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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 Toby Baker

AGENDA

December 11, 2013

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

PROPOSALS FOR DECISION

Item 1 **[Docket No. 2012-2608-AIR; SOAH Docket No. 582-13-1520.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of El Paso Electric Company for Air Quality Permit Nos. 102294 and PSD-TX-1290 that would authorize construction and operation of the Montana Power Station, a natural gas-fueled electric generating comprised of four simple cycle combustion turbine generators located in El Paso County, Texas. The Commission will also consider timely public comments and the Executive Director's Response to Comments; the record, timely related filings, exceptions and replies. (Becky Petty)

Adopt the Administrative Law Judge's Proposed Order granting El Paso Electric Company's applications for State Air Quality Permit No. 102294 and Prevention of Significant Deterioration Air Quality Permit No. PSD-TX-1290; Adopt the Executive Director's Response to Comments and issue the draft permits as modified by the ALJ's reply dated November 5, 2013 adopting the Executive Director's recommended change combining and rewording permits Special Condition 5(D) and 5(E) contained in the Executive Director's Exceptions. TB/BS; all agree.

Item 2 [**Docket No. 2012-0486-PST-E; SOAH Docket No. 582-13-2091.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of MAGIC PRO INC d/b/a Pro Quick Lube in Dallas County, Texas; RN101556298; 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. The Commission will also consider the record, timely related filings, exceptions and replies. (Rebecca M. Combs)

Adopt the Executive Director's revised Proposed Order as reflected by Attachment B to the Executive Director's Exceptions for the reasons set forth in the Executive Director's Exceptions. BS/TB; all agree.

HEARING REQUEST/REQUEST FOR RECONSIDERATION

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. 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 January 15, 2014 Commissioners' Agenda.

CERTIFIED QUESTION

Item 4 [**Docket No. 2005-1490-WR; SOAH Docket No. 582-10-4184.**](#)

Consideration of the Administrative Law Judges' request to answer certified questions regarding the Application by the Brazos River Authority (BRA) for Water Use Permit No. 5851 and related filings, pursuant to Texas Water Code (TWC) Chapter 11 and the Commission's rules, including 30 Texas Administrative Code § 80.131. The Administrative Law Judges seek the Commission's answers to the following certified questions: 1) Commission interpretation of the deadlines established by the Environmental Flows Advisory Committee and TWC § 11.147(e-3) is needed: are the timing requirements of these provisions mandatory? 2) Does TWC § 11.147(e-3) require that newly adopted environmental flow standards be applied immediately, or may their implementation be addressed under a TWC § 11.147(e-1) "reopener" provision? 3) Assuming that timing requirements are directory or that application of new environmental low standards may be addressed through a "reopener" provision, which environmental flow standard should be applied to BRA's pending application? 4) As a matter of policy, should the Commission consider establishing a "transition rule" for all applications that have been processed through technical review or referred to SOAH for contested case hearing, by which preexisting environmental flow standards might be applied to pending applications, with SB 3 standards

subsequently implemented through TWC § 11.147(c-1)'s "reopener" provision? The Commission will also consider the briefs timely-filed by the parties. BRA's service area includes the following counties: Parmer, Castro, Swisher, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Archer, Lubbock, Crosby, Baylor, Dickens, King, Knox, Jack, Terry, Lynn, Mitchell, Chambers, Young, Garza, Throckmorton, Kent, Haskell, Stonewall, Parker, Palo Pinto, Dawson, Scurry, Borden, Fisher, Stephens, Jones, Shackelford, Johnson, Hood, Nolan, Erath, Eastland, Taylor, Callahan, Somervell, Hill, Comanche, Bosque, Brown, Freestone, Hamilton, McLennan, Limestone, Mills, Coryell, Leon, Falls, Lampasas, Robertson, Bell, Madison, Milam, Burnet, Brazos, Grimes, Williamson, Burleson, Travis, Lee, Washington, Bastrop, Fayette, Waller, Harris, Austin, Colorado, Fort Bend, Galveston, Matagorda, Wharton, and Brazoria. (Robin Smith)

Answer: "Texas Water Code Section 11.147(e-3) requires that newly adopted environmental flow standards be applied immediately" to Certified Question No. 2; and decline to answer Certified Questions No. 1, 3 and 4. BS/TB; all agree.

