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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., P.E.
Commissioner Toby Baker
Commissioner Zak Covar

AGENDA

May 14, 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

MISCELLANEOUS MATTER

Item 1

[Docket No. 2014-0078-RES.](#)

Consideration of a Resolution appointing new members to the Water Utility Operator Licensing Advisory Committee at the Texas Commission on Environmental Quality. The resolution would appoint new members to replace outgoing members or appoint existing members to a second term. The Advisory Committee operates through the Occupational Licensing Section of the Permitting & Registration Support Division. The Advisory Committee assists and advises the TCEQ on matters related to the training and licensing of water and wastewater operators. The Advisory Committee was created pursuant to 30 Texas Administrative Code, Chapter 5, Advisory Committees and Groups. The Advisory Committee consists of 13 members, representing various water and wastewater regulated entities, from diverse geographic areas of the state, ethnic groups, businesses, government entities, and associations. (Paul Munguía, Alicia Ramirez) (Rule Project No. 2014-016-RES-NR)

Adopt the Executive Director's proposed Resolution making the following appointments for terms as follows: Larry Bell and Paul Bonaventure whose terms shall be effective as of the date of this resolution through August 31, 2014; and Larry Bell, Paul Bonaventure, Timothy

Crosswhite, Russell Hamilton, Kenneth Hutchins, and Roy Staggs whose terms shall be effective September 1, 2014 for a four year term to expire August 31, 2018. TB/ZC; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 2 **Docket No. 2013-2000-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Chemical LP in Harris County; RN100211879; 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. (Kimberly Morales, Candy Garrett)

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

Item 3 **Docket No. 2013-0841-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Western Refining Company, L.P. in El Paso County; RN100213016; 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 Gutierrez, Candy Garrett)

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

Item 4 **Docket No. 2013-1906-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 Tex. Admin. Code ch. 60. (Jessica Schildwachter, Candy Garrett)

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

Item 5 **Docket No. 2013-1709-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Trinity Industries, Inc. in Tarrant County; RN102418563; 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 6 [**Docket No. 2013-1402-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against DCP Midstream, LP in Panola County; RN102805272; 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. (Kimberly Morales, Candy Garrett)

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

Item 7 [**Docket No. 2013-1669-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eagle Rock Field Services, L.P. in Hemphill County; RN100215227; 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. (Rachel Bekowies, Candy Garrett)

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

Item 8 [**Docket No. 2013-1988-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Equistar Chemicals, LP in Harris County; RN100210319; 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. (Nadia Hameed, Candy Garrett)

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

Item 9 [**Docket No. 2013-1785-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Joy Resources, Inc. in Liberty County; RN106840887; 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 10 [**Docket No. 2013-1503-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. (Nadia Hameed, Candy Garrett)

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

Item 11 [**Docket No. 2013-1673-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of National Oilwell Varco, L.P. in Tom Green County; RN102602307; 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 12 [**Docket No. 2013-1732-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Oxy Vinyls, LP in Harris County; RN100225879; 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. (Rachel Bekowies, Candy Garrett)

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

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 13 [**Docket No. 2013-1376-AIR-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Mario Espinoza d/b/a El Potosino Body Shop in Smith County; RN105763361; 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. (Elizabeth Lieberknecht, Lena Roberts)

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

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 14 [**Docket No. 2013-1375-IWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bollinger Texas City, L.P. in Galveston County; RN100218627; 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. (Jorge Ibarra, P.E., Candy Garrett)

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

IRRIGATION LICENSING ENFORCEMENT DEFAULT ORDER

Item 15 [Docket No. 2013-0635-LII-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Carlton Lee Dechert d/b/a Dechert Landscaping & Irrigation in Tarrant County; RN103458071; 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. (Tammy Mitchell, Lena Roberts)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 16 [Docket No. 2013-1075-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Ernest Pickens dba Pickens Auto Parts in McLennan County; RN103206975; for water quality and industrial and 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. (Jorge Ibarra, P.E., Candy Garrett)

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

MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER

Item 17 [Docket No. 2013-0293-MLM-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of TRI Recycling, Inc. in Travis County; RN105962682; for water quality and municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 18 [Docket No. 2013-0797-MSW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Don M. Tate dba Don General Services in Sabine County; RN102120938; 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. (Keith Frank, Candy Garrett)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 19 [Docket No. 2013-0147-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Bernabe Ortiz in Cameron County; RN106557655; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 20 [Docket No. 2013-0888-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Yorktown in Dewitt County; RN103025805; 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.

