

**WHITE
MARQUEZ
SOWARD**

MARKED WORK SESSION AGENDA

Friday, March 12, 2004

Texas Commission on Environmental Quality

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

1. **Discussion of the Monthly Enforcement Report for January 2004.** Ann McGinley, Enforcement Division Director, presented this issue.

Action: No action taken.

2. **Discussion of options for regional environmental monitoring and response systems.** John Steib, Deputy Director, Compliance and Enforcement and Steve Spaw, Monitoring Operations Division Director, presented this issue. Staff described a plan to use existing and emerging technologies for monitoring environmental conditions. At the invitation of the Commission, Greg Rothe and Steve Graham of the San Antonio River Authority (SARA), described the overall stream monitoring activities of SARA and offered the Commission their combined expertise in watershed monitoring operations.

Action: No action taken.

3. **Discussion of issues relating to agency compliance and enforcement policies and practices.** Glenn Shankle, Deputy Executive Director presented this issue as noted in the backup materials. Several individuals provided comment on this issue:
Representative Eddie Rodriguez, (D, Austin)
Mary Miksa, Texas Association of Business
Mary E, Kelly, Environmental Defense
Joyce Thoresen, citizen
Bee Moorhead, Director, Texas Impact
Richard Viktorin, citizen
Trek English, Northeast Action Group

Action: No action taken.

4. **Discussion of activities associated with the State Implementation Plan and issues related to recommendations regarding PM 2.5 and 8-hour ozone designations and boundaries.** This issue was not discussed by staff. Dr Ramon Alvarez, Environmental Defense, provided comments on EPA's Ozone Transport Rules.

Action: No action taken.

5. **Discussion of state and federal legislative issues potentially affecting the TCEQ.** The

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

Action: No action taken.

6. **PUBLIC COMMENT SESSION:** The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the *ex parte* prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour. No individuals registered.
7. **Planning for the next Commissioners' Work Session.** The next work session is April 30. Issues identified for presentation are a discussion of the Texas water quality 303d list as well as the standing issues.
8. **Closed Session:** The Commissioners met in closed session.
 - a. The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

Action: No action taken.

- b. The commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matter considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

Action: No action taken.

- c. The commission will conduct a closed session to discuss their duties, roles, and responsibilities as commissioners of the TCEQ pursuant to section 551.074 of the open meetings act, codified as chapter 551 of the government code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

Action: No action taken.

Discussion of the Monthly Enforcement Report for January 2004.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners' Work Session

Date: March 12, 2004

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

From: Anne Dobbs, Program Specialist, Enforcement Division

Subject: Monthly Enforcement Report for January 2004

Issue Discussion of the Monthly Enforcement Report for January 2004.

Background and Current Practice

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

ENFORCEMENT REPORT TO THE COMMISSION FOR JANUARY 2004

March 12, 2004 Commission Work Session

PROGRAMS	FORMAL ACTIONS INITIATED BY EDPR/PETITION OR DRAFT ORDER		ADMINISTRATIVE ORDERS ISSUED BY THE COMMISSION		FISCAL YEAR 2004 YEAR-TO-DATE TOTAL ADMINISTRATIVE PENALTIES ASSESSED, DEFERRED, TOTAL PENALTY DUE GENERAL REVENUE, AND DOLLAR AMOUNT WHICH WILL BE SPENT ON SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs) IN ORDERS ISSUED BY THE TCEQ				
	Month	FY	Month	FY	ASSESSED	DEFERRED	TOTAL PENALTY DUE GENERAL REVENUE	SEP COST	SEP OFFSET
AGRICULTURE	0	1	2	3	\$17,850.00	\$385.00	\$17,465.00	\$0.00	\$0.00
AIR	24	123	12	62	\$744,957.00	\$55,606.00	\$493,422.00	\$192,833.00	\$192,833.00
INDUSTRIAL AND HAZARDOUS WASTE ¹	1	6	0	6	\$85,650.00	\$4,580.00	\$59,070.00	\$22,000.00	\$22,000.00
MUNICIPAL SOLID WASTE	4	17	1	4	\$34,050.00	\$4,000.00	\$14,050.00	\$16,000.00	\$16,000.00
OCCUPATIONAL CERTIFICATION	8	15	0	9	\$7,750.00	\$425.00	\$7,325.00	\$0.00	\$0.00
PETROLEUM STORAGE TANKS	23	348	31	80	\$465,550.00	\$30,363.00	\$434,687.00	\$500.00	\$500.00
PUBLIC WATER SUPPLY ²	12	43	6	30	\$82,878.00	\$4,604.00	\$57,494.00	\$20,780.00	\$20,780.00
WATER QUALITY	20	86	5	53	\$551,017.00	\$20,654.00	\$392,398.00	\$137,965.00	\$137,965.00
MULTI-MEDIA	7	28	3	15	\$237,867.00	\$21,376.00	\$201,553.00	\$31,473.00	\$31,473.00
TOTALS	99	667	60	262	\$2,227,569.00	\$141,993.00	\$1,677,464.00	\$421,551.00	\$421,551.00

¹ Includes radioactive waste and underground injection control cases

² Includes water rights cases

ENFORCEMENT REPORT TO THE COMMISSION FOR JANUARY 2004

March 12, 2004 Commission Work Session

PROGRAMS	WRITTEN NOTICES OF VIOLATION (NOVS) ISSUED REGARDING TCEQ INVESTIGATIONS ³		NOVS ISSUED REGARDING SELF REPORTED DATA REQUIRED BY PUBLIC WATER SUPPLY AND WASTEWATER TREATMENT FACILITIES		CASES RESOLVED INFORMALLY - COMPLIANCE ACHIEVED THRU CENTRAL OFFICE ACTION WITHOUT ISSUANCE OF AN AGENCY ORDER		CASES BEING DEVELOPED IN ENFORCEMENT PROGRAMS ⁴	CASES BEING TRACKED FOR COMPLIANCE ⁵
	Month	FY	Month	FY	Month	FY	Total	Total
AGRICULTURE	5	20	N/A	N/A	0	0	8	30
AIR	63	308	N/A	N/A	9	15	234	225
INDUSTRIAL AND HAZARDOUS WASTE	11	50	N/A	N/A	1	5	64	161
MUNICIPAL SOLID WASTE	16	81	N/A	N/A	3	5	52	106
OCCUPATIONAL CERTIFICATION	0	0	N/A	N/A	3	6	22	41
PETROLEUM STORAGE TANKS	69	272	N/A	N/A	22	96	448	323
PUBLIC WATER SUPPLY	105	443	381	1623	6	14	165	378
WATER QUALITY	101	459	12	47	2	4	215	193
MULTI-MEDIA	7	26	N/A	N/A	9	9	72	118
TOTALS	377	1659	393	1670	55	154	1280	1575

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

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

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

ENFORCEMENT REPORT TO THE COMMISSION FOR JANUARY 2004

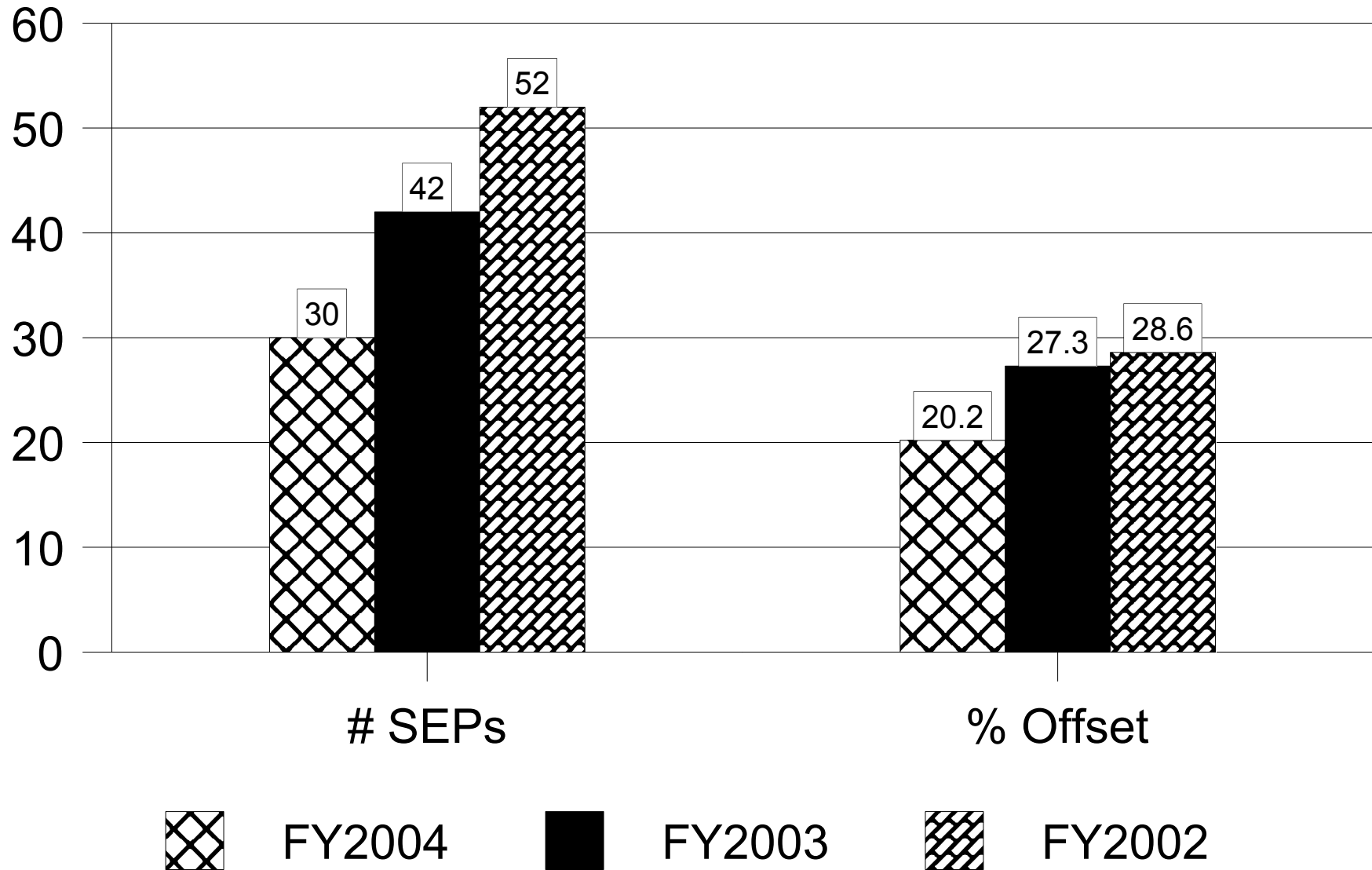
March 12, 2004 Commission Work Session

PROGRAMS	PENDING FORMAL ENFORCEMENT ACTIONS FOR ADMINISTRATIVE ORDERS TO BE ISSUED BY THE TCEQ		CASES PENDING AT THE STATE OFFICE OF ADMIN. HEARINGS	CASES PENDING AT THE OFFICE OF THE ATTORNEY GENERAL ⁶	ATTORNEY GENERAL CASES RESULTING IN JUDGMENTS ⁷		NOTICE OF AUDIT LETTERS RECEIVED REGARDING VOLUNTARY ENVIRONMENTAL SELF AUDITS		DISCLOSURE OF VIOLATIONS LETTERS RECEIVED REGARDING VOLUNTARY ENVIRONMENTAL SELF AUDITS		CASES SCREENED AND APPROVED FOR ENFORCEMENT ACTION	
	Total	Backlog	Total	Total	Month	FY	Month	FY	Month	FY	Month	FY
AGRICULTURE	13	11	4	0	0	0	0	11	0	0	2	3
AIR	249	43	4	15	0	2	5	23	1	15	38	167
INDUSTRIAL AND HAZARDOUS WASTE	45	28	12	38	0	5	0	3	1	5	2	12
MUNICIPAL SOLID WASTE	61	25	7	33	1	5	0	2	0	0	1	18
OCCUPATIONAL CERTIFICATION	46	13	1	2	0	0	0	0	0	0	4	21
PETROLEUM STORAGE TANKS	475	95	28	16	2	2	0	7	0	1	38	440
PUBLIC WATER SUPPLY	117	48	8	48	1	4	0	0	0	0	21	70
WATER QUALITY	230	45	9	32	1	3	0	4	0	0	17	123
MULTI-MEDIA	71	27	8	8	0	0	6	54	6	20	5	46
TOTALS	1307	335	81	192	5	21	11	104	8	41	128	900

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

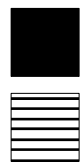
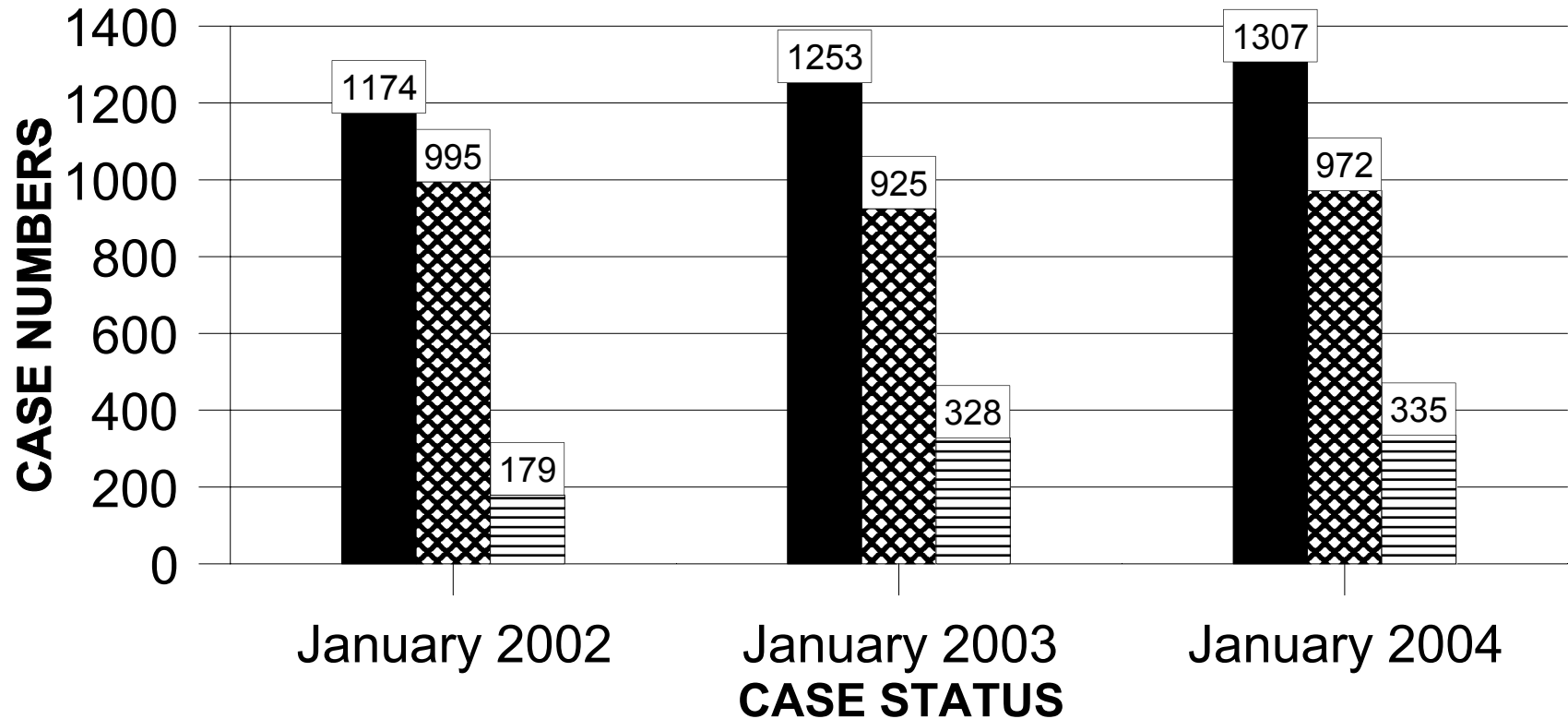
⁷ These numbers are obtained from the Attorney General's Office.

