

*The Agenda document below includes hyperlinks (docket numbers highlighted in blue) that enable the user to view agenda backup documents [documents pertaining to a particular matter that have been filed with the Office of the Chief Clerk (OCC)]. To view all agenda backup in person including those documents not found in the hyperlinks below, please visit OCC at 12100 Park 35 Circle, Building F, Suite 1101 (30 TAC § 1.10).*

*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 Toby Baker

September 24, 2013

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **PROPOSAL FOR DECISION**

Item 1 [\*\*Docket No. 2012-0065-WR; SOAH Docket No. 582-12-5332.\*\*](#)

TCEQ Docket No. 2012-0065-WR; SOAH Docket No. 582-12-5332.  
Consideration of the Administrative Law Judges' Proposal for Decision and Order regarding the application of Upper Trinity Regional Water District for Water Use Permit No. 5821 to construct and maintain a dam and reservoir (Lake Ralph Hall), on the North Sulphur River, Sulphur River Basin, in Fannin County for in-place recreational purposes and to divert and use not to exceed 45,000 acre-feet per year from the perimeter of the proposed reservoir for municipal, industrial, and agricultural purposes. The Applicant requests an authorization to transfer water from the Sulphur River Basin to the Trinity River Basin, for use in portions of Collin, Cooke, Dallas, Denton, Fannin, Grayson and Wise Counties. The Commission will also consider timely public comments, timely related filings, exceptions and replies. (James Aldredge, Ron Ellis)

Adopt the ALJs' revised Order with the following changes: Amend Finding of Fact No. 447 to state: "The District's 2009 and 2012 Water Conservation Plans implement many of the applicable BMPs found in Report 362 along with additional measures beyond those laid out

in the report.”; Amend Finding of Fact No. 448 to state: “Implementation of the District's 2009 and 2012 Water Conservation Plans will result in the highest practicable levels of water conservation and efficiency achievable within the District's physical jurisdiction within the Region C Water Planning Area, as well as within its legal jurisdiction as a whole sale water supplier.”; Add new Conclusion of Law No. 30(a) as follows: “As part of the Commission's review of and action on the Application, Texas Water Code § 11.085(k)(5) requires the Commission to weigh the effects of the interbasin transfer by considering the information required to be submitted by the applicant, which includes the information required under Texas Water Code § 11.085(b). 30 Texas Administrative Code § 297.18(c)(6).”; and Amend Ordering Provision No. 1 to change the third sentence in Special Condition No. 5 to delete the phrase “and federal”. TB/BS; all agree.

### **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

Item 2 **Docket No 2013-1511-MWD.**

Consideration of the application by Lennar Homes of Texas Land and Construction, Ltd. for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015065001, which authorizes the discharge of treated domestic wastewater with a daily average flow not to exceed 600,000 gallons per day. The facility will be located 3,700 feet east of the intersection of Roman Forest Boulevard and U. S. Highway 59 in Montgomery County, Texas 77357. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Alicia Ramirez, Bijaya Chalise).

Deny Frances Foulks' hearing request and issue new TPDES Permit No. WQ0015065001 to Lennar Homes of Texas Land and Construction, Ltd., and adopt the Executive Director's Response to Public Comment. BS/TB; all agree.

Item 3 **Docket No. 2013-1036-MWD.**

Consideration of the application by New Way Land Development, LLC for a new permit, Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015058001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day. The facility will be located at the intersection of Interstate Highway 35 and Ranch Road 3408 in La Salle County, Texas 78014. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Stefanie Skogen, David Akoma)

Continued to the December 11, 2013 agenda.

### **USE DETERMINATION APPEAL MATTER**

Item 4 **Docket No. 2013-1252-MIS-U.**

Consideration of the appeal filed by Air Products, LLC with regard to the Executive Director's negative use determination on Application No. 16632,

dated May 28, 2013, for certain property at its Port Arthur plant located at 1801 South Gulfway Drive in Jefferson County, Texas. The Commission will also consider the application and all timely response and reply briefs.

Affirm the Executive Director's Negative Use Determination. TB/BS; all agree.

