

*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)).*

Chairman Bryan W. Shaw, Ph.D., P.E.  
Commissioner Toby Baker  
Commissioner Zak Covar

## **AGENDA**

February 4, 2015

### **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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

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

Item 1

##### **[Docket No. 2014-1658-WR.](#)**

Consideration of the application by Guadalupe-Blanco River Authority (GBRA) for Water Use Permit No. 12378, seeking authorization: to divert and use not to exceed 75,000 acre feet of water per year from the unappropriated flows of the Guadalupe River, Guadalupe River Basin, for use for municipal and industrial purposes; to construct one or more off-channel reservoirs in Gonzales County with a combined maximum storage capacity of 125,000 acre feet; to store water in the off-channel reservoir(s) for subsequent diversion and use for municipal and industrial purposes; and for an exempt interbasin transfer to the portions of the San Antonio River Basin, Colorado River Basin, Lavaca River Basin, Colorado-Lavaca Coastal Basin, Lavaca-Guadalupe Coastal Basin, and the San Antonio-Nueces Coastal Basin located within GBRA's statutory district. The diversion, use and storage is also within GBRA's statutory district, which consists of Hays, Comal, Guadalupe Caldwell, Gonzales, DeWitt, Victoria, Kendall, Refugio, and Calhoun Counties. The Commission will consider all timely filed hearing requests and related responses and replies. (Chris Kozlowski, Dinniah Tadema)

Grant the Hearing Requests of the Texas Parks and Wildlife Department, New Braunfels Utilities, Upper Guadalupe River Authority; Refer to SOAH, for an affectedness determination, the Hearing Requests of the Texas Chapter of the Coastal Conservation Association, the Guadalupe River Chapter of Trout Unlimited, the National Wildlife Federation and The Aransas Project; Direct the Chief Clerk to refer the granted Hearing Requests to SOAH and Deny all remaining Hearing Requests. TB/BS; ZC abstained.

Item 2 **Docket No. 2013-2229-MWD.**

Consideration of the application by Abraxas Corporation for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015010001 to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 20,000 gallons per day. The facility is located at 3301 Cattlebaron Road, approximately 0.9 mile north of the intersection of Cattlebaron and White Settlement Roads in Parker County, Texas 76108. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Public Comment. (Julian Centeno, Jr., Robert Brush)

Refer Haywire Ranch's Hearing Requests to SOAH for determination on whether Haywire Ranch is an affected person; Grant the City of Fort Worth's Hearing Requests; Refer the matter to ADR concurrent with the SOAH scheduling process; Refer the following issues for hearing: a) Whether the issuance of the Draft Permit complies with TCEQ's policy on regionalization; b) Whether TCEQ's Watershed Protection rules at 30 TAC § 311.61 - 311.67 are applicable to the proposed discharge; c) Whether the Draft Permit may be issued given the Applicant's compliance history; d) Whether the Application demonstrates that the Facility can meet the effluent limitations in the Draft Permit; and e) Whether the provisions of the Draft Permit are adequate to ensure the structural integrity of the Facility; Specify a maximum hearing duration of nine months from the date of the Preliminary Hearing to the issuance of the Proposal for Decision. ZC/TB; all agree.

Item 3 **Docket No. 2014-1659-MWD.**

Consideration of the application by City of Farwell for a new permit, TCEQ Permit No. WQ0015005001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 185,000 gallons per day via surface irrigation of 34 acres of non-public access agricultural land. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment facility and disposal site are located at 300 County Road Y, approximately 0.25 mile east of the City of Farwell and immediately north of The Panhandle and Santa Fe Railroad, in Parmer County, Texas 79325. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Public Comment. (Dex Dean, Alicia Ramirez)

Deny the Hearing Request of Laurance Kriegel; Grant TCEQ Permit Number WQ0015005001 to the City of Farwell as recommended by the Executive Director, including

the modification made to Page 1 of the Permit filed by the Executive Director on February 3, 2015; and Adopt the Executive Director's Response to Comments. TB/ZC; all agree.

Item 4 **Docket No. 2014-1568-AIR.**

Consideration of application by APAC-Texas, Inc. for the approval of registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 119281, which would authorize the construction and operation of a permanent concrete batch plant. The plant site is located at 14201 Littig Road, Manor, Travis 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. (Don Nelson, Nicolas Parke)

Remand this Application to the Executive Director. ZC/TB; all agree.