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



AGENCY-WIDE BACKLOG DISTRIBUTION

JANUARY 2002 - JANUARY 2004



Pending

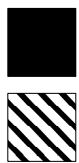
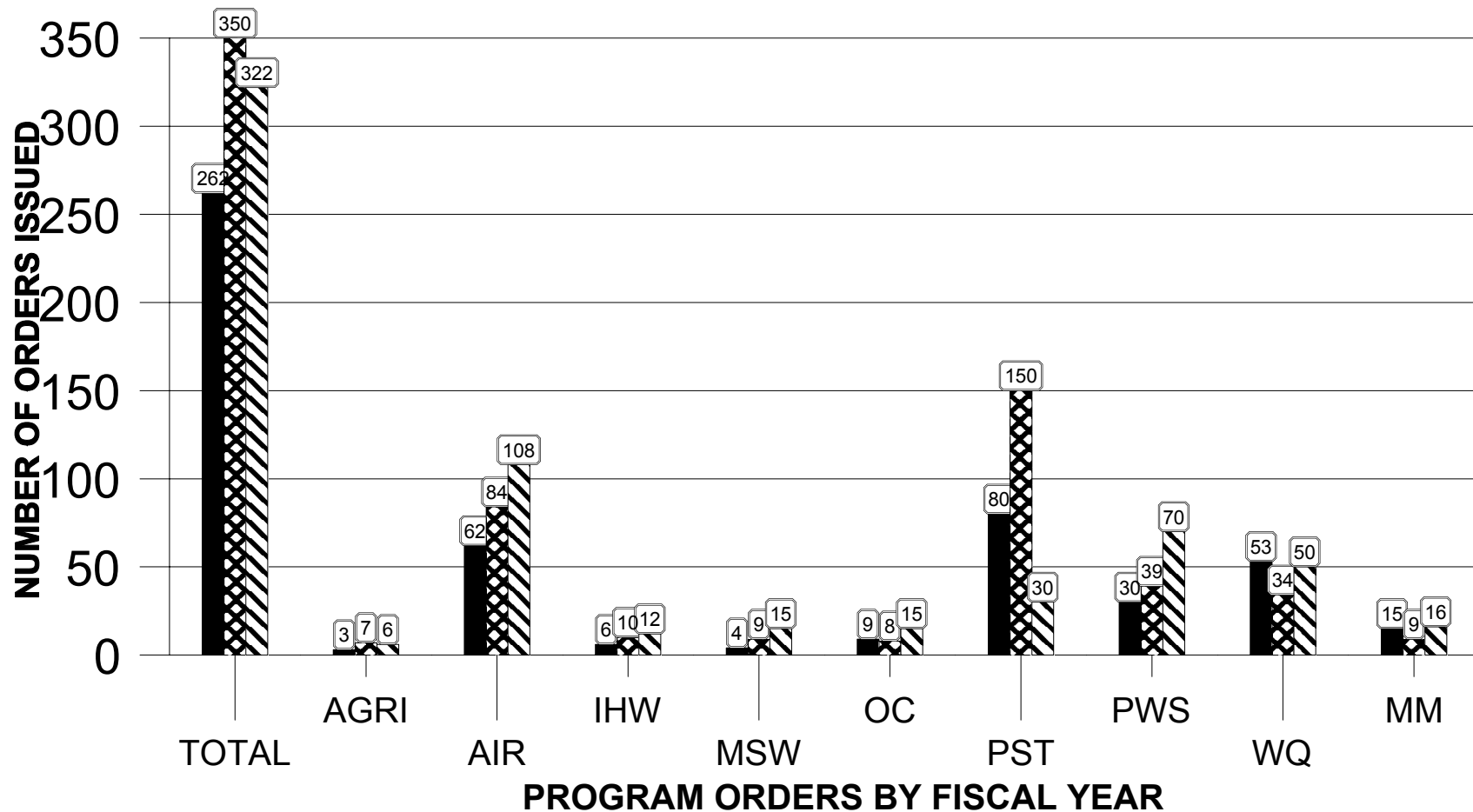


On Time



Backlogged

COMPARISON OF ORDERS ISSUED FY 2002 thru FY 2004



Thru January 2004

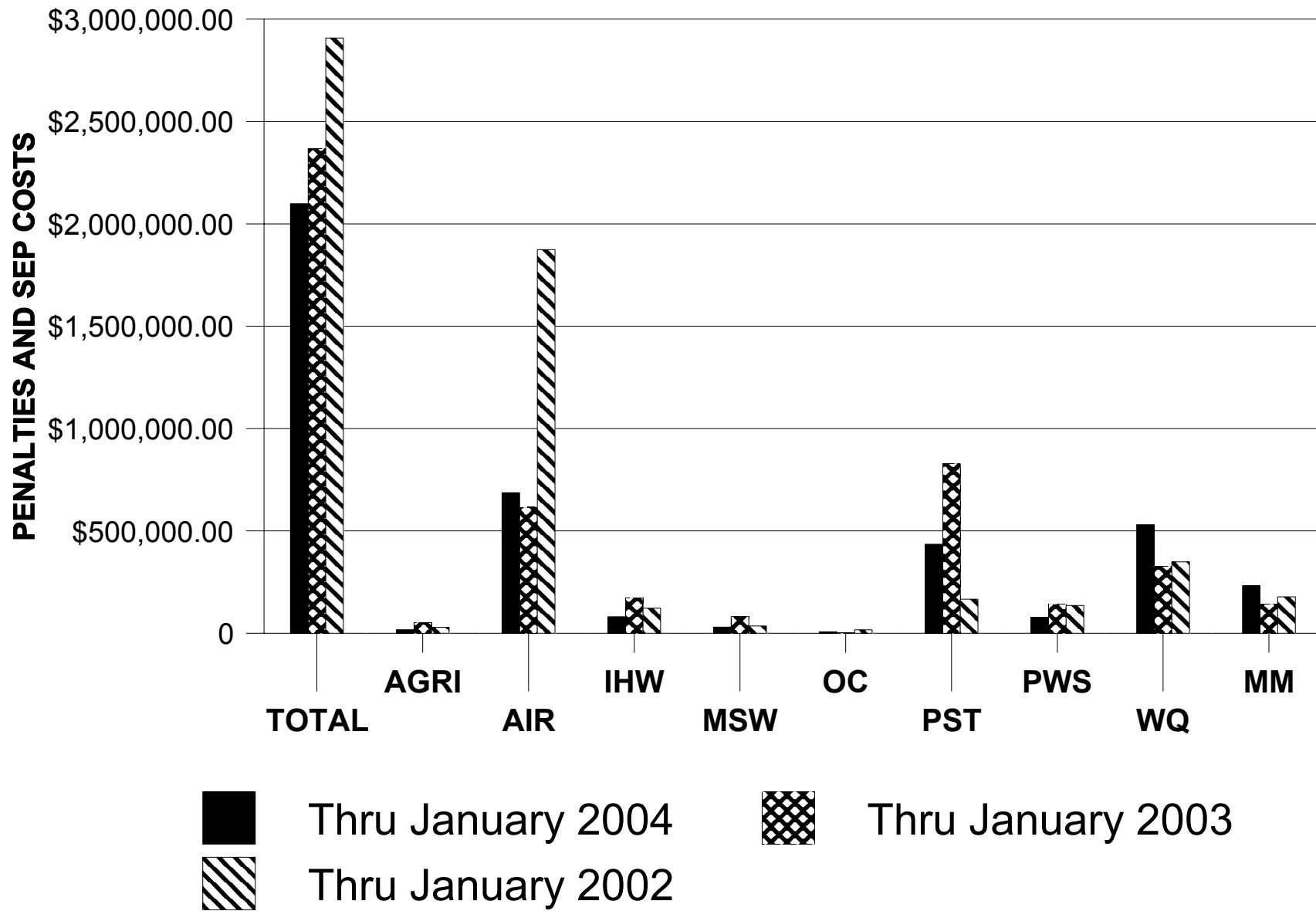


Thru January 2003



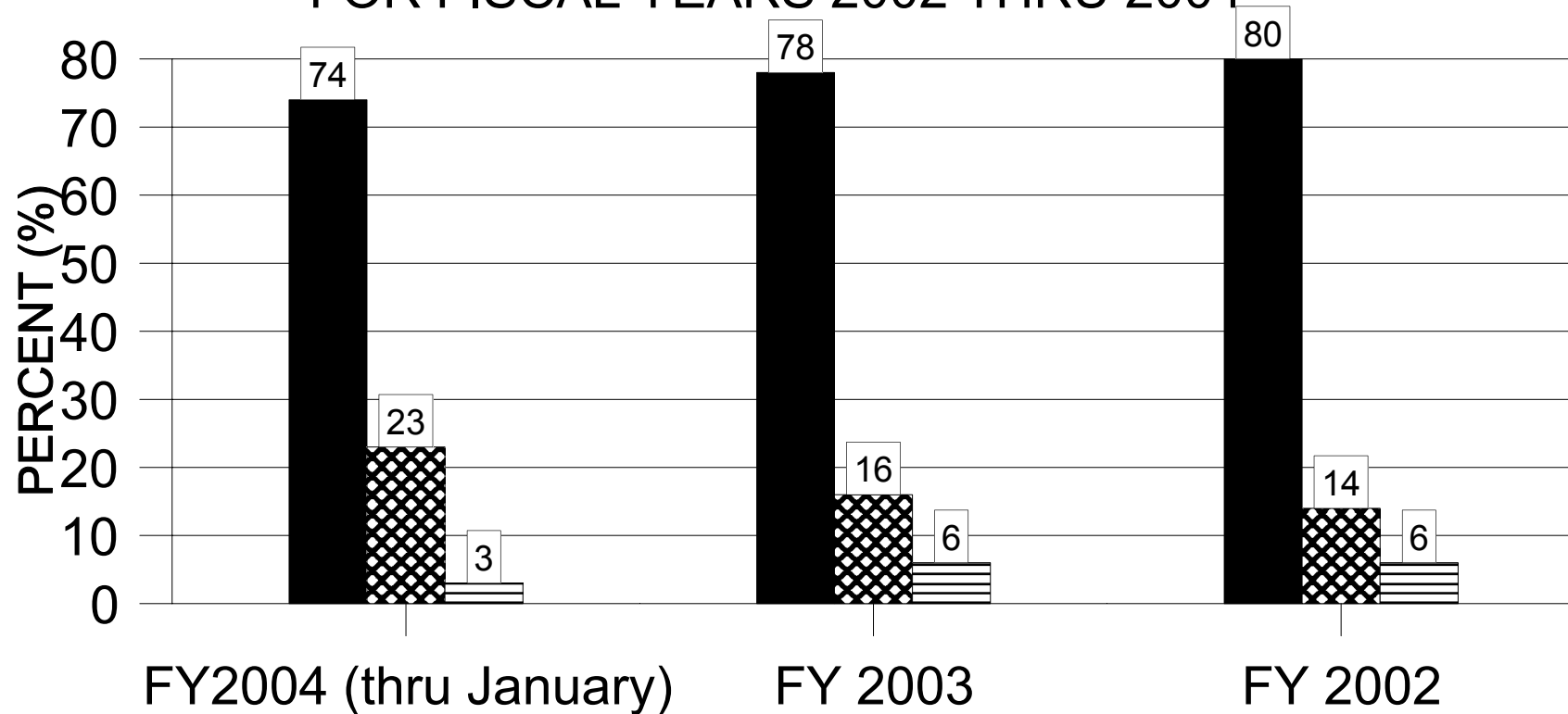
Thru January 2002

COMPARISON OF ORDERS ISSUED FY 2002 thru FY 2004



FINAL ORDER STATISTICS

FOR FISCAL YEARS 2002 THRU 2004



Settled by Enforcement Division



Resolved in Litigation Division w/o SOAH Referral



Resolved after SOAH Referral

Administrative Orders Issued

Singles Programs

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

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
AQ	7364	Drilling Specialties Company, LLC	1803	MONTGOMERY	9/25/03	6,350.00	0.00	6,350.00	0.00	0.00
AQ	5928	U.S. Clay, L.P.	4049	CAMERON	9/25/03	2,100.00	0.00	1,050.00	1,050.00	1,050.00
AQ	6004	Firestone Polymers, LLC	292	ORANGE	9/25/03	10,220.00	2,044.00	8,176.00	0.00	0.00
AQ	7361	Atofina Petrochemicals, Inc.	1267	JEFFERSON	9/25/03	7,560.00	1,512.00	6,048.00	0.00	0.00
AQ	5330	IRONHORSE MFG INC	JE0913J	JEFFERSON	9/25/03	9,200.00	0.00	9,200.00	0.00	0.00
AQ	5363	COMPASS OPERATING LLC	53003	KARNES	9/25/03	7,500.00	1,500.00	6,000.00	0.00	0.00
AQ	5971	Mason County Feeders, LTD.	BG1309J	BEXAR	9/25/03	1,050.00	0.00	1,050.00	0.00	0.00
AQ	3168	The Premcor Refining Group Inc.	2303A	JEFFERSON	10/10/03	8,000.00	1,600.00	3,200.00	3,200.00	3,200.00
AQ	6025	Phillips Pipe Line Company	HG0565J	HARRIS	10/10/03	2,600.00	520.00	2,080.00	0.00	0.00
AQ	9841	Pioneer Hi-Bred International, Inc.	HN0160N	HIDALGO	10/10/03	3,150.00	0.00	3,150.00	0.00	0.00
AQ	8030	OPPER ENTERPRISE INC	MQ1716T	MONTGOMERY	10/10/03	1,050.00	0.00	1,050.00	0.00	0.00
AQ	6478	ICO WORLDWIDE LP	HG0539K	HARRIS	10/10/03	1,975.00	395.00	1,580.00	0.00	0.00
AQ	5264	E. I. Dupont De Nemours and Company	JE0033C	JEFFERSON	10/10/03	25,125.00	5,025.00	10,050.00	10,050.00	10,050.00
AQ	3251	Structural Metals, Inc.	NONE	GUADALUPE	10/10/03	94,887.00	0.00	32,262.00	62,625.00	62,625.00
AQ	7782	Solutia, Inc.	38336	BRAZORIA	10/10/03	37,500.00	7,500.00	15,000.00	15,000.00	15,000.00
AQ	3715	Boral Bricks, Inc.	21012	RUSK	10/10/03	22,500.00	4,500.00	18,000.00	0.00	0.00
AQ	5970	Randy Roan Construction, Inc.	948639L	MONTGOMERY	10/10/03	2,700.00	0.00	2,700.00	0.00	0.00
AQ	5941	Stewart Motor Company of Corsicana, Inc. dba Stewart Motor Company	55515	NAVARRO	10/19/03	6,300.00	0.00	6,300.00	0.00	0.00
AQ	8563	Chevron U.S.A. Inc.	457	STERLING	10/19/03	1,925.00	385.00	1,540.00	0.00	0.00
AQ	4990	G-P Gypsum Corporation	HE0006D	HARDEMAN	11/2/03	3,350.00	0.00	3,350.00	0.00	0.00
AQ	4887	Air Liquide America Corporation	BL0626U	BRAZORIA	11/2/03	0.00	0.00	0.00	0.00	0.00
AQ	5938	Osburn Contractors, Inc.	932818Q	DALLAS	11/2/03	10,000.00	0.00	10,000.00	0.00	0.00
AQ	5959	High Island Petrochemicals, L.L.C.	CI0113C	CHAMBERS	11/2/03	1,110.00	0.00	1,110.00	0.00	0.00
AQ	5961	Ysleta Independent School District	EE1018R	EL PASO	11/2/03	750.00	150.00	600.00	0.00	0.00
AQ	6041	Acadia Elastomers Corporation	NA0035U	NACOGDOCHE	11/2/03	14,000.00	2,800.00	11,200.00	0.00	0.00
AQ	6042	Oasis Pipe Line Company Texas L.P.	CA0027J	CALDWELL	11/2/03	3,750.00	750.00	3,000.00	0.00	0.00
AQ	5712	DAS BROT INC	DB3131K	DALLAS	11/2/03	3,550.00	0.00	3,550.00	0.00	0.00
AQ	6018	Lifetime Doors Inc.	RI0010S	ROBERTSON	11/2/03	1,370.00	0.00	1,370.00	0.00	0.00
AQ	5800	Quicksilver Resources Inc.	FG0629T	FORT BEND	11/2/03	650.00	130.00	520.00	0.00	0.00
AQ	2895	Ocean Energy, Inc.	HX1519Q	HARRIS	11/2/03	5,625.00	1,125.00	4,500.00	0.00	0.00
AQ	3751	Chevron U.S.A. Inc.	15311	HARRIS	11/16/03	2,075.00	415.00	1,660.00	0.00	0.00
AQ	5795	Millenium Polymers, Ltd.	HG3371D	HARRIS	11/16/03	7,500.00	6,900.00	600.00	0.00	0.00
AQ	5823	Ameron International Corporation	1017	WICHITA	11/16/03	950.00	0.00	950.00	0.00	0.00
AQ	5723	Valero Refining Company Texas L.P.	1231	NUECES	11/16/03	8,050.00	0.00	8,050.00	0.00	0.00
AQ	4758	Kelly-Moore Paint Company, Inc.	11957	TARRANT	11/16/03	2,375.00	475.00	1,900.00	0.00	0.00
AQ	5950	Hill-Lake Gas Storage, L.P.	2544	EASTLAND	11/16/03	2,375.00	0.00	2,375.00	0.00	0.00

