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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

April 23, 2013

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. 2008-1185-UCR; SOAH Docket No. 582-08-4353.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of Interim-La Ventana, LLC to acquire facilities and transfer Certificate of Convenience and Necessity No. 12920 in Hays County, Texas, pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291 and Texas Water Code Chapter 13. The Commission will also consider the application, record, related filings, exceptions and replies. (Ruth Takeda)

Adopt the Administrative Law Judge's Proposed Order as amended by the ALJ's response letter dated March 22, 2013, including the modification as recommended by the Executive Director concerning Conclusion of Law No. 10. CR/TB; all agree.

MOTION TO OVERTURN

Item 2 [**Docket No. 2013-0437-MSW.**](#)

Consideration of a Motion to Overturn filed by the City of Carrollton regarding the Executive Director's decision to issue a modification to Municipal Solid Waste Permit No. 1312A for the Camelot Landfill, located in Denton County, Texas, to allow the use of contaminated soils as alternative daily cover. The

Camelot Landfill is owned and operated by the City of Farmers Branch, who has an agreement with Camelot Landfill TX, LP to operate the Camelot Landfill. The Commission will also consider timely filed responses and replies to the Motion to Overturn.

No Action Taken.

MISCELLANEOUS MATTER

Item 3 **Docket No. 2013-0639-UCR.**

Consideration of a request for a Commission Order approving a contract designating service areas between the City of Montgomery (City), Certificate of Convenience and Necessity (CCN) No. 10346 in Montgomery County, Texas, and Dobbin-Plantersville Water Supply Corporation (WSC) CCN No. 11052 in Montgomery County, Texas pursuant to Texas Water Code Section 13.248. On or about August 1, 2011, the City and WSC executed a contract regarding service areas under the WSC's CCN. Under the Contract, the City and the WSC agree to a common service area boundary between the City and the WSC. The agreement also states that all property of Montgomery Independent School District currently served by the City will be transferred to the City's CCN; a 200 foot strip of land fronting Lone Star Parkway and Old Plantersville Road shall be transferred to the City; and the area along Martin Luther King, Jr. Drive north of the City limits will be singly certificated to the City in the form of a facilities CCN for approximately one half mile outside the City limits to FM 1097. Under the contract, the City will provide water service to approximately 568.55 acres and this area will be transferred to the City's CCN. One customer will be transferred; however, no facilities will be transferred under the contract. (Dinniah C. Tadema, Sheresia Perryman)

Approve the agreement between the City of Montgomery and the Dobbin-Plantersville Water Supply Corporation under Texas Water Code Section 13.248, as amended by the parties on March 14, 2013, which will result in the transfer of approximately 568.55 acres of service area to Montgomery's water CCN; and issue the Executive Director's proposed revised Order with existing attachments, but also attach the CCN map filed by the Executive Director as Exhibit 1. TB/CR; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 **Docket No. 2012-1847-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against NCI Group, Inc. in Harris County; RN100213545; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Debra Barber)

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

Item 5 **Docket No. 2012-2074-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100542281; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Podlipny, Debra Barber)

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

Item 6 [**Docket No. 2012-1983-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Lehigh Cement Company LLC in McLennan County; RN100218254; 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. (Amancio R. Gutierrez, Debra Barber)

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

Item 7 [**Docket No. 2011-0995-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of W.T. Byler Co., Inc. in Harris County; RN105623466; 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. (Rajesh Acharya, Debra Barber)

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

Item 8 [**Docket No. 2012-1862-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Lhoist North America of Texas, Ltd. in Comal County; RN100552454; 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. CR/TB; all agree.

Item 9 [**Docket No. 2012-1840-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Donny Burnett dba East Texas Crushed Rock in Henderson County; RN106421282; 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. CR/TB; all agree.

Item 10 [**Docket No. 2012-1676-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Enbridge Pipelines (Texas Gathering) L.P. in Wheeler County; RN104942016; 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. (Rajesh Acharya, Debra Barber)

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

Item 11 [**Docket No. 2012-1897-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Texas A&M University in Brazos County; RN100216274; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Debra Barber)

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

Item 12 [**Docket No. 2012-1602-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KMCO, LLC in Harris County; RN101613511; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, Debra Barber)

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

Item 13 [**Docket No. 2012-1992-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Air Liquide Large Industries U.S. LP in Harris County; RN100233998; 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. CR/TB; all agree.

