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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 22, 2013

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **MISCELLANEOUS MATTER**

Item 1

#### **[Docket No. 2013-0471-UCR.](#)**

Consideration of a request for a Commission Order approving a contract designating service areas for dual certification between the City of Kerrville (City), Certificate of Convenience and Necessity (CCN) No. 12928, and Kerrville South Water Co., Inc. (Kerrville South), CCN No. 11484, in Kerr County, Texas, pursuant to section 13.248 of the Texas Water Code. Under the contract, the City and Kerrville South have agreed to be dually-certificated to provide retail water service to an approximately 15.6 acre area. Currently, Kerrville South holds a CCN for the area proposed for dual certification with no current customers. The contract provides for another approximately 4.29 acre area to be included in Kerrville South's CCN, The Commission has previously incorporated the portion of the contract that provides for an area to be included in the City's water CCN. (Kayla Murray, Heidi Graham)

Approve the contract designating water service areas between the City of Kerrville and Kerrville South under Texas Water Code Section 13.248 which will result in approximately 15.6 acres of service area becoming dually certified to both entities' CCNs and approximately 4.29 acres of service area added to Kerrville South's CCN; and issue the Executive Director's second revised Order with the second proposed CCN map. CR/TB; all agree.

**TMDL MATTER**

Item 2 [\*\*Docket No. 2012-2457-TML.\*\*](#)

Consideration for approval to publish and solicit public comment on Thirteen Total Maximum Daily Loads for Indicator Bacteria corresponding to thirteen assessment units (AUs) in the Lower West Fork Trinity River Watershed (0841\_01, 0841\_02, 0841B\_01, 0841C\_01, 0841E\_01, 0841G\_01, 0841H\_01, 0841J\_01, 0841L\_01, 0841M\_01, 0841R\_01, 0841T\_01, and 0841U\_01), of the Trinity River Basin, in Tarrant and Dallas Counties. (Ron Stein, Robert Brush) (Project No. 2013-008-TML-NR)

Approve for publication and solicitation of public comment on thirteen Total Maximum Daily Loads for Indicator Bacteria corresponding to thirteen assessment units in the Lower West Fork Trinity River Watershed, of the Trinity River Basin, as recommended by the Executive Director. TB/CR; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 3 [\*\*Docket No. 2012-1361-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical LLC in Jefferson County; RN100219252; 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 4 [\*\*Docket No. 2012-2355-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Nacogdoches County; RN100211077; 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 5 [\*\*Docket No. 2012-2231-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Phillips 66 Company in Brazoria County; RN101619179; 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 6 [\*\*Docket No. 2012-1818-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Superior Pipeline Texas, L.L.C. in Hemphill County; RN104377981; 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 7 [\*\*Docket No. 2012-2201-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Greif Packaging LLC in Harris County; RN102079662; 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. 2012-1619-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against ISP Synthetic Elastomers LLC in Jefferson County; RN100224799; 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 9 [\*\*Docket No. 2012-1739-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Custom Crates & Pallets Management, L.L.C. in El Paso County; RN105978712; 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. (Jessica Schildwachter, Debra Barber)

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

Item 10 [\*\*Docket No. 2012-2344-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of E. I. du Pont de Nemours and Company in Orange County; RN100542711; 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 11 [\*\*Docket No. 2011-0660-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Zenergy, Inc. in Brazoria County; RN106076391; 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 12 [\*\*Docket No. 2011-1461-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Jefferson County; RN100209451; 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. 2012-2329-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. (Amancio R. Gutierrez, Debra Barber)

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

Item 14 [\*\*Docket No. 2012-2086-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Chambers County; RN102323268; 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 15 **Docket No. 2012-0135-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical LLC in Jefferson County; RN100219252; 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. (Jessica Schildwachter, Debra Barber)

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

Item 16 **Docket No. 2009-0449-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dome Petrochemical, L.C. in Chambers County; RN101519551; 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. (Jessica Schildwachter, Debra Barber)

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

Item 17 **Docket No. 2012-2179-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Oxy Vinyls, LP in Harris County; RN100224674; 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 18 **Docket No. 2012-1629-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TEKNI-PLEX, INC. in Dallas County; RN100215508; 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 19 [\*\*Docket No. 2012-1672-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. (Amancio R. Gutierrez, Debra Barber)

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

Item 20 [\*\*Docket No. 2012-0402-AIR-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Flint Hills Resources Port Arthur, LLC in Jefferson County; RN100217389; 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.