Singles Programs
Administrative Orders Issued

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

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
AQ	6043	Kinder Morgan Co2 Company, L.P.	15470	SCURRY	11/16/03	5,000.00	1,000.00	4,000.00	0.00	0.00
AQ	8560	Watertown Soles, Inc.	0004	VAL VERDE	11/16/03	1,300.00	260.00	1,040.00	0.00	0.00
AQ	5982	Chevron U.S.A. Inc.	13483	CROCKETT	12/5/03	20,000.00	4,000.00	16,000.00	0.00	0.00
AQ	5303	Penske Truck Leasing Co., L.P.	EE1312O	EL PASO	12/5/03	750.00	0.00	750.00	0.00	0.00
AQ	1	United Structures of America, Inc.	HG1387C	HARRIS	12/5/03	2,125.00	425.00	1,700.00	0.00	0.00
AQ	5094	Duke Energy Field Services, L.P.	21434	CROCKETT	12/5/03	7,740.00	1,548.00	0.00	3,096.00	3,096.00
AQ	5862	Exxon Mobil Corporation	23353	KLEBERG	12/5/03	1,875.00	375.00	1,500.00	0.00	0.00
AQ	5909	Precision Pipe & Excavating, L.L.C.	49390	FORT BEND	12/5/03	5,000.00	1,000.00	4,000.00	0.00	0.00
AQ	8896	Chevron Phillips Chemical Company, LP	JE0508W	JEFFERSON	12/21/03	134,850.00	0.00	67,425.00	67,425.00	67,425.00
AQ	2500	Duke Energy Field Services, L.P.	SQ0013E	SUTTON	12/21/03	2,000.00	400.00	800.00	800.00	800.00
AQ	6016	Chevron Phillips Chemical Company, LP	HG0310V	HARRIS	12/21/03	22,750.00	0.00	22,750.00	0.00	0.00
AQ	7454	Sherwin Alumina, L.P.	SD0037N	SAN PATRICIO	12/21/03	6,300.00	0.00	3,150.00	3,150.00	3,150.00
AQ	4300	Tyson Fresh Meats, Inc.	PG0024R	POTTER	12/21/03	95,350.00	0.00	95,350.00	0.00	0.00
AQ	6007	Apac-Texas, Inc.	922632U	ELLIS	12/21/03	5,100.00	1,020.00	4,080.00	0.00	0.00
AQ	5936	Owens Corning	RB0010D	RANDALL	1/8/04	10,000.00	2,000.00	8,000.00	0.00	0.00
AQ	6494	Motiva Enterprises, LLC	JE0095D	JEFFERSON	1/8/04	39,750.00	0.00	19,875.00	19,875.00	19,875.00
AQ	5939	PTP Auto Tech Inc. dba MAACO Auto Painting & Body Works	DF0462H	DENTON	1/8/04	3,800.00	3,200.00	600.00	0.00	0.00
AQ	5851	Protherm Services Group, LLC	NONE	HARRIS	1/8/04	1,100.00	0.00	1,100.00	0.00	0.00
AQ	7243	Equistar Chemicals, L.P.	HG0770G	HARRIS	1/8/04	9,610.00	0.00	9,610.00	0.00	0.00
AQ	5997	B AND E GRAIN INC	JH0051N	JOHNSON	1/8/04	4,160.00	832.00	3,328.00	0.00	0.00
AQ	9376	Orange Crush Recyclers Management, L.L.C.	55240L001	DALLAS	1/18/04	0.00	0.00	0.00	0.00	0.00
AQ	5884	Northern Natural Gas Company	SF0036Q	SCHLEICHER	1/30/04	2,500.00	500.00	2,000.00	0.00	0.00
AQ	8364	ExxonMobil Oil Corporation	JE0062S	JEFFERSON	1/30/04	25,000.00	0.00	25,000.00	0.00	0.00
AQ	5620	Saint-Gobain Vetrotex America, Inc.	WH0014S	ANDERSON	1/30/04	13,125.00	0.00	6,563.00	6,562.00	6,562.00
AQ	9122	Weatherford Aerospace, Inc.	PC0008N	PARKER	1/30/04	2,550.00	510.00	2,040.00	0.00	0.00
AQ	5934	WOOLSLAYER COMPANIES INC	LH0213A	LIBERTY	1/30/04	4,050.00	810.00	3,240.00	0.00	0.00
Subtotal for AQ : 62						744,957.00	55,606.00	493,422.00	192,833.00	192,833.00
IHW	165	PERMENTER, DENNIS G *	F1530	SHELBY	9/25/03	900.00	180.00	720.00	0.00	0.00
IHW	2728	US Liquids Inc.	33969	HARRIS	10/10/03	19,500.00	3,900.00	15,600.00	0.00	0.00
IHW	1677	United Casing Incorporated	NONE	NUECES	10/10/03	18,750.00	0.00	18,750.00	0.00	0.00
IHW	511	Engine Components, Inc.	31567	BEXAR	10/10/03	44,000.00	0.00	22,000.00	22,000.00	22,000.00
IHW	9870	PLATZER SHIP YARDS INC	NONE	HARRIS	10/19/03	0.00	0.00	0.00	0.00	0.00
IHW	7461	Univeral Forest Products Texas, L.P.	86058	WALKER	11/2/03	2,500.00	500.00	2,000.00	0.00	0.00
Subtotal for IHW : 6						85,650.00	4,580.00	59,070.00	22,000.00	22,000.00
MSW	2718	STARR COUNTY	HAT0030	STARR	10/10/03	4,500.00	900.00	0.00	3,600.00	3,600.00
MSW	2893	CITY OF LA GRULLA	1033	STARR	11/2/03	15,500.00	3,100.00	0.00	12,400.00	12,400.00
MSW	2097	BRANCH, JOE	455040126	TARRANT	12/21/03	10,000.00	0.00	10,000.00	0.00	0.00

Singles Programs
Administrative Orders Issued

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

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
MSW	652	YANCEY, BOBBY	NONE	MONTGOMERY	1/8/04	4,050.00	0.00	4,050.00	0.00	0.00
Subtotal for MSW : 4						34,050.00	4,000.00	14,050.00	16,000.00	16,000.00
OL	5836	PROSE, GEOFFREY A	OS0005006	DENTON	9/25/03	250.00	50.00	200.00	0.00	0.00
OL	8887	FARR, DUDLEY E	HJDHLIHKK	WILLIAMSON	9/25/03	0.00	0.00	0.00	0.00	0.00
OL	7270	PHILLIPS, FRANCIS X	OS0004760	PARKER	9/25/03	750.00	0.00	750.00	0.00	0.00
OL	6055	MUSICK, MELVIN K	OS0007939	BROWN	9/25/03	1,750.00	0.00	1,750.00	0.00	0.00
OL	2890	Alberto De Leon dba De Leon Construction	NONE	CAMERON	10/19/03	3,125.00	0.00	3,125.00	0.00	0.00
OL	2667	BARKER, MIKE	NONE	COLEMAN	11/16/03	250.00	50.00	200.00	0.00	0.00
OL	5948	ANDERSON, BRYAN	NONE	DENTON	12/5/03	625.00	125.00	500.00	0.00	0.00
OL	5942	BARE, DARIN W	OS0008258		12/5/03	250.00	50.00	200.00	0.00	0.00
OL	5975	MEEK, JACK	NONE	EASTLAND	12/21/03	750.00	150.00	600.00	0.00	0.00
Subtotal for OL : 9						7,750.00	425.00	7,325.00	0.00	0.00
PST	8026	STUART, JEFFREY	2350	CROCKETT	9/25/03	8,500.00	0.00	8,500.00	0.00	0.00
PST	2256	BEAVERS, BARRY DON	10719	MITCHELL	9/25/03	15,500.00	0.00	15,500.00	0.00	0.00
PST	357	C & W Enterprises, Inc.	25830	TOM GREEN	9/25/03	2,000.00	0.00	2,000.00	0.00	0.00
PST	5543	West Texas Gas, Inc.	NONE	MIDLAND	9/25/03	1,000.00	0.00	500.00	500.00	500.00
PST	2742	MAHNOOR INC	28570	AUSTIN	9/25/03	1,875.00	375.00	1,500.00	0.00	0.00
PST	2781	S. K. Associates, Inc.	35210	HARRIS	9/25/03	1,050.00	0.00	1,050.00	0.00	0.00
PST	2107	AMIN, JOGESH	12640	TARRANT	9/25/03	4,500.00	0.00	4,500.00	0.00	0.00
PST	2399	LUMMAS BILLY D	4666	LEON	9/25/03	15,300.00	0.00	15,300.00	0.00	0.00
PST	2745	FFP Operating Partners LP	0018564	TARRANT	9/25/03	2,425.00	0.00	2,425.00	0.00	0.00
PST	2787	Nolan Oil Company, Inc.	NONE	ORANGE	9/25/03	1,400.00	280.00	1,120.00	0.00	0.00
PST	2195	Maral International, Inc., dba One Stop Food Mart	39704	HARRIS	9/25/03	2,500.00	0.00	2,500.00	0.00	0.00
PST	5890	ULLAH BROTHERS INCORPORATED	24161	SAN PATRICIO	9/25/03	8,000.00	1,600.00	6,400.00	0.00	0.00
PST	3064	Petro-Chemical Transport, Inc.	NONE	HARRIS	9/25/03	2,000.00	0.00	2,000.00	0.00	0.00
PST	1502	Addison Enterprises Inc.	0042963	DALLAS	9/25/03	29,700.00	0.00	29,700.00	0.00	0.00
PST	2547	PATRIOT PETROLEUM INC	26493	JEFFERSON	9/25/03	15,000.00	0.00	15,000.00	0.00	0.00
PST	2711	GARRHON ENTERPRISES INC DBA TEXACO FOOD MART	13509	TARRANT	10/10/03	1,050.00	0.00	1,050.00	0.00	0.00
PST	5749	C & R Distributing, Inc.	3731	EL PASO	10/10/03	500.00	100.00	400.00	0.00	0.00
PST	1706	JAIN VIJAY	66101	GALVESTON	10/10/03	1,250.00	0.00	1,250.00	0.00	0.00
PST	2749	Namz Enterprises, Inc.	48419	HARRIS	10/10/03	2,275.00	455.00	1,820.00	0.00	0.00
PST	2692	Ahmad Adam	36620	TRAVIS	10/10/03	2,000.00	400.00	1,600.00	0.00	0.00
PST	2810	Hollon Oil Company	67687	HIDALGO	10/10/03	1,000.00	200.00	800.00	0.00	0.00
PST	2656	UMAR BHATI INC	27138	DALLAS	10/10/03	6,800.00	1,360.00	5,440.00	0.00	0.00
PST	2237	Convenience Corner, Inc.	27555	GRAYSON	10/19/03	1,500.00	0.00	1,500.00	0.00	0.00
PST	2429	Masters Mart Inc. dba Porter Chevron	70002	MONTGOMERY	10/19/03	21,875.00	0.00	21,875.00	0.00	0.00
PST	2196	Danny's Enterprises, Inc. dba Westview Texaco	6746	HARRIS	10/19/03	1,000.00	0.00	1,000.00	0.00	0.00

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PST	2848	Andrews Transport, Inc.	55242	HARRIS	11/2/03	2,550.00	0.00	2,550.00	0.00	0.00
PST	2248	MIKANI, NIZAR	27149	DENTON	11/2/03	15,000.00	0.00	15,000.00	0.00	0.00
PST	2474	K.R. Andani Corporation	21876	DALLAS	11/2/03	10,500.00	0.00	10,500.00	0.00	0.00
PST	2833	Julius Petrus, Jr.	60013	SAN PATRICIO	11/16/03	5,400.00	1,080.00	4,320.00	0.00	0.00
PST	2955	RAINBOW OILS OF SAN ANGELO INC	51582	TOM GREEN	11/16/03	43,750.00	0.00	43,750.00	0.00	0.00
PST	2819	COPC INTERNATIONAL USA INC	44493	COLLIN	11/16/03	4,225.00	845.00	3,380.00	0.00	0.00
PST	2532	US Department of Justice	3807	HOWARD	11/16/03	2,000.00	400.00	1,600.00	0.00	0.00
PST	5995	WISEBUY INC	73380	HUNT	11/16/03	6,000.00	1,200.00	4,800.00	0.00	0.00
PST	2435	THOROUGHbred PROPERTIES INC	2202	NACOGDOCHE	11/16/03	11,500.00	10,900.00	600.00	0.00	0.00
PST	2546	Shekhani Enterprises, Inc. dba Westview Texaco	6746	HARRIS	11/16/03	10,000.00	0.00	10,000.00	0.00	0.00
PST	2192	DEAN, GLORIA	21930	ARANSAS	11/16/03	10,500.00	0.00	10,500.00	0.00	0.00
PST	264	Woody's Superettes, Incorporated	20747	HUNT	12/5/03	59,325.00	0.00	59,325.00	0.00	0.00
PST	2826	City Transit Management Co., Inc. dba Citibus of Lubbock	12649	LUBBOCK	12/5/03	1,625.00	325.00	1,300.00	0.00	0.00
PST	2669	V&S Petroleum, Ltd. dba Bill's Exxon Truck Stop	37648	WILLIAMSON	12/5/03	1,875.00	375.00	1,500.00	0.00	0.00
PST	2710	BARRERA, FRANCISCO	47006	STARR	12/5/03	11,250.00	5,250.00	6,000.00	0.00	0.00
PST	2829	8524 Gulf, LLC dba First Stop Food Store No. 16	46831	HARRIS	12/5/03	1,925.00	385.00	1,540.00	0.00	0.00
PST	2814	FFP TRANSPORTATION LLC	18793	TRAVIS	12/21/03	450.00	90.00	360.00	0.00	0.00
PST	8941	Ameriasia International, Inc.	70761	TARRANT	12/21/03	3,210.00	0.00	3,210.00	0.00	0.00
PST	557	Sun Coast Resources, Inc.	69744	HARRIS	12/21/03	2,100.00	0.00	2,100.00	0.00	0.00
PST	2689	Azaan Enterprises, Inc.	69485	HARRIS	12/21/03	4,590.00	918.00	3,672.00	0.00	0.00
PST	2563	Kayani-1, Inc.	73462	JEFFERSON	12/21/03	2,000.00	0.00	2,000.00	0.00	0.00
PST	9014	MILK PRODUCTS LLC	3171	TRAVIS	12/21/03	2,460.00	0.00	2,460.00	0.00	0.00
PST	2668	M K FAMILY LIMITED PARTNERSHIP	22736	WILLIAMSON	12/21/03	4,500.00	900.00	3,600.00	0.00	0.00
PST	2559	Midland Farmers Cooperative	2312	MIDLAND	12/21/03	2,925.00	585.00	2,340.00	0.00	0.00
PST	9041	Cosby Management, Inc.	18861	DALLAS	1/8/04	4,000.00	0.00	4,000.00	0.00	0.00
PST	9216	TEXAS PANHANDLE MHMR	25242	POTTER	1/8/04	800.00	0.00	800.00	0.00	0.00
PST	2835	HAKEMY, SHAR BAZ	5654	COLLIN	1/8/04	2,700.00	540.00	2,160.00	0.00	0.00
PST	2272	San Antonio Independent School District	3073	BEXAR	1/8/04	8,000.00	1,600.00	6,400.00	0.00	0.00
PST	2748	SUNDANCE CAR WASH LLP	4003	LUBBOCK	1/8/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	9074	R & S LEASING	9487	WASHINGTON	1/8/04	3,200.00	0.00	3,200.00	0.00	0.00
PST	9134	Alpha Beta Enterprises, Inc.	9064	DALLAS	1/8/04	4,100.00	0.00	4,100.00	0.00	0.00
PST	9245	KEN'S TEXACO, INC.	11737	BEXAR	1/8/04	970.00	0.00	970.00	0.00	0.00
PST	9076	QUAINTANCE, STAN	35541	BELL	1/8/04	1,900.00	0.00	1,900.00	0.00	0.00
PST	2812	BETTS OIL & BUTANE INC	47907	HIDALGO	1/8/04	1,000.00	200.00	800.00	0.00	0.00
PST	392	TIDEPORT PETROLEUM INC	13392	NUECES	1/9/04	10,500.00	0.00	10,500.00	0.00	0.00
PST	2164	Petrotex Fuels, Inc.	17618	ORANGE	1/30/04	7,500.00	0.00	7,500.00	0.00	0.00
PST	9169	COLUMBUS ISD	49494	COLORADO	1/30/04	3,150.00	0.00	3,150.00	0.00	0.00

