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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)).

AGENDA

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

July 26, 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. 2011-1756-MLM-E; SOAH Docket No. 582-12-5907.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of League City Paving Company, Inc. in Galveston County; RN101784726; for water quality and industrial hazardous/municipal solid 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 Texas Administrative Code ch. 60. (Tammy L. Mitchell)

Adopt the Administrative Law Judge's Proposed Order with the changes recommended by the Executive Director in his Exceptions and agreed to by the Administrative Law Judge in his May 9, 2013 letter as reflected in the Executive Director's revised Proposed Order. CR/TB; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 **[Docket No. 2013-0820-MWD.](#)**

Consideration of the application by Hays County Municipal Utility District No. 5 for a renewal of TCEQ Permit No. WQ0014358001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 300,000 gallons per day via a public access subsurface drip irrigation system with a minimum area of 68.87 acres of public access land. This permit will not authorize a discharge of pollutants into waters in the State. The wastewater treatment facility and disposal sites are located approximately 2.3 miles south of U.S. Highway 290 and approximately 6,500 feet east of Sawyer Ranch Road. The disposal sites are located throughout the Highpointe Subdivision. The entrance to the subdivision is located on the east side of Sawyer Ranch Road, approximately 1.7 miles south of the intersection of U.S. Highway 290 and Sawyer Ranch Road. Sawyer Ranch Road is located 8.2 miles west of the intersection of U.S. Highway 290 and Texas Highway 71, and 5.5 miles east of Dripping Springs in Hays County, Texas 78737. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Tim Reidy, Dex Dean)

Deny the hearing requests filed by SOS Alliance, Friendship Alliance, and Kathy Turney pursuant to Texas Water Code Section 26.028(d); Issue the Executive Director's draft permit renewal to Hays County Municipal Utility District No. 5; and adopt the Executive Director's Response to Comments. TB/CR; all agree.

Item 3 **[Docket No. 2013-0650-SLG.](#)**

Consideration of the application by Terra Renewal Services, Inc. for a new permit, Proposed TCEQ Permit No. WQ0004989000, to authorize the land application of wastewater treatment plant sewage sludge and water treatment plant sludge for beneficial use on 320.9 acres. This permit will not authorize a discharge of pollutants into waters in the State. The sludge land application site will be located at 476 Brookshire Street, approximately one mile north of the intersection of Highway 31 and Brookshire Street, northwest of the Community of Powell in Navarro County, Texas 75153. The Commission will also consider requests for hearing or reconsideration, related responses, public comment, and the Executive Director's Response to Comments. (Michael Parr, Kellie Crouch-Elliott)

Grant the hearing request filed by Clay and Caleb Jackson; Refer the matter to SOAH with a concurrent referral to the Commission's Alternative Dispute Resolution Program during the pendency of the SOAH scheduling process for a contested case hearing on the following issue: Whether the proposed permit complies with the TCEQ nuisance and odor land application requirements found in 30 TAC Section 312.44; Specify the maximum duration of the hearing as six months from the preliminary hearing to the issuance of the Proposal for Decision; and deny all requests for reconsideration. CR/TB; all agree.

EMERGENCY ORDER

Item 4 **[Docket No. 2013-0225-WR.](#)**

Consideration of a request from the Lower Colorado River Authority (LCRA) for an Emergency Order under Tex. Water Code § 11.139 to temporarily change the process required in its 2010 Water Management Plan (WMP), Permit No. 5838, for curtailment of interruptible stored water. LCRA filed this request on July 2, 2013. LCRA has the right to divert and use up to 1.5 million acre feet from Lakes Buchanan and Travis, in Travis, Llano, and Burnet Counties, Texas, under Certificates of Adjudication Nos. 14-5478 and 14-5482. These certificates require LCRA to develop the WMP, Permit No. 5838, which provides how LCRA makes water available from these lakes to help meet “firm” water customer needs, downstream interruptible irrigation demands, and environmental flow needs of Matagorda Bay and the lower Colorado River, and how LCRA will manage and curtail supplies from the lakes during times of drought including through a repeat of the Drought of Record. LCRA requests that the emergency order change the triggers for curtailment of interruptible water in the 2010 WMP to state that LCRA is not required to release any water for interruptible customers other than Garwood irrigation division for the duration of the order. (Robin Smith, Kathy Alexander)

Grant the request by the Lower Colorado River Authority (LCRA) for an emergency amendment to its Water Management Plan in accordance with the Texas Water Code § 11.139; and adopt the Emergency Order proposed by the Executive Director. TB/CR; all agree.

