



Open Meeting Query

Agency Name: Texas Natural Resource Conservation Commission
Date of Meeting: 06/05/2002
Time of Meeting: 08:30 AM (Local Time)
Board: TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
Committee: AGENDA
Status: Active
Street Location: 12100 Park 35 Circle
City Location: Austin
Meeting State: TX
TRD: 2002004705
Submit Date: 05/24/2002
Emergency Meeting?: No
Additional Information Obtained From: Doug Kitts/TNRCC Agenda Coordinator/dkitts/239-3317
Agenda: AGENDA

RH - Robert Huston
 RM - Ralph Marquez
 KW - Kathleen White

Wednesday, June 5, 2002

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

8:30 A.M.
 12100 Park 35 Circle
 Room 201S, Bldg. E

Item 1. 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.

Commissioners met in Executive Session and No action taken.

Item 2. 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 matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

Commissioners met in Executive Session and No action taken.

Item 3. Docket No. 1999-0025-EXE. THE COMMISSION WILL CONDUCT A CLOSED SESSION TO DISCUSS THEIR DUTIES, ROLES, AND RESPONSIBILITIES AS COMMISSIONERS OF THE TNRCC 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.

Commissioners met in Executive Session and No action taken.

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Open Meeting Query

Agency Name: Texas Natural Resource Conservation Commission
Date of Meeting: 06/05/2002
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Board: TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
Committee: AGENDA
Status: Active
Street Location: 12100 Park 35 Circle
City Location: Austin
Meeting State: TX
TRD: 2002004707
Submit Date: 05/24/2002
Emergency Meeting?: No
Additional Information Obtained From: Doug Kitts/TNRCC Agenda Coordinator/dkitts/239-3317
Agenda: OLD BUSINESS AGENDA

Wednesday, June 5, 2002

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

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

Item carried forward from agenda of May 8, 2002.

Item 1. Docket No. 2002-0413-RUL. Consideration of publication of, and hearing on, proposed amended Section 290.108, Radionuclides Other than Radon, of 30 TAC Chapter 290, Public Drinking Water. The proposed amendment would limit the level of uranium in water supplied by community public water systems and would revise the monitoring requirements for combined radium-226 and radium-228, gross alpha particle radioactivity, and beta and photon radioactivity. (Tony Bennett, John Deering, Ray

Austin) (Rule Log No. 2001-022-290-WT)

Remand to Executive Director, with instructions to staff to pursue with EPA for extension of time to act on rules, KW/RM. All Agree

AGENDA

Wednesday, June 5, 2002

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

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

HEARING REQUESTS

Item 1. Docket No. 2002-0530-AIR. Consideration of application by ExxonMobil Oil Corporation for issuance of New Air Quality Permit 46534 to authorize and modify an existing Fluid Catalytic Cracking Unit (FCCU). The facility is located at 1795 Burt Street, Beaumont, Jefferson County, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Johnny Vermillion, Snehal R. Patel)

Deny hearing and issue permit and adopt Executive Director's Response to Comments, RM/RH.
All Agree

Item 2. Docket No. 2002-0414-WR. Consideration of the application of the City of Waco for amendment to Certificate of Adjudication No. 12-2315 to authorize the use of the bed and banks of the Bosque River and the Brazos River to convey 7,700 acre feet of industrial water from Lake Waco in McLennan County downstream to a point on the

Brazos River approximately 28 miles southeast of the Courthouse in Fort Bend County, Texas. Certificate of Adjudication No. 12-2315A authorizes the City to store 104,100 acre feet of water in an existing dam and reservoir on the Bosque River, tributary of the Brazos River, the Brazos River Basin in McLennan County, Texas. The City may also divert and use not to exceed 58,200 acre feet of water per annum from a point on the reservoir for municipal and industrial purposes, and 900 acre feet of water per annum from a point on the reservoir for irrigation purposes. The Commission will consider hearing requests and any responses and replies as well as issuance of the certificate. (Kathy Hopkins, Robin Smith)

Deny hearing request, RH/RM. All Agree

Item 3. Docket No. 2002-0326-WR. Consideration of the application of Kenneth and Betty Yvon Lesley to amend Certificate of Adjudication No. 12-2221 which authorizes the applicant to divert and use not to exceed 18 acre-feet of water per annum from the North Bosque River, tributary of the Bosque River, tributary of the Brazos River, Brazos River Basin to irrigate 25 acres out of a 36 acre tract in the J.B. Dupuy Survey, Abstract No. 197 approximately 3 miles south of Stephenville in Erath County. The applicants seek to amend Certificate of Adjudication No. 12-2221 to authorize the diversion and use of an additional 82 acre-feet of water per annum, to increase the diversion rate from 1.0 cubic-feet-per-second (CFS) [450 gallons-per minute (GPM)] to 1.78 CFS (800 gpm) and to add an additional 79 acres of land to be irrigated. The Commission will consider the hearing requests on this application and issuance of the permit. (Robin Smith, David Koinm)

Continued to June 26, 2002.

