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*Backup documents filed with the OCC and distributed to the Commissioners will be added to this document daily until 5:00 p.m. Friday before the given agenda date. Updates to backup documents will be noted by a purple indicator. Documents filed less than five days before the agenda date will not be added to this document. Please note that some documents such as those of irregular size (i.e. oversized maps) cannot be viewed here and that color documents will be posted here in black and white. Finally, parties are still required to submit an original and 11 copies of documents filed for Commission consideration (30 TAC § 1.10(d)).*

## AGENDA

Wednesday, October 10, 2007

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

12100 Park 35 Circle

Room 201S, Bldg. E

#### **HEARING REQUEST(S)/REQUEST(S) FOR RECONSIDERATION**

Item 1. [Docket No. 2007-1001-MWD](#). Consideration of the application by **Texas Longhorn Equities Corporation II**, for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014681001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 45,000 gallons per day. The wastewater treatment facility will be located at 121 North Briaroaks Road, approximately 1/4 mile South of I-35W on Briaroaks Road in **Johnson 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. (Robert Brush, Kent H. Trede)

Grant hearing requests of Ella Dean and Philip Pope on the issues of whether the proposed discharge will be in compliance with regulations that are intended to protect water quality, whether the facility will meet the rule requirements intended to reduce nuisance odor conditions, and whether the facility is located on a 100-year flood plain, and if so, are there adequate protections provided by the applicant. Refer the matter to SOAH with a maximum hearing duration of six months; deny all other requests and requests for reconsideration. Urge the Executive Director to participate in the hearing and request the ALJ provide Findings of Fact, Conclusions of Law, and Ordering Provisions along with the Proposal for Decision. LS/BG; all agree.

Item 2. [Docket No. 2007-1000-AIR](#). Consideration of application by **Canyon Lake Ready Mix, Inc.** for New Air Quality Standard Permit 78844 to authorize the construction of a permanent concrete batch plant. The proposed plant site is located at 5001 Farm to Market Road 2673, Canyon Lake, **Comal 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. (Helga Chatelle, Tim Eubank)

Grant the hearing requests of Helen Thayer and John P. Donohue, Jr. on the issues whether the air emissions from the proposed facility will adversely affect the health of residents in the area, whether the air emissions from the proposed facility will adversely affect air quality in the area, whether the air emissions from the proposed facility will create nuisance conditions related to dust, and whether the public notice sign displayed at the site complied with sign-posting requirements; refer the matter to SOAH with a maximum hearing duration of six months with a concurrent referral to the TCEQ ADR program. Deny the request of Robin Nava as a matter of law and allow Robert and Ann Bartlett to seek party status at SOAH. Direct the Executive Director to participate in the hearing, request the ALJ provide Findings of Fact, Conclusions of Law, and Ordering Provisions along with the Proposal for Decision. LS/BG; all agree.

Item 3. [Docket No. 2007-0004-MWD](#). Consideration of the application by the **City of Sabinal** for a new wastewater permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014689001, to authorize the discharge of treated domestic wastewater with a daily average flow not to exceed 340,000 gallons per day. The wastewater treatment facility is located approximately 5,300 feet south of the intersection of State Hwy. 187 and Dunlap Avenue, along Dunlap Avenue and Rhylander Road (County Road 386) in **Uvalde 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. (Marc Friberg; Kent H. Trede)

Item continued to a future agenda to be determined by the General Counsel.

#### **AIR QUALITY ENFORCEMENT AGREED ORDERS**

Item 4. [Docket No. 2007-0906-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Swift Beef Company** in **Moore** and **Sherman Counties**; RN101623015; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Dana Shuler, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 5. [Docket No. 2007-0232-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Parker-Hannifin Corporation** in **Tarrant County**; RN102914033; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 6. [Docket No. 2007-0203-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Motiva Enterprises LLC** in **Jefferson County**; RN100209451; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Daniel Siringi, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 7. [Docket No. 2007-0537-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Owens Corning** in **Randall County**; RN100222140; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on

Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 8. [Docket No. 2007-0680-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Magnum Blue Ribbon Feeds, Inc.** in **Deaf Smith County**; RN101925196; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Sandy VanCleave, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 9. [Docket No. 2007-0009-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Maxim Production Co., LP** in **Wharton County**; RN100893338; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Bryan Elliott, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 10. [Docket No. 2007-0360-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation** in **Jefferson County**; RN100219252; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jessica Rhodes, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 11. [Docket No. 2007-0145-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Marine Services, Inc.** in **Harris County**; RN102074739; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 12. [Docket No. 2007-0503-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Explorer Pipeline Company** in **Jefferson County**; RN101954394; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Daniel Siringi, David VanSoest)

Approve the Agreed Order. LS/BG; all agree.

