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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

OLD BUSINESS AGENDA

June 3, 2015

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Item continued from the November 20, 2013 Agenda.

Item 1 **[TCEQ Docket No. 2011-1647-PWS-E; SOAH Docket No. 582-12-5353.](#)**

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against South Texas Water Authority in Kleberg County, Texas; RN102683323; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Jennifer Cook)

Remand this case to SOAH to reopen the record for the limited purpose of the parties providing the results of the study conducted at the direction of the Commission and the information gathered as to the cost of compliance and options for compliance that the parties have obtained after the directive to do so at the November 20, 2013 Commission Agenda Meeting; and Direct the ALJ to consider the additional evidence and determine whether an amended PFD and Proposed Order is appropriate. TB/BS; all agree.

AGENDA

June 3, 2015

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. 2013-0499-MSW-E; SOAH Docket No. 582-13-6088.**](#)

Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties against Eisenberg Properties, Ltd. in Bexar County, Texas; RN101628410; regarding municipal solid waste violations pursuant to Texas Health & Safety Code Chapter 361 and the rules of the Texas Commission on Environmental Quality. The Commission will also consider the record, timely related filings, exceptions and replies. (Tammy Mitchell)

Adopt the ALJ's Proposed Order; but Adopt the nine changes to the Order as recommended by the Executive Director's Exceptions in order to include the \$3,000 Compliance History Enhancement to the administrative penalty as recommended by the Executive Director in the Evidentiary Record. TB/BS; all agree.

HEARING REQUESTS/REQUESTS FOR RECONSIDERATION

Item 2 [**Docket No. 2015-0406-IWD.**](#)

Consideration of the application by FPLE Forney, LLC, which operates the Forney Energy Center, for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004359000 to remove or increase ammonia limits at Outfall 001 and to add new Outfall 002 to allow the discharge of stormwater from the South Stormwater Pond during wet weather. The existing permit authorizes the discharge of cooling tower blowdown and previously monitored effluent (low volume waste) at a daily average flow not to exceed 4,000,000 gallons per day via Outfall 001. The facility is located at 13770 West U.S. Highway 80, on the south side of U.S. Highway 80, 1.3 miles northwest of the intersection of Farm-to-Market Road 740 and U.S. Highway 80, northwest of the City of Forney, in Kaufman County, Texas 75126. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (Karen Holligan, Celia Castro)

Grant the hearing request of Dean Flowers and TRBP Limited; Deny the request for

reconsideration; Refer the matter to Commission's Alternative Dispute Resolution Program concurrent with the SOAH scheduling process; Refer the matter to SOAH for contested case hearing on the following issue: Whether the ammonia nitrogen limits in the proposed permit with adequately protect water quality; and Specify that the maximum duration of the hearing is six months from the preliminary hearing to issuance of the Proposal for Decision. TB/BS; all agree.

Item 3 **Docket No. 2015-0407-AIR.**

Consideration of application by CEMEX Construction Materials South, LLC for the approval of a registration to use the Air Quality Standard Permit for Concrete Batch Plants, Registration No. 123329, which would authorize the construction and operation of a permanent concrete batch plant. The plant site is located at 202 Holmes Road, Houston, Harris 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)

Deny all hearing request; Issue the standard permit in the form of the Executive Director's Draft Permit; and Adopt the Executive Director's Response to Comments. TB/BS; all agree.

MISCELLANEOUS MATTER

Item 4 **Docket No. 2015-0342-MIS.**

Consideration of the adoption of the Draft 2014 Texas Integrated Report, for the federal Clean Water Act Sections 305(b) and 303(d), which is a compilation of documents and information which provides an overview of the state's surface water quality. The Draft 2014 Texas Integrated Report would inform the regulated community and the public of water quality status. The Draft 2014 Texas Integrated Report would also provide agencies with information to enable informed permitting decisions, resource allocations, and to determine where total maximum daily loads, watershed actions plans, and other water quality improvement efforts are needed. The proposed Draft 2014 Texas Integrated Report Notice was published in the December 19, 2014, issue of the *Texas Register* (39 TexReg 10073). The proposed Draft 2014 Texas Integrated Report was posted on the Commission's Water Quality Planning Division's website on December 19, 2014. (Michele Blair, Robert Brush) (Non-Rule Project No. 2014-012-OTH-NR)

