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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

March 27, 2013

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. 2010-1841-UCR; SOAH Docket No. 582-11-1468.**](#)

Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of SJWTX, Inc. d/b/a Canyon Lake Water Service Company to change water rates in Comal and Blanco Counties, Texas, pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291 and Texas Water Code Chapter 13. The Commission will also consider the application, record, timely related filings, exceptions and replies. (Brian MacLeod)

Remand the item to allow the parties and the Administrative Law Judges to re-calculate and report the revenue requirement and resulting rate design proven by the Applicant and whether the proven rates satisfy the 51% rule for recovery of rate case expenses; Direct the ALJs and the parties to make their final rate calculations based on: 1) using the ALJs' recommendations on allowable expenses, except use a 3.6% revenue-based proportion for the allocation method for the allowable corporate salaries and travel and entertainment expenses instead of the ALJs' 3.71% connection-based allocation; 2) using the ALJs' recommendations on the rate base, except take a look and correct as needed the double removal of the Startzville plant from the net plant schedule without re-opening the record; 3) using the ALJs' cost of debt analysis and the 6.46% weighted average rate of return; 4)

making the other resulting “flow-through” changes to any other category that will be affected by these changes; and 5) using the ED’s proposed fixed and variable cost percentages for the rate design with the tiered gallonage ranges proposed in the application; Direct the ALJs and the parties to calculate the 51% Rule using the formula and figures for revenues generated by the previous rates and proposed rates in Attachment D to the ED’s Exceptions; but recalculate the revenues generated by the new rates based on the Commission’s minor changes to the ALJs’ revenue requirement; Direct the ALJs to modify the proposed Order to incorporate the ALJs’ recommendations in their letter response to exceptions; Direct the ALJs to report back to the Commission how the Commission’s decisions would change the blank amounts and resulting figures in the ALJs’ proposed Order; and Upon return, the Commission intends to direct OGC in its final motion after remand to modify the ALJs’ Order: 1) to memorialize the Commission’s determination that the Applicant has satisfied the statutory requirements for approving a consolidated tariff based on the record evidence: 2) to more clearly implement the approval for the other tariff charges; 3) to clarify the customer refund/credit provision: i) to establish a 0.21% refund interest rate based the PUC’s 2013 rate; ii) to direct that the Applicant must calculate and account for all sums of minimum and gallonage rates overcharged for each customer; and iii) to specify that the overcharges may be subject to a refund or credit to all current customers or all connections; and 4) to remove the findings concerning the two regulatory approvals. CR/TB; all agree.

Item 2 [**TCEQ Docket No. 2011-1684-UCR; SOAH Docket No. 582-12-3195.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of the City of Tyler to obtain dual certification with a portion of Certificate of Convenience and Necessity No. 20694 and to amend Certificate of Convenience and Necessity No. 20319 in Smith County, Texas, pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291 and Texas Water Code Chapter 13. The Commission will also consider the application, record, timely related filings, exceptions and replies. (James Aldredge)

Adopt the Administrative Law Judge's Proposed Order with the amendments recommended by the ALJ in his letter dated February 20, 2013, with the following additional change: Modify Finding of Fact No. 27 to read: "TTUC is currently providing adequate service in Area 5 of the Requested Area. No utility is currently providing service in Areas 6 through 9". TB/CR; all agree.

Item 3 [**TCEQ Docket No. 2011-0667-MWD-E; SOAH Docket No. 582-12-3294.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against West Houston Airport Corporation in Harris County; RN102096633; for municipal wastewater discharge violations pursuant to Texas Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. The Commission will also consider the record, timely related filings, exceptions and replies. (Jennifer Cook)

Adopt the Administrative Law Judge's Proposed Order, as corrected by his March 7, 2013 letter, and modify the administrative penalty amount to \$44,650 because the \$20,150 amount calculated in the Penalty Calculation Worksheet identified as Exhibit "ED-18" is meant to offset part of the calculated \$101,250 compliance history enhancement, which has now been eliminated by the Commission under "other factors as justice may require" given the specific facts presented in this enforcement matter. CR/TB; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 4 **[Docket No. 2010-1195-WR.](#)**

Consideration of an application by the City of San Angelo to amend Certificate of Adjudication No. 14-1337 to add a diversion point located approximately 12.5 miles downstream on the Concho River, (the same point authorized by Certificate of Adjudication No. 14-1357, owned by the city of San Angelo), to add municipal use to the existing authorization, and to add the City of San Angelo's Service Area as a place of use in Tom Green County. Certificate No. 14-1337 currently authorizes the owner to divert and use not to exceed 135 acre-feet of water per year from the Concho River, tributary of the Colorado River, Colorado River Basin for agricultural purposes in Tom Green County. The Commission will also consider requests for hearing or reconsideration, and related responses and replies. (Christiaan Siano, Chris Kozlowski)

Joint Motion for Item Nos. 4 and 5

Deny all requests for hearing filed in regard to applications to amend Certificate of Adjudication Nos. 14-1333 and 14-1337 and issue the proposed amendments to Certificate of Adjudication Nos. 14-1333 and 14-1337 as recommended by the Executive Director. TB/CR; all agree.

