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

Chairman Bryan W. Shaw, Ph.D.
Commissioner Carlos Rubinstein
Commissioner Toby Baker

AGENDA

May 30, 2012

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

MISCELLANEOUS MATTERS

Item 1

[Docket No. 2011-2271-UCR.](#)

Consideration of a Petition for Expedited Release from Tri-Community Water Supply Corporation's Certificate of Convenience and Necessity No. 10313 and the related April 25, 2012 District Court Agreed Judgment remanding the matter to the Texas Commission on Environmental Quality.

Remand the Petition for Expedited Release from Tri-Community Water Supply Corporation's Certificate of Convenience and Necessity No. 10313 to the Executive Director for further review and action as appropriate. TB/CR; all agree.

Item 2

[Docket No. 2012-0421-MLM.](#)

Consideration of a petition from the Executive Director for an Order approving the dissolution of the Bexar Metropolitan Water District of Bexar, Medina and Atascosa Counties, Texas, pursuant to Senate Bill 341, 82nd Leg. R.S. (2011). The Commission will also consider related issues regarding the reporting, integration, and regulatory assessment fee obligations of the San Antonio Water System. (Doug Holcomb, Christiaan Siano)

Issue the Order dissolving Bexar Metropolitan Water District, as recommended by the Executive Director. CR/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 3 **Docket No. 2011-1983-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BP Amoco Chemical Company in Galveston County; RN102536307; 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, Debra Barber)

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

Item 4 **Docket No. 2011-1829-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 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. (John Muennink, Debra Barber)

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

Item 5 **Docket No. 2011-0484-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City Public Service in Bexar County; RN100217975; 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, Debra Barber)

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

Item 6 **Docket No. 2011-1731-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Chambers County; RN105009310; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Debra Barber)

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

Item 7 **Docket No. 2011-1061-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Exxon Mobil Corporation in Harris County; RN102574803; 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, Debra Barber)

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

Item 8 [**Docket No. 2011-1728-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Texas State University-San Marcos in Hays County; RN100221480; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Raymond Marlow, P.G., Debra Barber)

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

Item 9 [**Docket No. 2011-1596-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100210319; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Debra Barber)

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

Item 10 [**Docket No. 2011-1691-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eastman Chemical Company in Harrison County; RN100219815; 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, Debra Barber)

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

Item 11 [**Docket No. 2011-1123-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. (John Muennink, Debra Barber)

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

Item 12 [**Docket No. 2011-1730-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cowtown Gas Processing Partners L.P. in Hood County; RN104600754; 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, Debra Barber)

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

Item 13 [**Docket No. 2011-1185-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ascend Performance Materials LLC in Brazoria County; RN100238682; 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, Debra Barber)

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

Item 14 [**Docket No. 2010-1686-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Joe Perez d/b/a J & R Body Shop in Taylor County; RN104913926; 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 M. Treadwell, Lena Roberts)

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

Item 15 [**Docket No. 2011-1350-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Diamond Shamrock Refining Company, L.P. in Live Oak County; RN100542802; 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, Debra Barber)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 16 [**Docket No. 2011-1680-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of ConocoPhillips Company in Hutchinson County; RN102495884; 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. (Thomas Greimel, Debra Barber)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 17 [Docket No. 2011-2221-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against INEOS USA LLC dba INEOS Polyethylene North America in Harris County; RN100229905; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Debra Barber)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 18 [Docket No. 2010-1973-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mark A. Vasquez d/b/a Maverick Cleaners in Bexar County; RN100618552; for industrial and hazardous waste and dry cleaner registration violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 374, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeffrey Huhn, Lena Roberts)

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

Item 19 [Docket No. 2011-2060-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against CLEAR LAKE SERVICES, INC. dba Ryan's Express CL 1 in Harris County; RN101868297; for dry cleaner and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Debra Barber)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 20 [Docket No. 2011-2019-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of the City of Austin in Travis County; RN101607901; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Debra Barber)

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

Item 21 [**Docket No. 2011-1612-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Eastland County Water Supply District in Eastland County; RN102185295; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Debra Barber)

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

Item 22 [**Docket No. 2011-1460-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of STAFFORD MOBILE HOME PARK, INC. in Fort Bend County; RN102080397; 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, Debra Barber)