**DRY CLEANER ENFORCEMENT DEFAULT ORDER**

Item 21 [\*\*Docket No. 2011-1133-DCL-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against Phillicia K. Dean d/b/a Annex Cleaners 2 and Mary L. Shumaker d/b/a Annex Cleaners 2 in Dallas County; RN102913936; for dry cleaner registration violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Rudy Calderon, Lena Roberts)

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

**INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 22 [\*\*Docket No. 2011-0364-IHW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Calvin Court in Bowie County; RN100608538; for industrial solid and/or 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. (Jeffrey Huhn, Lena Roberts)

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

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 23 **[Docket No. 2012-1760-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical LLC, Huntsman International Fuels LLC, Huntsman Propylene Oxide LLC, ISP Water Management Services LLC, and TPC Group LLC in Jefferson County; RN103123220; 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.

Item 24 **[Docket No. 2012-2328-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Bollinger Texas City, L.P. in Galveston County; RN100218627; 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. (Nick Nevid, Debra Barber)

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

Item 25 **[Docket No. 2012-2037-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Houston Refining LP in Harris County; RN100218130; 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.

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER**

Item 26 **[Docket No. 2012-2064-IWD-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Atlas Woodworks, LLC in Denton County; RN106455199; 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. (Peipey Tang, Lena Roberts)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 27 [Docket No. 2011-1819-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against Robert E. Heard, Jr. in Harris County; RN104093190; for municipal, industrial solid, and hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

Approve the Agreed Order. CR/BS; all agree. TB abstained from voting.

Item 28 [Docket No. 2012-1554-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Boundary Ventures, Inc. in Colorado County; RN100916832; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jeff Huhn, Lena Roberts)

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

Item 29 [Docket No. 2011-1016-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Randy Richardson in Van Zandt County; RN106112907; for air quality and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 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. (Michael Meyer, Debra Barber)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 30 [Docket No. 2011-2190-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Sullivan City 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 Agreed Order. CR/TB; all agree.

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 31 [Docket No. 2012-2062-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Abel Becerra, Jr. in Cameron County; RN106514995; 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 Goodwin, Lena Roberts)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 32 [Docket No. 2012-2159-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties against DRIFTWOOD EQUITIES, LTD. in Hays County; RN101608255; 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. CR/TB; all agree.

Item 33 [Docket No. 2012-2105-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Weslaco in Hidalgo County; RN101607943; 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, Debra Barber)

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

Item 34 [Docket No. 2012-1453-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Blanco in Blanco County; RN101721504; 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, Debra Barber)

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

Item 35 [Docket No. 2012-0872-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Josephine in Collin County; RN101916310; 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 36 [\*\*Docket No. 2012-1955-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Texas Department of Criminal Justice in Brazoria County; RN102314069; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Debra Barber)

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

Item 37 [\*\*Docket No. 2012-1561-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sereno LLC d/b/a Oak Creek Mobile Home Park in Grayson County; RN101241271; 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. (Kari L. Gilbreth, Lena Roberts)

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

Item 38 [\*\*Docket No. 2012-1367-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Trophy Club Municipal Utility District No. 1 in Denton County; RN101520286; 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 39 [\*\*Docket No. 2012-1626-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Odessa in Midland County; RN101614261; 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 40 [\*\*Docket No. 2012-2078-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Skidmore Water Supply Corporation in Bee County; RN102342201; 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. (Christopher Bost, Debra Barber)

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

Item 41 [\*\*Docket No. 2012-1746-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Chico in Wise County; RN102833845; 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. (Nick Nevid, Debra Barber)

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

Item 42 [\*\*Docket No. 2012-1972-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Georgetown in Williamson County; RN102917242; 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.