Adopt the 2014 Texas Integrated Report for submittal as required by the Clean Water Act Sections 305(b) & 303(d) as recommended by the Executive Director.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5 **[Docket No. 2014-1460-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Sid Richardson Carbon, Ltd. in Hutchinson County; RN100222413; 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. (Eduardo Heras, Candy Garrett)

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

Item 6 **[Docket No. 2014-1437-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Lubrizol Corporation in Harris County; RN100221589; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (David Carney, Candy Garrett)

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

Item 7 **[Docket No. 2014-1550-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. (Rachel Bekowies, Candy Garrett)

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

Item 8 **[Docket No. 2014-1484-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of The Goodyear Tire & Rubber Company in Jefferson County; RN102561925; 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. TB/BS; all agree.

Item 9 [**Docket No. 2014-1441-AIR-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TXI Operations, LP in Comal County; RN100212067; 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. (Jennifer Nguyen, Candy Garrett)

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

Item 10 [**Docket No. 2014-1428-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. (Jessica Schildwachter, Candy Garrett)

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

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 11 [**Docket No. 2014-1653-MSW-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Irion County; RN102166832; 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 Tex. Admin. Code ch. 60. (Margarita Dennis, Candy Garrett)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 12 [**Docket No. 2014-0521-MSW-E.**](#)

Consideration of a Default Order assessing administrative penalties against and requiring certain actions of Charles Green d/b/a GTS Green's Tire Service in Hardin County; RN106837248; for municipal solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 341 and 361, 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 Default Order. TB/BS; all agree.

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 13 [**Docket No. 2014-1571-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Stephenville in Erath County; RN102081049; 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/BS; all agree.

Item 14 [**Docket No. 2014-1276-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Harker Heights in Bell County; RN101920395; 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/BS; all agree.

Item 15 [**Docket No. 2013-1358-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Krum in Denton County; RN101918266; 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/BS; all agree.

Item 16 [**Docket No. 2014-1857-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of North Orange Water & Sewer, LLC in Orange County; RN102078896; 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. (Larry Butler,

Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 17 **Docket No. 2014-1546-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Traversari USA LLC dba Texaco 155 in Harris County; RN102026242; 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. (Danielle Porras, Candy Garrett)

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

Item 18 **Docket No. 2010-0089-PST-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of Sur Valley Transport Company in Brooks County; RN101687200; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 19 **Docket No. 2014-1495-PST-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Methodist Healthcare System of San Antonio, Ltd., L.L.P. in Bexar County; RN100618503 and RN102840014; 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. (Danielle Porras, Candy Garrett)

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

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDER

Item 20 **Docket No. 2014-0750-PST-E.**

Consideration of a Default Order assessing administrative penalties against and

requiring certain actions of GOOD TIME STORES, INC. d/b/a Good Time Store 61 in El Paso County; RN101695427; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (J. Amber Ahmed, Lena Roberts)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 21 **[Docket No. 2014-1290-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of NORTH CHEROKEE WATER SUPPLY CORPORATION in Cherokee County; RN101458727; 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. TB/BS; all agree.

Item 22 **[Docket No. 2014-1776-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of PORT ALTO HOMEOWNERS' ASSOCIATION DISTRICT #1, INC. in Calhoun County; RN101212132; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Montgomery, Candy Garrett)

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

Item 23 **[Docket No. 2014-1227-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Fritch in Hutchinson County; RN101199099; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Katy Montgomery, Candy Garrett)

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

Item 24 **[Docket No. 2014-1687-PWS-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and

requiring certain actions of Fry Road Municipal Utility District in Harris County; RN101285443; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Farhaud Abbaszadeh, Candy Garrett)

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

Item 25 [**Docket No. 2014-1175-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of CRYSTAL CLEAR WATER SUPPLY CORPORATION in Guadalupe County; RN101437994; 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/BS; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS

