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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. **AGENDA**
Commissioner Toby Baker
Commissioner Zak Covar

January 15, 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

HEARING REQUEST/REQUEST FOR RECONSIDERATION

Item 1 **[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)

Remanded to the Executive Director.

EMERGENCY ORDERS

Item 2 **[Docket No. 2013-2211-UCR.](#)**

Consideration of a request filed on January 6, 2014, by La Villa Independent School District ("La Villa ISD") for the issuance of an emergency order to compel the City of La Villa ("City") to provide continuous and adequate water and sewer service in Hidalgo County, Texas, pursuant to Texas Water Code Section 13.041(d) and Title 30, Section 291.14(a) of the Texas Administrative Code. La Villa ISD is the governing board of an independent school district and

political subdivision of the State of Texas, having its principal offices in Hidalgo County, Texas. La Villa ISD's address is 500 East 9'h Street, La Villa, Texas. The City provides water service to La Villa ISD. La Villa ISD's allegedly affected facilities encompass an early college high school, alternative high school, middle school and elementary school located in the City. La Villa ISD alleges that, on or about December 10, 2013, the City issued a letter that included a 10 day disconnection notice effective on December 20, 2013, by 5:00 pm, unless the payment of an alleged outstanding balance of \$57,212.69 was submitted. La Villa ISD alleges that the City terminated water and sewer service to La Villa ISD's facilities on or before December 25, 2013. La Villa ISD's request seeks an emergency order, with or without a hearing, that immediately compels the City to provide and restore water and sewer service to La Villa ISD and restrains the City from directly or indirectly terminating water and sewer service to the various schools of La Villa ISD for a period of at least 90 days and until further order of the Commission. La Villa filed a previous emergency order request with the Commission on December 17, 2013; which the Commission considered at an emergency agenda on December 20, 2013. The Commission determined to take no action on La Villa ISD's request at the emergency agenda.

Decline to take action on La Villa ISD's petition for an emergency order for the following reasons: 1) the Commission lacks jurisdiction over the underlying billing dispute between the City's municipally-owned utility and any retail customer within the corporate limits of the City; 2) the Commission has questionable authority to issue an emergency order to compel the City to provide continuous and adequate water service without the City holding a water CCN; and 3) the request does not demonstrate an imminent threat to public health and safety. BS/TB; ZC abstained.

Item 3 [**Docket No. 2013-2150-UCR-E.**](#)

Consideration of whether to affirm, modify, or set aside the Emergency Order issued on December 5, 2013 by the Executive Director of the Texas Commission on Environmental Quality pursuant to Tex. Water Code chs. 5 and 13, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, to address the abandonment of a retail public utility (Utility) by Mostafa A. Soliman and Nawal Soliman d/b/a Willowbrook Subdivision in Waller County; TCEQ ID No. RN101256121; CCN12568; to ensure continued operation of the Utility and to provide continuous and adequate service to the customers. The Emergency Order appointed Ray Young as temporary manager of the Utility. (Joel Cordero)

Affirm the Executive Director's Emergency Order, issued on December 5, 2013, which appoints Ray Young as temporary manager for the public water system that holds CCN No. 12568, but modify the Emergency Order as recommended by the Executive Director in paragraphs 1, 2, and 3 of the Executive Director's draft order. TB/BS; ZC abstained.

DISTRICT MATTERS

Item 4 [**Docket No. 2013-1323-DIS.**](#)

Consideration of an application by Fort Bend County Municipal Utility District

No. 25 for dissolution of Fort Bend County Municipal Utility District No. 51 ("District") pursuant to Texas Water Code Sections 49.321 to 49.327 and 30 Texas Administrative Code Sections 293.131 to 293.136. The District is comprised of approximately 261.654 acres of land in Fort Bend County, Texas. (Beatriz Flores, Robert Brush)

Grant the dissolution petition for Fort Bend County Municipal Utility District No. 51 and issue the Executive Director's Proposed Order. TB/ZC; all agree.