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PST	9174	EASTERN DHAKA INC	35237	GALVESTON	1/30/04	1,640.00	0.00	1,640.00	0.00	0.00
PST	9176	MEADOWS, MICHAEL	36794	WASHINGTON	1/30/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	9232	Ajay & Anil Interests Inc.	33597	MATAGORDA	1/30/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	9024	The Adobe Group, Inc.	14882	CAMERON	1/30/04	800.00	0.00	800.00	0.00	0.00
PST	2623	VIRANI, FIROZ G	47878	BEXAR	1/30/04	13,650.00	0.00	13,650.00	0.00	0.00
PST	9146	HASHMI, KHALID M	33647	BELL	1/30/04	2,400.00	0.00	2,400.00	0.00	0.00
PST	2765	M & M Innovations, Inc.	18921	ELLIS	1/30/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	9023	Snyder One Stop, Inc.	37741	SCURRY	1/30/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	8978	SHARARA, MEDHAT AHMED	26342	HARRIS	1/30/04	3,280.00	0.00	3,280.00	0.00	0.00
PST	9021	SAIDI, RIAD A	49027	HARRIS	1/30/04	800.00	0.00	800.00	0.00	0.00
PST	2377	Addison Enterprises Inc.	10887	DALLAS	1/30/04	900.00	0.00	900.00	0.00	0.00
PST	9204	CYN-GAIL PARTNERS	20407	YOUNG	1/30/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	9055	PATEL, MINESH	29301	HARRIS	1/30/04	1,600.00	0.00	1,600.00	0.00	0.00
PST	2809	Donna ISD	45503	HIDALGO	1/30/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	9273	Raymond Martin dba Martin Oil Company dba In-N-Out Grocery #1	11932	PALO PINTO	1/30/04	2,100.00	0.00	2,100.00	0.00	0.00
PST	9015	THORNTON, HENRY	11531	LIBERTY	1/30/04	3,150.00	0.00	3,150.00	0.00	0.00
PST	9019	MANSOORI, MOHAMMAD HASSAN	13582	DALLAS	1/30/04	4,000.00	0.00	4,000.00	0.00	0.00
PST	9069	Dans Texasco Service Inc.	23202	TRAVIS	1/30/04	1,050.00	0.00	1,050.00	0.00	0.00
Subtotal for PST : 80						465,550.00	30,363.00	434,687.00	500.00	500.00
PWS	5766	SOUTHWESTERN HOLDINGS INC	1890015	PRESIDIO	9/25/03	1,500.00	0.00	1,500.00	0.00	0.00
PWS	5963	City of Crowell	0780001	FOARD	9/25/03	1,400.00	0.00	1,400.00	0.00	0.00
PWS	3729	BELLEWOOD WSC	1011945	HARRIS	9/25/03	1,250.00	0.00	1,250.00	0.00	0.00
PWS	5967	LILBERT LOONEYVILLE WSC	1740013	NACOGDOCHE	9/25/03	2,430.00	0.00	2,430.00	0.00	0.00
PWS	5548	Terra Southwest, Inc.	0610161	DENTON	9/25/03	975.00	0.00	975.00	0.00	0.00
PWS	5486	JACKSON, H S *	0610086	DENTON	9/25/03	7,813.00	0.00	7,813.00	0.00	0.00
PWS	1279	LEWIS, CODY B	1500019	LLANO	10/10/03	5,000.00	0.00	5,000.00	0.00	0.00
PWS	2590	CITY OF PRINCETON	NONE	COLLIN	10/10/03	625.00	0.00	625.00	0.00	0.00
PWS	4605	R & R MOBILE HOME MANAGEMENT INC	2460031	WILLIAMSON	10/10/03	3,563.00	0.00	3,563.00	0.00	0.00
PWS	5577	BEENE, ANN	0250043	BROWN	10/19/03	6,875.00	0.00	6,875.00	0.00	0.00
PWS	5325	Gerard Hungerford dba River Ranch Estates	2350043	VICTORIA	10/19/03	7,813.00	0.00	7,813.00	0.00	0.00
PWS	5190	BUTLER WSC	0810013	FREESTONE	11/2/03	1,028.00	0.00	1,028.00	0.00	0.00
PWS	5965	CRESTVIEW RV CENTER	1050026	HAYS	11/2/03	1,738.00	0.00	1,738.00	0.00	0.00
PWS	8882	BARNETT, NORMAN	1011183	HARRIS	11/2/03	4,466.00	0.00	4,466.00	0.00	0.00
PWS	5968	City of Weslaco	1080011	HIDALGO	11/2/03	3,960.00	0.00	0.00	3,960.00	3,960.00
PWS	2827	CITY OF SPRINGTOWN	NONE	PARKER	11/2/03	910.00	0.00	910.00	0.00	0.00
PWS	8559	SAN ANTONIO WATER SYSTEM	NONE	BEXAR	11/16/03	780.00	156.00	624.00	0.00	0.00
PWS	6021	POST OAK SUD	1090030	HILL	11/16/03	450.00	90.00	360.00	0.00	0.00
PWS	5819	City of Balmorhea	1950002	REEVES	12/5/03	485.00	0.00	485.00	0.00	0.00

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PWS	5899	City of Edinburg	1080004	HIDALGO	12/5/03	19,900.00	3,980.00	0.00	15,920.00	15,920.00
PWS	11820	CITY OF CENTER	2100001	SHELBY	12/5/03	2,875.00	0.00	2,875.00	0.00	0.00
PWS	7462	KELLY, FRANCIS	0250032	BROWN	1/1/04	0.00	0.00	0.00	0.00	0.00
PWS	8269	W OAKS PHOENIX CORP	1160097	HUNT	1/1/04	0.00	0.00	0.00	0.00	0.00
PWS	7301	ARETE REAL ESTATE AND DEVELOPMENT COMPANY	1013170	HARRIS	1/29/04	0.00	0.00	0.00	0.00	0.00
PWS	6796	LINCECUM, JOHN K	0200159	BRAZORIA	1/30/04	2,398.00	0.00	2,398.00	0.00	0.00
PWS	5739	City of Port Arthur	1230009	JEFFERSON	1/30/04	1,125.00	225.00	0.00	900.00	900.00
PWS	9784	CONSOLIDATED WSC	1130027	HOUSTON	1/30/04	765.00	153.00	612.00	0.00	0.00
Subtotal for PWS : 27						80,124.00	4,604.00	54,740.00	20,780.00	20,780.00
WATER RIGHT	5863	City of Cooper	NONE	DELTA	11/2/03	53.00	0.00	53.00	0.00	0.00
WATER RIGHT	2593	City of Galveston	NONE	GALVESTON	11/16/03	1,338.00	0.00	1,338.00	0.00	0.00
WATER RIGHT	2594	City of Port Lavaca	NONE	CALHOUN	12/21/03	1,363.00	0.00	1,363.00	0.00	0.00
Subtotal for WATERIGHT : 3						2,754.00	0.00	2,754.00	0.00	0.00
WQ	2551	Pilgrims Pride Corporation	TXR050410	NACOGDOCHE	9/25/03	5,425.00	0.00	5,425.00	0.00	0.00
WQ	797	CITY OF MISSION	TPDES0070017	HIDALGO	9/25/03	29,500.00	0.00	0.00	29,500.00	29,500.00
WQ	1002	DICKSON WEATHERPROOF NAIL COMPANY	TPDES0093513	HARRIS	9/25/03	65,450.00	0.00	65,450.00	0.00	0.00
WQ	2836	THE SPANOS CORPORATION	11-02022201	TRAVIS	9/25/03	1,600.00	320.00	1,280.00	0.00	0.00
WQ	8344	BARRERA, CLAUDIO	NONE	JIM WELLS	9/25/03	875.00	0.00	875.00	0.00	0.00
WQ	1192	Luce Bayou Pud	TPDES0074870	HARRIS	9/25/03	19,475.00	0.00	0.00	19,475.00	19,475.00
WQ	2815	Superior Derrick Services, Inc.	WQ0012443001	HARRIS	10/10/03	10,118.00	2,024.00	8,094.00	0.00	0.00
WQ	8236	CITY OF TRENTON	TX0026794000	FANNIN	10/10/03	6,120.00	0.00	0.00	6,120.00	6,120.00
WQ	2633	CITY OF GROESBECK	WQ0010182001	LIMESTONE	10/10/03	870.00	174.00	696.00	0.00	0.00
WQ	1052	CITY OF GREGORY	WQ0010092001	SAN PATRICIO	10/10/03	44,375.00	0.00	0.00	44,375.00	44,375.00
WQ	2674	Garrett Creek Ranch, Inc.	WQ0013427001	WISE	10/10/03	9,075.00	0.00	9,075.00	0.00	0.00
WQ	2552	Wal-Mart Stores, Inc.	WQ0003597000	ANDERSON	10/10/03	8,100.00	1,620.00	6,480.00	0.00	0.00
WQ	1854	CYPRESS HILLS MUD 1	WQ0012327001	HARRIS	10/10/03	2,900.00	0.00	2,900.00	0.00	0.00
WQ	2510	YATES, GERALD	101335	HOUSTON	10/10/03	238.00	0.00	238.00	0.00	0.00
WQ	2729	MCLENNAN COUNTY WCID 2	WQ0010344001	MCLENNAN	10/10/03	5,200.00	1,040.00	4,160.00	0.00	0.00
WQ	2786	TEJAS MACHINES INC	NONE	MONTGOMERY	10/10/03	3,800.00	0.00	3,800.00	0.00	0.00
WQ	5697	RONALD J MILLER DBA IMS PROPERTY MANAGEMENT	NONE	WILSON	10/19/03	3,125.00	0.00	3,125.00	0.00	0.00
WQ	6461	SOUTH HAMPTON REFINING CO	TPDES0003204	HARDIN	10/19/03	5,400.00	0.00	2,700.00	2,700.00	2,700.00
WQ	9568	ESPINOZA STONE INC	00000011	WILLIAMSON	10/19/03	2,500.00	0.00	2,500.00	0.00	0.00
WQ	3576	Participation Development Corporation (Texas), Inc.	WQ0011506001	HENDERSON	11/2/03	15,400.00	0.00	15,400.00	0.00	0.00

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WQ	7459	Hays Consolidated ISD	11-02070204	HAYS	11/2/03	650.00	130.00	520.00	0.00	0.00
WQ	2671	REED PARQUE LIMITED PARTNERSHIP	WQ0013968001	HARRIS	11/2/03	8,400.00	0.00	8,400.00	0.00	0.00
WQ	2644	CITY OF RHOME	WQ0010701002	WISE	11/2/03	16,380.00	0.00	16,380.00	0.00	0.00
WQ	2757	SOUTHWEST NUT COMPANY	NONE	EL PASO	11/2/03	2,140.00	0.00	2,140.00	0.00	0.00
WQ	986	CITY OF FLORENCE	WQ0010944001	WILLIAMSON	11/2/03	6,450.00	0.00	6,450.00	0.00	0.00
WQ	2498	City Of Shamrock	WQ0010279003	WHEELER	11/2/03	19,795.00	0.00	0.00	19,795.00	19,795.00
WQ	2556	H.I.S. Instead, Inc.	WQ0014395001	GREGG	11/2/03	13,050.00	0.00	13,050.00	0.00	0.00
WQ	2790	CONROE SAND & CLAY LTD	NONE	MONTGOMERY	11/2/03	6,600.00	0.00	6,600.00	0.00	0.00
WQ	2604	CITY OF YANTIS	WQ0012187001	WOOD	11/2/03	5,996.00	0.00	5,996.00	0.00	0.00
WQ	2794	Plains Cotton Cooperative Association	WQ0000335000	COMAL	11/2/03	15,625.00	0.00	15,625.00	0.00	0.00
WQ	2701	Aquasource Utility, Inc.	TPDES0075663	HARRIS	11/16/03	9,200.00	0.00	9,200.00	0.00	0.00
WQ	2758	Tapia Dairy #3, L.L.C.	NONE	RUNNELS	11/16/03	2,240.00	0.00	2,240.00	0.00	0.00
WQ	2673	Aquasource Utility, Inc.	TPDES0119571	HARRIS	11/16/03	10,000.00	2,000.00	8,000.00	0.00	0.00
WQ	944	Bell County Water Control and Improvement District No. 3	TPDES0069191	BELL	11/16/03	8,000.00	1,600.00	6,400.00	0.00	0.00
WQ	2752	City of Abilene	TPDES0023973	JONES	11/16/03	6,750.00	1,350.00	0.00	5,400.00	5,400.00
WQ	2842	COMAL COUNTY	NONE	COMAL	11/16/03	3,000.00	600.00	2,400.00	0.00	0.00
WQ	2629	HARRIS COUNTY MUD 284	TPDES0095702	HARRIS	11/16/03	6,440.00	1,288.00	5,152.00	0.00	0.00
WQ	1006	Harris County Water Control and Improvement District 1	TPDES0023311	HARRIS	11/16/03	66,000.00	0.00	66,000.00	0.00	0.00
WQ	1917	ORANGE COUNTY WCID 1	TPDES0108081	ORANGE	11/16/03	5,000.00	1,000.00	0.00	4,000.00	4,000.00
WQ	2703	City of Skellytown	10283-001	CARSON	12/5/03	4,200.00	0.00	0.00	4,200.00	4,200.00
WQ	5951	LAGUNA MADRE WATER DISTRICT	TPDES0023621	CAMERON	12/5/03	13,420.00	0.00	13,420.00	0.00	0.00
WQ	2626	Aquasource Utility, Inc.	TPDES0046744	HARRIS	12/5/03	5,560.00	0.00	5,560.00	0.00	0.00
WQ	2580	CITY OF COLMESNEIL	TPDES0100692	TYLER	12/5/03	3,000.00	600.00	0.00	2,400.00	2,400.00
WQ	5794	Quail Creek MUD	TPDES0023477	VICTORIA	12/21/03	6,220.00	0.00	6,220.00	0.00	0.00
WQ	5695	LAVERN, ROBERT GEORGE	TPDES0124931	DALLAS	12/21/03	14,000.00	2,800.00	11,200.00	0.00	0.00
WQ	2730	Double Diamond Utilities Co.	TPDES0099015	PALO PINTO	12/21/03	2,100.00	420.00	1,680.00	0.00	0.00
WQ	7401	O'Quinn Land and Cattle Company, Ltd.	11-01061301	HAYS	12/21/03	1,500.00	0.00	1,500.00	0.00	0.00
WQ	928	CITY OF WHITEHOUSE	TPDES0072770	SMITH	12/21/03	24,890.00	0.00	24,890.00	0.00	0.00
WQ	2646	Ergon Asphalt & Emulsions, Inc.	WQ0003877000	TITUS	1/8/04	2,800.00	0.00	2,800.00	0.00	0.00
WQ	2645	Air Liquide America L.P.	WQ0001954000	BRAZORIA	1/30/04	7,800.00	1,560.00	6,240.00	0.00	0.00
WQ	965	Central Independent School District Public Facility Corporation	WQ0012214001	ANGELINA	1/30/04	0.00	0.00	0.00	0.00	0.00
WQ	2630	Fort Bend County MUD 112	WQ0013628001	FORT BEND	1/30/04	3,625.00	0.00	3,625.00	0.00	0.00
WQ	2797	LIPAR GROUP INC	WQ0014029001	MONTGOMERY	1/30/04	10,640.00	2,128.00	8,512.00	0.00	0.00
Subtotal for WQ : 53						551,017.00	20,654.00	392,398.00	137,965.00	137,965.00
WWA	2825	Lueck Dairies Texas, L.L.C.	TX0121835	ERATH	11/16/03	1,925.00	385.00	1,540.00	0.00	0.00
WWA	1132	SCHOUTEN DENNIS & SCHOUTEN CORNELIUS T & SCHOUTEN NICHOLAS	WQ0004133000	ERATH	1/30/04	11,550.00	0.00	11,550.00	0.00	0.00