#### **MISCELLANEOUS MATTER**

Item 5 **Docket No. 2013-1303-RES.**

Consideration of a resolution appointing eight nominees to serve on the Municipal Solid Waste Management and Resource Advisory Council (Advisory Council) and the possible appointment of one member as the advisory council president. The Advisory Council reviews and evaluates the effect of state policies and programs on municipal solid waste (MSW) management; makes recommendations on matters relating to MSW management; recommends legislation to encourage the efficient management of MSW; recommends policies for the use, allocation, or distribution of the planning fund; and recommends special studies and projects to further the effectiveness of MSW management and recovery for Texas. (Steve Hutchinson, Ron Olson) (Project No. 2013-030-RES-NR)

Appoint Scott Trebus, a representative from a solid waste management organization composed primarily of commercial operators; Risa Weinberger, a person who is experienced in the management and operation of a composting or recycling facility, or an educator with knowledge of the design and management of solid waste facilities; Yvette Salinas, a person who is representing the public who would not otherwise qualify as a member under the Texas Health and Safety Code Section 363.041; John Monaco, an elected official from a municipality with a population between 100,000 and 750,000; Timothy Davis, an elected official from a municipality with a population between 25,000 and 100,000; and David Yanke, a representative from the financial community "with terms to expire on August 31, 2019". Appoint John Nanny, an elected official from a county with a population less than 150,000, "with a term to expire on August 31, 2015"; Appoint George Russell, an elected official from a municipality with a population fewer than 25,000, "with a term to expire on August 31, 2017"; and appoint Charles "Chuck" Rivette as Advisory Council President, "with a term to expire on August 31, 2015". BS/TB; all agree.

#### **TMDL MATTER**

Item 6 **Docket No. 2012-2457-TML.**

Consideration for adoption of 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)

Adopt the Thirteen Total Maximum Daily Loads for Indicator Bacteria corresponding to

thirteen assessment units (AUs) in the Lower West Fork Trinity River Watershed as recommended by the Executive Director. TB/BS; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 7 **[Docket No. 2013-0504-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Nueces County; RN100221662; 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, Candy Garrett)

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

Item 8 **[Docket No. 2012-2691-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against WTG Jameson, LP in Coke County; RN101246478; 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, Candy Garrett)

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

Item 9 **[Docket No. 2012-1628-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. (Jessica Schildwachter, Candy Garrett)

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

Item 10 **[Docket No. 2012-0945-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Superior Crude Gathering, Inc. in San Patricio County; RN102510088; 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. (Jennifer Cook, Lena Roberts)

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

Item 11 **[Docket No. 2012-1316-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Maximus Coffee Group, LP in Harris County; RN100214931; 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, Candy Garrett)

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

#### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 12 **[Docket No. 2012-2014-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Motiva Enterprises LLC in Jefferson County; RN100209451; for water quality and industrial and hazardous waste 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, Candy Garrett)

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

Item 13 **[Docket No. 2012-2082-MLM-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sam's Truck Stop Business, Inc. in Culberson County; RN101377620; for water quality violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code chs. 341 and 366, 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. BS/TB; all agree.

#### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER**

Item 14 **[Docket No. 2013-0246-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Absolutely Outdoors, Ltd. and TERRA TEXAS LAND COMPANY, LLC d/b/a Seber Lane Recycling Center in Harris County; RN105659361; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 15 [\*\*Docket No. 2013-0222-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Austin in Travis County; RN101607794; 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, Candy Garrett)

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

Item 16 [\*\*Docket No. 2011-0220-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against City of Rochester in Haskell County; RN101920114; 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. (Jeffrey J. Huhn, Lena Roberts)

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

**PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 17 [\*\*Docket No. 2012-2067-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Westex Capital, LTD. d/b/a Pico 4 and d/b/a Pico 7 in Dimmit County and Atascosa County; RN105213847 and RN102993870; 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. BS/TB; all agree.

Item 18 [\*\*Docket No. 2013-0830-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DAWANI BUSINESS, INC. in Montgomery County; RN102054590; 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. BS/TB; all agree.

Item 19 [\*\*Docket No. 2012-0887-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against HAKRO INVESTMENTS LLC d/b/a Flip In Market in Tarrant County; RN101539963; 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, include specifically 30 Tex. Admin. Code ch. 60. (Steven M. Fishburn, Lena Roberts)

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

Item 20 **Docket No. 2012-2493-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sugar Land Alliance Enterprises, Inc. d/b/a Mobil 451 in Harris County; RN101945301; 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. BS/TB; all agree.

Item 21 **Docket No. 2012-2055-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAC-N-PAC STORES, INC. in Hays County and Bastrop County; RN103020996, RN102921376, RN102921574, RN102378668, RN104284963, and RN102925872; 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. BS/TB; all agree.

