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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 Carlos Rubinstein
Commissioner Toby Baker

AGENDA

June 27, 2012

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

MISCELLANEOUS MATTER

Item 1

[Docket No. 2011-1063-UCR.](#)

Consideration of a request for a Commission order approving a contract designating service areas between the South Rains Water Supply Corporation (“South Rains”), water certificate of convenience and necessity (“CCN”) No. 10487, and the City of Emory (“City”), water CCN No. 10495, in Rains County, Texas pursuant to section 13.248 of the Texas Water Code. Currently, South Rains and the City hold dual certifications to two separate areas of land, consisting of approximately 8.30 and 15.30 acres. Under the Agreement, South Rains will relinquish its certification to the 15.30 acre area, making that area solely certified to the City. In exchange, the City will relinquish its certification to the 8.30 acre area, making that area solely certified to South Rains. No customers or facilities are proposed to be transferred. (Ron Olson, Sheresia Perryman)

Approve the contract designating service areas between South Rains Water Supply Corporation and the City of Emory under TWC Section 13.248, which will result in the decertification of approximately 15.30 acres from South Rains Water Supply Corporation’s CCN No. 10487 and the decertification of approximately 8.30 acres from the City Emory’s CCN No. 10495; and issue the Executive Director’s proposed Order. CR/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 2 [Docket No. 2012-0099-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Brazos Electric Power Cooperative, Inc. in Jack County; RN100221985; 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)

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

Item 3 [Docket No. 2011-1788-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against INEOS USA LLC in Brazoria County; RN100238708; 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)

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

Item 4 [Docket No. 2011-2228-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eastman Chemical Company in Harrison County; RN100219815; 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)

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

Item 5 [Docket No. 2011-2293-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chevron Phillips Chemical Company LP in Harris County; RN103919817; 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, Debra Barber)

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

Item 6 [Docket No. 2011-2161-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Moss Bluff Hub, LLC in Liberty County; RN100217256; 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)

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

Item 7 [**Docket No. 2011-2280-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Kleberg County; RN102488517; 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)

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

Item 8 [**Docket No. 2011-1648-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Heather McD, Ltd. [Formerly CHEM-PRUF DOOR CO., LTD.] dba Chem-Pruf Door in Cameron County; RN100244433; 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)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 9 [**Docket No. 2011-1889-MLM-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Kenneth Martin in Orange County; RN106056526; for petroleum storage tank and municipal solid waste violations pursuant to Tex. Water Code chs. 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. (Tammy Mitchell, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 10 [**Docket No. 2011-1879-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RGV TIRE RECYCLING GROUP, LLC in Hidalgo County; RN106215791; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Debra Barber)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 11 **[Docket No. 2011-2198-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Frank Roberts and Linda Roberts in Bosque County; RN105376669; 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. (Mike Fishburn, Lena Roberts)

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

Item 12 **[Docket No. 2011-1823-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of CENTRAL STATE SHINGLE RECYCLING LLC in Denton and Tarrant Counties; RN106192594, RN106193550, and RN101838456; 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. (Jeffrey Huhn, Lena Roberts)

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

Item 13 **[Docket No. 2011-1473-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of US Innovations, Inc. in Denton County; RN104256136; 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. (Jim Sallans, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 14 **[Docket No. 2011-1700-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Morton in Cochran County; RN102077385; 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)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 15 [**Docket No. 2011-2135-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KIRK SHEET METAL COMPANY, INC. in Dallas County; RN101554947; 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)

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

Item 16 [**Docket No. 2012-0074-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against RACETRAC PETROLEUM, INC. dba Racetrac 423 in Dallas County; RN105683965; 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 Park, Debra Barber)

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

Item 17 [**Docket No. 2011-2307-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against S ALWADI, INC. dba S & D Mart in Ellis County; RN102253465; 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)

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

Item 18 [**Docket No. 2011-0875-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TAKHAR & SON, L.L.C. dba Texas Oasis in Grayson County; RN102036878; 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, Debra Barber)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 19 [**Docket No. 2011-1449-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of SAO LIM CORPORATION dba Kwik Stop in Dallas County; RN102887502; 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. (Joel Cordero, Lena Roberts)

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

Item 20 **[Docket No. 2011-1558-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Sharp Investment, Inc. d/b/a Little Buddy 2 in Harris County; RN101822310; 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 Default Order. TB/CR; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 21 **[Docket No. 2011-1767-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of ALIKE INC. d/b/a Beta C Store in Dallas County; RN102487568; 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 Default Order. TB/CR; all agree.