Item 4. Docket No. 2001-0914-WR. Consideration of application No. TP-8207, submitted by Sand Supply/A Division of Campbell Concrete and Materials, L.P. for a temporary water use permit (proposed Temporary Water Use Permit No. TP-8207), to authorize the applicant to divert and use 250 acre-feet per annum during a period of three years for a total of 750 acre-feet from the Colorado River (Colorado River Basin) for mining (sand and gravel washing) purposes. Water would be diverted from a point on the north bank of the Colorado River, in Colorado County, Texas, approximately 11 river miles upstream of the intersection of State Highway 71 and the Colorado River, approximately 9.2 miles northwest of Columbus, and 8.8 miles northeast of Weimar. The Commission will also consider hearing requests, related responses and replies, and public comment. (Michael Hughes, David Koinm).

Remanded to Executive Director

AGRICULTURAL ENFORCEMENT AGREED ORDERS

Item 5. Docket No. 2001-0792-AGR-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Dennis Hakes dba Overyounder Dairy and Bert Velsen & Heidi Velsen (Individually) in Erath County; Water Quality Permit No. 03087; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (A. Sunday Udoetok, Alita Champagne)

Remanded to Executive Director, RH/RM. All Agree

Item 6. Docket No. 2001-1072-AGR-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Terry Cloven Walls in Erath County; Water Quality Permit No. None; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (Michael Limos, Alita Champagne)

Issue agreed order, RH/KW. All Agree

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 7. Docket No. 2001-1190-AIR-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Anadarko Petroleum Corporation in Freestone, Jefferson, Winkler Counties; Air Account Nos. FI-0126-F, JE-0695-T, WM-0176-K; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Natural Resource Conservation Commission. (Tel Croston, Alita Champagne)

Issue agreed order, RM/KW. All Agree

Item 8. Docket No. 2001-1139-AIR-E. Consideration of an Agreed Order assessing administrative penalties against the City of Bryan in Brazos County; Air Account No. BM-0010-I; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Natural Resource Conservation Commission. (James Jackson, Alita Champagne)

Issue agreed order, RM/KW. All Agree

Item 9. Docket No. 2001-1208-AIR-E. Consideration of an Agreed Order assessing administrative penalties against Derek Sean Mizert dba Family Tire and Service in Tarrant County; Air Account No. TA-4142-Q; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Natural Resource Conservation Commission. (Steven Lopez, Alita Champagne)

Issue agreed order, RM/KW. All Agree

Item 10. Docket No. 2001-0985-AIR-E. Consideration of an Agreed Order assessing administrative penalties against Flowers Baking Company of Tyler, LLC in Smith County; Air Account No. SK-0346-R; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Natural Resource Conservation Commission. (Carolyn V. Lind, Alita Champagne)

Issue agreed order, RM/KW. All Agree

Item 11. Docket No. 2001-1482-AIR-E. Consideration of an Agreed Order assessing administrative penalties against Masters Resources, LLC in Galveston County; Air Account No. GB-0044-W; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Natural Resource Conservation Commission. (Sushil Modak, Alita Champagne)

Issue agreed order, RM/KW. All Agree

Item 12. Docket No. 2001-1273-AIR-E. Consideration of an Agreed Order assessing administrative penalties against Atlas Oil & Gas Exploration, L.L.C. in Fort Bend County; Air Account No. FG-0009-J; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Natural Resource Conservation Commission. (Rebecca Johnson, Alita Champagne)

Issue agreed order, RM/KW. All Agree

Item 13. Docket No. 2000-0693-AIR-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Import Auto Salvage/Service, Inc., in Bexar County; TNRCC ID No. BG-1071-T; for air quality violations pursuant to the Tex. Clean Air Act, ch. 382 of the Tex. Health & Safety Code, and the rules of the Texas Natural Resource Conservation Commission. (Robert Hernandez)

Issue agreed order, RM/KW. All Agree

Item 14. Docket No. 2001-0972-AIR-E. Consideration of an Agreed Order assessing administrative penalties against HAT Oil and Gas, Inc. in Liberty County; Air Account Nos. LH-0253-L and LH-0254-J; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Natural Resource Conservation Commission. (Stacey Young, Alita Champagne)

Issue agreed order, RM/KW. All Agree

Item 15. Docket No. 2001-1339-AIR-E. Consideration of an Agreed Order assessing

administrative penalties and requiring certain actions of Jobe Concrete Products, Inc., in El Paso County; Air Account No. EE-0179-W for air quality violations pursuant to the Tex. Clean Air Act, ch. 382 of the Tex. Health & Safety Code, ch. 7 of the Tex. Water Code, and the rules of the Texas Natural Resource Conservation Commission. (Robert Hernandez)

Issue agreed order, RM/KW. All Agree

Item 16. Docket No. 2001-1481-AIR-E. Consideration of an Agreed Order assessing administrative penalties against Masters Resources, LLC in Chambers County; Air Account No. CI-0187-N; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Natural Resource Conservation Commission. (Sushil Modak, Alita Champagne)