EDWARDS AQUIFER ENFORCEMENT DEFAULT ORDER

Item 14 [**Docket No. 2012-2136-EAQ-E.**](#)

Consideration of a Default Order assessing administrative penalties and

requiring certain actions of JBTB Investments I, Ltd. in Williamson County; RN102840485; 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. (James Sallans, Lena Roberts)

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

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 15 [Docket No. 2012-1713-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gulf West Landfill TX, LP in Chambers County; RN102151099; 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. (Keith Frank, Debra Barber)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 16 [Docket No. 2012-1333-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Magellan Terminals Holdings, L.P. in Nueces County; RN102536836; 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.

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 17 [Docket No. 2012-1513-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jeff A. Arbogust in Travis County; RN106399892; 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. (Ryan Rutledge, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 18 [Docket No. 2012-1824-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against CHEVRON PHILLIPS CHEMICAL COMPANY LP in Hutchinson County;

RN102320850; for industrial and hazardous waste and underground injection control violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 27, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Debra Barber)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 19 [**Docket No. 2012-0513-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Carrizo Springs in Dimmit County; RN102335080; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Debra Barber)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 20 [**Docket No. 2011-2190-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Los Ebanos Land & Cattle Company, LLC in Hidalgo County; RN106233695; 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. (Peipey Tang, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21 [**Docket No. 2011-2220-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Blanket in Brown County; RN104606561; 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.

Item 22 [**Docket No. 2012-1062-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bullard in Cherokee County; RN101720639; 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. (Jacquelyn Green, Debra Barber)

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

Item 23 **[Docket No. 2012-2176-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Valley Municipal Utility District No. 2 in Cameron County; RN102093986; 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.

Item 24 **[Docket No. 2012-1177-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Texas Department of Transportation in Navarro County; RN106479983; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 25 **[Docket No. 2012-1857-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Kul Devi Enterprises Inc. dba Super Food Mart 23 in Gregg County; RN102436219; 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. (Joel McAlister, Debra Barber)

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

Item 26 **[Docket No. 2012-1708-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Nakisa Enterprises, LLC dba Mayhill Food Mart in Denton County; RN101542207; 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. (Sarah Davis, Debra Barber)

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

Item 27 [**Docket No. 2012-1832-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Magnificent Investment, Inc. dba JG Food Mart in Guadalupe County; RN102354974; 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. (Andrea Park, Debra Barber)

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

Item 28 [**Docket No. 2012-1695-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Afshan & Iftikhar Enterprises, Inc. dba Rite Track 15 in Morris County; RN102348737; 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. (Had Darling, Debra Barber)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 29 [**Docket No. 2012-1557-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Amtul Enterprises, Inc. d/b/a Cross Country in Smith County; RN102035391; 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. (Rebecca M. Combs, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 30 [**Docket No. 2012-1028-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Vicki Helsel d/b/a Bootsies in Rusk County; RN102437365; 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. (Rebecca M. Combs, Lena Roberts)

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

Item 31 [**Docket No. 2011-2116-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of SHEZ Inc d/b/a Getty Food Mart in Uvalde County; RN102354107; 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.

Item 32 [**Docket No. 2012-0955-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of SUNSHINE STORES, INC. d/b/a Sunshine Truck Stop in Nacogdoches County; RN102358488; 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 and Shutdown Order. CR/TB; all agree.

Item 33 [**Docket No. 2012-1035-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of D. TRAN, INC. d/b/a Manns Chevron 2 in Bexar County; RN102260213; 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, Lena Roberts)

Remanded to the Executive Director.

