

**WHITE  
MARQUEZ  
SOWARD**

**MARKED WORK SESSION AGENDA**

Thursday, July 22, 2004

Texas Commission on Environmental Quality

9:30 a.m.  
Room 201S, Building E  
12100 Park 35 Circle

1. **Discussion of the Monthly Enforcement Report.** Ann Dobbs, Enforcement Division presented this issue.

**Action: No action taken.**

2. **Discussion of the Agency's Preliminary 2006/2007 Legislative Appropriations Request (LAR).** Linda Flores, Chief Finance Officer, and Becky O'Brien, Budget and Planning, presented this issue.

**Action: No action taken.**

3. **Discussion of issues relating to agency compliance and enforcement policies and practices.** Mark Vickery, Acting Executive Director, presented this issue and provided a brief update on current and future committee activities.

**Action: No action taken.**

4. **Docket No. 2004-0840-RES - Consideration of Appointing Members to the Pollution Prevention Advisory Committee.** Israel Anderson and Ken Zarker, Small Business and Environmental Assistance, presented this issue from information contained in the backup materials. The Commissioners accepted the committee members recommended by staff as follows:

Region 2 - Lubbock:	Melanie Barnes
Region 4 - Arlington:	Debbie Boyle
Region 7 - Midland:	Sharla Hotchkiss
Region 11 - Austin:	A.W. Armstrong
	Paula Littles
	Luke Metzger
Region 12 - Houston:	Christian Holmes
Region 13 - San Antonio:	Kelley Neumann

The Commissioners also agreed that it was necessary to undertake a discussion of the organizational structure and membership of the Pollution Prevention Advisory Committee as a part of the periodic review required of all advisory committees.

**Action: Approve the Pollution Prevention Advisory Committee membership appointments recommend by staff.**

**5. Consideration of and update on the status of the Texas Emissions Reduction Plan (TERP), the use of current and future TERP funding, legislative reporting requirements, plans for TERP Advisory Board meetings, and other issues regarding the TERP incentive programs.**

Randy Wood, Deputy Director, Office of Environmental Policy, Analysis and Assessment, Candy Garrett, Environmental Planning and Implementation, and Steve Dayton, TERP, presented this issue from the backup materials. The Commissioners provided the following instructions to staff in response to the questions under consideration:

- Question 1: Option 1. Prepare revised allocation table to even out the funding for Austin, San Antonio, and Beaumont-Port Arthur, once the 2 tons per day are achieved in 2006. Provide revised tables at future work session.
- Question 2: Option 1. Satisfied with criteria for maximum cost effectiveness of 7K per ton for regular grants and 8.5K per ton for small business grants. Cap infrastructure grants at 50 percent of incremental costs but don't place a cap on grants for repower and replacements. Also, staff needs to emphasize when doing education and outreach that 7k is the benchmark for grant competition, not a grant entitlement level.
- Question 3. Generally do not want to fund business start ups and expansions.
- Question 4. Option 2 Continue to fund leases. Grants would go to the most effective at reducing emissions in the non-attainment areas where reductions are needed.
- Question 5. Option 2. Consider third-party grants to governmental entities for FY05; delay third-party private grants for now.
- Question 6. Modified Option 1. with additional directions. Evaluate at how much capital they are investing in the project and examine Texas companies versus out of state companies. General consensus was to not set this option as a criteria, but to do consider this and related issues in decisions.
- Question 7. Option 2.

The following individuals registered to speak to the Commission on this issue:

Craig Burkert representing ROMCO Equipment Co.

Monica Beard representing Mobile Emissions Reduction Coalition and Good Company Assoc.

Scott Forbes representing Port of Houston Authority

Tod Wickersham representing Mobile Emissions Reduction Coalition and Good Company Assoc.

Gregg Cooke representing North Texas Council of Governments and Good Company Assoc.

David Haradon representing Clean Energy

**Action: No action taken.**

**6. 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.** This issue was not discussed. The following individuals registered to speak on this issue:

Charles Ruppert Mayor of Cibolo

Forrest Mims representing himself

**Action: No action taken.**

7. **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. This issue was not discussed.

8. **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. The following citizens registered to provide public comment:

Peggy Price City Secretary from Lovelady, TX described her concerns of the effects of fines and enforcement orders on small rural communities.

Webster Hart representing Brazos Valley Council of Governments and Washington County described his concerns regarding solid waste tipping fee pass through grants.

Mike Riley citizen of Seguin described his concerns for clean air.

Forrest Mims citizen of Seguin spoke to his concerns regarding smoke and ozone, Continuous Air Monitoring Station 23, and public participation.

**Action: No action taken.**

9. **Planning for the next Commissioners' Work Session.** The next work session is Monday, August 16th at 1:30 p.m. Issues identified for discussion are Environmental Monitoring and Response System, 2006/2007 Legislative Appropriations Request, rulemaking procedures, Texas Emissions Reduction Program as well as the standing issues which are item numbers 1, 3, 6, 7, and 8 above.

10. **Closed Session:** No closed session convened.

## **Discussion of the Monthly Enforcement Report.**

# Texas Commission on Environmental Quality

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INTEROFFICE MEMORANDUM

To: Commissioners' Work Session

Date: July 22, 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 through May 2004

**Issue** Discussion of the Monthly Enforcement Report

## **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 MAY 2004

July 22, 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	0	4	1	7	\$231,800.00	\$385.00	\$128,290.00	\$203,125.00	\$103,125.00
AIR	25	241	14	91	\$3,083,023.00	\$122,710.00	\$1,703,199.00	\$1,257,114.00	\$1,257,114.00
INDUSTRIAL AND HAZARDOUS WASTE <sup>1</sup>	1	15	2	13	\$264,805.00	\$4,580.00	\$238,225.00	\$22,000.00	\$22,000.00
MUNICIPAL SOLID WASTE	7	33	3	12	\$110,500.00	\$4,490.00	\$76,360.00	\$29,650.00	\$29,650.00
OCCUPATIONAL CERTIFICATION	0	30	2	11	\$10,775.00	\$425.00	\$10,350.00	\$0.00	\$0.00
PETROLEUM STORAGE TANKS	27	490	14	148	\$708,085.00	\$39,602.00	\$667,983.00	\$500.00	\$500.00
PUBLIC WATER SUPPLY <sup>2</sup>	7	91	6	47	\$195,614.00	\$4,704.00	\$165,424.00	\$23,923.00	\$23,923.00
WATER QUALITY	12	160	5	73	\$748,213.00	\$28,253.00	\$512,185.00	\$207,775.00	\$207,775.00
MULTI-MEDIA	3	45	4	20	\$366,800.00	\$21,649.00	\$272,998.00	\$88,688.00	\$88,688.00
<b>TOTALS</b>	<b>82</b>	<b>1109</b>	<b>51</b>	<b>422</b>	<b>\$5,719,615.00</b>	<b>\$226,798.00</b>	<b>\$3,775,014.00</b>	<b>\$1,832,775.00</b>	<b>\$1,732,775.00</b>

<sup>1</sup> Includes radioactive waste and underground injection control cases

<sup>2</sup> Includes water rights cases

## ENFORCEMENT REPORT TO THE COMMISSION FOR MAY 2004

July 22, 2004 Commission Work Session

PROGRAMS	WRITTEN NOTICES OF VIOLATION (NOVS) ISSUED REGARDING TCEQ INVESTIGATIONS <sup>3</sup>		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 <sup>4</sup>	CASES BEING TRACKED FOR COMPLIANCE <sup>5</sup>
	Month	FY	Month	FY	Month	FY	Total	Total
AGRICULTURE	9	64	N/A	N/A	0	1	10	33
AIR	78	641	N/A	N/A	8	31	283	205
INDUSTRIAL AND HAZARDOUS WASTE	8	98	N/A	N/A	0	11	66	165
MUNICIPAL SOLID WASTE	15	155	N/A	N/A	1	10	57	102
OCCUPATIONAL CERTIFICATION	0	0	N/A	N/A	0	8	26	36
PETROLEUM STORAGE TANKS	86	581	N/A	N/A	11	145	494	343
PUBLIC WATER SUPPLY	140	976	339	2888	1	24	192	370
WATER QUALITY	133	1034	12	130	0	10	265	188
MULTI-MEDIA	7	52	N/A	N/A	1	8	77	115
<b>TOTALS</b>	<b>476</b>	<b>3601</b>	<b>351</b>	<b>3018</b>	<b>22</b>	<b>248</b>	<b>1470</b>	<b>1557</b>

<sup>3</sup> Includes NOVs issued regarding investigations and enforcement cases. The investigations that these NOVs address could be either record reviews or onsite investigations.

<sup>4</sup> 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, NOVs 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.

<sup>5</sup> 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 MAY 2004

July 22, 2004 Commission Work Session

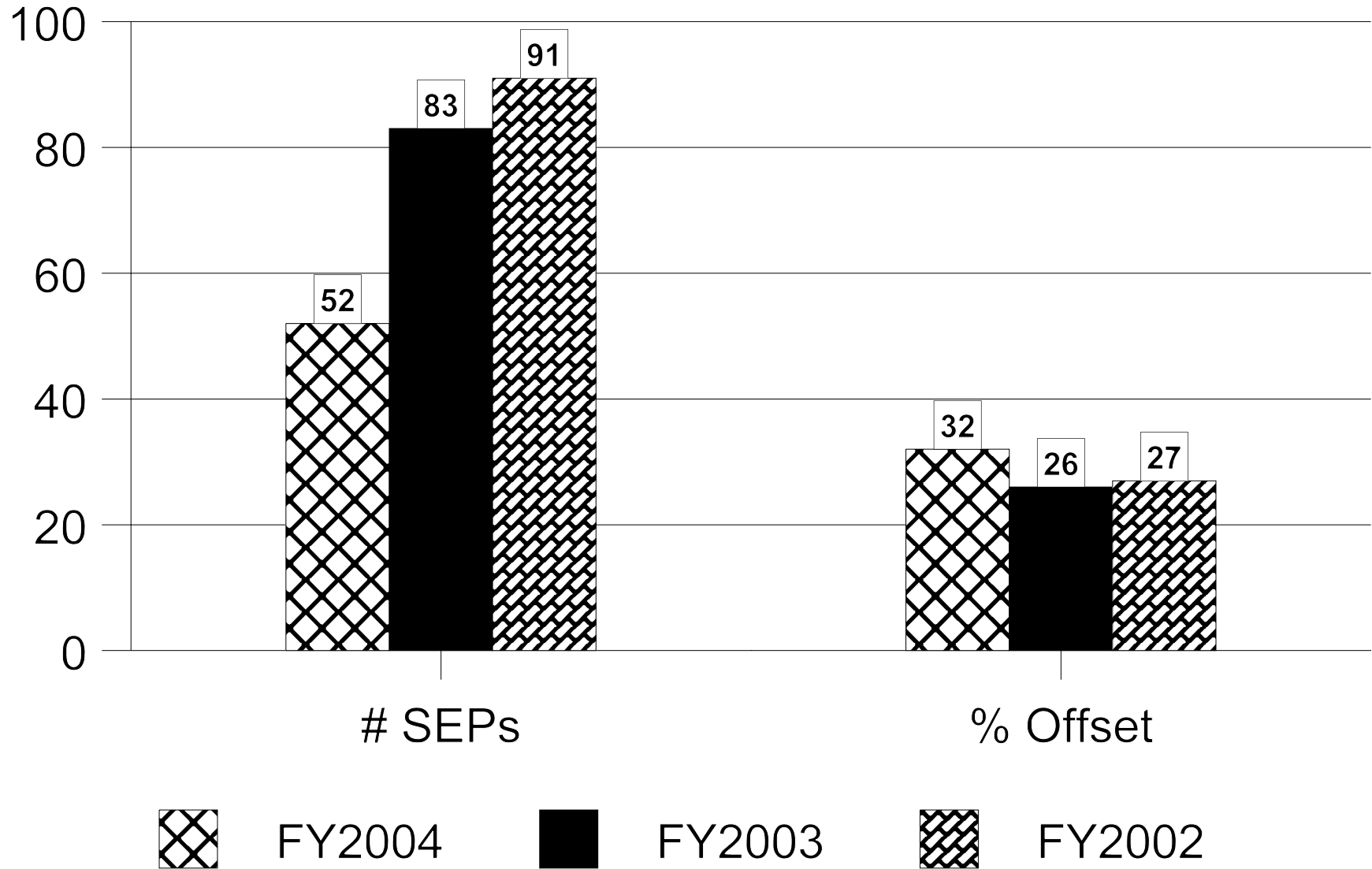
PROGRAMS	PENDING FORMAL ENFORCEMENT ACTIONS FOR ADMINISTRATIVE ORDERS TO BE ISSUED BY THE TCEQ		CASES PENDING AT THE STATE OFFICE OF ADMIN. HEARINGS	CASES PENDING AT THE OFFICE OF THE ATTORNEY GENERAL <sup>6</sup>	ATTORNEY GENERAL CASES RESULTING IN JUDGMENTS <sup>7</sup>		NOTICE OF AUDIT LETTERS RECEIVED 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	0	6
AIR	324	39	8	14	0	2	19	396	0	23	28	284
INDUSTRIAL AND HAZARDOUS WASTE	51	17	9	35	0	5	0	4	0	5	4	28
MUNICIPAL SOLID WASTE	78	26	10	34	0	5	0	2	0	0	8	45
OCCUPATIONAL CERTIFICATION	48	14	1	2	0	0	4	4	0	0	2	25
PETROLEUM STORAGE TANKS	571	94	31	15	0	2	1	9	0	1	45	614
PUBLIC WATER SUPPLY	167	39	6	44	1	5	0	0	0	0	18	135
WATER QUALITY	306	49	9	34	0	4	4	16	0	0	29	222
MULTI-MEDIA	88	29	9	8	0	0	7	100	0	25	5	61
<b>TOTALS</b>	<b>1648</b>	<b>314</b>	<b>86</b>	<b>186</b>	<b>1</b>	<b>23</b>	<b>35</b>	<b>545</b>	<b>0</b>	<b>54</b>	<b>139</b>	<b>1420</b>

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

<sup>7</sup> These numbers are obtained from the Attorney General's Office.

