

**WHITE
MARQUEZ
SOWARD**

MARKED WORK SESSION AGENDA

Monday, June 28, 2004

Texas Commission on Environmental Quality

1:30 p.m.
Room 201S, Building E
12100 Park 35 Circle

1. **Discussion of the Monthly Enforcement Report for March 2004.** Anne Dobbs, Office of Compliance and Enforcement, presented this item.

Action: No action taken.

2. **Discussion of the Agency's Preliminary 2006/2007 Legislative Appropriations Request (LAR).** Linda Flores, CFO, and Becky O'Brien, Budget and Planning, presented this issue. Staff will prepare responses to a number of questions raised by the Commissioners concerning the Capital Budget and Exceptional Item Requests. The Commissioners' also asked for clarification and additional justifications on several office rider revisions.

Action: No action taken.

3. **Discussion of issues relating to agency compliance and enforcement policies and practices.** Glenn Shankle, Acting Executive Director and Tom Weber, Chief Engineer's Office, presented this issue. The subcommittees have passed their findings and recommendations to the committee chairs. The report will be submitted to the Commissioners by July 29. Plans are to have the Final Draft Report posted on the agency web pages by September 15.

Action: No action taken.

4. **Discussion of activities associated with the State Implementation Plan and issues related to recommendations regarding PM 2.5 and 8-hour ozone designations and boundaries.** Randy Wood, Deputy Director, Office of Environmental Planning, Analysis, and Assessment, provided an update on the Phase II rules scheduled to be published in August noting they will now be delayed until September.

Action: No action taken.

5. **Discussion of state and federal legislative issues potentially affecting the TCEQ.** The commission may consider legislative proposals and federal rulemakings, as well as other state actions and state's participation in federal legislative and regulatory activities. The commission may also meet in closed meeting to receive legal advice regarding these matters, or any of the above matters, as authorized by Section 551.071 of the Open Meetings Act, Chapter 551 of the Government Code. Any commission action, decision, or vote on these matters will be made in

open meeting in accordance with Section 551.102 of the Open Meetings Act, Chapter 551 of the Government Code. Randy Wood reminded the staff present that the proposed Mercury rule comments are due tomorrow (June 29). Diane Mazuca, Intergovernmental Relations, provided the Commission with an update on several hearings scheduled for the near future where TCEQ executives will be testifying.

Action: No action taken.

6. **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. Trek English, representing the Northeast Action Group, presented the Commissioners with photographs of alleged air, water, and waste violations and voiced her concern that these violations did not result in enforcement actions.

Action: No action taken.

7. **Planning for the next Commissioners' Work Session.** An additional work session was added for July 22nd, 9:30 am. Issues identified for discussion are the Texas Emissions Reduction Program, Pollution Prevention Advisory Committee appointments, and the standing items.

8. Closed Session:

- a. Docket No. 1998-1154-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.**

No action taken.

- b. Docket No. 1999-0024-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 matter 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.

- c. Docket No. 1999-0025-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.**

No action taken.

Discussion of the Monthly Enforcement Report for March 2004.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners' Work Session

Date: June 28, 2004

Thru: John F. Steib, Jr., Deputy Director, Office of Compliance and Enforcement
Ann McGinley, Director, Enforcement Division

From: Anne Dobbs, Program Specialist, Enforcement Division

Subject: Monthly Enforcement Report for April 2004

Issue Discussion of the Monthly Enforcement Report for April 2004

Background and Current Practice

Within the Texas Commission on Environmental Quality, enforcement is handled within the Enforcement Division and Litigation Division for all program media types. In order to provide an overview of agency-wide enforcement actions and backlogs, a summary compiling each program's data is prepared for each month and is presented to the Commissioners during regularly scheduled Work Sessions. This report is required by Texas Water Code §7.003 - Enforcement Report (formerly Texas Health and Safety Code §382.087 - Report on Enforcement Actions Taken).

ENFORCEMENT REPORT TO THE COMMISSION FOR APRIL 2004

June 28, 2004 Commission Work Session

PROGRAMS	FORMAL ACTIONS INITIATED BY EDPR/PETITION OR DRAFT ORDER		ADMINISTRATIVE ORDERS ISSUED BY THE COMMISSION		FISCAL YEAR 2004 YEAR-TO-DATE TOTAL ADMINISTRATIVE PENALTIES ASSESSED, DEFERRED, TOTAL PENALTY DUE GENERAL REVENUE, AND DOLLAR AMOUNT WHICH WILL BE SPENT ON SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs) IN ORDERS ISSUED BY THE TCEQ				
	Month	FY	Month	FY	ASSESSED	DEFERRED	TOTAL PENALTY DUE GENERAL REVENUE	SEP COST	SEP OFFSET
AGRICULTURE	1	4	2	6	\$229,550.00	\$385.00	\$127,165.00	\$202,000.00	\$102,000.00
AIR	24	214	2	78	\$2,834,961.00	\$96,149.00	\$1,570,205.00	\$1,165,511.00	\$1,165,511.00
INDUSTRIAL AND HAZARDOUS WASTE ¹	4	14	0	11	\$226,380.00	\$4,580.00	\$199,800.00	\$22,000.00	\$22,000.00
MUNICIPAL SOLID WASTE	2	26	0	9	\$75,550.00	\$4,130.00	\$55,420.00	\$16,000.00	\$16,000.00
OCCUPATIONAL CERTIFICATION	3	30	0	9	\$7,750.00	\$425.00	\$7,325.00	\$0.00	\$0.00
PETROLEUM STORAGE TANKS	33	462	13	134	\$645,560.00	\$39,422.00	\$605,638.00	\$500.00	\$500.00
PUBLIC WATER SUPPLY ²	14	85	2	41	\$152,339.00	\$4,704.00	\$122,149.00	\$23,923.00	\$23,923.00
WATER QUALITY	17	145	2	68	\$716,673.00	\$26,395.00	\$498,253.00	\$192,025.00	\$192,025.00
MULTI-MEDIA	7	42	1	16	\$241,367.00	\$21,376.00	\$205,053.00	\$31,473.00	\$31,473.00
TOTALS	105	1022	22	372	\$5,130,130.00	\$197,566.00	\$3,391,008.00	\$1,653,432.00	\$1,553,432.00

¹ Includes radioactive waste and underground injection control cases

² Includes water rights cases

ENFORCEMENT REPORT TO THE COMMISSION FOR APRIL 2004

June 28, 2004 Commission Work Session

PROGRAMS	WRITTEN NOTICES OF VIOLATION (NOVS) ISSUED REGARDING TCEQ INVESTIGATIONS ³		NOVS ISSUED REGARDING SELF REPORTED DATA REQUIRED BY PUBLIC WATER SUPPLY AND WASTEWATER TREATMENT FACILITIES		CASES RESOLVED INFORMALLY - COMPLIANCE ACHIEVED THRU CENTRAL OFFICE ACTION WITHOUT ISSUANCE OF AN AGENCY ORDER		CASES BEING DEVELOPED IN ENFORCEMENT PROGRAMS ⁴	CASES BEING TRACKED FOR COMPLIANCE ⁵
	Month	FY	Month	FY	Month	FY	Total	Total
AGRICULTURE	14	55	N/A	N/A	0	1	8	34
AIR	97	561	N/A	N/A	5	24	272	206
INDUSTRIAL AND HAZARDOUS WASTE	19	88	N/A	N/A	2	11	64	164
MUNICIPAL SOLID WASTE	19	138	N/A	N/A	0	9	57	104
OCCUPATIONAL CERTIFICATION	0	0	N/A	N/A	1	8	25	36
PETROLEUM STORAGE TANKS	78	494	N/A	N/A	12	126	460	343
PUBLIC WATER SUPPLY	157	836	351	2549	3	21	176	375
WATER QUALITY	168	896	27	118	3	9	248	186
MULTI-MEDIA	4	44	N/A	N/A	0	7	71	114
TOTALS	556	3112	378	2667	26	216	1381	1562

³ Includes NOV's issued regarding investigations and enforcement cases. The investigations that these NOV's address could be either record reviews or onsite investigations.

⁴ Cases which the enforcement programs in Central Office are working on in which agency action has not been filed yet, unless the action is an AG referral for which the case will be considered to be under development until issuance of a Final Judgment. Agency action includes, orders issued, NOV's for those cases in which a formal action is not being pursued, corrective action directives, bilateral compliance agreements, or any other action which directs a facility to take action to achieve compliance within a specified period of time.

⁵ Includes all cases which the enforcement programs are tracking for compliance once an agency action (as defined in footnote 4) is finalized.

ENFORCEMENT REPORT TO THE COMMISSION FOR APRIL 2004

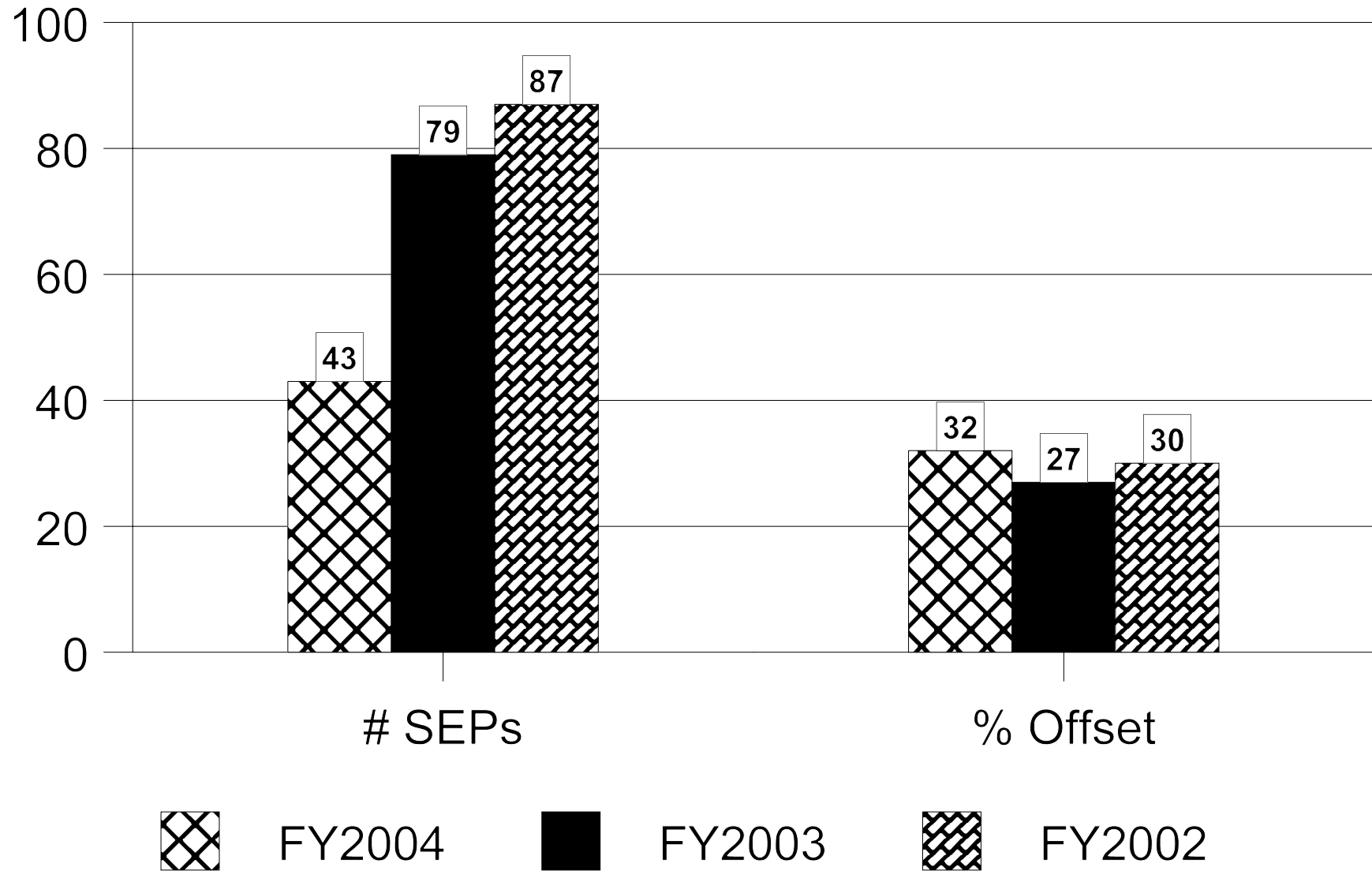
June 28, 2004 Commission Work Session

PROGRAMS	PENDING FORMAL ENFORCEMENT ACTIONS FOR ADMINISTRATIVE ORDERS TO BE ISSUED BY THE TCEQ		CASES PENDING AT THE STATE OFFICE OF ADMIN. HEARINGS	CASES PENDING AT THE OFFICE OF THE ATTORNEY GENERAL ⁶	ATTORNEY GENERAL CASES RESULTING IN JUDGMENTS ⁷		NOTICE OF AUDIT LETTERS RECEIVED REGARDING VOLUNTARY ENVIRONMENTAL SELF AUDITS		DISCLOSURE OF VIOLATIONS LETTERS RECEIVED REGARDING VOLUNTARY ENVIRONMENTAL SELF AUDITS		CASES SCREENED AND APPROVED FOR ENFORCEMENT ACTION	
	Total	Backlog	Total	Total	Month	FY	Month	FY	Month	FY	Month	FY
AGRICULTURE	15	7	3	0	0	0	0	14	0	0	1	6
AIR	296	42	7	14	0	2	26	377	1	22	33	260
INDUSTRIAL AND HAZARDOUS WASTE	45	19	10	35	0	5	1	4	0	5	1	24
MUNICIPAL SOLID WASTE	72	22	9	34	0	5	0	2	0	0	13	37
OCCUPATIONAL CERTIFICATION	48	16	1	2	0	0	0	0	0	0	1	25
PETROLEUM STORAGE TANKS	515	95	29	15	0	2	1	8	0	1	42	568
PUBLIC WATER SUPPLY	145	40	6	44	0	4	0	0	0	0	17	118
WATER QUALITY	272	46	8	33	0	3	3	12	0	0	32	195
MULTI-MEDIA	80	27	8	8	0	0	14	93	2	24	3	56
TOTALS	1488	314	81	185	0	21	45	510	3	52	143	1289

⁶ AG actions typically take from 6 months to 5 years from the date of referral to final judgment.