Item 34 [**Docket No. 2012-0594-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Jasani's International, Inc. dba Silsbee Shell in Hardin County; RN102430303; 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)

Remanded to the Executive Director.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 35 [**Docket No. 2012-1961-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Noma Kathaleen Hill dba Leaning Oaks Mobile Home Park in Waller County; RN101207918; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Debra Barber)

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

Item 36 **[Docket No. 2012-1928-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GOODSPRINGS WATER SUPPLY CORPORATION in Rusk County; RN102678695; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Debra Barber)

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

Item 37 **[Docket No. 2012-2319-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Marlin in Falls County; RN102886892; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Schumann, Debra Barber)

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

Item 38 **[Docket No. 2012-2039-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LEIBOLD-GROTHUES RANCH, LTD. dba Lake Medina RV Resort in Bandera County; RN101252880; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Debra Barber)

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

Item 39 **[Docket No. 2012-1533-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of COTULLA FISH HATCHERY, LLC in La Salle County; RN106201825; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Debra Barber)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 40 **[Docket No. 2012-1973-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Ramon C. Gonzales, Jr. d/b/a South Midland County Water Systems in Midland County; RN101398014; 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.

(Peipey Tang, Lena Roberts)

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

Item 41 **[Docket No. 2012-0415-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Thomas Pankratz DBA Shady Rest Mobile Home Park in Kendall County; RN102686128; 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. (Tammy Mitchell, Lena Roberts)

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

RULE PETITION

Item 42 **[Docket No. 2013-0557-RUL.](#)**

Consideration of a petition for rulemaking filed on March 11, 2013, by Fiber Technology Corporation under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petitioner requested amendments to 30 TAC Chapter 290, Public Drinking Water, concerning the rules and regulations that govern water storage. The petitioner requested that the Commission amend Section 290.43(c) to add an additional American Water Works Association water storage tank standard and to revise the roof slope requirement of no less than 0.75 inch per foot. (Brian Dickey, Ruth Takeda) (Project No. 2013-024-PET-NR)

Deny the petition for rulemaking filed by Fiber Technology Corporation concerning amendments to 30 TAC Chapter 290 for the reasons recommended by the Executive Director, and issue the Executive Director's proposed Order. TB/BS; all agree.

RULE MATTERS

Item 43 **[Docket No. 2012-1663-RUL.](#)**

Consideration of the adoption of the amendment to Section 11.1, Historically Underutilized Business Program, of 30 TAC Chapter 11, Contracts. The adoption would update the Historically Underutilized Business (HUB) Rule. The Texas Comptroller of Public Accounts conducted a disparity study in 2009 and as the result of the new study, made revisions to Title 34, Part 1, Chapter 20, Subchapter B (HUB rules). These revisions became effective on September 14, 2011. A state agency is required by Texas Government Code, Section 2161.003 to adopt the HUB rules. TCEQ's current rule adopting the HUB rules by reference refers to a previous version of the rule and does not reflect the current numbering of the rule. The proposed rule was published in the November 30, 2012, issue of the *Texas Register* (37 TexReg 9466). (Laura Cagle, Amy Mendez) (Rule Project No. 2012-036-011-AS)

Adopt the amendment to 30 TAC Section 11.1, as recommended by the Executive Director. TB/BS; all agree.

Item 44 **Docket No. 2012-2362-RUL.**

Consideration for publication of, and hearing on, amended Sections 115.240, 115.242 - 115.246, new Section 115.241, and repeal of Sections 115.241, 115.247, and 115.249 of 30 TAC Chapter 115, corresponding revisions to the state implementation plan, and consideration of the withdrawal from the United States Environmental Protection Agency amendments to Section 115.247, as adopted by the Commission on June 27, 2007, as a revision to the state implementation plan. The proposed rulemaking would revise Chapter 115, Subchapter C, Division 4 to specify that new gasoline dispensing facilities are not required to install Stage II equipment and require existing gasoline dispensing facilities in the current program areas to properly decommission existing Stage II equipment. Gasoline dispensing facilities electing to retain Stage II equipment until the mandatory removal date of August 31, 2018 would be required to comply with current Stage II rules. (Santos Olivarez, Chrissie Angeletti) (Rule Project No. 2013-001-115-AI).

Joint Motion for Items 44 and 45.

Approve the publication of, and hearing on, amended, new and repealed sections of 30 TAC Chapter 115, corresponding revisions to the State Implementation Plan, and the withdrawal of the State Implementation Plan revision from the United States Environmental Protection Agency of amendments to 30 TAC Section 115.247 adopted by the Commission on June 27, 2007, as recommended by the Executive Director. CR/TB; all agree.