Item 5 **Docket No. 2013-1052-DIS.**

Consideration of an application from the Board of Directors of the Fort Bend County Water Control and Improvement District No. 3 ("District") for the conversion of the District to a Municipal Utility District, pursuant to the Texas Water Code, Chapters 49 and 54, and 30 Texas Administrative Code Section 293.15. The District is comprised of approximately 383.10 acres of land in Fort Bend County, Texas. (Kayla Murray, Ren Berra)

Grant the MUD conversion request for Fort Bend County Water Control and Improvement District No. 3 and issue the Executive Director's Proposed Order. TB/ZC; all agree.

GENERAL PERMIT

Item 6 **Docket No. 2013-1989-MIS.**

Consideration of the adoption of the renewal, with amendment, of the Texas Pollutant Discharge Elimination System (TPDES) general permit number TXG530000, authorizing the discharge of wastewater from on-site treatment systems connected to single family residences located in Harris County, Texas. Public notice of the proposed draft permit was published in the September 27, 2013 issue of the *Texas Register* (38 TexReg 6725). (Laurie Fleet, Kathy Humphreys) (Non-Rule Project No. 2013-032-OTH-NR)

Renew the Texas Pollutant Discharge Elimination System general permit number TXG530000 as amended by the Executive Director. TB/ZC; all agree.

TMDL MATTERS

Item 7 **Docket No. 2013-0853-TML.**

Consideration for final approval of a an Implementation Plan for Eight Total Maximum Daily Loads for Indicator Bacteria in Dickinson Bayou and Three Tidal Tributaries (Segments 1103, 1103A, 1103B, 1103C, and 1104) in Galveston County. (Ron Stein, Robert Brush) Project No. 2013-026-TML-NR

Joint Motion for Item Nos. 7-8

Approve the Implementation Plan for eight Total Maximum Daily Loads for bacteria in Dickinson Bayou and Three Tidal Tributaries and approve the Implementation Plan for one Total Maximum Daily Load for bacteria and two Total Maximum Daily Loads for low

dissolved oxygen in the Upper Oyster Creek watershed, Segment 1245, as recommended by the Executive Director. BS/TB; all agree.

Item 8 [**Docket No. 2013-0852-TML.**](#)

Consideration for final approval of an Implementation Plan for Two Total Maximum Daily Loads for Dissolved Oxygen and One Total Maximum Daily Load for Bacteria in Upper Oyster Creek. (Ronald Stein, Robert Brush) Project No. 2013-005-TML-NR

Joint Motion for Item Nos. 7-8

Approve the Implementation Plan for eight Total Maximum Daily Loads for bacteria in Dickinson Bayou and Three Tidal Tributaries and approve the Implementation Plan for one Total Maximum Daily Load for bacteria and two Total Maximum Daily Loads for low dissolved oxygen in the Upper Oyster Creek watershed, Segment 1245, as recommended by the Executive Director. BS/TB; all agree.

MISCELLANEOUS MATTERS

Item 9 [**Docket No. 2013-2132-MIS.**](#)

Consideration of material changes to contracts for goods and services awarded under Chapter 2155 of the Texas Government Code executed during the previous quarter. (Elizabeth West)

Approve issuance of the resolution that acknowledges material changes to the contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code. TB/ZC; all agree.

Item 10 [**Docket No. 2013-2131-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 by certain state agencies. (Elizabeth West)

Approve issuance of the resolutions that acknowledges the Executive Director's acceptance of these gifts. TB/ZC; all agree.

AGRICULTURAL ENFORCEMENT AGREED ORDER

Item 11 [**Docket No. 2012-1349-AGR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Two Sisters Dairy, LLC in Erath County; RN104994611; 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. (Jim Sallans, Lena Roberts)

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

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 12 [**Docket No. 2013-1066-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Davis Operating Company in Brazoria County; RN106178932; 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 Tex. Admin. Code ch. 60. (Amancio R. Gutierrez, Candy Garrett)

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

Item 13 [**Docket No. 2012-0968-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of INVISTA S.a r.l. in Orange County; RN104392626; 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 Tex. Admin. Code ch. 60. (Rebecca Johnson, Candy Garrett)

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

Item 14 [**Docket No. 2013-0801-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Red Ewald, Inc. in Karnes County; RN100212612; 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 Tex. Admin. Code ch. 60. (Katie Hargrove, Candy Garrett)

