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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

September 29, 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. 2009-0283-AIR; SOAH Docket No. 582-09-3008**](#). Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of **White Stallion Energy Center, L.L.C.**, for State Air Quality Permit No. 86088, Prevention of Significant Deterioration Air Quality Permit No. PSD-TX-1160, Plant-wide Applicability Limit Permit No. PAL26 and Hazardous Air Pollutant Major Source Permit No. HAP28, pursuant to the Texas Clean Air Act, Texas Health and Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including 30 TAC Chapter 116. The permits would authorize construction and operation of a new 1,200 net megawatt electric generation plant in **Matagorda County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments, the application, related filings, exceptions and replies. (Booker Harrison, Benjamin Rhem)

1. Adopt the ALJs' proposed Order granting White Stallion Energy Center L.L.C.'s applications for State Air Quality Permit No. 86088, PSD Air Quality Permit No. PSD-TX-1160, Hazardous Air Pollutant Major Source Permit No. HAP28, and Plant-wide Applicability Limit Permit No. PAL26, as modified by the ALJs' reply, dated August 11, 2010, with the following exceptions and additional changes:

A) delete Findings of Fact No. 312; B) modify Findings of Fact No. 314 to set the BACT limit for total PM at 0.025 lb/MMBtu for pet coke and coal, based on a 3-hour average; C) modify Findings of Fact No. 315 to set the BACT limit for PM_{2.5} at 0.025 lb/MMBtu for pet coke and 0.018 lb/MMBtu coal, based on a 3-hour average; D) modify Findings of Fact No. 338 to set the BACT limit for H₂SO₄ at 0.016 lb/MMBtu for pet coke and 0.012 lb/MMBtu for coal, based on a 3-hour average; E) adopt the following changes, as recommended by Applicant in the red-lined revised proposed Order attached to its Exceptions: add Applicant's proposed Findings of Fact No. 222(e) and 248(a); delete the ALJs' Findings of Fact No. 223 and Conclusions of Law Nos. 8, 28, 46 and 78; accept Applicant's proposed changes to the ALJs'

Conclusions of Law Nos. 7, 24 and 45; delete the ALJs' Ordering Provisions Nos. 1 and 2; and accept the Applicant's proposed Ordering Provision No. 1;

2. Adopt the Executive Director's Response to Comments to the extent it is not in conflict with the Commission's Order; and

3. Issue the draft permit as modified by the changes to the ALJs' proposed Order and make corresponding changes to the MAERT; and direct the Office of General Counsel to renumber and make conforming changes to the Order as necessary. BG/CR; all agree.

Item 2. [TCEQ Docket No. 2009-0929-UCR; SOAH Docket No. 582-09-5328](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **Deer Creek Ranch Water Co., LLC** to change its water rates and tariff charges under water Certificate of Convenience and Necessity No. 11241 in **Travis** and **Hays Counties**, Texas; pursuant to Tex. Water Code ch. 13 and the rules of the Texas Commission on Environmental Quality in 30 Tex. Admin. Code ch. 291. The Commission will also consider the application, related filings, record evidence and exhibits, exceptions and replies. (Brian MacLeod, Brian Dickey, Elsie Pascua)

Remand the item for the purpose of analyzing any additional evidence needed to allow the parties and the ALJ to calculate and report the missing amounts left blank in the ALJ's amended proposed Order, including the total refund/credit amounts due to the customers to cover over-charges plus interest over 17 months for the customer refund; the ALJ should use 0.61% for the interest rate; direct the ALJ and the parties to make their final calculation based on the ALJ's recommendations in this PFD and Reply to Exceptions to set the Utility's existing rates, but re-run all calculations to address any additional changes that may result from the ALJ's recommended truck depreciation change to five years; direct the ALJ to take any necessary evidence to determine whether or not the protestants ordered a copy of the transcript, the specific cost, provide a specific amount, if any, that the protestants need to pay to the applicant to reimburse their portion of the transcript cost; and include the amount in Ordering Provision No. 3; direct the ALJ to modify Conclusion of Law No. 16 and Ordering Provision No. 1 to incorporate the ALJ's recommendations; direct the ALJ to issue a revised Order that incorporates the Commission's rate decision and the additional calculations with the assistance of parties; and order the Utility to escrow any additional amounts collected over its previously approved rates during the pendency of the case during the remand until the Commission's final order under the authority of Tex. Water Code § 13.187(i) and in accordance with 30 TAC § 291.13(a). CR/BG; all agree.

