrizol Corporation** in **Harris County**; RN100221589; 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, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 9. [Docket No. 2010-0123-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eagle Rock Field Services, L.P.** in **Carson County**; RN100227792; 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, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 10. [Docket No. 2009-1748-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kiewit Offshore Services, Ltd.** in **San Patricio County**; RN102905064; 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. (Terry Murphy, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 11. [Docket No. 2009-1538-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Invista S.a.r.l.** in **Harris County**; RN104244942; 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. (Roshondra Lowe, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 12. [Docket No. 2009-0999-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Signal International Texas, L.P.** in **Jefferson County**; RN102514841 and RN100214519; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

Approve the Agreed Order. BG/CR; all agree.

- Item 13. [Docket No. 2010-0051-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wilkinson Gary Iron & Metal, Inc.** in **Webb County**; RN103173308; 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. (Terry Murphy, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 14. [Docket No. 2009-1880-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Texas Department of Public Safety** in **Hidalgo County**; RN105482723; 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. (Kirk Schoppe, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 15. [Docket No. 2009-1676-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flint Hills Resources, LP** in **Jefferson County**; RN100217389; 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, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 16. [Docket No. 2009-2090-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Oil Company** in **Harris County**; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 17. [Docket No. 2009-1869-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC.** in **Harris County**; RN100212109; 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. (Roshondra Lowe, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

- Item 18. [Docket No. 2009-1276-AIR-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **JMSL LLC dba King Construction** in **Maverick County**; RN105775522; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna Treadwell, Lena Roberts)

Approve the Default Order. BG/CR; all agree.

DRY CLEANER ENFORCEMENT AGREED ORDERS

- Item 19. [Docket No. 2009-1974-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **S & A LEE CORPORATION dba Comet Cleaners** in **Grayson County**; RN103970257; for dry cleaner violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Philip Aldridge, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 20. [Docket No. 2009-2038-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **CNBG Cleaning, Ltd. dba Pilgrim Cleaners of San Antonio in Bexar County**; RN105833446; for dry cleaner violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Philip Aldridge, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 21. [Docket No. 2009-1993-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **JSWC, Ltd. in Bexar County**; RN102807989; 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 Texas Administrative Code ch. 60. (Carlie Konkol, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 22. [Docket No. 2010-0151-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Round Rock Independent School District in Williamson County**; RN105569248; 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 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

FIELD CITATIONS

Item 23. [Docket No. 2010-0206-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **New NGC, Inc. in Stonewall County**; RN105854335; 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. (Harvey Wilson, Laurie Eaves)

Approve the Field Citation. BG/CR; all agree.

Item 24. [Docket No. 2010-0207-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Pedigo-Fuller, Inc. in Bell County**; RN105844997; 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. (Harvey Wilson, Laurie Eaves)

Approve the Field Citation. BG/CR; all agree.

Item 25. [Docket No. 2010-0205-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **J3 Excavation Company, LLC in Kimble County**; RN105772867; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Laurie Eaves)

Approve the Field Citation. BG/CR; all agree.

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

- Item 26. [Docket No. 2010-0195-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sprint Waste Services LP in Fort Bend County**; RN105115554; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 27. [Docket No. 2009-2067-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Campbell Concrete & Materials LLC in Galveston County**; RN102218187; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 28. [Docket No. 2009-1144-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Organic Residual Reclamation, L.L.C. in Erath County**; RN104531959; 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. (Evette Alvarado, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

- Item 29. [Docket No. 2010-0158-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Harold Von Younger, Jr. in Harris and Galveston Counties**; RN103458360; for occupational licensing violations pursuant to Tex. Water Code ch. 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 30. [Docket No. 2010-0050-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Robert Buck in Dallas County**; RN105831697; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (John Shelton, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

- Item 31. [Docket No. 2009-1668-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Craig Stutters in Bexar County**; RN105740088; for landscape irrigation installer 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. (Marshall Coover, Lena Roberts)

Approve the Default Order. BG/CR; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

- Item 32. [Docket No. 2009-1973-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Lubbock in Lubbock County**; RN101609949 and RN102545142; 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. (Lanae Foard, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 33. [Docket No. 2009-1813-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mission Vacuum & Pump Truck Service, Inc. in Hidalgo County**; RN105791420; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, 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, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 34. [Docket No. 2009-0247-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ROAD MASTERS I G LLC in El Paso County**; RN105679336 and RN103158689; for municipal solid waste and air quality 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. (Clinton Sims, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 35. [Docket No. 2009-1989-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Tyler County in Tyler County**; RN105693725; for municipal solid waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Shelton, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 36. [Docket No. 2008-0205-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R.F. Horka in Hardin County**; RN105388854; for municipal solid waste and air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeff Huhn, Lena Roberts)

Deny the Motion for Continuance. BG/CR; all agree.