DISTRICT MATTER

Item 5 **Docket No. 2013-1245-DIS.**

Consideration of a resolution by the Board of Directors of Riviera Water Control and Improvement District (District), for conversion of the District to a municipal utility district. The District currently provides sewer service to residential and commercial connections within approximately 248 acres in Kleberg County. The District requests that the Commission convert the District pursuant to Texas Water Code, Chapters 49 and 54, and 30 TAC Section 293.15. (Hollis Henley, Craig Barnes)

Grant the MUD conversion request of the Riviera Water Control and Improvement District of Kleberg County and issue the Executive Director's Proposed Order. TB/BS; all agree.

MISCELLANEOUS MATTERS

Item 6 **Docket No. 2013-2059-MIS.**

Consideration of the re-nomination and reappointment of five positions on the Tax Relief for Pollution Control Property Advisory Committee and the nomination and appointment of one person to fill the vacant independent technical expert position and one person to fill a vacant industry position. House Bills 3206 and 3544, 81st Legislature, 2009, amended Texas Tax Code (TTC), Section 11.31 to require the Texas Commission on Environmental Quality (TCEQ) to form a permanent advisory committee that will make recommendations to the TCEQ commissioners on matters relating to property tax exemptions for pollution control property. TTC, Section 11.31(n) requires the advisory committee to have representatives from industry, appraisal districts, taxing units, environmental groups, and members who are not representatives of any of the aforementioned entities but have substantial technical expertise in pollution control technology and environmental engineering. House Bill 2280, 82nd Legislature, 2011, amended TTC, Section 11.31(n) to require that at least one member of the advisory committee be a

representative of a school district or junior college district in which property is located that is or previously was subject to an exemption under this section.
(Chance Goodin, Ron Olson)

Adopt the proposed Resolution appointing seven individuals to the Tax Relief for Pollution Control Property Advisory Committee and appoint the following individuals to serve four year terms: Charles Allred as an independent technical expert, Michael Ford as an industry representative, Bob Adair as an industry representative, Roland Bieber as an appraisal district representative, Robert Castor as an industry representative, Wayne Frazell as an appraisal district representative, and Bennett Sandlin as a taxing units representative.
BS/TB; all agree.

Item 7 [**Docket No. 2011-0345-MIS.**](#)

Consideration of the adoption of the renewal with changes of the Texas Pollutant Discharge Elimination System (TPDES) Municipal Separate Storm Sewer System (MS4) general permit, TXR040000, authorizing the discharge of stormwater and certain non-stormwater discharges from municipal separate storm sewer systems state-wide into surface water in the state. The general permit was published in the August 24, 2012, issue of the Texas Register (37 TexReg 6803). (Hanne Nielsen, Robert Brush) (Rule Project No. 2011-017-OTH-NR)

Adopt the renewal with changes of Texas Pollutant Discharge Elimination System (TPDES) Municipal Separate Storm Sewer System (MS4) General Permit TXR040000 as recommended by the Executive Director. TB/BS; all agree.

TMDL MATTER

Item 8 [**Docket No. 2012-2574-TML.**](#)

Consideration for approval of an Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria corresponding to seventeen assessment units (AUs) in the Greater Trinity River and Tributaries (Segments 0805, 0822A, 0822B, 0841, 0841B, 0841C, 0841E, 0841G, 0841H, 0841J, 0841L, 0841M, 0841R, 0841T, and 0841U) of the Trinity River Basin in Dallas and Tarrant Counties. (Ron Stein, Robert Brush) (Project No. 2013-011-TML-NR)