Item 13. [Docket No. 2007-0210-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ExxonMobil Oil Corporation** in **Jefferson County**; RN102450756; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lindsey Jones, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

- Item 14. [Docket No. 2007-0297-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Flint Hills Resources, LP in Nueces County**; RN100235266; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

- Item 15. [Docket No. 2007-0247-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BASF Corporation in Brazoria County**; RN100218049; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Trina Grieco, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

- Item 16. [Docket No. 2007-0404-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP in Jefferson County**; RN100209857; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, David Van Soest)

Item continued to the October 24, 2007 agenda. LS/BG; all agree.

- Item 17. [Docket No. 2007-0239-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Darling International Inc. in Harris County**; RN100871995; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lindsey Jones, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

- Item 18. [Docket No. 2006-1433-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Delek Refining, Ltd. in Smith County**; RN100222512; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

- Item 19. [Docket No. 2007-0197-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Albemarle Catalysts Company LP in Harris County**; RN100211523; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Roshondra Lowe, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 20. [Docket No. 2007-0316-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Albemarle Corporation in Harris County**; RN100218247; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rebecca Johnson, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 21. [Docket No. 2007-0136-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Amarillo Road Company, L.P. in Hartley and Randall Counties**; RN102568516; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

### **DRY CLEANER ENFORCEMENT AGREED ORDERS**

Item 22. [Docket No. 2006-1469-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Aesthetic Developers, Inc. dba Fabric Care Cleaners in Brazos County**; TCEQ ID Nos. RN104096649, RN104096730, and RN104096797; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Jennifer Cook)

Approve the Agreed Order. LS/BG; all agree.

Item 23. [Docket No. 2006-0870-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties against **North Bengal, Inc. dba Dry Clean Super Center in Tarrant County**; TCEQ ID No. RN104091012; for a dry cleaner registration violation pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Mary Hammer, Jennifer Cook)

Approve the Agreed Order. LS/BG; all agree.

Item 24. [Docket No. 2006-1669-DCL-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **3 Park's Enterprises, L.L.C. dba Lah Cleaners in Harris County**; RN100919018; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (J. Craig Fleming, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

### **DRY CLEANER ENFORCEMENT DEFAULT ORDERS**

Item 25. [Docket No. 2006-1247-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Dark Angel Investments, Inc. dba Bet Cleaners and dba Deluxe Cleaners in Brazoria County and Fort Bend County**; TCEQ ID Nos. RN104492129 and RN104061486; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374,

Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Benjamin O. Thompson, Jennifer Cook)

Approve the Default Order. LS/BG; all agree.

Item 26. [Docket No. 2006-1490-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **L&L AG Products, Inc. dba De Kalb City Cleaners** in **Bowie County**; TCEQ ID No. RN105017735; for dry cleaner registration violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 374, and the rules of the Texas Commission on Environmental Quality. (Dinniah M. Chahin, Jennifer Cook)

Approve the Default Order. LS/BG; all agree.

### **EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS**

Item 27. [Docket No. 2007-0282-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Georgetown Independent School District** in **Williamson County**; RN105116149; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 28. [Docket No. 2007-0330-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Lighthouse Land Ventures, Ltd.** in **Bexar County**; RN105135354; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lynley Doyen, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

### **FIELD CITATIONS**

Item 29. [Docket No. 2007-0894-PST-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Grant Rd Enterprises, LLC dba Chevron Mini Mart 5** in **Harris County**; RN102492766; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

Approve the Field Citation. LS/BG; all agree.

Item 30. [Docket No. 2007-0842-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Gavin Steel Fabricating, Inc.** in **Bexar County**; RN100846542; for stormwater violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Steven Lopez)

Approve the Field Citation. LS/BG; all agree.

Item 31. [Docket No. 2007-0895-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **South-Tex Concrete, Inc. dba South Tex Concrete Co in Cameron County**; RN102764867; for stormwater violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Steven Lopez)

Approve the Field Citation. LS/BG; all agree.