Item 26 [**Docket No. 2014-1008-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against Kyle Freeman in Johnson County; RN106672165; 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. (Jacquelyn Boutwell, Lena Roberts)

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

Item 27 [**Docket No. 2014-1598-PWS-E.**](#)

Consideration of a Default Order assessing administrative penalties against Shawn M. Horvath DBA Aero Valley Water Service in Denton County; RN101198331; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Elizabeth Carroll Harkrider, Lena Roberts)

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

WATER QUALITY ENFORCEMENT AGREED ORDER

Item 28 **Docket No. 2013-0866-WQ-E.**

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of LIVE OAK RESORT, INC. in Washington County; RN101269926; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Jim Sallans, Lena Roberts)

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

RULE MATTERS

Item 29 **Docket No. 2014-1223-RUL.**

Consideration of adoption of the revisions to 30 Texas Administrative Code (TAC) Chapter 37, Financial Assurance, and 30 TAC Chapter 336, Radioactive Substance Rules. This rulemaking adoption implements Senate Bill 347, 83rd Texas Legislature, 2013, Regular Session, by amending 30 TAC Sections 37.9045 and 37.9050, which would reference the new environmental perpetual care account and by amending 30 TAC Sections 336.2, 336.105, 336.1111, and 336.1127, and adopting new Section 336.739, to provide for volume reduction of low-level radioactive waste and to meet federal compatibility standards. The adopted rulemaking also implements changes to license application requirements for source material recovery or by-product disposal licenses regarding notification to landowners. The proposed rules were published in the December 5, 2014, issue of the Texas Register (39 TexReg 9463 and 9484, respectively). (Bobby Janecka, Amie Robinson) (Rule Project No. 2013-056-037-WS)

Adopt amendments to 30 TAC Chapter 37, Financial Assurance, and 30 TAC Chapter 336, Radioactive Substance Rule as recommended by the Executive Director. TB/BS; all agree.

Item 30 **Docket No. 2014-0234-RUL.**

Consideration of the adoption of amendments to Sections 101.300 - 101.303, 101.306, 101.309, 101.350 - 101.354, 101.356, 101.359, 101.360, 101.370 - 101.373, 101.376, 101.378, 101.379, 101.390 - 101.394, 101.396, 101.399, and 101.400; and repeal of Section 101.358 of 30 TAC Chapter 101, General Air Quality Rules and corresponding revisions to the state implementation plan (SIP). The adoption would revise the Emission Credit and Discrete Emission Credit Programs by clarifying how reductions are surplus to the SIP; updating for changed federal standards; clarifying provisions for substituting credits from one ozone precursor for another; removing the requirement to submit original certificates for trades and use; clarifying the equations for generating

credits; and clarifying that limitations on protocols apply to both generation and use. For the Emission Credit Program, the revisions include extending the deadline for applying to generate credits. For the Discrete Emission Credit Program, the revisions include revising the existing daily use limit for the Dallas-Fort Worth 1997 eight-hour ozone nonattainment area to a fixed value and clarifying that the limit only applies to nitrogen oxides discrete emission reduction credits (DERCs) generated and used in the area. The amendments to the Mass Emissions Cap and Trade (MECT) and Highly Reactive Volatile Organic Compounds Emissions Cap and Trade (HECT) Programs would clarify and add flexibility for the use of allowances as offsets; reduce the reporting requirements for sites that no longer operate affected facilities; require additional allowances when data substitution is used because of noncompliance with requirements; add procedures for changing site and allowance ownership; and revise equations for the allocation of allowances. For the MECT Program, the revisions include providing a deadline for acquiring allowances to cover deficits; removing the equation for data substitution; and clarifying that the use of volatile organic compounds DERCs for MECT compliance must meet the provisions for the inter-pollutant use of DERCs. For the HECT Program, the revisions include correcting an error related to the reporting of emission events; adding deadlines for transfers; and allowing the generation of volatile organic compounds emission reduction credits from HECT sources if allowances are retired. The proposed rules were published in the December 26, 2014, issue of the *Texas Register* (39 TexReg 10186) (Joe Thomas, Amy Browning) (Rule Project No. 2014-007-101-AI)

Adopt amendments and repeals to 30 TAC Chapter 101, Air Quality Rules Emissions, Banking, and Trading Updates and corresponding revisions to the State Implementation Plan as recommended by the Executive Director. TB/BS; all agree.