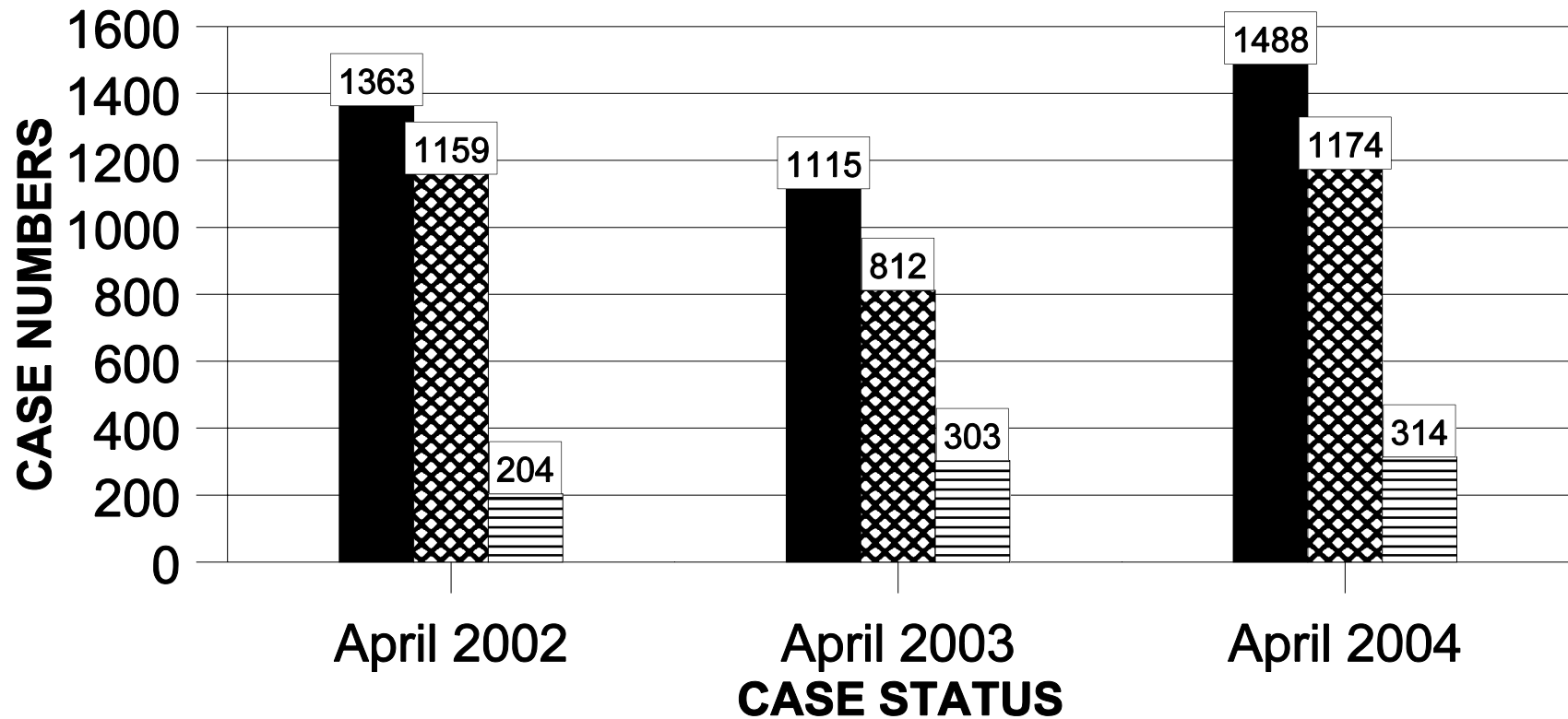
⁷ These numbers are obtained from the Attorney General's Office.

Comparison of Supplemental Environmental Project (SEP) Data (thru April)