### **INDUSTRIAL OR HAZARDOUS WASTE ENFORCEMENT AGREED ORDERS**

Item 32. [Docket No. 2007-0231-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BFI Waste Services of Texas, LP dba Allied Waste Services of Houston in Harris County**; RN103765053; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Colin Barth, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 33. [Docket No. 2007-0835-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties against **Airborn, Inc. in Dallas County**; RN100647551; for industrial and hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Colin Barth, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

### **LICENSED IRRIGATORS ENFORCEMENT AGREED ORDER**

Item 34. [Docket No. 2007-0251-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John Wayne Green in Smith County**; RN105157846; for landscape irrigator occupational license violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Occupations Code ch. 1903, and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

### **MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS**

Item 35. [Docket No. 2006-0121-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties against **Lynn Turney in Hood County**; TCEQ ID No. RN104812334; for air quality, municipal solid waste, and industrial solid waste violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kari L. Gilbreth, Jennifer Cook)

Approve the Agreed Order. LS/BG; all agree.

Item 36. [Docket No. 2007-0143-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bastrop County in Bastrop County**; RN100529296; for used oil and municipal hazardous waste violations pursuant to Tex. Health & Safety Code chs. 361 and 371, Tex.

Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 37. [Docket No. 2007-0309-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **North Milam Water Supply Corporation in Milam County**; RN102681889; for public water supply and water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Yuliya Dunaway, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 38. [Docket No. 2007-0237-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **I. 35 Sandpit, Inc. in Johnson County**; RN102869484; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361 and 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Marlin Bullard, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

#### **MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDERS**

Item 39. [Docket No. 2007-0273-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Los Betos Caliche Pit, L.L.C. in Hildago County**; RN105109151; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Marlin Bullard, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 40. [Docket No. 2007-0643-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James Lynch in Hudspeth County**; RN105002828; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Dana Shuler, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 41. [Docket No. 2005-1785-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Duval County in Duval County**; TCEQ ID No. RN101921286; for municipal solid waste violations pursuant to Tex. Water Code chs. 7 and 37, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Jennifer Cook)

Approve the Agreed Order. LS/BG; all agree.

Item 42. [Docket No. 2007-0249-MSW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **El Paso Press/Box, Inc. in El Paso County**; RN105116933; for

municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

### **MUNICIPAL WASTE DISCHARGE ENFORCEMENT AGREED ORDERS**

Item 43. [Docket No. 2007-0344-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Grandview in Johnson County**; RN101918753; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 44. [Docket No. 2007-0199-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Katy Independent School District in Harris County**; RN101524973; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 45. [Docket No. 2007-0229-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rice Water Supply and Sewer Service Corporation in Navarro County**; RN102997343; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Craig Fleming, Steven Lopez)

Approve the Agreed Order. LS/BG; all agree.

Item 46. [Docket No. 2007-0300-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Memorial Point Utility District in Polk County**; RN102806866; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 47. [Docket No. 2006-2236-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Montgomery County Municipal Utility District No. 56 in Montgomery County**; RN102916905; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Catherine Albrecht, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 48. [Docket No. 2007-0178-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Teague in Freestone County**; RN102181716; for water

quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Libby Hogue, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 49. [Docket No. 2007-0411-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Annona in Red River County**; RN101721132; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Laurie Eaves, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 50. [Docket No. 2007-0122-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Charlotte in Atascosa County**; RN101721033; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

#### **PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS**

Item 51. [Docket No. 2005-0031-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Sonal Enterprises Inc. dba Stop N Joy in Bexar County**; TCEQ ID No. RN101903813; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Jacquelyn Boutwell, Jennifer Cook)

Approve the Agreed Order. LS/BG; all agree.

Item 52. [Docket No. 2007-0205-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ron Stuard dba Pecos River Crossing in Pecos County**; RN103762605; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Tom Greimel, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 53. [Docket No. 2006-1881-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Best Texan, Inc. dba 105 Food Mart in Hardin County**; RN102350949; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 7 and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 54. [Docket No. 2007-0088-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hussain Lakhani dba Hulen Stop in Tarrant County**; RN101443059; for petroleum storage

tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip DeFrancesco, Steven Lopez)

Approve the Agreed Order. LS/BG; all agree.