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

Item 23 [**Docket No. 2011-0177-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Maganbhai Ranchlodbhai Patel, Bhagubhai Bhula Patel, Vinubhai Bhulo Patel, and Laxmiben Lalbhai Patel in Liberty County; RN101518843; 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 Mitchell, Lena Roberts)

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

Item 24 [**Docket No. 2011-0803-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of APRIL PLAZA MARINA, INC. in Montgomery County; RN101611200; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Debra Barber)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 25 **Docket No. 2011-2012-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Southwest Convenience Stores, LLC dba 7 Eleven 57202 and 7 Eleven 57205 in Wichita County; RN102383510 and RN102382728; 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. (Danielle Porras, Debra Barber)

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

Item 26 **Docket No. 2011-1799-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GULKAS INC. dba RNS Express Mart in Brazoria County; RN101791507; 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. (Wallace Myers, Debra Barber)

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

Item 27 **Docket No. 2011-1753-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against JAE'S ALL SEASONS MARKET, INC. dba Jaes All Season 2 in Harris County; RN102390242; 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. (Keith Frank, Debra Barber)

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

Item 28 **Docket No. 2011-1619-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NORTH TEXAS CONVENIENCE STORES, INC. dba A J Shell in Tarrant County; RN102387149; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Debra Barber)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS

Item 29 **Docket No. 2011-1232-PST-E.**

Consideration of a Default Order assessing administrative penalties and

requiring certain actions of KR MINA, INC. d/b/a Fuqua Power Fuel in Harris County; RN100642099; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 30 [**Docket No. 2011-0598-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against Ecaterina Najm d/b/a Sunmart 352 in Harris County; RN101943140; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 31 [**Docket No. 2011-1199-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against CJY Investments, L.L.C. d/b/a BEVERAGE PALACE in Collin County; RN102886405; 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. (Xavier Guerra, Lena Roberts)

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

Item 32 [**Docket No. 2011-1086-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against Misha Enterprises Inc. in Llano County; RN102428802; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

Item 33 [**Docket No. 2011-1436-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of RUSCHE OIL CO., INC. in Llano County; RN101510634; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Sharesa Y. Alexander, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 34 [**Docket No. 2011-0835-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Thong Van Nguyen DBA T & L Conoco in Tarrant County; RN102442712; 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. (James Sallans, Lena Roberts)

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

Item 35 [**Docket No. 2011-1538-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of SAHAS BUSINESS, INC. d/b/a Rubys Food Store in Harris County; RN101872265; 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. (Joel Cordero, Lena Roberts)

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

Item 36 [**Docket No. 2011-1025-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Stephen A. Venzon d/b/a All Star Grocery 3 in Lee County; RN102252657; 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. (Anna M. Treadwell, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 37 [**Docket No. 2011-1702-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Taylor Petroleum Companies, Inc. in Lubbock County; RN101885069; 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, Debra Barber)

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

Item 38 [**Docket No. 2011-0992-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Francisca Richter d/b/a Hillside Water Works in El Paso County; RN101228492; for public drinking water violations pursuant to Tex. Health &

Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

Item 39 **[Docket No. 2011-1165-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Adrian in Oldham County; RN101188621; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Lieberknecht, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 40 **[Docket No. 2011-1383-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of CHINATOWN WATERWORKS, INC. in Williamson County; RN101422103; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

WATER RIGHT ENFORCEMENT AGREED ORDER

Item 41 **[Docket No. 2011-2065-WR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Ricky Bonds Septic Systems & Water Wells LLC in Montgomery County; RN105028898; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Heather Brister, Debra Barber)

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

MISCELLANEOUS MATTER

Item 42 **[Docket No. 2011-1789-MIS.](#)**

Consideration for approval of an update to the Texas Nonpoint Source Management Program. This document is required to be submitted through the Governor's Office to the United States Environmental Protection Agency for continued eligibility for Section 319 Nonpoint Source Grant funds under the federal Clean Water Act. This document represents the joint submission of both the Texas Commission on Environmental Quality and the Texas State Soil and Water Conservation Board. (Monica Harris) (Project No. 2012-006-MIS-NR)

Approve the update to the Texas Nonpoint Source Management Program, as recommended by the Executive Director. CR/TB; all agree.