Item 5 **[Docket No. 2010-1196-WR.](#)**

Consideration of an application by the City of San Angelo to amend Certificate of Adjudication No. 14-1333 to add a diversion point located approximately 13 miles downstream on the Concho River (the same point authorized by Certificate of Adjudication No. 14-1357, owned by the City of San Angelo), to add municipal use to the existing authorization, and to add the City of San Angelo's Service Area as a place of use in Tom Green County. Certificate No. 14-1333 currently authorizes the owner to divert and use not to exceed 184 acre-feet of water per year from the Concho River, tributary of the Colorado River, Colorado River Basin for agricultural purposes in Tom Green County. The Commission will also consider requests for hearing or reconsideration, and related responses and replies. (Christiaan Siano, Chris Kozlowski)

Joint Motion for Item Nos. 4 and 5

Deny all requests for hearing filed in regard to applications to amend Certificate of Adjudication Nos. 14-1333 and 14-1337 and issue the proposed amendments to Certificate of

Adjudication Nos. 14-1333 and 14-1337 as recommended by the Executive Director. TB/CR; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6 [**Docket No. 2012-0894-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Dolphin Petroleum, LP in Refugio County; RN100216902; 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. (Rajesh Acharya, Debra Barber)

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

Item 7 [**Docket No. 2012-0922-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gulf Chemical & Metallurgical Corporation in Brazoria County; RN100210129; 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. CR/TB; all agree.

Item 8 [**Docket No. 2012-1068-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Devon Gas Services, L.P. in Wise County; RN102913225; 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. (Amancio Gutierrez, Debra Barber)

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

Item 9 [**Docket No. 2012-1825-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Caterpillar Inc. in Guadalupe County; RN105667349; for air 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. (Abigail Lindsey, Debra Barber)

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

Item 10 [**Docket No. 2012-1110-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. (Nadia Hameed, Debra Barber)

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

Item 11 **[Docket No. 2012-1362-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Total Petrochemicals & Refining 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. (Rebecca Johnson, Debra Barber)

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

Item 12 **[Docket No. 2012-1447-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eagle Rock Field Services, L.P. in Gray County; RN102527397; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Debra Barber)

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

Item 13 **[Docket No. 2012-1277-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF FINA Petrochemicals Limited Partnership in Jefferson County; RN100216977; 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. (Rajesh Acharya, Debra Barber)

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

Item 14 **[Docket No. 2012-0216-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of American Marazzi Tile, Inc. in Dallas County; RN100218080; 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. CR/TB; all agree.

Item 15 **[Docket No. 2012-1670-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Forged Products, Inc. in Harris County; RN100668722; 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. (Amancio R. Gutierrez, Debra Barber)

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

Item 16 **[Docket No. 2012-1405-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Knife River Corporation - South in McLennan County; RN104859178; 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. (Jessica Schildwachter, Debra Barber)

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

Item 17 **[Docket No. 2012-1845-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fritz Industries, Inc. in Dallas County; RN100218023; 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. (Amancio R. Gutierrez, Debra Barber)

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

Item 18 **[Docket No. 2012-1404-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Westlake Longview Corporation in Harrison County; RN105138721; 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. CR/TB; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 19 [Docket No. 2012-1268-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GEO SPECIALTY CHEMICALS, INC. in Harris County; RN100219070; 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. CR/TB; all agree.

Item 20 [Docket No. 2012-1198-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E.I. Du Pont de Nemours and Company in Orange County; RN100542711; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jeremy Escobar, Debra Barber)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 21 [Docket No. 2012-1319-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against USM Manufacturing L.L.C. dba Praters Foods in Lubbock County; RN101254803; for water quality and public drinking water violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Debra Barber)

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

Item 22 [Docket No. 2011-1007-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Big Spring in Howard County; RN101721249 and RN101389492; for public drinking water and water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jeremy Escobar, Debra Barber)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 23 [Docket No. 2012-1020-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dripping Springs Apartments, L.P. in Hays County; RN102768231; 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. (Jennifer Graves, Debra Barber)

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

Item 24 [Docket No. 2012-1271-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Archer City in Archer County; RN104443411; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jeremy Escobar, Debra Barber)

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

Item 25 [Docket No. 2011-1738-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Texas Municipal Water District in Dallas and Collin Counties; RN101701332 and RN102095585; 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. (Jennifer Graves, Debra Barber)

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

Item 26 [Docket No. 2012-1791-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Austin in Travis County; RN101607794; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Debra Barber)

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

Item 27 [Docket No. 2012-0466-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Shiner in Lavaca County; RN101919181; 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. CR/TB; all agree.