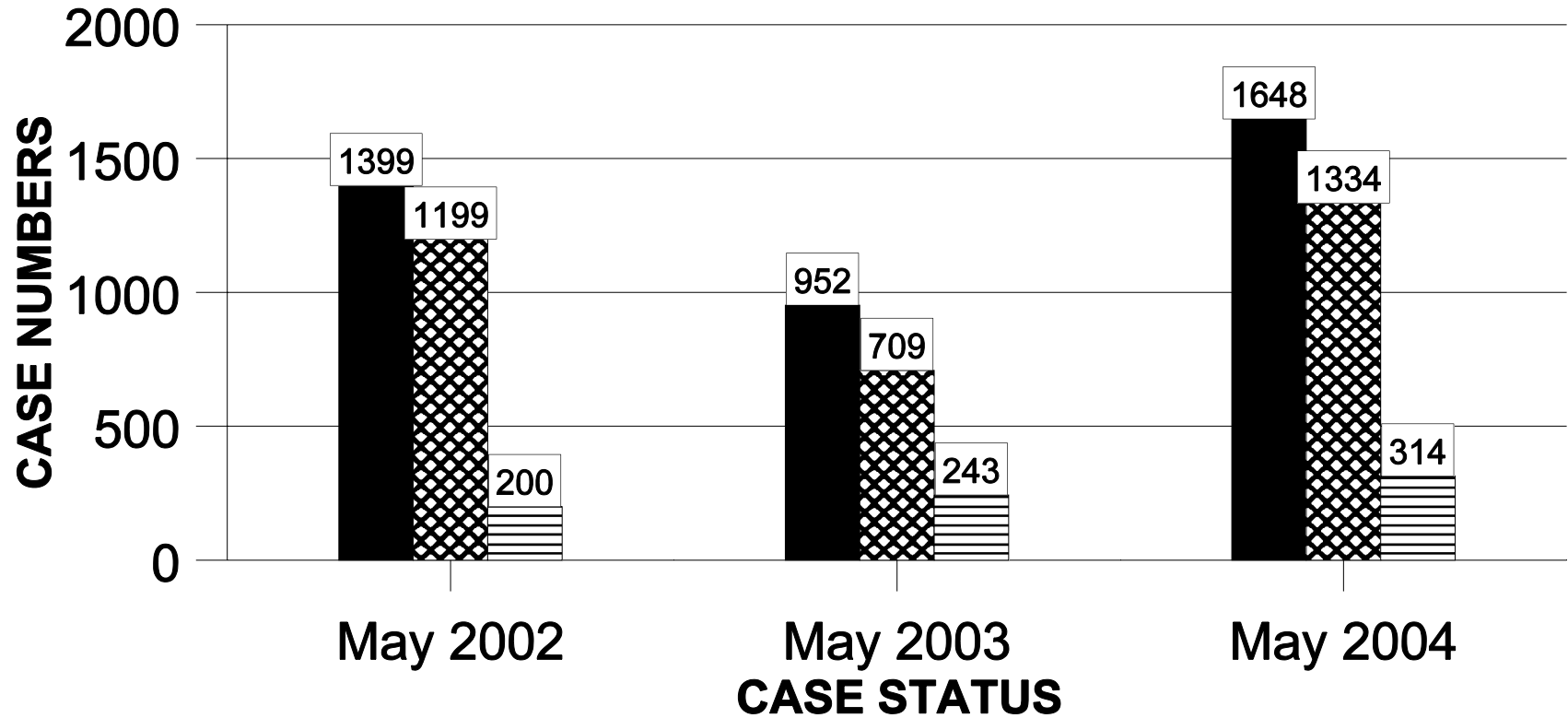


# Comparison of Supplemental Environmental Project (SEP) Data (thru May)



# AGENCY-WIDE BACKLOG DISTRIBUTION

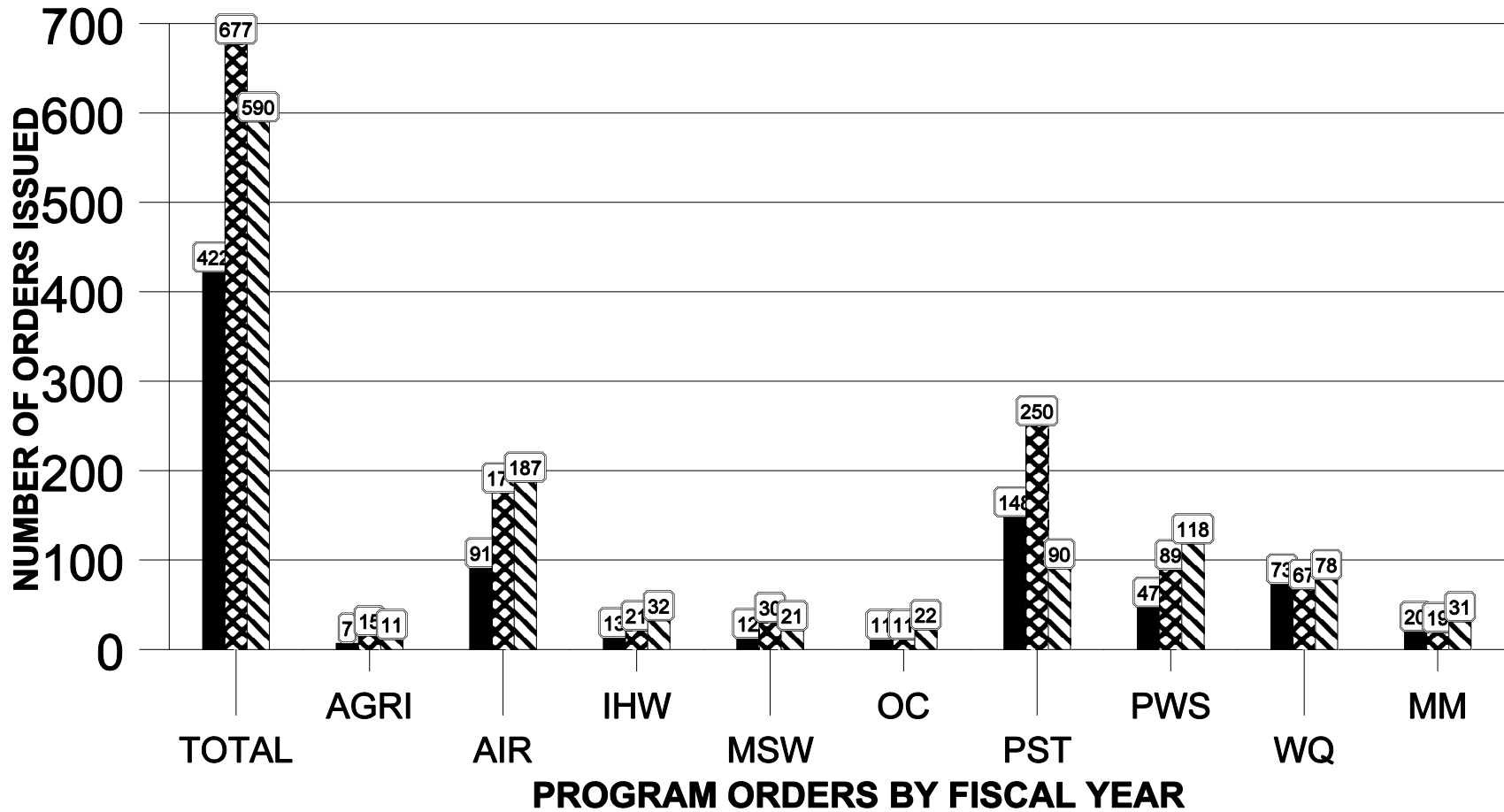
MAY 2002 - MAY 2004



■ Pending  
▨ Backlogged

▩ On Time

# COMPARISON OF ORDERS ISSUED FY 2002 thru FY 2004



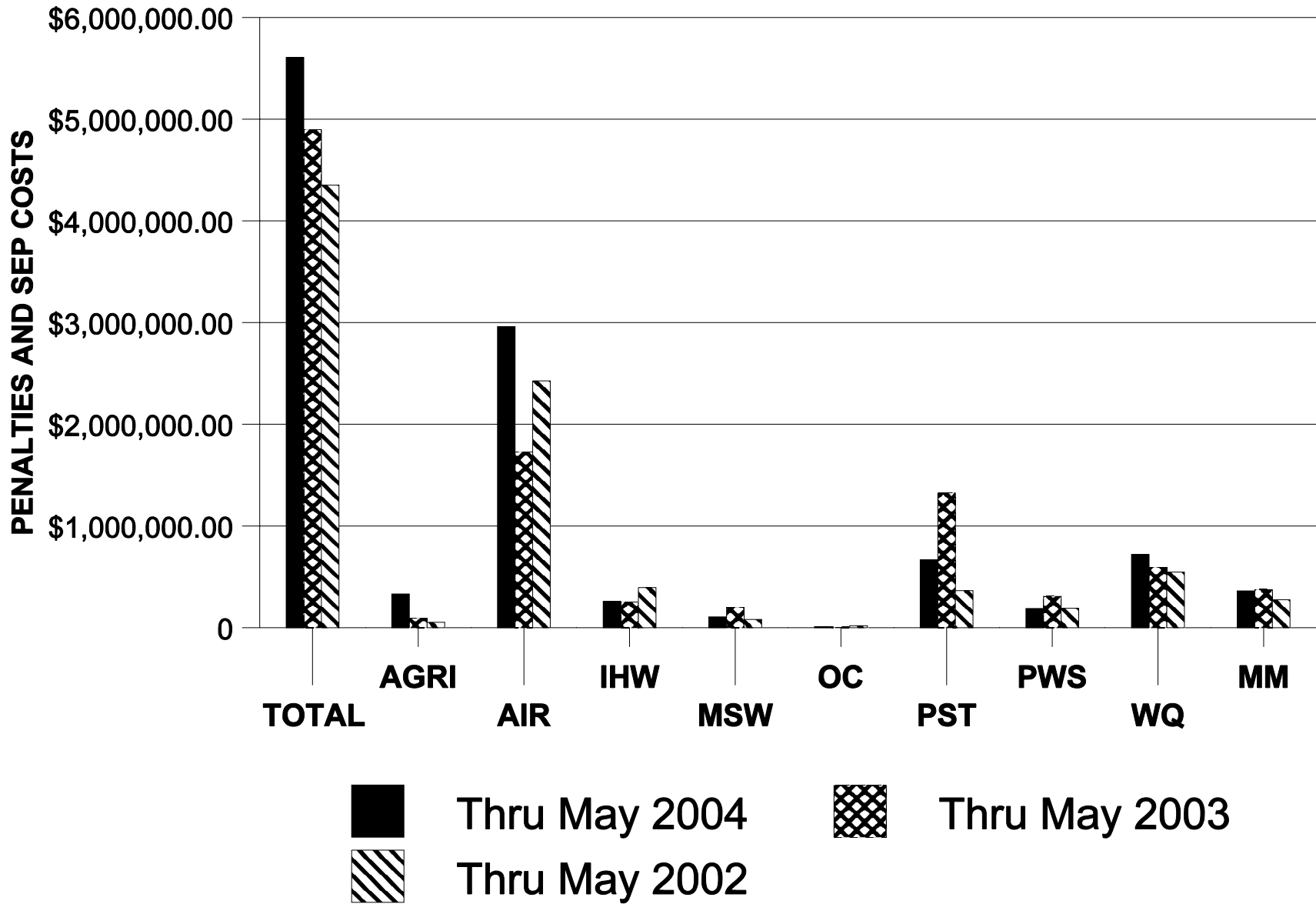
Thru May 2004



Thru May 2003

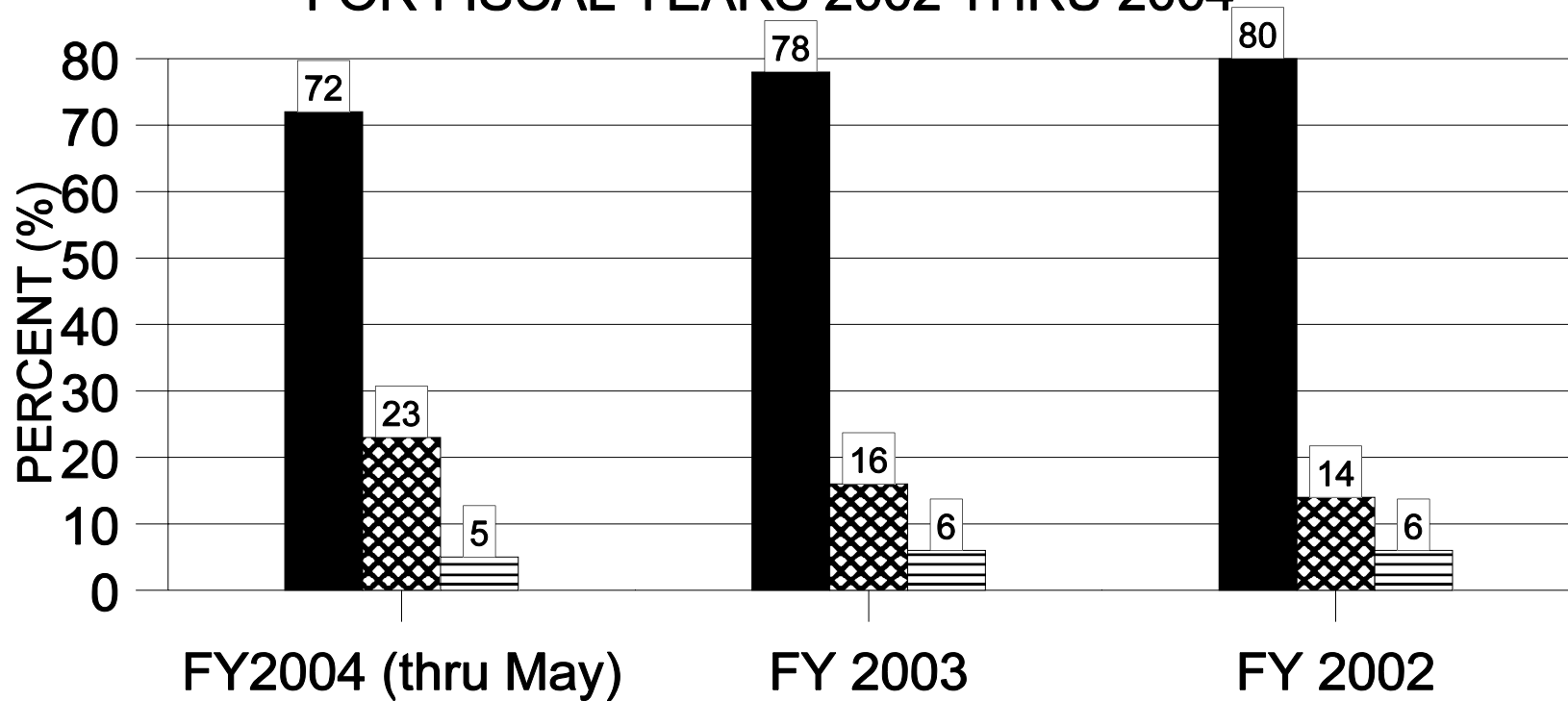
Thru May 2002

# 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 - 05/31/2004

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	MIDLAND	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 - 05/31/2004

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.	EE1312O	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	3,096.00	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	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
AQ	7464	Valero Refining-Texas, L.P.	HG0130C	HARRIS	3/14/04	8,750.00	0.00	8,750.00	0.00	0.00

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PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
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
AQ	7359	Atofina Petrochemicals, Inc.	JE0005H	JEFFERSON	5/14/04	146,875.00	29,375.00	58,750.00	58,750.00	58,750.00
AQ	10358	TRI-UNION DEVELOPMENT CORPORATION	NONE	BRAZORIA	5/14/04	750.00	150.00	600.00	0.00	0.00
AQ	9697	Western Gas Resources, Inc.	UB0009T	UPTON	5/14/04	4,750.00	0.00	4,750.00	0.00	0.00
AQ	5933	Varco, L.P.	ML0047G	MIDLAND	5/14/04	71,000.00	14,200.00	28,400.00	28,400.00	28,400.00
AQ	7360	Atofina Petrochemicals, Inc.	18936	JEFFERSON	5/14/04	106,407.00	0.00	53,204.00	53,203.00	53,203.00
AQ	5854	Pedro Castrellon dba Paca's Body Shop	EB0983B	ECTOR	5/14/04	2,100.00	0.00	2,100.00	0.00	0.00
AQ	5980	C & R Distributing, Inc. dba C & R Fuel Control #42	EE1271D	EL PASO	5/14/04	750.00	150.00	600.00	0.00	0.00
AQ	5885	Chevron U.S.A. Inc. dba Chevron Products Company	EE0082P	EL PASO	5/24/04	27,405.00	5,481.00	21,924.00	0.00	0.00
AQ	8404	Texas Petrochemicals LP	HG0562P	HARRIS	5/24/04	25,000.00	5,000.00	10,000.00	10,000.00	10,000.00
AQ	10152	Ingersoll-Rand Company	DB0476R	DALLAS	5/24/04	1,975.00	395.00	1,580.00	0.00	0.00
AQ	10010	Clearstream Wastewater Systems, Inc.	HF0034K	HARDIN	5/24/04	2,000.00	0.00	2,000.00	0.00	0.00
AQ	9207	Crosstex Asset Management, LP	HH0181U	HARRISON	5/24/04	2,000.00	400.00	1,600.00	0.00	0.00
AQ	11303	PACIFIC NATURAL ENERGY LLC	2063	DALLAS	5/24/04	2,000.00	400.00	1,600.00	0.00	0.00
AQ	10291	Kinder Morgan Tejas Pipeline, L. P.	HG1391L	HARRIS	5/24/04	1,925.00	385.00	1,540.00	0.00	0.00
<b>Subtotal for AQ : 91</b>						<b>3,083,023.00</b>	<b>122,710.00</b>	<b>1,703,199.00</b>	<b>1,257,114.00</b>	<b>1,257,114.00</b>
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
IHW	2076	Navarro Pecan Company, Inc.	F0881	NAVARRO	5/14/04	4,050.00	0.00	4,050.00	0.00	0.00
IHW	608	ALTON COLEY *	83214	GREGG	5/14/04	34,375.00	0.00	34,375.00	0.00	0.00
<b>Subtotal for IHW : 13</b>						<b>264,805.00</b>	<b>4,580.00</b>	<b>238,225.00</b>	<b>22,000.00</b>	<b>22,000.00</b>
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



