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

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

AGENDA

Wednesday, March 10, 2010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

- Item 1. [TCEQ Docket No. 2006-0612-MSW; SOAH Docket No. 582-08-2186](#). Consideration of the Administrative Law Judge's Proposal for Decision, Supplemental Proposal for Decision, and Order regarding the application of **Waste Management of Texas, Inc.** for municipal solid waste permit amendment No. MSW-249D pursuant to the rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 330 and Tex. Health & Safety Code Chapter 361 to expand its Type I Municipal Solid Waste Facility. The facility is located at 9900 Giles Road, Austin, in **Travis County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application and related filings, exceptions and replies. (Amie Dutta Richardson, Matthew Udenenwu)

Adopt the ALJ's January 5, 2010 Revised Order, as modified by the ALJ's February 5, 2010, letter; issue permit amendment MSW-249D to Waste Management of Texas, Inc.; and adopt the Executive Director's Response to Comments. BG/CR; all agree.

- Item 2. [TCEQ Docket No. 2008-1237-PST-E; SOAH Docket No. 582-09-2813](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties, authorizing installment payment, and requiring certain actions of **Kenneth W. Blevins in Live Oak County**, Texas; TCEQ ID No. RN101783496; regarding 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. 334. The Commission will also consider timely filed exceptions and replies. (Phillip Goodwin)

Continued to later in this agenda. BG/CR; all agree.

Adopt the ALJ's proposed Order with the following modifications: 1) Modify Finding of Fact No. 1 to reflect that the Respondent purchased the property in 1995; 2) Modify Finding of Fact No. 17 to "A reduction of \$2,600 from the \$3,600 amount proposed by the Executive Director based on inability to pay under "other factors as justice may require," is appropriate based on several factors:" as listed A-F, "The \$2,600 reduction under "other factors" is contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The reduction will be waived upon failure to comply with the terms of this Order. If the Respondent fails to timely and satisfactory comply with all the requirements of this Order, then a penalty in the amount of \$3,600 becomes due payable in 36 payments of \$100; 3) Modify Conclusion of Law No. 9 to indicate that a penalty \$3,600 should be assessed against Respondent with a reduction under "other factors as justice may require" of \$2,600 as set forth in Finding of Facts No. 17; 4) Modify the first sentence in Ordering Provision No. 1 to read: "The Respondent shall pay within 10 months after the effective date of this Order an administrative penalty as set forth in Findings of Fact Nos. 17 and 18"; 5) Modify the Ordering Provision No. 2 to reflect 300 days from 30 days; and 6) Modify Ordering Provision No. 3 to reflect 315 days from 45 days. BG/CR; all agree.

HEARING REQUEST/REQUEST FOR RECONSIDERATION

Item 3. [Docket No. 2010-0107-MWD](#). Consideration of the application by **Wylie Northeast Special Utility District** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014935001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 900,000 gallons per day. The wastewater treatment facility will be located approximately 3,680 feet northeast of the intersection of Parker Road and Aztec Lane in **Collin 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. (Michelle Bacon, Michael Redda)

Grant the hearing request for North Texas Municipal Water District; refer the matter to the State Office of Administrative Hearings to consider the following: A) Whether there is a need for the proposed facility and whether operation of the proposed plant will be consistent with the Commission's regionalization policy; B) Whether the facility's discharge will have an adverse impact on water quality and the environment including whether the proposed effluent limits in the draft permit are adequate; and C) Whether the Applicant meets one of the three requirements to abate and control nuisance odor of the 30 TAC Section 309.13(e); also referral of the matter to ADR for a 4-6 week period before referring to the State Office of Administrative Hearings for a preliminary hearing; direct the Executive Director to participate in the hearing; and set the maximum duration of the hearing for 6 months. CR/BG all agree.

