

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 Jon Niermann

AGENDA

March 3, 2016

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. 2015-1706-MWD.](#)**

Consideration of the application by City of White Oak for a major amendment with renewal of TPDES Permit No. WQ0010940001 to authorize an increase in the discharge of treated domestic wastewater from an annual average flow not to exceed 1,100,000 gallons per day to an annual average flow not to exceed 2,000,000 gallons per day. The facility is located 1,500 feet east of State Highway 42 and 3,800 feet south of U.S. Highway 80, in Gregg County, Texas 75693. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (J. Alfonso Martinez III, Hollis Henley)

Deny the hearing requests of Kelly and Sophia Gossage, Walter Edward Kowalik, AGLYN Number One, LLC, AGLYN Number Two, LLC, AGLYN Number Three, LLC,

AGLYN Number Four, LLC and Gregg Williams; Issue the major amendment with renewal to TPDES Permit No. WQ0010940001 to the City of White Oak, as recommended by the Executive Director; and Adopt the Executive Director's Response to Public Comment. JN/TB; all agree.

Item 2 **Docket No. 2015-1708-MWD.**

Consideration of the application by Jarrar Holdings LLC for new TPDES Permit No. WQ0015299001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 12,000 gallons per day. The facility will be located at 16825 Hollister Street, in Harris County, Texas 77066. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's response to comments. (J. Alfonso Martinez III, Alicia Ramirez)

Grant the hearing request of Kathleen Bradley; Refer the matter to the Commission's Alternative Dispute Resolution program concurrent with the SOAH scheduling process; Refer the matter to SOAH for a contested case hearing on the following issues: 1) Whether the applicant has met the location restrictions pertaining to private water wells in 30 Texas Administrative Code § 309.13(c); 2) Whether the proposed facility will cause groundwater contamination including contamination of the requester's drinking water well and 3) Whether the proposed facility will cause nuisance odors including complying with the buffer zone requirements in 30 Texas Administrative Code § 309.13(e); and Specify that the maximum duration of the hearing is six months from the preliminary hearing to issuance of the Proposal for Decision. TB/JN; all agree.

MISCELLANEOUS MATTER

Item 3 **Docket No. 2015-1217-MIS.**

Consideration of the adoption of the renewal with amendment of Texas Pollutant Discharge Elimination System (TPDES) general permit No. TXG130000 authorizing discharges into or adjacent to water in the state by aquaculture facilities and other activities related to aquaculture. Public notice of the proposed draft permit was published in the October 16, 2015, issue of the *Texas Register* (40 TexReg 7268). (Laurie Fleet, Alicia Ramirez) (Non-Rule Project No. 2015-013-OTH-NR)

Adopt the proposed resolution issuing TPDES general permit No. TXG130000 and Response to Comment as recommended by the Executive Director. JN/TB; all agree.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 4 **Docket No. 2015-1086-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BASF TOTAL Petrochemicals LLC in Jefferson County; RN100216977; 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. (Kingsley Coppinger, Candy Garrett)

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

Item 5 **Docket No. 2014-1101-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against Burlington Resources Oil & Gas Company LP in Live Oak County; RN106241391; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rajesh Acharya, Candy Garrett)

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

Item 6 **Docket No. 2015-0828-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Exxon Mobil Corporation in Harris County; RN102212925; 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/JN; all agree.

Item 7 **Docket No. 2015-1075-AIR-E.**

Consideration of an Agreed Order assessing administrative penalties against FL Rich Gas Services, LP in Bee County; RN106476377; 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. (Carol McGrath, Candy Garrett)

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

Item 8 **[Docket No. 2015-0509-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gulf Coast Waste Disposal Authority in Harris County; RN100219500; 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/JN; all agree.

Item 9 **[Docket No. 2015-1014-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Regency Field Services LLC in Atascosa County; RN102643327; 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. (Raime Hayes-Falero, Candy Garrett)

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

Item 10 **[Docket No. 2015-0905-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. (Jessica Schildwachter, Candy Garrett)

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

Item 11 **[Docket No. 2015-1002-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Sunoco Pipeline L.P. in Jefferson County; RN100715762; 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/JN; all agree.

Item 12 **[Docket No. 2015-0594-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. (David Carney, Candy Garrett)

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

Item 13 **[Docket No. 2015-1261-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TPC Group LLC in Jefferson County; RN104964267; 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/JN; all agree.