Item 55. [Docket No. 2007-0348-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Seven Heights Corporation dba Mobil 1 Lube Express in Dallas County**; RN100539998; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Philip DeFrancesco, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 56. [Docket No. 2006-1843-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Cardinal Towing Company, Inc. dba Cardinal Towing & Auto Repair in Tarrant County**; TCEQ ID No. RN101536951; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Dinniah M. Chahin, Jennifer Cook)

Approve the Agreed Order. LS/BG; all agree.

#### **PETROLEUM STORAGE TANK ENFORCEMENT DEFAULT ORDERS**

Item 57. [Docket No. 2004-1035-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Al-Azim Corporation dba Honey Stop 7 in Harris County**; TCEQ ID Nos. 32803 and RN102450426; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Rebecca M. Combs, Jennifer Cook)

Approve the Default Order. LS/BG; all agree.

Item 58. [Docket No. 2005-1295-PST-E](#). Consideration of a Default Order assessing administrative penalties against **Pinglia and Associates Investment, L.L.C. dba Happy Food Mart in Harris County**; TCEQ ID No. RN101867547; for a petroleum storage tank violation pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Jennifer Cook)

Approve the Default Order. LS/BG; all agree.

Item 59. [Docket No. 2003-0692-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Speedys Mart Incorporated dba Speedy Mart C-Stores, formerly known as National Mart Convenience Store in Harris County**; TCEQ ID No. RN101735496; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality. (Shawn A. Slack, Jennifer Cook)

Approve the Default Order. LS/BG; all agree.

Item 60. [Docket No. 2005-1524-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Birdsong Fuels & Services, L.L.C. in Jefferson County**; TCEQ ID

No. RN101813616; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

Approve the Default Order. LS/BG; all agree.

Item 61. [Docket No. 2005-1959-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **G.Q. Enterprises Corporation dba Glenview Quick Mart in Tarrant County**; TCEQ ID No. RN103000592; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Lena Roberts, Jennifer Cook)

Approve the Default Order. LS/BG; all agree.

### **PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS**

Item 62. [Docket No. 2007-0378-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **G & W Water Supply Corporation in Grimes County**; RN101266930; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 63. [Docket No. 2007-0349-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Northeast Washington County Water Supply Corporation in Washington County**; RN101266138; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 64. [Docket No. 2007-0351-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shaded Lane Water Company, Inc. in Johnson County**; RN101260420; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Steven Lopez)

Approve the Agreed Order. LS/BG; all agree.

Item 65. [Docket No. 2007-0146-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southeast Kaufman Water Supply Corporation in Kaufman County**; RN101235463; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 66. [Docket No. 2007-0307-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Hamilton in Hamilton County**; RN101383586; for public

drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Steven Lopez)

Approve the Agreed Order. LS/BG; all agree.

### **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDER**

Item 67. [Docket No. 2005-1016-PWS-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **N.D.N.Y. Enterprises, Inc. dba Chances Night Club** in **Aransas County**; TCEQ ID No. RN101199552; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Lena Roberts, Jennifer Cook)

Approve the Default Order. LS/BG; all agree.

### **SLUDGE ENFORCEMENT AGREED ORDER**

Item 68. [Docket No. 2007-0350-SLG-E](#). Consideration of an Agreed Order assessing administrative penalties against **Jerry Long** in **Palo Pinto County**; RN103099297; for water quality violations pursuant to Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

### **WASTEWATER OPERATOR ENFORCEMENT AGREED ORDER**

Item 69. [Docket No. 2007-0185-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties against **Richard B. Barkley** in **Montgomery County**; RN103279188; for occupational license violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

### **WATER QUALITY ENFORCEMENT AGREED ORDERS**

Item 70. [Docket No. 2007-0126-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Hawkins Homes, Inc.** in **Hardin County**; RN104454954; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Lynley Doyen, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 71. [Docket No. 2007-0156-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Michael Jansky dba Jansky's Sand & Gravel** in **Lavaca County**; RN101926046; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Tel Croston, Steven Lopez)

Approve the Agreed Order. LS/BG; all agree.

Item 72. [Docket No. 2007-0687-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ashler Oaks, LLC** in **Bexar County**; RN103997029; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

Item 73. [Docket No. 2007-0451-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Ballater, Ltd.** in **Montgomery County**; RN105153266; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Laurie Eaves, David Van Soest)

Approve the Agreed Order. LS/BG; all agree.