Item 31 [Docket No. 2014-0501-RUL.](#)

Consideration of the adoption of Sections 115.10, 115.110 - 115.112, 115.114, 115.115, 115.117 - 115.119, 115.121, 115.122, 115.125 - 115.127, 115.129, 115.139, 115.215, 115.219, 115.229, 115.239, 115.359, 115.415, 115.416, 115.419, 115.420 - 115.423, 115.425 - 115.427, 115.429, 115.440 - 115.442, 115.446, 115.449 - 115.451, 115.453, 115.459 - 115.461, 115.469, 115.471, 115.473, 115.479, and 115.519; new Sections 115.410 and 115.411; and the repeal of Section 115.417 of 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds and corresponding revisions to the state implementation plan. The adopted rulemaking will implement reasonably available control technology (RACT) for all emission sources addressed in a control techniques guidelines (CTG) and all non-CTG major sources of volatile organic compounds (VOC) in the 2008 Dallas-Fort Worth eight-hour ozone nonattainment area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties) to satisfy Federal Clean Air Act requirements. The adopted rulemaking will revise the VOC rules to expand the applicability of the existing RACT rules to include Wise County. The adopted rulemaking will also make

necessary technical corrections and non-substantive revisions. The proposed rules were published in the December 26, 2014, issue of the *Texas Register* (39 TexReg 10246). (Frances Dowiak, Amy Browning) (Rule Project No. 2013-048-115-AI)

Joint Motion for Items 31, 32, 34 and 35.

Adopt the new, amended, and repealed sections of 30 Texas Administrative Code Chapter 115 as recommended by the Executive Director; Adopt the amendments and repeals to 30 TAC Chapter 117, and the corresponding revisions to the SIP, as recommended by the Executive Director in the Agenda Backup Materials; but Amend proposed 30 TAC § 117.405(b)(3)(A) to change the emission limit from 0.45 to 0.55 pounds of NO_x / MMBtu for turbines with a horsepower rating of less than 10,000; Approve the adoption of the Dallas-Fort Worth Reasonable Further Progress State Implementation Plan Revision for the 2008 8-hour Ozone National Ambient Air Quality Standard as recommended by the Executive Director; Adopt the Dallas-Fort Worth Attainment Demonstration State Implementation Plan Revision for the 2008 8-hour Ozone National Ambient Air Quality Standard, as recommended by the Executive Director, and allow ED Staff to make any conforming changes necessary as a result of changes to Chapter 117. TB/BS; all agree.

Item 32 **Docket No. 2014-0707-RUL.**

Consideration of the adoption of revisions to 30 Texas Administrative Code Chapter 117, Control of Air Pollution from Nitrogen Compounds: amendments to Sections 117.10, 117.400, 117.403, 117.410, 117.423, 117.425, 117.430, 117.435, 117.440, 117.445, 117.450, 117.454, 117.456, 117.1303, 117.1310, 117.1325, 117.1335, 117.1340, 117.1345, 117.1350, 117.1354, 117.8000, 117.9030, 117.9130, 117.9800, and 117.9810; repeal of Sections 117.200, 117.203, 117.205, 117.210, 117.215, 117.223, 117.225, 117.230, 117.235, 117.240, 117.245, 117.252, 117.254, 117.256, 117.1100, 117.1103, 117.1105, 117.1110, 117.1115, 117.1120, 117.1125, 117.1135, 117.1140, 117.1145, 117.1152, 117.1154, 117.1156, 117.9010, and 117.9110; new Sections 117.405 and 117.452; and corresponding revisions to the state implementation plan (SIP). Sections 117.210(c), 117.225, 117.410(d), 117.425, 117.1110(b), 117.1125, 117.1310(b), and 117.1325 correspond to portions of the existing rule previously excluded from the United States Environmental Protection Agency (EPA)-approved Texas SIP and will not be submitted with the revision. Adopted new Section 117.405(d) will not be submitted to the EPA as a SIP revision. The adoption would revise Chapter 117 to implement reasonable available control technology (RACT) for all major sources of nitrogen oxides (NOX) in the Dallas-Fort Worth 2008 eight-hour ozone moderate nonattainment area consisting of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties, as required by Federal Clean Air Act, Section 172(c)(1) and Section 182(f). The adoption would extend implementation of RACT to major sources of NOX located in newly designated Wise County. Although not necessary to satisfy RACT requirements, the adoption would provide compliance flexibility to testing requirements of Chapter 117 for temporary boilers and process heaters, and it

