

*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  
Commissioner Zak Covar

January 29, 2014

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

#### **PROPOSAL FOR DECISION**

Item 1 [\*\*TCEQ Docket No. 2011-1566-UCR, SOAH Docket No. 582-12-0707.\*\*](#)

Consideration of the applications from Aqua Utilities, Inc. dba Aqua Texas, Inc., CCN Nos. 11157 and 20453, to purchase water and sewer system facilities, to transfer CCN service areas, and cancel CCN Nos. 13114 and 21005 from Texas-American Water Company in Brazoria, Harris, Liberty, Matagorda, and Montgomery Counties, Texas; pursuant to rules of the Texas Commission on Environmental Quality in 30 TAC Chapter 291 and Texas Water Code Chapter 13. The Commission previously considered the Administrative Law Judge's Proposal for Decision and Order regarding the applications. The Commission issued an interim order that dismissed from SOAH's docket the applications concerning the sale-transfer-merger ("STM") for facilities/transaction for lack of jurisdiction and remanded the STM for the CCN transfer to the Executive Director for further processing. The Commission will consider the applications, record, the Proposal for Decision and Order, timely related filings, exceptions and replies, the additional notice provided during remand and the Executive Director's report following remand. (Ron Olson)

Approve the applications by Aqua Utilities, Inc. dba Aqua Texas, Inc., to transfer and cancel water CCN No. 13114 and sewer CCN No. 21005 of Texas-American Water Company and transfer the areas to CCN No. 11157 and sewer CCN No. 20453; and Direct the Office of General Counsel to draft the Commission's final Order proving the applications by finding that the CCN transfers are in the public interest based on the Executive Director's report dated January 10, 2014, and the Commission's Interim Order dated November 26, 2012. TB/BS; ZC abstained.

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

Item 2 **[Docket No. 2013-2075-MWD.](#)**

Consideration of the application by Walton Texas, LP for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015080001, to authorize the discharge of treated domestic wastewater with an annual average flow not to exceed 120,000 gallons per day. The wastewater treatment facility will be located 2,600 feet southeast of the intersection of State Highway 130 and State Highway 21 in Caldwell 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. (Michael Parr, Sonia Bhuiya)

1. Grant the hearing request of Aus-Tex Parts and Services, Ltd. and refer the following issue to SOAH: Whether the proposed facility, and its location, is in conformance with the State's regionalization policy; 2. Refer the hearing request of Dempsey Buchanan LP to SOAH for determination on whether they are affected; 3. Should SOAH determine that Dempsey Buchanan LP has demonstrated affectedness, the following issue is also referred to SOAH: Whether the property owned by Dempsey Buchanan will be impacted by nuisance odors from the proposed facility; and 4. Specify that the maximum duration of the hearing is six months from the preliminary hearing to issuance of the Proposal for Decision. BS/TB; ZC abstained.

Item 3 **[Docket No. 2013-2151-MWD.](#)**

Consideration of the application by New Braunfels Utilities for a proposed new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010232004 to authorize the discharge of treated domestic wastewater with an annual average flow not to exceed 9,900,000 gallons per day. The facility will be located approximately 4.0 miles southeast of the City of New Braunfels, 0.7 mile southwest of the intersection of State Highway 46 and Elley Lane, and 0.6 mile downstream from the Lake Dunlap Dam on the Guadalupe River in Guadalupe 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, Larry Diamond)

Deny the hearing request, issue the Executive Director's draft permit to New Braunfels Utilities and adopt the Executive Director's Response to Comments. TB/BS; ZC abstained.

## **DISTRICT MATTER**

### **Item 4 [Docket No. 2013-1384-DIS.](#)**

Consideration of an Application from Northwest Dallas County Flood Control District (District), in Dallas County, for Approval to Proceed under Federal Bankruptcy Code Chapter 9 (11 U.S.C. Sections 901-946) pursuant to Texas Water Code Section 49.456. (Justin Taack, Christiaan Siano)

Grant the request for Northwest Dallas County Flood Control District for authorization to proceed to bankruptcy and issue the Executive Director's Proposed Order, but delete Finding of Fact No. 7 and the sentence in Finding of Fact No. 9 that states: "The District is experiencing negative cash flows." TB/ZC; all agree.

## **MISCELLANEOUS MATTERS**

### **Item 5 [Docket No. 2013-1734-UCR.](#)**

Consideration of a request for a Commission Order approving a contract designating service areas between Cash Special Utility District (Cash), Certificate of Convenience and Necessity (CCN) No. 10824, and the City of Greenville (City), CCN No. 10836, in Hunt County, Texas, pursuant to section 13.248 of the Texas Water Code. Under the contract, Cash and the City will respectively designate portions of their CCN areas for dual certification to Cash and the City. Also under the contract, Cash will be the sole retail water service provider for the approximate 19.71 acre area. The contract does not transfer any facilities or customers. (Kayla Murray, Mary Damron)

Approve the contract designating services areas between the City of Greenville and Cash Special Utility District under TWC 13.248, which will result in approximately 19.71 acres of service area becoming dually certificated to both entity's CCNs with an additional designation that retail water service shall be provided by Cash SUD; and issue the Executive Director's proposed Order. ZC/TB; all agree.