EMERGENCY ORDER

Item 4. [Docket No. 2009-1017-UCR-E](#). Consideration of whether to modify, affirm, or set aside the Emergency Order issued on February 4, 2010, by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality to address the abandonment of two retail public utilities (Utilities) by **Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision in Williamson and Travis Counties**; TCEQ ID Nos. RN101250306, RN100825082; and CCN 10320 to ensure continued operation of the Utilities, and to provide continuous and adequate service to the customers. The Emergency Order renewed the appointment of Aqua Utilities, Inc. aka Aqua Texas, Inc. (Aqua Texas) as temporary manager of the Utilities. (Peipey Tang)

Affirm the Executive Director's Emergency Order against Darryl Winstead dba San Gabriel River Ranches and dba Indian Springs Subdivision. BG/CR; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5. [Docket No. 2009-0511-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Premcor Refining Group Inc. in Jefferson County**; TCEQ ID No. RN102584026; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

Item 6. [Docket No. 2009-1614-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Flint Hills Resources, LP in Nueces County**; RN100235266; 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, Laurie Eaves)

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

Item 7. [Docket No. 2009-1450-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Rhodia Inc. in Harris County**; RN100211317; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

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

Item 8. [Docket No. 2009-0544-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Genesis Quality Aggregates, Ltd. in Maverick County**; RN105378632; 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. (James Nolan, Laurie Eaves)

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

Item 9. [Docket No. 2009-1265-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Prism Gas Systems I, L.P. in Harrison County**; RN102558939; 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. (Suzanne Walrath, Laurie Eaves)

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

Item 10. [Docket No. 2009-1568-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas State University - San Marcos in Hays County**; RN100221480; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

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

Item 11. [Docket No. 2009-1702-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Republic Industries, Inc. in Harrison County**; RN100219997; 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. (Suzanne Walrath, Laurie Eaves)

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

Item 12. [Docket No. 2009-1446-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TOTAL PETROCHEMICALS USA, INC. in Jefferson County**; RN102457520; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

Item 13. [Docket No. 2009-1455-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chemical Lime, Ltd. in Bosque County**; RN100219856; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Laurie Eaves)

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

Item 14. [Docket No. 2009-1481-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Brazoria County**; RN101619179; 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, Laurie Eaves)

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

Item 15. [Docket No. 2009-1445-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Transcontinental Gas Pipe Line Company, LLC in Hardin County**; RN100211838; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra Benoit, Laurie Eaves)

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

- Item 16. [Docket No. 2009-1447-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Eagle Rock Field Services, L.P.** in **Gray County**; RN100218379; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

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

- Item 17. [Docket No. 2008-1474-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP** in **Harris County**; RN100542281; 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. (Harvey Wilson, Laurie Eaves)

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

- Item 18. [Docket No. 2009-0894-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical LLC (formerly known as Huntsman Petrochemical Corporation)** in **Jefferson County**; RN100219252; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, Laurie Eaves)

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

- Item 19. [Docket No. 2008-0734-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain action of **Exxon Mobil Corporation** in **Harris County**; TCEQ ID No. RN102212925; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Barham A. Richard, Lena Roberts)

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

- Item 20. [Docket No. 2009-0604-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Felix Jackson dba Jackson Brothers Ranch** in **Chambers County**; TCEQ ID No. RN100887785; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

- Item 21. [Docket No. 2009-0806-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Oil Company** in **Harris County**; RN100211879; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7,

and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Laurie Eaves)

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

- Item 22. [Docket No. 2008-0080-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP in Brazoria County**; RN100210574; 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, Laurie Eaves)

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

- Item 23. [Docket No. 2009-1378-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tu Huynh DBA Lyna Marine Supply in Galveston County**; RN105159834; 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, Laurie Eaves)

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

- Item 24. [Docket No. 2009-0182-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Basell USA Inc. in Harris County**; RN100216761; 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, Laurie Eaves)

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

- Item 25. [Docket No. 2009-1395-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Eagle Rock Field Services, L.P. in Moore County**; RN100225549; 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. (Suzanne Walrath, Laurie Eaves)

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

DRY CLEANER ENFORCEMENT AGREED ORDER

- Item 26. [Docket No. 2009-1472-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James W. Weaver dba Val-U Cleaners in Tarrant County**; RN103967378; for dry cleaner violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Laurie Eaves)

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

DRY CLEANER ENFORCEMENT DEFAULT ORDER

Item 27. [Docket No. 2008-1130-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Hong Nguyen dba Lee Dry Cleaners III** in **Harris County**; TCEQ ID No. RN104096680; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Rebecca M. Combs, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 28. [Docket No. 2009-1685-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hanson Aggregates West LLC** in **Comal County**; RN102541612; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Laurie Eaves)

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

Item 29. [Docket No. 2009-1255-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **RTI Hot Mix, LTD.** in **Williamson County**; RN102731486; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, Laurie Eaves)

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

Item 30. [Docket No. 2009-1508-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bell 11700, Ltd.** in **Travis County**; RN105733356; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