HEARING REQUESTS/REQUEST FOR RECONSIDERATION

Item 3. [Docket No. 2010-0973-DIS](#). Consideration of an application by **Cape Royale Utility District** (District), in **San Jacinto County**, for approval of a standby fee. The District's application requests approval to levy a non-uniform annual standby fee to supplement its operations and maintenance account pursuant to Tex. Water Code Section 49.231. The Commission will also consider requests for hearing or reconsideration, related responses and replies, and public comment. (Craig Barnes, James Aldredge)

Grant the hearing request of Ena Starling-Wildman; deny the remaining hearing requests; refer the matter to the State Office of Administrative Hearings for a contested case hearing; direct the Executive Director to participate in the hearing. BG/CR; all agree.

Item 4. [Docket No. 2010-1308-AIR](#). Consideration of an application by **Abitibi-Consolidated Corporation** for renewal of Air Quality Permit Nos. 8068 and PSDTX437 to authorize continued operation of its Lufkin Pulp and Paper Mill. The plant site is located at 3331 East Highway 103, in Lufkin, **Angelina 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. (Patrick Agumadu, Erin Selvera)

Deny all hearing requests; issue the renewal of permit No. 8068 and PSDTX437 and adopt the Executive Director's revised Response to Comments. CR/BG; all agree.

MOTION TO OVERTURN

Item 5. [Docket No. 2010-1293-IWD](#). Consideration of a Motion to Overturn filed by **Reed Lamar Bowers Shrimp Farm** concerning the Executive Director's decision to approve the issuance of Reed Lamar Bowers Shrimp Farm's TPDES Permit No. WQ0004005000. The wastewater treatment facility is located adjacent to Tres Palacios Bay at the end of Cockburn Road, approximately two miles south of the City of Collegeport in **Matagorda County**, Texas. The Commission will also consider timely filed responses and replies to the Motion to Overturn.

Grant Reed Lamar Bowers Shrimp Farm's Motion to Overturn and remand the renewal application to the Executive Director for further processing. BG/CR; all agree.

TMDL MATTER

Item 6. [Docket No. 2010-0181-TML](#). Consideration for approval to publish and solicit public comment on Two Total Maximum Daily Loads for Indicator Bacteria in the **Upper Trinity River**, Segment 0805 of the Trinity River Basin, in **Dallas County**. Project No. 2010-040-TML-NR (Ron Stein, Robert Brush)

Approve for publication of two TMDLs for indicator bacteria in the Upper Trinity River, as recommended by the Executive Director. CR/BG; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 7. [Docket No. 2010-0744-AGR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Stanley Haedge dba KOW Castle Dairy** in **Erath County**; RN102869708; 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)

Remanded to the Executive Director.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8. [Docket No. 2009-2000-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Brownfield Farmers, L.L.C. in Hockley County**; RN104320023; 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. (Todd Huddleson, Laurie Eaves)

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

Item 9. [Docket No. 2010-0134-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Exxon Mobil Corporation in Harris County**; 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. (Anna Treadwell, Lena Roberts)

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

Item 10. [Docket No. 2010-0536-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BOPCO, L.P. in Hockley County**; RN105891543 and RN105892251; 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 11. [Docket No. 2010-0390-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Galveston County**; RN100238385; 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 12. [Docket No. 2010-0586-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation in Jefferson County**; RN102450756; 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 13. [Docket No. 2010-0682-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Midwest Wood Treating Inc in Nacogdoches County**; RN101822401; 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 14. [Docket No. 2010-0232-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Devon Gas Services, L.P. in Wise County**; RN102700176; 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. (Gena Hawkins, Laurie Eaves)

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

Item 15. [Docket No. 2010-0410-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Harris County**; RN103919817; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Laurie Eaves)

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

Item 16. [Docket No. 2010-0525-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **TOTAL PETROCHEMICALS USA, INC. in Harris County**; RN100212109; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, Laurie Eaves)

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

Item 17. [Docket No. 2009-1343-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Exxon Mobil Corporation in Harris County**; RN102574803; 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. (Anna Treadwell Lena Roberts)

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

DRY CLEANER ENFORCEMENT AGREED ORDER

Item 18. [Docket No. 2010-0387-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **SLK DEVELOPMENT LLC dba Quality Cleaners in Dallas County**; RN104192414; 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. (Danielle Porras, Laurie Eaves)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 19. [Docket No. 2008-1520-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Valero Refining-Texas, L.P. in Nueces County**; RN100214386; for industrial hazardous waste violations pursuant to Tex. Water Code ch. 7, Tex.