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 43 [\*\*Docket No. 2012-1538-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S S A Properties Inc dba Bunnys Down Town in Smith County; RN101744399; 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. (Harvey Wilson, Debra Barber)

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

Item 44 [\*\*Docket No. 2012-2158-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of 21 & 130 INC dba Mustang Travel Center in Caldwell County; RN103952347; 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 45 [\*\*Docket No. 2012-2233-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Polk Oil Company, Inc. dba Polk Pick It Up 6, Docs Country Store 2 and Northridge Quick Stop in Angelina and Houston Counties; RN101750701, RN105019574, RN102049145; 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. (Jason Fraley, Debra Barber)

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

Item 46 [\*\*Docket No. 2012-1578-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against GRANDE-WEST END, LLC in Smith County; RN102488962; 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. CR/TB; all agree.

Item 47 [\*\*Docket No. 2011-2069-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Addie Marlin d/b/a Marlin Marina Water System in Brazoria County; RN101196079; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mike Fishburn, Lena Roberts)

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

Item 48 [\*\*Docket No. 2012-1221-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harry Wurzbach Retail, Inc. d/b/a Diamond Express 1 in Bexar County; RN102237534; 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. (Mike Fishburn, Lena Roberts)

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

Item 49 **Docket No. 2012-2325-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SOUTHWEST MARKETERS INC. dba Alamo Grocery, dba Circle N East, and dba Comanche Shell in Pecos County; RN101875110, RN101907210, and RN101877405; 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. (Steven Van Landingham, Debra Barber)

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

Item 50 **Docket No. 2012-2435-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kenneth Dupuis dba Dupuis Chevron in Orange County; RN101778025; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Debra Barber)

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

Item 51 **Docket No. 2011-1840-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against XUAN, INC. in Harris County; RN101824951; 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, Debra Barber)

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

Item 52 **Docket No. 2012-1968-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S.N.N.V. ENTERPRISES INC. d/b/a Oak Grove Grocery in Robertson County; RN102783172; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 53 **Docket No. 2012-2436-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against VP FUEL MART INC in Dallas County; RN101443174; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Mike Pace, Debra Barber)

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

Item 54 **Docket No. 2012-1764-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pine Tree Independent School District in Gregg County; RN101759132; 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 55 **Docket No. 2011-1298-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Garcha Corporation in Grayson County; RN101556728; 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 Agreed Order. CR/TB; all agree.

Item 56 **Docket No. 2012-2372-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against Paul T. Bryant dba Shell Food Mart in Hays County; RN102253259; 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 57 [\*\*Docket No. 2012-1622-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Merito Retail, Inc. dba Step In in Bexar County; RN102469012; 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 TANK ENFORCEMENT DEFAULT ORDERS**

Item 58 [\*\*Docket No. 2011-0816-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Global New Millennium Partners, Ltd. in Jefferson County; RN102827649; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 59 [\*\*Docket No. 2012-2198-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of METROPLEX LUCKY STAR, LLC d/b/a Texaco Food Mart 10 in Dallas County; RN102276219; 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. (Jacquelyn Boutwell, Lena Roberts)

Remanded to the Executive Director.

Item 60 [\*\*Docket No. 2012-1910-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against M & M WEST DAVIS INC d/b/a Diamond Mart in Montgomery County; RN102425386; 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 Goodwin, Lena Roberts)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS**

Item 61 [Docket No. 2012-0794-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Kawa Tahasalih d/b/a Jupiter Fina in Dallas County; RN102319266; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 62 [Docket No. 2012-1506-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Petra Petroleum Management LLC d/b/a Parkway Mobil Mart 2 in Collin County; RN102270444; 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. (Jacquelyn Boutwell, Lena Roberts)

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

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 63 [Docket No. 2012-1700-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Plainview in Hale County; RN101228997; 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 64 [Docket No. 2012-2304-PWS-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Diocese of Victoria dba St. Mary's Catholic Church in Lavaca County; RN106213291; 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 65 [Docket No. 2012-2183-PWS-E.](#)



Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of A. & P. WATER SUPPLY CORPORATION in Panola County; RN101216521; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Debra Barber)

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

Item 66 [\*\*Docket No. 2012-1174-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Frankston Rural Water Supply Corporation in Anderson County; RN101440857; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Debra Barber)

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

Item 67 [\*\*Docket No. 2012-2116-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Jonathan Law dba Roosters Orange Bar in Galveston County; RN101197325; 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 68 [\*\*Docket No. 2011-1195-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Laddie Machacek dba Bill Holley Centre in Brazoria County; RN101202943; 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. (Katy Schumann, Debra Barber)