MISCELLANEOUS MATTERS

Item 5 **[Docket No. 2013-1253-WR.](#)**

Consideration of whether to affirm, modify, or set aside the Executive Director's Order suspending certain water rights in the Brazos River Basin, signed on July 2, 2013. On June 26, 2013, Dow Chemical Company made a senior call based on its February 14, 1942 priority date in its Certificate of Adjudication No. 12-5328. The Order was issued by the Executive Director pursuant to Texas Water Code Chapter Section 11.053 and 30 Tex. Admin. Code Chapter 36. The Order has a term until December 28, 2013, unless modified or terminated, and was issued by the Executive Director without a hearing. Water rights junior to February 14, 1942, that were not for municipal, domestic, or power generation uses, were suspended. Two municipal water rights junior to February 14, 1942, were not suspended. The other junior water rights with municipal, power, or

domestic uses in the basin identified in the Order were suspended, partially suspended, or adjusted. The Order allows diversion and impoundment by the suspended water rights holders during certain higher flow levels if conditions change to cause temporary higher flow levels in the Brazos River watershed during the term of the Order. The Order affects certain water rights in Austin, Bastrop, Bell, Bosque, Brazoria, Brazos, Brown, Burleson, Burnet, Callahan, Colorado, Comanche, Coryell, Eastland, Erath, Falls, Fayette, Fort Bend, Freestone, Grimes, Hamilton, Harris, Hill, Hood, Jack, Johnson, Lampasas, Lee, Leon, Limestone, Madison, McLennan, Milam, Mills, Palo Pinto, Parker, Robertson, Somervell, Stephens, Travis, Waller, Washington, and Williamson Counties. (Kellye Rila, Robin Smith)

Affirm the Executive Director's Order suspending and adjusting water rights in the Brazos River Basin for a senior call with the following modifications: (1) Revise the last sentence in Finding of Fact No. 8 to read "Dow indicates that its current diversion rate is 240 cubic feet per second, its current consumptive demand is 225 cubic feet per second, and it has approximately 46 days of reservoir storage remaining at this time." (2) Attach and incorporate by reference Appendix E, provided by the Executive Director on July 17, 2013. (3) Add new Finding of Fact No. 35, which reads "Appendix E, which is incorporated by reference into this Order and is part of this Order, lists the junior power generation water rights that are not being suspended, partially suspended, or adjusted under this order at this time." (4) Add new Finding of Fact No. 36 which reads "The only water rights junior to February 14, 1942 with the right to use state water in the Brazos River Basin other than domestic and livestock impoundments under two hundred acre-feet that were not suspended, partially suspended, or adjusted under the Executive Director's Order are those water rights identified in Findings of Fact Nos. 15 and 16, and in Appendix E as incorporated by reference into this Order." (5) Renumber current Findings of Fact Nos. 35- 42, accordingly. (6) Revise ordering provision Nos. 12, 13, and 14, so that they reference Ordering Provision No.11 rather than Ordering Provision No. 10. (7) Revise the Order so that each water right, whether mentioned in the main text of the Order or incorporated in an appendix, includes the county where each specific water right is located. CR/TB; all agree.

Item 6 [**Docket No. 2013-1166-MIS.**](#)

Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts and donations by certain agencies. (Beth West)

Approve the issuance of the resolution acknowledging the Executive Director's acceptance of these gifts. TB/CR; all agree.