Approve the Agreed Order. BG/CR; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 37. [Docket No. 2009-1322-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **McMullen County and McMullen County Water Control and Improvement District No. 1 in McMullen County**; RN101919611; 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, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 38. [Docket No. 2010-0200-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of McCamey in Upton County**; RN102178910; 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, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 39. [Docket No. 2010-0182-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Charlotte in Atascosa County**; RN101721033; 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. (Thomas Jecha, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 40. [Docket No. 2010-0043-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Premont in Jim Wells County**; RN101916278; 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, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 41. [Docket No. 2010-0063-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Gatesville in Coryell County**; RN102887296; 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. (Cheryl Thompson, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 42. [Docket No. 2009-0840-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Sadler in Grayson County**; RN101917714; 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, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 43. [Docket No. 2010-0199-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Clifton in Bosque County**; RN102183191; 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. (Harvey Wilson, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 44. [Docket No. 2009-1843-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Ranger in Eastland County**; RN103118923; 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. (Jordan Jones, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 45. [Docket No. 2009-1899-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Santa Rosa in Cameron County**; RN101918696; 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, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 46. [Docket No. 2009-1724-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **MD Sultan Abu Nasser in Bexar County**; RN102345741; 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. (Wallace Myers, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 47. [Docket No. 2009-1864-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Melton Keller dba Llano Travel Center in Kimble County**; RN101473767; 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. (Elvia Maske, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 48. [Docket No. 2009-1971-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **M & F HOLDINGS, INC. dba Gas N More in Harris County**; RN101737419; for petroleum storage tank 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. (Tate Barrett, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 49. [Docket No. 2009-0689-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **D. Lakhani Inc. dba Kwik Stop Center in Dallas County**; RN102834009; 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. (Peipey Tang, Lena Roberts)

Approve the Agreed Order. BG/CR; all agree.

Item 50. [Docket No. 2009-2085-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ben Ly dba Kwik Stop in Harris County**; RN102790003; 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. (Theresa Hagood, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 51. [Docket No. 2009-0762-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **McMahan General Store, LLC in Caldwell County**; RN101497097; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

Approve the Agreed Order. BG/CR; all agree.

Item 52. [Docket No. 2009-1968-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **TOWN & COUNTRY MARKET, LLC in Harris County**; RN104092606; for petroleum storage tank 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. (Andrea Linson-Mgbeoduru, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 53. [Docket No. 2009-1826-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **STAR FUELS, INC. dba Spencer Citgo in Harris County**; RN101867356; for petroleum storage tank 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. (Mike Pace, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 54. [Docket No. 2009-1351-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gagan Holdings, L.L.C. dba Bay Area Chevron in Harris County**; RN101727709; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

Approve the Agreed Order. BG/CR; all agree.

Item 55. [Docket No. 2008-0865-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Leemak 529 LLC dba 529 Shell Churches in Harris County**; RN102906633; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Stephanie Frazee, Lena Roberts)

Approve the Agreed Order. BG/CR; all agree.

Item 56. [Docket No. 2010-0077-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **V-N-R ENTERPRISES, INC. dba Mini Mart 5 in Galveston County**; RN101432011; for petroleum storage tank 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. (Keith Frank, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 57. [Docket No. 2009-1930-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Joe's & Cho, Inc. dba Joe's Future Food Mart in Tarrant County**; RN101432268; for petroleum storage tank 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. (Mike Pace, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 58. [Docket No. 2009-1920-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R & D Distributing, Ltd. dba Center Card Lock in Shelby County**; RN101383461; 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 Shelton, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 59. [Docket No. 2009-1773-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RF FOOD AND GAS, INC. dba E-Z Stop 1 in Bexar County**; RN101512036; 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. (Rajesh Acharya, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 60. [Docket No. 2009-1876-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ko Kon Young dba Rosharon Superette in Brazoria County**; RN102474509; 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. (Theresa Hagood, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

- Item 61. [Docket No. 2009-1988-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SADA BAHAR, INC. in Ennis County**; RN102966447; 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. (Mike Pace, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

- Item 62. [Docket No. 2009-0405-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **R. Bruce Wilkins, Trustee of the Road Runner Investment Trust aka Road Runner Real Estate Investment Trust in Grayson County**; RN105600159; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

Approve the Default Order. BG/CR; all agree.