Item 14 **[Docket No. 2015-1127-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of TX LFG Energy, LP in Chambers County; RN102663085; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rajesh Acharya, Candy Garrett)

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

Item 15 **[Docket No. 2015-1087-AIR-E.](#)**

Consideration of an Agreed Order assessing administrative penalties against Union Oil Company of California in Jefferson County; RN102596210; 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. (Raime Hayes-Falero, Candy Garrett)

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

Item 16 [Docket No. 2015-0815-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Vopak Terminal Deer Park Inc. in Harris County; RN100225093; 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. (Raime Hayes-Falero, Candy Garrett)

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

Item 17 [Docket No. 2015-0748-AIR-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company 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. (Farhaud Abbaszadeh, Candy Garrett)

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

**INDUSTRIAL AND/OR HAZARDOUS WASTE
ENFORCEMENT AGREED ORDER**

Item 18 [Docket No. 2014-1705-IHW-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Brad Callaghan dba Callaghan Enterprises in Hunt County; RN107697195; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Thomas Greimel, Candy Garrett)

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

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDER

Item 19 [Docket No. 2014-1030-MLM-E.](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of LULING O&G LLC and Delton Bishop in Caldwell County; RN107228421; for industrial hazardous waste, water quality, and petroleum storage tank 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. (Tracy Chandler, Lena Roberts)

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

MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER

Item 20 [Docket No. 2015-1022-MSW-E.](#)

Consideration of a Default Order assessing administrative penalties against Eli Rodriguez d/b/a Rodriguez Tire Shop in Deaf Smith County; RN107890097; 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. (Audrey Liter, Lena Roberts)

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

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 21 [Docket No. 2014-1464-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of BC Humble Enterprises, LLC in Harris County; RN101527513; 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. (Austin Henck, Candy Garrett)

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

Item 22 [Docket No. 2015-0992-MWD-E.](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Gladewater in Gregg County; RN102178498; 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. (Austin Henck, Candy Garrett)

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

Item 23 [**Docket No. 2015-0172-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Harris County Municipal Utility District No. 150 in Harris County; RN102952884; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Christopher Bost, Candy Garrett)

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

Item 24 [**Docket No. 2014-0792-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of MAHESH INVESTMENTS-LAKE FORK, L.L.C. in Wood County; RN101513638; for water quality violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Cheryl Thompson, Candy Garrett)

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

Item 25 [**Docket No. 2014-1498-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Quarters, LLC in Harris County; RN101517589; 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. TB/JN; all agree.

Item 26 [**Docket No. 2015-1073-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Bay City in Matagorda County; RN101920650; 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/JN; all agree.

Item 27 [**Docket No. 2015-1061-MWD-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of William Donald Smith in Harris County; RN101701555; 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/JN; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 28 [**Docket No. 2015-0238-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against and requiring certain actions of 3400 LLC d/b/a Millenium Mart 3400 in Dallas County; RN102354040; 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. (Amanda Patel, Lena Roberts)

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

Item 29 [**Docket No. 2015-1196-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Angeesth, LLC dba Union Bower Chevron in Dallas County; RN101569887; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Fennell, Candy Garrett)

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

Item 30 [**Docket No. 2015-1258-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against J. F. PRESLEY OIL COMPANY in Gregg and Harrison Counties; RN103934394; 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. TB/JN; all agree.

Item 31 [**Docket No. 2015-0978-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of RCF Investments, Inc. dba The Brock Junction in Parker County; RN101555282; 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. (Margarita Dennis, Candy Garrett)

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

Item 32 [**Docket No. 2015-1071-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SAYKOT ENTERPRISES INC. dba South Hills Fina in Tarrant County; RN102644911; 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/JN; all agree.

Item 33 [**Docket No. 2015-1212-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of SEEMA ENTERPRISES INC. dba N P Food Mart in Harris County; RN102480852; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (John Fennell, Candy Garrett)

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

Item 34 [**Docket No. 2015-0991-PST-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Western Refining Retail, LLC dba Howdy's 304 in El Paso County; RN102614203; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality,

including specifically 30 Tex. Admin. Code ch. 60. (John Fennell, Candy Garrett)

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

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 35 [**Docket No. 2015-1064-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Bastrop in Bastrop County; RN101245066; 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. TB/JN; all agree.

Item 36 [**Docket No. 2014-1313-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of City of Seminole in Gaines County; RN101376978; 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/JN; all agree.

Item 37 [**Docket No. 2015-1082-PWS-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of WTR Real Estate Holdings, L.C. dba Heartland House in Lubbock County; RN107135956; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Michaëlle Garza, Candy Garrett)

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

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 38 [**Docket No. 2015-1077-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against Adrian Lizalde in Montgomery County; RN108183385; for aggregate production operation and water quality violations pursuant to

Tex. Water Code chs. 7, 26, and 28A and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Farhaud Abbaszadeh, Candy Garrett)

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

Item 39 [**Docket No. 2015-1371-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties against the City of Lewisville in Denton County; RN101212090; 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. TB/JN; all agree.