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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
MSW	2723	PAREIDA, JUAN	455150060	CAMERON	5/14/04	1,800.00	360.00	1,440.00	0.00	0.00
MSW	296	REESE, RALPH	NONE	JEFFERSON	5/24/04	19,500.00	0.00	19,500.00	0.00	0.00
MSW	635	City of Wichita Falls	1428	WICHITA	5/24/04	13,650.00	0.00	0.00	13,650.00	13,650.00
<b>Subtotal for MSW : 12</b>						<b>110,500.00</b>	<b>4,490.00</b>	<b>76,360.00</b>	<b>29,650.00</b>	<b>29,650.00</b>
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
OL	5580	PETTIT, ERNEST M	OS0006237	HOPKINS	5/14/04	525.00	0.00	525.00	0.00	0.00
OL	7407	JAMIE B. WALTON DBA LAGO LANDSCAPE AND IRRIGATION REPAIR	NONE	TRAVIS	5/24/04	2,500.00	0.00	2,500.00	0.00	0.00
<b>Subtotal for OL : 11</b>						<b>10,775.00</b>	<b>425.00</b>	<b>10,350.00</b>	<b>0.00</b>	<b>0.00</b>
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

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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
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

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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
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	MARE DIA 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

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PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
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
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

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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
PST	9075	ACSS DALLAS INDUSTRIAL INC	10082	TARRANT	5/14/04	1,050.00	0.00	1,050.00	0.00	0.00
PST	9962	Luke's Little Super, Inc. dba Luke's Little Supermarket & Deli I	27214	GALVESTON	5/14/04	2,540.00	0.00	2,540.00	0.00	0.00
PST	5179	MEDINA, ABRIL *	15473	NUECES	5/14/04	12,500.00	0.00	12,500.00	0.00	0.00
PST	7569	Madanco Corporation	35088	GALVESTON	5/14/04	6,875.00	0.00	6,875.00	0.00	0.00
PST	9847	Frontier Tank Lines, Inc.	NONE	DALLAS	5/14/04	900.00	180.00	720.00	0.00	0.00
PST	9043	THOMSON, KENNETH *	66631	SHELBY	5/14/04	3,150.00	0.00	3,150.00	0.00	0.00
PST	9079	COOK, FORREST GLENN	26727	HARRIS	5/14/04	3,150.00	0.00	3,150.00	0.00	0.00
PST	5001	Circleville Store & Grain, Inc.	40767	WILLIAMSON	5/24/04	14,400.00	0.00	14,400.00	0.00	0.00
PST	9142	Knightco Oil, Inc. dba Superior Lubricants	33904	TARRANT	5/24/04	4,200.00	0.00	4,200.00	0.00	0.00
PST	9205	Saif D Corporation dba Sunny Food Mart	251	BASTROP	5/24/04	3,800.00	0.00	3,800.00	0.00	0.00
PST	8943	Ovais Incorporated dba Sunny Food Mart	47574	BURLESON	5/24/04	2,850.00	0.00	2,850.00	0.00	0.00
PST	9114	Allied Trading Corporation dba A & Q Chevron Food Mart	46851	HARRIS	5/24/04	2,910.00	0.00	2,910.00	0.00	0.00
PST	9289	Abuiny Enterprises, Inc. dba Mainland Conoco	5707	DALLAS	5/24/04	1,050.00	0.00	1,050.00	0.00	0.00
PST	9173	MOMIN, BARKAT	35291	HARRIS	5/24/04	3,150.00	0.00	3,150.00	0.00	0.00
<b>Subtotal for PST : 148</b>						<b>708,085.00</b>	<b>39,602.00</b>	<b>667,983.00</b>	<b>500.00</b>	<b>500.00</b>
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
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

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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 Balmorea	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
PWS	5529	CITY OF LA VILLA	1080023	HIDALGO	5/14/04	18,025.00	0.00	18,025.00	0.00	0.00
PWS	5085	FIELDER, MARY	0200425	BRAZORIA	5/24/04	6,250.00	0.00	6,250.00	0.00	0.00
PWS	9569	Amir Saif dba Sun Power Travel Plaza	0610239	DENTON	5/24/04	2,275.00	0.00	2,275.00	0.00	0.00
PWS	11901	SAMPOGNA, HUMBERTO	1010658	HARRIS	5/24/04	2,450.00	0.00	2,450.00	0.00	0.00
<b>Subtotal for PWS : 41</b>						<b>176,642.00</b>	<b>4,704.00</b>	<b>148,395.00</b>	<b>21,980.00</b>	<b>21,980.00</b>
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
WATE RIGHT	2845	EBCO Land Development, LTD.	5694	MONTGOMERY	5/14/04	13,750.00	0.00	13,750.00	0.00	0.00
WATE RIGHT	2591	BARTON CREEK WSC	NONE	TRAVIS	5/24/04	525.00	0.00	525.00	0.00	0.00

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<b>Subtotal for WATERIGHT : 6</b>						<b>18,972.00</b>	<b>0.00</b>	<b>17,029.00</b>	<b>1,943.00</b>	<b>1,943.00</b>
WQ	2551	Pilgrim's Pride Corporation	TXR050410	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
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

## Singles Programs

## Administrative Orders Issued

Date Range Selected : 09/01/2003 - 05/31/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
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
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	HENDERSON	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
WQ	10759	LEGGETT, RONNIE LEE	NONE	POLK	5/14/04	1,000.00	200.00	800.00	0.00	0.00
WQ	1040	MATAGORDA COUNTY	TPDES0098205	MATAGORDA	5/14/04	15,750.00	0.00	0.00	15,750.00	15,750.00
WQ	2654	CITY OF MART	TPDES0026051	MCLENNAN	5/14/04	7,280.00	1,456.00	5,824.00	0.00	0.00
WQ	9948	City of Alvarado	TPDES0033278	JOHNSON	5/14/04	6,500.00	0.00	6,500.00	0.00	0.00
WQ	10232	CMH Parks, Inc. dba Northwest Pines Mobile Home Park	TPDES0083429	HARRIS	5/24/04	1,010.00	202.00	808.00	0.00	0.00



## Singles Programs

## Administrative Orders Issued

Date Range Selected : 09/01/2003 - 05/31/2004

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
<b>Subtotal for WQ : 73</b>						<b>748,213.00</b>	<b>28,253.00</b>	<b>512,185.00</b>	<b>207,775.00</b>	<b>207,775.00</b>
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
WWA	1125	R J SMELLEY COMPANY INC	WQ0002422000	TARRANT	5/24/04	2,250.00	0.00	1,125.00	1,125.00	1,125.00
<b>Subtotal for WWA : 7</b>						<b>231,800.00</b>	<b>385.00</b>	<b>128,290.00</b>	<b>203,125.00</b>	<b>103,125.00</b>
<b>Total for Singles Programs : 402</b>						<b>5,352,815.00</b>	<b>205,149.00</b>	<b>3,502,016.00</b>	<b>1,744,087.00</b>	<b>1,744,087.00</b>

## Multi-Media Programs

## Administrative Orders Issued

Date Range Selected : 09/01/2003 - 05/31/2004

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
MM	6699	Ransom Industries, LP	SK0041T	SMITH	5/14/04	112,250.00	0.00	56,125.00	56,125.00	56,125.00
MM	9664	Conner Steel Products Inc.	80773	TOM GREEN	5/14/04	6,820.00	0.00	6,820.00	0.00	0.00
MM	5803	City of Alice	1250001	JIM WELLS	5/24/04	1,363.00	273.00	0.00	1,090.00	1,090.00
MM	5709	FLORES, FELIX	GL0133J	GUADALUPE	5/24/04	5,000.00	0.00	5,000.00	0.00	0.00
<b>Total for Multi-Media Programs : 20</b>						<b>366,800.00</b>	<b>21,649.00</b>	<b>272,998.00</b>	<b>88,688.00</b>	<b>88,688.00</b>
<b>Total for all Programs : 422</b>						<b>5,719,615.00</b>	<b>226,798.00</b>	<b>3,775,014.00</b>	<b>1,832,775.00</b>	<b>1,732,775.00</b>

**Summary of SEPs:**

**Total Orders :** 422  
**Orders with SEPs :** 52  
**Orders with SEPs % :** 12.3  
**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).**

Please note that backup materials for this issue will be available at work  
session.

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

Please note there are no backup documents for this issue.

**Docket No. 2004-0840-RES - Consideration of Appointing Members  
to the Pollution Prevention Advisory Committee.**



To: Commissioners' Work Session (Docket No. 2004-0840-RES)  
From: Israel Anderson, Small Business and Environmental Assistance Division  
Ken Zarker, Pollution Prevention and Industry Assistance Section

July 22, 2004  
Page 2

**Question**

The commission is asked to consider several nominations accepted for the vacant positions on the Pollution Prevention Advisory Committee (PPAC).

**Option** *Full Members*—In considering appointments of full members to the PPAC, the commission may consider candidates from the nominations submitted to the commission through the posting in the *Texas Register*, or the commission may make nominations and appointments of their own.

**Option** *Ex officio representatives*—In considering appointments of *ex officio* representatives to the PPAC, the commission may consider candidates from the nominations submitted to the commission through the posting in the *Texas Register*, or the commission may make nominations and appointments of their own. The commission also has the authority to appoint additional *ex officio* representatives at its discretion.

**Question**

The commission is also asked to review the organizational structure and membership of the Pollution Prevention Advisory Committee by August 31, 2005.

**Option** In order to ensure that the ongoing dialogue provided for by the PPAC continues to produce innovative solutions and recommendations, the commission is asked to authorize and undertake a thorough review of various structural aspects of the PPAC. A possible alternative structure for the PPAC could include a subcommittee structure that would replace the existing *ex officio* representation provided for on the PPAC.

**Pros/Cons:**

It is thought that such a modification would not adversely affect the level of representation provided for by the PPAC. Instead, providing for the creation of more informal subcommittees could actually allow for greater representation and input in the ongoing dialogue of the PPAC.

Rather than a single *ex officio* representative from the respective groups weighing in on every issue, a subcommittee would allow for more focused discussions that could involve more representatives and stakeholders from an affected sector. More topical discussions with greater input from a more diverse group of stakeholders would likely result in a more effective end-product for consideration by the PPAC and the commission.

# **Texas Commission on Environmental Quality**

## INTEROFFICE MEMORANDUM

To: Kathleen Hartnett White, Chairman  
Ralph Marquez, Commissioner  
Larry R. Soward, Commissioner

Date: July 14, 2004

Thru: Mark Vickery, Acting Deputy Executive Director

From: Israel Anderson, Director  
Small Business and Environmental Assistance Division

Ken Zarker, Manager  
Pollution Prevention and Industry Assistance Section

Subject: Docket No. 2004-0840-RES – Consideration of Appointing Members to the  
Pollution Prevention Advisory Committee

Attached are the backup materials and a draft commission resolution to consider appointments to the Pollution Prevention Advisory Committee (PPAC). The resolution is currently scheduled to be discussed during the July 22 Commissioners' Work Session.

The PPAC membership consists of a total of nine members: four environmental or public interest group representatives; four regulated community representatives; and one academia representative. PPAC also has several *ex officio* representatives including but not limited to five members from segments that currently include: small business, agriculture, Department of Defense, Clean Texas, local government, labor organizations, the Texas Senate, and the Texas House of Representatives.

Six of the nine full membership positions, and two of the eight *ex officio* positions are currently open for consideration to be filled by the Commission. The total PPAC membership after these appointments, including *ex officio* representatives, would be seventeen.

The six requested appointments for full members of the PPAC members consist of: three representatives from an environmental or public interest organization; two representatives from the regulated community; and one representative of academia. One appointment for a representative from an environmental or public interest organization would fill the remainder of the four-year term to expire on August 31, 2005 resulting from the resignation of Reggie James, Southwest Office Consumers Union. The remaining two representatives from an environmental or public interest organization and the two representatives from the regulated community would fill the remainder of currently vacant four-year terms that will expire on August 31, 2007.

The two requested appointments for the *ex officio* positions would include representatives from local governments and labor organizations. These appointments would fill the remainder of currently vacant two-year terms that will expire on August 31, 2005.



A RESOLUTION      Appointing members to the Pollution Prevention  
Advisory Committee. Docket No. 2004-0840-RES

WHEREAS, the Commission has the authority to appoint members to the Pollution Prevention Advisory Committee (PPAC) pursuant to the Solid Waste Disposal Act (the "Act"), Chapter 361, Subchapter B § 361.0215 of the Texas Health and Safety Code; and

WHEREAS, the commission published notice in the May 28, 2004 issue of the *Texas Register*, soliciting nominations to maintain a balanced representation on the PPAC and to fill committee expired terms; and

WHEREAS, in addition to vacancies occurring by reason of the expiration of a term of appointment, there is a vacancy in the membership of the PPAC because Reggie James, representing the environmental or public interest community, tendered his resignation as a member of PPAC for his term to expire August 31, 2005; and

WHEREAS, the following terms will maintain a balanced representation on the committee of environmental and public interest groups and the regulated community:

Six full members:

- One representative from an environmental or public interest group to fill the open position resulting from the resignation by Reggie James, Southwest Office Consumers Union (four year term to expire on August 31, 2005);
- Two representatives from an environmental or public interest group (vacant four year terms to expire on August 31, 2007);
- Two representatives from the regulated community (vacant four year term to expire on August 31, 2007);
- One representative from academia (vacant four year term to expire on August 31, 2005); and

WHEREAS, in addition to voting members of the committee, the commission appoints *ex officio* representatives of segments of the state with interests in pollution prevention; and

WHEREAS, to provide representation to segments of the state with interests in pollution prevention, *ex officio* positions including but not limited to the following:

Two *ex officio*:

- One representative from local government (vacant two year term to expire on August 31, 2005);
- One representative from a labor organization (vacant two year term to expire on August 31, 2005);
- Other interested parties deemed necessary by the commission; and

WHEREAS, on July 22, 2004, the commission considered the recommendations of the Executive Director to appoint members to the Pollution Prevention Advisory Committee.