Item 28 **[Docket No. 2012-1633-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Borger in Hutchinson County; RN102328499; 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. (Remington Burkland, Debra Barber)

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

Item 29 **[Docket No. 2011-2329-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Asherton in Dimmit County; RN101721348; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Debra Barber)

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

Item 30 **[Docket No. 2012-1877-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Pearland in Brazoria County; RN101920007; 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. (Nick Nevid, Debra Barber)

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

Item 31 **[Docket No. 2011-0456-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Normangee in Leon County; RN101916385; 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. (Jennifer Graves, Debra Barber)

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

Item 32 [**Docket No. 2012-0264-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Cumby in Hopkins County; RN102845773; 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. (Jennifer Graves, Debra Barber)

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

Item 33 [**Docket No. 2012-1511-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Shepherd in San Jacinto County; RN101916666; 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. (Nick Nevid, Debra Barber)

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

Item 34 [**Docket No. 2012-0512-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the Town of Lakewood Village in Denton County; RN101917706; 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, Debra Barber)

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

Item 35 [**Docket No. 2012-1036-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of McGregor in McLennan County; RN101609220; 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. CR/TB; all agree.

Item 36 [**Docket No. 2012-1042-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Port of Houston Authority in Harris County; RN103123113; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality,

including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Debra Barber)

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

Item 37 **[Docket No. 2012-1598-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of McDonald's Corporation in Harris County; RN102186806; 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. CR/TB; all agree.

Item 38 **[Docket No. 2012-0700-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Stamford in Jones County; RN101920189; 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. (Jennifer Graves, Debra Barber)

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

Item 39 **[Docket No. 2011-1611-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bell County Water Control & Improvement District No. 2 in Bell County; RN101610491 and RN101610418; 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, Debra Barber)

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

Item 40 **[Docket No. 2012-1550-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the San Antonio Water System in Bexar County; RN100851518; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (JR Cao, Debra Barber)

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

Item 41 **[Docket No. 2012-1172-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the City of Huntsville in Walker County; RN101609568; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (JR Cao, Debra Barber)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 42 **[Docket No. 2012-1474-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mondial, Inc. dba Hempstead Truck Stop in Waller County; RN102031655; 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. (Nadia Hameed, Debra Barber)

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

Item 43 **[Docket No. 2012-1718-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Navroz Lalani dba Topps Exxon Junction in Morris County; RN102375201; 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. (Andrea Park, Debra Barber)

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

Item 44 **[Docket No. 2012-1182-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LOVERS LANE EUROPEAN AUTOMOTIVE LLC dba Snappee Auto Care & Lube in Dallas County; RN101534113; 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. CR/TB; all agree.

Item 45 **[Docket No. 2012-1479-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Avalon Investments, LLC dba Bunnys in Smith County; RN102051331; 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. (Rebecca Boyett, Debra Barber)

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

Item 46 **Docket No. 2012-1054-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against ENIGMA ENTERPRISES INC dba Star Food in Dallas County; RN102249711; 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. CR/TB; all agree.

Item 47 **Docket No. 2012-1422-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SIRAJ TRADERS, USA, INC. dba Shop N Go 3 in Montgomery County; RN101883833; 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. (Sarah Davis, Debra Barber)

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

Item 48 **Docket No. 2012-1378-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against NSBK Services, Inc. dba BK Mart in Harris County; RN106145188; 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. (Judy Kluge, Debra Barber)

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

Item 49 **Docket No. 2012-1939-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kuick Way Enterprises Inc dba Wag A Bag 3 in Camp County; RN101830750; 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. (Andrea Park, Debra Barber)

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

Item 50 **Docket No. 2012-0853-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jack A. Terhune dba Jack's Flying Service in Ochiltree County; RN102037470; 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. (Clinton Sims, Debra Barber)

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

Item 51 **Docket No. 2012-1209-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hari Enterprises, L.L.C. dba El Campo Truck Stop in Wharton County; RN102280518; 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. (David Carney, Debra Barber)