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

Item 15 [**Docket No. 2013-0773-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Total Petrochemicals & Refining USA, Inc. in Jefferson County; RN102457520; 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 Tex. Admin. Code ch. 60. (Rajesh Acharya, Candy Garrett)

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

INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 16 [**Docket No. 2011-0987-IHW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gulf Chemical & Metallurgical Corporation in Brazoria County; RN100210129; for industrial solid and/or hazardous waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

Approve the Agreed Order. BS/TB; ZC abstained.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 17 [**Docket No. 2013-1122-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Delek Refining, Ltd. in Smith County; RN100222512; 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. (Remington Burklund, Candy Garrett)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 18 [**Docket No. 2011-0463-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Global Environmental & Marine Services, Inc. in Nueces County; RN105577738 and RN106115157; for industrial and/or hazardous waste and used oil 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. (Jennifer Cook, Lena Roberts)

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

Item 19 [**Docket No. 2013-0695-MLM-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of FT. WORTH PIPE SERVICES, LP in Howard County; RN106589831; for petroleum storage tank and municipal solid waste 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 Tex. Admin. Code ch. 60. (Theresa Stephens, Candy Garrett)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 20 [**Docket No. 2013-0449-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of JMH Homes-Houston, LLC in Harris County; RN101523264; 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. (Jacquelyn Green, Candy Garrett)

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

Item 21 [**Docket No. 2013-1040-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Pearland in Brazoria County; RN101610160; 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. (Harvey Wilson, Candy Garrett)

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

Item 22 [**Docket No. 2013-0901-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Aqua Utilities, Inc. in Hays County; RN101513729; 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. (Heather Brister, Candy Garrett)

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

Item 23 [**Docket No. 2013-1333-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Azle in Tarrant County; RN101609873; 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. (Alejandro Laje, Candy Garrett)

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

Item 24 [**Docket No. 2012-0866-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Woden Independent School District in Nacogdoches County; RN102887213; 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. (Cheryl Thompson, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 25 **[Docket No. 2013-0788-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of J.J.R.S. FAMILY INVESTMENTS LLC dba Friendly's Shell in Henderson County; RN102349636; 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. (Theresa Stephens, Candy Garrett)

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

Item 26 **[Docket No. 2013-0929-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SHERGILL FUEL ENTERPRISES INC d/b/a Friendlys 3 and d/b/a Friendlys 4 in Henderson County; RN101793230 and RN101795607; 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. TB/ZC; all agree.

Item 27 **[Docket No. 2013-1263-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TranStop LLC. dba Ontrak in Jefferson County; RN102389509; 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. (Theresa Stephens, Candy Garrett)

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

Item 28 **[Docket No. 2013-0575-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Michael Ung d/b/a Mikes Food Mart in Cass County; RN102784329; 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. TB/ZC; all agree.

Item 29 **Docket No. 2013-1189-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against JACK AND SAM, INC. d/b/a Jacks Grocery 7 in Harris County; RN101891547; 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. TB/ZC; all agree.

Item 30 **Docket No. 2011-2353-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against SHRINERS HOSPITALS FOR CHILDREN, Inc. in Harris County; RN102394004; 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. (Thomas Greimel, Candy Garrett)

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

Item 31 **Docket No. 2013-1044-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against ANDREWS TRANSPORT, L.P. in Bosque and Tarrant Counties; RN102042579; 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. (John Fennell, Candy Garrett)

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

Item 32 **Docket No. 2012-1433-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against TRINITY TOWERS LIMITED PARTNERSHIP dba Trinity Towers in Nueces County; RN101433654; 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. (Michael Pace, Candy Garrett)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 33 **[Docket No. 2013-0978-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Sunny Flea Market, Inc. in Harris County; RN102321312; 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. TB/ZC; all agree.

Item 34 **[Docket No. 2013-0825-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Larry E. Smith dba Lenny's BBQ and Little Treehouse Early Learning Center in Bexar County; RN106357403; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaelle Garza, Candy Garrett)

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

Item 35 **[Docket No. 2013-1387-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of La Villa in Hidalgo County; RN101388957; 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/ZC; all agree.

