

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

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

Chairman Bryan W. Shaw, Ph.D., P.E.
Commissioner Toby Baker
Commissioner Zak Covar

AGENDA

July 2, 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 1

[Docket No. 2014-0691-AIR.](#)

Consideration of application by Freeport LNG Development, L.P. for Air Quality Permit No. 100114, Prevention of Significant Deterioration Air Quality Permit No. PSDTX1282, and Nonattainment Air Quality Permit No. N150 to authorize the construction of the Freeport LNG Liquefaction Plant located at 1500 Lamar St., Quintana, Brazoria 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. (Sean O'Brien, Amy Browning)

Deny all hearing requests, grant Air Quality Permit No. 100114, PSD Permit No. PSDTX1282 and Nonattainment Permit No. N150 to Freeport LNG Development, L.P., and adopt the Executive Director's Response to Comments. ZC/TB; all agree.

Item 2

[Docket No. 2014-0692-AIR.](#)

Consideration of application by Freeport LNG Development, L.P. for Air Quality Permit No. 104840, Prevention of Significant Deterioration Air Quality Permit No. PSDTX1302, and Nonattainment Air Quality Permit No. N170 to authorize

the construction of the Freeport LNG Pretreatment Plant located on County Road 690, approximately 0.25 miles north of the intersection of County Road 690 and County Road 891, Brazoria 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. (Sean O'Brien, Amy Browning)

Deny Robert Pratt, Jr.'s request for reconsideration, deny Melanie Oldham's contested case hearing request, issue Air Quality Permit No. 104840, PSD Permit No. PSDTX1302, and Nonattainment Permit No. N170 to Freeport LNG Development, L.P., and adopt the Executive Director's Response to Public Comment. TB/ZC; all agree.

DISTRICT MATTER

Item 3 **Docket No. 2013-2040-DIS.**

Consideration of an application from the Board of Directors of the Lakeside Water Control and Improvement District No. 2-A of Travis and Williamson Counties ("District") for the conversion of the District to a Municipal Utility District, and for acquisition of road powers, pursuant to the Texas Water Code, Chapters 49 and 54, and 30 Texas Administrative Code Sections 293.15, 293.201, and 293.202. The District is comprised of approximately 248.698 acres of land in Travis and Williamson counties, Texas. (Kayla Murray, Justin Taack)

Grant the MUD conversion request and additional road powers request of Lakeside Water Control and Improvement District No. 2-A and issue the Executive Director's Proposed Order; but instruct the Office of General Counsel to modify Finding of Fact No. 2 to summarize the District's additional road powers request in its Resolution, and modify Finding of Fact No. 4 to summarize the Executive Director's reliance on the Sixth Amendment to the Comprehensive Development Agreement to demonstrate the City of Pflugerville has indicated consent to the District's additional road power request. ZC/TB; all agree.

USE DETERMINATION APPEAL MATTER

Item 4 **Docket No. 2014-0288-MIS-U.**

Consideration of the appeal filed by Edwards Central Appraisal District with regard to the Executive Director's positive use determination on DCP Sand Hills Pipeline, LLC's Application No. 17494, issued on February 6, 2014, for nondestructive pipeline testing expenditures in Edwards County, Texas. The Commission will also consider the application and all timely responses and reply briefs.

Deny Edwards Central Appraisal District's appeal and affirm the Executive Director's positive use determination dated February 6, 2014. TB/ZC; all agree.

TOTAL MAXIMUM DAILY LOAD MATTERS

Item 5 [Docket No. 2014-0266-TML.](#)

Consideration for approval to publish and solicit public comment on a draft copy of the Implementation Plan for Five Total Maximum Daily Loads for Indicator Bacteria in Four Austin Streams. (Ronald Stein, Robert Brush)
(Project No. 2014-014-TML-NR)

Joint Motion for Item Nos. 5-6

Approve the five Total Maximum Daily Loads for Indicator Bacteria and their corresponding Implementation Plans for publication and public comment, as recommended by the Executive Director. ZC/TB; all agree.

Item 6 [Docket No. 2014-0267-TML.](#)

Consideration for approval to publish and solicit public comment on Five Total Maximum Daily Loads for Indicator Bacteria corresponding to five assessment units in four segments in four Austin watersheds. (Ron Stein, Robert Brush)
(Project No. 2014-015-TML-NR)

Joint Motion for Item Nos. 5-6

Approve the five Total Maximum Daily Loads for Indicator Bacteria and their corresponding Implementation Plans for publication and public comment, as recommended by the Executive Director. ZC/TB; all agree.