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

Item 52 **Docket No. 2012-0950-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LISANTI REALTY CORPORATION dba Lisanti Food Service in Dallas County; RN102047289; 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. (Steven Van Landingham, Debra Barber)

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

Item 53 **Docket No. 2012-0572-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S S S ENTERPRISES, INC. d/b/a On The Go Mart in Harris County; RN101822039; 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. (Rebecca M. Combs, Lena Roberts)

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

Item 54 **[Docket No. 2012-1446-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of A & M Interests, Inc. dba North Side Texaco in Montgomery County; RN101433100; 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. (David Carney, Debra Barber)

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

Item 55 **[Docket No. 2012-1621-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PRUSKI SERVICE CENTER, INC. dba Pruskis in Wilson County; RN101761971; 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. CR/TB; all agree.

Item 56 **[Docket No. 2012-0369-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ASAD TRADING INC dba Mobberly Mart in Gregg County; RN102063385; 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. (Jill Russell, Debra Barber)

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

Item 57 **[Docket No. 2011-1129-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Juan Meza d/b/a Odessa Truck Stop in Ector County; RN102353117; 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 Agreed Order. CR/TB; all agree.

Item 58 **[Docket No. 2011-0748-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mohammad Ali in Wharton County; RN102428513; 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)

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

Item 59 **Docket No. 2012-1343-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SORAHIM INVESTMENT, INC. dba SHOP N GO in Harris County; RN102470556; 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. (Jim Fisher, Debra Barber)

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

Item 60 **Docket No. 2012-1517-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against Chil L. Baldridge dba YCS Market in Harris County; RN102019809; 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. (Danielle Porras, Debra Barber)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 61 **Docket No. 2012-1429-PST-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of GALVESTON SPEEDY STOP, L.L.C. d/b/a Seawall Exxon in Galveston County; RN102653425; 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. (David Terry, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 62 **Docket No. 2012-0585-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Luis Nieto d/b/a Nieto's Drive Thru 6

in Hidalgo County; RN104747050; 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. (David A. Terry, Lena Roberts)

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

Item 63 **Docket No. 2012-1205-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Real & Retail Unlimited Inc. d/b/a Argyle Johnny Joes in Denton County; RN103052502; 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)

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

Item 64 **Docket No. 2012-1336-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Yaser Belbisi d/b/a Econo Lube N Tune and Brakes, and Mohamed Hafsi d/b/a Econo Lube N Tune and Brakes in Bexar County; RN102041910; 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 and Shutdown Order. CR/TB; all agree.

Item 65 **Docket No. 2012-1239-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of LAKHANI INVESTMENTS, INC. d/b/a Amigos Food Mart in Medina County; RN102778818; 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. (Cullen McMorrow, Lena Roberts)

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

Item 66 **Docket No. 2012-0503-PST-E.**

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of SARDINIA INVESTMENT, INC. d/b/a Bellfort Food Mart in Harris County; RN103052916; 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. (Rebecca M. Combs, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 67 **[Docket No. 2012-0766-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Walter E. Nix, Jr. dba Centerline Water Supply Corporation in Burleson County; RN101439776; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Sherlock, Debra Barber)

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

Item 68 **[Docket No. 2012-1584-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Alloy Polymers Texas, LP in Houston County; RN102674306; 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, Debra Barber)

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

Item 69 **[Docket No. 2012-1752-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Zavalla in Angelina County; RN101386100; 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, Debra Barber)

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

Item 70 **[Docket No. 2012-1352-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of La Villa in Hidalgo County; RN101388957; 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, Debra Barber)

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

Item 71 **[Docket No. 2012-1675-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HUNTER ROAD INVESTMENTS LLC dba Blue Agave Mobile Home Park in Hays County; RN101272581; 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, Debra Barber)

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

Item 72 [**Docket No. 2012-1893-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Tenaha in Shelby County; RN101389039; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Johnson, Debra Barber)

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

Item 73 [**Docket No. 2012-0285-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Maverick County in Maverick County; RN101253565; 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, Debra Barber)

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

Item 74 [**Docket No. 2012-2122-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FATIMA FAMILY VILLAGE, INC. in Harris County; RN101236685; 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, Debra Barber)

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

Item 75 [**Docket No. 2012-1812-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of P. M. Petroleum Inc dba Hamilton Market in Travis County; RN105027791; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Debra Barber)

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

Item 76 [**Docket No. 2012-1945-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Brownsboro in Henderson County; RN101212744; 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, Debra Barber)

