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Chairman H.S. Buddy Garcia                      OLD BUSINESS AGENDA  
Commissioner Larry R. Soward  
Commissioner Bryan W. Shaw, Ph.D.    Wednesday, October 22, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Continued from the September 24, 2008 agenda.

Item 1. [Docket No. 2007-1424-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf Coast Composite Marine Specialist Inc.** in **Galveston County**; TCEQ ID No. RN100887306; 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 Tex. Admin. Code ch. 60. (Anna Cox, Lena Roberts)

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

## AGENDA

Wednesday, October 22, 2008

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.

12100 Park 35 Circle  
Room 201S, Bldg. E

#### **HEARING REQUESTS/REQUESTS FOR RECONSIDERATION**

- Item 1. [Docket No. 2005-0272-AIR](#). Consideration of application by **Lone Star Steel Company, L.P., now U.S. Steel Tubular Products, Inc.**, for renewal of Air Quality Permit No. 3342 and PSD-TX-838 to authorize the continued operation of a steel pipe manufacturing plant consisting of two electric arc furnaces and a speciality tubing facility. The plant site is located at 6866 Highway 259 South in Lone Star, **Morris 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. (Dois Webb/Douglas Brown)

Deny the hearing request of Donnie Turner as a matter of law, issue the renewal of permits 3342 and PSD-TX-838 and adopt the Executive Director's Response to Comments. BS/LS; all agree.

- Item 2. [Docket No. 2008-1406-MWD](#). Consideration of the application by **LCS Corrections Services, Inc.** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014802001, which would authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 150,000 gallons per day. The wastewater treatment facility will be located at 4909 Farm-to-Market Road 2826, approximately 470 feet west of the centerline of County Road 81 in the southwest quadrant of the intersection of County Road 81 and Farm-to-Market Road 2826, southwest of the City of Robstown in **Nueces County**. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Alicia Lee, Kent H. Trede)

Deny the Request for Reconsideration by Mr. Michael Baumann on behalf of Midnight Sun, Inc., VI., issue the draft permit and adopt the Executive Director's Response to Comments. LS/BS; all agree.

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

- Item 3. [Docket No. 2008-0243-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Total Petrochemicals USA, Inc. in Jefferson County**; RN102457520; 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, Bryan Sinclair)

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

Item 4. [Docket No. 2008-0145-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Sid Richardson Carbon, Ltd. in Hutchinson County**; RN100222413; 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. (Jorge Ibarra, P.E., Bryan Sinclair)

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

Item 5. [Docket No. 2008-0957-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mobile Mini I, Inc. in Dallas County**; RN100739275; 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. (James Nolan, Bryan Sinclair)

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

Item 6. [Docket No. 2007-0463-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Exxon Mobil Corporation in Harris County**; TCEQ ID No. RN102579307; 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 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Lena Roberts)

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

Item 7. [Docket No. 2008-0758-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Atlas Pipeline Mid-Continent WestTex, LLC in Reagan County**; RN100213701; 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, Bryan Sinclair)

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

Item 8. [Docket No. 2007-1218-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Shell Chemical LP in Harris County**; TCEQ ID No. RN100211879; 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 Tex. Admin. Code ch. 60. (Laurencia Fasoyiro, Jennifer Cook)

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

Item 9. [Docket No. 2008-0628-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BP Amoco Chemical Company in Galveston County**; RN102536307; 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. (Jorge Ibarra, P.E., Bryan Sinclair)

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

Item 10. [Docket No. 2007-1733-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DCP Midstream, LP** in **Crane County**; RN104960158; 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. (Suzanne Walrath, Bryan Sinclair)

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

Item 11. [Docket No. 2008-0342-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enbridge Pipelines (NE Texas) L.P.** in **Camp County**; RN100223783; 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. (Jorge Ibarra, P.E., Bryan Sinclair)

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

Item 12. [Docket No. 2007-1162-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Enterprise Products Operating LLC** in **Chambers County**; RN102323268; 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, Bryan Sinclair)

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

Item 13. [Docket No. 2008-0714-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Harris County**; RN102926920; 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, Bryan Sinclair)

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

Item 14. [Docket No. 2008-0558-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Gulf South Pipeline Company, LP** in **Polk County**; RN100218494; 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, Bryan Sinclair)

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

Item 15. [Docket No. 2008-0867-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties against **Hess Corporation** in **Gaines County**; RN103758470; 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, Bryan Sinclair)

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

Item 16. [Docket No. 2008-0665-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Mobil Chemical Company Inc. in Jefferson County**; RN100211903; 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. (Thomas Jecha, Bryan Sinclair)