AGRICULTURAL ENFORCEMENT DEFAULT ORDER

Item 7 [**Docket No. 2012-0635-AGR-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Mike Watson and Robbie Watson, d/b/a Mike &

Robbie Watson Dairy in Wise County; RN106209513; 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.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 8 **[Docket No. 2012-2454-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Enterprise Products Operating LLC in Harris County; RN100210665; 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 9 **[Docket No. 2012-2621-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Haldor Topsoe, Inc. in Harris County; RN101211498; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Debra Barber)

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

Item 10 **[Docket No. 2012-1839-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Styrolution America LLC in Harris County; RN100542224; 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 11 **[Docket No. 2011-1891-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against ConocoPhillips Company in Hutchinson County; RN102495884; for air quality

violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Kimberly Morales, Debra Barber)

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

Item 12 **[Docket No. 2012-2392-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S. a r. l. in Harris County; RN104244942; 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 13 **[Docket No. 2013-0169-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF Corporation in Brazoria County; RN100218049; 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.

AIR QUALITY ENFORCEMENT DEFAULT ORDERS

Item 14 **[Docket No. 2012-0673-AIR-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Javier Rodriguez d/b/a/ XXX Auto Sales in Webb County; RN106223415; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 15 **[Docket No. 2011-1017-AIR-E.](#)**

Consideration of a Default Order assessing administrative penalties against Loreda Paint & Body, Inc. in Kendall County; RN106145246; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382,

and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

Item 16 [**Docket No. 2012-0528-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Pat Byrd in Zavala County; RN106183791; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Anna M. Treadwell, Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 17 [**Docket No. 2012-0774-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Tuscany Heights, LLC fka Tuscany Heights Partners, Ltd. in Bexar County; RN104256227; for Edwards Aquifer 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. (Remington Burkland, Debra Barber)

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

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 18 [**Docket No. 2012-1934-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against BASF Corporation in Harris County; RN100225689; 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. (Danielle Porras, Debra Barber)

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

Item 19 [**Docket No. 2012-2015-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Dow Chemical Company in Brazoria County; RN100225945; 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. (Michael Meyer, Debra Barber)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 20 [Docket No. 2012-1153-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MINSA CORPORATION in Bailey County; RN102597200; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Debra Barber)

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

Item 21 [Docket No. 2012-1125-IWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ConocoPhillips Company in Brazoria County; RN101619179; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Debra Barber)

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

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 22 [Docket No. 2012-2079-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Craig Sailer d/b/a Outdoor Unlimited in Harris County; RN103768420; 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 ORDERS

Item 23 [Docket No. 2012-2115-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of AG-MEIER INDUSTRIES L.L.C. in Bell County; RN101058865; for industrial and hazardous waste and water quality violations

pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Debra Barber)

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

Item 24 **[Docket No. 2012-2174-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RIVER CITY READY MIX, INC. in Bexar County; RN105833735; for municipal solid waste and water quality violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Clinton Sims, Debra Barber)

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

Item 25 **[Docket No. 2012-1202-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NATIONAL ELECTRIC COIL CO, L.P. in Cameron County; RN100617448; for industrial and hazardous waste and air quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Debra Barber)

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

Item 26 **[Docket No. 2012-2703-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of H & S CONSTRUCTORS, INC. in Dimmit County; RN106543762; for petroleum storage tank, air quality, and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 382, 361, and 371, 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 27 **[Docket No. 2011-1973-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Effluent Recycling, Inc. and Michael W. Martin in

Tarrant County; RN101569879; for industrial and/or hazardous waste, used oil, and petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 371, 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 28 **[Docket No. 2012-1423-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of J & J Soil Service, Inc. in Houston County; RN106451776; for used oil, water quality, and petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 371, 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.

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS

Item 29 **[Docket No. 2012-2163-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of William Bartley Duncan in Nacogdoches County; RN106435886; for used oil and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 371, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Lieberknecht, Lena Roberts)

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

Item 30 **[Docket No. 2012-1958-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Derby Water Supply Corporation in Frio County; RN101281178; for water quality and public drinking water violations pursuant to Tex. Water Code ch. 11, Tex. Health & Safety Code ch. 341, 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.