Singles Programs**Administrative Orders Issued**

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

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
WWA	2243	BYL, PAUL *	WQ0003316000	ERATH	1/30/04	4,375.00	0.00	4,375.00	0.00	0.00
Subtotal for WWA : 3						17,850.00	385.00	17,465.00	0.00	0.00
Total for Singles Programs : 247						1,989,702.00	120,617.00	1,475,911.00	390,078.00	390,078.00

Multi-Media Programs

Administrative Orders Issued

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

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
MM	8033	KEY, CLIFFORD GLEN	NONE	NEWTON	9/25/03	6,000.00	0.00	6,000.00	0.00	0.00
MM	6023	PRICE, WILLARD	SC0013P	SAN JACINTO	9/25/03	1,800.00	360.00	1,440.00	0.00	0.00
MM	8543	Century Trucking, Inc.	NONE	HARDIN	9/25/03	3,750.00	0.00	3,750.00	0.00	0.00
MM	5914	CANTU, RUDY	BG1264G	BEXAR	10/10/03	2,100.00	0.00	2,100.00	0.00	0.00
MM	5867	BILL TURNER DBA TURNER ROOFING	NONE	NEWTON	10/10/03	3,675.00	0.00	3,675.00	0.00	0.00
MM	351	Tecon Water Company, L.P.	1700386	MONTGOMERY	10/10/03	63,044.00	0.00	63,044.00	0.00	0.00
MM	8240	Rohm And Haas Texas Incorporated	29010	HARRIS	10/10/03	50,580.00	10,116.00	40,464.00	0.00	0.00
MM	2720	MARVIN AND BETTY WHITEHEAD DBA	NONE	JASPER	10/10/03	5,250.00	0.00	5,250.00	0.00	0.00
MM	3588	CITY OF KOUNTZE	1000001	HARDIN	10/10/03	14,938.00	0.00	0.00	14,938.00	14,938.00
MM	5957	BASIC EQUIPMENT COMPANY	NE0495H	NUECES	10/10/03	5,250.00	0.00	5,250.00	0.00	0.00
MM	5944	GREIF BROS CORPORATION	1763	HARRIS	12/5/03	19,270.00	0.00	19,270.00	0.00	0.00
MM	7972	WALKER BROTHERS CONSTRUCTION	NONE	NEWTON	12/21/03	7,500.00	6,900.00	600.00	0.00	0.00
MM	2792	CITY OF THE COLONY	WQ0011570001	*MULTIPLE	1/8/04	20,535.00	4,000.00	16,535.00	16,535.00	16,535.00
MM	5501	COASTLINE RESOURCES INC	85547	SAN PATRICIO	1/30/04	24,725.00	0.00	24,725.00	0.00	0.00
MM	8023	M TRANSPORTS INC	HAU0031	CAMERON	1/30/04	9,450.00	0.00	9,450.00	0.00	0.00
Total for Multi-Media Programs : 15						237,867.00	21,376.00	201,553.00	31,473.00	31,473.00
Total for all Programs : 262						2,227,569.00	141,993.00	1,677,464.00	421,551.00	421,551.00

Summary of SEPs:

Total Orders : 262
 Orders with SEPs : 30
 Orders with SEPs % : 11.5
 Orders with SEP Offset % : 20.2

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

Discussion of options for regional environmental monitoring and response systems.

A Vision for the Future

The mission of the Texas Commission on Environmental Quality is to protect public health and the environment. The agency needs to position itself to better answer the question: “are we accomplishing our mission, are we providing adequate protection of human health and the environment?” What needs to be done:

- Secure real time data in areas and situations for which timeliness of information is required;
- Convert information to knowledge expeditiously;
- Better utilize our human resources, using knowledge gained to address situations which may have an impact on human health and the environment;
- Develop a warning system to prevent threats to human health and the environment and to act swiftly when such potential threats become a reality;
- Use monitoring data to develop better rules and to monitor their effectiveness;
- Be able to quickly respond to public health and environmental concerns raised by the public;
- Enhance the agency’s ability to provide accurate and timely information to the public concerning environmental quality.

The Plan

To accomplish this vision, we will use existing and emerging technologies for monitoring environmental conditions.

The initial focus will be on two different pilot projects to demonstrate the capability of real-time air and water quality monitors to help solve environmental problems.

The goal of the projects is to provide enhanced real time monitoring, analysis of the data, and development of necessary responses by the agency.

Environmental Monitoring and Response System (EMRS)

Proposed Pilot Projects

Presented at the Commissioner Work Session

March 12, 2004

Background

- Mature sensing and data collection systems
- Agency desire to apply new technological capabilities to be proactive and focus on conditions in real time for prevention of pollution
- Invited participants from TCEQ operational areas to consider how to implement a Regional Environmental Monitoring and Response System
- Developed air and water sub-teams, who developed the white paper and proposed Pilot projects

The EMRS Approach

- Data Collection - Identify the monitoring resources needed vs. the monitoring resources available for each region, in a prioritized manner, including parameters to monitor, and levels of concern that warrant TCEQ response.
- Data Integration - Identify what data resources and data analysis tools are needed to determine what kind of response is needed.
- Response Actions - Define an action plan and resources needed to respond to identified problems. This would also include a data review stage to evaluate the perceived reliability prior to committing additional agency resources.

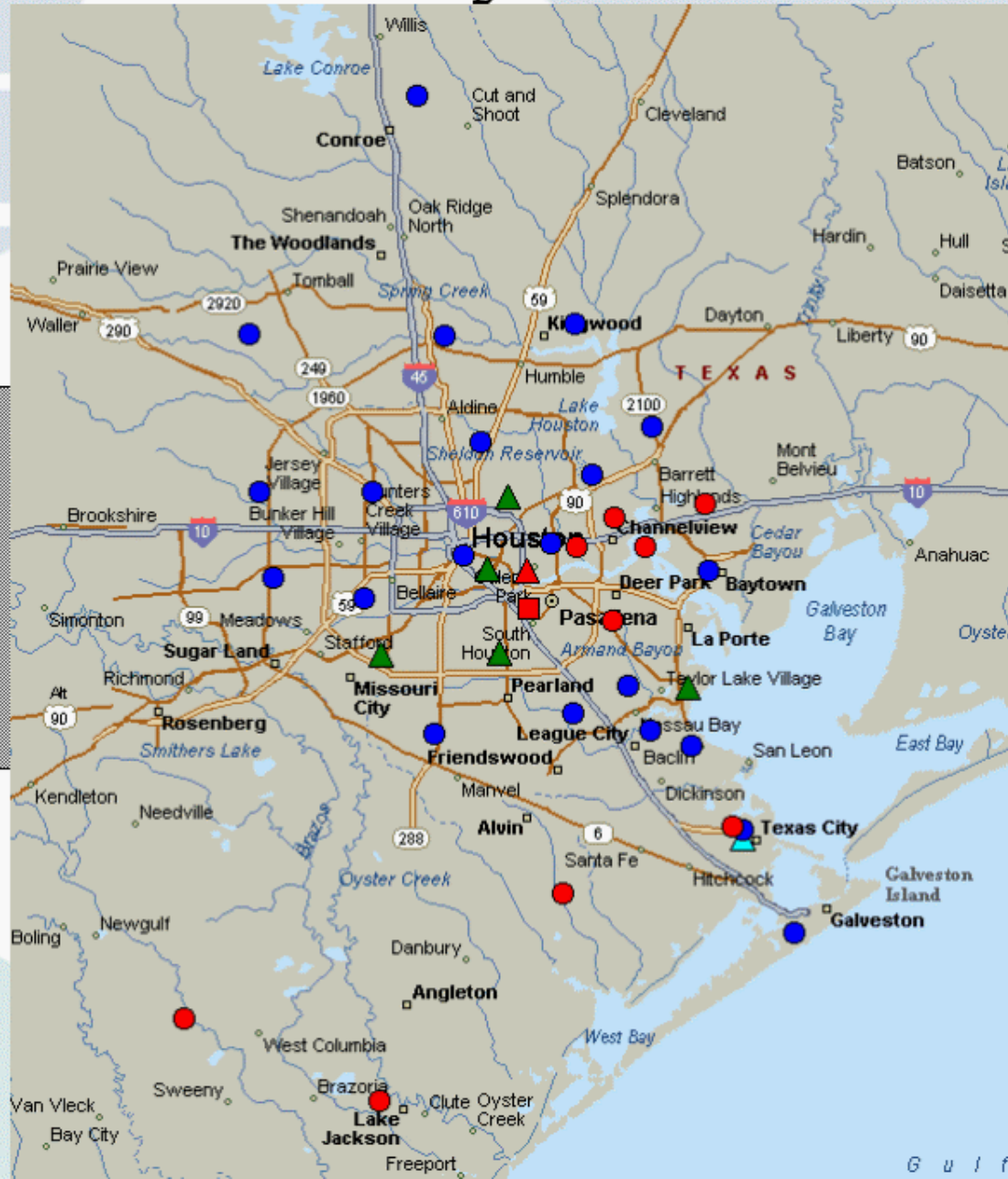
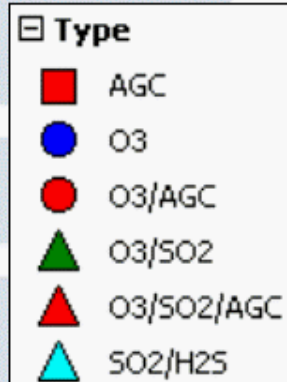
Proposed Pilot Projects

- Houston-Galveston-Brazoria Counties with focus on air quality
- Brazos River Basin, Leon-Bosque watershed, with focus on water quality

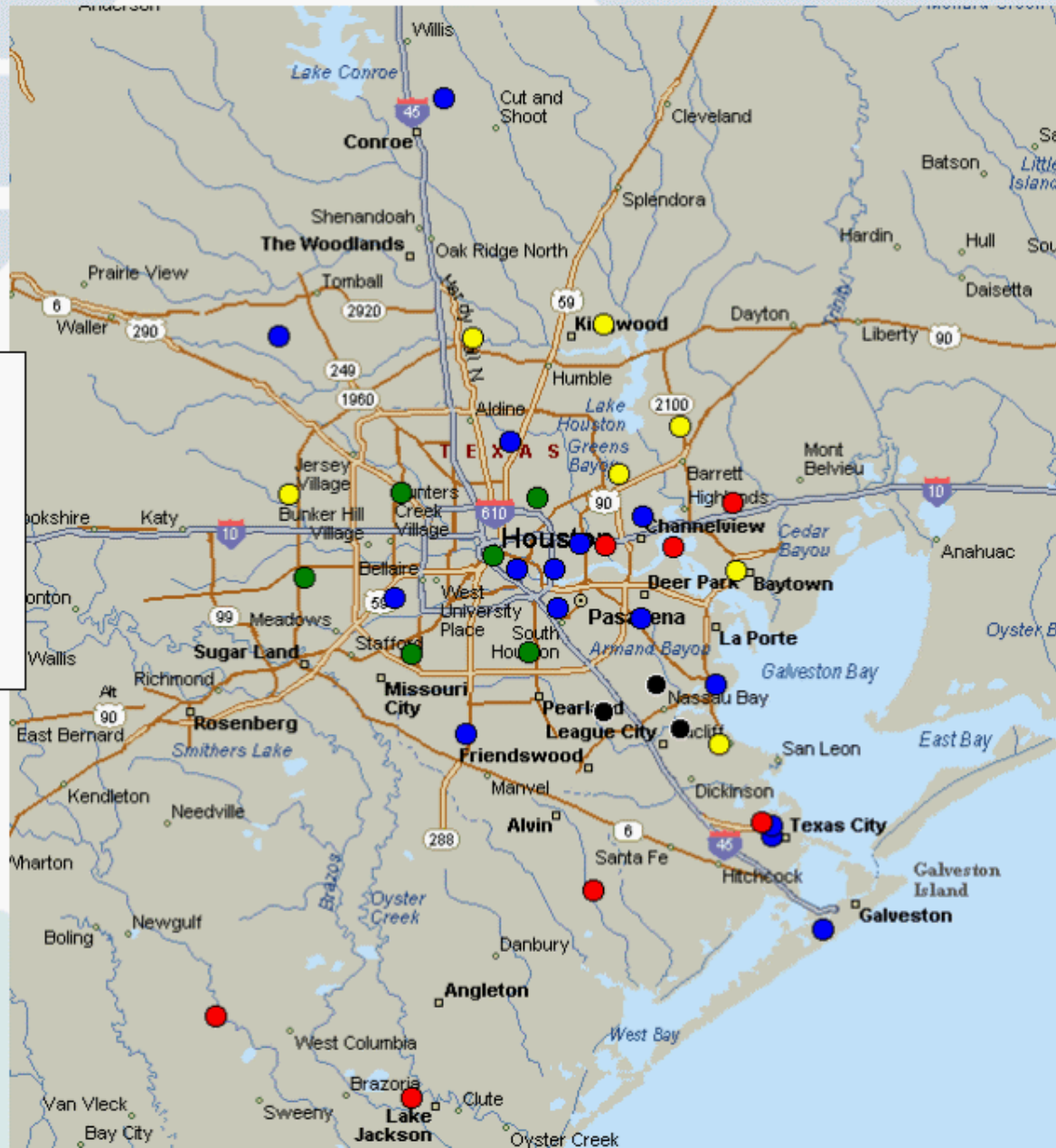
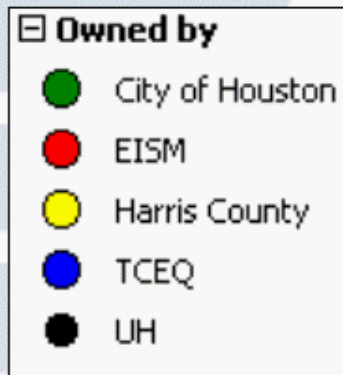
EMRS Houston Area Air Data Collection Pilot

- Existing monitoring resources for parameters of interest:
- Ozone: 37 sites with 5-minute measurements
- Sulfur Dioxide: 7 sites with 5-minute measurements
- Hydrogen Sulfide: 1 site with 5-minute measurements
- Wind direction and speed: 35 sites with 5-minute measurements
- HRVOC: 11 sites with 1-hour measurements for:
 - Ethylene,
 - Propylene,
 - 1,3-butadiene, and
 - Butenes (as a group, that includes 1-Butene, cis-2-Butene and trans-2-Butene individually)