Item 21 [Docket No. 2012-1944-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Fredericksburg in Gillespie County; RN101917383; 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. ZC/TB; all agree.

Item 22 [Docket No. 2013-0708-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Joaquin in Shelby County; RN102095437; 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. (Jorge Ibarra, P.E., Candy Garrett)

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

Item 23 [Docket No. 2013-0778-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Bao Vu Nguyen in Brazos County; RN101721264; 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. ZC/TB; all agree.

Item 24 **[Docket No. 2013-1795-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bastrop in Bastrop County; RN101510832; 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. (Had Darling, Candy Garrett)

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

Item 25 **[Docket No. 2013-1936-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Sulphur Springs in Hopkins County; RN102076965; 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. ZC/TB; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 26 **[Docket No. 2013-1764-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CCOP SENIOR LIVING LLC dba The Monte Vista at Coronado in El Paso County; RN101657013; 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 Fennel, Candy Garrett)

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

Item 27 **[Docket No. 2013-1743-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TITLI LLC dba Gino's Meat Market in Hidalgo County; RN101897890; 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. (Jason Fraley, Candy Garrett)

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

Item 28 [**Docket No. 2013-1592-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Hai Nguyen dba Into Discount in Potter County; RN102246055; 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. (Keith Frank, Candy Garrett)

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

Item 29 [**Docket No. 2013-1665-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SUPERIOR LUBRICANTS TRANSPORT, INC. dba Superior Transport in Tarrant County; RN103026993; 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 30 [**Docket No. 2013-0323-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of San Antonio Water System in Bexar County; RN102831864; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steven Van Landingham, Candy Garrett)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 31 [**Docket No. 2013-2017-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Tahoka in Lynn County; RN101234847; 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. ZC/TB; all agree.

Item 32 [**Docket No. 2013-2041-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Harris County Municipal Utility District 25 in Harris County; RN103129193; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Candy Garrett)

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

Item 33 **[Docket No. 2013-2097-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Buffalo Gap in Taylor County; RN101224798; 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. ZC/TB; all agree.

Item 34 **[Docket No. 2013-1806-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the United States Army Corps of Engineers in Tarrant County; RN102680725; 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. ZC/TB; all agree.

Item 35 **[Docket No. 2013-2024-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of KAMIRA PROPERTY OWNERS ASSOCIATION, INC. dba Kamira Water System in Kerr County; RN101264380; 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.

Item 36 **[Docket No. 2013-2126-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of STEAMBOAT MOUNTAIN WATER SUPPLY CORPORATION in Taylor County; RN101450773; 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. ZC/TB; all agree.

Item 37 [**Docket No. 2013-1994-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of REED RV PARK, INC. in Garza County; RN105814818; 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. ZC/TB; all agree.

Item 38 [**Docket No. 2013-0182-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of THE DYNAMITE INC dba Country Food Mart in Montgomery County; RN102271053; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Lanae Foard, Candy Garrett)

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

Item 39 [**Docket No. 2013-1944-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PATTON LAKE, INC. in Montgomery County; RN101455848; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jim Fisher, Candy Garrett)

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

Item 40 [**Docket No. 2013-2181-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of GREENWOOD TERRACE MHP,LLC in Midland County; RN101250603; 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 41 [**Docket No. 2013-1742-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of Lake Corpus Christi RV Park & Marina, L.L.C. in Live Oak County; RN101254266; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tammy Mitchell, Lena Roberts)

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

Item 42 [**Docket No. 2013-1741-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties and requiring certain actions of CANDELARIA WATER SUPPLY CORPORATION in Presidio County; RN101185312; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tammy Mitchell, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 43 [**Docket No. 2013-1920-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Austin in Travis County; RN101220085; 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. ZC/TB; all agree.