**DISTRICTS MATTER**

Item 5 **Docket No. 2014-1424-DIS.**

Consideration of the petition from Lennar Texas Holding Company, general partner for Lennar Homes of Texas Land and Construction, Ltd., dba, Friendswood Development Company (Petitioner), for the dissolution of Wood Trace Municipal Utility District No. 2 of Montgomery County (District), pursuant to Texas Water Code Sections 49.321 to 49.327 and Title 30 of the Texas Administrative Code, Sections 293.131 to 293.136. The District was created by the 72nd Legislature in 1991 and contains approximately 261.268 acres of land located in Montgomery County. (Justin Taack, Linda Horng)

Grant the Dissolution Petition for Wood Trace Municipal Utility District No. 2 of Montgomery County and Issue the Executive Director's Proposed Order. TB/ZC; all agree.

**MISCELLANEOUS MATTERS**

Item 6 **Docket No. 2014-1831-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 contracts for goods and services in accordance with Section 2155.088 of the Texas Government Code. ZC/TB; all agree.

Item 7 **Docket No. 2014-1830-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 Resolution that acknowledges the Executive Director's acceptance of these gifts. TB/ZC; all agree.

**AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 8 **[Docket No. 2014-0903-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Premcor Refining Group Inc. in Jefferson County; RN102584026; 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.

Item 9 **[Docket No. 2013-2149-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Flint Hills Resources Polymers, LLC in Harrison County; RN101618759; for air quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jennifer Cook, Lena Roberts)

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

Item 10 **[Docket No. 2012-1851-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Aspen Power LLC in Angelina County; RN105224877; 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 Agreed Order. ZC/TB; all agree.

**INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

Item 11 **[Docket No. 2012-1049-IWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against BELTRAN'S PRINTING, INC. in El Paso County; RN105417661; 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.

**MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 12 **Docket No. 2013-1904-MLM-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Seneca Water Supply Corporation in Tyler County; RN101452902; for water quality and public water supply violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 341, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Elizabeth Carroll Harkrider, Lena Roberts)

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

Item 13 **Docket No. 2014-0870-MLM-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Zareena Investments, Inc. d/b/a Super Cleaners in Bexar County; RN103957122; for dry cleaner registration and industrial hazardous waste violations pursuant to Tex. Water Code chs. 5 and 7, Tex. Health & Safety Code chs. 361 and 374, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Lena Roberts)

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

Item 14 **Docket No. 2014-0748-MLM-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of ISP TECHNOLOGIES INC. in Galveston County; RN100825272; for underground injection control and industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 27, 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. ZC/TB; all agree.

**MULTI-MEDIA MATTER ENFORCEMENT DEFAULT ORDER**

Item 15 **Docket No. 2014-0712-MLM-E.**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Victor Vela in Brazoria County; RN106921646; for air quality and municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jess Robinson, Lena Roberts)

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

**MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 16 [\*\*Docket No. 2013-1993-MSW-E.\*\*](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Lee Ann Potter d/b/a Awesome Tires & Wheels, and Chad Simons in Burnet County; RN106912090; 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. (Meaghan Bailey, Lena Roberts)

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

**MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 17 [\*\*Docket No. 2014-0412-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Brady in McCulloch County; RN101613693; 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. (Jason Fraley, Candy Garrett)

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

Item 18 [\*\*Docket No. 2013-2192-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties against D-Bar-B Water-Wastewater Supply Corporation in Dallas County; RN101441293; 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 19 [\*\*Docket No. 2014-0910-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Sinton in San Patricio County; RN101721330; 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. (Katelyn Samples, Candy Garrett)

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

Item 20 [\*\*Docket No. 2014-0941-MWD-E.\*\*](#)

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Trinity SO GP, L.L.C. in Harris County; RN102075827; 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. 2012-0637-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of City of Petersburg in Hale County; RN101453942; 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. (Michael Vitris, Lena Roberts)

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

Item 22 **[Docket No. 2014-0826-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Jacksonville in Cherokee County; RN101613305; 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.

Item 23 **[Docket No. 2013-1562-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Kleberg County in Kleberg County; RN101716678; 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. (Jennifer Cook, Lena Roberts)

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

Item 24 **[Docket No. 2014-0781-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Eastland County Water Supply District in Eastland County; RN102185295; 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. (Raymond Mejia, Candy Garrett)

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

Item 25 **[Docket No. 2014-0701-MWD-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brownsville Public Utility Board in Cameron County; RN102180205; 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.

Item 26 **[PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS](#)**  
**[Docket No. 2014-0780-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against IHU Inc. dba Eldridge Shell in Harris County; RN102008315; 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 Duncan, Candy Garrett)

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

Item 27 **[Docket No. 2014-0754-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against 701 SPEEDY CORPORATION dba ANB FOOD MART in Grimes County; RN101675759; 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. (Tiffany Maurer, Candy Garrett)

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

Item 28 **[Docket No. 2014-1230-PST-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Mohammed F. Karim dba Four Corners Exxon in Washington County; RN102783644; 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. (Abigail Lindsey, Candy Garrett)

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

Item 29 **[PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS](#)**  
**[Docket No. 2013-0819-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Virginia Franklin Fuller dba Franklin Water Systems 3 in Lubbock County; RN101264372; 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. ZC/TB; all agree.