Item 22 **[Docket No. 2011-1604-PST-E.](#)**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Zohra Virani d/b/a RZS Food Mart in McLennan County; RN101906279; 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. (Rudy Calderon, Lena Roberts)

Approve the Default and Shutdown Order. TB/CR; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 23 **[Docket No. 2011-0765-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against First Baptist Church of Jonestown, Texas in Travis County; RN105518724; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Debra Barber)

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

Item 24 [**Docket No. 2011-1986-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Munson Point Property Owners Association in Grayson County; RN103128161; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Debra Barber)

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

Item 25 [**Docket No. 2011-1322-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NIGTON-WAKEFIELD WATER SUPPLY CORPORATION in Trinity County; RN101219277; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Debra Barber)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 26 [**Docket No. 2011-1230-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Rocky Wadlington and Steven Stewart d/b/a Farrar Water Supply Corporation in Limestone County; RN101441095; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jeffrey Huhn, Lena Roberts)

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

Item 27 [**Docket No. 2011-1099-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply in Midland County; RN101227916; 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. (Jennifer Cook, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 28 [**Docket No. 2011-1516-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mages Group, LLC in Nacogdoches County; RN106045875; 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. (Steve Villatoro, Debra Barber)

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

STATE IMPLEMENTATION PLAN MATTERS

Item 29 [**Docket No. 2012-0805-SIP.**](#)

Consideration for publication and hearing on the proposed Beaumont-Port Arthur (BPA) Attainment Area On-Road Mobile Source Emissions Inventory and Motor Vehicle Emissions Budget (MVEB) Update State Implementation Plan (SIP) Revision. The proposed SIP revision would replace the 2008 BPA maintenance plan on-road mobile source emissions inventories for nitrogen oxides (NOX) and volatile organic compounds (VOC) based on the United States Environmental Protection Agency's MOBILE model with those based on the EPA's MOVES model. On-road mobile source emissions inventory updates would include those for 2005, 2011, 2014, 2017, and 2021. The 2021 NOX and VOC MVEBs would also be updated based on the MOVES-based emissions inventories. The updated MVEBs would help the BPA area meet transportation conformity requirements of the Federal Clean Air Act. (Jamie Zech, John Minter) (SIP Project No. 2012-005-SIP-NR)

Approve the publication of, and hearing on, the proposed Beaumont-Port Arthur Attainment Area MVEB Update SIP revision, as recommended by the Executive Director. CR/TB; all agree.

Item 30 [**Docket No. 2012-0862-SIP.**](#)

Consideration for publication and hearing on the proposed Federal Clean Air Act (FCAA) Section 110(a)(1) and (2) Infrastructure and Transport State Implementation Plan (SIP) Revision for the 2010 Nitrogen Dioxide (NO₂) National Ambient Air Quality Standard (NAAQS). The proposed SIP revision would outline the requirements of FCAA, Section 110(a)(2)(A) through (M) and the Texas provisions supporting the requirements. These requirements include basic program elements such as enforceable emission limitations and control measures, air quality monitoring and modeling, a permitting program, adequate funding and personnel, authority under state law to carry out the plan, emissions reporting, emergency powers, public participation, and fee collection. This SIP revision would also include a technical demonstration to support that Texas meets the interstate transport requirements of FCAA, Section 110(a)(2)(D)(i)(I). (Margaret Earnest, Amy Browning) (Non-rule Project No. 2012-016-SIP-NR)

Approve the publication of, and hearing on, the proposed Infrastructure and Transport State Implementation Plan revision for the 2010 Nitrogen Dioxide NAAQS, as recommended by the Executive Director. TB/CR; all agree.

RULE MATTERS

Item 31 [**Docket No. 2011-1254-RUL.**](#)

Consideration of the adoption of new Sections 90.1, 90.2, 90.3, 90.10 - 90.16,

90.20 - 90.24, 90.30, and 90.31 and the repeal of Sections 90.1, 90.2, 90.10, 90.12, 90.14, 90.16, 90.18, 90.20, 90.30, 90.32, 90.34, 90.36, 90.38, 90.40, 90.42, 90.44, 90.50, 90.52, 90.54, 90.56, 90.58, 90.60, 90.62, 90.64, 90.66, 90.68, 90.70, 90.72 of 30 Texas Administrative Code (TAC) Chapter 90, Innovative Programs. The adoption would implement House Bill 2694, Articles 4.01, 4.06, and 4.08, 82nd Legislature, 2011, Regular Session, which amends Texas Water Code (TWC), Sections 5.751, 5.755, and 5.758. The amendments to the TWC changed the standard for TCEQ to manage its environmental incentives and innovative programs. Therefore, TCEQ proposed to consolidate and reorganize its rules regarding these environmental incentives and innovative programs into a single subchapter, deleting duplicative requirements on applicants and the agency. The adoption would also provide clarity and remove unnecessary restrictions on the TCEQ's ability to issue Regulatory Flexibility Orders and to recognize Environmental Management Systems. The proposed rules were published in the February 10, 2012, issue of the *Texas Register* (37 TexReg 637). (David Greer, Amie Dutta Richardson) (Rule Project No. 2011-047-090-AD)

Approve the adoption of new Sections of, and the repeal of existing Sections within Chapter 90 Innovative Programs, as recommended by the Executive Director. CR/TB; all agree.

