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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

August 22, 2012

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. 2010-0837-WR; SOAH Docket No. 582-11-3522.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of the City of Lubbock to amend its water use Permit No. 3985 in Lubbock County, pursuant to the rules of the Texas Commission on Environmental Quality and Tex. Water Code chs. 5 and 11. The Commission will also consider the application, record, timely related filings, exceptions and replies. (James Aldredge, Ron Ellis)

Continued to the October 17, 2012 agenda.

MOTION TO OVERTURN

Item 2 [**Docket No. 2012-1329-SLG.**](#)

Consideration of Motions to Overturn regarding the Executive Director's decision to issue Beneficial Land Use Registration No. 710921 to Childress Outhouses, LLC for the facility located at 605 County Road 121, Marble Falls in Burnet County, Texas. The Commission will also consider timely filed responses and replies to the Motions to Overturn.

Removed from the August 22, 2012 agenda.

MISCELLANEOUS MATTER

Item 3 **Docket No. 2012-0258-RES.**

Consideration of a resolution appointing seven nominees to replace seven Water Utility Operator Licensing Advisory Committee ("the Advisory Committee") members whose terms expire August 31, 2012 and approve continuing the existence of the Advisory Committee until August 31, 2016. The Advisory Committee operates through the Occupational Licensing Section of the Permitting and Registration Support Division. The Advisory Committee assists and advises the TCEQ on matters related to the training and licensing of water and wastewater operators. The Advisory Committee was created pursuant to Title 30 of the Texas Administrative Code (TAC), Chapter 5. (Paul Munguía, Dinniah Tadema) (Rule Project No. 2012-032-RES-NR)

Adopt the Executive Director's proposed Resolution continuing the existence of the Committee until August 31, 2016 and making the following appointments for terms to expire on August 31, 2016: Ray Gooden, Ginger Laird, Leonard Leinfelder, Mark Rich, Gary Sober, Robb Starr, and Michael Urrutia. CR/TB; all agree.

TMDL MATTERS

Item 4 **Docket No. 2011-2091-TML.**

Consideration for final adoption of Three Total Maximum Daily Loads for Indicator Bacteria corresponding to three assessment units in three segments in the Carters Creek watershed (1209C, 1209D, and 1209L), of the Brazos River Basin, in Brazos County. (Ron Stein, Robert Brush) (Project No. 2012-013-TML-NR)

Joint Motion for Items 4 and 5

Adopt the three TMDLs and the corresponding implementation plan for Indicator Bacteria in the Carters Creek watershed of the Brazos River Segments 1209C, 1209D, and 1209L, as recommended by the Executive Director. TB/CR; all agree.

Item 5 **Docket No. 2011-2092-TML.**

Consideration for final approval of an Implementation Plan for three Total Maximum Daily Loads (TMDLs) for indicator bacteria in the Carters Creek watershed (Segments 1209C, 1209D, and 1209L), in Brazos County. (Ronald Stein, Robert Brush) (Project No. 2012-014-TML-NR)

Joint Motion for Items 4 and 5

Adopt the three TMDLs and the corresponding implementation plan for Indicator Bacteria in the Carters Creek watershed of the Brazos River Segments 1209C, 1209D, and 1209L, as recommended by the Executive Director. TB/CR; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 6 **[Docket No. 2011-2327-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Energy Corporation of America in Fort Bend County; RN106176720; 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. CR/TB; all agree.

Item 7 **[Docket No. 2011-2227-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Pipeline Company LP in Jefferson County; RN102027174; 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, Debra Barber)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 8 **[Docket No. 2011-0662-IHW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LANE PLATING WORKS, INC. in Dallas County; RN100597707; 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. (Judy Kluge, Debra Barber)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 9 **[Docket No. 2012-0376-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PL Propylene LLC in Harris County; RN102576063; 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. CR/TB; all agree.