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

Item 17. [Docket No. 2008-0455-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Owens Corning Roofing and Asphalt, LLC in Dallas and Harris Counties**; RN100225291 and RN100225036; 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. (Samuel Short, Bryan Sinclair)

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

Item 18. [Docket No. 2008-0775-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **PD Glycol LP in Jefferson County**; RN100825413; 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. (James Nolan, Bryan Sinclair)

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

Item 19. [Docket No. 2008-0433-AIR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Permian Tank & Manufacturing, Inc. in Ector County**; RN102337730; 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. (J. Craig Fleming, Bryan Sinclair)

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

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

Item 20. [Docket No. 2006-1211-DCL-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Demitree Ochoa dba Yo Cleaners in Harris County**; TCEQ ID No. RN104097530; 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. (Benjamin O. Thompson, Lena Roberts)

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

Item 21. [Docket No. 2006-1719-DCL-E](#). Consideration of a Default Order assessing administrative penalties against **Inwood Center, LLC dba 99 Center Cleaners aka Inwood Center, LLC dba Inwood Center Cleaners in Harris County**; TCEQ ID No. RN104158167; 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, including specifically 30 Tex. Admin. Code ch. 60. (Tracy Chandler, Lena Roberts)

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

### **EDWARDS AQUIFER ENFORCEMENT AGREED ORDER**

Item 22. [Docket No. 2008-0705-EAQ-E](#). Consideration of an Agreed Order assessing administrative penalties against **Archdiocese of San Antonio in Bexar County**; RN102748019; 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. (Lauren Smitherman, Bryan Sinclair)

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

### **FIELD CITATIONS**

Item 23. [Docket No. 2008-1325-OSI-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Kenneth Louis Gillispie in Kaufman County**; RN103299715; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 366, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 24. [Docket No. 2008-1333-WOC-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Dorothy A. Thompson in Gregg County**; RN103749768; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)

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

Item 25. [Docket No. 2008-1337-WQ-E](#). Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **L H Lacy Co Ltd in Collin County**; RN105457576; 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. (Melissa Keller, Bryan Sinclair)

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

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

Item 26. [Docket No. 2007-0857-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **U.S. Oil Recovery, L.P. in Harris County**; TCEQ ID No. RN100604677; for an industrial hazardous waste violation 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 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Lena Roberts)

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

- Item 27. [Docket No. 2008-0230-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chevron Phillips Chemical Company LP** in **Hutchinson County**; RN102320850; 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. (Cheryl Thompson, Bryan Sinclair)

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

- Item 28. [Docket No. 2008-0581-IHW-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Roger Collins** in **Falls County**; RN105362859; 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. (John Shelton, Bryan Sinclair)

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

#### **INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER**

- Item 29. [Docket No. 2008-0662-IWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Texas Petrochemicals LP** in **Harris County**; RN102800315; 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. (Mark Oliver, Bryan Sinclair)

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

#### **LICENSED IRRIGATORS ENFORCEMENT AGREED ORDERS**

- Item 30. [Docket No. 2008-0737-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Keith Sherrell** in **Hood County**; RN105457857; for licensing 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. (Steve Villatoro, Bryan Sinclair)

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

- Item 31. [Docket No. 2008-0130-LII-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Terry R. James** in **Bastrop County**; RN105377576; for occupational licensing 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. (Elvia Maske, Bryan Sinclair)

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

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

Item 32. [Docket No. 2008-0312-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Near Bore Resources, Inc.** in **Rusk County**; RN105170518; for municipal solid waste and 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. (Ross Fife, Bryan Sinclair)

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

Item 33. [Docket No. 2008-0674-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Houston Refining LP** in **Harris County**; RN100218130; for air quality and water quality 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. (Miriam Hall, Bryan Sinclair)

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

Item 34. [Docket No. 2008-0288-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AUSTIN EQUIPMENT COMPANY, LC** in **Williamson County**; RN104543780; for Edwards Aquifer and municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, 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. (Steven Lopez, Bryan Sinclair)

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

Item 35. [Docket No. 2008-0300-MLM-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Joel Bazan dba Bazan Scrap Tire Facility** in **Duval County**; RN102983301; for air quality and municipal solid waste violations pursuant to Tex. Health & Safety Code chs. 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. (Colin Barth, Bryan Sinclair)