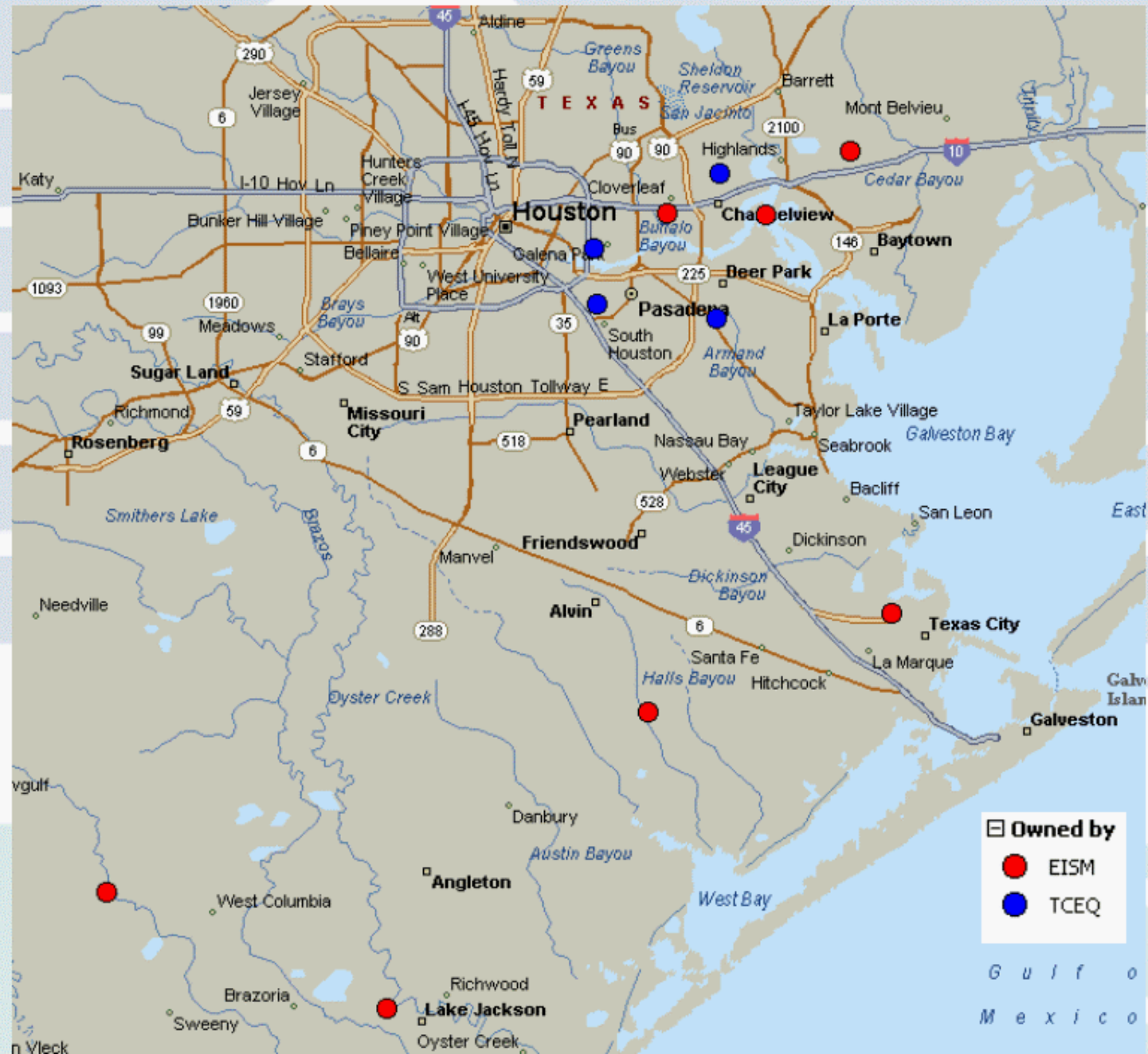
HGB Sites by Parameters



HGB Sites by Ownership



HGB Auto-GCs



Examples of Continuous Air Monitoring Equipment That Will Be Involved in the Pilot



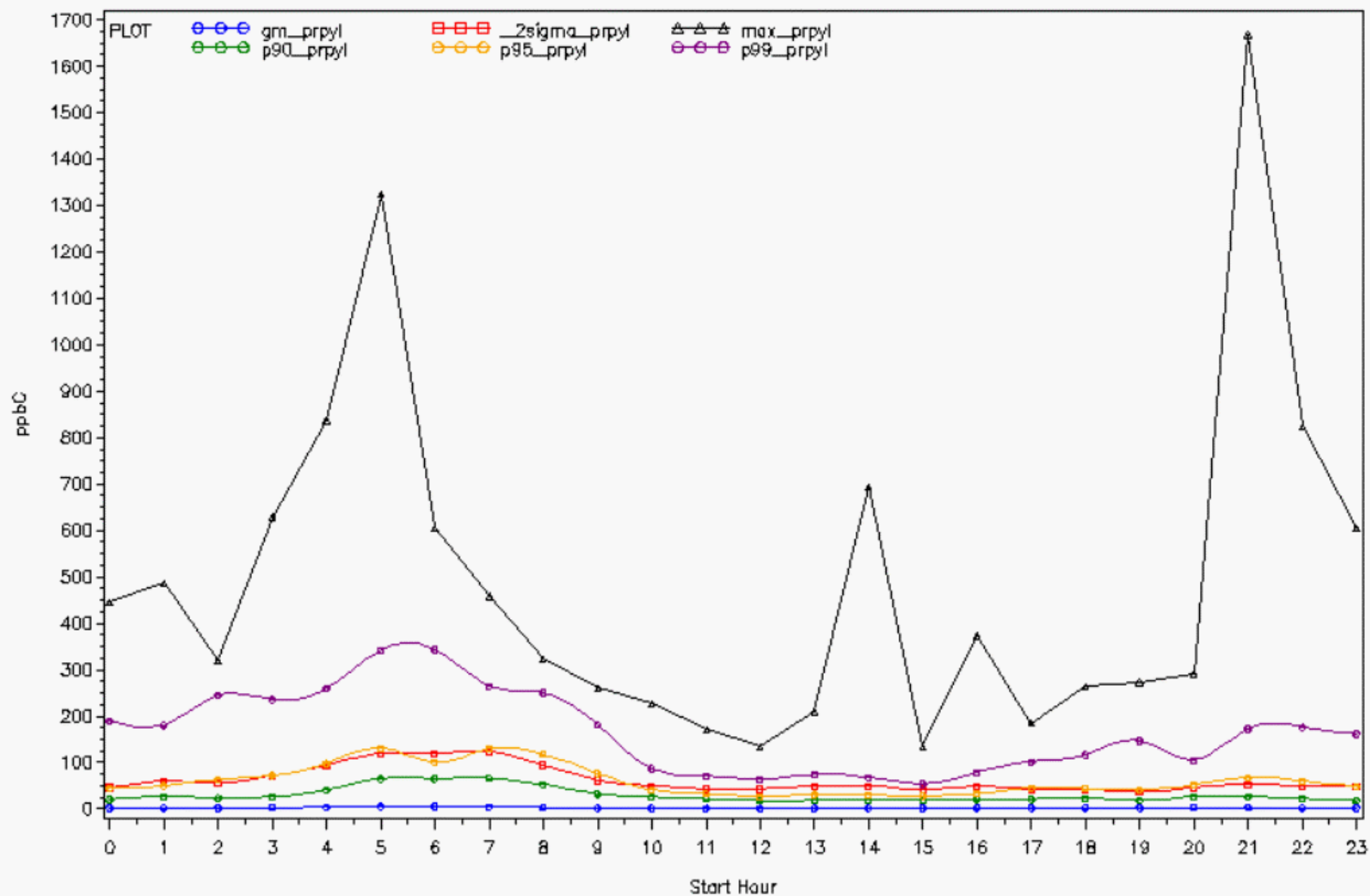
Data Integration

Establish Trigger Levels

- Low – Measurement showing significant deviation above the typical historical normal value for a given parameter at a given site, based on data from non-ozone event days.
- Medium – Some % of the High level, to be determined on a Region by Region basis
- High – Measurement above a Regulatory Limit or health-related level.

Auto-GC Statistics

airs=482011039 months=b_Summer



Response Actions

- Low - Auto-notification via Email or digital page to the local TCEQ Regional Office and contacts for known emission points within a 5 mile radius of the site where the trigger value occurs.
- Medium – Auto- notification with follow-up by the local TCEQ Regional staff within 24 – 48 hours.
- High - Auto-notification followed by initiation of the Emergency Response Protocol of the TCEQ Region in which the trigger event occurs

The existing TCEQ Ozone alert system software will be modified to add this capability. The EI database will be the source for the initial contact list. A Web based interface will allow individuals to sign themselves up for auto-notification.

Timeline for the Houston Air Pilot

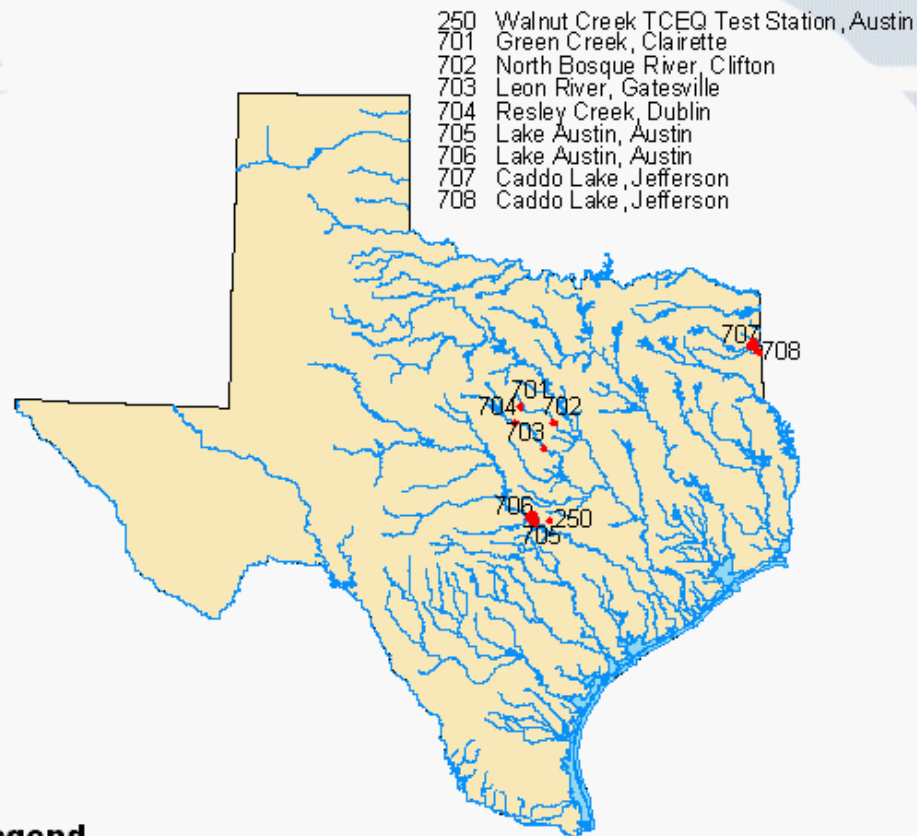
- March-May - Meetings / Notifications with Stakeholders
- Early May - Finalize initial pilot plan
- Mid-May - Hardware in place
- Mid-May - Software in place
- Mid May - Agency / Stakeholder Response procedures in place
- Late May - Final briefing for Stakeholders
- Early June - Begin Pilot
- Quarterly - Report on what has been learned



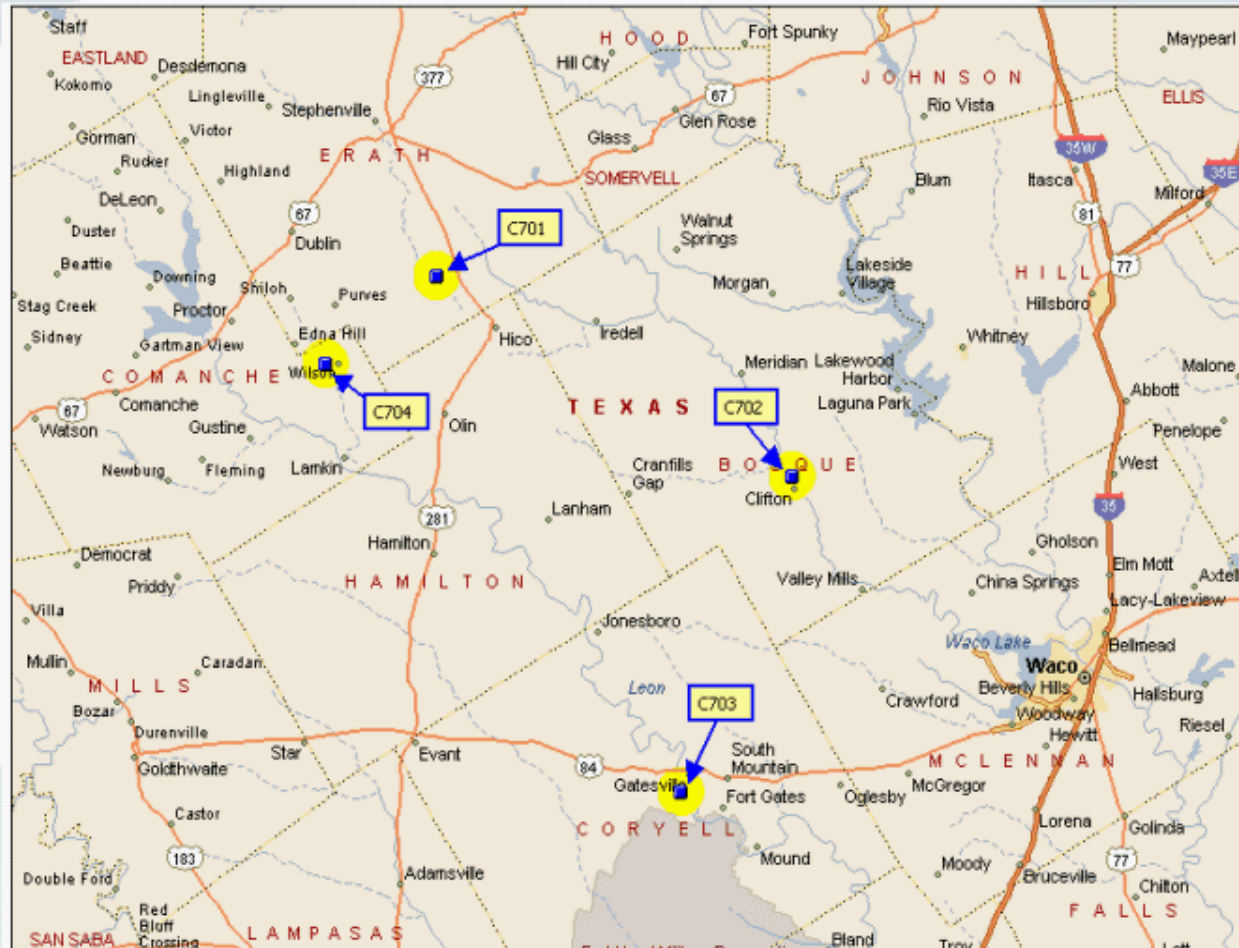
Brazos River Basin Leon-Bosque Watershed Pilot

Current TCEQ Continuous Water Quality Monitoring

Location of TCEQ Continuous Water Quality Monitoring Stations



Existing Continuous Water Quality Monitors in the Brazos River Basin



EMRS Bosque-Leon Watershed Water Quality Data Collection Pilot

Existing monitoring resources for parameters
of interest

4 sites, with 15 minute measurements for:

- Dissolved Oxygen,
- Specific Conductance,
- Sample Depth,
- Surface Water pH, and
- Surface Water Temperature

Coming, July 2004 to the Bosque-Leon

Measurement at 4 sites every 1 to 6 hours for:

