

**Chairman Kathleen White
Commissioner Ralph Marquez
Commissioner Larry Soward**

**MARKED AGENDA
Friday, January 13, 2006
Texas Commission on Environmental Quality
9:30 a.m.
Room 201S, Building E
12100 Park 35 Circle**

1. Discussion of the Monthly Enforcement Report.

Item presented by Ann Dobbs, Program Specialist with the Enforcement Division, and John Racanelli with the Revenue Section of the Financial Administration Division.

No action taken.

2. Consideration of implementation policies regarding the Texas Emissions Reduction Plan Program.

Item presented by David Schanbacher, Chief Engineer, Steve Dayton and Lynne Haase with Implementation Grants Section of the Air Quality Planning and Implementation Division of the Chief Engineer's Office.

No action taken.

3. Consideration of a status report regarding State Implementation Plans for the State of Texas.

Item presented by David Schanbacher, Chief Engineer and Candy Garrett, Director of the Air Quality Planning and Implementation Division of the Chief Engineer's Office. The Commission will be considering actions in the future on the Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR), a new 8-hour Maintenance Plan for Victoria, an Ozone Transport SIP, the Houston-Galveston-Brazoria 8-hour Ozone Attainment Demonstration, and an Ozone Flex Plan for Corpus Christi. The Dallas-Fort Worth 8-hour Ozone Attainment Demonstration status was discussed in detail by staff. The photochemical grid modeling for 2010 indicates a reduction of 45% in NOx with lesser reductions in VOC in central Dallas County will be needed to show modeled attainment of the ozone standard. Previously adopted rules have helped the Dallas-Fort Worth area meet the monitored goals of the 1-hour ozone standard. However, the 2005 design value for the 8-hour ozone standard is 95 ppb, 10 ppb over the National Ambient Air Quality Standard. Staff continues to work with the U.S. Environmental Protection Agency to develop a fully approved State Implementation Plan.

Commenters:

Keith Courtney representing the Association of Electric Companies of Texas;
Mike Nasi representing The Gulf Coast Lignite Coalition; and
Ches Blevins representing the Texas Mining and Reclamation Association.

No action taken.

4. **PUBLIC COMMENT SESSION:** 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.

There were no registrants for this item.

No action taken.

5. **Closed Session:**

- a. **Docket No. 2006-0001-EXE.** The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, 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 session 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 Commissioners did not meet in executive session.

- b. **Docket No. 2006-0002-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 session to take action on a 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 Commissioners did not meet in executive session.

- c. **Docket No. 2006-0003-EXE.** The Commission will conduct a closed session 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 session 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 Commissioners did not meet in executive session.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ COMMISSIONERS' WORK SESSION 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 THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) 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 9:00 A.M. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.)