GENERAL PERMIT

Item 7 [Docket No. 2014-0093-MIS.](#)

Consideration of issuance of an amended and renewed Texas Pollutant Discharge Elimination System/State General Permit No. TXG920000 authorizing the discharge of manure, sludge, and wastewater into or adjacent to water in the state by Concentrated Animal Feeding Operations only during chronic or catastrophic rainfall or catastrophic conditions. Public notice of the draft permit was published in the March 14, 2014, issue of the *Texas Register* (39 TexReg 1978). (Joy Alabi, Robert Brush) (Non-Rule Project No. 2014-003-OTH-NR)

Adopt the amended and renewed Texas Pollutant Discharge Elimination System/State General Permit No. TXG920000, as recommended by the Executive Director. TB/ZC; all agree.

MISCELLANEOUS MATTERS

Item 8 [Docket 2014-0816-MIS.](#)

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the

previous quarter. (Elizabeth West)

Approve the issuance of the resolution that acknowledges the material changes to the contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code. ZC/TB; all agree.

Item 9 **[Docket 2014-0815-MIS.](#)**

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. (Elizabeth West)

Approve issuance of the resolution that acknowledges the Executive Director's acceptance of these gifts. TB/ZC; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 10 **[Docket No. 2013-1721-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Abaco Operating L.L.C. in Chambers County; RN106860638; 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 Tex. Admin. Code ch. 60. (Farhaud Abbaszadeh, Candy Garrett)

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

Item 11 **[Docket No. 2013-1205-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company and Shell Chemical LP 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 Tex. Admin. Code ch. 60. (David Carney, Candy Garrett)

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

Item 12 **[Docket No. 2013-2188-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KMCO, LLC in Harris County; RN101613511; 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 Tex. Admin. Code ch. 60. (Rachel Bekowies, Candy Garrett)

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

Item 13 [**Docket No. 2013-2189-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Jefferson County; RN100209451; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Amancio Gutierrez, Candy Garrett)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 14 [**Docket No. 2013-1852-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kenedy in Karnes County; RN101428274; for water rights and public drinking water violations pursuant to Tex. Safety & Health Code ch. 341, Tex. Water Code ch. 11, and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Candy Garrett)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 15 [**Docket No. 2013-1400-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Alma Roman in El Paso County; RN106564594; 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. Ryan Rutledge, Lena Roberts)

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

Item 16 [**Docket No. 2013-1653-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Keywinn Development LLC in Parker County; RN106327521; 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. (Jennifer Cook, Lena Roberts)

Remanded to the Executive Director.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 17 **[Docket No. 2013-1909-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bloomington Independent School District in Victoria County; RN101274140; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jason Fraley, Candy Garrett)

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

Item 18 **[Docket No. 2013-1857-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Caddo Mills in Hunt County; RN104798681; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Green, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 19 **[Docket No. 2013-1478-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Zaed Business Inc dba Shoppers First Choice Mini Mart in Travis County; RN101635712; 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. (Michael Meyer, Candy Garrett)

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

Item 20 **[Docket No. 2013-1517-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against PRITCHETT OIL, LLC dba Pritchett Oil & Grocery in Hunt County; RN104590435; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Danielle Porras, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 21 [Docket No. 2013-1804-PST-E.](#)

Consideration of a Default Order assessing administrative penalties against Malcolm Martin in Orange County; RN106597966; 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. (J. Amber Ahmed, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 22 [Docket No. 2013-1171-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Miguel Enriquez d/b/a La Zacatecana Market in Hidalgo County; RN102358678; 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. (J. Amber Ahmed, Lena Roberts)

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

Item 23 [Docket No. 2013-0747-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of AKTHER GAFFAR, INC, R.D.N. Inc., and Amhurst Business, LLC, dba First Stop in Bexar County; RN101432326; 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. (Jennifer Cook, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 24 [Docket No. 2013-2119-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PINKIE'S, INC., Carol Fritz, Kenneth Wayne Fritz, and David L. Fritz dba Pinkie's Mini Mart 51 and dba Pinkie's Mini Mart 53 in Lubbock County; RN102678240 and RN101450328; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lisa Westbrook, Candy Garrett)

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

Item 25 [**Docket No. 2013-1613-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SHORE-TECH, INC. in Galveston County; RN102685351; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Montgomery, Candy Garrett)

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

Item 26 [**Docket No. 2014-0232-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hochheim Prairie Hermann Sons Hall Association in Dewitt County; RN105777411; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jill Russell, Candy Garrett)