AGENCY-WIDE BACKLOG DISTRIBUTION

APRIL 2002 - APRIL 2004



Pending

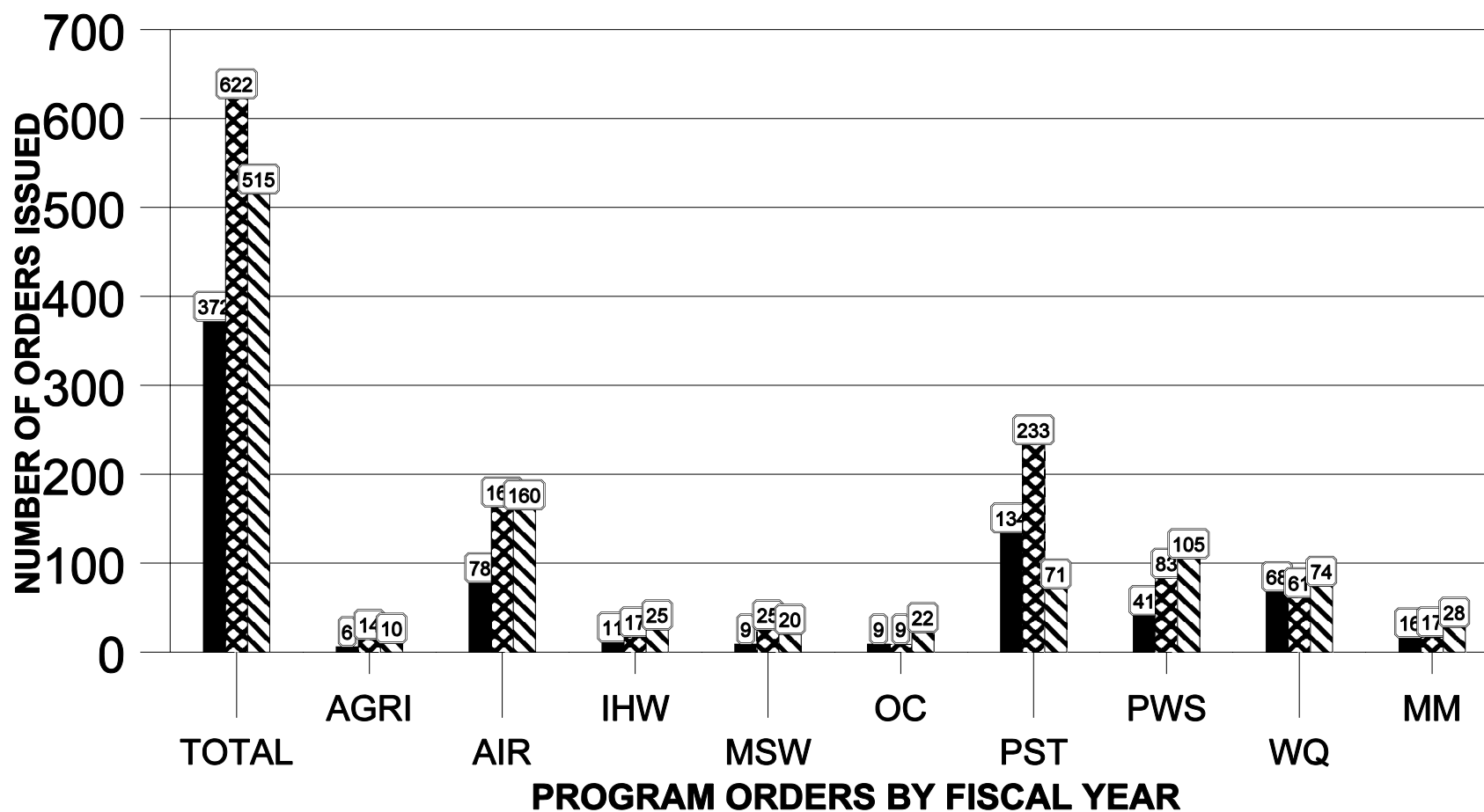


On Time



Backlogged

COMPARISON OF ORDERS ISSUED FY 2002 thru FY 2004



Thru April 2004

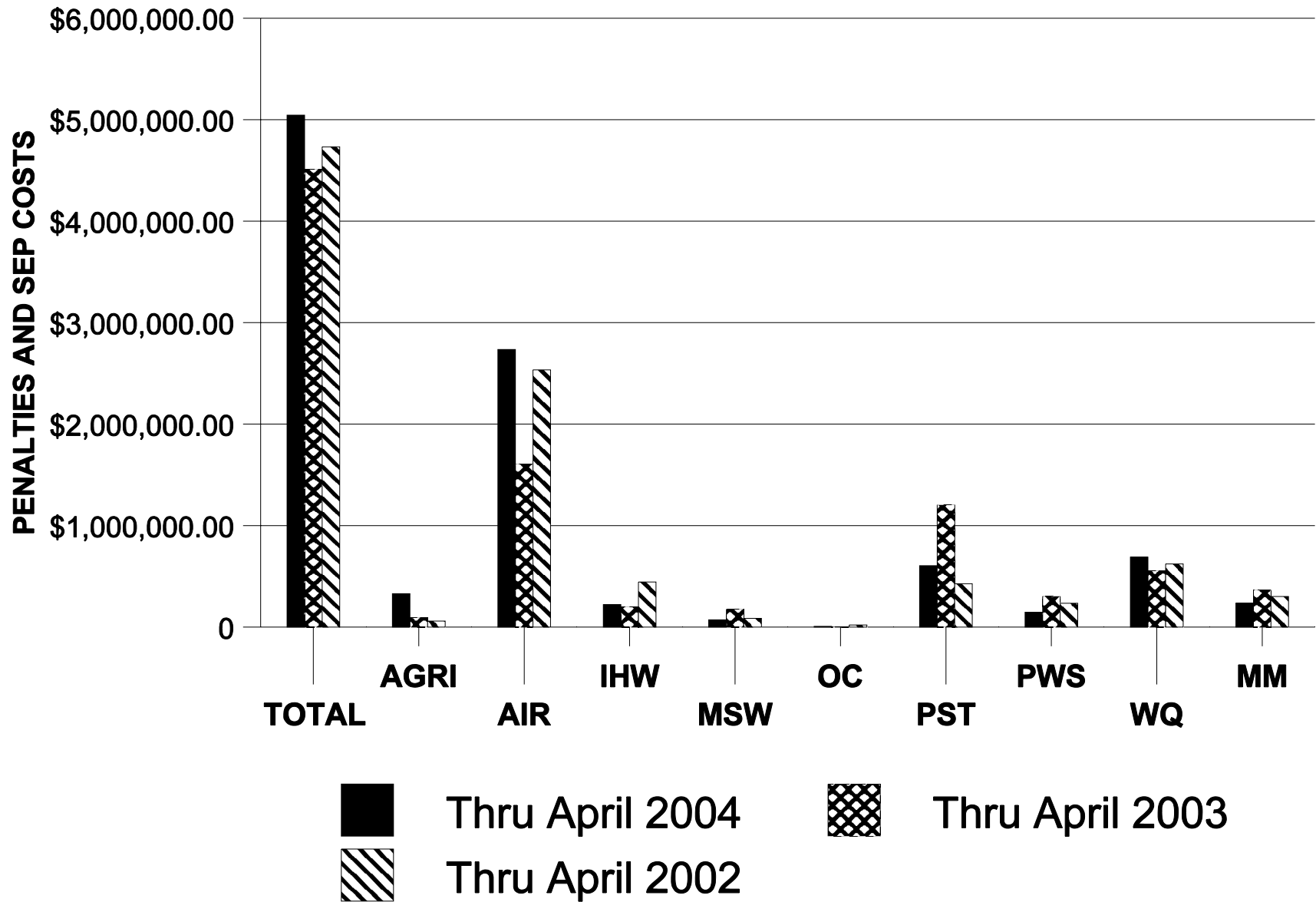


Thru April 2003



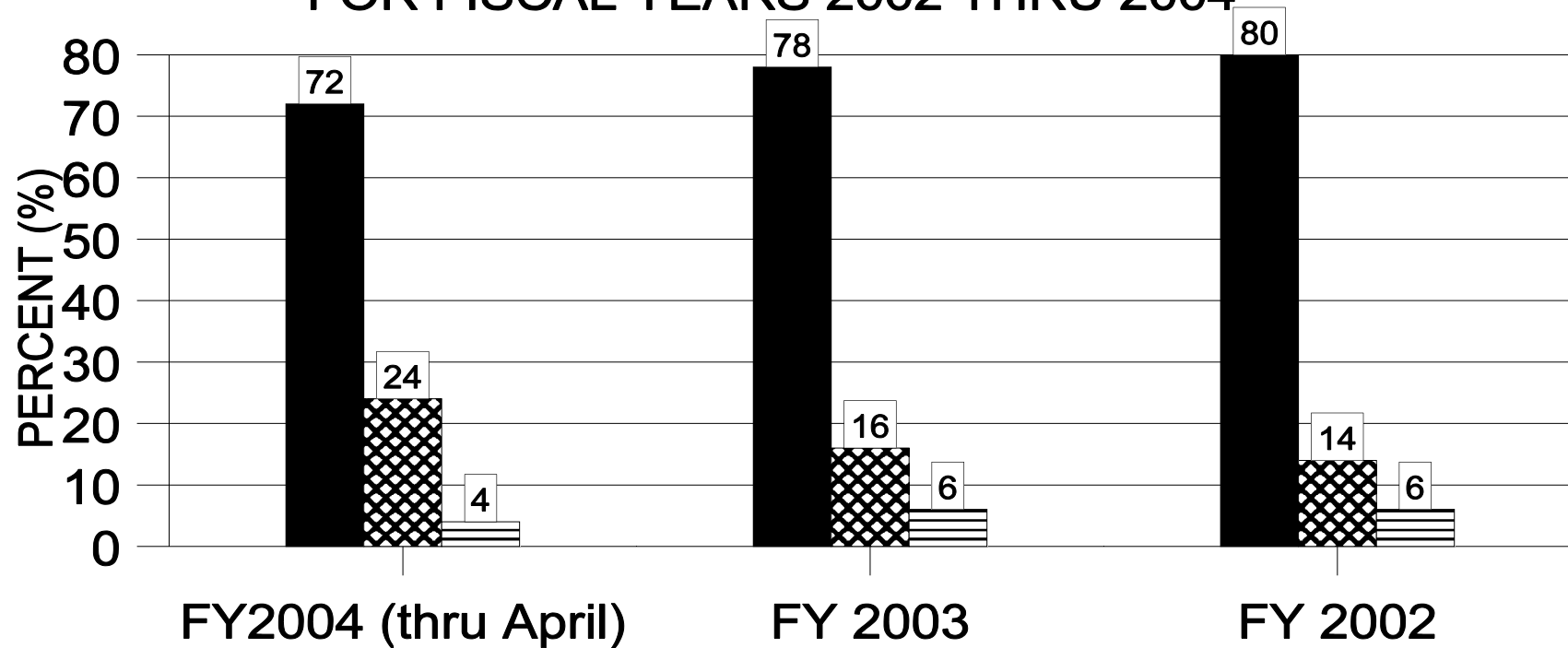
Thru April 2002

COMPARISON OF ORDERS ISSUED FY 2002 thru FY 2004



FINAL ORDER STATISTICS

FOR FISCAL YEARS 2002 THRU 2004



- Settled by Enforcement Division
- Resolved in Litigation Division w/o SOAH Referral
- Resolved after SOAH Referral

Administrative Orders Issued

Singles Programs

Date Range Selected : 09/01/2003 - 04/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
AQ	7364	Drilling Specialties Company, LLC	1803	MONTGOMERY	9/25/03	6,350.00	0.00	6,350.00	0.00	0.00
AQ	5928	U.S. Clay, L.P.	4049	CAMERON	9/25/03	2,100.00	0.00	1,050.00	1,050.00	1,050.00
AQ	6004	Firestone Polymers, LLC	292	ORANGE	9/25/03	10,220.00	2,044.00	8,176.00	0.00	0.00
AQ	7361	Atofina Petrochemicals, Inc.	1267	JEFFERSON	9/25/03	7,560.00	1,512.00	6,048.00	0.00	0.00
AQ	5330	IRONHORSE MFG INC	JE0913J	JEFFERSON	9/25/03	9,200.00	0.00	9,200.00	0.00	0.00
AQ	5363	COMPASS OPERATING LLC	53003	KARNES	9/25/03	7,500.00	1,500.00	6,000.00	0.00	0.00
AQ	5971	Mason County Feeders, LTD.	BG1309J	BEXAR	9/25/03	1,050.00	0.00	1,050.00	0.00	0.00
AQ	3168	The Premcor Refining Group Inc.	2303A	JEFFERSON	10/10/03	8,000.00	1,600.00	3,200.00	3,200.00	3,200.00
AQ	6025	Phillips Pipe Line Company	HG0565J	HARRIS	10/10/03	2,600.00	520.00	2,080.00	0.00	0.00
AQ	9841	Pioneer Hi-Bred International, Inc.	HN0160N	HIDALGO	10/10/03	3,150.00	0.00	3,150.00	0.00	0.00
AQ	8030	OPPER ENTERPRISE INC	MQ1716T	MONTGOMERY	10/10/03	1,050.00	0.00	1,050.00	0.00	0.00
AQ	6478	ICO WORLDWIDE LP	HG0539K	HARRIS	10/10/03	1,975.00	395.00	1,580.00	0.00	0.00
AQ	5264	E. I. Dupont De Nemours and Company	JE0033C	JEFFERSON	10/10/03	25,125.00	5,025.00	10,050.00	10,050.00	10,050.00
AQ	3251	Structural Metals, Inc.	NONE	GUADALUPE	10/10/03	94,887.00	0.00	32,262.00	62,625.00	62,625.00
AQ	7782	Solutia, Inc.	38336	BRAZORIA	10/10/03	37,500.00	7,500.00	15,000.00	15,000.00	15,000.00
AQ	3715	Boral Bricks, Inc.	21012	RUSK	10/10/03	22,500.00	4,500.00	18,000.00	0.00	0.00
AQ	5970	Randy Roan Construction, Inc.	948639L	MONTGOMERY	10/10/03	2,700.00	0.00	2,700.00	0.00	0.00
AQ	5941	Stewart Motor Company of Corsicana, Inc. dba Stewart Motor Company	55515	NAVARRO	10/19/03	6,300.00	0.00	6,300.00	0.00	0.00
AQ	8563	Chevron U.S.A. Inc. dba Chevron Products Company	457	STERLING	10/19/03	1,925.00	385.00	1,540.00	0.00	0.00
AQ	4990	G-P Gypsum Corporation	HE0006D	HARDEMAN	11/2/03	3,350.00	0.00	3,350.00	0.00	0.00
AQ	4887	Air Liquide America Corporation	BL0626U	BRAZORIA	11/2/03	0.00	0.00	0.00	0.00	0.00
AQ	5938	Osburn Contractors, Inc.	932818Q	DALLAS	11/2/03	10,000.00	0.00	10,000.00	0.00	0.00
AQ	5959	High Island Petrochemicals, L.L.C.	CI0113C	CHAMBERS	11/2/03	1,110.00	0.00	1,110.00	0.00	0.00
AQ	5961	Ysleta Independent School District	EE1018R	EL PASO	11/2/03	750.00	150.00	600.00	0.00	0.00
AQ	6041	Acadia Elastomers Corporation	NA0035U	NACOGDOCHE	11/2/03	14,000.00	2,800.00	11,200.00	0.00	0.00
AQ	6042	Oasis Pipe Line Company Texas L.P.	CA0027J	CALDWELL	11/2/03	3,750.00	750.00	3,000.00	0.00	0.00
AQ	5712	DAS BROT INC	DB3131K	DALLAS	11/2/03	3,550.00	0.00	3,550.00	0.00	0.00
AQ	6018	Lifetime Doors Inc.	RI0010S	ROBERTSON	11/2/03	1,370.00	0.00	1,370.00	0.00	0.00
AQ	5800	Quicksilver Resources Inc.	FG0629T	FORT BEND	11/2/03	650.00	130.00	520.00	0.00	0.00
AQ	2895	Ocean Energy, Inc.	HX1519Q	HARRIS	11/2/03	5,625.00	1,125.00	4,500.00	0.00	0.00
AQ	3751	Chevron U.S.A. Inc. dba Chevron Products Company	15311	HARRIS	11/16/03	2,075.00	415.00	1,660.00	0.00	0.00
AQ	5795	Millenium Polymers, Ltd.	HG3371D	HARRIS	11/16/03	7,500.00	6,900.00	600.00	0.00	0.00
AQ	5823	Ameron International Corporation	1017	WICHITA	11/16/03	950.00	0.00	950.00	0.00	0.00
AQ	5723	Valero Refining Company Texas L.P.	1231	NUECES	11/16/03	8,050.00	0.00	8,050.00	0.00	0.00
AQ	4758	Kelly-Moore Paint Company, Inc.	11957	TARRANT	11/16/03	2,375.00	475.00	1,900.00	0.00	0.00

Singles Programs

Administrative Orders Issued

Date Range Selected : 09/01/2003 - 04/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
AQ	5950	Hill-Lake Gas Storage, L.P.	2544	EASTLAND	11/16/03	2,375.00	0.00	2,375.00	0.00	0.00
AQ	6043	Kinder Morgan Co2 Company, L.P.	15470	SCURRY	11/16/03	5,000.00	1,000.00	4,000.00	0.00	0.00
AQ	8560	Watertown Soles, Inc.	0004	VAL VERDE	11/16/03	1,300.00	260.00	1,040.00	0.00	0.00
AQ	5982	Chevron U.S.A. Inc. dba Chevron Products Company	13483	CROCKETT	12/5/03	20,000.00	4,000.00	16,000.00	0.00	0.00
AQ	5303	Penske Truck Leasing Co., L.P.	EE13120	EL PASO	12/5/03	750.00	0.00	750.00	0.00	0.00
AQ	1	United Structures of America, Inc.	HG1387C	HARRIS	12/5/03	2,125.00	425.00	1,700.00	0.00	0.00
AQ	5094	Duke Energy Field Services, L.P.	21434	CROCKETT	12/5/03	7,740.00	1,548.00	0.00	3,096.00	3,096.00
AQ	5862	Exxon Mobil Corporation	23353	KLEBERG	12/5/03	1,875.00	375.00	1,500.00	0.00	0.00
AQ	5909	Precision Pipe & Excavating, L.L.C.	49390	FORT BEND	12/5/03	5,000.00	1,000.00	4,000.00	0.00	0.00
AQ	8896	Chevron Phillips Chemical Company, LP	JE0508W	JEFFERSON	12/21/03	134,850.00	0.00	67,425.00	67,425.00	67,425.00
AQ	2500	Duke Energy Field Services, L.P.	SQ0013E	SUTTON	12/21/03	2,000.00	400.00	800.00	800.00	800.00
AQ	6016	Chevron Phillips Chemical Company, LP	HG0310V	HARRIS	12/21/03	22,750.00	0.00	22,750.00	0.00	0.00
AQ	7454	Sherwin Alumina, L.P.	SD0037N	SAN PATRICIO	12/21/03	6,300.00	0.00	3,150.00	3,150.00	3,150.00
AQ	4300	Tyson Fresh Meats, Inc.	PG0024R	POTTER	12/21/03	95,350.00	0.00	95,350.00	0.00	0.00
AQ	6007	Apac-Texas, Inc.	922632U	DALLAS	12/21/03	5,100.00	1,020.00	4,080.00	0.00	0.00
AQ	5936	Owens Corning	RB0010D	RANDALL	1/8/04	10,000.00	2,000.00	8,000.00	0.00	0.00
AQ	6494	Motiva Enterprises, LLC	JE0095D	JEFFERSON	1/8/04	39,750.00	0.00	19,875.00	19,875.00	19,875.00
AQ	5939	PTP Auto Tech Inc. dba MAACO Auto Painting & Body Works	DF0462H	DENTON	1/8/04	3,800.00	3,200.00	600.00	0.00	0.00
AQ	5851	Protherm Services Group, LLC	NONE	HARRIS	1/8/04	1,100.00	0.00	1,100.00	0.00	0.00
AQ	7243	Equistar Chemicals, LP	HG0770G	HARRIS	1/8/04	9,610.00	0.00	9,610.00	0.00	0.00
AQ	5997	B. & E. Grain, Inc.	JH0051N	JOHNSON	1/8/04	4,160.00	832.00	3,328.00	0.00	0.00
AQ	9376	Orange Crush Recyclers Management, L.L.C.	55240L001	DALLAS	1/18/04	0.00	0.00	0.00	0.00	0.00
AQ	5884	Northern Natural Gas Company	SF0036Q	SCHLEICHER	1/30/04	2,500.00	500.00	2,000.00	0.00	0.00
AQ	8364	ExxonMobil Oil Corporation	JE0062S	JEFFERSON	1/30/04	25,000.00	0.00	25,000.00	0.00	0.00
AQ	5620	Saint-Gobain Vetrotex America, Inc.	WH0014S	WICHITA	1/30/04	13,125.00	0.00	6,563.00	6,562.00	6,562.00
AQ	9122	Weatherford Aerospace, Inc.	PC0008N	PARKER	1/30/04	2,550.00	510.00	2,040.00	0.00	0.00
AQ	5934	WOOLSLAYER COMPANIES INC	LH0213A	LIBERTY	1/30/04	4,050.00	810.00	3,240.00	0.00	0.00
AQ	7316	Duke Energy Field Services, L.P.	JE0200H	JEFFERSON	3/5/04	24,000.00	0.00	24,000.00	0.00	0.00
AQ	6040	EL Paso Field Services Management, Inc.	WH0097L	WICHITA	3/5/04	13,500.00	2,700.00	10,800.00	0.00	0.00
AQ	6027	Hampshire Chemical Corp.	HG4998P	HARRIS	3/5/04	87,856.00	0.00	43,928.00	43,928.00	43,928.00
AQ	5986	Sunoco, Inc. (R&M)	HG0825G	HARRIS	3/5/04	28,644.00	5,729.00	22,915.00	0.00	0.00
AQ	396	Citgo Refining and Chemicals Company L.P.	NE0027V	NUECES	3/5/04	1,740,000.00	0.00	870,000.00	870,000.00	870,000.00
AQ	41	Trinity Industries, Inc.	HG0498W	HARRIS	3/5/04	1,925.00	385.00	1,540.00	0.00	0.00
AQ	9671	Webb-Duval Gatherers, A Texas General Partnership	WE0066J	WEBB	3/5/04	1,625.00	325.00	1,300.00	0.00	0.00
AQ	7359	Atofina Petrochemicals, Inc.	JE0005H	JEFFERSON	3/14/04	146,875.00	29,375.00	58,750.00	58,750.00	58,750.00
AQ	9460	Koch Pipeline Company, L.P.	TA1222P	TARRANT	3/14/04	22,184.00	0.00	22,184.00	0.00	0.00
AQ	14974	Equistar Chemicals, LP	NE0051B	NUECES	3/14/04	0.00	0.00	0.00	0.00	0.00