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

FIELD CITATIONS

Item 31. [Docket No. 2009-1916-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **David Gillott** in **Wise County**; RN105796684; for occupational licensing violations pursuant to Tex. Water Code ch. 37, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 32. [Docket No. 2009-1959-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **J&J Prairie Oaks Ranch, LLC dba Prairie Oaks Ranch** in **Montague County**; RN105817720; for water rights violations pursuant to Tex. Water

Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Cari-Michel La Caille)

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

- Item 33. [Docket No. 2009-1957-WR-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **J.R. Thompson, Inc. dba Running N Ranch Industrial Complex** in **Montague County**; RN104679329; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Cari-Michel La Caille)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

- Item 34. [Docket No. 2009-1673-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Linde North America, Inc.** in **Leon County**; RN101659969; 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, Laurie Eaves)

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

- Item 35. [Docket No. 2009-1308-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **VAM USA** in **Harris County**; RN105378178; 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, Laurie Eaves)

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

- Item 36. [Docket No. 2009-1266-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Western Dairy Transport, L.P.** in **Erath County**; RN101261097; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDERS

- Item 37. [Docket No. 2009-1053-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Mack A. Tims dba Texas Lawn Ranger** in **Bell County**; TCEQ ID No. RN105735252; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Sharesa Y. Alexander, Lena Roberts)

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

Item 38. [Docket No. 2009-0953-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Craig Schnieder in Bell County**; TCEQ ID No. RN105706402; for landscape irrigation installer violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

Remanded to the Executive Director.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 39. [Docket No. 2009-1422-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Irion County in Irion County**; RN105789614; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 40. [Docket No. 2009-1315-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **S.L.C. Water Supply Corporation in Limestone County**; RN101265908; for public water supply and water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Clausewitz, Laurie Eaves)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 41. [Docket No. 2009-1477-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Absolutely Outdoors, Ltd. dba Seber Lane Recycling Center in Harris County**; RN105659361; 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. (Rajesh Acharya, Laurie Eaves)

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

Item 42. [Docket No. 2008-1870-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Frank Roberts and Linda Roberts in Bosque County**; TCEQ ID No. 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. (Steven M. Fishburn, Lena Roberts)

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

Item 43. [Docket No. 2009-1384-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Richard Tomlin and Vicki Tomlin in Shelby County**; RN103000055; 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. (Danielle Porras, Laurie Eaves)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 44. [Docket No. 2009-1511-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kaufman County Municipal Utility District No. 12 in Kaufman County**; RN104136924; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Evette Alvarado, Laurie Eaves)

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

Item 45. [Docket No. 2009-1520-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Real Holdings Group, LLC in Lee County**; RN103124202; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 46. [Docket No. 2009-1228-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Wortham in Freestone County**; RN102844362; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Laurie Eaves)

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

Item 47. [Docket No. 2009-1428-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against 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. (Harvey Wilson, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 48. [Docket No. 2009-0282-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Preston/Mery Properties, Inc. in Wilson County**; TCEQ ID No. RN102234168; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26

and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

Item 49. [Docket No. 2009-1416-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Petroleum Wholesale, L.P. dba Sunmart 154** in **Harris County**; RN102027331; 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. (Elvia Maske, Laurie Eaves)

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

Item 50. [Docket No. 2009-1232-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **PostOak Retailer's Inc. dba Welcome Food Mart** in **Fort Bend County**; RN102372299; 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. (Thomas Greimel, Laurie Eaves)

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

Item 51. [Docket No. 2008-1255-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hankamer Ventures, L.P. dba D.J.'s Country Store** in **Chambers County**; TCEQ ID No. RN102039450; 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. (Steven M. Fishburn, Lena Roberts)

Remanded to the Executive Director. CR/BG; all agree.

Item 52. [Docket No. 2009-1500-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **FUELCON MANAGEMENT LLC dba Horizon** in **Denton County**; RN102726718; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, 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, Laurie Eaves)

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

Item 53. [Docket No. 2009-1209-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **HITCHCOCK BUSINESS INC. dba Power Mart 11** in **Galveston County**; RN101822864; 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. (Wallace Myers, Laurie Eaves)

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

Item 54. [Docket No. 2009-1665-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **EL PASO-LOS ANGELES LIMOUSINE EXPRESS, INC.** in **El Paso County**; RN101655306; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Theresa Hagood, Laurie Eaves)