would clarify the definition of electric power generating system to distinguish rule requirements for independent power producers located in all Texas ozone nonattainment areas. The proposed rules were published in the December 26, 2014, issue of the *Texas Register* (39 TexReg 10337). (Javier Galván, Amy Browning) (Rule Project No. 2013-049-117-AI)

Joint Motion for Items 31, 32, 34 and 35.

Adopt the new, amended, and repealed sections of 30 Texas Administrative Code Chapter 115 as recommended by the Executive Director; Adopt the amendments and repeals to 30 TAC Chapter 117, and the corresponding revisions to the SIP, as recommended by the Executive Director in the Agenda Backup Materials; but Amend proposed 30 TAC § 117.405(b)(3)(A) to change the emission limit from 0.45 to 0.55 pounds of NO_x / MMBtu for turbines with a horsepower rating of less than 10,000; Approve the adoption of the Dallas-Fort Worth Reasonable Further Progress State Implementation Plan Revision for the 2008 8-hour Ozone National Ambient Air Quality Standard as recommended by the Executive Director; Adopt the Dallas-Fort Worth Attainment Demonstration State Implementation Plan Revision for the 2008 8-hour Ozone National Ambient Air Quality Standard, as recommended by the Executive Director, and allow ED Staff to make any conforming changes necessary as a result of changes to Chapter 117. TB/BS; all agree.

Item 33 **[Docket No. 2013-1381-RUL.](#)**

Consideration of the adoption of an amendment to 30 TAC Chapter 331, Underground Injection Control, Subchapter A, General Provisions, Section 331.19, Injection Into or Through the Edwards Aquifer. The adoption would implement Senate Bill 1532, 83rd Texas Legislature, 2013, Regular Session, relating to the authority the Texas Commission on Environmental Quality has to authorize certain injection wells that transect or terminate in the Edwards Aquifer. The adopted rulemaking adds definitions and changes the types of injection activities authorized or prohibited in the Edwards Aquifer. The proposed rule was published in the February 6, 2015, issue of the *Texas Register* (40 TexReg 587). (Kathryn Hoffman, Don Redmond) (Rule Project No. 2013-053-331-WS)

Adopt amendments to 30 TAC Chapter 331, Underground Injection Control, Section 331.19, Injection into or Through the Edwards Aquifer as recommended by the Executive Director. TB/BS; all agree.

STATE IMPLEMENTATION PLAN MATTERS

Item 34 **[Docket No. 2014-1249-SIP.](#)**

Consideration of the adoption of the Dallas-Fort Worth (DFW) Reasonable Further Progress (RFP) State Implementation Plan (SIP) Revision for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS). To meet Federal Clean Air Act requirements, the DFW RFP SIP revision includes an

analysis of reasonable further progress toward attainment of the 2008 eight-hour ozone NAAQS. Due to a change in attainment deadlines for the 2008 eight-hour ozone NAAQS by the United States Court of Appeals for the District of Columbia Circuit on December 23, 2014, this SIP revision provides an RFP analysis for a 2017 attainment year, including a contingency plan and a motor vehicle emissions budget (MVEB). This SIP revision also provides an alternative analysis to demonstrate an 18% emissions reduction in ozone precursors from the 2011 base year through a 2018 attainment year, a 3% emissions reduction demonstration for contingency for each milestone year, and updated RFP MVEB for each milestone year in the event that the 2018 attainment year requirement is reinstated by the Court. (Kristin Patton, Terry Salem) (Project No. 2013-014-SIP-NR)

Joint Motion for Items 31, 32, 34 and 35.