Approve the Implementation Plan for seventeen Total Maximum Daily Loads for bacteria in fifteen segments of the Upper Trinity River, Grapevine Creek, Cottonwood Branch and Lower West Fork Trinity Watershed of the Trinity River Basin, as recommended by the Executive Director. BS/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 9 [**Docket No. 2012-0735-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. (Kimberly Morales, Candy Garrett)

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

Item 10 [**Docket No. 2012-1962-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, Candy Garrett)

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

Item 11 [**Docket No. 2013-0401-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Fiber Brite, Ltd. in Lynn County; RN102281938; 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 Gutierrez, Candy Garrett)

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

Item 12 [**Docket No. 2013-0966-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, Candy Garrett)

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

Item 13 [**Docket No. 2013-0673-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Total Petrochemicals & Refining USA, Inc. in Harris County; RN100212109; 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. TB/BS; all agree.

Item 14 **[Docket No. 2013-0375-AIR-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Lubrizol Corporation in Harris County; RN100221589; 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. TB/BS; all agree.

Item 15 **[Docket No. 2013-0678-AIR-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Dallas Group of America, Inc. in Galveston County; RN100872977; 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. TB/BS; all agree.

Item 16 **[Docket No. 2013-1067-AIR-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Cardell Cabinetry, LLC in Bexar County; RN100210053; 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, Candy Garrett)

Remanded to the Executive Director.

Item 17 **[Docket No. 2013-0603-AIR-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Lockheed Martin Corporation in Tarrant County; RN100212356; 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, Candy Garrett)

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

Item 18 **[Docket No. 2013-0968-AIR-E.](#)**
Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of W & W Fiberglass Tank Company in Gray County; RN102004314; 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. TB/BS; all agree.

Item 19 **[Docket No. 2013-0918-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Delek Refining, Ltd. in Smith County; RN100222512; 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. (Rachel Bekowies, Candy Garrett)

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

Item 20 **[Docket No. 2012-1935-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Quad Williamson, LLC in Dallas County; RN100214741; 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. (Abigail Lindsey, Candy Garrett)

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

Item 21 **[Docket No. 2013-1335-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Multisources, LTD in Fayette County; RN106526767; 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. TB/BS; all agree.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 22 **[Docket No. 2013-0672-AIR-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Dario Canales d/b/a DC Auto Collision in El Paso County; RN106145949; 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. (Phillip M. Goodwin, P.G., Lena Roberts)

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

EDWARDS AQUIFER ENFORCEMENT AGREED ORDER

Item 23 [**Docket No. 2012-1600-EAQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against IMMANUEL CHURCH OF AUSTIN in Williamson County; RN106407265; 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 Burklund, Candy Garrett)

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

INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS

Item 24 [**Docket No. 2013-0353-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Alloy Polymers Orange, LLC in Orange County; RN100590207; 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. (Thomas Greimel, Candy Garrett)

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

Item 25 [**Docket No. 2013-0777-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Walden Environmental Chemistries, Inc. [Formerly CONLEN SURFACTANT TECHNOLOGY, INC.] in Montgomery County; RN104963848; 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. (Rebecca Boyett, Candy Garrett)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 26 [**Docket No. 2013-0915-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FIRESTONE POLYMERS, LLC in Orange County; RN100224468; 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. TB/BS; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 27 **[Docket No. 2013-0724-MSW-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Global Waste Services, LLC in Harris County; RN101747624; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Judy Kluge, Candy Garrett)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 28 **[Docket No. 2013-1080-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Goodrich in Polk County; RN101917649; 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. (Harvey Wilson, Candy Garrett)

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

Item 29 **[Docket No. 2013-0834-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Livingston Care Associates, Inc. and Polk Health Holdings LLC in Polk County; RN101718765; 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, Candy Garrett)

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

Item 30 **[Docket No. 2013-0991-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against the Cities of Waco, Woodway, Bellmead, Lacy-Lakeview, Robinson, Hewitt, and Lorena in McLennan County; RN102097235; 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, Candy Garrett)

