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

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

AGENDA

Tuesday, March 30, 2010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

12100 Park 35 Circle
Room 201S, Bldg. E

PROPOSAL FOR DECISION

- Item 1. [TCEQ Docket No. 2007-1885-PST-E; SOAH Docket No. 582-09-2308](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Julius L. Brooks in Midland County**, Texas; PST Registration No. 48211; TCEQ ID No. RN101877173; 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. 60. The Commission will also consider timely filed exceptions and replies. (Stephanie Frazee)

Adopt the ALJ's proposed Order with the changes recommended by the Executive Director. CR/BG; all agree.

HEARING REQUEST/REQUEST FOR RECONSIDERATION

- Item 2. [Docket No. 2009-1832-DIS](#). Consideration of a petition from Cactus Canyon Quarries, Inc., Sandra L. Carl, Richard Hoepfner, and Kathy McDonald (Petitioners), for the creation of **Backbone Creek MUD No. 1 in Burnet County**, Texas, pursuant to Texas Water Code Chapters 49 and 54. The proposed District would contain approximately 103 acres of land in Burnet County, approximately five miles north of the City of Marble Falls, and wholly located within Burnet County. None of the land to be included in the proposed District is within the corporate boundaries or extraterritorial jurisdiction of any city, town, or village in Texas. The Commission will also consider hearing requests and related responses and replies. (James Aldredge, Ruben Soto)

Grant the hearing request of the Timber Ridge Property Owners Association, Inc.; set a hearing duration of 9 months from the preliminary hearing to issuance of the proposal for decision; refer the matter to ADR concurrent with the scheduling period of the State Office of Administrative Hearings preliminary hearing; and direct the Executive Director to participate in the contested case hearing at the State Office of Administrative Hearings. BG/CR; all agree.

GENERAL PERMIT

Item 3. [Docket No. 2010-0120-IWD](#). Consideration of issuance of a renewed and amended **General Permit No. TXG670000**, which authorizes on a state wide basis, the discharge of hydrostatic test water into or adjacent to water in the state subject to specific effluent limitations, monitoring requirements and other conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the Commission of the TCEQ. This permit specifies which facilities may be covered under this general permit. (Yvonna Miramontes, Robert Brush)

Adopt the proposed resolution issuing general permit no. TXG670000 as recommended by the Executive Director. CR/BG; all agree.

MISCELLANEOUS MATTER

Item 4. [Docket No. 2010-0047-MIS](#). Consideration of the adoption of revisions to **Texas Emissions Reduction Plan: Guidelines for Emissions Reduction Incentive Grants** (RG-388) ("Guidelines") in accordance with Texas Health and Safety Code, Chapter 386. The revisions to the Guidelines implement changes to the Texas Emissions Reduction Plan (TERP) as authorized in House Bill 1796, 81st Texas Legislature, 2009. The Executive Director also proposes additional revisions to the Guidelines. Copies of the draft revised Guidelines were made available for public comment in accordance with the provisions of Texas Health and Safety Code, Section 386.053. The Commission received comments on the proposed revisions to the Guidelines. Those comments have been considered and responded to in the Executive Director's Response to Comments. (Steve Dayton, Ben Rhem)

Adopt the Executive Director's proposed revisions to Texas Emissions Reduction Plan: Guidelines for Emissions Reduction Incentive Grants. BG/CR; all agree.

STANDARD PERMITS

Item 5. [Docket No. 2010-0185-AIR](#). Consideration of the issuance of a new air quality standard permit under 30 TAC Chapter 116, Subchapter F, Standard Permits. The new standard permit would authorize **Grain Elevators/Grain Handling Operations and Portable Grain Augers**. Notice of the proposed standard permit was published in the November 6, 2009, issue of the *Texas Register*. (Michael Wilhoit, Douglas Brown)

Approve the issuance of the standard permit and the Executive Director's corresponding Response to Comments as recommended by the Executive Director. CR/BG; all agree.

Item 6. [Docket No. 2010-0186-AIR](#). Consideration of the issuance of a new air quality standard permit under 30 TAC Chapter 116, Subchapter F, Standard Permits. The new standard permit would

authorize **Dry Bulk Fertilizer Handling Operations**. Notice of the proposed standard permit was published in the November 6, 2009, issue of the *Texas Register*. (Michael Wilhoit, Douglas Brown)

Approve the issuance of the standard permit and the Executive Director's corresponding Response to Comments as recommended by the Executive Director. CR/BG; all agree.