Issue agreed order, RM/KW. All Agree

EMERGENCY SHUTDOWN ORDER

Item 17. Docket No. 2002-0647-AIR-E. Consideration of an Emergency Shutdown Order requiring East Texas Precast Co., Ltd. to cease operations of its concrete plant which is operating without the required permit, in Waller County; TNRCC ID No. WB-0040-O; pursuant to Tex. Water Code ch. 5.5145 which requires the Commission to issue an emergency order suspending operations of a concrete plant that is operating without the required permit. Operations may not recommence until the plant obtains the required permit. (Mary Risner)

Remanded to Executive Director

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 18. Docket No. 2001-0839-IWD-E. Consideration of an Agreed Order assessing administrative penalties against Chemical Specialties Inc. in Brazoria County; TPDES Permit No. 01878-002; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (Tel Croston, Alita Champagne)

Issue agreed order, RH/KW. All Agree

Item 19. Docket No. 1999-1569-IWD-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Kansas City Southern Railway Company in Jefferson County; TNRCC ID No. 02722; for water quality violations pursuant to chs. 7 and 26 of the Tex. Water Code and the rules of the Texas Natural Resource Conservation Commission. (Robert Hernandez)

Continued to June 26, 2002

MULTI-MEDIA ENFORCEMENT AGREED ORDER

Item 20. Docket No. 2001-1233-MLM-E. Consideration of an Agreed Order assessing administrative penalties against Calhoun Electric Company, Inc. in Bexar County; Solid Waste Registration No. 72482; Petroleum Storage Tank No. 0000389; for industrial & hazardous waste and petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 7 and 26, and the rules of the Texas Natural Resource Conservation Commission. (J. Craig Fleming, Alita Champagne)

Issue agreed order, RM/RH. All Agree

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS

Item 21. Docket No. 2001-0753-MSW-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Stone Recycling, Inc. in Tarrant County; Used Oil Handler Registration No. A85571; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and

the rules of the Texas Natural Resource Conservation Commission. (Erika Fair, Alita Champagne)

Issue agreed order, RH/RM. All Agree

Item 22. Docket No. 2001-0051-MSW-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Patricia Crowley dba Metro Concrete Products in Montgomery County; MSW Unauthorized Site No. 455120027; for municipal solid waste violations pursuant to the Tex. Solid Waste Disposal Act, ch. 361 of the Tex. Health & Safety Code, ch. 7 of the Tex. Water Code, and the rules of the Texas Natural Resource Conservation Commission. (Kelly Mego)

Issue agreed order, RH/RM. All Agree

MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS

Item 23. Docket No. 2001-0757-MWD-E. Consideration of an Agreed Order assessing administrative penalties against the City of Forney in Kaufman County; Water Quality Permit None; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (Jorge Ibarra, P.E., Alita Champagne)

Issue agreed order, RH/RM. All Agree

Item 24. Docket No. 2001-1243-MWD-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the United States Department of Agriculture in Hidalgo County; Public Water Supply No. 1080075 and Water Quality Permit No. None; for water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 26, and the rules of the Texas Natural Resource Conservation Commission. (Jaime Garza, Alita Champagne)

Issue agreed order, RH/RM. All Agree

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 25. Docket No. 2001-0935-PST-E. Consideration of an Agreed Order assessing administrative penalties against 50's Classic Car Wash of Abilene, Inc. and JGP Corporation in Taylor County; Petroleum Storage Tank Facility ID No. 0037689; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (Carolyn Easley, Alita Champagne)

Issue agreed order, RH/KW. All Agree

Item 26. Docket No. 2001-1531-PST-E. Consideration of an Agreed Order assessing administrative penalties against Haigood & Campbell L.L.C. in Wichita County; TNRCC ID No. None; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (Carolyn Easley, Alita Champagne)

Issue agreed order, RH/KW. All Agree

Item 27. Docket No. 2001-1353-PST-E. Consideration of an Agreed Order assessing administrative penalties against the City of Stafford in Fort Bend County; Petroleum Storage Tank Facility ID No. 0049029; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (Catherine Albrecht, Alita Champagne)

Issue agreed order, RH/KW. All Agree

Item 28. Docket No. 2001-1351-PST-E. Consideration of an Agreed Order assessing administrative penalties against Shahji Investment Co. dba EZY Stop in Harris County; Petroleum Storage Tank Facility ID No. 0009041; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (Catherine Albrecht, Alita Champagne)

Issue agreed order, RH/KW. All Agree

Item 29. Docket No. 2001-1444-PST-E. Consideration of an Agreed Order assessing administrative penalties against Mohammed Aslam dba Jack's Super Drive In Grocery #2 in Harris County; Petroleum Storage Tank Facility ID No. 0025343; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (Catherine Albrecht, Alita Champagne)

Issue agreed order, RH/KW. All Agree

Item 30. Docket No. 2001-1344-PST-E. Consideration of an Agreed Order assessing administrative penalties against Hydro-Walk Energy, Inc. in Tarrant County; TNRCC ID No. None; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (Sandy VanCleave, Alita Champagne)