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

Item 31 **[Docket No. 2012-1212-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of De Kalb in Bowie County; RN101918936;

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. (Remington Burklund, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 32 **[Docket No. 2013-0959-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ashish Verma dba Dixie Mart in Tarrant County; RN102957156; 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, Candy Garrett)

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

Item 33 **[Docket No. 2013-0478-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of R.A.R. BUSINESS INC dba Hardy Stop in Harris County; RN102320231; 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. (John Fennell, Candy Garrett)

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

Item 34 **[Docket No. 2013-1149-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against G & R SAKUN, INC dba JM Grocery in Lamar County; RN101825776; 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. (Keith Frank, Candy Garrett)

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

Item 35 **[Docket No. 2013-0396-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against CENTERGAS FUELS, INC. in Potter and Jones Counties; RN102060159; 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. (John Fennell, Candy Garrett)

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

Item 36 [**Docket No. 2013-0970-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Beaumont Independent School District in Jefferson County; RN100574052, RN105090575, and RN106206873; 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. (John Fennell, Candy Garrett)

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

Item 37 [**Docket No. 2013-0951-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Beep-Beep, L.L.C. dba Beep Beep Convenience Store in Hidalgo County; RN105683759; 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. (Judy Kluge, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 38 [**Docket No. 2013-0764-PST-E.**](#)

Consideration of a Default Order assessing administrative penalties against AL-IMRAN ENTERPRISES, INC. d/b/a Vargas Food Mart 2 in Harris County; RN102284767; for petroleum storage tank 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. (Steven M. Fishburn, Lena Roberts)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT AND SHUTDOWN ORDERS

Item 39 [**Docket No. 2013-0099-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Barakat S & A, Inc. d/b/a SAA Food Mart in Tarrant County; RN104091723; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Tammy L. Mitchell, Lena Roberts)

Approve the Default. TB/BS; all agree.

Item 40 [**Docket No. 2013-0523-PST-E.**](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of AZZAH ENTERPRISES, INC. d/b/a

Blue Star Food Mart in Harris County; RN101908481; 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. (Elizabeth Lieberknecht, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 41 **[Docket No. 2013-0407-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mark Stewart in Cass County; RN101194447; 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, Candy Garrett)

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

Item 42 **[Docket No. 2012-0368-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MOUNTAIN BREEZE, L.L.C. in Comal County; RN101202505; 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, Candy Garrett)

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

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER

Item 43 **[Docket No. 2012-1879-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Jose Flores Cabazos a/k/a Jose Flores Cavazos in Lubbock County; RN105922645; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Lieberknecht, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 44 **[Docket No. 2013-0511-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Rainbow Landscape Materials, LLC in Somervell County; RN105695563; 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., Candy Garrett)

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

STATE IMPLEMENTATION PLAN MATTERS

Item 45 **Docket No. 2013-1682-SIP.**

Consideration for publication of, and hearing on, the proposed Emissions Inventory (EI) State Implementation Plan (SIP) Revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) for the Houston-Galveston-Brazoria and Dallas-Fort Worth Areas. The proposed SIP revision would satisfy the Federal Clean Air Act, Section 172(c)(3) and Section 182(a)(1) EI reporting requirements for the Houston-Galveston-Brazoria and Dallas-Fort Worth nonattainment areas under the 2008 eight-hour ozone NAAQS. States are required to submit a comprehensive, accurate, current EI from all sources in nonattainment areas within two years of the July 20, 2012 effective date of designations. (Nina Castillo, Terry Salem) (Non-Rule Project No. 2013-016-SIP-NR)

Approve the publication of, and hearings on, the Emissions Inventory State Implementation Plan Revision for the 2008 Eight-Hour Ozone NAAQS for the Houston-Galveston-Brazoria and Dallas-Fort Worth areas, as recommended by the Executive Director. BS/TB; all agree.