NOW THEREFORE, BE IT RESOLVED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, as follows:

SECTION 1: The following persons are appointed as full members of the Pollution Prevention Advisory Committee:

- a. One member representing environmental or public interests to fill the unexpired term resulting from the resignation by Reggie James, Southwest Office Consumers Union, that expires on August 31, 2005-  
\_\_\_\_\_;
- b. One member representing environmental or public interests for a term to expire on August 31, 2007-  
\_\_\_\_\_;
- c. One member representing environmental or public interests for a term to expire on August 31, 2007-  
\_\_\_\_\_;
- d. One member representing regulated community interests for a term to expire on August 31, 2007-  
\_\_\_\_\_;
- e. One member representing regulated community interests for a term to expire on August 31, 2007-  
\_\_\_\_\_;
- f. One member representing the academia for a term to expire on August 31, 2005-  
\_\_\_\_\_;

SECTION 2: The following persons are appointed as *ex officio* representatives of the Pollution Prevention Advisory Committee:

- a. One *ex officio* local government representative for a term to expire on August 31, 2005-  
\_\_\_\_\_;
- b. One *ex officio* labor organization representative for a term to expire on August 31, 2005-  
\_\_\_\_\_;

BE IT FURTHER RESOLVED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, that the commission shall review the organizational structure and membership of the PPAC by August 31, 2005; and

ISSUED:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

**Texas Commission on Environmental Quality**  
**Pollution Prevention Advisory Committee Regional Representation**  
June 2004

**FULL MEMBERS**

**Environmental/Public Interest Member**

Ramon Alvarez, Environmental Defense (2005)      Region 11 – Austin  
OPEN (term expires 2005)  
OPEN (term expires 2007)  
OPEN (term expires 2007)

*Nominees*

Melanie Barnes      Region 2 – Lubbock  
Beth Beloff      Region 12 – Houston  
Sharla Hotchkiss      Region 7 – Midland  
Hilton Kelley      Region 10 – Beaumont  
Luke Metzger      Region 11 – Austin  
William Moses      Region 13 – San Antonio

**Regulated Community Member**

Tim Yeakley, Texas Instruments (2005)      Region 4 – Arlington  
Cindy Morphew, TX O&G Asc. (2005)      Region 11 – Austin  
OPEN (term expires 2007)  
OPEN (term expires 2007)

*Nominees*

A. W. Armstrong      Region 11 – Austin  
Debbie Boyle      Region 4 – Arlington  
Guillermo de Hoyos      Region 11 – Austin  
Melita Elmore      Region 11 – Austin  
George Freda      Region 12 – Houston  
Dan Hunter      Region 12 – Houston  
Declan R. O’Cleirigh      Region 11 – Austin  
Rebecca C. Pehler      Region 12 – Houston  
Vincent Romeo      Region 12 – Houston  
Curtis Wales      Region 4 – Arlington  
Howard A. “Tony” Wood      Region 13 – San Antonio

**Academia Member**

OPEN (term expires 2005)

*Nominees*

Gretchen Arnold      Region 14 – Corpus Christi  
Christian Holmes      Region 12 – Houston  
Arnold Schecter      Region 4 – Arlington

## **Ex Officio REPRESENTATIVES**

Small Business	Dale Crownover	Region 4 – Arlington
Agriculture	Jon Johnson	Region 9 – Waco
Dept. of Defense	Ed Lopez	
Clean Texas	Curtis Wales	
Local Government	OPEN	
Labor Organization	OPEN	
Chair, House Env. Reg.	Rep. Dennis Bonnen	
Chair, Senate Nat. Res.	Sen. Kenneth Ambrister	

### ***Local Government Nominees***

Fred B. Blood	Region 11 – Austin
Jay Millikin	Region 13 – San Antonio
Kelley Neumann	Region 13 – San Antonio
Derin Warren	Region 4 – Arlington
Berna Dette Williams	Region 12 – Houston

### ***Labor Organization Nominees***

Paula Littles	Region 11 – Austin
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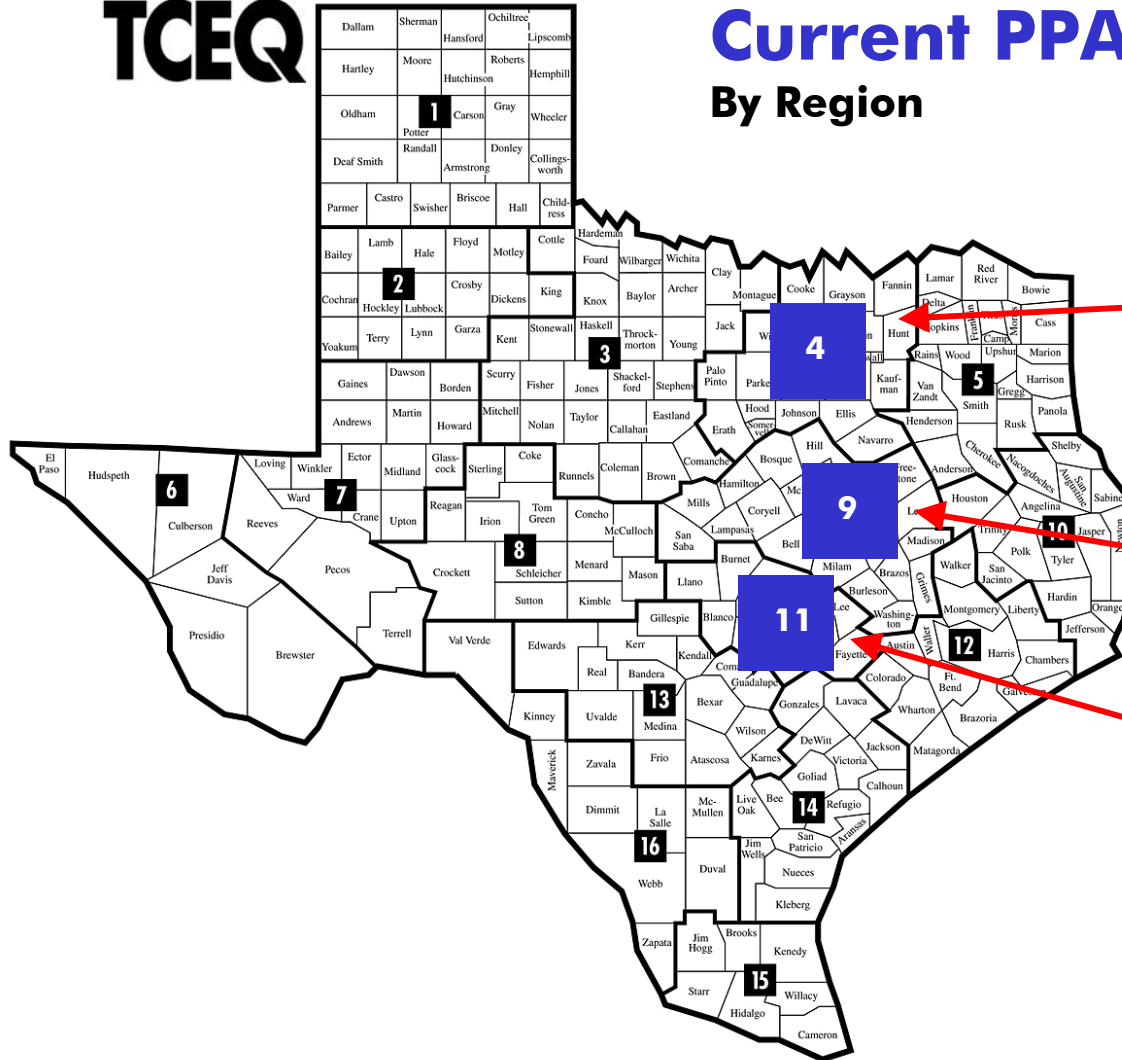


# PPAC



## Pollution Prevention Advisory Committee

### Current PPAC Members By Region



**Region 4- Arlington**  
**Tim Yeakley**  
**Dale Crossover**  
**Curtis Wales**

**Region 9 - Waco**  
**Jon Johnson**

**Region 11 - Austin**  
**Ramon Alvarez**  
**Cindy Morpew**

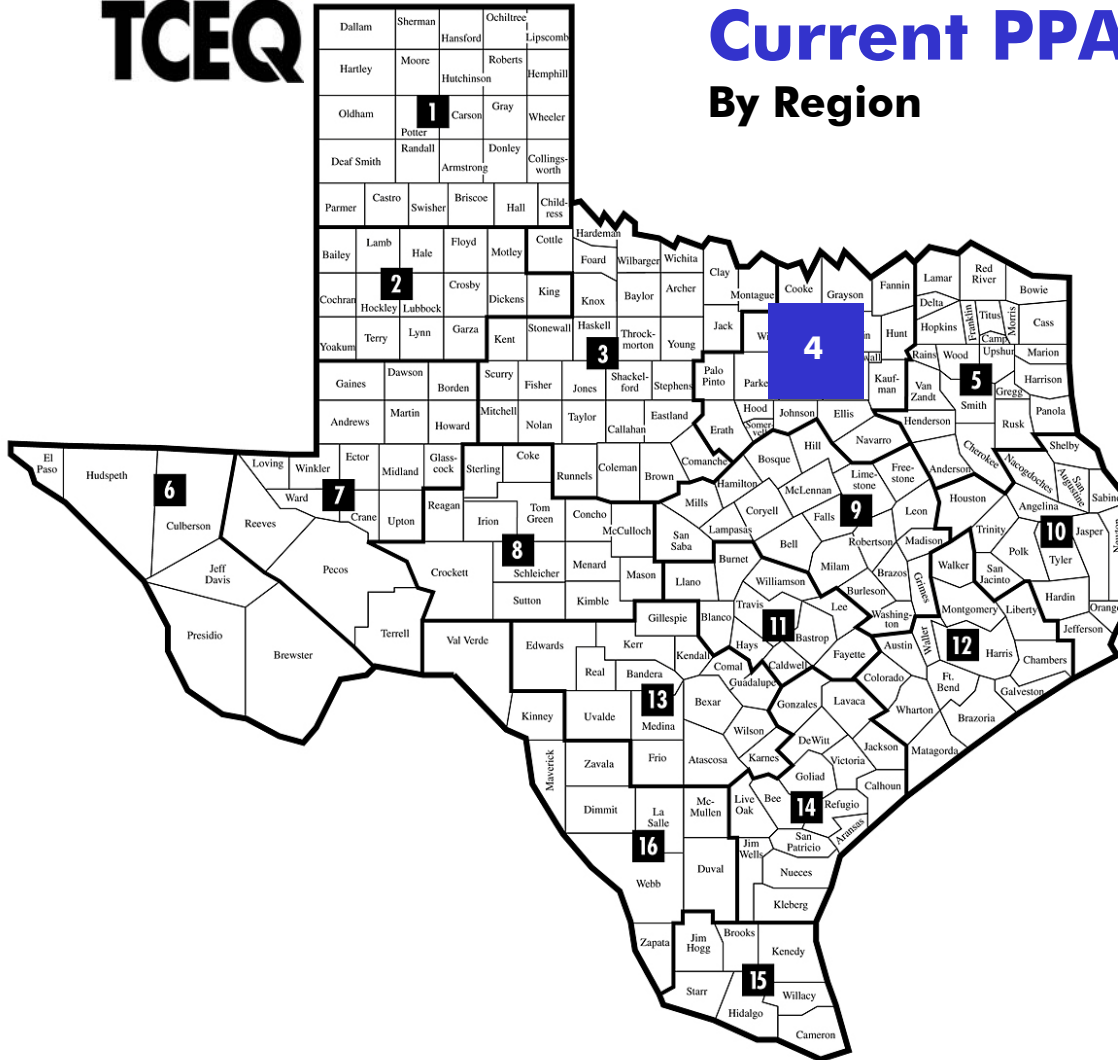
# PPAC



# TCEQ

## Pollution Prevention Advisory Committee

### Current PPAC Members By Region



**Region 4- Arlington**  
**Tim Yeakley**  
**Dale Crossover**  
**Curtis Wales**







# PPAC



# TCEQ

# Pollution Prevention Advisory Committee

## PPAC Nominees

### By Region

**Region 2 - Lubbock**  
**Melanie Barnes**

**Region 7 - Midland**  
**Sharla Hotchkiss**

**Region 4- Arlington**  
**Debbie Boyle**  
**Arnold Schecter**  
**Curis Wales**  
**Derin Warren**

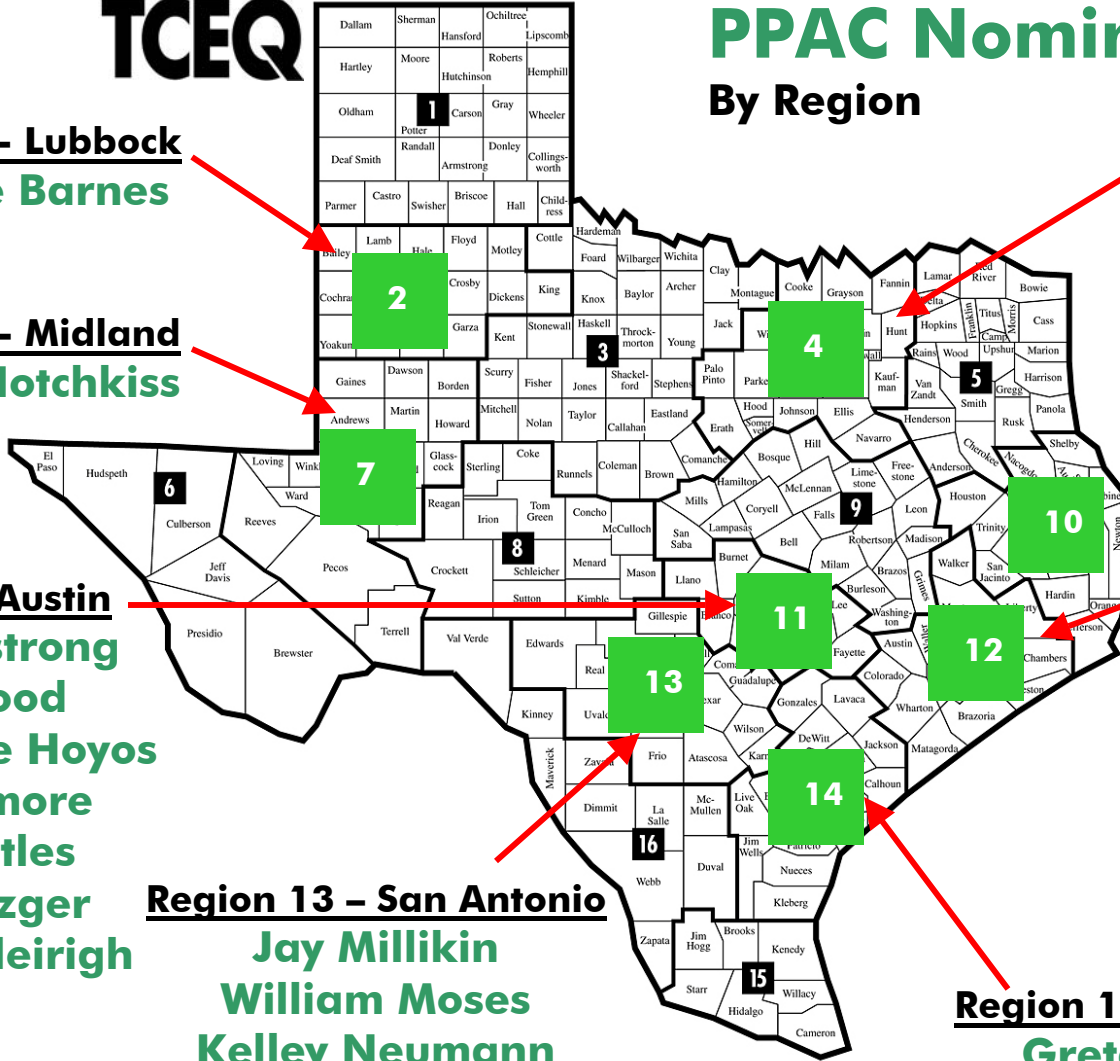
**Region 10 - Beaumont**  
**Hilton Kelley**

**Region 12- Houston**  
**Beth Beloff**  
**George Freda**  
**Christian Holmes**  
**Dan Hunter**  
**Rebecca Pehler**  
**Vincent Romeo**  
**Berna Dette Williams**

**Region 14 - Corpus Christi**  
**Gretchen Arnold**

**Region 13 - San Antonio**  
**Jay Millikin**  
**William Moses**  
**Kelley Neumann**  
**Howard "Tony" Wood**

**Region 11- Austin**  
**A. W. Armstrong**  
**Fred Blood**  
**Guillermo de Hoyos**  
**Melita Elmore**  
**Paula Littles**  
**Luke Metzger**  
**Declan O'Cleirigh**