Item 31 **[Docket No. 2012-2358-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Tommy Joe Blevins in Calhoun County;

RN106267891; 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. (Jennifer Cook, Lena Roberts)

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

Item 32 **[Docket No. 2013-0090-MLM-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Doris Brown, aka Doris Blue Brown, aka Doris Blue, aka Doris Bryant in Milam County; RN106373954; for municipal solid waste and air quality 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. (Tammy L. Mitchell, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 33 **[Docket No. 2011-0616-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Follett in Lipscomb County; RN101916559; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lanae Foard, Debra Barber)

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

Item 34 **[Docket No. 2013-0292-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Circle Bar Truck Corral, Inc. in Crockett County; RN102844669; 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 35 **[Docket No. 2013-0133-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of BOLIVAR UTILITY SERVICES, L.L.C. in Galveston County; RN103637807; 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 36 [**Docket No. 2013-0056-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Houston in Harris County; RN101608685; 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 37 [**Docket No. 2012-0629-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tall Timbers Utility Company, Inc. in Smith County; RN101519981; 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 38 [**Docket No. 2013-0118-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Eagle Lake in Colorado County; RN102181195; 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.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 39 [**Docket No. 2011-0595-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ahmed Fayyaz d/b/a Super Stop 10 in Jefferson

County; RN102399342; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

Item 40 **[Docket No. 2012-0176-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against KJCJ ENTERPRISES INC d/b/a S & T Beer & Wine in Dallas County; RN102010972; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

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

Item 41 **[Docket No. 2013-0185-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Jorge E. Rodriguez dba Speedy Stop 13 in Fort Bend County; RN102230133; 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 42 **[Docket No. 2012-2420-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SJTS, Inc. dba Shop N Go in Morris County; RN104805593; 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. (Michael Meyer, Debra Barber)

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

Item 43 **[Docket No. 2012-2371-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ABDUN INC dba Texaco Food Mart in Harris County; RN106037674; 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 44 **Docket No. 2012-1730-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TEXAS SUPERTRACK, INC. d/b/a Supertrack Store in Tarrant County; RN102849379; for petroleum storage tank violations pursuant to Texas Water Code chs. 7 and 26, Texas Health & Safety Code ch. 382, 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.

Item 45 **Docket No. 2012-2234-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against SHAZADA ENTERPRISES, INC. dba Short Trip Food Mart in Harris County; RN100860626; 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 46 **Docket No. 2012-2533-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of VAKIL & BROTHERS, INC. dba Express Lane 25 in Harris County; RN101884260; 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 Brister, Debra Barber)

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

Item 47 **Docket No. 2012-1297-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Asuda Holdings LLC d/b/a 7-Eleven in Denton County; RN101532281; 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.
(Steven M. Fishburn, Lena Roberts)

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

Item 48 **Docket No. 2012-0892-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DRJO ENTERPRISE INC. d/b/a Crystal Car Wash in Dallas County; RN101540466; 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 49 **Docket No. 2013-0130-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against KIM'S KORNER, INC. in Collin County; RN101552883; 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 50 **Docket No. 2012-1988-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MCALLEN PETROLEUM, INC. dba Kwik Stop Gasoline Station in Cameron County; RN102220530; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porrás, Debra Barber)

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

Item 51 **Docket No. 2012-1287-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAMODA INC d/b/a Amigo Food Mart in Harris County; RN102273877; for petroleum storage tank violations pursuant to Texas Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Cullen McMorrow, Lena Roberts)

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

Item 52 [**Docket No. 2012-2577-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Aslam Ali dba Handi Stop 37 in Harris County; RN102405313; 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. (Lanae Foard, Debra Barber)

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

Item 53 [**Docket No. 2012-2096-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marbach Food, Inc. d/b/a Marbach Grocery in Bexar County; RN102378734; 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. (David A. Terry, Lena Roberts)

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

Item 54 [**Docket No. 2012-2496-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MEMORIAL HEALTH SYSTEM OF EAST TEXAS dba Memorial Medical Center Livingston in Polk County; RN105683270; 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. (Theresa Stephens, Debra Barber)

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

Item 55 [**Docket No. 2013-0101-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Marshall Independent School District in Harrison County; RN101795623; 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. (Michael Meyer, Debra Barber)

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

Item 56 [**Docket No. 2012-2552-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against MURPHY OIL USA, INC. dba Murphy USA 6653 in Galveston County; RN102228988; 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. (Danielle Porras, Debra Barber)