Item 7. [Docket No. 2010-0187-AIR](#). Consideration of the issuance of a new air quality standard permit under 30 TAC Chapter 116, Subchapter F, Standard Permits. The new standard permit would authorize **Peanut Handling Operations**. Notice of the proposed standard permit was published in the November 6, 2009, issue of the *Texas Register*. (Michael Wilhoit, Douglas Brown)

Approve the issuance of the standard permit and the Executive Director's corresponding Response to Comments as recommended by the Executive Director. CR/BG; all agree.

Item 8. [Docket No. 2010-0188-AIR](#). Consideration of the issuance of a new air quality standard permit under 30 TAC Chapter 116, Subchapter F, Standard Permits. The new standard permit would authorize **Temporary and Permanent Polyphosphate Blenders**. Notice of the proposed standard permit was published in the November 6, 2009, issue of the *Texas Register*. (Michael Wilhoit, Christine Angeletti)

Approve the issuance of the standard permit and the Executive Director's corresponding Response to Comments as recommended by the Executive Director. CR/BG; all agree.

Item 9. [Docket No. 2010-0189-AIR](#). Consideration of the issuance of a new air quality standard permit under 30 TAC Chapter 116, Subchapter F, Standard Permits. The new standard permit would authorize **Feedmills, Portable Augers, and Hay Grinders**. Notice of the proposed standard permit was published in the November 6, 2009, issue of the *Texas Register*. (Michael Wilhoit, Douglas Brown)

Approve the issuance of the standard permit and the Executive Director's corresponding Response to Comments as recommended by the Executive Director. CR/BG; all agree.

Item 10. [Docket No. 2010-0190-AIR](#). Consideration of the issuance of a new air quality standard permit under 30 TAC Chapter 116, Subchapter F, Standard Permits. The new standard permit would authorize **Cotton Gin Facilities and Cotton Burr Tub Grinders**. Notice of the proposed standard permit was published in the November 6, 2009, issue of the *Texas Register*. (Michael Wilhoit, Christine Angeletti)

Approve the issuance of the standard permit and the Executive Director's corresponding Response to Comments as recommended by the Executive Director. CR/BG; all agree.

Item 11. [Docket No. 2010-0191-AIR](#). Consideration of the issuance of a new air quality standard permit under 30 TAC Chapter 116, Subchapter F, Standard Permits. The new standard permit would authorize **Anhydrous Ammonia Storage and Distribution Operations**. Notice of the proposed standard permit was published in the November 6, 2009, issue of the *Texas Register*. (Michael Wilhoit, Christine Angeletti)

Approve the issuance of the standard permit and the Executive Director's corresponding Response to Comments as recommended by the Executive Director. CR/BG; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 12. [Docket No. 2009-1249-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Franciscus Berdine Gerrits dba Gerrits Dairy in Wood County**; RN101512192; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Laurie Eaves)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 13. [Docket No. 2009-1113-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Magnum Blue Ribbon Feeds, Inc. in Deaf Smith County**; RN101925196; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

Item 14. [Docket No. 2009-1432-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Eagle Rock Field Services, L.P. in Gray County**; RN100211275; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Laurie Eaves)

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

Item 15. [Docket No. 2009-1722-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Norit Americas, Inc. in Harrison County**; RN102609724; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Laurie Eaves)

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

Item 16. [Docket No. 2009-1466-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Chevron Phillips Chemical Company LP in Orange County**; RN100215615; 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. (Raymond Marlow, Laurie Eaves)

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

Item 17. [Docket No. 2009-1538-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Invista S.a.r.l.** in **Harris County**; RN104244942; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Laurie Eaves)

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

Item 18. [Docket No. 2009-1501-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Orange County Container Group LLC** in **Kaufman County**; RN100754779; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Laurie Eaves)

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

Item 19. [Docket No. 2009-1084-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **INEOS USA LLC** in **Brazoria County**; RN100238708; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Cari-Michel La Caille)

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

Item 20. [Docket No. 2009-1582-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **TIN Inc. dba Temple-Inland** in **Jasper County**; RN100217132; 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. (Miriam Hall, Laurie Eaves)

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

Item 21. [Docket No. 2009-1251-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Dow Chemical Company** in **Brazoria County**; RN100225945; 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. BG/CR; all agree.