# PPAC



# TCEQ

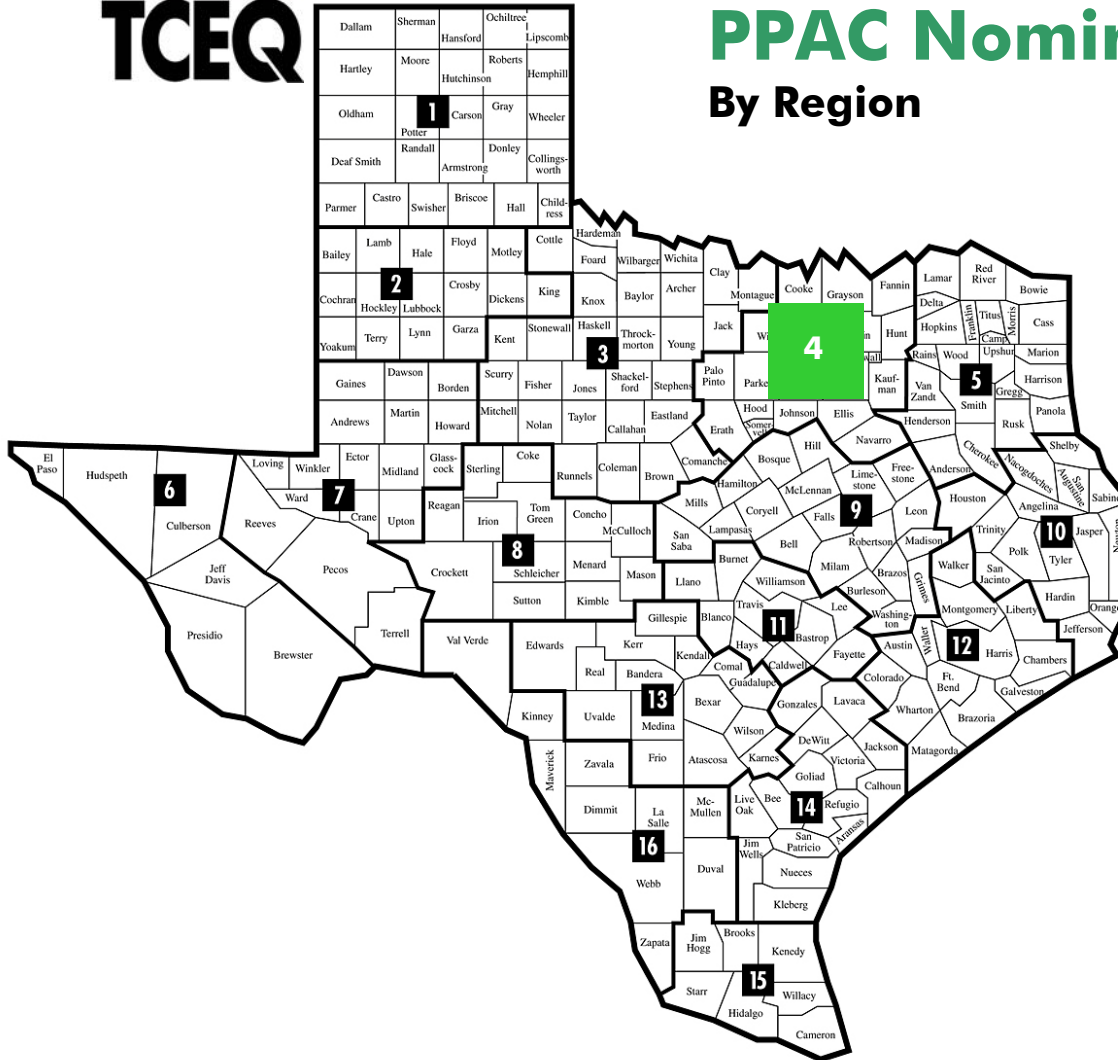
## Pollution Prevention Advisory Committee

### PPAC Nominees

#### By Region

#### Region 4- Arlington

**Debbie Boyle**  
**Arnold Schecter**  
**Curis Wales**  
**Derin Warren**



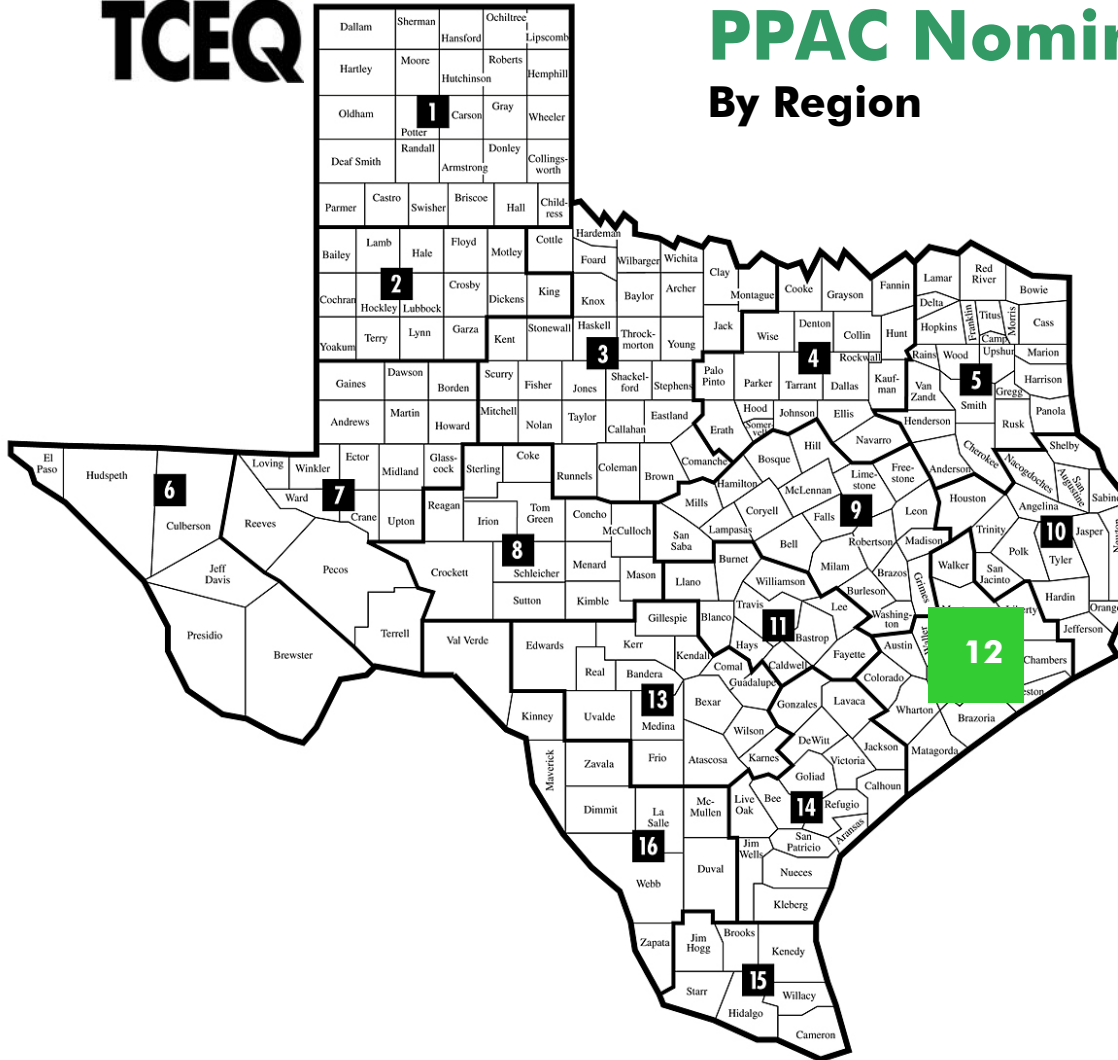


# PPAC



## Pollution Prevention Advisory Committee

### PPAC Nominees By Region



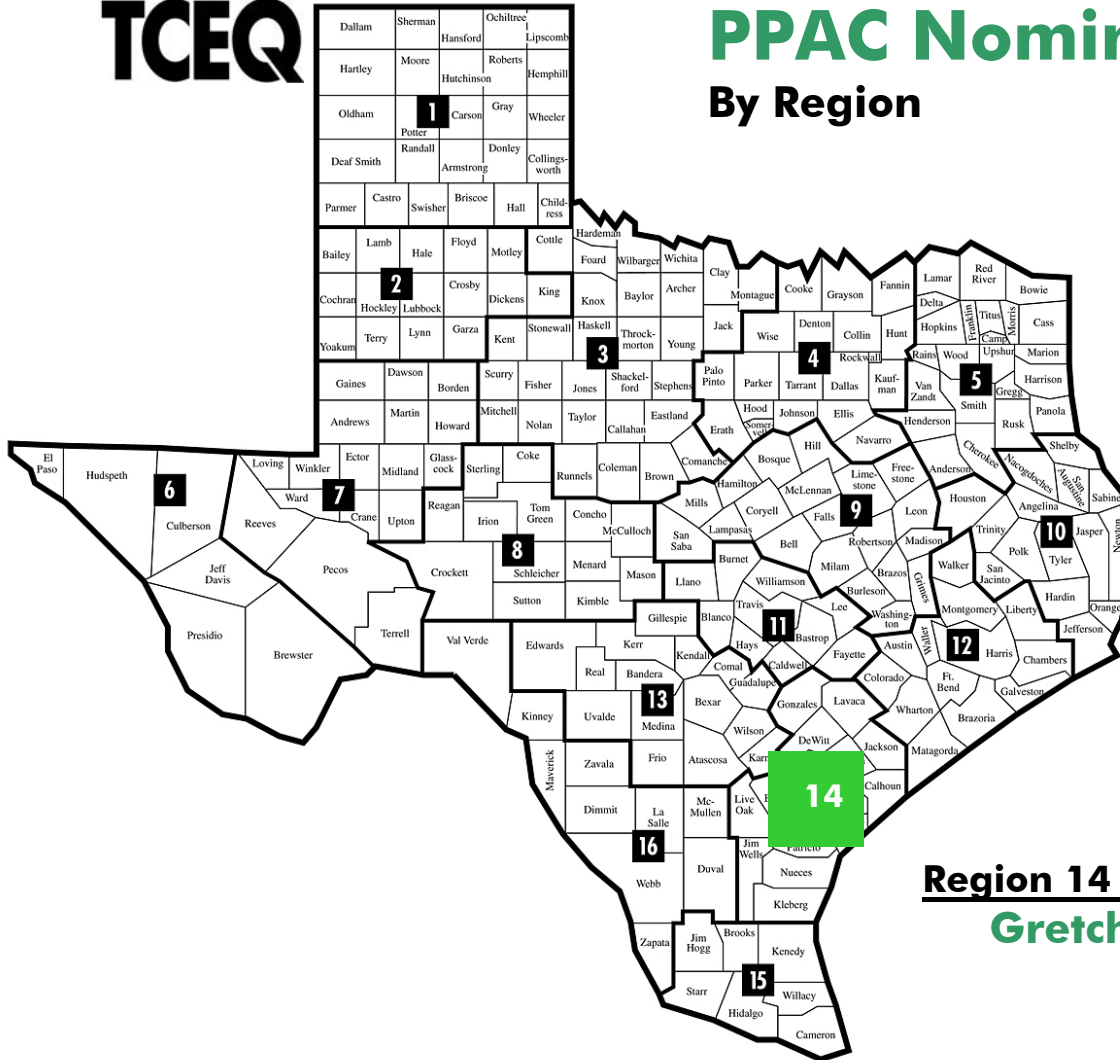
**Region 12- Houston**  
**Beth Beloff**  
**George Freda**  
**Christian Holmes**  
**Dan Hunter**  
**Rebecca Pehler**  
**Vincent Romeo**  
**Berna Dette Williams**