RULE MATTERS

Item 44 [**Docket No. 2013-1626-RUL.**](#)

Consideration for publication of, and hearing on, proposed new Sections 101.600 - 101.602 of 30 TAC Chapter 101, General Air Quality Rules. The proposed rulemaking would implement Senate Bill (SB) 1756, 83rd Legislature, 2013, Regular Session, providing TCEQ with the authority to accept a surcharge from the applicant to cover the expenses incurred by expediting the processing of an application. The proposed rulemaking would allow the applicant to pay a surcharge to request the expedited processing of an application filed under 30 TAC Chapter 106, 116, or 122 where the applicant has demonstrated that the purpose of the application will benefit the state or local economy. (Becky Southard, Booker Harrison) (Rule Project No. 2013-042-101-AI)

Approve the publication of, and hearing on, proposed new Sections 101.600-101.602 of 30 TAC Chapter 101, General Air Quality Rules as recommended by the Executive Director. TB/ZC; all agree.

Item 45 [**Docket No. 2014-0426-RUL.**](#)

Consideration for publication of, and hearing on, proposed amendments to: Section 55.201 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; Sections 305.49 and 305.154 of 30 TAC Chapter 305, Consolidated Permits; Sections 331.82, 331.107, 331.108 and 331.122, and new Section 331.110 of 30 TAC Chapter 331, Underground Injection Control. The proposed rulemaking would implement House Bill 1079, 83rd Legislature, 2013, Regular Session. The proposed rulemaking will require that all new, amended, or renewed Class III Underground Injection Control

permits include a permit range table. This table will have concentration ranges for each of the groundwater quality parameters listed in the restoration table of each Production Area Authorization (PAA) associated with a permit. The restoration table values of the PAA must be within the respective ranges in the permit range table. If a permittee requests revision of a restoration table value, the requested revised value must be within the respective range of the permit range table; otherwise, the permit range table must be amended, which is subject to an opportunity for a contested case hearing. The proposed rulemaking also changes the conditions that determine when an application for a PAA may be subject to an opportunity for a contested case hearing, consistent with the requirements of HB 1079. (David Murry, Don Redmond) (Rule Project No. 2013-058-331-WS)

Approve the publication of, and hearing on, new and amended Sections of 30 TAC Chapters 55, 305 and 331 as recommended by the Executive Director. ZC/TB; all agree.

Item 46 **Docket No. 2013-1382-RUL.**

Consideration for publication of, and hearing on, proposed amendment to Section 290.272 of 30 TAC Chapter 290, Public Drinking Water; amendment to Section 291.87 of 30 TAC Chapter 291, Utility Regulations; and amendments to Sections 293.1, 293.12, 293.41, 293.44 ,293.51, 293.54, 293.63, 293.81, 293.94, and 293.171 of 30 TAC Chapter 293, Water Districts. The proposed rulemaking would implement House Bill (HB) 738, HB 1050, HB 1461, HB 2704, and Senate Bill 902, 83rd Legislature, 2013, Regular Session, relating to customer notification of water loss by a retail public utility and the powers, duties, and administration of water districts, specifically in the areas of: creation provisions (municipal utility districts only); contracting; issuance of bonds and bond anticipation notes; audit filings; impact fees; and, recreational facilities. The proposed rulemaking would also make non-substantive changes to update citations and terminology and conform with *Texas Register* requirements. (Justin Taack, Kayla Murray) (Rule Project No. 2013-054-293-OW)

Approve the publication of, and hearing on, the proposed amendments to 30 TAC Chapters 290, 291 and 293 as recommended by the Executive Director. TB/ZC; all agree.

PUBLIC COMMENT SESSION

Item 47 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 48 **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 49 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 50 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)

<u>/s/ Elaine Lucas</u>	<u>5/19/2014</u>
Assistant General Counsel	Date
Elaine Lucas	