Adopt the new, amended, and repealed sections of 30 Texas Administrative Code Chapter 115 as recommended by the Executive Director; Adopt the amendments and repeals to 30 TAC Chapter 117, and the corresponding revisions to the SIP, as recommended by the Executive Director in the Agenda Backup Materials; but Amend proposed 30 TAC § 117.405(b)(3)(A) to change the emission limit from 0.45 to 0.55 pounds of NO_x / MMBtu for turbines with a horsepower rating of less than 10,000; Approve the adoption of the Dallas-Fort Worth Reasonable Further Progress State Implementation Plan Revision for the 2008 8-hour Ozone National Ambient Air Quality Standard as recommended by the Executive Director; Adopt the Dallas-Fort Worth Attainment Demonstration State Implementation Plan Revision for the 2008 8-hour Ozone National Ambient Air Quality Standard, as recommended by the Executive Director, and allow ED Staff to make any conforming changes necessary as a result of changes to Chapter 117. TB/BS; all agree.

Item 35 **[Docket No. 2014-1262-SIP.](#)**

Consideration of the adoption of revisions to the Dallas-Fort Worth (DFW) Attainment Demonstration State Implementation Plan (SIP) revision to meet the 2008 Eight-Hour Ozone National Ambient Air Quality Standard. The counties affected include Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise. Because of a United States Court of Appeals for the District of Columbia Circuit decision that changed the attainment deadlines for the 2008 eight-hour ozone NAAQS after proposal, this SIP revision includes the work completed to date to demonstrate that the DFW area will attain the 2008 eight-hour ozone NAAQS by 2018 as proposed, and to demonstrate progress toward attainment by the new 2017 attainment year. Additionally, this SIP revision includes a commitment to develop a 2017 attainment year SIP revision for the DFW 2008 eight-hour ozone nonattainment area. This SIP revision includes a photochemical modeling analysis, a weight of evidence analysis, a reasonably available control technology (RACT) analysis, and a reasonably available control measures analysis that reflect the previously applicable 2018 attainment year. This SIP revision also incorporates two rulemakings to fulfill RACT requirements for any

sources identified in the DFW area that are not already subject to the existing 30 Texas Administrative Code Chapters 115 and 117 rules. (Kathy Singleton, Terry Salem) (Non-rule Project No. 2013-015-SIP-NR)

Joint Motion for Items 31, 32, 34 and 35.

Adopt the new, amended, and repealed sections of 30 Texas Administrative Code Chapter 115 as recommended by the Executive Director; Adopt the amendments and repeals to 30 TAC Chapter 117, and the corresponding revisions to the SIP, as recommended by the Executive Director in the Agenda Backup Materials; but Amend proposed 30 TAC § 117.405(b)(3)(A) to change the emission limit from 0.45 to 0.55 pounds of NO_x / MMBtu for turbines with a horsepower rating of less than 10,000; Approve the adoption of the Dallas-Fort Worth Reasonable Further Progress State Implementation Plan Revision for the 2008 8-hour Ozone National Ambient Air Quality Standard as recommended by the Executive Director; Adopt the Dallas-Fort Worth Attainment Demonstration State Implementation Plan Revision for the 2008 8-hour Ozone National Ambient Air Quality Standard, as recommended by the Executive Director, and allow ED Staff to make any conforming changes necessary as a result of changes to Chapter 117. TB/BS; all agree.

PUBLIC COMMENT SESSION

Item 36 **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 37 **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.

No action taken.

Item 38 **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.

No action taken.

Item 39 **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.

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/ Tim Reidy
Assistant General Counsel
Tim Reidy

 6/10/2015
Date