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

Item 57 [**Docket No. 2012-0471-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against HJTV, Inc. dba Lakeside Travel Plaza in Wichita County; RN105560619; 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 Johnson, Debra Barber)

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

Item 58 [**Docket No. 2012-2337-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of New Caney Enterprise, Inc. d/b/a Bills 3Gs Food Mart in Montgomery County; RN101879716; 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 59 [**Docket No. 2012-1913-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Pronto Food Stores, LLC; in Rusk County; RN102719226; 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. (Ryan Rutledge, Lena Roberts)

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

Item 60 **Docket No. 2012-1116-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dowd & Sons Automobile Salvage Company, Inc. in Navarro County; RN101531887; 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 61 **Docket No. 2013-0034-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SNB Food, Inc. dba Speedy Stop Super Mart 2 in Bexar County; RN102393576; 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. (Theresa Stephens, Debra Barber)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 62 **Docket No. 2012-1455-PST-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of ACRES ENTERPRISES, INC. d/b/a Rebels Food Market in Jasper County; RN101780500; 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. (Ryan Rutledge, Lena Roberts)

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

Item 63 **Docket No. 2012-1909-PST-E.**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of TriStar Convenience Stores, Inc. d/b/a Handi Stop 55 in Harris County; RN102446481; 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 Default Order. CR/TB; all agree.

Item 64 [Docket No. 2012-2408-PST-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Kaur Investments, Inc. d/b/a Baytown Express Travel Center in Harris County; RN102223062; 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. (Ryan Rutledge, Lena Roberts)

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

Item 65 [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)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 66 [Docket No. 2011-0187-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of ANA, INC. d/b/a Polk Shell in Harris County; RN102717014; 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 67 [Docket No. 2012-0315-PST-E.](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Sona Stores, Inc. d/b/a Sunshine Grocery and d/b/a Sunshine Groceries in Newton County; RN102478468 and RN102789138; 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. (Steven M. Fishburn, Lena Roberts)

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

Item 68 [**Docket No. 2012-1240-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Ted Castillo d/b/a C & T Quick Stop in Cameron County; RN104708342; 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 and Shutdown Order. CR/TB; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 69 [**Docket No. 2013-0029-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of George Thomas dba Old West Mobile Home Park in Randall County; RN102316080; 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. 2012-0777-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Thomas Osborn Hammond DBA Loco Coyote Grill in Somervell County; RN105161194; for public drinking water violations pursuant to 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.

Item 71 [**Docket No. 2012-2473-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dana L. Miller dba Hawkins System in Denton County; RN103915120; 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 72 [**Docket No. 2013-0356-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of S.L.C. WATER SUPPLY CORPORATION in Limestone County; RN101265908; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Montgomery, Debra Barber)

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

Item 73 [**Docket No. 2013-0017-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MARINA QUEST, INC in Grayson County; RN102071990; 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.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 74 [**Docket No. 2013-0281-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Greenwood Ventures, Inc. in Midland County; RN102689213; 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. (Jennifer Cook, Lena Roberts)

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

Item 75 [**Docket No. 2012-2123-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of TIMBERLANE WATER SYSTEM, INC. in Sabine County; RN101182624; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

Remanded to the Executive Director

UTILITIES ENFORCEMENT DEFAULT ORDER

Item 76 [**Docket No. 2012-1397-UTL-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Norman Barnett d/b/a Sand Bar Estates in Harris County; RN101215382; for public drinking water violations pursuant to Tex. Water Code chs. 5 and 13 and the rules of the Texas Commission on Environmental Quality. (Kari L. Gilbreth, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 77 [**Docket No. 2013-0151-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Burleson and McCLENDON CONSTRUCTION CO., INC. in Johnson County; RN106528854; 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.