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

Item 69 [\*\*Docket No. 2012-2182-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ronnie E. Day dba Lone Star Child Care Center in Lubbock County; RN106339245; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Abigail Lindsey, Debra Barber)

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

Item 70 [\*\*Docket No. 2012-1725-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SODA WATER SUPPLY CORPORATION in Polk County; RN101221315; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Mike Fishburn, Lena Roberts)

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

Item 71 [\*\*Docket No. 2012-1003-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cypress Hills Limited dba The Challenge at Cypress Hills in Harrison County; RN101188787; 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 72 [\*\*Docket No. 2012-2671-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CENTERVILLE WATER SUPPLY CORPORATION in Trinity County; RN101439818; 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 73 [\*\*Docket No. 2011-1171-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ranger Utility Company in Waller County; RN101216133; 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, Debra Barber)

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

Item 74 [\*\*Docket No. 2012-2694-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Lone Oak in Hunt County; RN101459766; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental

Quality. (Abigail Lindsey, Debra Barber)

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

Item 75 [\*\*Docket No. 2012-1188-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against BRUSH COUNTRY DEVELOPMENT CORPORATION in Duval County; RN106103765; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Boutwell, Lena Roberts)

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

Item 76 [\*\*Docket No. 2012-2520-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of S & K ENTERPRISE INC. dba Lake Conroe Food Mart in Montgomery County; RN102424553; 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 77 [\*\*Docket No. 2012-1852-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Travis County Municipal Utility District No. 10 in Travis County; RN101422533; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Heather Brister, Debra Barber)

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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 78 [\*\*Docket No. 2011-2322-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against Blanca Cruz d/b/a Las Mananitas Mexican Restaurant in Bandera County; RN104709944; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

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

Item 79 [\*\*Docket No. 2012-2048-PWS-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and

requiring certain actions of Ampelio Vargas d/b/a Los Dos Patrones Taqueria and Abelina Vargas d/b/a Los Dos Patrones Taqueria in Austin County; RN101247302; 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. (Mike Fishburn, Lena Roberts)

Remanded to the Executive Director.

### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 80 **Docket No. 2012-2127-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Glenn Thurman, Inc. in Tarrant County; RN106035389; 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. CR/TB; all agree.

Item 81 **Docket No. 2012-2391-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties against Northtown Municipal Utility District in Travis County; RN102178142; 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, Debra Barber)

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

### **RULE PETITION**

Item 82 **Docket No. 2013-0700-RUL.**

Consideration of a petition for rulemaking under Section 20.15 of 30 TAC Chapter 20, Rulemaking. The petition was filed with the Texas Commission on Environmental Quality on April 1, 2013 by 3M Company (Petitioner). The Petitioner requests that its fire protection fluid: 3-Pentanone, 1,1,1,2,2,4,5,5,5-nonafluoro-4-(trifluoromethyl)-, CAS No. 756-13-8, or C6 fluoroketone, be listed in 30 TAC Section 101.1(88) to establish a reportable quantity of 5,000 pounds instead of the default reportable quantity of 100 pounds. (Candy Garrett, Amy Browning) (Project No. 2013-028-PET-NR)

Initiate rulemaking in response to the petition filed by 3M Company concerning amendments to 30 TAC Section 101.1(88) for the reasons recommended by the Executive Director; and issue the Executive Director's proposed Order. TB/CR; all agree.

### **RULE MATTERS**

Item 83 **Docket No. 2013-0413-RUL.**

Consideration for publication of, and hearing on, a proposed amendment to Section 115.453 of 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds, and corresponding revisions to the state implementation plan. The proposed rulemaking would allow the use of airless and air-assisted airless spray application systems for the coating of miscellaneous metal parts and products, miscellaneous plastic parts and products, automotive/transportation and business machine plastic parts, and motor vehicle materials in the Dallas-Fort Worth and Houston-Galveston-Brazoria 1997 eight-hour ozone nonattainment areas. The proposed rulemaking implements reasonably available control technology requirements consistent with the United States Environmental Protection Agency's 2008 Miscellaneous Metal and Plastic Parts Coatings Control Techniques Guidelines recommendations. (Frances Dowiak, Amy Browning) (Rule Project No. 2013-012-115-AI)

Approve publication of, and hearing on, the proposed revision to 30 TAC Section 115.453 and the corresponding revisions to the state implementation plan, as recommended by the Executive Director. CR/TB; all agree.