Singles Programs
Administrative Orders Issued

Date Range Selected : 09/01/2003 - 04/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
AQ	7464	Valero Refining-Texas, L.P.	HG0130C	HARRIS	3/14/04	8,750.00	0.00	8,750.00	0.00	0.00
AQ	5908	Teppco Crude Oil, L.P.	AH0087R	AUSTIN	3/14/04	7,500.00	1,500.00	6,000.00	0.00	0.00
AQ	9567	Fort Dearborn Company	TA0172M	TARRANT	3/22/04	2,375.00	0.00	2,375.00	0.00	0.00
AQ	9433	WTG GAS PROCESSING, L.P.	MF0001W	MARTIN	3/22/04	2,125.00	0.00	2,125.00	0.00	0.00
AQ	61	Houston Pipe Line Company	HG0918V	HARRIS	4/5/04	1,875.00	375.00	1,500.00	0.00	0.00
AQ	9956	Republic Waste Services of Texas, Ltd.	1495	ECTOR	4/19/04	770.00	154.00	616.00	0.00	0.00
Subtotal for AQ : 78						2,834,961.00	96,149.00	1,570,205.00	1,165,511.00	1,165,511.00
IHW	165	PERMENTER, DENNIS G *	F1530	SHELBY	9/25/03	900.00	180.00	720.00	0.00	0.00
IHW	2728	US Liquids Inc.	33969	HARRIS	10/10/03	19,500.00	3,900.00	15,600.00	0.00	0.00
IHW	1677	United Casing Incorporated	NONE	NUECES	10/10/03	18,750.00	0.00	18,750.00	0.00	0.00
IHW	511	Engine Components, Inc.	31567	BEXAR	10/10/03	44,000.00	0.00	22,000.00	22,000.00	22,000.00
IHW	9870	PLATZER SHIP YARDS INC	NONE	HARRIS	10/19/03	0.00	0.00	0.00	0.00	0.00
IHW	7461	Univeral Forest Products Texas, L.P.	86058	WALKER	11/2/03	2,500.00	500.00	2,000.00	0.00	0.00
IHW	2960	Battery Reclamation, Inc.	50352	REEVES	3/5/04	35,150.00	0.00	35,150.00	0.00	0.00
IHW	4168	Battery Conservation Technologies	50352	REEVES	3/5/04	45,375.00	0.00	45,375.00	0.00	0.00
IHW	7608	Calidad Environmental Services, Inc.	86032	BEXAR	3/14/04	4,080.00	0.00	4,080.00	0.00	0.00
IHW	580	Atofina Petrochemicals, Inc. *	52083	HOWARD	3/22/04	8,000.00	0.00	8,000.00	0.00	0.00
IHW	532	Galveston Environmental Services, Inc.	34323	GALVESTON	3/22/04	48,125.00	0.00	48,125.00	0.00	0.00
Subtotal for IHW : 11						226,380.00	4,580.00	199,800.00	22,000.00	22,000.00
MSW	2718	STARR COUNTY	HAT0030	STARR	10/10/03	4,500.00	900.00	0.00	3,600.00	3,600.00
MSW	2893	CITY OF LA GRULLA	1033	STARR	11/2/03	15,500.00	3,100.00	0.00	12,400.00	12,400.00
MSW	2097	BRANCH, JOE	455040126	TARRANT	12/21/03	10,000.00	0.00	10,000.00	0.00	0.00
MSW	652	YANCEY, BOBBY	NONE	MONTGOMERY	1/8/04	4,050.00	0.00	4,050.00	0.00	0.00
MSW	2457	Larry Fulton dba Chopperman	455010001	GRAY	2/13/04	7,000.00	0.00	7,000.00	0.00	0.00
MSW	2682	ESCALONA RICHARD	455150061	HIDALGO	2/13/04	650.00	130.00	520.00	0.00	0.00
MSW	3059	Enviroclean Management Services, Llc	2245A	DALLAS	3/5/04	25,000.00	0.00	25,000.00	0.00	0.00
MSW	8546	LEATHERMAN, ROYCE D	F1333	TARRANT	3/5/04	8,250.00	0.00	8,250.00	0.00	0.00
MSW	2534	Waste Environmental Controls of South Texas, Ltd.	455150049	CAMERON	3/22/04	600.00	0.00	600.00	0.00	0.00
Subtotal for MSW : 9						75,550.00	4,130.00	55,420.00	16,000.00	16,000.00
OL	5836	PROSE, GEOFFREY A	OS0005006	DENTON	9/25/03	250.00	50.00	200.00	0.00	0.00
OL	8887	FARR, DUDLEY E	HJDHLIHKK	WILLIAMSON	9/25/03	0.00	0.00	0.00	0.00	0.00
OL	7270	PHILLIPS, FRANCIS X	OS0004760	PARKER	9/25/03	750.00	0.00	750.00	0.00	0.00
OL	6055	MUSICK, MELVIN K	OS0007939	BROWN	9/25/03	1,750.00	0.00	1,750.00	0.00	0.00
OL	2890	Alberto De Leon dba De Leon Construction	NONE	CAMERON	10/19/03	3,125.00	0.00	3,125.00	0.00	0.00
OL	2667	BARKER, MIKE	NONE	COLEMAN	11/16/03	250.00	50.00	200.00	0.00	0.00
OL	5948	ANDERSON, BRYAN	NONE	DENTON	12/5/03	625.00	125.00	500.00	0.00	0.00
OL	5942	BARE, DARIN W	OS0008258		12/5/03	250.00	50.00	200.00	0.00	0.00
OL	5975	MEEK, JACK	NONE	EASTLAND	12/21/03	750.00	150.00	600.00	0.00	0.00

Singles Programs
Administrative Orders Issued

Date Range Selected : 09/01/2003 - 04/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
Subtotal for OL : 9						7,750.00	425.00	7,325.00	0.00	0.00
PST	8026	STUART, JEFFREY	2350	CROCKETT	9/25/03	8,500.00	0.00	8,500.00	0.00	0.00
PST	2256	BEAVERS, BARRY DON	10719	MITCHELL	9/25/03	15,500.00	0.00	15,500.00	0.00	0.00
PST	357	C & W Enterprises, Inc.	25830	TOM GREEN	9/25/03	2,000.00	0.00	2,000.00	0.00	0.00
PST	5543	West Texas Gas, Inc.	NONE	MIDLAND	9/25/03	1,000.00	0.00	500.00	500.00	500.00
PST	2742	MAHNOOR INC	28570	AUSTIN	9/25/03	1,875.00	375.00	1,500.00	0.00	0.00
PST	2781	S. K. Associates, Inc.	35210	HARRIS	9/25/03	1,050.00	0.00	1,050.00	0.00	0.00
PST	2107	AMIN, JOGESH	12640	TARRANT	9/25/03	4,500.00	0.00	4,500.00	0.00	0.00
PST	2399	LUMMAS BILLY D	4666	LEON	9/25/03	15,300.00	0.00	15,300.00	0.00	0.00
PST	2745	FFP Operating Partners LP	0018564	TARRANT	9/25/03	2,425.00	0.00	2,425.00	0.00	0.00
PST	2787	Nolan Oil Company, Inc.	NONE	ORANGE	9/25/03	1,400.00	280.00	1,120.00	0.00	0.00
PST	2195	Maral International, Inc., dba One Stop Food Mart	39704	HARRIS	9/25/03	2,500.00	0.00	2,500.00	0.00	0.00
PST	5890	ULLAH BROTHERS INCORPORATED	24161	SAN PATRICIO	9/25/03	8,000.00	1,600.00	6,400.00	0.00	0.00
PST	3064	Petro-Chemical Transport, Inc.	NONE	HARRIS	9/25/03	2,000.00	0.00	2,000.00	0.00	0.00
PST	1502	Addison Enterprises Inc.	0042963	DALLAS	9/25/03	29,700.00	0.00	29,700.00	0.00	0.00
PST	2547	PATRIOT PETROLEUM INC	26493	JEFFERSON	9/25/03	15,000.00	0.00	15,000.00	0.00	0.00
PST	2711	GARRHON ENTERPRISES INC DBA TEXACO FOOD MART	13509	TARRANT	10/10/03	1,050.00	0.00	1,050.00	0.00	0.00
PST	5749	C & R Distributing, Inc. dba C & R Fuel Control #42	3731	EL PASO	10/10/03	500.00	100.00	400.00	0.00	0.00
PST	1706	JAIN VIJAY	66101	GALVESTON	10/10/03	1,250.00	0.00	1,250.00	0.00	0.00
PST	2749	Namz Enterprises, Inc.	48419	HARRIS	10/10/03	2,275.00	455.00	1,820.00	0.00	0.00
PST	2692	Ahmad Adam	36620	TRAVIS	10/10/03	2,000.00	400.00	1,600.00	0.00	0.00
PST	2810	Hollon Oil Company	67687	HIDALGO	10/10/03	1,000.00	200.00	800.00	0.00	0.00
PST	2656	UMAR BHATI INC	27138	DALLAS	10/10/03	6,800.00	1,360.00	5,440.00	0.00	0.00
PST	2237	Convenience Corner, Inc.	27555	GRAYSON	10/19/03	1,500.00	0.00	1,500.00	0.00	0.00
PST	2429	Masters Mart Inc. dba Porter Chevron	70002	MONTGOMERY	10/19/03	21,875.00	0.00	21,875.00	0.00	0.00
PST	2196	Danny's Enterprises, Inc. dba Westview Texaco	6746	HARRIS	10/19/03	1,000.00	0.00	1,000.00	0.00	0.00
PST	2848	Andrews Transport, Inc.	55242	HARRIS	11/2/03	2,550.00	0.00	2,550.00	0.00	0.00
PST	2248	MIKANI, NIZAR	27149	DENTON	11/2/03	15,000.00	0.00	15,000.00	0.00	0.00
PST	2474	K.R. Andani Corporation	21876	DALLAS	11/2/03	10,500.00	0.00	10,500.00	0.00	0.00
PST	2833	Julius Petrus, Jr.	60013	SAN PATRICIO	11/16/03	5,400.00	1,080.00	4,320.00	0.00	0.00
PST	2955	RAINBOW OILS OF SAN ANGELO INC	51582	TOM GREEN	11/16/03	43,750.00	0.00	43,750.00	0.00	0.00
PST	2819	COPC INTERNATIONAL USA INC	44493	COLLIN	11/16/03	4,225.00	845.00	3,380.00	0.00	0.00
PST	2532	US Department of Justice	3807	HOWARD	11/16/03	2,000.00	400.00	1,600.00	0.00	0.00
PST	5995	WISEBUY INC	73380	HUNT	11/16/03	6,000.00	1,200.00	4,800.00	0.00	0.00
PST	2435	THOROUGHbred PROPERTIES INC	2202	NACOGDOCHE	11/16/03	11,500.00	10,900.00	600.00	0.00	0.00
PST	2546	Shekhani Enterprises, Inc. dba Westview Texaco	6746	HARRIS	11/16/03	10,000.00	0.00	10,000.00	0.00	0.00