### **TMDL MATTERS**

Item 74. [Docket No. 2007-0026-TML](#). Consideration to approve the final Implementation Plan for three total maximum daily loads for chloride, sulfate, and total dissolved solids in **Petronila Creek Above Tidal** (Segment 2204) of the Nueces-Rio Grande Coastal Basin, in **Nueces and Kleberg Counties**. (Faith Hambleton, Marc Friberg)

Approve the proposed TMDL in Petronila Creek Above Tidal (Segment 2204) of the Nueces-Rio Grande Coastal Basin. LS/BG; all agree.

Item 75. [Docket No. 2007-0190-TML](#). Consideration to approve the final Implementation Plan for two total maximum daily loads for chloride and total dissolved solids in the **Colorado River Below E. V. Spence Reservoir** (Segment 1426) of the Colorado River Basin in **Coke and Runnels Counties**. (Faith Hambleton, Marc Friberg)

Approve the proposed TMDL in the Colorado River Below E. V. Spence Reservoir (Segment 1426) of the Colorado River Basin with the proposed typographical changes outlined by the Executive Director at the public meeting. LS/BG; all agree.

### **EXECUTIVE MEETING**

Item 76. **Docket No. 2007-0001-EXE**. The Commission will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in the Executive Meeting.

Item 77. **Docket No. 2007-0002-EXE**. The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as

Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in the Executive Meeting.

Item 78. **Docket No. 2007-0003-EXE.** The Commission will conduct a closed meeting to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open meeting to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commission did not meet in the Executive Meeting.

**(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)**

**REGISTRATION FOR AGENDA STARTS AT 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.**

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

## AGENDA

Wednesday, October 10, 2007

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. [TCEQ Docket No. 2007-1374-UCR](#). Consideration of the Motion to Overturn filed by **Double Diamond, Inc.**, concerning the Executive Director's denial of Petition No. 35564-C by Double Diamond, Inc., for Expedited Release from Northwest Grayson County WCID No. 1's CCN No. 12362 in **Grayson County**, Texas. The Commission may consider the Motion to Overturn, related filings, and Double Diamond, Inc.'s Petition for Expedited Release No. 35564-C. (Grayson County)

Deny the Motion to Overturn. LS/BG; all agree.

- Item 2. [TCEQ Docket No. 2006-1778-UCR](#). Consideration of the Motion for Judgment Nunc Pro Tunc under Texas Rule of Civil Procedure 316 filed by the **City of Lindsey**. The motion requests that the Commission to issue a judgment nunc pro tunc in order to correct alleged errors in the Executive Director's issuance of water certificate of convenience and necessity ("CCN") no. 13025 in **Cooke County**, Texas, after processing the applications of the Town of Lindsey to obtain water and sewer CCNs in TCEQ Docket Nos. 2001-1045-UCR and 2001-1046-UCR and SOAH Docket No. 582-02-0431. The Commission will consider the motion, the related filings and the timely-filed responses and reply. (Ross Henderson, Tammy Benter)

Re-posted as Item #4 on the 1:00 P.M. agenda.

- Item 3. [TCEQ Docket No. 2007-0490-MIS-U](#). Consideration of the Appeal filed by **BJ Services Company USA** with regard to the Executive Director's negative use determination in Use Determination No. 06-10292, which was issued on March 6, 2007, for certain self-contained air re-circulation system property at the Appellant's Tomball, **Harris County** research and oil field vehicle assembly facility.

Appeal withdrawn.

**(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)**

**REGISTRATION FOR AGENDA STARTS AT 12:30 P.M. UNTIL 1:00 P.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.**

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

ADDENDUM AGENDA

Wednesday, October 10, 2007

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 4. [TCEQ Docket No. 2006-1778-UCR](#). Consideration of the Motion for Judgment Nunc Pro Tunc under Texas Rule of Civil Procedure 316 filed by the **City of Lindsay**. The motion requests that the Commission to issue a judgment nunc pro tunc in order to correct alleged errors in the Executive Director's issuance of water certificate of convenience and necessity ("CCN") no. 13025 in **Cooke County**, Texas, after processing the applications of the Town of Lindsay to obtain water and sewer CCNs in TCEQ Docket Nos. 2001-1045-UCR and 2001-1046-UCR and SOAH Docket No. 582-02-0431. The Commission will consider the motion, the related filings and the timely-filed responses and reply. (Ross Henderson, Tammy Benter)

Item continued to the October 24, 2007 agenda. LS/BG; all agree.

/s/ Tracy Gross  
Assistant General Counsel,  
Tracy Gross

11-15-2007  
Date