Issue agreed order, RH/KW. All Agree

Item 31. Docket No. 2000-0965-PST-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Shukran Inc., dba Amigo Mart in Galveston County; TNRCC ID No. 0011954; for petroleum storage tank violations pursuant to chs. 7 and 26 of the Tex. Water Code, chs. 341 and 382 of the Tex. Health and Safety Code, and the rules of the Texas Natural Resource Conservation Commission. (Robert Hernandez)

Issue agreed order, RH/KW. All Agree

Item 32. Docket No. 2001-1454-PST-E. Consideration of an Agreed Order assessing administrative penalties against Royce Groff Oil Company in Medina County; TNRCC ID No. None; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (Rebecca Clausewitz, Alita Champagne)

Issue agreed order, RH/KW. All Agree

Item 33. Docket No. 1999-1373-PST-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Gabbert Oil Company and Village Car Wash, Inc. in Dallas County; TNRCC PST Facility ID No. 0027363; for petroleum storage tank violations pursuant to ch. 382 of the Tex. Health and Safety Code, chs. 7 and 26 of the Tex. Water Code, and the rules of the Texas Natural Resource Conservation Commission. (Kelly Mego)

Issue agreed order, RH/KW. All Agree

Item 34. Docket No. 2001-1160-PST-E. Consideration of an Agreed Order assessing administrative penalties against Triad Hospitals, Inc. dba Alice Regional Hospital in Jim Wells County; Petroleum Storage Tank Facility ID No. 72134; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Natural Resource Conservation Commission. (Audra Baumgartner, Alita Champagne)

Issue agreed order, RH/KW. All Agree

PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS

Item 35. Docket No. 2001-0211-PST-E. Consideration of a Default Order assessing administrative penalties against M.N.H. Resources Inc., dba JR Food Mart in Harris County; TNRCC ID No. 0035151; for petroleum storage tank violations pursuant to chs. 7 and 26 of the Tex. Water Code and the rules of the Texas Natural Resource Conservation Commission. (Kelly Mego)

Remanded to Executive Director

Item 36. Docket No. 1999-1389-PST-E. Consideration of a Default Order assessing administrative penalties and requiring certain actions of GBAK Properties, Inc. in Galveston County; PST ID No. 38596; for petroleum storage tank violations pursuant to

ch. 382 of the Tex. Health & Safety Code, chs. 7 and 26 of the Tex. Water Code, and the rules of the Texas Natural Resource Conservation Commission. (Kelly W. Mego)

Issue default order, RH/RM. All Agree

PUBLIC WATER SUPPLY ENFORCEMENT AGREED ORDERS

Item 37. Docket No. 2001-0818-PWS-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tempe Water Supply Corporation in Polk County; Public Water Supply No. 1870105 and CCN No. 11579; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Natural Resource Conservation Commission. (Shawn Stewart, Alita Champagne)

Issue agreed order, RM/KW. All Agree

Item 38. Docket No. 2001-1288-PWS-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Coolidge in Limestone County; Public Water Supply No. 1470001; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Natural Resource Conservation Commission. (Michelle Harris, Alita Champagne)

Issue agreed order, RM/KW. All Agree

Item 39. Docket No. 2001-1500-PWS-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Just Plane Fun Airpark, Inc. dba Hidden Meadows Property Owners' Association in Nacogdoches County; Public Water Supply No. 1740036; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Natural Resource Conservation Commission. (Kimberly McGuire, Alita Champagne)

Issue agreed order, RM/KW. All Agree

Item 40. Docket No. 2000-1217-PWS-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Tecon Water Companies, Inc. dba Southwest Water Services, Inc. dba Beachwood Estates Water System, Carolynn Estates Water System and Oak Trails Shores Water System; Tecon Water Companies, Inc. dba Resort Water Services, Inc. dba Arrowhead Shores Water System and Comanche Cove/Heritage Heights Water System; Tecon Water Companies, Inc. dba Texas Water Services, Inc. dba 377 Sunset Strip Water System, Acton/Royal Oaks Water System, Hideaway Bay Estates Water System, Montego Bay Estates Water System and Rancho Brazos Water System in Henderson and Hood Counties; Public Water System Nos. 1070106, 1070069, 1110025, 1110004, 1110060, 1110003, 1110055, 1110002, 1110044 and 1110036; and Certificate of Convenience and Necessity Nos. 10764, 11512, 11517, 11943, 12530, and 12512; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Natural Resource Conservation Commission. (Brian Lehmkuhle, Alita Champagne)

Issue agreed order, RM/KW. All Agree

Item 41. Docket No. 2000-0426-PWS-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Robert M. Smith dba Romark Utility Co., in Polk County; TNRCC ID No. 1870055; for public drinking water violations pursuant to ch. 341 of the Tex. Health & Safety Code and the rules of the Texas Natural Resource Conservation Commission. (David Speaker)