Item 22 **Docket No. 2013-0317-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Wood Wind Square, Ltd. in Harris County; RN101827277; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Candy Garrett)

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

Item 23 **Docket No. 2013-0336-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PATISU MARKETING, INC. dba Pops Quick Stop in Comanche County; RN102761608; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas

Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Candy Garrett)

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

Item 24 [\*\*Docket No. 2012-1160-PST-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Katy Independent School District in Harris County; RN102468121; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jim Sallans, Lena Roberts)

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

**PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER**

Item 25 [\*\*Docket No. 2012-2599-PST-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of AKAL BUSINESS INC. d/b/a 154 Exxon in Harrison County; RN101729812; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rebecca M. Combs, Lena Roberts)

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

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

Item 26 [\*\*Docket No. 2012-1907-PST-E.\*\*](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of William Burkett d/b/a New Way in Gregg County; RN102345097; 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)

Remanded to the Executive Director.

**PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 27 [\*\*Docket No. 2013-0330-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lyons Water Supply Corporation in Burleson County; RN101459055; for public drinking water violations pursuant to Tex.



Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jacquelyn Green, Candy Garrett)

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

Item 28 [\*\*Docket No. 2013-0426-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MacBee Special Utility District in Van Zandt County; RN101204410; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Cheryl Thompson, Candy Garrett)

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

Item 29 [\*\*Docket No. 2013-0202-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of THE CONSOLIDATED WATER SUPPLY CORPORATION in Houston County; RN102687381; 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, Candy Garrett)

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

Item 30 [\*\*Docket No. 2013-0184-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Wheeler in Wheeler County; RN102698313; 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, Candy Garrett)

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

Item 31 [\*\*Docket No. 2012-2048-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against 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 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

Item 32 [\*\*Docket No. 2012-2088-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of K C UTILITIES, INC. in Brazoria County; RN101243921; 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 Agreed Order. BS/TB; all agree.

### **SLUDGE ENFORCEMENT DEFAULT ORDER**

Item 33 [\*\*Docket No. 2012-1461-SLG-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of All American Septic LLC in Harris County; RN106303985; for water quality 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, include specifically 30 Tex. Admin. Code ch. 60. (Rudy Calderon, Lena Roberts)

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

### **RULE MATTERS**

Item 34 [\*\*Docket No. 2013-1110-RUL.\*\*](#)

Consideration for publication of, and hearing on, amended Section 290.44 of 30 TAC Chapter 290, Public Drinking Water. The proposed rulemaking would implement House Bill 2781 from the 83rd Legislature, 2013, Regular Session, relating to structures that have rainwater harvesting systems (RWHS) and are connected to a public water system (PWS). The proposed rulemaking would amend Section 290.44(j) and its subdivisions to: remove the phrase "for indoor use" from Section 290.44(j); amend Section 290.44(j)(1) to require that a privately owned RWHS with a capacity of more than 500 gallons that is connected to a PWS for a back-up supply must have a backflow prevention assembly or an air gap at the storage facility for the harvested rainwater; remove the word "indoor" from the phrase "for indoor potable purposes" in Section 290.44(j)(2); remove the phrase "for use for potable purposes" from renumbered Section 290.44(j)(3); and add Section 290.44(j)(4) to require that the PWS used as a back-up supply for the RWHS may be connected only to the water storage tank and may not be connected to the plumbing of a structure. (Cindy Haynie, Kayla Murray) (Rule Project No. 2013-043-290-OW)

Approve the publication of and hearing on, amended 30TAC Section 290.44 as recommended by the Executive Director. TB/BS; all agree.

Item 35 [\*\*Docket No. 2013-1109-RUL.\*\*](#)

Consideration for publication of, and hearing on, proposed amendments to Sections 114.1, 114.2, 114.21, 114.50, 114.53, 114.82 - 114.84, and 114.87 of 30

TAC Chapter 114, Control of Air Pollution from Motor Vehicles, and corresponding revisions to the state implementation plan. The proposed rulemaking would implement House Bill 2305 from the 83rd Texas Legislature, 2013, Regular Session, relating to replacing the dual windshield sticker system for vehicle inspection and registration with a single windshield sticker system and modifying the method used to collect the state portion of the vehicle safety and emissions inspection fee. The proposed rulemaking would also make minor non-programmatic updates to rule language for purposes of clarity. (Edgar Gilmore, Ross Henderson) (Rule Project No. 2013-035-114-AI)

Joint Motion for Item Nos. 35-36.

Approve the publication of, and hearings on, amendments to 30 Texas Administrative Code Chapter 114 and associated revisions to the State Implementation Plan, as recommended by the Executive Director. BS/TB; all agree.