# PPAC



## Pollution Prevention Advisory Committee

### PPAC Nominees By Region



**Region 14 – Corpus Christi**  
**Gretchen Arnold**









# PPAC

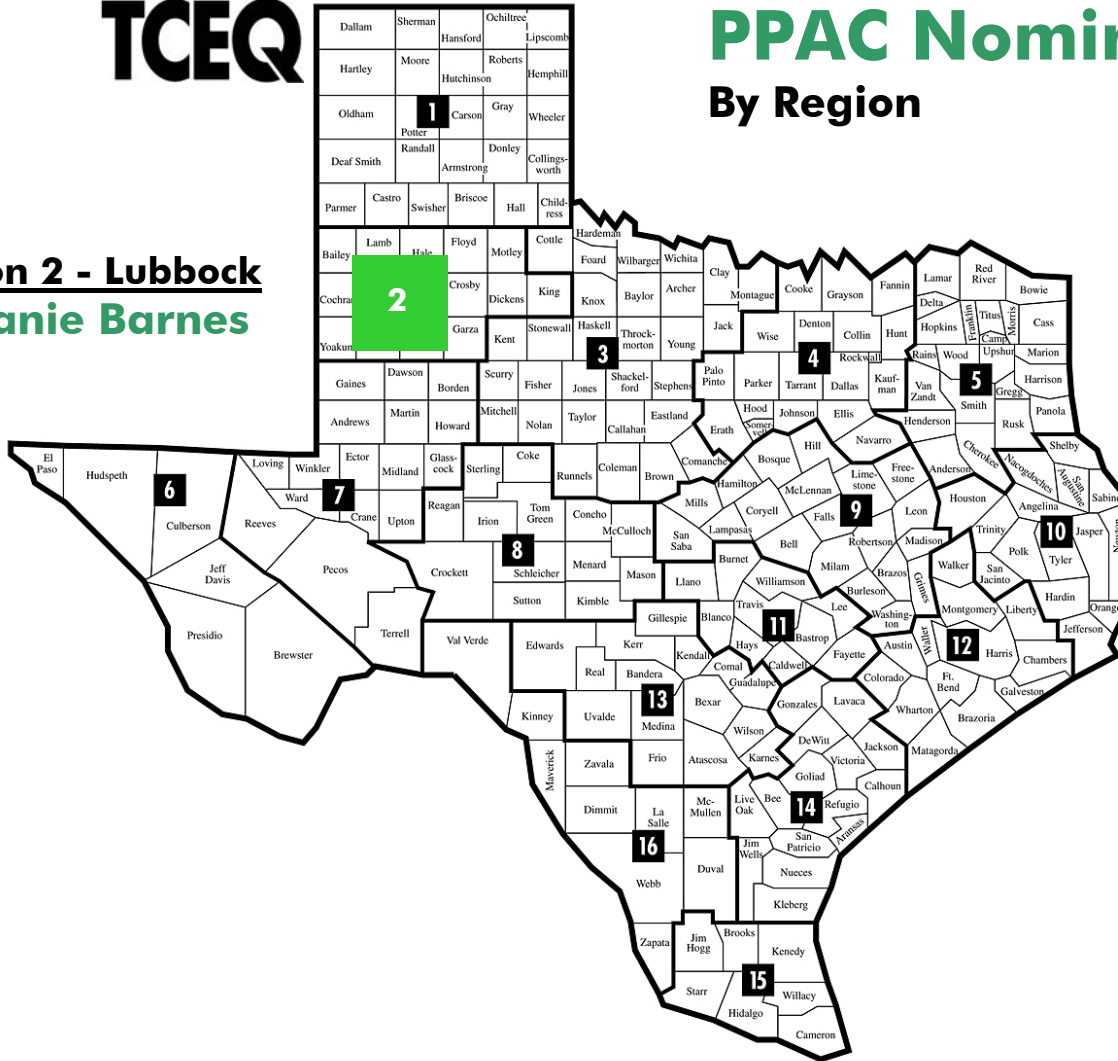


# TCEQ

## Pollution Prevention Advisory Committee

### PPAC Nominees By Region

**Region 2 - Lubbock**  
**Melanie Barnes**



# PPAC



## TCEQ

# Pollution Prevention Advisory Committee

## PPAC Nominees

### By Region

**Region 2 - Lubbock**  
**Melanie Barnes**

**Region 7 - Midland**  
**Sharla Hotchkiss**

**Region 4- Arlington**  
**Debbie Boyle**  
**Arnold Schecter**  
**Curtis Wales**  
**Derin Warren**

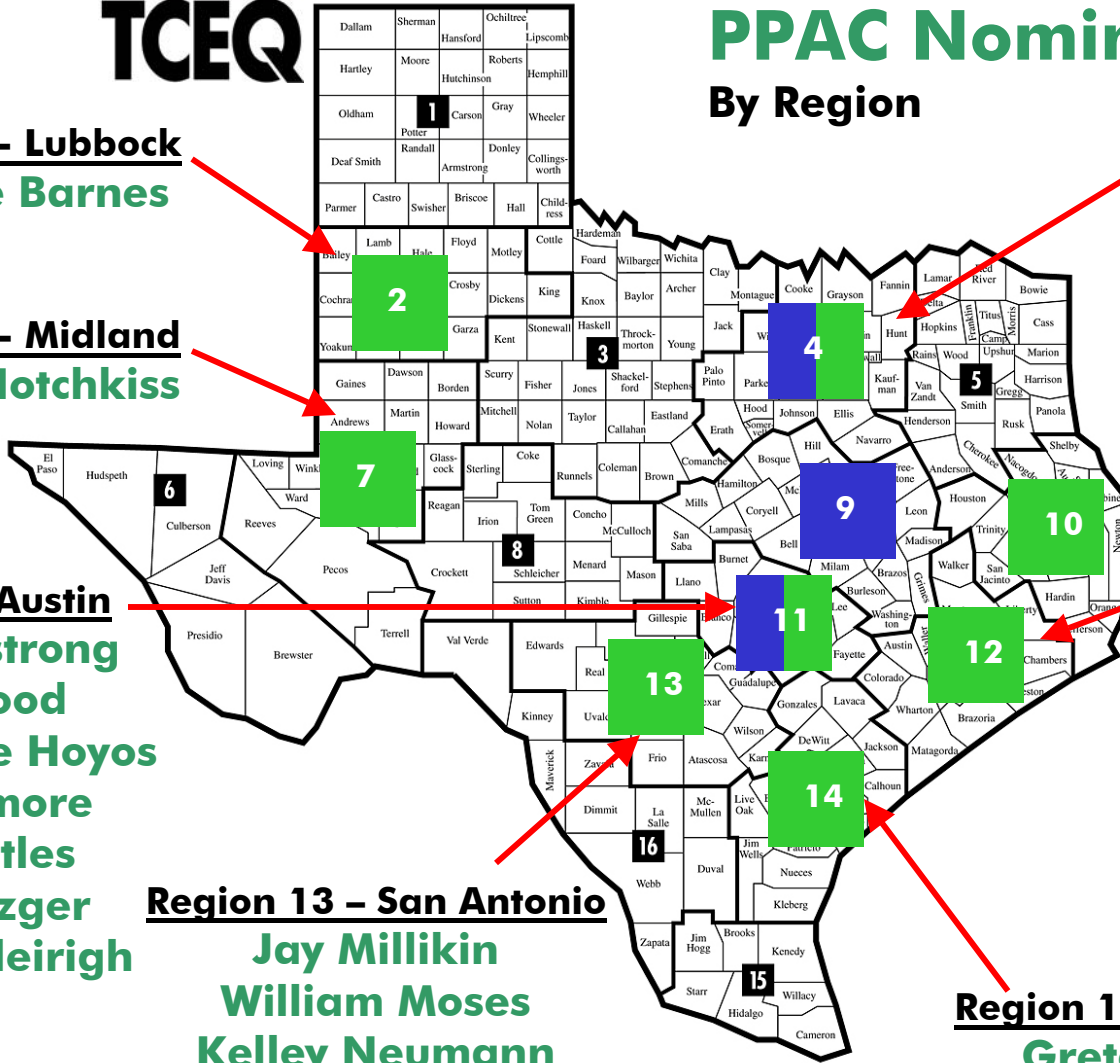
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**Melita Elmore**  
**Paula Littles**  
**Luke Metzger**  
**Declan O'Cleirigh**



# PPAC



## TCEQ

# Pollution Prevention Advisory Committee

## PPAC Nominees

### By Region

**Region 2 - Lubbock**  
**Melanie Barnes**

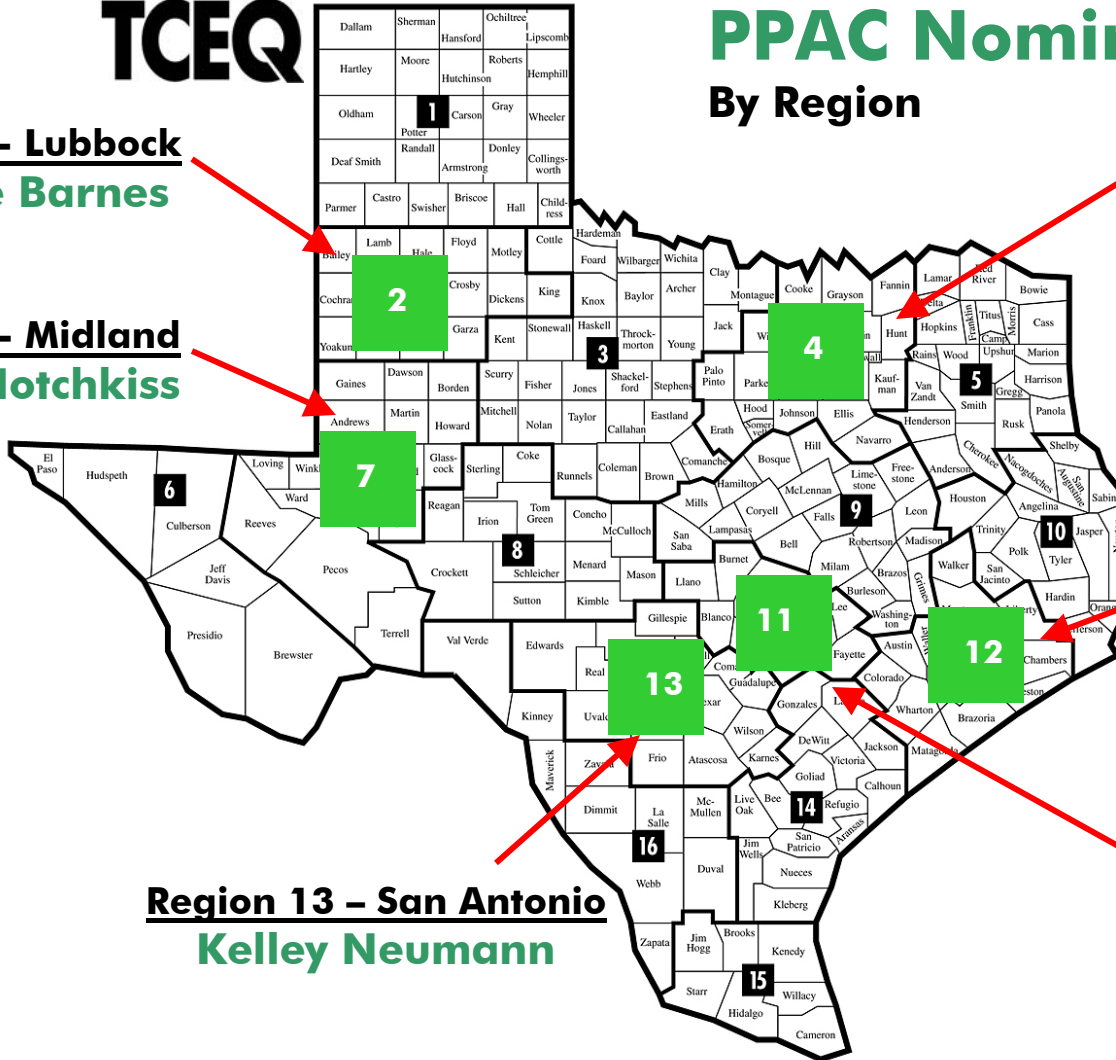
**Region 4- Arlington**  
**Debbie Boyle**

**Region 7 - Midland**  
**Sharla Hotchkiss**

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**Region 13 - San Antonio**  
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**Region 11- Austin**  
**A. W. Armstrong**  
**Paula Littles**  
**Luke Metzger**



**Consideration of and update on the status of the Texas Emissions Reduction Plan (TERP), the use of current and future TERP funding, legislative reporting requirements, plans for TERP Advisory Board meetings, and other issues regarding the TERP incentive programs.**



**Option 1:** Use the 2007 deadlines for HGA and DFW

**Pros/Cons:** Extension of the deadlines is not certain. Continuing to use the 2007 deadlines would help to ensure the viability of the current SIP.

**Option 2:** Allocate the funds based on an the possibility of an extension to the deadlines for HGA and DFW under the new 8-hr ozone standards.

**Pros/Cons:** Extending the deadlines for HGA and DFW would allow for more funding to be allocated to the other areas, particularly those areas which may need to meet emission reduction goals earlier.

**Question 2:** Given the competitiveness of the program, should the grant criteria be tightened, to ensure that the cost effectiveness goals of the program will be met?

**Discussion:** Attachment D includes recommended criteria for the FY 2005 grant funding, to include: (1) maximum cost effectiveness of \$7,000 per ton for regular grants and \$8,500 per ton for small business grants and (2) a cap on funding for repowers, replacements, and infrastructure grants at 50% of incremental costs. These criteria could be included in the next Request for Application (RFA). Note that if there is a need to permanently amend the criteria through changes to the Guidelines, those changes will take some time.

**Option 1:** No changes to the criteria.

**Pros/Cons:** If the criteria is too restrictive, we may reduce the enthusiasm shown for the program to date.

**Option 2:** Tighten the criteria for the FY 2005 RFA.

**Pros/Cons:** Our estimates of funding needs are based on achieving an average cost effectiveness of \$5,000 per ton. Reducing the cap on the cost effectiveness will provide guidance to grant applicants on the types of projects we are looking for, and will help to better ensure that the applications we have to consider can help us to meet this goal.

**Question 3:** What level of participation should the agency have in providing grant funding for business start ups and/or assuming some of the business risks of a company?

**Discussion:** Under most of the grant categories, the grant funding is used to upgrade vehicles or equipment already being used by the grant recipient in their operations. The grant funding is not used to assist in establishing or expanding a business operation. However, some project scenarios, particularly some of the possible infrastructure projects, might involve funding for the purchase of infrastructure and/or vehicles or equipment needed for the start-up or expansion of a business operation. In those cases, the agency would, in effect, be providing venture capital and assuming some of the business risks of that company. The question concerns the extent to which the agency should participate in these types of projects.

**Option 1:** Base the funding decisions solely on the potential emission reductions that may be achieved by the project.

**Pros/Cons:** All projects can be evaluated on consistent criteria.

**Option 2:** Limit grants for these types of projects to lower percentage of the project costs (such as 25% or less).

**Pros/Cons:** The program could still support these riskier types of projects, but we would limit our exposure to the business risks. The business would need to be willing to assume most of the risks of the business start up or expansion.

**Option 3:** Also limit funding for additional expansions, once a grant is awarded for the initial costs. The business could still apply for funding to update existing vehicles, equipment, or infrastructure, but the TERP program would not be available to fund continued expansions of the business operations.

**Pros/Cons:** This approach would set limits on funding, such that the grants could be used to assist with initial start up costs, but would not be a continual source of funding for expansion of a business operation. We would assume some of the initial risks for the business, but the business would then need to be viable on its own.

**Question 4:** Should the agency continue to consider funding for projects involving a lease, which may not provide emission reduction benefits beyond the life of the project?

**Discussion:** The TERP guidelines (RG-388) authorize grants for the lease of eligible vehicles, non-road equipment, marine vessels, locomotives, and stationary equipment. A portion of the lease costs may be funded under either the New Purchase/Lease category or the Replacement category. While all projects have a defined life within which the emission reductions may be credited to the SIP strategy, for those projects where the grant recipient will own the equipment, it can be assumed that a large percentage of the grant funded vehicles or equipment will continue to be used in the target area beyond the end of the project life. However, under the lease option, the grant-funded vehicle or equipment returns to the leasing company at the end of the project life and there is no certainty that (1) the vehicle or equipment will be leased to another user in the same area and/or (2) the grant recipient will not replace the leased vehicle or equipment with one that emits more NO<sub>x</sub>.

**Option 1:** Do not fund leases. Under this option, a finance lease — where the vehicle or equipment will be retained by the grant recipient after the lease term — would still be considered.

**Pros/Cons:** Although the grant contracts define a project life within which the emission reductions are to be tracked and counted, the program is also intended to effectuate a permanent shift in the emissions inventory from these vehicles and equipment. Funding purchases only, and not leases, will help to ensure the permanency of the reductions.

**Option 2:** Continue to fund leases.

**Pros/Cons:** The TERP statute authorizes funding for leases. Restricting this category will limit some of the options for potential applicants.



**Question 5:** Should staff implement a third-party grant process for FY 2005 funding?

**Discussion:** Based on HB 1365, the program may issue grants to a third-party which would pass-through those funds and/or the savings to the owner/operator of the targeted vehicles and equipment. The agency is contracting with the Railroad Commission of Texas to provide funding for a forklift rebate program. This grant is being viewed as a pilot project, which will help us to establish the contract and program conditions for future third party grants. Staff is asking for guidance on whether to implement a third-party grant approach, and what types of entities (governmental and/or private) should be considered under this approach.

**Option 1:** Wait to assess the success of the the Railroad Commission program before considering additional third-party grants.

**Pros/Cons:** This approach would allow us to learn from the Railroad Commission pilot project, before proceeding with additional third-party projects.

**Option 2:** Solicit additional third-party grant proposals from governmental entities.

**Pros/Cons:** Limiting the third-party grants to governmental entities would help to limit the risks of turning over much of the decision-making and grant administration responsibilities to a third party. Also, governmental entities will be better able to assume the long-term responsibilities of administering such a program, without the need for additional administrative funding.

**Option 3:** Solicit additional third-party grant proposals from governmental and private entities.

**Pros/Cons:** Private fuel suppliers, in particular, have expressed an interest in being able to obtain a grant for qualifying fuel at the supply level. The suppliers would then pass on the savings to the users of the fuel. However, providing third-party grants to private entities poses more risks. Also, the emission reductions from the fuel grants are not long-term.

**Question 6.** In instances where the NTRD program receives grant applications from competing businesses and/or for competing technologies, should the program consider measures, through the project selection criteria or other means, to balance the funding between those competing interests?

**Discussion:** The NTRD program may periodically receive applications to fund the research, development, and/or certification of two or more technologies that will ultimately compete in the marketplace. These may be similar technologies or different technologies that will achieve the same benefits on the same types of vehicles or equipment. Funding decisions can potentially have a significant impact on the implementation of the technology and on the economic future of the manufacturer. This question pertains to the extent to which the program should attempt to ensure a balanced approach between competing technologies and companies, so as to not inadvertently give a competitive advantage to one over another.

**Option 1:** Consider each application on its own merits and based on the funding amount requested by the applicant.

**Pros/Cons:** With a grants program, we have only limited control over the applications submitted and the amount of funding requested by an applicant.

**Option 2:** Include provisions in the selection criteria to evaluate applications from the same or similar technologies together and, if warranted, attempt to balance the funding that may be awarded to those projects so that the program does not create a competitive advantage for one business over another.

**Pros/Cons:** Under this approach, the selection criteria would be structured to allow for comparison and joint evaluation of applications for similar or competing technologies, to determine what would be the best way to balance the funding among those applications.

**Question 7.** For the FY 2005 funding, should the NTRD program adjust its current priorities for funding, to either increase or decrease the priorities given to funding for verification/certification of technologies; funding for technologies that may be implemented under the regular TERP grants; and/or funding for broader studies, research, and development activities.