Issue agreed order, RM/KW. All Agree

Item 42. Docket No. 2001-0825-PWS-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of San Marcos in Hays County; Public Water Supply No. 1050001; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Natural

Resource Conservation Commission. (Lawrence King, Alita Champagne)

Issue agreed order, RM/KW. All Agree
PUBLIC WATER SUPPLY ENFORCEMENT DEFAULT ORDER

Item 43. Docket No. 2001-0473-PWS-E. Consideration of a Default Order assessing administrative penalties and requiring certain actions of Greenwood Place Civic Club, Inc., in Harris County; PWS No: 1010710; for public drinking water violations pursuant to ch. 341 of the Tex. Health & Safety Code, ch. 13 of the Tex. Water Code, and the rules of the Texas Natural Resource Conservation Commission. (David Speaker)

Remanded to Executive Director
SOLID WASTE REGISTRATION ENFORCEMENT AMENDED AGREED ORDER

Item 44. Docket No. 1994-0141-SWR-E. Consideration of an Amended Agreed Order requiring certain actions of Union Oil Company of California, Inc., in Jefferson County, TNRCC SWR No. 30001; for industrial and hazardous waste violations pursuant to chs. 7 & 26 of the Tex. Water Code, ch. 361 of the Tex. Health & Safety Code, and the rules of the Texas Natural Resource Conservation Commission. (David Speaker)

Approve amended agreed order, RH/KW. All Agree
RULE MATTERS

Item 45. Docket No. 2002-0621-RUL. Consideration for publication of, and hearing on, the following: proposed amendments to 30 TAC Section 101.24, Inspection Fees; Section 101.27, Emissions Fees; Section 116.141, Determination of Fees; Section 116.143, Payment of Fees; Section 116.163, Prevention of Significant Deterioration Permit Fees; Section 116.313, Renewal Application Fees; Section 116.614, Standard Permit Fees; Section 116.750, Flexible Permit Fee; and Section 116.1050, Multiple Plant Permit Application Fee; and new Section 106.50, Registration Fees for New Permits by Rule; and corresponding revisions to the state implementation plan.

The proposed rules would increase inspection fees, emissions fees, air permit, renewal, and amendment fees. The proposed rules would also assess a new fee on new permit by rule (PBR) registrations. These increases are necessary to provide sufficient funding to meet the current appropriation levels for air program activities and to meet operational funding requirements for the Title V programs of the commission. (Derek Chapin, Chris Hayden, Kerri Rowland, Debi Dyer) (Rule Log No. 2002-041-116-AI)

Continued to June 26, 2002, RH/RM. All Agree
Item 46. Docket No. 2002-0059-RUL. Consideration for adoption of the following amended sections of 30 TAC Chapter 1, Purpose of Rules, General Provisions; and Chapter 3, Definitions:

Amended Section 1.3 - Business Office and Mailing Address of the Agency
Amended Section 1.4 - Seal of the Commission
Amended Section 3.2 - Definitions

The name of the agency will be changed to Texas Commission on Environmental Quality in accordance with House Bill 2912, Article 18, 77th Legislature, 2001. The commission will begin using its new name September 1, 2002, and this limited rulemaking initiates the process of updating commission rules to reflect this change. Specifically, this rulemaking changes the name on the commission seal and the addresses of the agency and Chief Clerk in Chapter 1 and the definition of commission in Chapter 3, effective September 1, 2002. The proposal was published in the March 1,

2002 issue of the Texas Register (27 TexReg 1441). (Auburn Mitchell, Eddie Molina, William Pupilampu) (Rule Log No. 2001-089-003-AD)

Approve adoption, RH/RM. All Agree

Item 47. Docket No. 2002-0113-RUL. Consideration for adoption of the following amended and new sections of 30 TAC Chapter 290, Public Drinking Water:

Amended

Section 290.251, Purpose, Authority, and Definitions

New

Section 290.261, Reporting on Clothes Washing Machines

The adoption would implement House Bill 2403, 77th Legislature, 2001, which requires that the commission by rule require appropriate trade associations or other entities to provide certain information related to water consumption factors of certain clothes washing machines to the commission by January 31st of each year and requires the commission to report this information to the legislature not later than February 28th of each year. The proposed rules were published in the March 15, 2002 issue of the Texas Register (27 TexReg 1978). (Debra Barber, Kellye Rila) (Rule Log No. 2002-001-290-WT)

Approve adoption, RH/KW. All Agree

EXECUTIVE SESSION

Item 48. 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.

Commissioners met in Executive Session and No Action Taken

Item 49. 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 matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

Commissioners met in Executive Session and No Action Taken

Item 50. Docket No. 1999-0025-EXE. THE COMMISSION WILL CONDUCT A CLOSED SESSION TO DISCUSS THEIR DUTIES, ROLES, AND RESPONSIBILITIES AS COMMISSIONERS OF THE TNRCC 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.