Singles Programs
Administrative Orders Issued

Date Range Selected : 09/01/2003 - 04/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
PST	2192	DEAN, GLORIA	21930	ARANSAS	11/16/03	10,500.00	0.00	10,500.00	0.00	0.00
PST	264	Woody's Superettes, Incorporated	20747	HUNT	12/5/03	59,325.00	0.00	59,325.00	0.00	0.00
PST	2826	City Transit Management Co., Inc. dba Citibus of Lubbock	12649	LUBBOCK	12/5/03	1,625.00	325.00	1,300.00	0.00	0.00
PST	2669	V&S Petroleum, Ltd.	37648	WILLIAMSON	12/5/03	1,875.00	375.00	1,500.00	0.00	0.00
PST	2710	BARRERA, FRANCISCO	47006	STARR	12/5/03	11,250.00	5,250.00	6,000.00	0.00	0.00
PST	2829	8524 Gulf, LLC dba First Stop Food Store No. 16	46831	HARRIS	12/5/03	1,925.00	385.00	1,540.00	0.00	0.00
PST	2814	FFP TRANSPORTATION LLC	18793	TRAVIS	12/21/03	450.00	90.00	360.00	0.00	0.00
PST	8941	Ameriasia International, Inc.	70761	TARRANT	12/21/03	3,210.00	0.00	3,210.00	0.00	0.00
PST	557	Sun Coast Resources, Inc.	69744	HARRIS	12/21/03	2,100.00	0.00	2,100.00	0.00	0.00
PST	2689	Azaan Enterprises, Inc.	69485	HARRIS	12/21/03	4,590.00	918.00	3,672.00	0.00	0.00
PST	2563	Kayani-1, Inc.	73462	JEFFERSON	12/21/03	2,000.00	0.00	2,000.00	0.00	0.00
PST	9014	MILK PRODUCTS LLC	3171	TRAVIS	12/21/03	2,460.00	0.00	2,460.00	0.00	0.00
PST	2668	M K FAMILY LIMITED PARTNERSHIP	22736	WILLIAMSON	12/21/03	4,500.00	900.00	3,600.00	0.00	0.00
PST	2559	Midland Farmers Cooperative	2312	MIDLAND	12/21/03	2,925.00	585.00	2,340.00	0.00	0.00
PST	9041	Cosby Management, Inc.	18861	DALLAS	1/8/04	4,000.00	0.00	4,000.00	0.00	0.00
PST	9216	TEXAS PANHANDLE MHMR	25242	POTTER	1/8/04	800.00	0.00	800.00	0.00	0.00
PST	2835	HAKEMY, SHAR BAZ	5654	COLLIN	1/8/04	2,700.00	540.00	2,160.00	0.00	0.00
PST	2272	San Antonio Independent School District	3073	BEXAR	1/8/04	8,000.00	1,600.00	6,400.00	0.00	0.00
PST	2748	SUNDANCE CAR WASH LLP	4003	LUBBOCK	1/8/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	9074	R & S LEASING	9487	WASHINGTON	1/8/04	3,200.00	0.00	3,200.00	0.00	0.00
PST	9134	Alpha Beta Enterprises, Inc.	9064	DALLAS	1/8/04	4,100.00	0.00	4,100.00	0.00	0.00
PST	9245	KEN'S TEXACO, INC.	11737	BEXAR	1/8/04	970.00	0.00	970.00	0.00	0.00
PST	9076	QUAINTANCE, STAN	35541	BELL	1/8/04	1,900.00	0.00	1,900.00	0.00	0.00
PST	2812	BETTS OIL & BUTANE INC	47907	HIDALGO	1/8/04	1,000.00	200.00	800.00	0.00	0.00
PST	392	TIDEPORT PETROLEUM INC	13392	NUECES	1/9/04	10,500.00	0.00	10,500.00	0.00	0.00
PST	2164	Petrotex Fuels, Inc.	17618	ORANGE	1/30/04	7,500.00	0.00	7,500.00	0.00	0.00
PST	9169	COLUMBUS ISD	49494	COLORADO	1/30/04	3,150.00	0.00	3,150.00	0.00	0.00
PST	9174	EASTERN DHAKA INC	35237	GALVESTON	1/30/04	1,640.00	0.00	1,640.00	0.00	0.00
PST	9176	MEADOWS, MICHAEL	36794	WASHINGTON	1/30/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	9232	Ajay & Anil Interests Inc.	33597	MATAGORDA	1/30/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	9024	The Adobe Group, Inc.	14882	CAMERON	1/30/04	800.00	0.00	800.00	0.00	0.00
PST	2623	VIRANI, FIROZ G	47878	BEXAR	1/30/04	13,650.00	0.00	13,650.00	0.00	0.00
PST	9146	HASHMI, KHALID M	33647	BELL	1/30/04	2,400.00	0.00	2,400.00	0.00	0.00
PST	2765	M & M Innovations, Inc.	18921	ELLIS	1/30/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	9023	Snyder One Stop, Inc.	37741	SCURRY	1/30/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	8978	SHARARA, MEDHAT AHMED	26342	HARRIS	1/30/04	3,280.00	0.00	3,280.00	0.00	0.00
PST	9021	SAIDI, RIAD A	49027	HARRIS	1/30/04	800.00	0.00	800.00	0.00	0.00
PST	2377	Addison Enterprises Inc.	10887	DALLAS	1/30/04	900.00	0.00	900.00	0.00	0.00

Singles Programs
Administrative Orders Issued

Date Range Selected : 09/01/2003 - 04/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
PST	9204	CYN-GAIL PARTNERS	20407	PALO PINTO	1/30/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	9055	PATEL, MINESH	29301	HARRIS	1/30/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	2809	Donna ISD	45503	HIDALGO	1/30/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	9273	Raymond Martin dba Martin Oil Company dba In-N-Out Grocery #1	11932	PALO PINTO	1/30/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	9015	THORNTON, HENRY	11531	LIBERTY	1/30/04	3,150.00	0.00	3,150.00	0.00	0.00
PST	9019	MANSOORI, MOHAMMAD HASSAN	13582	DALLAS	1/30/04	4,000.00	0.00	4,000.00	0.00	0.00
PST	9069	Dans Texasco Service Inc.	23202	TRAVIS	1/30/04	1,050.00	0.00	1,050.00	0.00	0.00
PST	2850	MAREZIA AMIN	18396	MONTGOMERY	2/13/04	6,750.00	1,350.00	5,400.00	0.00	0.00
PST	9111	K & K Inc.	12411	CARSON	2/13/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	9615	Metro Suppliers, Inc. dba Great Hills Texaco	51472	TRAVIS	2/13/04	2,000.00	400.00	1,600.00	0.00	0.00
PST	2544	AHMAD, NAJI OTHMAN	30096	HARRIS	2/13/04	12,500.00	0.00	12,500.00	0.00	0.00
PST	9877	Woody's Smokehouse, Inc.	4577	LEON	2/13/04	3,200.00	0.00	3,200.00	0.00	0.00
PST	9677	J & J Powermart, L.L.C.	35786	HAYS	2/13/04	3,900.00	780.00	3,120.00	0.00	0.00
PST	9027	NGUYEN LOAN	8062	JEFFERSON	3/5/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	9052	PETERS, ROSEMARY	50201	COLORADO	3/5/04	2,400.00	0.00	2,400.00	0.00	0.00
PST	15015	Coastal Transport Co., Inc.	29455	BEXAR	3/5/04	500.00	0.00	500.00	0.00	0.00
PST	9053	Park N Fly of Texas, Inc.	2497	HARRIS	3/5/04	800.00	0.00	800.00	0.00	0.00
PST	8982	La Marque ISD	21614	GALVESTON	3/5/04	3,150.00	0.00	3,150.00	0.00	0.00
PST	9037	TT & KH Inc	14132	HARRIS	3/5/04	3,150.00	0.00	3,150.00	0.00	0.00
PST	301	J. A. M. Distributing Company	T002445	HARRIS	3/5/04	3,000.00	600.00	2,400.00	0.00	0.00
PST	9094	ECBD DEVELOPMENT LP	16791	TARRANT	3/5/04	950.00	0.00	950.00	0.00	0.00
PST	2483	DIMITRIOS BITZIOS AND MIKE KOUSOUNIS	17668	GALVESTON	3/5/04	6,000.00	0.00	6,000.00	0.00	0.00
PST	9464	City of Galveston	1251	GALVESTON	3/14/04	950.00	0.00	950.00	0.00	0.00
PST	9107	Melissa Rogers dba Bob's Town & Country Market	49214	VAN ZANDT	3/14/04	2,850.00	0.00	2,850.00	0.00	0.00
PST	9374	JAIN, RAKESH	46589	GALVESTON	3/14/04	950.00	0.00	950.00	0.00	0.00
PST	2540	Car Shine, Inc.	60388	HARRIS	3/14/04	7,500.00	0.00	7,500.00	0.00	0.00
PST	9943	Kason Automatic Transmission, Inc.	43615	BOWIE	3/14/04	5,400.00	1,080.00	4,320.00	0.00	0.00
PST	8919	KASSAM, MEMENJI	NONE	CHAMBERS	3/14/04	3,150.00	0.00	3,150.00	0.00	0.00
PST	9138	ZAID, RICHARD	1991	HARRIS	3/14/04	2,460.00	0.00	2,460.00	0.00	0.00
PST	9020	DORSEY, KI CHONG	20484	HARRIS	3/14/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	9065	Adams Craig E	33791	HARRIS	3/14/04	2,850.00	0.00	2,850.00	0.00	0.00
PST	9496	Food Fast Holdings, Ltd.	883	SMITH	3/14/04	3,150.00	630.00	2,520.00	0.00	0.00
PST	2958	Coastal Transport Co., Inc.	29455	BEXAR	3/14/04	14,000.00	0.00	14,000.00	0.00	0.00
PST	9339	SAAB PETROLEUM CORP	68761	BRAZORIA	3/14/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	9016	C W & A Inc.	9942	VICTORIA	3/14/04	820.00	0.00	820.00	0.00	0.00
PST	9045	Budget Rent-A-Car Of El Paso, Inc.	22651	EL PASO	3/14/04	800.00	0.00	800.00	0.00	0.00
PST	339	Palm Valley Distributing Company	73589	HIDALGO	3/14/04	5,000.00	0.00	5,000.00	0.00	0.00

Singles Programs
Administrative Orders Issued

Date Range Selected : 09/01/2003 - 04/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
PST	2259	Northwest Petroleum, L.P.	69454	WILLIAMSON	3/14/04	10,000.00	0.00	10,000.00	0.00	0.00
PST	9228	BARRILLEAUX, MICHAEL C	33827	MONTGOMERY	3/14/04	2,460.00	0.00	2,460.00	0.00	0.00
PST	9541	Metro Suppliers, Inc. dba Great Hills Texaco	59555	TRAVIS	3/14/04	12,000.00	2,400.00	9,600.00	0.00	0.00
PST	9067	SMONKO, DAVID S	43177	BELL	3/14/04	2,400.00	0.00	2,400.00	0.00	0.00
PST	2775	SALMAN, MOHAMMAD	14581	MONTGOMERY	3/14/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	9022	PIRZADA INC	30587	HARRIS	3/14/04	2,400.00	0.00	2,400.00	0.00	0.00
PST	9121	DAY, DAREN	29604	KAUFMAN	3/22/04	4,200.00	0.00	4,200.00	0.00	0.00
PST	9096	HUYNH, PHUONG CONG	69591	HARRIS	3/22/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	9051	VO, NO THI KY	24374	BEXAR	3/22/04	3,150.00	0.00	3,150.00	0.00	0.00
PST	9669	7-Eleven, Inc.	7387	DALLAS	3/22/04	1,150.00	0.00	1,150.00	0.00	0.00
PST	8944	Kohettur, Inc.	39734	HARRIS	3/22/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	2599	Uppal Brothers, Inc. dba Save Way Food Mart	44704	TARRANT	4/5/04	6,250.00	0.00	6,250.00	0.00	0.00
PST	9095	Rose Grocery Corp. dba Rose Grocery	10702	HARRIS	4/5/04	1,050.00	0.00	1,050.00	0.00	0.00
PST	9412	Oasis Car Wash, Inc. dba Oasis Car Wash 5026	70690	ORANGE	4/5/04	3,220.00	644.00	2,576.00	0.00	0.00
PST	8920	Adman Company	29157	MCLENNAN	4/5/04	3,150.00	0.00	3,150.00	0.00	0.00
PST	10362	Little "Nutt" Oil Co.	NONE	PANOLA	4/5/04	2,400.00	0.00	2,400.00	0.00	0.00
PST	9463	V&S Petroleum, Ltd.	62970	TRAVIS	4/5/04	1,000.00	200.00	800.00	0.00	0.00
PST	8921	T & F AGRI SERVICE & CONST INC	4701	WASHINGTON	4/19/04	475.00	0.00	475.00	0.00	0.00
PST	9332	SHEPHERD, HAROLD	71198	HOUSTON	4/19/04	4,875.00	975.00	3,900.00	0.00	0.00
PST	9352	J F A Oil Company	18734	HARRIS	4/19/04	3,150.00	0.00	3,150.00	0.00	0.00
PST	2764	C. J. Yun, Inc.	0019982	NUECES	4/19/04	1,050.00	0.00	1,050.00	0.00	0.00
PST	2494	Pyrali Hooda dba Howdy Doody #15	16526	DENTON	4/19/04	1,050.00	0.00	1,050.00	0.00	0.00
PST	9338	DUTTON, DANNY *	43124	GRAYSON	4/19/04	2,400.00	0.00	2,400.00	0.00	0.00
PST	9480	USR COMPANY	8180	DENTON	4/19/04	800.00	0.00	800.00	0.00	0.00
Subtotal for PST : 134						645,560.00	39,422.00	605,638.00	500.00	500.00
PWS	5766	SOUTHWESTERN HOLDINGS INC	1890015	PRESIDIO	9/25/03	1,500.00	0.00	1,500.00	0.00	0.00
PWS	5963	City of Crowell	0780001	FOARD	9/25/03	1,400.00	0.00	1,400.00	0.00	0.00
PWS	3729	BELLEWOOD WSC	1011945	HARRIS	9/25/03	1,250.00	0.00	1,250.00	0.00	0.00
PWS	5967	LILBERT LOONEYVILLE WSC	1740013	NACOGDOCHE	9/25/03	2,430.00	0.00	2,430.00	0.00	0.00
PWS	5548	Terra Southwest, Inc.	0610161	DENTON	9/25/03	975.00	0.00	975.00	0.00	0.00
PWS	5486	JACKSON, H S *	0610086	DENTON	9/25/03	7,813.00	0.00	7,813.00	0.00	0.00
PWS	1279	LEWIS, CODY B	1500019	LLANO	10/10/03	5,000.00	0.00	5,000.00	0.00	0.00
PWS	2590	CITY OF PRINCETON	NONE	COLLIN	10/10/03	625.00	0.00	625.00	0.00	0.00
PWS	4605	R & R MOBILE HOME MANAGEMENT INC	2460031	WILLIAMSON	10/10/03	3,563.00	0.00	3,563.00	0.00	0.00
PWS	5577	BEENE, ANN	0250043	BROWN	10/19/03	6,875.00	0.00	6,875.00	0.00	0.00
PWS	5325	Gerard Hungerford dba River Ranch Estates	2350043	VICTORIA	10/19/03	7,813.00	0.00	7,813.00	0.00	0.00
PWS	5190	BUTLER WSC	0810013	FREESTONE	11/2/03	1,028.00	0.00	1,028.00	0.00	0.00