- Item 63. [Docket No. 2009-1485-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **John Fountain in Newton County**; RN101781714; 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. (Anna Treadwell, Lena Roberts)

Approve the Default Order. BG/CR; all agree.

- Item 64. [Docket No. 2009-1495-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Matthew A. Pryor in Jefferson County**; RN101737393; 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. (Sharesa Y. Alexander, Lena Roberts)

Approve the Default Order. BG/CR; all agree.

Item 65. [Docket No. 2009-1909-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Reynaldo Calderon dba Reys Meat Market in Hidalgo County**; RN102281565; 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. (Phillip M. Goodwin, Lena Roberts)

Approve the Default Order. BG/CR; all agree.

Item 66. [Docket No. 2009-1883-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **K & R HOLDINGS, INC. in Harris County**; RN101772572; 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. (Sharesa Y. Alexander, Lena Roberts)

Approve the Default Order. BG/CR; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 67. [Docket No. 2009-2082-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Leverett's Chapel Water Supply Corporation in Rusk County**; RN101457455; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 68. [Docket No. 2009-1904-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Five Nine Seven Limited Partnership dba Ramblewood Mobile Home Park in Brazos County**; RN101275378; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 69. [Docket No. 2009-1966-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dwight Ball and Linda Ball dba Lazy Acres Mobile Home Park in Harris County**; RN102708153; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 70. [Docket No. 2009-1939-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Midway Petroleum, L.P.** in **Montgomery County**; RN101245520; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 71. [Docket No. 2009-1943-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Feron Corporation dba Zebra Show Bar** in **El Paso County**; RN105449151; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 72. [Docket No. 2010-0202-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Rose City** in **Orange County**; RN102676269; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Anna Meier, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

Item 73. [Docket No. 2010-0099-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Terra Southwest Inc.** in **Denton County**; RN101265882; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 74. [Docket No. 2009-2031-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Parker Pearson, L.P.** in **Parker County**; RN104687215; 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., Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 75. [Docket No. 2009-0421-WQ-E](#). Consideration of a Default Order assessing administrative penalties against **Flat Rock Minerals, LLC** in **Upshur County**; RN105497176; 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.
(Rudy Calderon, Lena Roberts)

Approve the Default Order. BG/CR; all agree.

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 76. [Docket No. 2009-1955-WR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mountain Valley Country Club, Inc. in Johnson County**; RN104236401; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Jeremy Escobar, Laurie Eaves)

Approve the Agreed Order. BG/CR; all agree.

RULE PETITION

Item 77. [Docket No. 2010-0672-RUL](#). Consideration of a petition for rulemaking submitted by Ameresco Dallas L.L.C., of Texas, under Section 20.15 of **30 Texas Administrative Code (TAC) Chapter 20**, Rulemaking. The petition is requesting to amend 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds, Subchapter D, Combustion Control at Minor Sources in Ozone Nonattainment Areas, Division 2, Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Minor Sources. The petitioner is requesting to amend Section 117.2110(a)(1)(B)(ii)(I) to expand the emission specification for lean-burn engines fired on landfill gas to include lean-burn engines fired on digester gas at minor sources of nitrogen oxides in the Dallas-Fort Worth 1997 eight-hour ozone nonattainment area. (Ray Schubert, Amy Browning) (Project No. 2010-026-PET-NR)

Approve the petition to initiate rulemaking and issue the Executive Director's proposed Order. CR/BG; all agree.

STATE IMPLEMENTATION PLAN

Item 78. [Docket No. 2009-1613-SIP](#). Consideration for publication of, and hearing on, a proposed revision to the **Texas Inspection and Maintenance State Implementation Plan** concerning the requirements for low-volume vehicle emissions inspection stations and the vehicle emissions inspection analyzer specifications. The proposed revision would implement House Bill (HB) 715 from the 81st Texas Legislature, 2009, Regular Session, related to requiring low-volume vehicle emissions inspection stations to meet the criteria for a low-volume waiver established by the Texas Department of Public Safety. The proposed revision would also streamline the process for implementing minor non-programmatic modifications to the vehicle emissions inspection analyzer specifications and include various non-substantive changes to apply appropriate and consistent use of acronyms, section references, structure, formatting, and certain terminology. (Edgar J. Gilmore Jr., Ross Henderson) (Project Number: 2009-035-SIP-NR)

Approve the proposed revisions to the Texas Inspection and Maintenance State Implementation Plan concerning the requirements for low volume vehicle emissions inspection stations and the vehicle emissions inspection analyzer specifications as recommended by the Executive Director. BG/CR; all agree.