Item 22. [Docket No. 2009-1581-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lyondell Chemical Company** in **Harris County**; RN100633650; 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. (Miriam Hall, Laurie Eaves)

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

Item 23. [Docket No. 2009-1396-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Eagle Rock Field Services, L.P.** in **Hemphill County**; RN100227289; 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. BG/CR; all agree.

Item 24. [Docket No. 2008-1123-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Chambers County**; RN100224377; 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. BG/CR; all agree.

Item 25. [Docket No. 2009-1718-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP** in **Panola County**; RN102805272; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kirk Schoppe, Laurie Eaves)

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

Item 26. [Docket No. 2009-1341-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Helena Chemical Company** in **Palo Pinto County**; RN105731848; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Laurie Eaves)

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

Item 27. [Docket No. 2009-1549-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Equistar Chemicals, LP** in **Harris County**; RN102926920; 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. BG/CR; all agree.

Item 28. [Docket No. 2009-1427-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Leading Edge Aviation Services, Inc.** in **Potter County**; RN100611201; 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. BG/CR; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

- Item 29. [Docket No. 2009-1908-EAO-E](#). Consideration of an Agreed Order assessing administrative penalties against **Comal County in Comal County**; RN105798151; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Thomas Jecha, P.G., Laurie Eaves)

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

FIELD CITATIONS

- Item 30. [Docket No. 2009-2044-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Scott Passmore in Parker County**; RN105725949; 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, Laurie Eaves)

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

- Item 31. [Docket No. 2009-1874-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **David Besser Homes, LLC in Rockwall County**; RN105584668; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Cari-Michel La Caille)

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

- Item 32. [Docket No. 2009-1873-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **DECOTY COFFEE COMPANY in Tom Green County**; RN102562840; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Cari-Michel La Caille)

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

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

- Item 33. [Docket No. 2009-1221-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Exxon Mobil Corporation in Harris County**; RN102579307; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 34. [Docket No. 2009-1220-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Coston & Son, Inc.** in **Lamar County**; RN101874030; 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, Cari-Michel La Caille)

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

Item 35. [Docket No. 2009-1006-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Knife River Corporation - South** in **Orange County**; RN101829992; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Laurie Eaves)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 36. [Docket No. 2009-0614-IWD-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Herlinda Deleon Enterprises, Inc.** in **Lubbock County**; RN105594097; 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. (Tammy L. Mitchell, Lena Roberts)

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

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 37. [Docket No. 2009-1330-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Gary Blackwood** in **Tarrant County**; RN105774616; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Keith Frank, Laurie Eaves)

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

Item 38. [Docket No. 2009-1768-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Guillermo Romero** in **Harris and Galveston Counties**; RN103591400; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (John Shelton, Laurie Eaves)

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

Item 39. [Docket No. 2009-1530-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Juan Loya dba The Weekenders Complete Lawn Service** in **Tarrant County**; RN105767420; for occupational licensing violations pursuant to

Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Philip Aldridge, Laurie Eaves)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 40. [Docket No. 2009-1339-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **West Body Shop, Inc. in Randall County**; RN101942803; for municipal solid waste and underground injection control violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 27, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

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

Item 41. [Docket No. 2009-0716-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Glen L. Grandy, Jr. dba S & M Vacuum & Liquid Waste Processing Facility in Bell County**; RN102888872; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Cari-Michel La Caille)

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

Item 42. [Docket No. 2009-1336-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PREMIER RECYCLERS, L.L.C. in Jasper County**; RN105196786; for municipal solid waste and used oil violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Theresa Hagood, Laurie Eaves)

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

Item 43. [Docket No. 2008-0882-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mooney Airplane Company, Inc. in Kerr County**; RN100214758; for industrial and hazardous waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Cari-Michel La Caille)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 44. [Docket No. 2009-1085-MLM-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Gilbert Rodriguez, Sr. in Atascosa County**; RN105726830; for municipal solid waste and air quality violations pursuant to Tex. Water Code

ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 45. [Docket No. 2009-1332-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Randy Buxton** in **Newton County**; RN105146518; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 46. [Docket No. 2009-1302-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Mart** in **McLennan County**; RN102079274; 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, Cari-Michel La Caille)

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

Item 47. [Docket No. 2009-1267-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Buffalo** in **Leon County**; RN101917540; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Laurie Eaves)

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

Item 48. [Docket No. 2009-0143-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **D & K Development Corp.** in **Tarrant County**; RN102287109; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

Item 49. [Docket No. 2009-1774-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Henrietta** in **Clay County**; RN101610939; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