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

Item 55. [Docket No. 2009-0829-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Federal Aviation Administration** in **Bexar County**; RN104783832; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 56. [Docket No. 2009-1409-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **W & J INVESTMENT, INC. dba All Days Chevron Store** in **Harris County**; RN101193258; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 57. [Docket No. 2008-0565-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Maulesh Shah dba Speedy Mart** in **Denton County**; RN102474400; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Greimel, Laurie Eaves)

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

Item 58. [Docket No. 2009-1667-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Andres Payan dba Payan's Tourist Service** in **El Paso County**; RN102865052; 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, Laurie Eaves)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 59. [Docket No. 2009-1370-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Alisha Ann Dunkin** in **Hood County**; TCEQ ID No. RN101543999; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sharesa Y. Alexander, Lena Roberts)

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

- Item 60. [Docket No. 2009-1231-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Luther Yarbrough** and **Edwina Yarbrough** in Harris County; TCEQ ID No. RN103190302; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 61. [Docket No. 2009-1686-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Salem-Elm Ridge Water Supply Corporation** in **Milam County**; RN101453157; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Laurie Eaves)

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

- Item 62. [Docket No. 2009-1452-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cross Country Water Supply Corporation** in **McLennan County**; RN101439438; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Laurie Eaves)

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

- Item 63. [Docket No. 2009-1660-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **East Crawford Water Supply Corporation** in **McLennan County**; RN101436418; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Laurie Eaves)

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

- Item 64. [Docket No. 2009-1560-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Crystal City** in **Zavala County**; RN101242162; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Laurie Eaves)

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

- Item 65. [Docket No. 2009-1274-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jack Vanover and Rhonda Vanover dba Casey Homes Estates Public Water Supply** in **Lubbock County**; RN102679305; 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. (Stephen Thompson, Cari-Michel La Caille)

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

Item 66. [Docket No. 2009-1458-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Milam Water Supply Corporation in Milam County**; RN102681889; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Laurie Eaves)

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

Item 67. [Docket No. 2009-1550-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Spring Valley Water Supply Corporation in McLennan County**; RN101225761; 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, Laurie Eaves)

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

Item 68. [Docket No. 2009-1465-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bryan in Brazos County**; RN101217917; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

Item 69. [Docket No. 2009-1459-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Prairie Hill Water Supply Corporation in Limestone County**; RN101459592; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Laurie Eaves)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 70. [Docket No. 2009-1123-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **AMK Properties L L C in Frio County**; TCEQ ID No. RN105216725; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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

SLUDGE ENFORCEMENT AGREED ORDER

Item 71. [Docket No. 2009-1659-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SEPTIC HYDRO-TEC, INC.** in **Polk County**; RN103151155; for water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Evette Alvarado, Laurie Eaves)

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

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT DEFAULT ORDER

Item 72. [Docket No. 2009-1633-WOC-E](#). Consideration of a Default Order assessing administrative penalties against **Gregory L. Popko** in **Dallas County**; TCEQ ID No. RN103500948; for occupational license violations pursuant to Tex. Water Code chs. 7 and 37, 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. CR/BG; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 73. [Docket No. 2009-0855-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **RP25 Development, LP** in **Tarrant County**; RN105245013; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, Laurie Eaves)

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

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 74. [Docket No. 2009-0690-WQ-E](#). Consideration of a Default Order assessing administrative penalties against **Ali Farasat dba Alpine Used Auto Parts** in **Fort Bend County**; TCEQ ID No. RN103181103; 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. (Gary K. Shiu, Lena Roberts)

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

STATE IMPLEMENTATION PLANS AND RULE MATTERS

Item 75. [Docket No. 2009-0843-RUL](#). Consideration of the adoption of amendments to **30 Texas Administrative Code (TAC) Chapter 115**, Control of Air Pollution from Volatile Organic Compounds, Subchapter E, Solvent-Using Processes, Division 4, Offset Lithographic Printing, Sections 115.440, 115.442, 115.443, 115.445, 115.446, and 115.449 and adoption of new Section 115.441, and corresponding revisions to the state implementation plan. The adoption will affect offset lithographic printing operations in the Dallas-Fort Worth and Houston-Galveston-Brazoria 1997 eight-hour ozone nonattainment areas. The adopted rulemaking will further reduce the volatile organic compound content limits of fountain solutions and continue to

limit the volatile organic compound content of cleaning solutions used by sources that are subject to the existing Chapter 115 rules. The adopted rulemaking will also limit the volatile organic compound content of fountain and cleaning solutions used by certain sources that are exempt from the existing Chapter 115 rules. The proposed rules were published in the October 9, 2009, issue of the *Texas Register* (34 TexReg 7015). (Frances Dowiak, Amy Browning) (Rule Project No. 2008-019-115-EN)

Adopt the proposed amendments to 30 TAC Chapter 115; the proposed new 30 TAC 115.441 and corresponding revisions to the state implementation plan as recommended by the Executive Director. BG/CR; all agree.