Singles Programs
Administrative Orders Issued

Date Range Selected : 09/01/2003 - 04/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
PWS	5965	CRESTVIEW RV CENTER	1050026	HAYS	11/2/03	1,738.00	0.00	1,738.00	0.00	0.00
PWS	8882	BARNETT, NORMAN	1011183	HARRIS	11/2/03	4,466.00	0.00	4,466.00	0.00	0.00
PWS	5968	City of Weslaco	1080011	HIDALGO	11/2/03	3,960.00	0.00	0.00	3,960.00	3,960.00
PWS	2827	CITY OF SPRINGTOWN	NONE	PARKER	11/2/03	910.00	0.00	910.00	0.00	0.00
PWS	8559	San Antonio Water System	NONE	BEXAR	11/16/03	780.00	156.00	624.00	0.00	0.00
PWS	6021	POST OAK SUD	1090030	HILL	11/16/03	450.00	90.00	360.00	0.00	0.00
PWS	5819	City of Balmorhea	1950002	REEVES	12/5/03	485.00	0.00	485.00	0.00	0.00
PWS	5899	City of Edinburg	1080004	HIDALGO	12/5/03	19,900.00	3,980.00	0.00	15,920.00	15,920.00
PWS	11820	CITY OF CENTER	2100001	SHELBY	12/5/03	2,875.00	0.00	2,875.00	0.00	0.00
PWS	7462	KELLY, FRANCIS	0250032	BROWN	1/1/04	0.00	0.00	0.00	0.00	0.00
PWS	8269	W OAKS PHOENIX CORP	1160097	HUNT	1/1/04	0.00	0.00	0.00	0.00	0.00
PWS	7301	ARETE REAL ESTATE AND DEVELOPMENT COMPANY	1013170	HARRIS	1/29/04	0.00	0.00	0.00	0.00	0.00
PWS	6796	LINCECUM, JOHN K	0200159	BRAZORIA	1/30/04	2,398.00	0.00	2,398.00	0.00	0.00
PWS	5739	City of Port Arthur	1230009	JEFFERSON	1/30/04	1,125.00	225.00	0.00	900.00	900.00
PWS	9784	CONSOLIDATED WSC	1130027	HOUSTON	1/30/04	765.00	153.00	612.00	0.00	0.00
PWS	7338	MILLIKEN, P A	0610070	DENTON	2/14/04	0.00	0.00	0.00	0.00	0.00
PWS	7939	VV Water Supply System, Inc.	0610052	DENTON	2/15/04	0.00	0.00	0.00	0.00	0.00
PWS	5731	Cedron Creek Ranch Association dba Cedron Creek Ranch Water Supply	0180051	BOSQUE	3/5/04	1,600.00	0.00	1,600.00	0.00	0.00
PWS	9804	City of Beeville	0130001	BEE	3/14/04	650.00	0.00	650.00	0.00	0.00
PWS	3489	Afton Park Civic Improvement Association	1700147	MONTGOMERY	3/14/04	1,563.00	0.00	0.00	0.00	0.00
PWS	6014	MUSTANG VALLEY WSC	0180038	BOSQUE	3/14/04	788.00	0.00	788.00	0.00	0.00
PWS	5646	SONORA INVESTMENTS LLC	2180004	SUTTON	3/14/04	2,438.00	0.00	1,238.00	1,200.00	1,200.00
PWS	5744	HMW Special Utility District dba Kipling Oaks Section 1	1700228	MONTGOMERY	3/14/04	23,554.00	0.00	23,554.00	0.00	0.00
PWS	6685	Southern Utilities Company	2120063	SMITH	3/22/04	36,425.00	0.00	36,425.00	0.00	0.00
PWS	9860	D & M Water Supply Corporation	1740010	NACOGDOCHE	4/5/04	500.00	100.00	400.00	0.00	0.00
Subtotal for PWS : 37						147,642.00	4,704.00	119,395.00	21,980.00	21,980.00
WATE RIGHT	5863	City of Cooper	NONE	DELTA	11/2/03	53.00	0.00	53.00	0.00	0.00
WATE RIGHT	2593	City of Galveston	NONE	GALVESTON	11/16/03	1,338.00	0.00	1,338.00	0.00	0.00
WATE RIGHT	2594	City of Port Lavaca	NONE	CALHOUN	12/21/03	1,363.00	0.00	1,363.00	0.00	0.00
WATE RIGHT	2595	City of Terrell	NONE	KAUFMAN	4/5/04	1,943.00	0.00	0.00	1,943.00	1,943.00
Subtotal for WATERIGHT : 4						4,697.00	0.00	2,754.00	1,943.00	1,943.00
WQ	2551	Pilgrim's Pride Corporation	TXR05O410	NACOGDOCHE	9/25/03	5,425.00	0.00	5,425.00	0.00	0.00
WQ	797	CITY OF MISSION	TPDES0070017	HIDALGO	9/25/03	29,500.00	0.00	0.00	29,500.00	29,500.00
WQ	1002	Dickson Weatherproof Nail Company	TPDES0093513	HARRIS	9/25/03	65,450.00	0.00	65,450.00	0.00	0.00
WQ	2836	THE SPANOS CORPORATION	11-02022201	TRAVIS	9/25/03	1,600.00	320.00	1,280.00	0.00	0.00

Singles Programs
Administrative Orders Issued

Date Range Selected : 09/01/2003 - 04/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
WQ	8344	BARRERA, CLAUDIO	NONE	JIM WELLS	9/25/03	875.00	0.00	875.00	0.00	0.00
WQ	1192	Luce Bayou Pud	TPDES0074870	HARRIS	9/25/03	19,475.00	0.00	0.00	19,475.00	19,475.00
WQ	2815	Superior Derrick Services, Inc.	WQ0012443001	HARRIS	10/10/03	10,118.00	2,024.00	8,094.00	0.00	0.00
WQ	8236	City of Trenton	TX0026794000	FANNIN	10/10/03	6,120.00	0.00	0.00	6,120.00	6,120.00
WQ	2633	CITY OF GROESBECK	WQ0010182001	LIMESTONE	10/10/03	870.00	174.00	696.00	0.00	0.00
WQ	1052	CITY OF GREGORY	WQ0010092001	SAN PATRICIO	10/10/03	44,375.00	0.00	0.00	44,375.00	44,375.00
WQ	2674	Garrett Creek Ranch, Inc.	WQ0013427001	WISE	10/10/03	9,075.00	0.00	9,075.00	0.00	0.00
WQ	2552	Wal-Mart Stores, Inc.	WQ0003597000	ANDERSON	10/10/03	8,100.00	1,620.00	6,480.00	0.00	0.00
WQ	1854	CYPRESS HILLS MUD 1	WQ0012327001	HARRIS	10/10/03	2,900.00	0.00	2,900.00	0.00	0.00
WQ	2510	YATES, GERALD	101335	HOUSTON	10/10/03	238.00	0.00	238.00	0.00	0.00
WQ	2729	MCLENNAN COUNTY WCID 2	WQ0010344001	MCLENNAN	10/10/03	5,200.00	1,040.00	4,160.00	0.00	0.00
WQ	2786	TEJAS MACHINES INC	NONE	MONTGOMERY	10/10/03	3,800.00	0.00	3,800.00	0.00	0.00
WQ	5697	RONALD J MILLER DBA IMS PROPERTY MANAGEMENT	NONE	WILSON	10/19/03	3,125.00	0.00	3,125.00	0.00	0.00
WQ	6461	SOUTH HAMPTON REFINING CO	TPDES0003204	HARDIN	10/19/03	5,400.00	0.00	2,700.00	2,700.00	2,700.00
WQ	9568	ESPINOZA STONE INC	00000011	WILLIAMSON	10/19/03	2,500.00	0.00	2,500.00	0.00	0.00
WQ	3576	Participation Development Corporation (Texas), Inc.	WQ0011506001	HENDERSON	11/2/03	15,400.00	0.00	15,400.00	0.00	0.00
WQ	7459	Hays Consolidated ISD	11-02070204	HAYS	11/2/03	650.00	130.00	520.00	0.00	0.00
WQ	2671	REED PARQUE LIMITED PARTNERSHIP	WQ0013968001	HARRIS	11/2/03	8,400.00	0.00	8,400.00	0.00	0.00
WQ	2644	CITY OF RHOME	WQ0010701002	WISE	11/2/03	16,380.00	0.00	16,380.00	0.00	0.00
WQ	2757	SOUTHWEST NUT COMPANY	NONE	EL PASO	11/2/03	2,140.00	0.00	2,140.00	0.00	0.00
WQ	986	CITY OF FLORENCE	WQ0010944001	WILLIAMSON	11/2/03	6,450.00	0.00	6,450.00	0.00	0.00
WQ	2498	City Of Shamrock	WQ0010279003	WHEELER	11/2/03	19,795.00	0.00	0.00	19,795.00	19,795.00
WQ	2556	H.I.S. Instead, Inc.	WQ0014395001	GREGG	11/2/03	13,050.00	0.00	13,050.00	0.00	0.00
WQ	2790	CONROE SAND & CLAY LTD	NONE	MONTGOMERY	11/2/03	6,600.00	0.00	6,600.00	0.00	0.00
WQ	2604	CITY OF YANTIS	WQ0012187001	WOOD	11/2/03	5,996.00	0.00	5,996.00	0.00	0.00
WQ	2794	Plains Cotton Cooperative Association	WQ0000335000	COMAL	11/2/03	15,625.00	0.00	15,625.00	0.00	0.00
WQ	2701	AQUA TEXAS INC	TPDES0075663	HARRIS	11/16/03	9,200.00	0.00	9,200.00	0.00	0.00
WQ	2758	Tapia Dairy #3, L.L.C.	NONE	RUNNELS	11/16/03	2,240.00	0.00	2,240.00	0.00	0.00
WQ	2673	AQUA TEXAS INC	TPDES0119571	HARRIS	11/16/03	10,000.00	2,000.00	8,000.00	0.00	0.00
WQ	944	Bell County Water Control and Improvement District No. 3	TPDES0069191	BELL	11/16/03	8,000.00	1,600.00	6,400.00	0.00	0.00
WQ	2752	City of Abilene	TPDES0023973	JONES	11/16/03	6,750.00	1,350.00	0.00	5,400.00	5,400.00
WQ	2842	COMAL COUNTY	NONE	COMAL	11/16/03	3,000.00	600.00	2,400.00	0.00	0.00
WQ	2629	HARRIS COUNTY MUD 284	TPDES0095702	HARRIS	11/16/03	6,440.00	1,288.00	5,152.00	0.00	0.00
WQ	1006	Harris County Water Control and Improvement District 1	TPDES0023311	HARRIS	11/16/03	66,000.00	0.00	66,000.00	0.00	0.00
WQ	1917	Orange County Water Control and Improvement District No. 1	TPDES0108081	ORANGE	11/16/03	5,000.00	1,000.00	0.00	4,000.00	4,000.00
WQ	2703	City of Skellytown	10283001	CARSON	12/5/03	4,200.00	0.00	0.00	4,200.00	4,200.00