STATE IMPLEMENTATION PLAN MATTERS

Item 45 **Docket No. 2012-2361-SIP.**

Consideration for publication of, and hearing on, proposed revisions to the Stage II Vapor Recovery Program State Implementation Plan (SIP revision). The proposed SIP revision would incorporate proposed revisions to Chapter 115, Subchapter C, Division 4 (Rule Project No. 2013-001-115-AI) specifying that new gasoline dispensing facilities are not required to install Stage II equipment and requiring existing gasoline dispensing facilities in the current program areas to properly decommission existing Stage II equipment no later than August 31, 2018. Gasoline dispensing facilities electing to retain Stage II equipment until the mandatory removal date of August 31, 2018 would be required to comply with current Stage II rules. The proposed SIP revision would also include an assessment demonstrating that decommissioning of Stage II vapor controls would not interfere with attainment or maintenance of the ozone National Ambient Air Quality Standard. (Santos Olivarez, Chrissie Angeletti) (Non-Rule Project No. 2013-002-SIP-NR)

Joint Motion for Items 44 and 45.

Approve the publication of, and hearing on, amended, new and repealed sections of 30 TAC Chapter 115, corresponding revisions to the State Implementation Plan, and the withdrawal of the State Implementation Plan revision from the United States Environmental Protection Agency of amendments to 30 TAC Section 115.247 adopted by the Commission on June 27, 2007, as recommended by the Executive Director. CR/TB; all agree.

Item 46 **Docket No. 2012-1636-SIP.**

Consideration of the adoption of a revision to the Texas Air Quality State Implementation Plan (SIP): the Federal Clean Air Act (FCAA), Section 110(a)(1) and (2) Infrastructure and Transport SIP Revision for the 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). The adopted SIP revision will outline the requirements of FCAA, Section 110(a)(2)(A) through (M), and the Texas provisions supporting the requirements for the 2010 SO₂ NAAQS. 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 revision will include a technical demonstration to support that Texas meets the interstate transport requirements of FCAA, Section 110(a)(2)(D)(i)(I). (Mary Ann Cook, Amy Browning) (Non-Rule Project No. 2012-022-SIP-NR)

Adopt the Infrastructure and Transport State Implementation Plan revision for the 2010 Sulfur Dioxide National Ambient Air Quality Standard, as recommended by the Executive Director. TB/CR; all agree.

Item 47 **Docket No. 2012-0845-SIP.**

Consideration of the adoption of the Houston-Galveston-Brazoria (HGB) 1997 Eight-Hour Ozone Standard Nonattainment Area Motor Vehicle Emissions Budgets (MVEB) Update State Implementation Plan (SIP) Revision. The adopted SIP revision updates the March 2010 HGB attainment demonstration and reasonable further progress SIP revisions for the 1997 eight-hour ozone standard to replace the on-road mobile source emissions inventories for nitrogen oxides (NO_x) and volatile organic compounds (VOC) based on the United States Environmental Protection Agency's (EPA) MOBILE model with those based on the EPA's MOVES model. The 2008, 2011, 2014, 2017, and 2018 NO_x and VOC MVEBs and the contingency analyses are also updated using the MOVES-based emissions inventories. The updated MVEBs will help the HGB area meet transportation conformity requirements of the Federal Clean Air Act. The SIP revision also includes a review of emissions inventory data, photochemical modeling, and the quantitative and qualitative corroborative analyses used as weight of evidence supporting the March 2010 HGB attainment demonstration. (Lola Brown, John Minter) (Non-Rule Project No. 2012-002-SIP-NR)

Adopt the Houston-Galveston-Brazoria 1997 Eight-Hour Ozone Standard Nonattainment Area Motor Vehicle Emissions Budgets Update State Implementation Plan revision, as recommended by the Executive Director. CR/TB; all agree.

PUBLIC COMMENT SESSION

- Item 48 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 49 **Docket No. 2013-0001-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 50 **Docket No. 2013-0002-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 51 **Docket No. 2013-0003-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 SIX (6) 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/ Elaine Lucas
Assistant General Counsel
Elaine Lucas

4/29/2013
Date