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

#### **MUNICIPAL SOLID WASTE ENFORCEMENT DEFAULT ORDER**

Item 36. [Docket No. 2006-2241-MSW-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **George Zambrano dba Zambrano Roofing and Sheet Metal Co.** in **Jim Wells County**; TCEQ ID No. RN105093363; for municipal solid waste 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 Tex. Admin. Code ch. 60. (Barham A. Richard, Jennifer Cook)

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

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



Item 37. [Docket No. 2008-0770-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James Lewis Allen dba Holiday Springs Mobile Home Park** in **Harrison County**; RN101194041; 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. (Pamela Campbell, Bryan Sinclair)

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

Item 38. [Docket No. 2008-0299-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harris County Water Control and Improvement District No. 89** in **Harris County**; RN101527596; 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. (Pamela Campbell, Bryan Sinclair)

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

Item 39. [Docket No. 2008-0826-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Northwest Harris County Municipal Utility District No. 5** in **Harris County**; RN101400414; 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. (Steve Villatoro, Bryan Sinclair)

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

Item 40. [Docket No. 2008-0613-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Weatherford** in **Parker County**; RN101614055; 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, Bryan Sinclair)

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

Item 41. [Docket No. 2008-0557-MWD-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Bishop** in **Nueces County**; RN101920684; 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. (Pamela Campbell, Bryan Sinclair)

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

#### **PETROLEUM STORAGE TANKS ENFORCEMENT AGREED ORDERS**

Item 42. [Docket No. 2008-0778-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **UNITED PETROLEUM TRANSPORTS, INC.** in **El Paso County**; RN103894564; 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. (Judy Kluge, Bryan Sinclair)

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

- Item 43. [Docket No. 2008-0522-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **John T. Leslie** in **Morris County**; RN101757722; 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. (Judy Kluge, Bryan Sinclair)

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

- Item 44. [Docket No. 2008-1004-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **GASGO MARKETS, INC. dba Gasgo Markets 12** in **Refugio County**; RN101777472; 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. (Rajesh Acharya, Bryan Sinclair)

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

- Item 45. [Docket No. 2008-0616-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ESHAAN INVESTMENTS, L.L.C. dba Metro Food 2** in **Harris County**; RN101431526; 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. (Wallace Myers, Bryan Sinclair)

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

- Item 46. [Docket No. 2008-0444-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **DESI GROUP, INC. dba Fina Mart** in **Dallas County**; RN102361060; 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. (Judy Kluge, Bryan Sinclair)

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

- Item 47. [Docket No. 2008-0609-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **CAMPBELL OIL CO. dba Shop & Go No. 5** in **Hardin County**; RN102440757; for petroleum storage tank violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5, 7, and 26, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Steven Lopez, Bryan Sinclair)

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

- Item 48. [Docket No. 2008-0644-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **C & L Diamond Liquor, Inc. dba Diamond Famous Fried Chicken** in **Tarrant County**; RN102489226; 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. (Thomas Greimel, Bryan Sinclair)

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

Item 49. [Docket No. 2008-0823-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **AVALON GOLDEN JUBILEE, INC. dba Friendswood Chevron** in **Harris County**; RN101619773; 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. (Judy Kluge, Judy Kluge)

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

Item 50. [Docket No. 2008-0332-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **H. G. Word** in **Grayson County**; RN101573582; 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. (Ross Fife, Bryan Sinclair)

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

Item 51. [Docket No. 2008-0631-PST-E](#). Consideration of an Agreed Order assessing administrative penalties against **Bell Bottom Foundation Co.** in **Brazoria County**; RN101824399; 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. (Ross Fife, Bryan Sinclair)

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

Item 52. [Docket No. 2007-1054-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Michael Nassif** in **Harris County**; TCEQ ID No. RN101884286; 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. (Gary K. Shiu, Lena Roberts)

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

Item 53. [Docket No. 2008-0525-PST-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **AL-AZAR ENTERPRISES, INC. dba I & A Food Store** in **Harris County**; RN102822780; 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, Bryan Sinclair)

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

## **PETROLEUM STORAGE TANKS ENFORCEMENT DEFAULT ORDERS**

Item 54. [Docket No. 2007-1125-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Beverly Breaux** in **Dewitt County**; TCEQ ID No. RN101752053; 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. (Rudy Calderon, Lena Roberts)

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

Item 55. [Docket No. 2007-0541-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Sharon Skinner** in **Cooke County**; TCEQ ID No. RN101568210 ; 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 Tex. Admin. Code ch. 60. (Alfred Oloko, Lena Roberts)