**Discussion:** Under the statutory provisions, the NTRD program is available to fund a balanced mix of projects. This question pertains to what priorities the commission may want to place on the types of projects considered for NTRD funding in FY 2005.

**Option 1:** Ensure an even mix between grants aimed at verification/certification of technologies and grants for studies, research, and development activities.

**Pros/Cons:** As directed in the statutes, the program is intended to support both those projects that will lead to more immediate implementation of a new technology, broader studies and longer-term research and development of technologies. Maintaining an even mix of these types of projects will help ensure that the statutory goals are met.

**Option 2:** Place a higher priority on those verification/certification activities which will potentially lead to implementation of the technology under the regular TERP grants.

**Pros/Cons:** An immediate priority for the TERP program in general is to achieve the emission reductions needed for the SIP and for the near-nonattainment areas. Placing a higher priority on NTRD funding for verification/certification of new technologies, especially technologies that may be more broadly implemented under the Emissions Reduction Incentive Grants Program, will help to achieve the immediate goals of the TERP.

Attachments

**Attachment A**  
**Texas Emissions Reduction Plan (TERP)**  
**Emissions Reduction Incentive Grants Program**  
**Summary**

**TERP grant contracts FY 2002-2003**

Area	\$ awarded	total NOx (tons)	cost per ton <sup>1</sup>	tpd in 2007
DFW	\$9,972,527	2,131	\$4,680	1.2001
HGA	\$16,097,839	1,964	\$8,198	1.5512
<b>Total</b>	<b>\$26,070,366</b>	<b>4,094</b>	<b>\$6,367</b>	<b>2.7513</b>

**TERP grant contracts FY 2004 (to date):**

Area	\$ awarded	total NOx (tons)	cost per ton <sup>1</sup>	tpd in 2007
DFW	\$781,337	507.0720	\$1,691	0.3886
HGA	\$7,446,750	1,177.3749	\$6,324	0.7745
AUS	\$514,423	41.1708	\$12,495	0.0107
BPA	\$400,000	120.2500	\$3,326	0.0962
CC	\$15,432	3.3029	\$4,672	0.0026
ELP	\$1,475,000	327.3413	\$4,506	0.1637
SAT	\$5,116,387	908.3228	\$5,632	0.4682
<b>Total</b>	<b>\$15,749,329</b>	<b>3,084.8347</b>	<b>\$5,105</b>	<b>1.9045</b>

**FY 2004 TERP Grant Awards and Obligations (to date)**

<b>FY 2004 1st Round Grants</b>	63 grants awarded and accepted	\$15,749,329
<b>Railroad Commission of Texas</b>	Pilot 3rd-party grant for forklift rebate program (pending)	\$1,000,000
<b>City of Houston</b>	Grant selected in FY 2003 (and reflected in the FY 2002-2003 table), but contract executed in FY 2004	\$512,140
<b>Small business grants</b>	3 grants approved or pending	\$234,655
<b>Additional Grants Pending from FY 2004 1st Round</b>	Submitted under FY 2004 1st round RFA. Approval and grant award are pending	\$5,817,761
<b>TOTAL FY 2004 (approved or pending to date)</b>		<b>\$23,313,886</b>

FY 2004 TERP Grants Budget:	\$104,210,750
Total awarded or obligated to date:	\$23,313,886
<b>Remaining Balance in FY 2004 Grants Budget</b>	<b>\$80,896,864</b>
<b>The FY 2004 2nd round grant selections, to be awarded from the remaining FY 2004 balance, will be finalized and announced soon.</b>	

**Attachment B**  
**Texas Emission Reduction Plan (TERP)**  
**New Technology Research and Development (NTRD) Grants Program**  
**NTRD Grant Program Summary**

**Status of Grants Awarded by TCET (prior to transfer of program to TCEQ)**

The Texas Council on Environmental Technology (TCET) awarded \$2,573,430.00 to a total of 15 grants under its administration of the NTRD program. These grants included, by category:

- 4 grants related to verification or demonstration of retrofit / add-on devices for existing engines / vehicles;
- 1 grant related to development of advanced technologies for new engines / vehicles (a prototype hybrid electric delivery truck);
- 2 grants related to verification of fuel additives;
- 4 grants for studies to improve air quality assessment and modeling; and
- 4 grants related to the demonstration of advanced technologies to reduce emissions from other sources (refinery operations and brick kilns).

Amendments to one of the study contracts reduced to the total award amount to \$2,409,748.00.

**Status of NTRD Grants Program funding for FY 2004.**

The NTRD grants budget for FY 2004 is \$8,301,448. Grant selections for FY 2004 will be finalized and announced soon.

**Status of the NTRD Grants Program for FY 2005**

A Request for Grant Applications (RFGA) for FY 2005 NTRD funding was posted on May 26<sup>th</sup> and closed on July 7<sup>th</sup>. A total of 59 NTRD grant applications were received during this period for an estimated \$37 million in requested funding.

In addition, any FY 2004 application that are not funded in FY 2004 may be included in the selection for the FY 2005 funding.

**Attachment C**  
**Texas Emissions Reduction Plan (TERP)**  
**Revenue Estimates**

**TERP Revenue Estimates**

<b>Fiscal Year</b>	<b>Revenue Estimate<sup>1</sup></b>	<b>TERP Grants<sup>2</sup></b>	<b>NTRD Grants<sup>3</sup></b>
FY 2004	\$119.31 million	\$104.21 million	\$11.33 million
FY 2005	\$145.61 million	\$127.37 million	\$13.83 million
FY 2006	\$149.51 million	\$130.82 million	\$14.20 million
FY 2007	\$153.01 million	\$133.88 million	\$14.53 million
FY 2008	\$154.44 million	\$135.13 million	\$14.67 million
<b>Total</b>	<b>\$721.88 million</b>	<b>\$631.41 million</b>	<b>\$68.56 million</b>

<sup>1</sup>Revenue estimates are based on Fiscal Note for HB 1365.

<sup>2</sup>FY 2004 and FY 2005 TERP grant amounts are based on the approved budget. Amounts for remaining years are based on 87.5% of the estimated revenue for each year.

<sup>3</sup>NTRD grant amounts are based on 9.5% of the total estimated revenue. Per HB 1365, \$250,000 is allocated for administration, \$200,000 is allocated for a health affects study, and \$500,000 is allocated for air quality planning activities.

**FY 2004 TERP Fee Revenue Collected Through June, 2004**

<b>Fee</b>	<b>Revenue Collected</b>	<b>% of Total Revenue</b>
2.5% fee on the sale or lease of on-road diesel vehicles greater than 14,000 lb - 1996 and older	\$6.2 million	5.0%
1.0% fee on the sale or lease of on-road diesel vehicles greater than 14,000 lbs - 1997 or newer		
Vehicle Title Transfer - \$20 in "affected counties" <sup>1</sup> - \$15 in all other counties	\$81.7 million	71.0%
10% surcharge on registration of commercial vehicle	\$7.2 million	6.0%
\$10 surcharge on inspection of commercial vehicle	\$3.2 million	3.0%
2% fee on the sale and lease of off-road diesel construction equipment	\$17.4 million	15.0%
<b>Total</b>	<b>\$115.7 million</b>	<b>100%</b>

<sup>1</sup>"Affected Counties" include the 41 counties located in a nonattainment or near-nonattainment area.

**Attachment D**  
**Texas Emissions Reduction Plan (TERP)**  
**Emissions Reduction Incentive Grants Program**  
**FY 2005 Grant Allocations and Recommended Criteria**

**1. Allocation Approach (refer to attached table)**

- Achieve goals for Houston-Galveston and Dallas-Fort Worth in 2007
- Achieve 2 tons per day (tpd) in reductions in 2006 in San Antonio, Beaumont-Port Arthur, and Austin areas
- Provide approximately \$2.5 million per year for projects in El Paso County and Tyler-Longview areas
- Provide approximately \$1.5 million per year for projects in Corpus Christi and Victoria County areas

**2. Small Business Grants**

- Up to 5% of the FY 2005 budget (\$6.3 million) would be available for the Small Business Grants Program
- Establish a funding cap in the Request for Applications of \$8,500 per ton of NO<sub>x</sub> reduced
- Fund up to 50% of the incremental costs for a repower or replacement project

**3. TERP Regular Grants**

- Establish a funding cap in the Request for Applications of \$7,000 per ton of NO<sub>x</sub> reduced
- Fund up to 50% of the incremental costs for a repower, replacement, or infrastructure project. Retrofit/add-on projects could continue to be funded at 100% of the incremental costs.

# Achieve Goals for Houston-Galveston and Dallas-Fort Worth in 2007

## Expected Revenue

FY 2004	\$ 104,210,750	(\$80,862,318 is available to be awarded to 2nd round grant applications)
FY 2005	\$127,378,125	
FY 2006	\$130,820,000	
FY 2007	\$133,880,000	
FY 2008	\$135,130,000	

Total \$ 631,418,875

Area	tpd needed	tpd to date	2004 2nd round grants (estimated - not final)	tpd reduced in 2005	Funding Percentage 05 (%)	2005 allocation	tpd reduced in 2006	Funding Percentage 06 (%)	2006 allocation	tpd reduced in 2007	Funding Percentage 07 (%)	2007 allocation	tpd reduced in 2008	Funding Percentage 08 (%)	2008 allocation	tpd reduced in 2009	tpd reduced in 2010	tpd reduced in 2011	tpd reduced in 2012	tpd reduced in 2013	tpd reduced in 2014
HGA	32.9	2.3257	\$35,923,603	9.2	57.30%	\$72,987,666	20.9	57.30%	74,959,860	32.9	57.30%	76,713,240	45.1	57.30%	77,429,490	56.0	48.3	36.7	24.7	12.4	0.0
DFW	16.3	3.8428	\$31,009,881	10.2	14.80%	\$18,851,963	13.2	14.80%	19,361,360	16.3	14.80%	19,814,240	19.5	14.80%	19,999,240	21.5	14.7	11.7	8.6	5.5	2.3
BPA	2.0	0.0962	\$1,923,910	0.4	8.00%	\$10,190,250	2.0	8.00%	10,465,600	3.7	8.00%	10,710,400	5.4	8.00%	10,810,400	7.1	6.7	5.1	3.4	1.7	0.0
SAT	2.0	0.4726	\$4,651,974	1.0	5.00%	\$6,368,906	2.0	5.00%	6,541,000	3.0	5.00%	6,694,000	4.1	5.00%	6,756,500	5.2	4.2	3.2	2.2	1.1	0.0
ELP		0.1637	\$1,001,018	0.3	1.96%	\$2,500,433	0.7	1.96%	2,567,997	1.1	1.96%	2,628,064	1.5	1.96%	2,652,602	2.0	1.7	1.3	0.8	0.4	0.0
AUS	2.0	0.0107	\$2,994,979	0.3	8.50%	\$10,827,141	2.0	8.50%	11,119,700	3.8	8.50%	11,379,800	5.6	8.50%	11,486,050	7.5	7.2	5.4	3.7	1.8	0.0
TYL		0.0000	\$622,198	0.1	1.96%	\$2,500,433	0.5	1.96%	2,567,997	0.9	1.96%	2,628,064	1.3	1.96%	2,652,602	1.7	1.7	1.3	0.8	0.4	0.0
CC		0.0026	\$1,926,365	0.2	1.24%	\$1,575,667	0.4	1.24%	1,618,243	0.7	1.24%	1,656,096	1.0	1.24%	1,671,558	1.2	1.0	0.8	0.5	0.3	0.0
VIC		0.0000	\$808,390	0.1	1.24%	\$1,575,667	0.3	1.24%	1,618,243	0.6	1.24%	1,656,096	0.9	1.24%	1,671,558	1.1	1.0	0.8	0.5	0.3	0.0
<b>TOTALS</b>			<b>\$80,862,318</b>	<b>21.7</b>		<b>\$127,378,125</b>	<b>42.0</b>		<b>\$130,820,000</b>	<b>63.0</b>		<b>\$133,880,000</b>	<b>84.4</b>		<b>\$135,130,000</b>	<b>103.3</b>	<b>86.6</b>	<b>66.2</b>	<b>45.3</b>	<b>23.9</b>	<b>2.3</b>

## Assumptions

1. Projects in all areas will have an average project life of 5 years.
2. Projects will result in an average cost per ton of \$5,000.
3. Emission reduction projections are based on an assumed 250-day operational year.
4. FY 2004 grant amounts and emission reductions are based on current recommendations. Final amounts will depend upon final grant awards and acceptance.

## Tiers

1. 2 tpd for Austin (AUS), San Antonio (SAT), and Beaumont-Port Arthur in 2006
2. Tons per day goal for Dallas-Fort Worth (DFW) and Houston-Galveston (HGA) to be achieved in 2007.

07/08/04

**Attachment E**  
**Texas Emissions Reduction Plan (TERP)**  
**Report to the 78th Texas Legislature and Consultation with the TERP Advisory Board**

1. Report is due December 1, 2004 - this will be the second one; the first was submitted in December 2002
2. By law, the report needs to include a summary of the revenue received from each source and the allocations; the status of each program; information for individual projects; and, any legislative recommendations necessary to improve the effectiveness of the program. The TERP programs include:
  - Emissions Reduction Incentive Grants Program
  - Small Business Grants Program
  - New Technology Research and Development Program
  - Heavy-Duty Motor Vehicle Purchase or Lease Incentive Program
  - Light-Duty Motor Vehicle Purchase or Lease Incentive Program
  - Energy Efficiency Grant Program (administered by the Public Utility Commission)
  - Texas Building Energy Performance Standards (The Energy Systems Lab at Texas A & M is responsible for reporting local government activities to TCEQ)
  - Energy Efficiency Programs in Certain Political Subdivisions (administered by the State Energy Conservation Office)
3. There is a separate reporting requirement for the New Technology Research and Development Program (NTRD). Staff recommends providing one report that covers the NTRD information and the other TERP information.
4. The proposed report outline includes:
  - an overview of the purpose of TERP and explanation of the 2003 legislative changes
  - breakdown of revenue sources and funding allocations for FY03 and FY04
  - descriptions of the TERP and NTRD programs and summaries of results to date
  - NOx emission reductions, grant amounts, and cost effectiveness data for individual projects funded
  - legislative recommendations
5. Also, by law, the TERP Advisory Board must be consulted and a public comment period be held that includes at least one public meeting prior to submittal of the report.
  - A list of the current TERP Advisory Board members is attached
    - The Governor and Lt. Gov. offices have communicated with Intergovernmental Relations that existing appointees will remain in place for the immediate future; the Speaker's office will advise soon on the status of its appointees.
  - A draft timeline is also attached, and includes a TERP Advisory Board meeting in early August and one or more public meetings in late September
    - The primary focus of the meeting will be to obtain input to be considered in the legislative report, including recommendations from the board on possible legislative changes and other recommendations regarding the TERP programs.