Item 36 **[Docket No. 2013-1050-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of River Bend Water Services, Inc. in Matagorda County; RN102681467; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 381, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Rebecca Johnson, Candy Garrett)

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

Item 37 **[Docket No. 2013-1158-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of David M. Richter and Francisca Richter dba Hillside Water Works in El Paso County; RN101228492; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Candy

Garrett)

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

Item 38 [**Docket No. 2013-0704-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Elizabeth Perez d/b/a JD's Kwik Stop in Webb County; RN105486518; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Joel Cordero, Lena Roberts)

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

Item 39 [**Docket No. 2013-0718-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Red Rock Water Supply Corporation in Denton County; RN101451193; for public drinking water violations pursuant to Tex. Water Code ch. 5, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

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

Item 40 [**Docket No. 2013-0942-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION in Walker County; RN101253904; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Sam Keller, Candy Garrett)

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

Item 41 [**Docket No. 2013-1049-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of DAVE'S ROOFING, SIDING AND METAL BUILDINGS, LLC in Lubbock County; RN101190007; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lisa Westbrook, Candy Garrett)

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

Item 42 [**Docket No. 2013-0949-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ramon C. Gonzales, Jr. dba Warren Road

Subdivision Water Supply in Midland County; RN101227916; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jennifer Cook, Lena Roberts)

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

Item 43 [**Docket No. 2013-0855-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Red Sand RV, LLC in La Salle County; RN106356660; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Judy Kluge, Candy Garrett)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 44 [**Docket No. 2013-0373-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Arlington in Tarrant County; RN104950134; 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. (Lanae Foard, Candy Garrett)

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

RULE MATTERS

Item 45 [**Docket No. 2013-0457-RUL.**](#)

Consideration for adoption of 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 rulemaking adds prescribed burning for wildfire hazard mitigation as an exception to the state's outdoor burning prohibition. This rulemaking is a follow-up to a petition filed by the Texas Prescribed Burning Board and proposed by the commission on July 26, 2013. The proposed rule was published in the August 16, 2013, issue of the *Texas Register* (38 TexReg 5223). (Joe Janecka, Becky Petty) (Rule Project No. 2013-023-111-CE)

Adopt the amendment to 30 TAC Chapter 111.211 and the corresponding revisions to the State Implementation Plan as recommended by the Executive Director. TB/ZC; all agree.

Item 46 [**Docket No. 2013-1390-RUL.**](#)

Consideration for publication of, and hearing on, proposed amendments to Sections 330.7, 330.671, 330.673, and 330.675 of 30 TAC Chapter 330, Municipal Solid Waste; and the proposed repeal of Sections 339.1 - 339.3 of 30 TAC Chapter 339, Groundwater Protection Recommendation Letters and Fees. The proposed rulemaking would implement House Bill (HB) 7, 83rd Legislature, 2013, Regular Session, relating to the reduction in the municipal solid waste disposal fees paid to the commission and revisions in the waste disposal fee exemption and credit for material diverted from disposal and processed into compost or mulch. The proposed rulemaking would also implement Senate Bill 819, 83rd Legislature, 2013, Regular Session, relating to the increase in the population limit, from 10,000 to 12,000 people, for counties or municipalities seeking authorization under a permit by rule to dispose of demolition waste from abandoned or nuisance buildings. The proposed rulemaking would also implement HB 2694, Article 2, 82nd Legislature, 2011, Regular Session, relating to the transfer from the Texas Commission on Environmental Quality to the Railroad Commission of Texas of duties pertaining to the protection of groundwater resources from oil and gas associated activities by repealing commission rules pertaining to the issuance of groundwater protection recommendation letters. (Charlyne Fritz, Steven Shepherd) (Rule Project No. 2013-050-330-WS)

Approve the publication of, and hearing on, amendments to 30 Texas Administrative Code Chapter 330 and repeal of 30 Texas Administrative Code Chapter 339, as recommended by the Executive Director. TB/ZC; all agree.

EXECUTIVE MEETING

Item 47 Docket No. 2014-0001-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.

Appoint Richard Hyde to serve as Executive Director of the Texas Commission on Environmental Quality in accordance with Section 5.108 of the Water Code effective immediately. BS/ZC; all agree.

Item 48 Docket No. 2014-0002-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 49 **Docket No. 2014-0003-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

1/22/14
Date