Singles Programs

Administrative Orders Issued

Date Range Selected : 09/01/2003 - 04/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
WQ	5951	LAGUNA MADRE WATER DISTRICT	TPDES0023621	CAMERON	12/5/03	13,420.00	0.00	13,420.00	0.00	0.00
WQ	2626	AQUA TEXAS INC	TPDES0046744	HARRIS	12/5/03	5,560.00	0.00	5,560.00	0.00	0.00
WQ	2580	CITY OF COLMESNEIL	TPDES0100692	TYLER	12/5/03	3,000.00	600.00	0.00	2,400.00	2,400.00
WQ	5794	Quail Creek MUD	TPDES0023477	VICTORIA	12/21/03	6,220.00	0.00	6,220.00	0.00	0.00
WQ	5695	LAVERN, ROBERT GEORGE	TPDES0124931	DALLAS	12/21/03	14,000.00	2,800.00	11,200.00	0.00	0.00
WQ	2730	Double Diamond Utilities Co.	TPDES0099015	PALO PINTO	12/21/03	2,100.00	420.00	1,680.00	0.00	0.00
WQ	7401	O'Quinn Land and Cattle Company, Ltd.	11-01061301	HAYS	12/21/03	1,500.00	0.00	1,500.00	0.00	0.00
WQ	928	CITY OF WHITEHOUSE	TPDES0072770	SMITH	12/21/03	24,890.00	0.00	24,890.00	0.00	0.00
WQ	2646	Ergon Asphalt & Emulsions, Inc.	WQ0003877000	TITUS	1/8/04	2,800.00	0.00	2,800.00	0.00	0.00
WQ	2645	Air Liquide America L.P.	WQ0001954000	BRAZORIA	1/30/04	7,800.00	1,560.00	6,240.00	0.00	0.00
WQ	965	Central Independent School District Public Facility Corporation	WQ0012214001	ANGELINA	1/30/04	0.00	0.00	0.00	0.00	0.00
WQ	2630	Fort Bend County MUD 112	WQ0013628001	FORT BEND	1/30/04	3,625.00	0.00	3,625.00	0.00	0.00
WQ	2797	LIPAR GROUP INC	WQ0014029001	MONTGOMERY	1/30/04	10,640.00	2,128.00	8,512.00	0.00	0.00
WQ	2665	Greenville Electric Utility System	WQ0002984000	HUNT	2/13/04	6,600.00	1,320.00	5,280.00	0.00	0.00
WQ	2813	A & A Salvage, Inc.	TXR05L093	GALVESTON	2/13/04	3,150.00	0.00	3,150.00	0.00	0.00
WQ	2642	CITY OF ROCKDALE	WQ0010658001	MILAM	3/5/04	8,200.00	1,640.00	0.00	6,560.00	6,560.00
WQ	9556	Booker Packing Company	WQ0002757000	LIPSCOMB	3/5/04	9,200.00	0.00	9,200.00	0.00	0.00
WQ	7447	CLARK, VICKIE L *	11-00000018	TRAVIS	3/5/04	3,150.00	630.00	2,520.00	0.00	0.00
WQ	1970	U S Department of the Army	WQ0012074001	COMAL	3/5/04	1,300.00	0.00	1,300.00	0.00	0.00
WQ	5842	BAYOU CLUB OF HOUSTON	WQ0012233001	HARRIS	3/5/04	10,530.00	0.00	10,530.00	0.00	0.00
WQ	7317	ISCHY WALTER AND ISCHY NOLAN	00000011	WILLIAMSON	3/5/04	2,500.00	0.00	2,500.00	0.00	0.00
WQ	977	CITY OF SAN AUGUSTINE	TPDES0022349	SAN AUGUSTIN	3/14/04	23,100.00	0.00	0.00	23,100.00	23,100.00
WQ	2803	Federal Bureau of Prisons	NONE	JEFFERSON	3/14/04	5,000.00	0.00	0.00	5,000.00	5,000.00
WQ	2317	CITY OF ORE CITY	TPDES0024236	UPSHUR	3/14/04	10,751.00	2,151.00	0.00	8,600.00	8,600.00
WQ	2090	FORT HANCOCK WCID	WQ0011173001	HUDSPETH	3/14/04	11,250.00	0.00	11,250.00	0.00	0.00
WQ	2735	Thousand Trails, Inc.	TPDES0097675	RAINS	3/22/04	10,800.00	0.00	5,400.00	5,400.00	5,400.00
WQ	5853	Equistar Chemicals, LP	TPDES0119792	HARRIS	4/5/04	54,725.00	0.00	54,725.00	0.00	0.00
WQ	9855	CITY OF STOCKDALE	NONE	WILSON	4/19/04	5,400.00	0.00	0.00	5,400.00	5,400.00
Subtotal for WQ : 68						716,673.00	26,395.00	498,253.00	192,025.00	192,025.00
WWA	2825	Lueck Dairies Texas, L.L.C.	TX0121835	ERATH	11/16/03	1,925.00	385.00	1,540.00	0.00	0.00
WWA	1132	SCHOUTEN DENNIS & SCHOUTEN CORNELIUS T & SCHOUTEN NICHOLAS	WQ0004133000	ERATH	1/30/04	11,550.00	0.00	11,550.00	0.00	0.00
WWA	2243	BYL, PAUL *	WQ0003316000	ERATH	1/30/04	4,375.00	0.00	4,375.00	0.00	0.00
WWA	1515	Tapia Dairy #3, L.L.C.	WQ0004012000	TOM GREEN	2/13/04	7,700.00	0.00	7,700.00	0.00	0.00
WWA	4021	Pilgrim Poultry GP	WQ0004032000	CAMP	4/19/04	200,000.00	0.00	100,000.00	200,000.00	100,000.00
WWA	3772	Calvin Pareo dba Pareo Dairy	TPDES0131342	COMANCHE	4/19/04	4,000.00	0.00	2,000.00	2,000.00	2,000.00
Subtotal for WWA : 6						229,550.00	385.00	127,165.00	202,000.00	102,000.00
Total for Singles Programs : 356						4,888,763.00	176,190.00	3,185,955.00	1,621,959.00	1,621,959.00

Multi-Media Programs

Administrative Orders Issued

Date Range Selected : 09/01/2003 - 04/30/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
MM	8033	KEY, CLIFFORD GLEN	NONE	NEWTON	9/25/03	6,000.00	0.00	6,000.00	0.00	0.00
MM	6023	PRICE, WILLARD	SC0013P	SAN JACINTO	9/25/03	1,800.00	360.00	1,440.00	0.00	0.00
MM	8543	Century Trucking, Inc.	NONE	HARDIN	9/25/03	3,750.00	0.00	3,750.00	0.00	0.00
MM	5914	CANTU, RUDY	BG1264G	BEXAR	10/10/03	2,100.00	0.00	2,100.00	0.00	0.00
MM	5867	BILL TURNER DBA TURNER ROOFING	NONE	NEWTON	10/10/03	3,675.00	0.00	3,675.00	0.00	0.00
MM	351	Tecon Water Company, L.P.	1700386	MONTGOMERY	10/10/03	63,044.00	0.00	63,044.00	0.00	0.00
MM	8240	Rohm And Haas Texas Incorporated	29010	HARRIS	10/10/03	50,580.00	10,116.00	40,464.00	0.00	0.00
MM	2720	MARVIN AND BETTY WHITEHEAD DBA	NONE	JASPER	10/10/03	5,250.00	0.00	5,250.00	0.00	0.00
MM	3588	CITY OF KOUNTZE	1000001	HARDIN	10/10/03	14,938.00	0.00	0.00	14,938.00	14,938.00
MM	5957	BASIC EQUIPMENT COMPANY	NE0495H	NUECES	10/10/03	5,250.00	0.00	5,250.00	0.00	0.00
MM	5944	Greif, Inc.	1763	HARRIS	12/5/03	19,270.00	0.00	19,270.00	0.00	0.00
MM	7972	WALKER BROTHERS CONSTRUCTION	NONE	NEWTON	12/21/03	7,500.00	6,900.00	600.00	0.00	0.00
MM	2792	CITY OF THE COLONY	WQ0011570001	*MULTIPLE	1/8/04	20,535.00	4,000.00	16,535.00	16,535.00	16,535.00
MM	5501	COASTLINE RESOURCES INC	85547	SAN PATRICIO	1/30/04	24,725.00	0.00	24,725.00	0.00	0.00
MM	8023	M TRANSPORTS INC	HAU0031	CAMERON	1/30/04	9,450.00	0.00	9,450.00	0.00	0.00
MM	7138	Bill & Beth Corporation	NONE	TERRY	4/19/04	3,500.00	0.00	3,500.00	0.00	0.00
Total for Multi-Media Programs : 16						241,367.00	21,376.00	205,053.00	31,473.00	31,473.00
Total for all Programs : 372						5,130,130.00	197,566.00	3,391,008.00	1,653,432.00	1,553,432.00

Summary of SEPs:

Total Orders : 372
Orders with SEPs : 43
Orders with SEPs % : 11.6
Orders with SEP Offset % : 31.5

* There are Multiple Respondent Names associated to this Case No.

**Discussion of the Agency's Preliminary 2006/2007 Legislative
Appropriations Request (LAR).**

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners Work Session **Date:** June 28, 2004
Thru: Grace Montgomery Faulkner *ymf 6/8/04*
Deputy, Office of Administrative Services
From: Linda Flores *ymf 6/8/04*
Chief Financial Officer
Becky O'Brien *BO 6/8/04*
Director, Budget and Planning Division
Subject: Preliminary 2006/2007 Legislative Appropriations Request (LAR)

Issue:

Discussion of the Agency's 2006/2007 Legislative Appropriations Request (LAR).

Background and Current Practice

The LAR represents the financial needs of the Agency as portrayed in the Strategic Plan. For the 2006/2007 biennium, guidance and instructions were provided by the Governor's Office of Budget and Planning and Policy (GOBPP) and the Legislative Budget Board (LBB). As in past bienniums, the guidance limits the sum of the Agency's 2006/2007 baseline request to the sum of the Agency's 2004/2005 baseline.

During the development of the Agency's biennial request, Offices are given the opportunity to provide input regarding the allocation for the Baseline Funding, Exceptional Items Request, Capital Budget Authority Requests, Rider Revisions, as well as other phases of the development process.

Discussion of issues relating to agency compliance and enforcement policies and practices.

Please note there are no backup materials available for this issue at this time.

Discussion of activities associated with the State Implementation Plan and issues related to recommendations regarding PM 2.5 and 8-hour ozone designations and boundaries.

Please note there are no backup materials for this issue.

Discussion of state and federal legislative issues potentially affecting the TCEQ. The commission may consider legislative proposals and federal rulemakings, as well as other state actions and state's participation in federal legislative and regulatory activities. The commission may also meet in closed meeting to receive legal advice regarding these matters, or any of the above matters, as authorized by Section 551.071 of the Open Meetings Act, Chapter 551 of the Government Code. Any commission action, decision, or vote on these matters will be made in open meeting in accordance with Section 551.102 of the Open Meetings Act, Chapter 551 of the Government Code.

Federal Notices and Regulatory Initiatives
June 15, 2004

Air Programs

Subject	Activity Dates	Federal Register Date, Action	Agency Activity & Status
Control of Emissions of Air Pollution From New Motor Vehicles: In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Proposed Rule	Comments must be received on or before August 16, 2004.	June 10, 2004 Proposed Rules	Staff preparing briefing document for ED/Commissioner review.
Supplemental Proposal for the Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Proposed Rule	Comments must be received on or before July 26, 2004	June 10, 2004 Proposed Rules	Comments being drafted for ED/Commissioners review
Air programs: Ambient Air quality standards, national— Fine particulate matter and ozone; interstate transport control measures	Comments due March 30, 2004.	January 30, 2004 Proposed Rules	Letter sent on March 30, 2004 ED/Commissioners agree with staff recommendation to comment. Staff prepared briefing documents for ED/Commission review.
Clean Air Act Advisory Committee: Notice Soliciting Interest in Participating on a Task Force on the Performance of the Title V Operating Permits Program	Not mentioned.	May 17, 2004 Notices	Staff prepared briefing documents for ED/Commission review. Air Permits staff member will represent the agency on the Task Force.

Federal Notices and Regulatory Initiatives
June 15, 2004

Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations; Proposed Rule	July 6, 2004	May 5, 2004 Proposed Rules	Comments being drafted for ED/Commissioner review. ED/Commissioners agree with staff recommendation to comment. Staff prepared briefing documents for ED/Commission review.
National Emission Standards for Hazardous Air Pollutants: Proposed Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II)	July 6, 2004	April 20, 2004 Proposed Rules	Comments being drafted for ED/Commissioner review. ED/Commissioners agree with staff recommendation to comment. Staff prepared briefing documents for ED/Commission review.
Proposed Mercury Rule: Reopening of the Comment Period for the Proposed National Emission Standards for Hazardous Air Pollutants; and, in the Alternative, Proposed Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units	Reopened for 60 days, to end June 29, 2004	May 5, 2004 Proposed Rules	Comment letter undergoing Executive Review ED/Commissioners agree with staff recommendation to comment.
	Mercury Rule Extended to April 30, 2004	March 17, 2004 Proposed Rules	

Federal Notices and Regulatory Initiatives
June 15, 2004

Waste Programs

Subject	Activity Dates	Federal Register Date, Action	Agency Activity & Status
The Environmental Protection Agency (EPA) is seeking information from its stakeholders to evaluate the effectiveness of the Resource Conservation and Recovery Act's (RCRA's) hazardous waste generator regulatory program, as well as to identify areas for potential improvement.	ANPR July 21, 2004	April 22, 2004 Proposed Rules	<p>Comments being drafted for ED/Commissioner Review.</p> <p>ED/Commissioners agree with staff recommendation to comment</p> <p>Staff prepared briefing documents for ED/Commission review.</p>
Announcement of a Public Meeting, Request for Comments on Development and Implementation of Electronic Manifests To Accompany Hazardous Waste Shipments	May 19-20, 2004 Comments due by June 18.	April 1, 2004 Notices	<p>Letter in Executive Review</p> <p>ED/Commissioners agree with staff recommendation to comment</p> <p>Staff attended the meeting.</p> <p>Staff prepared briefing documents for ED/Commission review</p>

Federal Notices and Regulatory Initiatives
June 15, 2004

Final Rule Adoption Notices and Reports

Subject	Effective Date	Federal Register Date
Motor Vehicle and Engine Compliance Program Fees for Light Duty Vehicles, Light-Duty Trucks, Heavy-Duty Vehicles and Engines, Nonroad Engines, and Motorcycles - Rule	July 12, 2004	May 11, 2004
Interstate Ozone Transport: Response to Court Decisions on the NOX SIP Call, NOX SIP Call Technical Amendments, and Section 126 Rules	June 21, 2004	April 21, 2004
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments; Final Rule Correction	Effective October 1, 2004 Final Rule Correction	February 10, 2004

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.