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

Item 27 [**Docket No. 2013-1915-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Donald E. Crane dba Sherwood Estates Manufactured Townhome Community, dba Westgate Manufactured Townhome Community, and dba Country Village Mobile Home Estates in Midland County; RN101225506, RN102675121, and RN101267466; 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, Candy Garrett)

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

Item 28 [**Docket No. 2013-2125-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Key Energy Services, LLC in Midland County; RN101057545; 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, Candy Garrett)

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

Item 29 [**Docket No. 2014-0030-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FLOMOT WATER SUPPLY CORPORATION in Motley County; RN102317849; 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, Candy Garrett)

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

Item 30 [**Docket No. 2013-2088-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Rosebud in Falls County; RN101392322; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Candy Garrett)

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

Item 31 [**Docket No. 2014-0028-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Ropesville in Hockley County; RN101175990; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lisa Westbrook, Candy Garrett)

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

Item 32 [**Docket No. 2014-0095-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jose O. Beltran and Maria A. Beltran dba 1017 Café in Starr County; RN102679461; 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. (Sam Keller, Candy Garrett)

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

Item 33 [**Docket No. 2013-2005-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Margarito Flores and Lucia Flores dba Royal Oaks Apartments in Gillespie County; RN101261006; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Candy Garrett)

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

Item 34 [**Docket No. 2013-2140-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Stepping Stone Ministry, Inc. in Midland County; RN106505100; for public drinking water violations pursuant to Tex. Health &

Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Montgomery, Candy Garrett)

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

Item 35 **[Docket No. 2013-1630-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rebecca Creek Municipal Utility District in Comal County; RN101453587; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Candy Garrett)

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

Item 36 **[Docket No. 2014-0068-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Monarch Utilities I L.P. in Polk County; RN102987856; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Candy Garrett)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 37 **[Docket No. 2013-1351-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of John C. Moore and John L. Moore d/b/a Moore's Water System (f/k/a Moore's Water System of Beaver Lake, Inc.) in McLennan County; RN102682291; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tammy Mitchell, Lena Roberts)

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

Item 38 **[Docket No. 2013-0681-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against EL VIAJE RETREAT, LLC in Bandera County; RN104490685; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

STATE IMPLEMENTATION PLAN MATTER

Item 39 [**Docket No. 2013-1682-SIP.**](#)

Consideration of the adoption of the Emissions Inventory (EI) State Implementation Plan (SIP) Revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) for the Houston-Galveston-Brazoria and Dallas-Fort Worth Areas. The adopted SIP revision will satisfy the Federal Clean Air Act, Section 172(c)(3) and Section 182(a)(1) EI reporting requirements for the Houston-Galveston-Brazoria and Dallas-Fort Worth nonattainment areas under the 2008 eight-hour ozone NAAQS. States are required to submit a comprehensive, accurate, current EI from all relevant sources in ozone nonattainment areas within two years of the July 20, 2012 effective date of designations. (Brian Foster, Terry Salem) (Non-rule Project No. 2013-016-SIP-NR)

Adopt the Emissions Inventory State Implementation Plan Revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard for the Houston-Galveston-Brazoria and Dallas-Fort Worth Areas, as recommended by the Executive Director. TB/ZC; all agree.

PETITIONS FOR RULEMAKING

Item 40 [**Docket No. 2014-0708-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 May 16, 2014, by Representative Lon Burnam. The petitioner requests that the commission modify 30 TAC Section 336.731(b) to provide that costs of water removal operations at low-level radioactive waste disposal facilities are required. (Charles Maguire, Amie Richardson) (Project No. 2014-025-PET-NR)

Deny the petition for rulemaking submitted by Representative Lon Burnam concerning 30 TAC 336.731(b), and issue the Executive Director's Proposed Order as modified to reflect that the petition is denied because the current rules and statutes are applicable and appropriate to the relief requested in the petition for the reasons stated by the Executive Director in his response to the petition for rulemaking. ZC/TB; all agree.

Item 41 [**Docket No. 2014-0709-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 May 16, 2014, by Representative Lon Burnam. The petitioner requested that the commission modify 30 TAC Section 305.62 to require a major amendment process and environmental analysis report for specified major changes in the type, quantity, and concentration limits of radioactive waste accepted by Waste Control Specialists. (Charles Maguire, Amie Richardson) (Project No. 2014-026-PET-NR)

Deny the petition for rulemaking filed by Representative Lon Burnam concerning amendments to 30 TAC Section 305.62 for the reasons stated in the Executive Director's

memorandum, and issue the Executive Director's Proposed Order; but modify the reasons for denial to include: "because the Commission's current rules in Chapter 281, 305 and 336 appropriately implement the major amendment permitting process and environmental analysis required by Texas Health & Safety Code, Chapter 401, and adequately address the relief requested in the petition for the reasons stated by the Executive Director in his response memorandum to the petition dated June 13, 2014." TB/ZC; all agree.