Commissioners met in Executive Session and No Action Taken

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TNRCC AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED,

READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT DOUG KITTS IN THE OFFICE OF THE CHIEF CLERK AT (512) 239-3317 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TNRCC AGENDA ARE REQUESTED TO CONTACT DOUG KITTS IN THE OFFICE OF THE CHIEF CLERK AT (512) 239-3317 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.) REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

ADDENDUM TO AGENDA

Wednesday, June 5, 2002

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

09:30 A.M.
12100 Park 35 Circle
Bldg. E, Room 201S

Item 51. Docket No. 2001-0486-OSI-E. Consideration of a Default Order requiring certain actions of James M. Barton, Sr. in Johnson and Wise Counties; TNRCC ID No. OS456; for on-site sewage installer violations pursuant to ch. 366 of the Tex. Health & Safety Code, ch. 7 of the Tex. Water Code, and the rules of the Texas Natural Resource Conservation Commission. (Rebecca Nash Petty)

Issue default order, RM/RH. All Agree

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Open Meeting Query

Agency Name: Texas Natural Resource Conservation Commission

Date of Meeting: 06/05/2002

Time of Meeting: 01:00 PM (Local Time)

Board: TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Committee: AGENDA

Status: Active

Street Location: 12100 Park 35 Circle

City Location: Austin

Meeting State: TX

TRD: 2002004711

Submit Date: 05/24/2002

Emergency Meeting?: No

Additional Information Obtained From: Doug Kitts/TNRCC Agenda Coordinator/dkitts/239-3317

Agenda:

AGENDA

Wednesday, June 5, 2002

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

1:00 PM
12100 Park 35 Circle
Bldg E. Room 201S

Item 1. Docket No. 2002-0640-RUL. Consideration of a petition for rulemaking filed by Crain, Caton, and James, P.C. on behalf of Brazoria and Fort Bend Counties requesting that the commission revise the Houston-Galveston Area (HGA) state implementation plan (SIP) to repeal the 55 miles per hour speed limit control measure for the entire HGA, or alternatively, for Brazoria and Fort Bend Counties; or alternatively delay implementation of the speed limit rule with the HGA for at least two years until May 1, 2004. The petitioner proposed rule language regarding this issue for Chapter 114, Control of Air Pollution from Motor Vehicles. (Kerri Rowland, Heather Evans, Jill Burditt) (Rule Log No. 2002-051-PET-AI)

Deny petition for rulemaking and publish and hold hearing on the SIP changes, RH/RM.
All Agree Item 2. Docket No. 2002-0685-RUL. Consideration for publication of, and hearing on, the following proposed amendments (including new and amended sections) to

Subchapter A, Definitions; Subchapter B, General Volatile Organic Compound Sources; Subchapter C, Volatile Organic Compound Transfer Operations; Subchapter D, Petroleum Refining, Natural Gas Processing, and Petrochemical Processes; Subchapter E, Solvent-Using Processes; and new Subchapter H, Highly-Reactive Volatile Organic Compounds; of 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds; and corresponding revisions to the state implementation plan (SIP):

Subchapter A: Amended Section 115.10, Definitions

Subchapter B: Amended Division 2, Vent Gas Control; Amended Division 4, Industrial Wastewater; Amended Division 6, Batch Processes; New Division 8, Flares; and New Division 9, Cooling Tower Heat Exchanger Systems

Subchapter C: Amended Division 1, Loading and Unloading of Volatile Organic Compounds; Amended Division 2, Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities; and Amended Division 3, Control of Volatile Organic Compound Leaks from Transport Vessels

Subchapter D: Amended Division 1, Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Facilities; Amended Division 2, Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties; and Amended Division 3, Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline-Processing, and Petrochemical Processes in Ozone Nonattainment Areas

Subchapter E: Amended Division 2, Surface Coating Processes

New Subchapter H: Division 1, Vent Gas Control; Division 2, Flares; Division 3, Cooling Tower Heat Exchanger Systems; and Division 4, Fugitive Emissions

These proposed amendments to Chapter 115 include revisions to the industrial and commercial source control requirements which are already included within the federally approved SIP for the Houston/Galveston ozone nonattainment area. (Eddie Mack, Brad Oehler, Alan Henderson) (Rule Log Number 2002-046b-115-AI)

Reposted as Item #6.

Item 3. Docket No. 2002-0688-RUL. Consideration for publication of, and hearing on, the following proposed amendments (including amended, new, and repealed sections) to Subchapter A, Definitions; Subchapter B, Combustion at Major Sources; Subchapter C, Acid Manufacturing; Subchapter D, Small Combustion Sources; and Subchapter E, Administrative Provisions; of 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds; and corresponding revisions to the state implementation plan (SIP):

Subchapter A: Amended Section 117.10, Definitions

Subchapter B: Amended Division 1, Utility Electric Generation in Ozone Nonattainment Areas; Amended Division 2, Utility Electric Generation in East and Central Texas; and Amended Division 3, Industrial, Commercial, and Institutional Combustion Sources in Ozone Nonattainment Areas