Planning for the next Commissioners' Work Session.

NATIONAL COMMENTS LOG

SUBM TO	DATE	SHORT TITLE	TNRCC COMMENTS	DIV PREPARING	DIV CONTACT
Commission on Environmental Cooperation	4/27/2004	Commission for Environmental Cooperation's Hazardous Waste Tracking in North America Report	<p>Several comments relate to factual corrections: treatment, storage and disposal facilities (TSDFs) as opposed to generators provide the certificates of destruction; some used oil in the U.S. could be hazardous waste; on page 55 it appears that "generator" should be replaced with "treatment, storage and disposal facilities"; waste returned from Mexico to the U.S. could go to TSDFs in as many as 48 states.</p> <p>Electronic tracking could clarify current uncertainties among some Mexican maquiladora generators regarding the signature and handling requirements for manifests involving maquiladora waste returned to the U.S.</p> <p>As each state requires the use of its own manifest, it will be quite a task to develop a system that can integrate electronic tracking. The pilot project should allow for flexibility as well as both state and federal participation and should be evaluated to see how well it performs.</p>	Border Affairs	Steve Niemeyer
EPA	3/18/2004	Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial or Industrial Solid Waste Incineration (CISWI) Units	<p>The report is missing any analysis of the cost of electronic tracking of hazardous waste. Costs could well be a limiting factor in implementation of any trilateral system of electronic tracking of waste.</p> <p>The proposed definition of "solid waste" should be revised to include specific references to the other definitions of solid wastes adopted by EPA under the authority of the SWDA (42 U.S.C. 6903).</p> <p>It is recommended that the CISWI definition be revised to clearly define the unit (e.g., enclosed unit using controlled flame combustion) instead of using the proposed commercial and industrial waste definition.</p> <p>"Commercial or industrial facilities" should be defined to clearly identify the universe of combustion units.</p>	Policy and Regulations	Phil Harwell

SUBM TO	DATE	SHORT TITLE	TNRCC COMMENTS	DIV PREPARING	DIV CONTACT
EPA	3/30/2004	Proposed Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Interstate Air Quality Rule) in 40 CFR 51, 72, 75, and 96	<p>TCEQ supports the concepts embodied by the IAQR proposal.</p> <p>TCEQ is concerned about the initial compliance date of 2010, and its benefit to the State's nonattainment areas.</p> <p>TCEQ is concerned with the use of the NOx SIP Call as a model for how the IAQR was developed. In order for the IAQR to be an effective strategy, EPA must provide affected states a chance to review and agree with the model inputs this effort is based.</p> <p>Staff is concerned that a thorough technical analysis is not possible without additional regulatory text and information from EPA. The proposal does not include specific regulatory text, fine grid modeling allowing an assessment of upwind impact on Texas, or a final determination of whether Texas is an upwind state for ozone.</p> <p>TCEQ is also concerned regarding the relationship the proposed IAQR will have with existing TCEQ programs such as: the Section 126 petitions; 8-hour/PM 2.5 State Implementation Plans; previous reductions from EGUs from Senate Bill 7; Best Available Retrofit Technology (BART); and the agency's existing cap-and-trade program.</p>	Policy and Regulations	Kim Herndon
EPA	4/1/2004	National Program Managers (NPM) Proposed Guidance for	<p>Concerns with possible changes in inspection responsibilities for various federally authorized programs.</p> <p>Discussion of issues associated with specific outcomes/goals identified with the EPA water program.</p> <p>Various comments affecting TCEQ regulation of Class 5UIC wells.</p>	Chief Engineer	Tom Weber

SUBM TO	DATE	SHORT TITLE	TNRCC COMMENTS	DIV PREPARING	DIV CONTACT
EPA	5/20/2004	Advance Notice of Proposed Rulemaking on Approaches to an Integrated Framework for Management and Disposal of Low-Activity Radioactive Waste: Request for Comment	<p>It should be noted that it is difficult to provide comments to this ANPR due to the broad diversity of waste issues discussed. Clear definitions of waste streams under consideration should be provided by the EPA in future discussions of alternative disposal options.</p> <p>A clear EPA/NRC agreement on alternative disposal scenarios is important for states with both RCRA authorization from the EPA and NRC agreement state status for radioactive material and waste. For states that are responsible for the permitting of RCRA facilities as well as the licensing of radioactive material use and disposal, any differences between approaches and interpretations by the EPA and NRC remain difficult to resolve.</p> <p>The ANPR lacks discussion addressing waste generator perspectives, including the federal government. Waste generators' perspectives should be considered more fully, including potential long-term liability issues associated with disposal alternatives. Due to the increasing use of commercial disposal by the federal government, it is imperative to consider the impact of federal facility waste at alternative disposal sites.</p> <p>Future EPA initiatives on alternative disposal options could, by default, designate one or two national landfill sites for LARW disposal, if no new RCRA sites are permitted in the future. The potential for designation of national landfill sites "by default" should not be overlooked due to the far-reaching policy implications. This potential should be included in future discussions so that the public has the opportunity to comment on the policy implications.</p> <p>The State of Texas continues to move forward to fulfill its obligation under the federal Low-Level Radioactive Waste Policy Acts and Amendment Acts in siting a low-level radioactive waste disposal facility. Texas has recently passed legislation and implemented rules to privatize low-level radioactive waste disposal on an aggressive time line. The statutory time line of licensing a Texas site would be complicated if waste streams were re-defined by an EPA rule initiative in the middle of the licensing process which is scheduled to begin in July 2004.</p> <p>The EPA should investigate the different compact implications as part of any rulemaking initiative. The jurisdiction of the Texas Low-Level Radioactive Waste Disposal Compact Commission to control import and export of waste in Texas is fundamental to the policy of licensing a new site in Texas. Progress toward licensing a new low-level radioactive waste disposal facility in Texas could be profoundly impacted by disposal initiatives related to LARW.</p>	Policy and Regulations	Hector Mendieta

SUBM TO	DATE	SHORT TITLE	TNRCC COMMENTS	DIV PREPARING	DIV CONTACT
EPA	5/28/2004	The Drinking Water Contaminant Candidate List CCL2: Notice	<p>TCEQ supports the EPA for all efforts to incorporate sound science, occurrence information and health risk-based priority setting into the regulatory development process.</p> <p>TCEQ recommends that when EPA uses surrogate data for a contaminant that they focus not only on the release of a contaminant, but also on existing data showing the impact of that release. Depending on the contaminant, a release may have no real impact on water that is used as a drinking water source.</p> <p>TCEQ recommends that EPA not automatically carry over contaminants from previous CCL lists. We recommend that all occurrence and health risk data be considered when making the determination of whether to carry over a contaminant from the previous CCL.</p> <p>With respect to the microbiological contaminant candidates listed under Table III-2-Draft Drinking Water CCL2, the reference to "other freshwater algae", although carried over from CCL1, appears to be too general to be useful. We would encourage EPA to target specific constituents of concern (ie-specific algae or their metabolites that have a known or predicted adverse impact on drinking water) for future CCL lists, not broad groups. Those algae that are benign should not be considered contaminants.</p> <p>In response to the virulence factor activity relationship (VFAR) described by NRC, we question whether this approach, while promising, has current practical value for the CCL2. As an alternate solution to determining the impact of microbial contaminants, we recommend that the EPA consider practical methods for improving the correct, timely identification of actual waterborne illness for future microbial contaminants.</p>	Water Supply	Buck Henderson

SUBM TO	DATE	SHORT TITLE	TNRCC COMMENTS	DIV PREPARING	DIV CONTACT
EPA	6/7/2004	Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Analysis and Sampling Procedures	<p>Support recommended changes, especially those withdrawing older EPA and technically deficient methods, adding new methods, promoting use of common methods for analyzing drinking water and wastewater samples, and promoting performance-based method flexibility for the Clean Water Act.</p> <p>Support clarifications regarding requirements for preserving and storing samples, use of capillary columns for methods involving gas chromatography, and use of multi-analyte methods related to the Clean Water Act.</p> <p>Recommends correction of apparent typographical errors.</p> <p>Recommends approval of EPA Method 327.0 for routine daily monitoring for chlorite at the entrance to distribution systems.</p> <p>Supports the guidance document for alternate test procedures to determine microbiological constituents in drinking water with one recommended change and one correction.</p>	Policy and Regulations	Clyde Bohmfalk
TXDOT	3/17/2004	Use of Composted Material for Erosion and Sediment Control	<p>The letter provides clarification that compost use should be consistent with TXDOT specifications and that use of compost is restricted in the Edwards Aquifer region. It also includes references to several web sites and guidance documents for further information.</p>	Policy and Regulations	Clyde Bohmfalk
U.S. Fish and Wildlife Service	3/9/2004	Revisions to Regulations Applicable to Permits Issued Under the Endangered Species Act	<ol style="list-style-type: none"> 1. TCEQ supports efforts to provide flexibility in the permitting process 2. TCEQ looks forward to reviewing and providing comment on any guidance that may be issued 	Policy and Regulations	Mary Ambrose

SUBM TO	DATE	SHORT TITLE	TNRCC COMMENTS	DIV PREPARING	DIV CONTACT
U.S. Fish and Wildlife Service	5/28/2004	USFWS Notice of Availability of the Draft Karst Survey Guidance and Scientific Permit Requirements for Conducting Presence/Absence Surveys for Endangered Karst Invertebrates in Central Texas	<p>The TCEQ's document was not designed to identify endangered species habitat (which is beyond the jurisdiction of the TCEQ), it was designed to facilitate compliance with our Edwards Aquifer Protection Program to protect water quality by providing guidance on how to identify sensitive karst features where a potential for hydraulic interconnectedness between the surface and the aquifer exists and where rapid infiltration of water to the subsurface may occur. While the karst features identified using this guidance may be of aid in identifying endangered species, that was not its intended purpose. The TCEQ may change our document at anytime to meet our regulatory needs and we will not maintain or distribute older versions of forms or guidance once it has been updated.</p> <p>The information regarding how to obtain the TCEQ's guidance and forms contained in the draft document needs to be more specific and indicate the regional office as the point of contact to answer questions on the Edwards Aquifer Program.</p> <p>The USFWS document is inaccurate in it's discussion of how an individual can determine when a TCEQ approved water pollution abatement plan (WPAP) is needed to conduct certain activities as part of the presence/absence surveys. Currently, the USFWS document inaccurately indicates that blasting does not need a WPAP, but the use of a backhoe does. Our rules state that clearing, excavation, or any other activities that alter or disturb the topographic, geologic, or existing recharge characteristics of a site would be considered a regulated activity under the TCEQ Edwards Aquifer Program.</p>	Policy and Regulations	Mary Ambrose

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Last Update: June 15, 2004**Scheduled on:** August 16

<u>Short Title of Issue</u>	<u>Lead Office & Staff</u>	<u>Date Issue Referred</u>
Regional environmental monitoring and response systems	OCE/Monitoring/Steve Spaw	2/13/2004

Scheduled on: Standing Item

<u>Short Title of Issue</u>	<u>Lead Office & Staff</u>	<u>Date Issue Referred</u>
State and Federal legislation potentially affecting the TCEQ and other issues related to actions taken by the Texas Legislature	IGR/Steve Minick and OEPAA/Randy Wood	1/1/2004
Enforcement Report	OCE/Anne Dobbs	1/1/2004
SIP Activities	OEPAA/Herb Williams	1/1/2004
Planning for next work session	Commissioners' Executive Assistants	1/1/2004
Public Comment Session	Public Participation	10/24/03
Compliance and Enforcement Policy and Practices Review	DED/OCE	12/5/2003
TMDLs	EPI/Mueller	1/1/2002

Scheduled on: To be determined

Surface Water Quality Standards	OCE/Pat Roques	3/13/2004
Permit back log and time lines	OPRR	12/1/03

Tentative Dates for January 2004 - December 2004
Commissioners' Work Sessions
Last Update: 6/15/04

DATE OF WORK SESSION	TIME OF WORK SESSION	FILE AGENDA WITH CHIEF CLERK'S OFFICE by 4:00 pm	EXECUTIVE SUMMARY DEADLINE by 5:00 pm, unless otherwise stated
January 16	9:30 am - 12:00 n	January 7	January 8
February 2	2:00 pm - 4:00 pm	January 23	January 23
February 13	9:30 am - 12:00 n	February 4	February 5
March 12	1:30 pm - 5:00 pm	March 3	March 4
April 16	1:30 pm - 5:00 pm	April 8	April 8
April 30	9:30 am - 12:00 n	April 21	April 22
May 17	1:30 pm - 4:00 pm		
June 28	1:30 pm - 4:00 pm	June 18	June 18
August 16	1:30 pm - 4:00 pm	August 6	August 6
September 17	9:30 am - 12:00 n	September 9	September 9
October 15	9:30 am - 12:00 n	October 7	October 7
December 15	9:30 am - 12:00 n	December 9	December 9

NOTE: These dates are subject to change. Some backup deadline dates were moved up a day or two due to holidays.

8. Closed Session:

- a. Docket No. 1998-1154-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.

No action taken.

- b. Docket No. 1999-0024-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 matter 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.

- c. Docket No. 1999-0025-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.

No action taken.