### **STATE IMPLEMENTATION PLAN MATTERS**

Item 36 **[Docket No. 2013-1108-SIP.](#)**

Consideration for publication of, and hearing on, a proposed revision to the Texas Inspection and Maintenance (I/M) State Implementation Plan (SIP) concerning the safety and emissions inspection fee and the existing dual windshield sticker system for vehicle registrations and safety inspections. The proposed I/M SIP revision would implement House Bill 2305 from the 83rd Texas Legislature, 2013, Regular Session, relating to replacing the dual windshield sticker system for vehicle inspections and registrations with a single windshield sticker system and modifying the method used to collect the state portion of the vehicle safety and emissions inspection fee. (Angela Kissel, Ross Henderson) (Project No. 2013-041-SIP-NR)

Joint Motion for Item Nos. 35-36.

Approve the publication of, and hearings on, amendments to 30 Texas Administrative Code Chapter 114 and associated revisions to the State Implementation Plan, as recommended by the Executive Director. BS/TB; all agree.

Item 37 **[Docket No. 2013-1598-SIP.](#)**

Consideration of the resubmittal to the United States Environmental Protection Agency (EPA) of the following sections in 30 Texas Administrative Code (TAC) as revisions to the State Implementation Plan (SIP): Section 116.10(9)(E), as amended September 15, 2010, and all earlier versions of this portion of the definition; Section 116.110(a)(3), adopted June 17, 1998; and Sections 116.13 and 116.710 - 116.760, adopted or amended November 16, 1994; June 17, 1998; September 2, 1999; August 9, 2000, March 7, 2001; August 21, 2002; September 25, 2002; and August 20, 2003, except as modified by the list of sections listed below to be either withdrawn or to be submitted as amended by the commission on December 14, 2010. Consideration of the withdrawal from

the EPA of the following sections in 30 TAC adopted between 1994 and 2003 to the SIP: Section 116.711(3) (last sentence only) and (11), as amended August 21, 2002, and all earlier versions; Section 116.715(a), only with regard to the text "Subchapter C of this chapter (relating to Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources (FCAA §112(g), 40 CFR Part 63))", as amended August 21, 2002, and all earlier versions; Section 116.715(c)(6), as amended August 20, 2003 and all earlier versions; Section 116.716(a) and (d), as adopted November 16, 1994; Section 116.730, adopted November 16, 1994, and repealed and readopted June 17, 1998; Section 116.740(b), adopted June 17, 1998 and amended September 2, 1999; Sections 116.793 - 116.802 and 116.804 - 116.807, adopted May 22, 2002, except Sections 116.794(11), 116.795(f) and 116.799(a), which were returned to the commission by letter from EPA dated June 29, 2011; and Section 116.803, adopted August 21, 2002; Consideration of the adoption as a revision to the SIP 30 TAC Section 116.765(b) and (c), and the submittal of the following sections in 30 TAC, adopted by the commission December 14, 2010, as revisions to the SIP: Section 116.13(3) and (5); Section 116.711(2)(M) [introductory text], and paragraphs (iv) and (vii); Section 116.715(c)(5)(A) and (B); Section 116.715(c)(6)(A)(i) and (ii); Section 116.715(d), except the text "The permit shall specify which of the monitoring options under paragraph (2)(A) - (E) of this subsection shall be used to determine compliance for facilities subject to monitoring under this subsection"; Section 116.715(d)(1); Section 116.715(f); Section 116.716(a), (c), (d) and (e); and the repeal of Section 116.716(d). This adoption would align the program with the court's opinion in *State of Texas, et al v. United States Environmental Protection Agency*, 690 F.3d 670 (5th Cir. 2013), and would provide the rules necessary for EPA to approve the commission's minor new source review flexible permit program as part of the Texas SIP. The sections to be withdrawn from EPA are those for which there is no requirement for inclusion in the SIP under the requirements of the Federal Clean Air Act. (Michael Wilhoit, Janis Hudson) (Project No. 2013-059-SIP-NR)

Adopt, as recommended by the Executive Director, a revision to the State Implementation Plan that does the following: Resubmits various Chapter 116 rules adopted in 1994 through 2003; Withdraws various previously submitted Chapter 116 rules that are not requirements of the federal Clean Air Act; Adopts and submits 30 Texas Administrative Code Section 116.765(b) and (c); and Submits certain Chapter 116 rules or portions of rule amendments adopted in 2010. TB/BS; all agree.

### **PUBLIC COMMENT SESSION**

Item 38 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 39 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 Executive Meeting.

**Item 40 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 Executive Meeting.

**Item 41 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 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**

**BRILLE 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 12:30 P.M. AND WILL CONTINUE UNTIL 1:00 P.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.**

**THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT:**

**[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**

/s/ Elaine Lucas  
Assistant General Counsel  
Elaine Lucas

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Date