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

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

Item 20. [Docket No. 2009-0965-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hexion Specialty Chemicals, Inc.** in **McCulloch County**; RN102201688; for industrial hazardous 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. (Laurencia Fasoyiro, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21. [Docket No. 2010-0153-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hanson Pipe & Precast LLC fka Hanson Pipe & Precast, Inc.** in **Dallas County**; RN102597267; 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 22. [Docket No. 2010-0825-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Plainview BioEnergy, LLC** in **Hale County**; RN101983278; 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.

Item 23. [Docket No. 2010-0307-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bayshore Industrial, L.P.** in **Harris County**; RN101613370; 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.

LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS

Item 24. [Docket No. 2010-0254-LII-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ismael Medina** in **Travis County**; RN105872238; 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. (Audra Benoit, Laurie Eaves)

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

Item 25. [Docket No. 2010-0350-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Steve M. LeBeau** in **Tarrant County**; RN103397618; 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. CR/BG; all agree.

LICENSED IRRIGATORS ENFORCEMENT DEFAULT ORDER

Item 26. [Docket No. 2009-1557-LII-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Larry E. Skero** in **Llano County** and **Burnet County**; RN103268900; 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)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 27. [Docket No. 2010-0511-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Capitol Products, Inc.** in **Williamson County**; RN105893531; for air quality and water quality 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. (Cheryl Thompson, Laurie Eaves)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 28. [Docket No. 2010-0566-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Walter A. Young** in **Tom Green County**; RN105843106; 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. (Michael Meyer, Laurie Eaves)

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

Item 29. [Docket No. 2010-0337-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Larry Robinson** in **Kinney County**; RN105735294; 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. (Marshall Coover, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 30. [Docket No. 2009-1089-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Covington in Hill County**; RN101920080; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jeremy Escobar, Laurie Eaves)

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

Item 31. [Docket No. 2010-0533-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lower Colorado River Authority in Bastrop County**; RN102334893; for water quality violations pursuant to Tex. Water Code chs. 5, 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 32. [Docket No. 2009-1008-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Travis Vista Water and Sewer Supply Corporation in Travis County**; RN103014262; 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.

Item 33. [Docket No. 2010-0777-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brownsville Public Utilities Board in Cameron County**; RN102179926; 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. (Marty Hott, Laurie Eaves)

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

Item 34. [Docket No. 2010-0643-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Lake Municipal Utility District in Harris County**; RN104529615; 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. CR/BG; all agree.

Item 35. [Docket No. 2010-0872-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against **Angelina and Neches River Authority in Angelina County**; RN103019709; 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. CR/BG; all agree.

- Item 36. [Docket No. 2010-0674-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Henderson in Rusk County**; RN101612588; 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. CR/BG; all agree.

- Item 37. [Docket No. 2010-0092-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Penelope in Hill County**; RN101523066; 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. CR/BG; all agree.

- Item 38. [Docket No. 2008-0117-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cardinal Meadows Improvement District in Jefferson County**; RN104416417; 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 Agreed Order. CR/BG; all agree.

- Item 39. [Docket No. 2010-0248-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bridgestone Municipal Utility District in Harris County**; RN101918001; 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 40. [Docket No. 2010-0343-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Pearsall in Frio County**; RN103016275; 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. (Marty Hott, Laurie Eaves)

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

- Item 41. [Docket No. 2010-0561-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Kobra Mirhaj in Harris County**; RN102852621; 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.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

- Item 42. [Docket No. 2009-1497-MWD-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Tempe Water Supply Corporation** in **Polk County**; RN103948220; 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. (Stephanie J. Frazee, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

- Item 43. [Docket No. 2010-0473-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jack D. Williams** in **Randall County**; RN101881001; 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. CR/BG; all agree.

- Item 44. [Docket No. 2010-0483-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **RACETRAC PETROLEUM, INC. dba Raceway 6774** in **Harris County**; RN102222635; 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. CR/BG; all agree.