**Attachment E (continued)**  
**Texas Emissions Reduction Plan (TERP)**  
**2004 Biennial Report to the Legislature**  
**Time Line (Draft)**

- May: Obtain program approval regarding report outline  
Meet with Intergovernmental Relations on coordination issues
- June/July: Receive State Energy Conservation Office, Public Utility Commission, and Energy Systems Lab 2004 reports. Compile data and information for the report. Initial draft report to management and commissioners.
- August 4<sup>th</sup>: Hold TERP Advisory Board to obtain input and recommendations.
- September 1: Prepare revised draft report, brief management and commissioners, obtain program approval, and submit to Agency Communications for editing and obtain agency-wide review.
- September 16: Release revised draft report for public comment and provide notice of public meetings
- September 23 - 27: Hold public meeting or meetings to receive oral comments
- October 7: Deadline for public comment
- October 11- 18: Provide TERP Advisory Board summary of comments and revised draft report (by email or at a meeting)
- October 25: Deadline for Board feedback
- November 5: Brief Commissioners re: comments and final draft report
- November 15: Work with Agency Communications to put report in final form
- November 19: Route final report and cover letters for signature
- November 30: Submit report to Legislature

**Attachment E (continued)**  
**TERP Advisory Board Members**

**Appointed by the Governor**

**Dr. Purnendu Kumar Dasgupta**

Paul Whitfield Horn Professor of Chemistry and Biochemistry at Texas Tech University  
Representing the Texas Council on Environmental Technology  
*term expires 2/1/05*

**John Goodman**

Chairman, Board of Directors, Goodman Global Holdings, Inc.  
Representing the Air Conditioning Manufacturing Industry  
*term expires 2/1/05*

**L. Elizabeth Gunter**

Senior Counsel, American Electric Power  
Representing the Electric Power Industry  
*term expired 2/1/04*  
*(appointment remains until new appointment is made)*

**Dr. Naomi Lede<sup>7</sup>**

Senior Research Scientist, Texas Transportation Institute  
Representing Regional Transportation  
*term expires 2/1/05*

**Mark Rhea**

Vice President, Lisa Motor Lines  
Representing the Trucking Industry  
*term expires 2/1/05*

**Appointed by the Speaker, Texas House of Representatives**

***Appointment pending***

Representing the Construction Industry  
*term expires 2/1/04*

***Appointment pending***

Representing Consumer Groups  
*term expires 2/1/04*

***Appointment pending***

Representing the Fuel Industry  
*term expires 2/1/04*

***Appointment pending***

Representing the Agriculture Industry  
*term expires 2/1/04*

**Steve Late**

President, BMW of Austin  
Representing the Automobile Industry  
*term expires 2/1/05*

**Appointed by the Lieutenant Governor**

**Michael Flores**

Branch Manager, Johnson Controls, Inc.  
Representing the Energy-Efficient Construction Industry  
*term expires 2/1/04*  
*(appointment remains until new appointment is made)*

***Appointment pending***

Representing the Fuel Cell Industry  
*term expires 2/1/03*

**Thomas “Smitty” Smith**

Director, Public Citizen  
Representing the Environmental Community  
*term expires 2/1/04*  
*(appointment remains until new appointment is made)*

**Jim Crites**

Executive Vice President - Operations, Dallas/Fort Worth International Airport Board  
Representing the Air Transportation Industry  
*term expires 2/1/03*  
*(appointment remains until new appointment is made)*

**John Mikolaitis**

Vice President - Marketing and Customer Support, Cummins Southern Plains, Inc.  
Representing the Engine Manufacturing Industry  
*term expires 2/1/03*  
*(appointment remains until new appointment is made)*

**Ex officio Members**

**Hon. Kenneth Armbrister**

Chair, Senate Natural Resources Committee

**Hon. Dennis Bonnen**

Chair, House Environmental Regulation Committee

**Lynne Haase**

Manager, Implementation Grants Section, Texas Commission on Environmental Quality

**Soll Sussman**

Alternative Fuels Coordinator, Energy Resources, Texas General Land Office

**Dan Kelly**

Director, Alternative Fuels Research and Education Division, Railroad Commission of Texas

**Dub Taylor**

Director, State Energy Conservation Office, Texas Comptroller of Public Accounts

**Sandra Rennie**

Mobile Source Team Leader, EPA Region 6

**Attachment F**  
**Texas Emissions Reduction Plan (TERP)**  
**Contract with Texas Environmental Research Consortium (TERC)**  
**Status**

The TCEQ executed a contract with the Texas Environmental Research Consortium (TERC) on April 15, 2004, to support research for air quality for the Houston-Galveston and Dallas-Fort Worth nonattainment areas. The contract provides \$2,252,862 in FY 2004 and \$2,770,067 in FY 2005 from the Texas Emissions Reduction Plan (TERP) revenue.

The Director of the TCEQ Technical Analysis Division is the Project Director for this contract. The TERC Executive Director and staff met on April 26 and 27 with the TCEQ Project Director and TCEQ staff to review approximately twenty-five (25) proposed projects for TERC funding. Twenty one of these projects were identified on the list of TCEQ-Science Coordinating Committee research needs for TexAQS to support 8 hour ozone and regional haze SIP development in DFW, HGA and the eastern half of Texas. The other four projects proposed to be funded were areas of interest identified by TERC.

TERC has, to date, subcontracted the four projects identified by TERC and one additional project.

**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 back up 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**  
**July 13, 2004**  
**Air Programs**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>	<b>Agency Activity &amp; Status</b>
Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion; Reconsideration; Final Rule	Notice of reconsideration of final rule; request for public comment; notice of public hearing. Comment by August 30, 2004. No extensions.	July 1, 2004 Rules and Regulations	Staff preparing briefing summary for ED/Commission review.
Control of Emissions of Air Pollution From New Locomotive Engines and New Marine Compression-Ignition Engines Less than 30 Liters per Cylinder; Proposed Rule	Written comments on this advance notice of proposed rulemaking are due by August 30, 2004. EPA expects to publish a Notice of Proposed Rulemaking for this rule by mid-2005 and a Final Rule by mid-2006.	June 29, 2004 Proposed Rules	Staff prepared briefing documents for ED/Commission review.

**Federal Notices and Regulatory Initiatives  
July 13, 2004**

**Air Programs**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>	<b>Agency Activity &amp; Status</b>
<p>Air Quality Criteria for Particulate Matter (External Review Draft)</p> <p>The U.S. Environmental Protection Agency (EPA) is extending the public comment period on the revised drafts of Chapters 7, 8, and 9 of EPA's document, Air Quality Criteria for Particulate Matter, to July 30, 2004. (See above)</p>	<p>Comments on the draft chapters must be submitted in writing no later than July 20, 2004.</p>	<p>June 23, 2004 Notices</p>	<p>Staff prepared and submitted briefing documents for ED/Commissioner review.</p>
	<p>Comments on the draft chapters must be submitted in writing no later than July 30, 2004.</p>	<p>July 6, 2004 Notices</p>	<p>See above.</p>
<p>Control of Air Pollution From New Motor Vehicles: In-Use Testing for Heavy-Duty Diesel Engines and Vehicles</p> <p>- Notice of proposed rule; correction.</p>	<p>Comments must be received on or before August 16, 2004 (see notice of proposed rulemaking on June 10, 2004, for more information about written comments).</p>	<p>June 21, 2004 Proposed Rules</p> <p>June 10, 2004 Proposed Rules</p>	<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/Commissioner review.</p>
<p>Supplemental Proposal for the Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Proposed Rule</p>	<p>Comments must be received on or before July 26, 2004</p>	<p>June 10, 2004 Proposed Rules</p>	<p>Comments being drafted for ED/Commissioner review. Executive Review to begin on July 15.</p>

**Air Programs**



**Federal Notices and Regulatory Initiatives**  
**July 13, 2004**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>	<b>Agency Activity &amp; Status</b>
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.  Staff prepared briefing documents for ED/Commission review.  ED/Commissioner agree with staff recommendation to comment.

**Water Programs**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>	<b>Agency Activity &amp; Status</b>
National Drinking Water Advisory Council; Request for Nominations	Submit nominations via U.S. mail on or before August 31, 2004.	June 21, 2004 (Volume 69, Number 118) Notices Page 34347-34348	Commissioners approved submitting a letter nominating Tony Bennett.

## Federal Notices and Regulatory Initiatives

July 13, 2004

### Waste Programs

<u>Subject</u>	<u>Activity Dates</u>	<u>Federal Register Date, Action</u>	<u>Agency Activity &amp; Status</u>
<p>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.</p>	<p>ANPR July 21, 2004</p>	<p>April 22, 2004 (Volume 69, Number 78) Proposed Rules Page 21800-21804</p>	<p>Staff preparing comments 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>

### Other Programs

<u>Subject</u>	<u>Activity Dates</u>	<u>Federal Register Date, Action</u>	<u>Agency Activity &amp; Status</u>
<p>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.</p>	<p>ANPR July 21, 2004</p>	<p>April 22, 2004 Proposed Rules</p>	<p>Staff preparing comments 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>

## Federal Notices and Regulatory Initiatives

July 13, 2004

### Other Programs

Subject	Activity Dates	Federal Register Date, Action	Agency Activity & Status
Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons	Guidance is effective immediately. Comments must be submitted on or before 30 days from the date of this publication in the Federal Register.	June 25, 2004 (Volume 69, Number 122) Notices Page 35602-35613	Staff conducting research on need to comment.  Staff prepared briefing documents for ED/Commission review.  Referred to Budget and Planning for information.

### Final Rule Adoption Notices and Reports

Subject	Activity Dates	Federal Register Date, Action
National Pollutant Discharge Elimination System--Final Regulations To Establish Requirements for Cooling Water Intake Structures at Phase II Existing Facilities; Final Rule	September 7, 2004	July 9, 2004 Rules and Regulations
Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes; Final Rule	August 2, 2004	July 1, 2004 Rules and Regulations

**Federal Notices and Regulatory Initiatives**  
**July 13, 2004**

**Final Rule Adoption Notices and Reports**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>
Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes; Final Rule	August 2, 2004	July 1, 2004 Rules and Regulations
Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion; Reconsideration; Final Rule	Notice of reconsideration of final rule; request for public comment; notice of public hearing. Comment by August 30, 2004. No extensions.	July 1, 2004 Rules and Regulations
National Primary Drinking Water Regulations: Minor Corrections and Clarification to Drinking Water Regulations; National Primary Drinking Water Regulations for Lead and Copper; Final Rule	This final rule is effective on July 29, 2004, except for the amendment to Sec. 141.85(c)(2)(iii) which is effective June 29, 2004.	June 29, 2004 Rules and Regulations
Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel; Final Rule	This final rule is effective on August 30, 2004.	June 29, 2004 Rules and Regulations
Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export; Direct and Final Rule and Proposed Rule	Direct and Final Rule: Effective on August 16, 2004 without further notice, unless EPA receives adverse comment by July 19, 2004.	June 17, 2004 Rules and Regulations

**Federal Notices and Regulatory Initiatives**  
**July 13, 2004**

**Final Rule Adoption Notices and Reports**

<b>Subject</b>	<b>Activity Dates</b>	<b>Federal Register Date, Action</b>
National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines; Final Rule	Effective on August 16, 2004	June 15, 2004 Rules and Regulations
Approval and Promulgation of Implementation Plans for Texas; Approval of Section 179B Demonstration of Attainment, Volatile Organic Compounds and Nitrogen Oxides Motor Vehicle Emissions Budgets for Conformity for the El Paso Ozone Nonattainment Area	Effective on August 9, 2004, without further notice, unless EPA receives adverse comment by July 12, 2004	June 10, 2004 Rules and Regulations
National Primary Drinking Water Regulations: Analytical Method for Uranium	August 31, 2004. Direct and Final rule unless adverse comments received.	June 2, 2004 Rules and Regulations
Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage	Delayed from October 1, 2004 until January 2, 2005.	May 28, 2004 Rules and Regulations
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments; Correction	Effective October 1, 2004 Final Rule Correction	February 10, 2004 Rules and Regulations

**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.**

Please note there are no back up materials for this issue.

**Planning for the next Commissioners' Work Session.**

**NATIONAL COMMENTS LOG**

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
EPA	6/22/2004	Proposed Development and Implementation of Electronic Manifests To Accompany Hazardous Waste Shipments	<p>Staff recommends that TCEQ support the e-manifest system.</p> <p>Staff recommends that "real time" tracking of wastes not be considered at this time because the complicated issues involved would delay the rulemaking.</p> <p>Staff recommends that Biennial Report data and e-manifest data be consistent.</p> <p>Staff recommends that EPA provide standards and criteria for software applications to be used for e-manifesting.</p>	Policy and Regulations	Hector Mendieta



**NATIONAL COMMENTS LOG**

SUBM TO	DATE	SHORT TITLE	TNRCC COMMENTS	DIV PREPARING	DIV CONTACT
EPA	6/29/2004	Supplemental Notice 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 published in the March 16, 2004 Federal Register.	<p>TCEQ supports the flexibility of states to determine their participation in a cap-and-trade program.</p> <p>TCEQ is concerned about the safety-valve proposal to cap mercury allowances at \$2,187.50/oz.</p> <p>TCEQ is concerned that the use of serial numbers for credits would create an undue burden for allowance holders and the program authority.</p> <p>TCEQ is concerned that EPA should maintain consistency between states as to whether or not units continue to receive allowances upon the retirement of the facility.</p> <p>TCEQ is concerned about the allocation of credits for Electric Generating Units (EGUs). The TCEQ feels that states should be allowed the flexibility in allocating allowances to each unit regardless of whether the state is participating in the interstate trading program. However, new sources and shutdown sources, the restrictions on banking of allowances, and any restrictions on trading allowances should be treated consistently by EPA.</p> <p>TCEQ feels that three years in advance of program implementation is sufficient to allocate allowances to EGUs.</p>	Policy and Regulations	Kim Herndon

**NATIONAL COMMENTS LOG**

SUBM TO	DATE	SHORT TITLE	TNRCC COMMENTS	DIV PREPARING	DIV CONTACT
EPA	6/29/2004	Proposed Rule for 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 published in the January 30, 2004 Federal Register.	<p>TCEQ supports the flexibility of states to determine their participation in a cap-and-trade program.</p> <p>TCEQ supports a national approach to control mercury emissions.</p> <p>TCEQ is concerned about the proposals lack of requirements for the disposal mercury.</p> <p>TCEQ supports that the requirements for emissions testing and record-keeping should not be weakened. The proposed requirements appear to provide a rich source of data for development of Total Maximum Daily Loads (TMDLs).</p> <p>TCEQ is concerned that the proposal does not fulfill the requirements of Executive Order 13045: Protection of Children From Environmental Health and Safety Risks. Since, in the case of mercury, the link to children's health is water quality and fish contamination, more than air quality.</p> <p>TCEQ is concerned that the proposal does not offer a strategy if the proposed approach aggravates hot spots.</p> <p>TCEQ is concerned how new sources will treated under the cap-and-trade program. EPA is also unclear in its proposal what will be the proposed baseline for new sources.</p> <p>TCEQ is concerned that the co-benefit from sulfur dioxide and nitrogen oxide controls is unknown in regards to the cap-and-trade program.</p> <p>TCEQ is concerned that the Maximum Achievable Control Technology (MACT) option of this proposal required that "any non-air quality health and environmental impacts" should be considered, but the same reference could not be found under the cap-and-trade proposal.</p> <p>TCEQ is concerned about the type of plan states will have to submit to regulate existing mercury sources. EPA is not specific.</p>	Policy and Regulations	Kim Herndon
EPA	7/7/2004	Comments on 40 CFR Parts 63, 264, et al. 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); Proposed Rule	<p>Each state should be afforded as much flexibility as possible to implement this rule. States are charged with the responsibility of ensuring that facilities meet the emission standards and with implementing the associated programs. Thus each state should be given the autonomy/authority to determine the best way to carry out its charge and to allocate resources. The regulation should require control technologies that reduce the emissions of HAPs source to a level that is technically achievable for all sources in the category. EPA should explain how establishing of thermal emissions limits solely for hazardous waste meets the requirements of Section 112(d)(1) to establish limits for HAP emissions from sources based on classes, types or sizes of the source.</p>	Waste Permits Division	Katherine Nelson

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**Last Update:** July 14, 2004

**Scheduled on:** August 16

<u>Short Title of Issue</u>	<u>Lead Office &amp; 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 &amp; 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

Permit back log and time lines	OPRR	12/1/03
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***Tentative Dates for January 2004 - December 2004***  
**Commissioners' Work Sessions**  
*Last Update: 7/14/04*

<b>DATE OF WORK SESSION</b>	<b>TIME OF WORK SESSION</b>	<b>FILE AGENDA WITH CHIEF CLERK'S OFFICE by 4:00 pm</b>	<b>EXECUTIVE SUMMARY DEADLINE by 5:00 pm, unless otherwise stated</b>
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
July 22	9:30 am - 12:00 n	July 14	July 14
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.***

## **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.**
  
- 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.**
  
- 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.**