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

- Item 50. [Docket No. 2009-1641-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Maypearl in Ellis County**; RN101612612; 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. (Samuel Short, Laurie Eaves)

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

- Item 51. [Docket No. 2009-1303-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 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, Laurie Eaves)

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

- Item 52. [Docket No. 2009-1814-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Gonzales in Gonzales County**; RN101917169; 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. (Carlie Konkol, Laurie Eaves)

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

- Item 53. [Docket No. 2009-1569-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ellinger Sewer and Water Supply Corporation in Fayette County**; RN101529022; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jordan Jones, Laurie Eaves)

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

- Item 54. [Docket No. 2009-1401-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hempstead in Waller County**; RN101920692; 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, Cari-Michel La Caille)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

- Item 55. [Docket No. 2009-1537-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sac-N-Pac Stores, Inc. dba Sac-N-Pac 108 in Hays County**; RN102921533; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of

the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 56. [Docket No. 2009-1723-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **B & Y Enterprise Inc dba B & Y Grocery** in **Harris County**; RN102007713; 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. (Philip Aldridge, Laurie Eaves)

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

Item 57. [Docket No. 2008-1945-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sook Park dba Park & Buy** in **Nueces County**; RN102991403; 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. (Laurencia Fasoyiro , Lena Roberts)

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

Item 58. [Docket No. 2008-0094-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Inara Convenience Inc. dba Rosedale Texaco and dba Flip In Market** in **Tarrant County**; RN101534790 and RN101539963; 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. (Jim Sallans, Lena Roberts)

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

Item 59. [Docket No. 2009-1411-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **GTE Southwest Incorporated** in **Collin County**; RN100697234; 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, Laurie Eaves)

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

Item 60. [Docket No. 2009-1630-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **TORI ROSE LAND, INC. dba Millen Oil Company** in **Collin County**; RN102396884; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Laurie Eaves)

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

Item 61. [Docket No. 2009-1102-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Ella L. Lind** in **Travis County**; RN105278824; 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. (Gary K. Shiu, Lena Roberts)

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

Item 62. [Docket No. 2008-1564-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Farhan Memon dba Peachtree in Dallas County**; RN102223435; for petroleum storage tank violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Lena Roberts)

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

Item 63. [Docket No. 2008-1667-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hina Enterprises, Inc. dba OJS Mobil Mart in Orange County**; RN101914026; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 64. [Docket No. 2009-1588-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lee A. Walker and T-MC LLC in Val Verde County**; RN105700918; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Theresa Hagood, Laurie Eaves)

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

Item 65. [Docket No. 2009-1349-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **TARPLEY, INC. dba Texaco Distributing of SW Texas in Medina County**; RN102008422; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Laurie Eaves)

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

Item 66. [Docket No. 2009-1655-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **THE MACHI CORPORATION in Tarrant County**; RN101549822; 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. (Tate Barrett, Laurie Eaves)

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

Item 67. [Docket No. 2009-1645-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **AVAIS ENTERPRISES, INC. dba New Shop-N-Drive in Galveston County**; RN101801926; 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. (John Shelton, Laurie Eaves)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 68. [Docket No. 2008-0716-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Arnold J. Garcia in Frio County**; RN101836021; 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. (Tammy L. Mitchell, Lena Roberts)

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

Item 69. [Docket No. 2009-1311-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **V D N ENTERPRISES, INC. dba Ridgewood Mart in Liberty County**; RN101446938; 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. (Sharesa Y. Alexander, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 70. [Docket No. 2009-1732-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Wallace Allen Raynor dba Sun Acres Mobile Home Park in Gregg County**; RN101204097; 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. BG/CR; all agree.

Item 71. [Docket No. 2009-0695-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Blanca Cruz dba Las Mananitas Mexican Restaurant in Bandera County**; RN104709944; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephanie J. Frazee, Lena Roberts)

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

Item 72. [Docket No. 2009-1658-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Al's Investments, Inc. in Wise County**;

RN104709803; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Laurie Eaves)

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

Item 73. [Docket No. 2009-1728-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Berryville in Henderson County**; RN101390003; 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. BG/CR; all agree.

Item 74. [Docket No. 2009-1746-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **The Consolidated Water Supply Corporation in Houston County**; RN101442614; 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. BG/CR; all agree.