Item 30 **[Docket No. 2012-0779-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Henry M. Garza dba Cielo Azul Ranch in Hays County; RN101217792; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (James Fisher, Candy Garrett)

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

Item 31 **[Docket No. 2014-1195-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Raymond W. Blair, Jr. dba Last Resort Properties in Denton County; RN102689452; 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 32 **[Docket No. 2014-1090-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Samuel Coronado dba Citrus Trailer Park in Cameron County; RN102319720; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rachel Bekowies, Candy Garrett)

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

Item 33 **[Docket No. 2013-1970-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. (Ryan Byer, Candy Garrett)

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

**PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 34 **[Docket No. 2014-0667-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of EL VIAJE RETREAT, LLC in Bandera County; RN104490685; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Steven M. Fishburn, Lena Roberts)

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

Item 35 **[Docket No. 2014-0388-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Wildwood MHP Villages LLC in Lubbock County; RN101193357; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michael Vitris, Lena Roberts)

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

Item 36 **[Docket No. 2014-0541-PWS-E.](#)**

Consideration of a Default Order assessing administrative penalties against 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. (Laura Evans, Lena Roberts)

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

**WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 37 **[Docket No. 2014-0998-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Yes Companies, LLC in Collin County; RN107191165; 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. (Jason Fraley, Candy Garrett)

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

Item 38 **[Docket No. 2013-2096-WQ-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RKM UTILITY SERVICES, INC. in Denton County; RN106498652; 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. (Jake Marx, Lena Roberts)

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

**RULE MATTERS**

Item 39 **[Docket No. 2014-1685-RUL.](#)**

Consideration for publication of, and hearing on, proposed amended sections of 30 Texas Administrative Code (TAC) Chapter 101, General Air Quality Rules, Subchapter F, General Rules, Section 101.201(h), Emissions Event Reporting and Recordkeeping Requirements, and Section 101.211(f), Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements. The proposed rulemaking would remove language from these sections requiring small emitting sources to collect and report annual emissions event and maintenance, startup, and shutdown data to the Texas Commission on Environmental Quality for emissions inventory purposes. These requirements are limited to small sources located in nonattainment areas, maintenance areas, early action compact areas, Nueces County, or San Patricio County that are not required to report this data annually in an emissions inventory per 30 TAC Section 101.10, Emissions Inventory Requirements. (Kathy Pendleton, Janis Hudson) (Rule Project No. 2014-023-101-AI)

Approve for publication of, and hearing on, the amendments of 30 Texas Administrative Code §§ 101.201(h) and 101.211(f) as recommended by the Executive Director. TB/ZC; all agree.

Item 40 **[Docket No. 2014-0617-RUL.](#)**

Consideration of adoption of the amendment to Section 305.541 of 30 TAC Chapter 305, Consolidated Permits, Subchapter P, Effluent Guidelines and Standards for Texas Pollutant Discharge Elimination System Permits. The rulemaking would adopt by reference revisions to 40 Code of Federal Regulations Part 450 as published on March 6, 2014, in the Federal Register (79 FedReg 12661 - 12667). The proposed rule was published in the September 26, 2014, issue of the *Texas Register* (39 TexReg 7726). (Laurie Fleet, Robert Brush) (Rule Project No. 2014-020-305-OW)

Adopt the proposed amendments to 30 TAC § 305.541 as recommended by the Executive Director. ZC/TB; all agree.

Item 41 **[Docket No. 2014-1080-RUL.](#)**

Consideration for adoption of amended Section 336.1310 of 30 TAC Chapter 336, Radioactive Substance Rules. The adoption of amended Section 336.1310 would reduce the maximum disposal rate that a licensee may charge generators for disposal of "Class A Low Level Waste - Shielded." The proposed rule was published in the November 7, 2014, issue of the *Texas Register* (39 TexReg 8682). (Bobby Janecka, Ron Olson) (Rule Project No. 2014-031-336-WS)

Adopt the amendment to 30 TAC § 336.1310 as recommended by the Executive Director. TB/ZC; all agree.

**PUBLIC COMMENT SESSION**

Item 42 **Docket No. 2015-0004-PUB.**

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 43 **Docket No. 2015-0001-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 44 **Docket No. 2015-0002-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 45 **Docket No. 2015-0003-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

2/9/2015  
Date