Item 84 [\*\*Docket No. 2009-1400-RUL.\*\*](#)

Consideration of the adoption of new Sections 101.100 - 101.102, 101.104, 101.106 - 101.110, 101.113, 101.116 - 101.118, and 101.120 - 101.122 of 30 TAC Chapter 101, General Air Quality Rules, Subchapter B, Failure to Attain Fee, and corresponding revisions to the state implementation plan (SIP). Additionally, the commission is considering withdrawing proposed new Section 101.119 of 30 TAC Chapter 101, General Air Quality Rules, Subchapter B, Failure to Attain Fee from the Secretary of State. The adoption would implement the provisions of the Federal Clean Air Act (FCAA), Section 182(d)(3) and (e) and Section 185 for the Houston-Galveston-Brazoria one-hour ozone nonattainment area to include a requirement imposing a penalty fee on major stationary sources of volatile organic compounds (VOC). The rulemaking will also implement FCAA, Section 182(f), which requires all SIP requirements that apply for VOC to also apply for emissions of nitrogen oxides (NOX). The penalty fee is required of major stationary sources located in an area classified as severe or extreme ozone nonattainment if that area fails to attain the ozone National Ambient Air Quality Standard (NAAQS) by the applicable attainment date. The rulemaking will also provide for equivalent alternative options to meet the fee obligation. Major stationary sources are subject to paying a fee of \$5,000, as adjusted by the consumer price index, per ton in excess of 80% of a baseline amount of VOC, NOX, or both. The fee will be due annually until the area is redesignated attainment, has a design value of attainment, or other action by the United States Environmental Protection Agency to end the fee program. The rulemaking also includes a provision to allow the executive director to place the fee in abeyance when the area's design value does not exceed the one-hour ozone NAAQS. The proposed rules were published in the November 30, 2012 issue of the *Texas Register* (37 TexReg 9468). (Kathy Pendleton, Terry Salem) (Rule Project No. 2009-009-101-AI)

Adopt the new Sections of 30 TAC Chapter 101 and the withdrawal of proposed new Section 101.119, and the corresponding revisions to the state implementation plan, as recommended by the Executive Director. TB/CR; all agree.

Item 85 **Docket No. 2013-0348-RUL.**

Consideration for publication of amended Section 7.119 of 30 TAC Chapter 7, Memoranda of Understanding. The proposed rulemaking would adopt, by reference, the rules of the Texas Department of Transportation (TxDOT) in 43 TAC Chapter 2, Subchapter I, Memorandum of Understanding with the Texas Commission on Environmental Quality (TCEQ). 43 TAC Chapter 2, Subchapter I contains an updated Memorandum of Understanding (MOU) between the TCEQ and TxDOT addressing TCEQ environmental reviews of TxDOT highway (transportation) projects. The updates to the MOU implement requirements in Sections 1 and 5 of Senate Bill (SB) 548, Section 18 of SB 1420, and Sections 1 and 5 of House Bill 630, 82nd Legislature, 2011, and make additional changes to the MOU. The primary change to the updated MOU addresses the requirement in Texas Transportation Code, §201.607, that the MOU include language specifying that comments submitted to TxDOT later than the available 45-day review period will be considered by TxDOT to the extent possible. Changes to the updated MOU include changes to the triggers for review of a project and allows TxDOT to coordinate review of environmental reports with the TCEQ. The updated MOU also updates TCEQ's agency name from the "Texas Natural Resource Conservation Commission" to the "Texas Commission on Environmental Quality". (Diane Mazuca, Angela Burnett) (Rule Project No. 2013-019-007-LS)

Approve the publication of the amendments to 30 TAC Section 7.119, as recommended by the Executive Director. CR/TB; all agree.

**PUBLIC COMMENT SESSION**

Item 86 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 87 **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 88 **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 89 **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/ Barham A. Richard  
Assistant General Counsel  
Barham Richard

5/24/2013  
Date