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

Item 77 [**Docket No. 2012-1763-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of HUDSON WATER SUPPLY CORPORATION in Angelina County; RN101455954; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Debra Barber)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 78 [**Docket No. 2012-1286-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Tank Works, Inc. d/b/a Brazos Bend Home & Ranch in Fort Bend County; RN101176592; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 79 [**Docket No. 2012-1269-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Lewisville in Denton County; RN101212090; 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. (Michaelle Sherlock, Debra Barber)

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

Item 80 [**Docket No. 2012-2018-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of EDDY PACKING CO., INC. in Lavaca County;

RN102496007; 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, Debra Barber)

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

Item 81 [**Docket No. 2012-0696-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Erasmo Lopez, Jr. dba Lopez Ready Mix Concrete in Starr County; RN104443866; 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. (Jennifer Graves, Debra Barber)

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

Item 82 [**Docket No. 2012-1926-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Texas Brine Company, L.L.C. in Jefferson County; RN105125306; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Debra Barber)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 83 [**Docket No. 2012-1141-WR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Somervell County in Somervell County; RN106388044; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (JR Cao, Debra Barber)

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

RULE PETITION

Item 84 [**Docket No. 2013-0306-RUL.**](#)

Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality on February 6, 2013, by the Tarrant Regional Water District (petitioner). The petitioner requested that TCEQ amend 30 TAC Chapter 311, Subchapter G, to revise the definitions of Benbrook Lake Watershed and Benbrook Lake Water Quality Area and to impose a total

phosphorus effluent limitation of one milligram per liter for new or amended permits authorizing discharges greater than or equal to 0.10 million gallons per day (MGD) to the Benbrook Lake Water Quality Area and for new or amended permits authorizing discharges greater than or equal to 0.25 MGD to the Benbrook Lake Watershed. (Gregg Easley, Stefanie Skogen) (Project No. 2013-020-PET-NR)

Deny the petition for rulemaking submitted by the Tarrant Regional Water District concerning amendments to 30 TAC Chapter 311 due to a need for additional stakeholder input to ensure that all issues relating to the petition are fully explored and adopt the Executive Director's Proposed Order; 2) Direct the Executive Director to solicit stakeholder input on all issues raised in the petition and on any other issues that are relevant to the issues raised in the petition and take appropriate action; and 3) Direct the Executive Director to report back to the commission within nine months unless rulemaking has been initiated following stakeholder input. TB/ CR; all agree.

RULE MATTER

Item 85 [**Docket No. 2011-1225-RUL.**](#)

Consideration of the adoption of amendments to Sections 291.22, 291.102, 291.105, and 291.113 of 30 TAC Chapter 291, Utility Regulations and Sections 293.11, 293.32, 293.41, 293.51, and 293.81 of 30 TAC Chapter 293, Water Districts. The adopted rulemaking would implement House Bill (HB) 679, HB 1901, Senate Bill (SB) 18, SB 512, SB 573, SB 914, and SB 1234, 82nd Legislature, 2011, Regular Session. The adopted amendments would: impact a district's ability to increase the allowable change order amount; exempt bonds issued by a public utility agency from executive director approval; alter eminent domain powers of a municipal utility district outside its boundary; modify the election qualifications for a fresh water supply district director; exempt bonds issued by certain multi-county districts from executive director approval; limit the time for certain municipalities to consent to certificates of public convenience and necessity (CCN) within the corporate limits or extraterritorial jurisdiction (ETJ) of the municipality and set conditions for granting the CCN without the municipality's consent; alter a city's ability to extend a CCN beyond its ETJ if a landowner elects to exclude property; add a provision that a CCN applicant or CCN holder that has land removed by landowner election is not required to provide service to the removed land for any reason; change the requirements for a release from a CCN; specify that having federal loans is not a bar to release; and add requirements for notice of utility rate changes. The proposed rules were published in the November 2, 2012, issue of the *Texas Register* (37 TexReg 8731) for Chapter 291 and (37 TexReg 8741) for Chapter 293. (Kent Steelman, James Aldredge) (Rule Project No. 2011-055-293-OW)

Adopt the amendments to 30 TAC Chapters 291 and 293 as recommended by the Executive Director. CR/TB; all agree.

PUBLIC COMMENT SESSION

- Item 86 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.

No Action Taken.

EXECUTIVE MEETING

- Item 87 **Docket No. 2013-0001-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.

No Action Taken.

- Item 88 **Docket No. 2013-0002-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.

No Action Taken.

- Item 89 **Docket No. 2013-0003-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.

No Action Taken.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST SIX (6) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

**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/ Jim Rizk
Assistant General Counsel
Jim Rizk

5/2/2013
Date