RULE MATTERS

Item 78 [**Docket No. 2013-0457-RUL.**](#)

Consideration for publication of, and hearing on, proposed amended Section 111.211 of 30 TAC Chapter 111, Control of Air Pollution from Visible Emissions and Particulate Matter; and corresponding revisions to the state implementation plan. The proposed rulemaking would add prescribed burning for wildfire hazard mitigation as an exception to the state's outdoor burning prohibition. This proposed rulemaking is a follow-up to a petition filed by the Texas Prescribed Burning Board and considered by the commission on February 27, 2013. (Candy Garrett, Becky Petty) (Rule Project No. 2013-023-111-CE)

Approve the publication of, and hearing on, amendment to 30 TAC Section 111.211 and the corresponding revisions to the State Implantation Plan, as recommended by the Executive Director. TB/CR; all agree.

Item 79 [**Docket No. 2012-2076-RUL.**](#)

Consideration of the adoption of amendments to multiple sections of 30 TAC Chapter 113, Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, Subchapter C, National Emission Standards for Hazardous Air Pollutants for Source Categories (FCAA, §112, 40 CFR Part 63); new Sections 113.1130, 113.1300, 113.1320, 113.1340, 113.1350, 113.1370, 113.1380, 113.1425, 113.1435, 113.1445, 113.1450, 113.1455, 113.1460, 113.1465, 113.1470, 113.1475, 113.1480, 113.1485, 113.1495, 113.1500, 113.1505, 113.1510, 113.1515, 113.1520, 113.1525, 113.1530, 113.1535, and 113.1555; and the repeal of Sections 113.150, 113.1190, and 113.1200. The adoption updates existing maximum achievable control technology (MACT) and generally available control technology (GACT) standards. The rulemaking amends numerous existing sections of 30 TAC Chapter 113 containing federal MACT standards to incorporate changes made by the United States Environmental

Protection Agency (EPA), and incorporates by reference 28 new MACT and GACT standards that have been recently promulgated by the EPA. The proposed rules were published in the March 15, 2013, issue of the *Texas Register* (38 TexReg 1801) (Michael Wilhoit, Terry Salem) (Rule Project No. 2013-004-113-AI)

Adopt the amended, new, and repealed sections of 30 TAC Chapter 113, as recommended by the Executive Director. CR/TB; all agree.

Item 80 **Docket No. 2012-2017-RUL.**

Consideration of the adoption of new Section 106.359 of 30 TAC Chapter 106, Permits By Rule. The adopted rulemaking adds new permit by rule Section 106.359 to authorize emissions from planned maintenance, startup, and shutdown (MSS) at oil and gas handling and production facilities. The adopted PBR requires that the permit holder keep records, develop and implement a maintenance program, and use best management practices to minimize emissions. The proposed rules were published in the March 15, 2013, issue of the *Texas Register* (38 TexReg 1785) and a Correction of Error was published in the March 29, 2013, issue of the *Texas Register* (38 TexReg 2155). (Tasha Burns, Betsy Peticolas) (Rule Project No. 2012-030-106-AI)

Adopt new 30 TAC Section 106.359, as recommended by the Executive Director. TB/CR; all agree.

Item 81 **Docket No. 2013-0948-RUL.**

Consideration for publication of, and hearing on, proposed amendment to 30 TAC Chapter 303, Operation of the Rio Grande, Section 303.53. The proposed rulemaking would remove the requirement that contracts, excluding those for Domestic, Municipal, and Industrial water, for the purchase of all or part of the annual authorized amount of use for a water right in the Middle or Lower Rio Grande be limited to one year and would clarify that all contracts for water would remain subject to Section 303.22, Allocation of Accounts. (Amy Settemeyer, Robin Smith) (Rule Project No. 2013-031-303-OW)

Approve the publication of, and hearing on, the proposed amendment to 30 TAC Chapter 303, as recommended by Executive Director. CR/TB; all agree.

PUBLIC COMMENT SESSION

Item 82 The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the ex parte prohibition found in Texas Government Code Section 2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.

No Action Taken.

EXECUTIVE MEETING

Item 83 Docket No. 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.

Approve a raise for the Executive Director's salary to the amount approved in the Appropriations Act, effective September 1, 2013. BS/CR; all agree.

Item 84 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.

No Action Taken.

Item 85 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.

No Action Taken.

**(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/ Tracy Gross _____

Assistant General Counsel

Tracy Gross

August 2, 2013 _____

Date