Item 76. [Docket No. 2009-1127-SIP](#). Consideration of the adoption of a revision to the State Implementation Plan (SIP) for the **Control of Ozone Air Pollution applicable to the Dallas-Fort Worth (DFW) 1997 Eight-Hour Ozone Nonattainment Area** (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties): The DFW Reasonably Available Control Technology (RACT) Update, 30 TAC Chapter 117 Rule Revision Noninterference Demonstration, and Modified Failure-to-Attain Contingency Plan SIP Revision. This SIP revision contains elements and actions required by the Federal Clean Air Act (FCAA), including a DFW Volatile Organic Compounds (VOC) RACT Update, the incorporation of revisions to 30 TAC Chapters 115 and 117 into the Texas SIP, a demonstration of noninterference with the SIP for the Chapter 117 rule revision, and a modified failure-to-attain contingency plan. (Mary Ann P. Cook, Terry Salem) (Rule Project No. 2009-021-SIP-NR)

Adopt the revisions to the state implementation plan for the control of ozone air pollution applicable to the Dallas-Fort Worth 1997 8-hour ozone nonattainment area including the reasonably available control technology update and 30 TAC Chapter 117 rule revision noninterference demonstration and modified failure-to-attain contingency plan. CR/BG; all agree.

Item 77. [Docket No. 2009-0932-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 101**, Subchapter A, General Rules, Section 101.1; and Subchapter H, Emissions Banking and Trading, Division 6, Highly Reactive Volatile Organic Compound (HRVOC) Emissions Cap and Trade Program, Sections 101.390 - 101.394, 101.396, and 101.399 - 101.401; and corresponding revisions to the state implementation plan. The adoption will reduce the total cap amount of HRVOC allowances and revise the allocation methodology of allowances for participants of the HRVOC Emissions Cap and Trade Program in Harris County. The adopted rulemaking will also update the definition of volatile organic compound to link the 30 TAC definition with the current definition in the 40 Code of Federal Regulations, and correct the reportable quantity for 1,1,1,2,3,3,3-heptafluoropropane. The proposed rules were published in the October 9, 2009, issue of the *Texas Register* (34 TexReg 6989). (Jay Tonne, Amy Browning) (Rule Project No. 2009-006-101-EN)

Adopt the proposed amendments to Sections 101.1, 101.390-101.394, 101.396 and 101.399-101.401 regarding the Highly Reactive Volatile Organic Compound Emissions Cap and Trade Program in Harris County and corresponding revisions to the state implementation plan. CR/BG; all agree.

Item 78. [Docket No. 2009-0867-RUL](#). Consideration of the adoption of amendments to **30 TAC Chapter 101**, General Air Quality Rules, Subchapter H, Emissions Banking and Trading, Division 3, Mass Emissions Cap and Trade Program, Sections 101.350, 101.351, and 101.353,

and corresponding revisions to the state implementation plan. The adopted amendments to Sections 101.350 and 101.351 will revise the definition of "Uncontrolled design capacity" to provide additional flexibility for certain stationary diesel engines and clarify both site and facility applicability. In addition, the adoption of the amendment to Section 101.353 will maintain the integrity of the nitrogen oxides (NO_x) cap in the Houston-Galveston-Brazoria ozone nonattainment area and minimize increases in the NO_x cap by discontinuing the acceptance of late ECT-3 forms, Level of Activity Certification, from major sources of NO_x submitted after March 30, 2010. The proposed rules were published in the October 9, 2009, issue of the *Texas Register* (34 TexReg 7009). (Brandon Greulich, Amy Browning) (Rule Project No. 2009-019-101-EN)

Adopt the proposed amendments to 30 TAC Chapter 101, General Air Quality Rules, Subchapter H, Emissions Banking and Trading, Mass Emissions Cap and Trade Program and corresponding revisions to the state implementation plan. CR/BG; all agree.