### **Item 6 [Docket No. 2013-1870-MIS.](#)**

Consideration of a resolution to fill membership positions on the Galveston Bay Council (GBC). The GBC is a 41-member advisory body, to the Texas Commission on Environmental Quality (commission), whose function is to advise the commission on the implementation of The Galveston Bay Plan, the Comprehensive Conservation Management Plan for Galveston Bay. These nominations would be for 22 of the 41 members. Membership includes: representatives from federal agencies; representatives from state agencies; representatives from regional and local governments; representatives from environmental and citizen groups; representatives from the private sector, and; a representative from research/academia. These membership positions are consistent with the Texas Government Code, Chapter 2110, "State Agency Advisory Committees", as well as the requirements of the Federal Clean Water Act, Section 320. (Kerry Niemann) (Project No. 2014-004-MIS-NR)

Approve the resolution appointing persons to fill the membership positions on the Galveston Bay Council as recommended by the Executive Director. TB/BS; all agree.

### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 7 **[Docket No. 2013-1261-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of U.S. Silica Company in Limestone County; RN100215672; 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. (Heather Podlipny, Candy Garrett)

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

Item 8 **[Docket No. 2013-0996-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Huntsman Petrochemical LLC in Jefferson County; RN100219252; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Katie Hargrove, Candy Garrett)

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

Item 9 **[Docket No. 2013-1369-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Apache Corporation in Irion County; RN106832959; 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. ZC/TB; all agree.

Item 10 **[Docket No. 2013-0965-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Veolia ES Technical Solutions, L.L.C. in Jefferson County; RN102599719; 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. ZC/TB; all agree.

## **EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 11 [\*\*Docket No. 2013-0994-EAQ-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bobby Fredrickson, Trustee of the Bobby Fredrickson 1999 Trust in Williamson County; RN105596118; 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 Tex. Admin. Code ch. 60. (Jill Russell, Candy Garrett)

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

## **INDUSTRIAL AND HAZARDOUS WASTE ENFORCEMENT AGREED ORDER**

Item 12 [\*\*Docket No. 2013-1123-IHW-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Western Gulf Terminal Partners, LP in Nueces County; RN104025325; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Danielle Porras, Candy Garrett)

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

## **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 13 [\*\*Docket No. 2013-0975-IWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against Bottom Line Food Processors, Inc. in Travis County; RN103029302; 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. ZC/TB; all agree.

## **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT DEFAULT ORDER**

Item 14 [\*\*Docket No. 2013-0453-IWD-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of METROPLEX RETAINING WALLS, INC. in Tarrant County; RN100800986; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Joel Cordero, Lena Roberts)

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

**IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER**

Item 15 [Docket No. 2012-1659-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Wilmar Monroy d/b/a Wilmar Painting and Remodeling in Harris County; RN106444862; for landscape irrigation installation violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occ. Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Ryan Rutledge, Lena Roberts)

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

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER**

Item 16 [Docket No. 2013-0902-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of OILFIELD SOLUTIONS, LTD. in Midland County; RN103177523; for air quality, industrial hazardous waste, and water quality violations pursuant to Tex. Health & Safety Code chs. 361 and 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Michael Meyer, Candy Garrett)

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

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDERS**

Item 17 [Docket No. 2013-0751-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Eola Water Supply Corporation in Concho County; RN102673183; for water quality violations pursuant to Tex. Water Code ch. 11, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Phillip M. Goodwin, P.G., Lena Roberts)

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

Item 18 [Docket No. 2013-0257-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Virgilio Tijerina d/b/a Jack's Tire Service, Abel Tijerina d/b/a Jack's Tire Service, and Alvaro Tijerina d/b/a Jack's Tire Service in Frio County; RN105726681; for used oil and scrap tire violations pursuant to 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. (Tammy L. Mitchell, Lena Roberts)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 19 **[Docket No. 2013-0795-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Jourdanton in Atascosa County; RN101919900; 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. (Christopher Bost, Candy Garrett)

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

Item 20 **[Docket No. 2013-1041-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Kemp in Kaufman County; RN102218435; 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. ZC/TB; all agree.

Item 21 **[Docket No. 2012-2061-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Shamrock in Wheeler County; RN101609063; 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. ZC/TB; all agree.