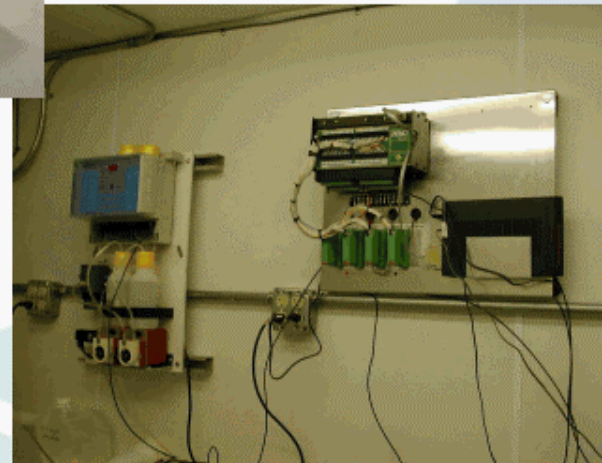
- Nitrate,
- Ammonia, and
- Phosphorus, as ortho-phosphate

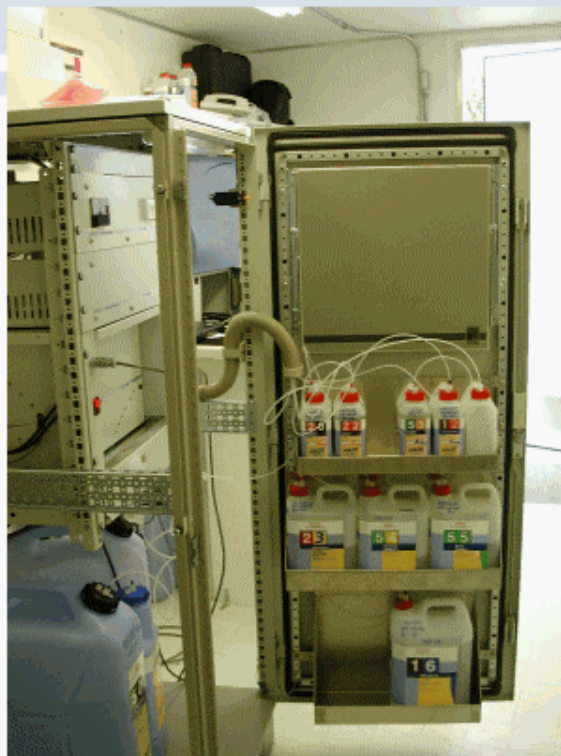
...and 2 upstream sites with

15 minute measurements for:

- Flow and
- Precipitation

Examples of Continuous Water Monitoring Equipment That will Be Involved in the Pilot





Data Integration

Establish Trigger Levels

- Low – Measurement showing significant deviation above the typical historical value for a given parameter at a given site. This will be parameter and water body specific, dependent upon the monitoring objectives.
- Medium – Some % of the High level, to be determined on a water body specific basis.
- High – Measurement above, for example, the Water Quality Standards.

Response Actions

- Uses of the data and response protocols (low, medium and high) will be developed as we gain experience through the pilot. The Stephenville Office has committed to conduct investigations based on the real time information.
- The existing TCEQ Ozone alert system software will be modified to add auto-notification capability (E-mail and digital page).

Timeline for the Bosque-Leon Watershed Water Quality Pilot

- March-June - Meetings / Notifications with Stakeholders
- June - Finalize initial pilot plan
- Mid-July - Hardware in place
- Mid-July - Software in place
- Mid-July - Agency / Stakeholder Response procedures in place
- Late July - Final briefing for Stakeholders
- August - Begin Pilot
- Quarterly - Report on what has been learned

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



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INTEROFFICE MEMORANDUM

DATE: March 8, 2004

TO: Chairman Kathleen Hartnett White
Commissioner Ralph Marquez
Commissioner Larry Soward

THRU: Margaret Hoffman, Executive Director

FROM: Glenn Shankle, Deputy Executive Director

SUBJECT: Discussion of issues relating to agency compliance and enforcement policies and practices

The TCEQ is engaged in a review of its enforcement functions. The executive director has created an internal steering committee to guide this review. The committee has held two of the scheduled four public meetings and has received several hundred responses to the survey posted on the agency's web site to solicit public input. The committee's established subject matter committees and subcommittees have begun evaluating existing agency enforcement policies and practices, as well as issues raised through the comment process. The steering committee has provided specific direction to the committee chairs and has established goals and timelines for completion of the review.

Copies of the goals, timeline, specific directives, and status memos from the three committee Chairs are attached.

Goal of Enforcement Review

Goal - To evaluate existing TCEQ compliance and enforcement policies and statutes to achieve enhanced consistency, environmental protection, and deterrence by developing simplified processes that result in timely, efficient, and effective enforcement where needed, and to further compliance with environmental laws which protect public health.

TIMELINE
ENFORCEMENT REVIEW

Meet Every and Tues/Thurs. through March	Committee Chairs meet bi-weekly to review and analyze the directives specific questions assigned by the Steering Committee and will forward all public comments to appropriate subcommittees.
March 4 - Apr. 1	Identification of key issues for subcommittees. This process has already begun but will continue throughout the public comment period. Identification includes review of current practices, statutory provisions, and input from the public, advocacy groups, organizations and the regulated community.
April 15	Finalize key issues and present draft finding to the Steering Committee.
May 21	Development of draft subcommittee reports and recommendations.
May 21 - June 4	Committee Chairs/Subcommittee Chairs will coordinate and review reports and recommendations to ensure consistency.
June 15	Send draft report from 3 Committee Chairs to the Steering Committee.
June 17	Present Final Draft Report to Steering Committee.
June 25	Steering Committee completes review of draft final recommendations and meets to discuss the recommendations with the Executive Director and Commissioners at a work session to be announced.
August 2	Tentative schedule to post final draft recommendations to public website for comment.



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INTEROFFICE MEMORANDUM

DATE: **March 3, 2004**

TO: **Matt Baker, Tracy Gross & Tom Weber,**
Committee Chairs for the Enforcement Process Review

FROM: **Glenn Shankle, Deputy Executive Director**

SUBJECT: **Steering Committee Enforcement Review Directives**

The following is a recap of actions and directives taken by the Enforcement Review Steering Committee. This recap and directives are being provided to you to ensure you have all the information the Steering Committee has reviewed.

To date, the Enforcement Review Steering Committee has asked the Committee Chairs to review and study the following:

- Memo to the Commissioners dated January 16, 2004, outlining the history of Enforcement and the concept of the current review.
- Enforcement Task Force Report, 1995
- Enforcement initiation criteria document
- Penalty Policy
- Supplemental Environmental Policy
- Use of overarching criteria as a measure for review. Verbal directives have included weekly committee meetings to understand current enforcement process. The discussion has included a broad range of review including new procedures, to the extent that these may require statutory changes.
- State Auditor's Report
- Alliance for Clean Texas Report and TCEQ analysis

Additional Directives and Questions - February 19, 2004

- On a continuing basis, review comments received to date from the survey and present recommendations on specific items to be reviewed in depth.
- For each issue to be reviewed, subcommittees should submit a written recommendation, including an analysis of current agency practice, and potential benefits and disadvantages of the change. Chairs are responsible for ensuring that recommendations are consistent across committees and subcommittees.
- At a minimum, analyze and answer the following questions:
 - Should permitted facilities be given an incentive for compliance?
 - Is the current time frame for executing enforcement actions too long? If so, please review and make recommendations to shorten the process.
 - How does the TCEQ penalty provision for economic benefit compare to the EPA, California, Florida, New Jersey and New York economic penalty provisions? Is a better method available for calculating economic benefits?
 - Does the TCEQ have resources available to more aggressively collect delinquent penalties? If not, please make recommendations for the TCEQ to quickly collect unpaid penalties.
 - Should a permitted facility's permit be suspended or revoked for severe (please define severe) violation of environmental laws? If so, please recommend the circumstances to which a permit should be suspended.
 - Should a permitted entity be allowed to hold their permit despite defaulting on a penalty payment? Should a permitted facility be allowed to acquire, amend or renew a permit while in default on a penalty, or while an NOE is pending? If yes, please explain why? If no, please recommend a policy.

Additional Directives - February 19, 2004 (cont'd)

- Should the investment in pollution prevention technology be used as a factor when calculating penalties for violations or economic benefit while operating in non-compliance status?
- Should final disposition of a violation be available to the public via the agency's website?
- Is the agency's penalty calculation formula too complicated? If the answer to the question is yes, please recommend to the steering committee a singular formula and method of calculating penalties to include the possibility of a standard fine for each violation type.
- Is the agency's compliance history formula too complicated? If the answer is yes, how would you simplify it?
- Are the agency's enforcement initiation criteria and penalty policy formula applied consistently? If not, what recommendations would you make?
- Should NOV's be counted in the compliance history profile? If not, why not?
- Should a small business pay a smaller penalty for the same or similar violation of a mid-size or large entity?
- Does the TCEQ's annual inspection plan focus on finding unpermitted environmental discharge entities? If no, should we? If yes, is the focus enough and is the focus finding unpermitted facilities?
- Should the TCEQ have a separate fast track enforcement process? If so, who would be eligible for that process and what would it look like?
- Should we consider increasing our assistance to regulated entities? If so, what recommendations would you make?
- Develop any other recommendations the committees feel are warranted.

As the committees and subcommittees review these questions, I ask that the committee chairs recommend to the Steering Committee, at its March 18, 2004 meeting, a timeline to finalize the review of these issues and make recommendations on them.



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INTEROFFICE MEMORANDUM

DATE: **March 4, 2004**

TO: **Glenn Shankle, Deputy Executive Director**

FROM: **Thomas W. Weber, Chief Engineer's Office**

SUBJECT: **Report of the Penalties and Corrective Action Committee**

Progress of the Committee to Date

- Committee chair convened organizational meeting with all three subcommittee chairs on February 18.
- Committee chair and some of subcommittee chairs attended a February 26 presentation by OCE directors on inspections and enforcement actions.
- One to three times each week, committee chairs (Gross, Baker, Weber) meet to coordinate activities and to make assignments of public comment to one or more subcommittees. Subcommittees are directed to consider the comments within the process of possible revisions to agency processes/requirements. The three subcommittee chairs in this cluster have received all comments received by the agency through March 1.
- Relating to the overall enforcement review process, the committee chairs developed a draft vision statement and a set of key questions for the committees to address. This proposal was provided to the steering committee chair for consideration on February 25.
- Some standard practices have been adopted by the committee chairs to assign some the public comments.
 - Consideration of the need to publicize enforcement activities go to the enforcement process committee.
 - Concerns over staff resources for agency enforcement activities go to enforcement process committee.
 - Concern over inspection priorities go to the enforcement initiation committee.
 - Most responses to questions on setting a small business enforcement policy go to penalty policy committee.
 - Comments on providing both positive/negative incentives go to compliance history use committee.

Subcommittees

- Ordering provision subcommittee met on March 1. All subcommittee members are reviewing public comment. Weekly meetings are to be held. Early emphasis is to receive comment from both internal sources and external public and stakeholder comment, through March 22. Afterwards, the focus will move towards preparation of recommendations and alternatives. Some initial questions to be addressed include:
 - Consistency of enforcement ordering provisions to permitting processes
 - Do some entities need assistance in complying with provisions?
 - Does the process of developing provisions add time to enforcement process?
 - How well do we track compliance with provisions?

- Is compliance with provisions significantly different between programs/sectors?
- Are certain provisions complied with less often regardless of program/sector?
- Penalty policy subcommittee met on March 4. This subcommittee is getting the largest amount of public comment of the three subcommittees within this cluster. The committee participants are studying the current penalty policy, will review the manner in which EPA and some other states consider penalties to address an economic benefit of noncompliance, and are reviewing the policy as it relates to the overarching criteria established by the steering committee.
- The supplemental environmental project subcommittee is planning its first meeting.
- The committee chair is attending as many subcommittee meetings as possible to offer support, guidance, and to coordinate issues with the other committee chairs.
- Each subcommittee chair has chosen an alternate chair:

Chairs for Penalties and Corrective Action Committee		
Subcommittee	Chair	Alternate Chair
Penalty Policy	Derek Seal, Commissioners Office	Dan Eden, Commissioners Office
Supplemental Environmental Projects	David Schanbacher, Chief Engineer	Bridget Bohac, Office of Public Assistance
Ordering Provisions	Minor Hibbs, Chief Engineer's Office	Margi Ligarde, Environmental Law Div.



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INTEROFFICE MEMORANDUM

DATE: **March 4, 2004**

TO: **Glenn Shankle, Deputy Executive Director**

FROM: **Matthew R. Baker**
Office of Permitting, Remediation & Registration

SUBJECT: **Compliance History Committee Update No. 1**

The following is an update of the three subcommittees formed under the Compliance History Committee. Each sub-committee is currently evaluating current rules and regulations, comparing their findings to statute, reviewing completed questionnaires, and beginning to record facts of their findings. Our immediate plans include formalizing and documenting our expected goals along with drafting a timetable for each objective. Currently, the biggest concern is communication, especially among the ten sub-committees, however I along with the other two committee chairs are developing a strategy to resolve this issue. Many issues overlap and it will be important for members of subcommittees to share information with each other.

Components/Definitions (Carolyn Brittin)

The team has met twice and is scheduled to meet again on Friday, March 12. During the last meeting the team discussed their understanding of and confirmed the list of issues for their specific team. They also explored if there were any other issues needing to be considered and determined there were none at that time. By this Friday, March 5, the team is to share the results of their homework via email with the subcommittee chair. The homework includes: 1) determine what is a definition versus what is a component; 2) research why dates for NOV's and 1660 orders were not accounted for the previous 5 years; and 3) determine what in our rules is straight statutory requirement versus rule interpretation of statute.

During the next meeting the team plans to develop a process for dealing with issues and comments from surveys and to review the assignments due this Friday. The team is also waiting on further guidance from me and the Steering Committee on Enforcement Review.

Classification (Brian Christian)

This team has met twice and is scheduled to meet again on Thursday, March 4.

The team has begun reviewing the statute and brainstorming alternative ways to comply with the classification requirements. The team has discussed a simpler classification scheme that flows out of a narrower definition of compliance history, specifically one that would limit the definition to what is in the statute and take the "positive" components and consider them under the umbrella of strategically directed regulatory structure (SDRS). The team is also wrestling with what it means to be a poor, average, or high performer, i.e. trying to define these categories in qualitative terms and see where that might lead. This assignment will be continued at the March 4 meeting.

Additionally, work continues to identify any additional issues that need to be addressed. The team has added issues 2, 12, 13, 15, 30, 34, and 35 from the issues table to their list. The team has been provided with additional information pertaining to all of the issues that have been identified on the table of 63 and is well along in identifying rule issues that need to be addressed.

Use (Blas Coy)

The team met on Tuesday, February 24 and is scheduled to meet again on either Monday, March 8 or Tuesday, March 9.

The team had a very good roundtable discussion of issues and concerns of the individual members and were charged with submitting their issues in detail to the chair. The team also discussed how they would proceed and agreed on the following process. Each member will review all relevant documents, including relevant statutes and rules, focusing on the compliance history use aspects; evaluate the rules, law and other documents for conformance with current use; identify issues and consequences, intended and unintended, of the agency's current practice; and make preliminary recommendations, taking into account the overarching principles set out by the Steering Committee on Enforcement Review.

Please let me know if I can provide you with any additional information.



Protecting Texas
by Reducing and
Preventing Pollution

INTEROFFICE MEMORANDUM

DATE: **March 4, 2004**

TO: **Glenn Shankle, Deputy Executive Director**

FROM: **Tracy H. Gross, Assistant General Counsel**

SUBJECT: **Enforcement Process Committee Update**

The three Committee Chairs are meeting twice a week to make assignments of the public comments to the subcommittees. Comments received through 3/1/04 have been distributed to the Subcommittee Chairs for distribution to the members.

Enforcement Initiation/Investigation Prioritization/NOV Policy Subcommittee

- Meeting on Wednesdays at 3:30 - have currently met twice.
- Reviewing the following background documents:
 - (1) Field Operations Division SOPs: Enforcement Guidance
 - (2) FY 2004 Compliance Plan
 - (3) Joint Inspection Planning Project, TNRCC and EPA Region 6 (4/1/00)
 - (4) Waste, Water, and Air Programs Targeting Strategies for FY 2004
 - (5) Enforcement Initiation Criteria
 - (6) Multi-Media/Multi-Year Enforcement MOU between TNRCC and US EPA
 - (7) Enforcement Task Force Report
 - (8) LBB Report - 1st Quarter
- Have begun to analyze and summarize comments received thus far.
- Have developed as their subcommittee goal: Evaluate the TCEQ's investigation priorities, enforcement initiation criteria, and NOV/NOE policies and make recommendations for change, where appropriate. This evaluation will include consideration of external and internal comments and the Enforcement Steering Committee's overreaching objectives.