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 10 [Docket No. 2011-2064-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Marcial Hernandez in Harris County and Fort Bend County; RN106238207; for landscape irrigation installation 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. (Mike Fishburn, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 11 [Docket No. 2011-1838-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exterran Energy Solutions, L.P. in Victoria County; RN101993830; for water quality and industrial and hazardous waste 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. (Steve Villatoro, Debra Barber)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 12 [Docket No. 2012-0292-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nido, LTD dba Beck Landfill in Guadalupe County; RN102310968; 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. (Brianna Carlson, Debra Barber)

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

Item 13 [Docket No. 2011-1990-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Forest Hill in Tarrant County; RN105991004; 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. (Theresa Stephens, Debra Barber)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDERS

Item 14 **[Docket No. 2011-1095-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Construction Waste Recycler of Texas L.L.C. in Travis County; RN106155161; 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. (Jeffrey Huhn, Lena Roberts)

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

Item 15 **[Docket No. 2011-2039-MSW-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of James Barnes in Reeves County; RN105772693; 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. CR/TB; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 16 **[Docket No. 2011-0792-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Chester Alton Andrews in Tarrant County; RN102095619; 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. (Jill Russell, Debra Barber)

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

Item 17 **[Docket No. 2011-2292-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eli Gravriel Sasson in Harris County; RN101525137; 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. (JR Cao, Debra Barber)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER

Item 18 **[Docket No. 2011-0786-MWD-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Gordon Dean Rogers in Angelina County; RN101611390; 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. (Rudy Calderon, Lena Roberts)

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

PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS

Item 19 **[Docket No. 2011-1235-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Plano Shell, Inc. d/b/a Cooks Shell Mart in Tarrant County; RN101552495; 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. (Jim Sallans, Lena Roberts)

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

Item 20 **[Docket No. 2011-0978-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TRISTAR CONVENIENCE STORES, INC. d/b/a Handi Stop 62 in Harris County; RN102448321; 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. (Jim Sallans, Lena Roberts)

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

Item 21 **[Docket No. 2011-1958-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Randy Scobee in Wichita County; RN102274057; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 22 **[Docket No. 2012-0385-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Ash-Jen Properties, Inc. dba Oil Patch Xpress in San Patricio County; RN101815546 and RN104997994; 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. (Heather Podlipny, Debra Barber)

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

Item 23 [**Docket No. 2012-0382-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of YAA ALI CORPORATION d/b/a R & Y Mini Mart in San Jacinto County; RN102388832; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 24 [**Docket No. 2010-1890-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NEW SARR CORPORATION dba J'S Q MART in Tarrant County; RN101552917; 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. (Brianna Carlson, Debra Barber)

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

Item 25 [**Docket No. 2012-0391-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S A K Grocery Inc. dba Smetana Grocery in Brazos County; RN102130499; 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. (David Carney, Debra Barber)

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

Item 26 [**Docket No. 2011-1370-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against ONE STOP FOOD STORES, INC. in Dallas County; RN102256013; 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 Agreed Order. CR/TB; all agree.

Item 27 [**Docket No. 2012-0447-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NORAMI ENTERPRISES INC dba Hungerford Supermarket 344 in Wharton County; RN101817963; 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, Debra Barber)

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

Item 28 [**Docket No. 2011-1900-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against SAANIYA & ARMAAN EXPRESS MART, INC. dba Welch's Tiger Mart in Brazos County; RN101666469; 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. (Steve Villatoro, Debra Barber)

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

Item 29 [**Docket No. 2011-2023-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against CELINA SHELL FOOD MART, INC. in Collin County; RN100770411; 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, Debra Barber)

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

Item 30 [**Docket No. 2011-0751-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TOWN & COUNTRY FOOD STORES, INC. d/b/a Stripes 203 in Lamb County; RN101890747; 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 Agreed Order. CR/TB; all agree.

Item 31 [**Docket No. 2012-0234-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAMROD CORPORATION dba Big D Travel Center in Dallas County; RN101557312; 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. (Brianna Carlson, Debra Barber)

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

Item 32 **Docket No. 2011-2033-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Fort Worth in Tarrant County; RN101444487; 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. (Jacquelyn Green, Debra Barber)

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

Item 33 **Docket No. 2011-2124-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Momentum Investment, Inc. dba Angels Gas & Grocery in Chambers County; RN102011566; 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. (Rebecca Boyett, Debra Barber)

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

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDER

Item 34 **Docket No. 2011-0559-PST-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Preston Julian in Harris County; RN102046133; 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 Default Order. CR/TB; all agree.

PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT AND SHUTDOWN ORDER

Item 35 **Docket No. 2011-1925-PST-E.**

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Consideration of a Default Shutdown Order assessing administrative penalties and requiring certain actions of Sky Business, Inc. d/b/a Bryan Drive In in Brazos County; RN102274537; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Anna M. Treadwell, Lena Roberts)

Remanded to the Executive Director.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 36 [**Docket No. 2012-0020-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Waller County Mobile Home Water Corporation in Waller County; RN104403654; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Debra Barber)

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

Item 37 [**Docket No. 2011-1125-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Donald E. Crane d/b/a Sherwood Estates Manufactured Townhome Community, d/b/a Country Village Mobile Home Estates, and d/b/a Westgate Manufactured Townhome Community in Midland County; RN101225506, RN101267466, RN102675121; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Peipey Tang, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 38 [**Docket No. 2012-0422-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Trinity River Authority of Texas in Tarrant County; RN106317308; 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. (Jennifer Graves, Debra Barber)

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

STATE IMPLEMENTATION PLAN MATTER

Item 39 [**Docket No. 2012-1087-SIP.**](#)

Consideration for publication of, and hearing on, proposed Federal Clean Air Act (FCAA), Section 110(a)(1) and (2) Infrastructure and Transport State Implementation Plan (SIP) Revision for the 2008 Ozone National Ambient Air Quality Standards. The proposed SIP revision would outline the requirements of FCAA, Section 110(a)(2)(A) through (M) and the Texas provisions supporting the requirements. These requirements include basic program elements such as enforceable emission limitations and control measures, air quality monitoring and modeling, a permitting program, adequate funding and personnel, authority under state law to carry out the plan, emissions reporting, emergency powers, public participation, and fee collection. This SIP revision would also include a technical demonstration to support that Texas meets the interstate transport requirements of FCAA, Section 110(a)(2)(D)(i)(I). (Shelley Naik, Amy

Browning) (Non-Rule Project No. 2012-004-SIP-NR)

Approve publication of, and hearing on, the proposed Infrastructure and Transport State Implementation Plan Revision for the 2008 Ozone NAAQS, as recommended by the Executive Director. TB/CR; all agree.

RULE MATTERS

Item 40 [**Docket No. 2012-0822-RUL.**](#)

Consideration for publication of, and hearing on, an amendment to 30 TAC Chapter 106, Permits by Rule, Subchapter E, Aggregate and Pavement. The proposed rulemaking would amend Section 106.141, Batch Mixers, to also include medium-sized batch mixing operations used in temporary construction and repair operations. Currently, these operations must apply for a case-by-case new source review permit or meet the requirements of the concrete batch plant standard permit, neither of which were designed to meet the operational needs or environmental concerns associated with medium-sized batch mixers. (Becky Southard, Becky Petty) (Rule Project No. 2012-007-106-PR)

Approve publication of, and hearing on, the proposed amendments to 30 TAC Section 106.141, as recommended by the Executive Director. CR/TB; all agree.

Item 41 [**Docket No. 2009-2039-RUL.**](#)

Consideration for adoption of amended Sections 114.6, 114.312, and 114.314 - 114.319, repealed Section 114.313, and new Section 114.313 of 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the state implementation plan. The adoption would revise definitions; establish new designated alternative limits for Texas low emission diesel fuel properties; remove expired registration requirements and establish new registration requirements for identifying production and import facilities; revise approval procedures for alternative diesel fuel formulations; specify that the approvals of all additive-based alternative diesel fuel formulations would be subject to revocation if the composition of the additive is found to be altered; allow all alternative diesel formulations approved by the Texas Commission on Environmental Quality prior to April 1, 2012, to remain in effect; revise reporting requirements to include production and import facility data; require alternative emission reduction plans using the Unified Model to determine compliance each calendar quarter; remove expired early gasoline sulfur reduction credits provisions; and make other clarifying changes as needed for accuracy and consistency. The proposed rules were published in the March 23, 2012, issue of the *Texas Register* (37 TexReg 2009). (Morris Brown, John Minter) (Rule Project No. 2009-001-114-EN)

Adopt the amendments to 30 TAC Sections 114.6, 114.312, and 114.314-114.319, repealed Section 114.313 and new Section 114.313 and corresponding revisions to the state implementation plan, as recommended by the Executive Director. TB/CR; all agree.

EXECUTIVE MEETING

Item 42 **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 43 **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 44 **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)**

Jim Rizk
Assistant General Counsel
Jim Rizk

8/23/2012
Date