- Item 45. [Docket No. 2010-0351-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **GOVA ENTERPRISES INC. dba Stella Link Valero** in **Harris County**; RN102346871; 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. (Tate Barrett, Laurie Eaves)

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

- Item 46. [Docket No. 2009-1882-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **SARBALI, INC. dba JOC 27** in **Harris County**; RN103066072; 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. (Marshall Coover, Lena Roberts)

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

- Item 47. [Docket No. 2009-1733-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **G. L. PROPERTIES, INC.** in **Webb County**;

RN101743987; 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. (Marshall Coover, Lena Roberts)

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

Item 48. [Docket No. 2010-0392-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **JWK AUTO GROUP, INC.** in **Tarrant County**; RN102039229; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Andrea Park, Laurie Eaves)

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

Item 49. [Docket No. 2010-0306-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bharath U. Govindram** in **Jefferson County**; RN101727089; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Laurie Eaves)

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

Item 50. [Docket No. 2009-1340-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **MAGIC FIRST, INC. dba Magic Food Mart** in **Harris County**; RN102362241; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Peipey Tang, Lena Roberts)

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

Item 51. [Docket No. 2010-0719-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Dollie Jobe** in **Swisher County**; RN101741254; 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. (Elvia Maske, Laurie Eaves)

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

Item 52. [Docket No. 2010-0499-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **M&O SERVICES, L.L.C. dba Shell Super Stop 10** in **El Paso County**; RN100814524; 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 53. [Docket No. 2010-0504-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Skinny's, LLC dba Skinnys 141 in Tom Green County**; RN102024726; 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. CR/BG; all agree.

Item 54. [Docket No. 2010-0464-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PFHC, LTD. dba KB Express in Houston County**; RN102790201; 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. (Thomas Greimel, Laurie Eaves)

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

Item 55. [Docket No. 2010-0559-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Kwang Soon Lee dba Lee's One Stop in Harris County**; RN102433083; 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. (Mike Pace, Laurie Eaves)

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

Item 56. [Docket No. 2010-0622-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Army & Air Force Exchange Service in Dallas County**; RN103139325; 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. (Philip Aldridge, Laurie Eaves)

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

Item 57. [Docket No. 2010-0484-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Akber Ali dba Best Stop Food Mart in Travis County**; RN101497113; 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. (Rajesh Acharya, Laurie Eaves)

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

Item 58. [Docket No. 2010-0371-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **STAR FUELS, INC. dba Star Fuels-West Shepherd in Harris County**; RN102060423; 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 Agreed Order. CR/BG; all agree.

Item 59. [Docket No. 2009-1479-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DIXIE IN INC. dba Dixie Drive In** in **Harris County**; RN102376639; 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. (Marshall Coover, Lena Roberts)

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

Item 60. [Docket No. 2010-0437-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Robert John Gill** in **Wichita County**; RN102271202; 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 Agreed Order. CR/BG; all agree.

Item 61. [Docket No. 2009-1731-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Jorge Magallanes Martinez** in **Webb County**; RN105000343; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

Item 62. [Docket No. 2010-0469-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Steinhagen Oil Company, Inc. dba Fastlane 16** in **Jefferson County**; RN102793551; 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. (Danielle Porras, Laurie Eaves)

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

Item 63. [Docket No. 2010-0680-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **R & D Distributing, Ltd dba Hurst Street Bulk Plant** in **Shelby County**; RN104005053; 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. (Wallace Myers, Laurie Eaves)

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

Item 64. [Docket No. 2010-0669-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Methodist Healthcare System of San Antonio, Ltd., L.L.P. dba Metropolitan Methodist Hospital** in **Bexar County**; RN100211804; 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. (Philip Aldridge, Laurie Eaves)

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

- Item 65. [Docket No. 2010-0446-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **NEW ALIA ENTERPRISE, INC. dba Fuel Express 6** in **Galveston County**; RN102685286; 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. (Clinton Sims, Laurie Eaves)

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

- Item 66. [Docket No. 2010-0368-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **I.S.S. Enterprises Inc dba Bammel Food Store** in **Harris County**; RN101890572; 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. (Wallace Myers, Laurie Eaves)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

- Item 67. [Docket No. 2010-0434-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **WSWS Company** in **Grayson County**; RN104487335 and RN101193548; 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 68. [Docket No. 2010-0487-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Cotulla** in **La Salle County**; RN101384550; 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 69. [Docket No. 2009-1210-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Candelaria Water Supply Corporation** in **Presidio County**; RN101185312; 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. CR/BG; all agree.