PETITION MATTER

Item 43 **Docket No. 2012-0751-RUL.**

Consideration of a petition for rulemaking under Section 20.15 of 30 Texas Administrative Code (TAC) Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality by Baker Botts L.L.P. on behalf of Halliburton Energy Services, Inc. on April 5, 2012. The petitioner is requesting amendments to 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds, Subchapter D, Combustion Control at Minor Sources in Ozone Nonattainment Areas, Division 2, Dallas-Fort Worth Eight-Hour Ozone Nonattainment Area Minor Sources. The petitioner is requesting a partial exemption for engines that are used exclusively for product testing and personnel training, operate in limited service, and meet the applicable federal emissions standards in 40 Code of Federal Regulations Part 89. The petitioner is also requesting revisions to the corresponding monitoring and recordkeeping requirements to reflect the new category of exempt engines. Additionally, the petitioner is requesting clarification that "product testing" as used in the new exemption is distinct from engine "testing" as used in Section 117.2130(c). (Javier Galván, Amy Browning) (Project No. 2012-029-PET-NR)

Instruct the Executive Director to initiate rulemaking to examine the issues raised in the petition for rulemaking filed by Halliburton Energy Services, Inc. concerning amendments to 30 TAC Chapter 117, Subchapter D, Division 2, and issue the Executive Director's proposed Order. TB/CR; all agree.

RULE MATTERS

Item 44 **Docket No. 2011-1226-RUL.**

Consideration for publication of, and hearing on, proposed amendments to 30 TAC Chapter 290, Public Drinking Water, Sections 290.38, 290.39, 290.46, 290.103, 290.109 - 290.112, 290.116, 290.119, 290.122, and 290.275; and 30 TAC Chapter 291, Utility Regulations, Sections 291.161 and 291.162. The proposed rulemaking would bring Chapters 290 and 291 into conformity with House Bill (HB) 805, 82nd Legislature, 2011, Regular Session and would make Chapters 290 and 291 more consistent with the federal Ground Water Rule (GWR) including a change to the definition of groundwater under the direct influence of surface water to make it consistent with 40 Code of Federal Regulations Section 141.2; the federal Total Organic Carbon (TOC) Rule; and United States Environmental Protection Agency (EPA) Method 334.0. The federal regulations implement the federal Safe Drinking Water Act. The statutory amendments made by HB 805 expand the counties to which the Emergency Preparedness Plan requirement applies and provides a timeline for newly affected water systems to comply. The proposed amendments made for the GWR establish rule language consistent with that used in the federal regulations. The proposed amendments to the TOC Rule are to correct an inaccuracy in the applicability statement that extended the state requirements of Section 290.112 to treatment plants that are not subject to the corresponding federal requirements. The proposed amendments also include EPA Method 334.0 as an approved alternative for measuring chlorine residual in drinking

water. (Matt Court, Christiaan Siano) (Rule Project No. 2011-056-290-OW)

Approve publication of, and hearing on, the proposed revisions to 30 TAC Chapters 290 and 291, as recommended by the Executive Director. CR/TB; all agree.

Item 45 **Docket No. 2012-0501-RUL.**

Consideration for publication of, and hearing on amended sections of 30 TAC Chapter 106, Permits by Rule and the non-rule Air Quality Standard Permit for Oil and Gas Handling and Production Activities. The proposed amendments would remove certain counties from the applicability of subsections (a) through (k) of Section 106.352, Oil and Gas Handling and Production Facilities and from the non-rule Air Quality Standard Permit which relate to the control of oil and gas facilities in the Barnett Shale region. The proposed amendments would clarify the measurement of minimum separation between oil and gas facilities and receptors where a local ordinance exists requiring equal or greater distance, and would extend the deadline in Section 106.352 to notify the Commission of an existing facility location and method of authorization. (Beecher Cameron, Betsy Peticolas) (Rule Project No. 2012-020-106-AI)

Approve publication of, and hearing on, amendments to 30 TAC Section 106.352 and to the non-rule Air Quality Standard Permit for Oil and Gas Handling and Production Facilities, as recommended by the Executive Director. TB/CR; all agree.

PUBLIC COMMENT SESSION

Item 46 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 47 **Docket No. 2012-0001-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 48 **Docket No. 2012-0002-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 49 **Docket No. 2012-0003-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/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)

/s/ Barham Richard
Assistant General Counsel
Barham Richard

6/8/2012
Date