Item 32 [**Docket No. 2011-1251-RUL.**](#)

Consideration of the adoption of amendments to Sections 60.1, 60.2, and 60.3 of 30 TAC Chapter 60, Compliance History. The adoption would implement House Bill 2694, Articles 4.01 - 4.05 and 4.07, 82nd Legislature, 2011, Regular Session, which amends Texas Water Code (TWC), Sections 5.751 - 5.754 and 5.756. The amendments to TWC require the TCEQ to make changes to the compliance history rule. This rulemaking revises Chapter 60. The purpose of this rulemaking is to allow the Commission to use new standards instead of the existing uniform standard for evaluating and using compliance history. In addition, the rulemaking modifies the components and formula of compliance history in order to provide a more accurate measure of regulated entities' performance and make compliance history a more effective regulatory tool. The proposed rules were published in the February 10, 2012, issue of the *Texas Register* (37 TexReg 622). (David Van Soest, Anna Treadwell) (Rule Project No. 2011-032-060-CE)

Adopt the amendments to 30 Texas Administrative Code Chapter 60, as recommended by the Executive Director with the following change: In 30 Texas Administrative Code Section 60.2(e)(2)(A) replace the sentence "The total number of FINs at a site will be multiplied by 0.01 and rounded up to the nearest whole number." with a sentence that will read: "The total number of FINs at a site will be multiplied by 0.02 and rounded up to the nearest whole number."; and direct the Executive Director to make corresponding changes to the preamble to reflect this change. CR/TB; all agree.

Item 33 [**Docket No. 2011-1228-RUL.**](#)

Consideration for publication of, and hearing on, proposed amendments to

Sections 288.1 - 288.5 of 30 TAC Chapter 288, Water Conservation Plans, Drought Contingency Plans, Guidelines and Requirements. The proposed rulemaking would implement Senate Bill (SB) 181 and SB 660, 82nd Legislature, 2011, Regular Session, to require entities that submit water conservation plans to the Texas Water Development Board (TWDB) and the TCEQ to implement sector-based reporting measures for water use. The proposed rulemaking would also require the TWDB and the TCEQ, in consultation with the Water Conservation Advisory Council, to develop a uniform methodology and guidance for calculating water use and conservation. (Scott Swanson, Ron Olson) (Rule Project No. 2011-058-288-OW)

Approve publication of, and hearing on, proposed amendments to 30 TAC Chapter 288, as recommended by the Executive Director. TB/CR; all agree.

Item 34 [**Docket No. 2012-0816-RUL.**](#)

Consideration for publication of, and hearing on, proposed amendments to Sections 285.3 - 285.6, 285.32 - 285.36, 285.90, and 285.91 of 30 TAC Chapter 285, On-Site Sewage Facilities. The proposed rulemaking would update the rule requirements in the rule to remove the requirements for drainage easements; clarify that a permit and an approved plan is required to construct, alter, repair, extend, or operate an On-Site Sewage Facility; exempt subdivisions when one tract is divided into two five-acre or larger tracts from submitting planning materials; allow the repair or alteration of existing cluster systems; update tank sizing requirements; update formulas for leaching chambers; add language relating to the new or replacement disinfection devices; add equalization tank requirements; clarify what constitutes an emergency repair; and update figures and tables. (Candy Garrett, Alicia Ramirez Blanco) (Rule Project No. 2012-023-285-CE)

Approve publication of, and hearing on, proposed amendments to 30 TAC Chapter 285, as recommended by the Executive Director; but Direct the Executive Director to modify the preamble prior to publication to solicit comment on disinfection devices consistent with today's Commission's discussion. CR/TB; all agree.

Item 35 [**Docket No. 2012-0610-RUL.**](#)

Consideration for publication of, and hearing on, proposed amended sections of 30 TAC Chapter 30, Occupational Licenses and Registrations, Subchapter K, Section 30.387, Definitions and Section 30.402, Exemptions. The proposed rulemaking would amend the 30 TAC Chapter 30 rules relating to definitions by defining a Military Operator-in-Training and clarify the existing definition of an Operator-in-Training. Additionally, the proposed rules would amend the 30 TAC Chapter 30 rules relating to exemptions to allow active military personnel who have successfully completed the Bioenvironmental Engineering Apprentice (BEA) or equivalent military training, as determined by the Executive Director, to collect microbiological samples and determine disinfection residuals at military facilities' water distribution systems, without holding a TCEQ issued public water system operator license. (Terry Thompson, Jessica Rogers) (Rule

Project No. 2012-024-030-WS)

Approve the publication of, and hearing on, amendments to 30 TAC Chapter 30, as recommended by the Executive Director. TB/CR; all agree.

EXECUTIVE MEETING

Item 36 **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.

The Commission did not meet in an Executive Meeting.

Item 37 **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.

The Commission did not meet in an Executive Meeting.

Item 38 **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.

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

 /s/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

 7/3/2012
Date