Item 46 **Docket No. 2013-2092-SIP.**

Consideration of the withdrawal of the following sections in 30 Texas Administrative Code Chapter 39, Public Notice; Chapter 101, General Air Quality Rules; Chapter 116, Control of Air Pollution by Permits for New Construction or Modification; and Chapter 122, Federal Operating Permits Program; from United States Environmental Protection Agency (EPA) as revisions to the State Implementation Plan (SIP). Chapter 116, Subchapter L, Sections 116.1400, 116.1402, 116.1404, 116.1406, 116.1408, 116.1410, 116.1414, 116.1416, 116.1418, 116.1420, 116.1422, 116.1424, 116.1426 and 116.1428, adopted by the commission on February 22, 2006 for anticipated FutureGen projects and submitted to EPA on March 9, 2006. Chapter 39, Sections 39.402(a)(10), 39.419(e)(3), and 39.420(h), which are specific public participation requirements for applications for permits for specific designated facilities, adopted by the commission on June 2, 2010 and submitted to EPA on July 2, 2010. These sections to be withdrawn from EPA consideration are those for which no application for the specific designated facility has been received nor is expected to be received. Chapter 101, Section 101.28, regarding stringency determinations for federal operating permits, adopted by the commission on December 1, 1999 and submitted to EPA on December 17, 1999. Chapter 122, Sections 122.215, and 122.218, regarding minor permit revision procedures for the federal operating permits program, adopted May 9, 2001 and submitted to EPA October 4, 2001; Section 122.216, regarding minor permit revision procedures for the federal operating permits program, amended May 9, 2001, and submitted to EPA October 4, 2001; and Section 122.217, regarding minor permit revision procedures for the federal operating permits program, as amended by the commission on November 20, 2002 and submitted to EPA on August 11, 2003. These sections were originally submitted to EPA as a SIP revision in support of the Texas Title V Federal Operating Permit Program at

the request of EPA. These five sections to be withdrawn from EPA consideration 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, Terry Salem) (Rule Project No. 2014-009-SIP-NR)

Withdraw the proposed amendments to 30 TAC Chapters 39, 101,116, and 122 from the EPA as revisions to the SIP as recommended by the Executive Director. TB/BS; all agree.

RULE MATTERS

Item 47 **Docket No. 2013-1674-RUL.**

Consideration for publication of, and hearing on, proposed amendment of Section 305.541 of 30 TAC Chapter 305, Subchapter P, Effluent Guidelines and Standards for Texas Pollutant Discharge Elimination System Permits. The proposed rulemaking would adopt by reference 40 Code of Federal Regulations Part 449, which established technology-based effluent limitation guidelines and new source performance standards to control discharges of pollutants from airport de-icing operations. (Laurie Fleet, Stefanie Skogen) (Rule Project No. 2013-052-305-OW)

Approve publication of, and hearing on, the proposed amendments to 30 TAC Section 305.541 as recommended by the Executive Director. BS/TB; all agree.

Item 48 **Docket No. 2013-2058-RUL.**

Consideration for publication of, and hearing on, proposed repealed Sections 114.640, 114.642, 114.644, 114.646, 114.648 and simultaneously proposed new Sections 114.640, 114.642, 114.644, 114.646, 114.648 of 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter K, Mobile Sources Incentive Programs, Division 4, Texas Clean School Bus Program; and corresponding revisions to the state implementation plan. The proposed rulemaking would repeal and re-propose 30 TAC Chapter 114, Subchapter K, Division 4, to extend the expiration date to August 31, 2019, for the Texas Clean School Bus Program rules to be consistent with statutory changes by House Bill 1796, 81st Legislature, 2009, Regular Session. (Joe Briseño, Terry Salem) (Rule Project No. 2014-008-114-AD)

Approve for publication of, and hearing on the repeal and reproposal of 30 TAC Chapter 114, Subchapter K, Division 4 as recommended by the Executive Director. TB/BS; all agree.

PUBLIC COMMENT SESSION

Item 49 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 50 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 51 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 52 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 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/ Greg Merrell
Assistant General Counsel
Greg Merrell

12/16/13
Date