Subchapter C: Amended Division 1, Adipic Acid Manufacturing; and Division 2, Nitric Acid Manufacturing - Ozone Nonattainment Areas

Subchapter D: Amended Division 1, Water Heaters, Small Boilers, and Process Heaters; and Amended Division 2, Boilers, Process Heaters, and Stationary Engines and Gas Turbines at Minor Sources

Subchapter E: Amended Sections 117.510, 117.512, 117.520, 117.530, and 117.534; Repealed Sections 117.540, and 117.560

These proposed amendments to Chapter 117 include revisions to the industrial, commercial, and institutional source control requirements which are already included within the federally approved SIP for the Houston/Galveston ozone nonattainment area. However, the commission is excluding the proposed new Sections 117.151 and 117.481, and the proposed amended Sections 117.135(2) and 117.475(i) from the SIP in order to simplify the approval process for alternative carbon monoxide (CO) or ammonia emission specifications, thereby eliminating the need for case-specific SIP revisions by the EPA to complete the approval of an alternate CO or ammonia limit. (Eddie Mack, Alan Henderson) (Rule Log Number 2002-038-117-AI)

Reposted as Item #9.

Item 4. Docket No. 2002-0686-RUL. Consideration for publication of, and hearing on, proposed amendments (which include new, repealed, and amended sections) to Subchapter H, Emissions Banking and Trading; of 30 TAC Chapter 101, General Air Quality Rules; and corresponding revisions to the state implementation plan.

These proposed amendments to Chapter 101 reorganize the Emissions Banking and Trading rule structure in a parallel manner which follows a logical process of recognizing, quantifying, and certifying reductions as credit while clearly explaining the guidelines for trading and using creditable reductions. These amendments would also address concerns raised by the United States Environmental Protection Agency (EPA) regarding the quantification protocols as outlined in EPA guidance titled, Improving Air Quality with Economic Incentive Plans. (Beecher Cameron, Corey Chism, Alan Henderson) (Rule Log Number 2002-044-101-AI)

Reposted as Item #7.

Item 5. Docket No. 2002-0687-SIP. Consideration for publication of, and hearing on, a proposed revision to the state implementation plan (SIP) concerning the attainment demonstration for the Houston/Galveston (HGA) ozone nonattainment area. The proposed SIP includes a revision to the industrial source control requirements which are already included within the federally approved SIP for the HGA area. (Kelly Keel, Alan Henderson) (Rule Log Number 2002-046a-SIP-AI)

Reposted as Item #8.

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Open Meeting Query

Agency Name: Texas Natural Resource Conservation Commission
Date of Meeting: 06/05/2002
Time of Meeting: 01:00 PM (Local Time)
Board: TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
Committee: AGENDA
Status: Active
Street Location: 12100 PARK 35 CIRCLE, BLDG. E
City Location: AUSTIN
Meeting State: TX
TRD: 2002004773
Submit Date: 05/28/2002
Emergency Meeting?: No
Additional Information Obtained From: DIANNA TILLERSON, 239-3300
Agenda: ADDENDUM TO AGENDA

Wednesday, June 5, 2002

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

1:00 P.M.
 12100 Park 35 Circle
 Bldg. E, Room 201S

Item 6. Docket No. 2002-0685-RUL. Consideration for publication of, and hearing on, the following proposed amendments (including new and amended sections) to Subchapter A, Definitions; Subchapter B, General Volatile Organic Compound Sources; Subchapter C, Volatile Organic Compound Transfer Operations; Subchapter D, Petroleum Refining, Natural Gas Processing, and Petrochemical Processes; Subchapter E, Solvent-Using Processes; and new Subchapter H, Highly-Reactive Volatile Organic Compounds; of 30 TAC Chapter 115, Control of Air Pollution from Volatile Organic Compounds; and corresponding revisions to the state implementation plan (SIP):

Subchapter A: Amended Section 115.10, Definitions

Subchapter B: Amended Division 2, Vent Gas Control; Amended Division 4, Industrial Wastewater; Amended Division 6, Batch Processes; New Division 7, Flares; and New Division 8, Cooling Tower Heat Exchange Systems

Subchapter C: Amended Division 1, Loading and Unloading of Volatile Organic Compounds; Amended Division 2, Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities; and Amended Division 3, Control of Volatile Organic Compound Leaks from Transport Vessels

Subchapter D: Amended Division 1, Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries; Amended Division 2, Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties; and Amended Division 3, Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas

Subchapter E: Amended Division 2, Surface Coating Processes

New Subchapter H: Division 1, Vent Gas Control; Division 2, Flares; Division 3, Cooling Tower Heat Exchange Systems; and Division 4, Fugitive Emissions

These proposed amendments to Chapter 115 include revisions to the source control requirements which are already included within the federally approved SIP for the Houston/Galveston (HGA) ozone nonattainment area. The proposed new Divisions 7 and 8 of Subchapter B and new Subchapter H will only apply in the HGA ozone nonattainment area. The amendments also reorganize and modify existing portions of the Chapter 115 rules which apply in the Beaumont/Port Arthur, Dallas/Fort Worth, and El Paso ozone nonattainment areas, as well as in 95 attainment counties located in east and central Texas, in order to improve implementation of the existing Chapter 115. (Eddie Mack, Brad Oehler, Alan Henderson) (Rule Log Number 2002-046b-115-AI)

Go forward with publication and hearing, RH/RM. All Agree
Item 7. Docket No. 2002-0686-RUL. Consideration for publication of, and hearing on, proposed amendments (which include new, repealed, and amended sections) to Subchapter H, Emissions Banking and Trading; of 30 TAC Chapter 101, General Air Quality Rules; and corresponding revisions to the state implementation plan.