Item 40 [**Docket No. 2015-0746-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Socorro in El Paso County; RN105472989; 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. (Austin Henck, Candy Garrett)

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

Item 41 [**Docket No. 2015-0889-WQ-E.**](#)

Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the Town of Hickory Creek in Denton County; RN105611545; 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. TB/JN; all agree.

RULE MATTERS

Item 42 [**Docket No. 2015-1650-RUL.**](#)

Consideration for publication of, and hearings on, proposed amendments to Sections 114.680 and 114.682 of 30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor

Vehicles, Subchapter K, Division 8, and corresponding revisions to the State Implementation Plan. The proposed rulemaking would revise the criteria for the Drayage Truck Incentive Program (DTIP) in order to achieve the program goals. Under Texas Health and Safety Code (THSC), Section 386.183(f), the commission is authorized to modify the DTIP to improve its effectiveness or further the goals of the Texas Emissions Reduction Plan established under THSC, Chapter 386. The revisions to Division 8 would make changes to the DTIP to revise the definition of a drayage truck to include other cargo handling equipment and to revise the definition of a seaport to include publically or privately owned property within a ship channel security district established under Texas Water Code, Chapter 68. The revisions would also remove the requirement that the drayage truck being purchased have a day cab only. (Steve Dayton, Sierra Redding) (Rule Project No. 2016-004-114-AI)

Approve the publication of, and hearing on the proposed amendments to 30 TAC Chapter 114, Subchapter K, Division 8 as recommended by the Executive Director. JN/TB; all agree.

Item 43 **Docket No. 2015-1715-RUL.**

Consideration of the adoption of amended Section 35.29 of 30 TAC Chapter 35, Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions; Section 55.255 of 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; and the proposed repeal of Section 80.271 of 30 TAC Chapter 80, Contested Case Hearings. The adoption would implement Senate Bill 1267, 84th Texas Legislature, 2015, Regular Session, relating to the procedures for providing notice of the commission's decisions or orders and the procedures and timelines concerning motions for rehearing. The proposed rules were published in the December 25, 2015, issue of the *Texas Register* (40 TexReg 9484). (Janis Hudson) (Rule Project No. 2016-008-055-LS)

Adopt amended 30 TAC §§ 35.29 and 55.255 and repealed 30 TAC § 80.271 as recommended by the Executive Director. TB/JN; all agree.

STATE IMPLEMENTATION PLAN MATTER

Item 44 **Docket No. 2015-1654-SIP.**

Consideration for publication of, and hearing on, the Carbon Monoxide (CO) Limited Maintenance Plan State Implementation Plan (SIP) Revision for El Paso. The proposed SIP revision would satisfy Section 175A(b) of the Federal Clean Air Act, which requires states to submit an

additional revision to the SIP eight years after redesignation of any area to attainment. This second maintenance plan must demonstrate continued attainment of the standard for 10 years after the expiration of the initial maintenance period. The proposed SIP revision would demonstrate continued maintenance of the CO National Ambient Air Quality Standard for the period of October 2018 through October 2028. (Amanda Sharp, Nicolas Parke) (Non-Rule Project No. 2015-015-SIP-NR)

Approve for publication of, and hearing on the proposed Carbon Monoxide Limited Maintenance Plan State Implementation Plan Revision for El Paso as recommended by the Executive Director. JN/TB; all agree.

PUBLIC COMMENT SESSION

Item 45 **Docket No. 2016-0004-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 46 **Docket No. 2016-0001-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 47 **Docket No. 2016-0002-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 48 **Docket No. 2016-0003-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.)

SECTION 46.035 OF THE TEXAS PENAL CODE PROHIBITS HANDGUN LICENSEES FROM CARRYING THEIR HANDGUNS AT GOVERNMENT MEETINGS SUCH AS THIS ONE. THIS PROHIBITION APPLIES TO BOTH CONCEALED CARRY AND OPEN CARRY BY HANDGUN LICENSEES.

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. AND WILL CONTINUE UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR

ITEM.

**THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ
MEETINGS ON THE INTERNET AT NO COST, AT:
[HTTP://WWW.TEXASADMIN.COM/tceqa.shtml](http://www.texasadmin.com/tceqa.shtml)**

/s/ Tracy Gross
Assistant General Counsel
Tracy Gross

3/10/2016
Date