Item 22 **[Docket No. 2013-0836-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Willow Park in Parker County; RN101920585; 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. (Jill Russell, Candy Garrett)

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

## **PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 23 **[Docket No. 2013-1296-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Stroehrer & Son, Inc. dba 290 Gasmart in Gillespie County; RN101890705; 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. (Judy Kluge, Candy Garrett)

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

Item 24 **[Docket No. 2013-1521-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against LALANI'S INVESTMENT INC. dba 786 Truck Stop 1 in Fort Bend County; RN101880607; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mike Pace, Candy Garrett)

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

Item 25 **[Docket No. 2013-0857-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SHERGILL FUEL ENTERPRISES INC dba Friendly's 2 in Henderson County; RN101833077; 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. ZC/TB; all agree.

## **PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**

Item 26 **[Docket No. 2013-0873-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of ANISA BUSINESS, LLC d/b/a The Corner Store in Harris County; RN100914191; for petroleum storage tank violations pursuant to Texas Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Joel Cordero, Lena Roberts)

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

Item 27 **[Docket No. 2013-0055-PST-E.](#)**

Consideration of a Default Order assessing administrative penalties against ASDH Group, Inc. d/b/a Swift Mart in Harris County; RN101892891; for



petroleum storage tank violations pursuant to Texas Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Lena Roberts)

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

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

Item 28 [\*\*Docket No. 2012-2057-PST-E.\*\*](#)

Consideration of a Default and Shutdown Order assessing administrative penalties and requiring certain actions of Wright Fuel Distributors, LLC and WRIGHT JOSHUA INVESTMENTS, LLC, d/b/a Wright Stop 343 in Willacy County; RN102446739; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 29 [\*\*Docket No. 2013-0881-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Texarkana in Bowie County; RN101200665; 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. ZC/TB; all agree.

Item 30 [\*\*Docket No. 2013-1136-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Valerie Wilson dba Lil Bits Water Works in Williamson County; RN101422103; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Jessica Schildwachter, Candy Garrett)

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

Item 31 [\*\*Docket No. 2013-1254-PWS-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Mertens in Hill County; RN101401651; 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. ZC/TB; all agree.

### **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 32 **[Docket No. 2013-0486-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Charles Watts d/b/a Island View Landing in Marion County; RN101239606; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca M. Combs, Lena Roberts)

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

Item 33 **[Docket No. 2013-0780-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of DON AYALAS MEXICAN RESTAURANT AND CLUB, INC. d/b/a Don Ayalas Mexican Restaurant in Hood County; RN102683273; 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. (David A. Terry, Lena Roberts)

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

Item 34 **[Docket No. 2013-0941-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Nora Ghani d/b/a Hopper Food Mart in Harris County; RN102718905; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Phillip M. Goodwin, P.G., Lena Roberts)

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

### **RULE MATTERS**

Item 35 **[Docket No. 2013-1110-RUL.](#)**

Consideration of the adoption of amended Section 290.44 of 30 TAC Chapter 290, Public Drinking Water. The adoption 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 adopted 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) (existing Section 290.44(j)(1)); 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. The proposed rule was published in the October 11, 2013, issue of the *Texas Register* (38 TexReg 7083). (Cindy Haynie, Kayla Murray) (Rule Project No. 2013-043-290-OW)

Adopt the amendments to 30 TAC Section 290.44 as recommended by the Executive Director. TB/ZC; all agree.

Item 36 **Docket No. 2013-1872-RUL.**

Consideration for publication of, and hearing on, proposed amended Sections 30.5, 30.7, 30.14, 30.18, 30.20, 30.24, 30.26, 30.28, 30.30, 30.33, and 30.36 of 30 Texas Administrative Code (TAC) Chapter 30, Occupational Licenses and Registrations. The proposed rulemaking would implement House Bill (HB) 798, HB 1302, HB 1659, HB 1846, and Senate Bill 162 from the 83rd Legislature, 2013, relating to the occupational licensing requirement for certain offenses where proceedings were dismissed, exemption of Class C misdemeanors from convictions, prohibiting certain registered sex offenders from providing services in a person's residence unless supervised, child support payments, expedited processing of applications by military spouses, and credit for verified military service, training or education for military service members or military veterans. The proposed rulemaking would also repeal existing Section 30.33 and simultaneously propose new Section 30.33 in order to reorganize the section to improve readability by the public. Additional amendments would update the occupational licensing rules by providing consistency, incorporating new training technology, reorganizing existing language, and improving readability. (Ivan Messer, Jessica Rogers) (Rule Project No. 2013-044-030-WS)

Approve the publication of and hearing on proposed new, amended and repealed Sections of Subchapter A, 30 TAC Chapter 30, relating to the Administration of Occupational Licenses and Registrations, as recommended by the Executive Director. ZC/TB; all agree.

**PUBLIC COMMENT SESSION**

Item 37 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 38 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.

The Commission did not meet in Executive Meeting.

**Item 39 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.

The Commission did not meet in Executive Meeting.

**Item 40 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.

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/ Barham Richard  
Assistant General Counsel  
Barham Richard

2/3/14  
Date