These proposed amendments to Chapter 101 include, among other changes, revisions: to reorganize the Emissions Banking and Trading rule structure in a parallel manner which follows a logical process of recognizing, quantifying, and certifying reductions as credit while clearly explaining the guidelines for trading and using creditable reductions; to address concerns raised by the United States Environmental Protection Agency (EPA) regarding the quantification protocols as outlined in EPA guidance titled, Improving Air Quality with Economic Incentive Plans; to expand the applicability of the mass emission cap and trade program to include all major sources; and to modify formulas regarding certain emission specifications for attainment demonstrations. (Beecher Cameron, Corey Chism, Alan Henderson) (Rule Log Number 2002-044-101-AI)

Go forward with publication and hearing, RH/RM. All Agree
Item 8. Docket No. 2002-0687-SIP. Consideration for publication of, and hearing on, a proposed revision to the state implementation plan (SIP) concerning the attainment demonstration for the Houston/Galveston (HGA) ozone nonattainment area. The

proposed SIP includes a revision to the industrial, commercial, and institutional source control requirements which are already included within the federally approved SIP for the HGA area. The proposed SIP also includes the development of the energy efficiency program, the protocol for the Texas Emissions Reduction Program through the United States Environmental Protection Agency's Economic Incentive Program, and a revision to the speed limit reduction strategy. (Kelly Keel, Alan Henderson) (Rule Log Number 2002-046a-SIP-AI)

Go forward with publication and hearing, RH/RM. All Agree

Item. 9. Docket No. 2002-0688-RUL. Consideration for publication of, and hearing on, the following proposed amendments (including amended, new, and repealed sections) to Subchapter A, Definitions; Subchapter B, Combustion at Major Sources; Subchapter C, Acid Manufacturing; Subchapter D, Small Combustion Sources; and Subchapter E, Administrative Provisions; of 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds; and corresponding revisions to the state implementation plan (SIP):

Subchapter A: Amended Section 117.10, Definitions

Subchapter B: Amended Division 1, Utility Electric Generation in Ozone Nonattainment Areas; Amended Division 2, Utility Electric Generation in East and Central-Texas; and Amended Division 3, Industrial, Commercial, and Institutional Combustion Sources in Ozone Nonattainment Areas

Subchapter C: Amended Division 1, Adipic Acid Manufacturing; and Division 2, Nitric Acid Manufacturing - Ozone Nonattainment Areas

Subchapter D: Amended Division 1, Water Heaters, Small Boilers, and Process Heaters; and Amended Division 2, Boilers, Process Heaters, and Stationary Engines and Gas Turbines at Minor Sources

Subchapter E: Amended Sections 117.510, 117.512, 117.520, and 117.534; and Repealed Sections 117.540, and 117.560

These proposed amendments to Chapter 117 include, among other changes, revisions to the industrial, commercial, and institutional source control requirements which are already included within the federally approved SIP for the Houston/Galveston ozone nonattainment area. If adopted, these amendments would change the maximum amount of nitrogen oxides (NOx) emission reductions required from certain point sources. The amendments also reorganize and modify existing portions of the Chapter 117 rules which apply to sources of NOx in the Beaumont/Port Arthur and Dallas/Fort Worth ozone nonattainment areas, as well as to electric generating facilities located in Palo Pinto County and 31 attainment counties of east and central Texas, in order to improve implementation of the existing Chapter 117. In addition, the proposed amendments add carbon monoxide (CO) and ammonia emission specifications for electric generating facilities located in 31 attainment counties of east and central Texas. However, the commission is excluding the proposed new Sections 117.151 and 117.481, and the proposed amended Sections 117.135(2) and 117.475(i) from the SIP in order to simplify the approval process for alternative CO or ammonia emission specifications, thereby eliminating the need for case-specific SIP revisions by the EPA to complete the of an alternate CO or ammonia limit. (Eddie Mack, Alan Henderson) (Rule Log Number 2002-038-117-AI)

Go forward with publication and hearing, RH/RM. All Agree

[http://info.sos.state.tx.us/pub/plsql/pubomquery\\$omquery.queryview?P_OM_ID=41158&Z_CI.](http://info.sos.state.tx.us/pub/plsql/pubomquery$omquery.queryview?P_OM_ID=41158&Z_CI.) 6/3/02

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Celeste Baker

Celeste Baker

6/13/02

Date