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

Item 56. [Docket No. 2007-0790-PST-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Ray Lawton and Shuran Lawton** in **Marion County**; TCEQ ID No. RN105072912; 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. (Tracy Chandler, Lena Roberts)

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

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

Item 57. [Docket No. 2008-0412-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of La Feria** in **Cameron County**; RN101418325; 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, Bryan Sinclair)

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

Item 58. [Docket No. 2008-0519-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Camp Champions Texas L.P.** in **Burnet County**; RN101258275; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Bryan Sinclair)

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

Item 59. [Docket No. 2008-0900-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Deep Water Holdings, Inc.** in **Burleson County**; RN102688520; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Christopher Keffer, Bryan Sinclair)

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

Item 60. [Docket No. 2008-0808-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Troup in Smith County**; RN101404317; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Bryan Sinclair)

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

Item 61. [Docket No. 2008-0777-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties against the **City of Bardwell in Ellis County**; RN101238608; 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, Bryan Sinclair)

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

Item 62. [Docket No. 2008-0254-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rincon Water Supply Corporation in San Patricio County**; RN101194504; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Tel Croston, Bryan Sinclair)

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

Item 63. [Docket No. 2008-0888-PWS-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rhodia Inc. in Harris County**; RN100211317; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Amanda Henry, Bryan Sinclair)

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

#### **PUBLIC WATER SYSTEM ENFORCEMENT DEFAULT ORDERS**

Item 64. [Docket No. 2006-0175-PWS-E](#). Consideration of a Default Order assessing administrative penalties against **Hari Enterprises, L.L.C. in Wharton County**; TCEQ ID No. RN102280518; for public water supply violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Dinniah M. Chahin, Lena Roberts)

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

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

Item 65. [Docket No. 2008-0711-WOC-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Rodney W. Watkins in Freestone County**; RN103595708; for occupational licensing violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 37, and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Bryan Sinclair)

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

## WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 66. [Docket No. 2007-1337-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Plano** in **Collin County**; RN103099156; 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. (Cheryl Thompson, Bryan Sinclair)

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

Item 67. [Docket No. 2007-0548-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Advantage Asphalt Products, Ltd.** in **Armstrong County**; TCEQ ID No. RN104416722; 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 Tex. Admin. Code ch. 60. (Alfred Oloko, Lena Roberts)

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

Item 68. [Docket No. 2008-0556-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pete Terrazas** in **Pecos County**; RN105368377; 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. (Thomas Jecha, Bryan Sinclair)

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

Item 69. [Docket No. 2008-0502-WQ-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Harris County Fresh Water Supply District 1A** in **Harris County**; RN101515971; 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. (J. Craig Fleming, Bryan Sinclair)

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

## WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 70. [Docket No. 2007-1196-WQ-E](#). Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Leonard Morris dba Western Stone** in **Palo Pinto County**; RN105226146; 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 Tex. Admin. Code ch. 60. (Patrick N. Jackson, Lena Roberts)

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

## WATER RIGHT ENFORCEMENT AGREED ORDER

Item 71. [Docket No. 2008-0876-WR-E](#). Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Chesapeake Energy Marketing, Inc.** in **Johnson**

**County**; RN105524508; for water rights violations pursuant to Tex. Water Code ch. 11 and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Bryan Sinclair)

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

#### **POST CLOSURE MATTER**

Item 72. [Docket No. 2006-0349-IHW](#). Consideration of the application by **U. S. Steel Tubular Products, Inc. (formerly Lone Star Steel Company, L.P.)** for issuance of a post-closure order to authorize post-closure care of solid and hazardous waste units pursuant to Tex. Health & Safety Code ch. 361; Tex. Water Code ch. 7; 40 Code of Federal Regulations Parts 264, 265, 270 and 271; and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 335. The facility is located at 6866 US highway 259 South, in **Morris County**, Texas. The Commission will also consider requests for hearing or reconsideration and related responses. (Angelyn Eastman, Susan Jere White, and Dawn Burton)

Approve the proposed agreed Post-Closure Order between the Commission and U. S. Steel. BS/LS; all agree.

#### **MISCELLANEOUS MATTER**

Item 73. [Docket No. 2008-1608-MIS](#). Consideration of the *Biennial Report to the 81st Legislature for FY 2007 - FY 2008*, as required by the Texas Water Code, Sec. 5.178. The *Biennial Report* is due December 1 before each regular legislative session.

Approve the *Biennial Report to the 81<sup>st</sup> Legislature for FY 2007 – FY 2008* as recommended by the Executive Director. BS/LS; all agree.