RULE MATTERS

Item 42 **[Docket No. 2013-1939-RUL.](#)**

Consideration of the adoption of amendments to Sections 116.13, 116.710, 116.711, 116.715, 116.716, 116.717, 116.718, 116.721, and 116.765 of 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification. Sections 116.13; 116.710; 116.711(1), (2)(A), (B) and (C)(i) and (ii), (D) – (J), and (L) – (N); 116.715(a) – (e) and (f)(1) and (2)(B); 116.716; 116.717; 116.718; 116.721; and 116.765, will be submitted to the United States Environmental Protection Agency (EPA) as revisions to the State Implementation Plan (SIP). The adoption would revise the Flexible Permit Program (FPP) rules by deleting portions of rule language adopted in 2010 that are no longer necessary for SIP approval. The deleted rule language primarily relates to monitoring, recordkeeping, reporting, and applicability of federal major New Source Review (NSR) requirements. Select portions of the 2010 amendments which EPA has identified as necessary for SIP approval would remain. This rulemaking is expected to result in the approval of the FPP as a Texas minor NSR permitting program. The proposed rules were published in the February 28, 2014, issue of the *Texas Register* (39 TexReg 1339). (Michael Wilhoit, Janis Hudson) (Rule Project No. 2014-001-116-AI)

Adopt the amendments to 30 TAC Chapter 116 and revisions to the State Implementation Plan, as recommended by the Executive Director, including the additional changes recommended by the Executive Director today. ZC/TB; all agree.

Item 43 **[Docket No. 2009-1016-RUL.](#)**

Consideration of the adoption of the amendments to Sections 321.32 - 321.34, 321.36 - 321.40, 321.44, 321.46, and 321.47 of 30 TAC Chapter 321, Control of Certain Activities by Rule. The adoption would implement the new federal Concentrated Animal Feeding Operation Regulations and Effluent Guidelines in accordance with the Texas Memorandum of Agreement with the United States Environmental Protection Agency regarding delegation of the federal National Pollutant Discharge Elimination System Program. The proposed rulemaking would also incorporate requirements and concepts from the existing CAFO General Permit and relocate and update certain requirements. The proposed rules were published in the March 14, 2014, issue of the *Texas Register* (39 TexReg 1868). (Chris Ulmann, Robert Brush) (Rule Project No. 2009-011-321-OW)

Adopt the amendments to 30 TAC Chapter 321, Subchapter B, as recommended by the Executive Director. TB/ZC; all agree.

Item 44 **Docket No. 2013-1390-RUL.**

Consideration of the adoption of amendments to Sections 330.7, 330.671, 330.673, and 330.675 of 30 TAC Chapter 330, Municipal Solid Waste; and the repeal of Sections 339.1 - 339.3 of 30 TAC Chapter 339, Groundwater Protection Recommendation Letters and Fees. The adoption would implement House Bill (HB) 7, 83rd Legislature, 2013, Regular Session, relating to the reduction in the municipal solid waste disposal fees paid to the commission and revisions in the waste disposal fee exemption and credit for material diverted from disposal and processed into compost or mulch. The rulemaking would also implement Senate Bill (SB) 819, 83rd Legislature, 2013, Regular Session, relating to the increase in the population limit, from 10,000 to 12,000 people, for counties or municipalities seeking authorization under a permit by rule to dispose of demolition waste from abandoned or nuisance buildings. The rulemaking would implement HB 2694, Article 2, 82nd Legislature, 2011, Regular Session, relating to the transfer from this commission to the Railroad Commission of Texas duties relating to the protection of groundwater resources from oil and gas associated activities by repealing commission rules pertaining to the issuance of groundwater protection recommendation letters. The proposed rules were published in the January 31, 2014, issue of the *Texas Register* (39 TexReg 466). (Charlyne Fritz, Steven Shepherd) (Rule Project No. 2013-050-330-WS)

Adopt the amendments to 30 TAC Chapter 330, and the repeal of 30 TAC Chapter 339, as recommended by the Executive Director. ZC/TB; all agree.

PUBLIC COMMENT SESSION

Item 45 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 46 **Docket No. 2014-0001-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 Executive Meeting.

Item 47 **Docket No. 2014-0002-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 Executive Meeting.

Item 48 **Docket No. 2014-0003-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 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 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/ Tracy Gross
Assistant General Counsel
Tracy Gross

7/16/2014
Date