RULE MATTERS

Item 79. [Docket No. 2009-1610-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 TAC Chapter 114**, Control of Air Pollution from Motor Vehicles, Sections 114.2, 114.51, and 114.64 and the proposed repeal of Section 114.52. Corresponding revisions to the state implementation plan will be considered for Sections 114.2, 114.51, and 114.52. The proposed rulemaking would implement HB 715 and HB 1796 from the 81st Texas Legislature, 2009, Regular Session, relating to requiring low-volume vehicle emissions inspection stations to meet the criteria for a low-volume waiver established by the Texas Department of Public Safety and increasing the maximum time allowed from five to 10 days that counties will have to reimburse dealerships participating in the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Assistance Program, respectively. The proposed rulemaking would also streamline the process for implementing minor non-programmatic modifications to the vehicle emissions inspection analyzer specifications and repeal the Early Participation Incentive Program. (Edgar J. Gilmore Jr., Ross Henderson) (Rule Project Number 2009-027-114-EN)

Approve the publication of, and hearing on, and proposed amendments to 30 Tex. Admin. Code Chapter 114 Sections 114.2, 114.51 and 114.64 proposed repeal of Section 114.52 as recommended by the Executive Director. BG/CR; all agree.

Item 80. [Docket No. 2010-0359-RUL](#). Consideration for publication of, and hearing on, proposed amendments to Sections 116.13, 116.710, 116.711, 116.715, 116.716, 116.717, 116.718, 116.720, 116.721, 116.730, 116.740, and 116.750 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification, and corresponding revisions to the state implementation plan (SIP). The proposed rulemaking would revise the flexible air permit rules to address the United States Environmental Protection Agency's proposed disapproval of the flexible permit program as a SIP revision. The proposed rules would more clearly identify federal permitting requirements; ensure that the flexible permit rules cannot be used to circumvent federal permitting requirements; address monitoring, recordkeeping, and reporting associated with flexible permits; and implement other changes necessary to obtain approval for the flexible permit program. (Michael Wilhoit, Janis Hudson) (Rule Project No. 2010-007-116-PR)

Approve for publication of, and hearing on, the proposed amendments to 30 TAC Chapter 116 and corresponding revisions to the State Implementation Plan, as recommended by the Executive Director with the inclusion of the amended language offered from the dais with respect to Section 116.716, new Section 116.765 and the preamble; staff is directed to make any necessary conforming changes to the section by section discussion, background section, fiscal note, and RIA analysis and to make any associated revisions to the SIP to be consistent to the amended rule language. BG/CR; all agree.

Item 81. [Docket No. 2009-1818-RUL](#). Consideration of the adoption of new Sections 30.13, 30.34 - 30.38; amendments to Sections 30.3, 30.20, 30.30, and 30.33; and the repeal of Section 30.35 of **30 TAC Chapter 30**, Occupational Licenses and Registrations. The adoption would implement HB 963 and HB 2808 from the 81st Legislature, 2009, Regular Session, relating to the eligibility of certain applicants for occupational licenses and the authority of the commission to revoke, suspend, or deny a license on the basis of certain criminal proceedings. The proposed rules were

published in the February 12, 2010, issue of the *Texas Register* (35 TexReg 1040). (Terry Thompson, Alicia Lee) (Rule Project No. 2009-037-030-PR)

Adopt new 30 TAC Sections 30.13, 30.34 -30.38 and the amendments to Sections 30.3, 30.20, 30.30 and 30.33 and the repeal of Section 30.35 as recommended by the Executive Director. CR/ BG; all agree.

Item 82. **Docket No. 2010-0316-RUL**. Consideration for publication of, and hearing on, a proposed amendment to **30 TAC Chapter 305**, Consolidated Permits, Section 305.541. The proposed rulemaking would adopt by reference 40 Code of Federal Regulations Part 450, which regulates storm water discharges from regulated construction sites. (Sherry Smith, Robert Brush) (Rule Project No. 2010-015-305-OW)

Approve the publication of, and hearing on, amended 30 TAC Section 305.541 as recommended by the Executive Director. CR/BG; all agree.

EXECUTIVE MEETING

Item 83. **Docket No. 2010-0001-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.

The Commission did not meet in an Executive Meeting.

Item 84. **Docket No. 2010-0002-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.

The Commission did not meet in an Executive Meeting.

Item 85. **Docket No. 2010-0003-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.

The Commission did not meet in an Executive Meeting.

(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/cgi-bin/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)

/s/ Tracy Gross
Assistant General Counsel,
Tracy Gross

6/22/10
Date