Item 75. [Docket No. 2009-1374-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Tom Green County Fresh Water Supply District 2 in Tom Green County**; RN101426047; 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, Cari-Michel La Caille)

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

Item 76. [Docket No. 2009-1628-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Trinidad in Henderson County**; RN101386514; 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. BG/CR; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 77. [Docket No. 2009-1092-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Custom Water Co., L.L.C. in Montague County**; RN104210885; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tracy Chandler, Lena Roberts)

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

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT DEFAULT ORDERS

- Item 78. [Docket No. 2009-1094-WOC-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Susan Richter** in **Burnet County**; RN105740369; for occupational certification 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. (Rebecca M. Combs, Lena Roberts)

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

- Item 79. [Docket No. 2009-0905-WOC-E](#). Consideration of a Default Order assessing administrative penalties against **John L. Moore** in **McClennan County**; RN103747317; 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. (Stephanie J. Frazee, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

- Item 80. [Docket No. 2009-1850-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Beaumont** in **Jefferson County**; RN105813034; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Laurie Eaves)

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

- Item 81. [Docket No. 2009-1578-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Capital One, National Association** in **Smith County**; RN105158398; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Laurie Eaves)

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

- Item 82. [Docket No. 2009-1307-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **L. Guerrero & Sons Ready-Mix Company** in **Fort Bend County**; RN102556719; 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. BG/CR; all agree.

RULE MATTERS

Item 83. [Docket No. 2008-1661-RUL](#). Consideration for publication of, and hearing on, proposed amendments to **30 Texas Admin. Code (TAC) Chapter 328**, Waste Minimization and Recycling, Subchapter F, Management of Used or Scrap Tires, Sections 328.52, 328.55, 328.60, 328.63, 328.66, 328.69, 328.70 and 328.71; and repeal of Sections 328.67 and 328.68. The proposed rulemaking would require applicants to provide additional information and to request input from local government authorities as a part of an application for a land reclamation project using tires (LRPUT) or for a scrap tire facility. Groundwater districts would be added to the list of entities to be notified of LRPUT applications. Applicants would be required to provide proof of notice to local government officials and the executive director would be prohibited from authorizing a facility if a local government provides timely notice that a proposed facility does not comply with local requirements. Other proposed changes include: requiring a demonstration of the seasonal high groundwater level in the area, and authorizing the executive director to request additional information about groundwater levels at the site, prior to approval of a LRPUT; authorizing the executive director to request additional information or withhold authorization for a LRPUT based on protecting public health and the environment; specifying that LRPUTs are subject to annulment, suspension, revocation, denial and motions to overturn; updating the rule to refer to the Texas Commission on Environmental Quality rather than the Texas Natural Resource Conservation Commission; allowing submittal of electronic application documents; clarifying the requirement to split, quarter or shred off-the-road tires before disposal; and administrative changes including updating references to the Texas Commission on Environmental Quality rather than the Texas Natural Resource Conservation Commission, allowing submittal of electronic application documents, updating address information, and updating references to the Chapter 50 rules. This proposed rulemaking would also repeal outdated portions of the rules. (Brooke Jackson, Steve Shepherd) (Rule Project No. 2008-034-328-CE)

Approve the publication of, and hearing on, proposed amendments to and repealed sections of 30 TAC Chapter 328, as recommended by the Executive Director. CR/BG; all agree.

Item 84. [Docket No. 2009-1199-RUL](#). Consideration for publication of, and hearing on, amended Sections 331.2, 331.17 and 331.18; and new Sections 331.241 and 331.243 of **30 TAC Chapter 331**, Underground Injection Control. The proposed rulemaking would implement certain requirements of Senate Bill (SB) 1387, 81st Legislature, 2009, relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide. Specifically, the proposed rulemaking implements new Texas Water Code (TWC), Section 27.046, "Letter from Executive Director," and incorporates into Chapter 331 new definitions added to TWC, Section 27.002. In addition to implementing SB 1387, Sections 331.17(d)(3) and 331.18(b)(6) are being revised to specify updated citations of technical requirements for pre-injection units consistent with the Commission's repeal of Chapter 317 and replacement with Chapter 217 effective August 30, 2008. (Kathryn Flegal, Don Redmond and Diane Goss) (Rule Project No. 2009-044-331-PR)

Approve the publication of, and hearing on, amended 30 TAC Sections 331.2, 331.17 and 331.18; and new Sections 331.241 and 331.243 concerning underground injection of anthropogenic carbon dioxide. BG/CR; all agree.