Item 79. **Docket No. 2009-0802-SIP**. Consideration of the adoption of the **Houston-Galveston-Brazoria (HGB) Attainment Demonstration State Implementation Plan (SIP) Revision for the 1997 Eight-Hour Ozone Standard**. The adoption will contain Federal Clean Air Act-required SIP elements, including a photochemical modeling analysis, a weight of evidence analysis, a reasonably available control technology analysis, a reasonably available control measures analysis, a motor vehicle emissions budget for 2018, and a contingency plan. In addition, the Houston-Galveston Area Council has committed to emissions reductions through the Voluntary Mobile Emission Reduction Program and implementation of transportation control measures in the eight HGB nonattainment counties (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties). (Lola Brown, John Minter) (Rule Project No. 2009-017-SIP-NR)

Adopt the Houston-Galveston-Brazoria Attainment Demonstration State Implementation Plan for the 1997 Eight-Hour Ozone Standard. CR/BG; all agree.

Item 80. **Docket No. 2009-0801-SIP**. Consideration of the adoption of revisions to the **Houston-Galveston-Brazoria (HGB) Reasonable Further Progress (RFP) State Implementation Plan (SIP) Revision for the 1997 Eight-Hour Ozone Standard**. The adoption will demonstrate that an 18 percent emissions reduction requirement will be met for the analysis period of 2002 to 2008, 9 percent between 2009 and 2011, 9 percent between 2012 and 2014, 9 percent between 2015 and 2017, 3 percent in 2018, and 3 percent for contingency purposes. The HGB RFP SIP revision will establish baseline emission levels, calculate reduction targets, identify control strategies to meet emission target levels, and track actual emission reductions against established emissions growth and control budgets. This revision will also include motor vehicle emission budgets (MVEB) for the milestone years 2008, 2011, 2014, 2017, and 2018. No new on-road mobile source controls have been adopted as part of the plan. However, on-road mobile source emissions inventories have been updated using the latest available data and the United States Environmental Protection Agency's MOBILE6 inventory development tool. As a result of the required mobile source emission inventory updates, the MVEB are updated as part of this SIP revision. (Walker Williamson, Terry Salem) (Rule Project No. 2009-018-SIP-NR)

Adoption of revisions to Houston-Galveston-Brazoria Area 1997 Eight-Hour Ozone Nonattainment Reasonable Further Progress State Implementation Plan. CR/BG; all agree.

Item 81. **Docket No. 2009-1978-RUL.** Consideration for publication of, and hearing on a proposed amendment to Section 106.283, Grain Handling, Storage, and Drying, of **30 TAC Chapter 106**, Permits by Rule; and the proposed repeal of Section 106.302, Portable Pipe Reactor. The proposed rulemaking would repeal Section 106.302 in its entirety, and revise Section 106.283 to exclude the authorization of commercial grain handling facilities. (Michael Wilhoit, Christine Angeletti) (Rule Project No. 2009-025-106-PR)

Approve publication of, and hearing on the proposed amendments to 30 TAC Section 106.283 and the proposed repeal of Section 106.302 as recommended by the Executive Director. BG/CR; all agree.

Item 82. **Docket No. 2009-0987-RUL.** Consideration for publication of, and hearing on, proposed amendments to Sections 291.31 and 291.34 of **30 TAC Chapter 291**, Utility Regulations. The proposed rulemaking would implement changes to Texas Water Code, Section 13.131 made by Senate Bill (SB) 2306 from the 81st Legislature, 2009, Regular Session. SB 2306 requires the commission by rule to allow water and/or sewer utilities to claim the book cost less net salvage of depreciable utility plant retired be charged in its entirety to the accumulated depreciation account, consistent with accounting treatment of regulated electric and gas utilities in this state. (Brian Dickey, Brian MacLeod) (Rule Project No. 2009-042-291-OW)

Approve publication of, and hearing on proposed amendments to 30 TAC Chapter 291 to implement Senate Bill 2306 as recommended by the Executive Director. BG/CR; all agree.

EXECUTIVE MEETING

Item 83. **Docket No. 2010-0001-EXE.** The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

Item 84. **Docket No. 2010-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

Item 85. **Docket No. 2010-0003-EXE.** The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission

may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in an Executive Meeting.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: [HTTP://WWW.TEXASADMIN.COM/cgi-bin/tnrcc.cgi](http://www.texasadmin.com/cgi-bin/tnrcc.cgi)

/s/ Tracy Gross
Assistant General Counsel,
Tracy Gross

3/12/10
Date