#### **RULE MATTER**

Item 74. [Docket No. 2008-0771-RUL](#). Consideration of the adoption of an amendment to Section 1.10 of **30 TAC Chapter 1**, Purpose of Rules, General Provisions. The adoption would revise the number of copies submitted to the Chief Clerk for documents filed for commission meetings and define the acronym SOAH as the State Office of Administrative Hearings. The proposed rule was published in the August 22, 2008 issue of the *Texas Register* (33 TexReg 6726). (LaDonna Castañuela, Michael Parrish, Alicia Lee) (Rule Project No. 2008-018-001-AS)

Adopt the amendments to 30 TAC 1.10 as recommended with the change proposed by the Executive Director. BS/LS; all agree.

#### **EXECUTIVE MEETING**

Item 75. **Docket No. 2008-0001-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 an executive meeting.

Item 76. **Docket No. 2008-0002-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 an executive meeting.

Item 77. **Docket No. 2008-0003-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 an 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. AND WILL CONTINUE 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 22, 2008

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

- Item 1. [TCEQ Docket No. 2007-0543-AGR-E; SOAH Docket No. 582-08-0090](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Klaas Talsma dba Talsma Dairy** in **Erath County**, Texas; TCEQ ID No. WQ0003145000; regarding violations pursuant to 30 Tex. Admin. Code § 321.42(s), Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Barham Richard)

Adopt the ALJ's Proposed Order as modified by granting the Executive Director's exception number three. LS/BS; all agree.

- Item 2. [TCEQ Docket No. 2008-0099-MIS; SOAH Docket No. 582-08-1502](#). Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the Executive Director's petition for designation of the **Central Texas - Trinity Aquifer - Priority Groundwater Management Area (PGMA)** and the Executive Director's recommendations concerning creation of Groundwater Conservation Districts in the PGMA pursuant to Chapter 35 of the Texas Water Code and 30 TAC Chapter 294 of the rules of the Texas Commission on Environmental Quality. The proposed Central Texas - Trinity Aquifer - PGMA would be created to cover **Bosque, McLennan, Coryell, Hill, and Somervell Counties**, Texas. The Commission will also consider exceptions and replies. (Robin Smith)

Adopt the ALJ's proposed order as the ALJ recommended it be revised in his 9/9/08 letter, with the revisions to Conclusion of Law No. 6 as read by the ALJ during the meeting along with the two revisions recommended by the Executive Director to Finding of Fact Nos. 1 and 20 during the open meeting; however, do not include Conclusion of Law No. 9 as proposed by the Executive Director; and direct the Office of General Counsel to add a clause directing the Chief Clerk's Office to provide copies of the Order to all parties. BS/LS; all agree

- Item 3. [TCEQ Docket No. 2006-2022-MSW-E; SOAH Docket No. 582-08-0669](#). Consideration of the Administrative Law Judge's Proposal for Decision and Default Order assessing administrative penalties and requiring certain actions of **Michael Eugene French** in **Kaufman County**, Texas; TCEQ ID No. 455040169; regarding municipal solid waste violations pursuant to 30 Tex. Admin. Code § 330.15(c) and the rules of the Texas Commission on Environmental Quality. The Commission will also consider timely filed exceptions and replies. (Anna Cox)

Adopt the ALJ's Proposal for Decision and Order as modified by the Executive Director's exceptions. LS/BS; all agree.

Item 4. **TCEQ Docket No. 2007-1828-UCR.** Consideration of a request for a Commission order approving a contract designating service areas between the **City of Schertz**, water certificate of convenience and necessity (“CCN”) No. 10645, and **Green Valley Special Utility District** (“Green Valley”), water CCN No. 10646, in **Guadalupe County**, Texas pursuant to section 13.248 of the Texas Water Code. Currently, Green Valley holds a CCN that includes the proposed Keli Heights Subdivision. Green Valley received a request from HLH Development, L.P. to transfer approximately 33.501 acres of its CCN that covers the proposed subdivision to the City of Schertz. Under the agreement between the three parties, this transfer will occur. No customers or facilities are proposed to be transferred. (Ron Olson, Heidi Graham)

Approve the contract between the City of Schertz and Green Valley Special Utility District (SUD) under TWC 13.248 which will result in the transfer of approximately 33.501 acres from Green Valley SUD CCN to Schertz CCN Number 10645 and issue the Executive Director’s Proposed Order. BS/LS; all agree.

**(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. AND WILL CONTINUE UNTIL 1:00 P.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.**

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/s/ Shannon Strong  
Assistant General Counsel,  
Shannon Strong

10/30/2008  
Date