- Item 70. [Docket No. 2010-0861-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huber Garden, Inc. dba Huber Garden Estates** in **Ector County**; RN101175115; 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 71. [Docket No. 2010-0678-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against **Willburr and Co., Inc.** in **Burnet County**; RN101252112; 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 72. [Docket No. 2010-0716-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Southside Place** in **Harris County**; RN101178978; 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 73. [Docket No. 2010-0378-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Laguna Tres, Inc.** in **Hood County**; RN101276806; 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. (Tel Croston, Laurie Eaves)

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

- Item 74. [Docket No. 2010-0529-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Anderson Water Company, Inc.** in **Grimes County**; RN101201036; 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 75. [Docket No. 2007-1565-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Anna Jeffcoat dba Lakeshore Sites Water Company** in **Haskell County**; RN101207108; for public water system violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

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

SLUDGE ENFORCEMENT AGREED ORDER

- Item 76. [Docket No. 2010-0394-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties against **Larry Hawkins dba Hawkins Septic Tanks** in **Clay County**; RN103167748; 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. (Merrilee Hupp, Laurie Eaves)

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

RULE PETITION

Item 77. [Docket No. 2010-1274-RUL](#). Consideration of a petition for rulemaking under **30 Texas Admin. Code (TAC) Chapter 20**, Section 20.15, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality on August 4, 2010, by Grissom & Thompson, L.L.P. on behalf of Talon/LPE, Grimes & Associates, and Ranger Environmental Services, Inc. (the Petitioner). The Petitioner requests the adoption of an amendment to 30 TAC Chapter 334, Underground and Aboveground Storage Tanks Section 334.560, Subchapter M, Reimbursable Cost Specifications for the Reimbursement Program. The Petitioner requests that certain reimbursable costs be increased: (1) offsite access fees charged by municipalities; (2) waste disposal costs; and (3) per diem costs. (Jonathan Walling, Cullen McMorrow) (Project No. 2010-051-PET-NR)

Instruct the Executive Director to examine the issues in the petition and initiate the rulemaking process to amend 30 TAC Section 334.560, as appropriate. BG/CR; all agree.

RULE MATTERS

Item 78. [Docket No. 2009-1199-RUL](#). Consideration of the adoption of 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 adoption would implement certain requirements of Senate Bill (SB) 1387, 81st Legislature, 2009, Regular Session relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide. Specifically, the adoption would implement new Texas Water Code (TWC), Section 27.046, "Letter from Executive Director," and incorporate 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 amended 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. The proposed rules were published in the April 16, 2010 issue of the *Texas Register* (35 TexReg 3005). (Kathryn Flegal, Don Redmond and Diane Goss) (Rule Project No. 2009-044-331-PR)

Remanded to the Executive Director.

Item 79. [Docket No. 2009-1775-RUL](#). Consideration of the adoption of an amendment to Section 7.117 of **30 TAC Chapter 7**, Memoranda of Understanding. The adoption 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 adopted 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 adopted rules will identify the jurisdiction of new waste generating activities, such as recycling and sewage. The adoption 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 adoption. The proposed rules were published in the April 16, 2010 issue of the *Texas Register* (35 TexReg 2975). (Cari-Michel La Caille, Diane Goss) (Rule Project No. 2009-055-007-PR)

Adopt the amendments to 30 TAC Section 7.117, as recommended by the Executive Director. CR/BG; all agree.

Item 80. [Docket No. 2010-1048-RUL](#). Consideration for publication of, and hearing on, proposed amendments to sections 116.110, 116.111, 116.311, and 116.610 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification and corresponding revisions to the state implementation plan. The proposed rulemaking would add requirements to authorize emissions from planned maintenance, startup, and shutdown activities in New Source Review permits and standard permits. (Blake Stewart, Janis Hudson) (Rule Project No. 2010-032-116-PR)

Remanded to the Executive Director.

Item 81. [Docket No. 2010-1333-RUL](#). Consideration for publication of, and hearing on, the proposed repeal of Section 116.118 of **30 TAC Chapter 116**, Control of Air Pollution by Permits for New Construction or Modification. Section 116.118 applied to facilities exempted from air permitting under the Texas Clean Air Act. This exemption has expired, and the section no longer has an application under the air permitting rules of the Commission. (Beecher Cameron, Amy Browning) (Rule Project No. 2010-052-116-PR)

Approve for publication of, and hearing on, the proposed repeal of 30 TAC Section 116.118, as recommended by the Executive Director. BG/CR; all agree.

PUBLIC COMMENT SESSION

Item 82. 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 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

10/15/10
Date