Item 85. [Docket No. 2009-1775-RUL](#). Consideration for publication of proposed amendment to Section 7.117 of **30 TAC Chapter 7**, Memoranda of Understanding. The proposed rulemaking would

bring the memoranda of understanding (MOU) between the Railroad Commission of Texas (RRC) and the TCEQ into a current status including the provision of Senate Bill (SB) 1387, 81st Legislature, 2009, Regular Session, requiring an MOU between the TCEQ and RRC to identify the different jurisdictions each agency has for carbon dioxide sequestration. The MOU was last updated in May, 1998, and since that time, statutory changes and several agency reorganizations have occurred requiring the MOU to be revised. The proposed rules will clearly identify the division of jurisdiction between the two agencies over waste materials associated with the exploration for and the development, production, and refining of oil and gas. Additionally, the rulemaking will identify the jurisdiction of new waste generating activities, such as recycling and sewage. The proposed rulemaking will occur in both the TCEQ rules as well as the RRC rules; however, the specific MOU provisions are currently in 16 TAC Chapter 3, Oil and Gas Division, while Chapter 7 incorporates by reference the rules in 16 TAC Chapter 3. The RRC will be conducting a concurrent rulemaking with the TCEQ for proposal and adoption and holding a public hearing on this matter. (Kathryn Flegal, Diane Goss) (Rule Project No. 2009-055-007-PR)

Approve the publication of the proposed amendments to 30 TAC Section 7.117. BG/CR; all agree.

Item 86. [Docket No. 2009-0989-RUL](#). Consideration of the adoption of new Section 290.267, amendments to Sections 290.251 - 290.254, 290.256, and 290.260, and the repeal of Section 290.255 of **30 TAC Chapter 290**, Public Drinking Water; and the amendment to Section 291.127 of **30 TAC Chapter 291**, Utility Regulations. The adoption would implement House Bill (HB) 2667, 81st Legislature, 2009, Regular Session, concerning plumbing fixtures. The adoption clarifies and sets out the national standards of the American Society of Mechanical Engineers and American National Standards Institute by which plumbing fixtures will be produced and tested. HB 2667 establishes a phase-in of high efficiency plumbing fixtures brought into Texas, which will allow manufacturers time to change their production, at the same time allowing retailers the opportunity to turn over their inventory. HB 2667 creates an exemption for those manufacturers that volunteer to register their products with the United States Environmental Protection Agency's WaterSense Program. HB 2667 repeals the TCEQ's certification process for plumbing fixtures since the plumbing fixtures must meet national certification and testing procedures. The proposed rules were published in the October 23, 2009 issue of the *Texas Register* (34 TexReg 7299). (Scott Swanson, Robin Smith) (Rule Project No. 2009-038-290-OW)

Adopt the new Section 30 TAC 290.267 and the proposed amendments to 30 TAC Sections 290.251 – 290.254, 290.256, 290.260 and 291.127; and the repeal of Section 290.255 as recommended by the Executive Director. CR/BG; all agree.

Item 87. [Docket No. 2009-1898-RUL](#). Consideration for publication of, and hearing on, proposed new Section 116.17 and amendments to Sections 116.10, 116.111, 116.116, 116.117 and 116.118 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification; and an amendment to Section 330.983 of **30 TAC Chapter 330**, Municipal Solid Waste; and corresponding revisions to the state implementation plan (SIP). The proposed revisions to the SIP also include a supplementary document submitted as a demonstration under Federal Clean Air Act, 42 United States Code, Section 7410(l). 30 TAC Sections 116.10(5)(F), 116.111(a)(2)(K), 116.116(b)(3), and 116.117(a)(4)(B) are not proposed as revisions to the SIP. The proposed rulemaking would address deficiencies in the definition of best available control technology and deficiencies in the qualified facility air permitting program as identified by the

United States Environmental Protection Agency in the September 23, 2009 issue of the *Federal Register* (74 Federal Register 48450). (Beecher Cameron, Amy Browning) (Rule Project No. 2010-006-116-PR)

Approve the publication of, and hearing on, proposed amendments to 30 TAC Chapter 116 and 30 TAC Section 330.983; proposed new 30 TAC Section 116.17 and the corresponding revisions to the State Implementation Plan. BG/CR; all agree.

Item 88. **PUBLIC COMMENT SESSION**

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 89. **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 90. **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 91. **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/ Anne Rowland
Assistant General Counsel,
Anne Rowland

4/13/10
Date