Complaints Subcommittee

- Have not yet set a regular meeting time - have currently met twice.
- Reviewing the following background documents:
 - (1) Newly developed Draft Guidance for Complaints;
 - (2) Newly re-developed Odor Protocol;
 - (3) Citizen Collected Evidence Rule;
 - (4) HB 2912/Sunset Commission Report
- Have begun grouping like comments.
- Have developed the following goals:
 - (1) Review the Sunset Commission Report recommendations and relevant sections of HB2912 concerning citizen collected evidence and the 24-hour complaint hot-line, and assess whether the present system implements statutory provisions and Sunset recommendations. Develop recommendations, if appropriate, for consideration by

the Steering Committee. Identify any possible statutory, regulatory, or policy changes that may be necessary.

(2) Review current complaint procedures (including the Nuisance Odor Protocol Review Team Report) and rules to determine if the guidance or rules are consistent with all applicable laws, the language used is clear and concise, and insure that all complaints are addressed. Develop recommendations, if appropriate, for consideration by the Steering Committee. Identify any possible statutory, regulatory, or policy changes that may be necessary.

(3) Review Enforcement Questionnaires to ensure that stakeholder concerns are being addressed. Develop recommendations, if appropriate, for consideration by the Steering Committee. Identify any possible statutory, regulatory, or policy changes that may be necessary.

(4) Ensure that all evaluation criteria provided by the Steering Committee have been used in this review.

Enforcement Process/Agency Coordination Subcommittee

- Meeting on Fridays at 10:00 - have currently met once. Next meeting 3/5.
- Are reviewing the following background materials:
 - (1) Enforcement SOP;
 - (2) Enforcement Process Flow Chart;
 - (3) Criteria for the Use of Findings Orders;
 - (4) SEP Guidance
- Are currently reviewing comments received thus far and formulating goals.

Collections/Financial Inability to Pay

- Have not yet set a regular meeting time - have currently met once.
- Reviewing the following background materials:
 - (1) Financial Reviews for Enforcement Guidance;
 - (2) Report for Existing Committee on Collections (not yet distributed);
 - (3) Revenues Manual
- Are currently reviewing comments received thus far and formulating goals.

Survey Trends

- Violations are not taken seriously enough because they do not result in high enough penalties to recoup an economic benefit or do not result in other sanctions such as a loss of a facility's permit.
- A significant number of responses indicate a need for TCEQ to publicize enforcement actions and penalties, to keep citizens aware of how we respond to violations.
- In response to the question on a need for incentives, many favor no recognition of good compliance (since compliance is the law).
- Many regulated entities have concerns over how TCEQ evaluates compliance history using NOV's and self-reported information. Many entities also point out discrepancies between the way compliance history is calculated vs. how compliance history is used in adjusting a penalty.
- The external perspective on establishing a small business or local government enforcement policy seems strongly dependent on the source of the survey. For instance, a small business owner identifies the need for assistance and extra time to comply, while someone from an apparently larger operation desires more equal competition.
- The TCEQ should have sufficient staff along with proper training to effectively respond to and evaluate complaints and violations in the State.
- The TCEQ's overall enforcement process should be more efficient/faster. This includes timely response to complaints, swift enforcement, and swift corrective action. Do away with 3-5 year compliance plans.
- The agency should respond to complaints more quickly and follow-up with the complainant in a timely manner.

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

No materials are available for this item.

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

Brief Highlights of Key Federal Legislative and Regulatory Initiatives of Interest

March 12, 2004 Update

1. Energy Bill

Since the Senate has been unable to secure the votes needed to adopt the conference committee report on HR 6, the comprehensive energy bill, it has introduced a new version of the energy bill, S 2095 by Domenici (R-NM). The Senate has indicated that debate on S 2095 will probably be scheduled for the last week of March, but a final decision regarding the procedures for the debate, such as limits on number of amendments that can be offered, has not been finalized. S 2095, as introduced, attempts to address two issues of contention in the Senate: the cost of the bill (HR 6 was estimated to cost \$31 billion) by reducing that amount to \$14 billion; and the “safe harbor” provisions for producers of fuel oxygenates such as MTBE, by eliminating that provision. According to reports in various federal environmental publications, Senator Grassley [R-IW] is working to reduce the \$14 billion cost by an additional \$5 to \$6 billion, so that the total more closely reflects the total cost that the Administration supports (\$8 billion). The additional cuts that Grassley is considering include: \$3 billion for energy savings performance contracts; \$1.5 billion in royalties for ultra-deep oil & gas exploration; \$1.1 billion for restoration efforts on the Gulf Coast; and, a \$1.1 billion delay in spending for several energy measures.

The language by Congressman Barton to extend the Clean Air Act deadlines for areas that have not attained the ozone air quality standard if upwind areas “significantly contribute” to their nonattainment is included in S 2095. Also included is PST/UST language from HR 3335 that requires compliance inspections of USTs at least once every three years. Several other items from HR 3335 are also included such as: authorizes the use of funds made available for the petroleum response program to carry out corrective actions with respect to releases of fuel containing an oxygenated fuel additive that presents a threat to human health or welfare or the environment; allows the use of trust funds for release prevention and compliance (as well as corrective actions).

S 2095 also includes new tax credits for electric vehicles, retail credit for alternative fuel and equipment, deduction of water submeters, and a 30% residential credit for wind and fuel cells.

Final passage of S 2095 by the Senate is not certain and the House Leadership has indicated that they would not approve passage of energy legislation that does not include the “safe harbor” provisions for producers of fuel oxygenates such as MTBE.

2. Reauthorization of TEA-21

Though the Senate adopted six year re-authorization legislation (S 1072), Congress was not able to adopt the legislation by the 2/29/04 deadline. This resulted in adoption of a continuing resolution, giving Congress until April 29, 2004 to pass a re-authorization bill. The House had initially urged an extension through the end of June, but the Senate would only agree to extend it until the end of April. According to various reports from publications and Congressional staff, the Senate, House and Administration have not been able to agree on a total cost for the re-authorization legislation. As adopted by the Senate, the cost of S 1072 is approximately \$318 billion over six years, while the cost of the House bill (HR 3550), which has not yet been reported out of Committee, is \$375 billion. The

Administration has indicated that they would not accept legislation that cost more than \$270 billion. According to House Congressional staff, the Administration's figure is lower than either the Senate or House is willing to accept, so there are discussions under way to consider a two- rather than a six-year re-authorization. The Senate staff have indicated that this would not be acceptable to the Senate. Several scenarios have been mentioned in publications: pass a two-year extension of current law; pass a two-year bill with more money than in the current law; or pass a six-year bill with built-in mechanisms to allow funding adjustments after two years. At this time, there is no clear indication what the next action will be, other than Congressional staff developing proposals that would fall within the \$270 billion range.

Agency staff has begun reviewing S 1072, as adopted by the Senate, but the bill has only recently become available. However, some issues of interest to TCEQ that were included in the final version are:

- * Conformity: reduces the 20-year horizon plan to 10 years and changes the frequency of conformity reviews from every three years to every four years
- * CMAQ (Congestion Mitigation and Air Quality Programs): expands the use of these funds to include areas in nonattainment under the PM 2.5 standard; allows slightly broader use of funds to include operational costs of programs; and, encourages consultation between states' transportation and environmental agencies in project funding decisions.
- * Stormwater: includes a 2% set-aside from surface transportation funds (about \$1 billion over 6 years) for stormwater mitigation projects - Senator Bond had an amendment that would have removed this set-aside, but because of technical difficulties he was not able to present it on the Senate floor.
- * Recycling: language increasing the use of recovered materials in federally-funded projects involving cement or concrete (language taken from S 793 by Byrd (D-WV)).

3. President's FY '05 Budget Proposal for EPA

Both the House and Senate are beginning their hearings on the budget and appropriations request. According to several sources, because of the deficit, the revised costs for the Medicare bill and the on-going DOD (Dept. of Defense) costs, it will be difficult to adopt any real increases for agencies such as EPA. Several Members interested in limiting the deficit have indicated that non-defense discretionary programs (such as EPA) should be reduced by 0.5 to 1% across the board; however, other Congressional sources have indicated that it is more likely that fund levels will remain relatively consistent with last year's amounts. Over the next couple of weeks, the VA-HUD subcommittee for House Appropriations and the Senate Environment & Public Works Committee will conduct hearings on EPA's budget and appropriations. Final action on the appropriations bill for EPA (which is included in the VA-HUD legislation) is not expected until early summer.

Several issues that are expected to be discussed at the Senate & House hearings include:

- * Administration's FY '05 budget request is \$610 million less than the \$8.37 billion appropriated for FY '04
- * The two most significant areas for reductions in the Administration's budget request are the funds ear-marked for water infrastructure projects and the decrease in the Clean Water State Revolving Loan Fund (CWSRF). According to EPA, the ear-marked funds for water infrastructure could be better used for efforts with wetlands, permitting and TMDL monitoring. The cuts in the CWSRF, according to the Administration, still provides a revolving fund of \$3.4 billion by 2011. Congressional sources believe that 1/2 of the funding cuts for CWSRF will be restored (approximately \$250 million).

*Though Congress has indicated support for many of the Administration's initiatives, they are expected to scale them back because, according to Committee staff, the first priority is to increase the spending for water infrastructure projects.

*The Administration requested an increase in Superfund in '05 (from \$1.26 in '04 to \$1.38 billion). The increased funding, according to EPA, will allow start up for 8 to 12 new Superfund sites, as well as completion of a similar number in '06.

*The budget request for Brownfields is approximately \$39 million more than in '04, but the Administration's \$210 million figure is significantly larger than the \$90 million authorization level, so Congressional sources do not expect the requested increase will be approved.

*Given that the Administration has requested staffing levels consistent with '04 figures, Congress is not expected to have the same challenging debate on enforcement and staff, as in previous years.

4. Underground Storage Tanks

Language from HR 3335 by Congressman Gilmor (R-OH) has been added to the new energy bill, S 2095 (see Energy bill above).

5. DoD Readiness and Range Preservation Initiative

Department of Defense (DOD) is continuing to talk with various federal agencies concerning their efforts to exempt themselves from certain provisions of RCRA, CERCLA and the Clean Air Act. Possible language may be included in the FY 2005 Defense Authorization Act that Congress is expected to begin debating in mid-March. Agency staff has reviewed the initial language provided by DOD and has compiled comments on potential impact. That material is being prepared for distribution to the Commissioners and Executive management.

6. EPA Administration/Organization

In responding to Representative Ose's (R-CA) request for comments on his bill, HR 2138, two Democratic Members of Congress indicated their opposition to the organizational reforms in the bill that also elevates EPA to a cabinet-level position. According to their response, the Democrats support granting EPA cabinet status, but do not agree with changes that are included in HR 2138, including "several fundamental changes to EPA's mission, structure and authorities..." They expressed concerns that reducing the scope of EPA's mission from comprehensive goals to protect human health and the environment to protecting against "unreasonable environmental risks" is too narrow. Rep. Ose has indicated that he is reviewing the comments and will discuss with colleagues before proceeding. A hearing on HR 2138 was held last year by the House subcommittee on Energy Policy, Natural Resources & Regulatory Affairs of the Government Reform Committee.

Below is a list of federal legislation that the agency continues to monitor. Note that since the last report on 02/13/04, no action was taken on these bills.

Clear Skies

HR 999 by Congressman Barton (R-TX)

S 1844 by Senator Inhofe (R-OK)

S 843 by Senator Carper (D-DE)

S 366 by Senator Jeffords (I-VT)

Transboundary Aquifer

S 1957 by Senator Bingaman(D-NM)

Community Drinking Water Assistance Act

S 1432 by Senator Domenici (R-NM)

HR 3328 by Congresswoman Heather Wilson (R-NM)

21st Century Water Commission

HR 135 by Congressman Linder (R-GA)

Water Quality Financing Act

HR 1560 by Congressman John Duncan (R-TN)

State Stormwater Funding Flexibility

S 1716 by Senator Lincoln Chafee (R-RI)

HR 3528 by Congresswoman Nita Lowey (D-NY)

Mercury/Waste

S 616 by Senator Collins (R-ME)

Security Issues

S 994 and S. 1039 by Senator Inhofe (R-OK)

HR 866 by Congressman Young (R-AK)

Waters of the U.S.

S 483 by Senator Feingold (D-WI)

Fuel Additives (includes MTBE)

S. 791 by Senator Inhofe (R-OK)

HR 2136 by Congressman King (R-NY)

HR 2253 by Congressman Pombo (R-CA)

Municipal Solid Waste (MSW) Imports/Exports

S 431 by Senator Voinovich (R-OH)

S 382 and S.383 by Senator Stabenow (D-MI)

Perchlorate & Compliance/Enforcement of Federal Water Pollution Control Act

S 502 and S 820 by Senator Boxer (D-CA)

HR 1624 by Congressman Pallone (D-CA)

Low-Level Radioactive Waste

HR 2508 by Congressman Inslee (D-WA)

S 1045 by Senator Akaka (D-HI),

Water Resources Development Act (WRDA)

HR 2557 by Rep. Young (R-AK)

EPA Organization
S 515 by Senator Crapo (D-ID)

Federal Regulatory Initiatives

Proposals With Comments Under Development

Water Rules

SUBJECT	COMMENTS DUE TO EPA	COMMENT ACTIVITY
Chloroform/Water Quality Criteria	March 22, 2004	Staff is preparing briefing document.
Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial or Industrial Solid Waste Incineration Units.	March 18, 2004	Comments prepared by Susan Owens, OLS
Notice of Availability of Draft Aquatic Life Criteria document for Nonylphenol and Request for Scientific Views	April 5, 2004	Staff preparing briefing documents for Commission review.

Air Rules

SUBJECT	COMMENTS DUE TO EPA	COMMENT ACTIVITY
Rule to reduce interstate transport of fine particulate matter and ozone; Interstate Air Quality Rule	March 30, 2004	Summary documents distributed to ED & Commissioners; Team is developing a response.
Proposed national emission standards for hazardous air pollutants; and, in the alternative, proposed standards of performance for new and existing stationary sources: electric utility steam generating units	March 30, 2004	Summary documents distributed to ED & Commissioners; Team developing a response.
Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial or Industrial Solid Waste Incineration Units	March 18, 2004	OLS has prepared briefing documents for Commission review.

Waste Rules

SUBJECT	COMMENTS DUE TO EPA	COMMENT ACTIVITY
Hazardous waste: Low-level radioactive waste; management and disposal; framework, 64993	March 17, 2004	OPRR will develop comments.
Conditional exclusions from hazardous and solid waste requirements for solvent-contaminated industrial wastes.	March 19, 2004	OPRR is coordinating development of final comments.

Standards for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial or Industrial Solid Waste Incineration Units	March 18, 2004	Staff preparing briefing documents for Commission review. (See same item under “Air”)
Approaches to an Integrated Framework for Management and Disposal of Low-Activity Radioactive Waste: Request for Comment; Proposed Rule - Advance Notice of Proposed Rulemaking (ANPR)	March 17, 2004	Comments to be developed.

Radiation Rules

EPA Publication of Advance Notice of Proposed Rulemaking Regarding the Disposal of Low-Activity Radioactive Waste: Request for Comment	March 17, 2004	Comments to be developed.
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Other Rules

Integrated Risk Information System (IRIS); Announcement of 2004 Program; Request for Information	April 9, 2004	Briefing document being prepared by CEO for Commission Review.
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Detailed Information on Select Regulatory Initiatives

1. **Mercury Rule:** EPA announced a supplemental proposal to its January 30, 2004 proposed rule for reducing mercury emissions from power plants that addresses cap-and-trade programs and monitoring and reporting requirements. Public comments will be accepted for 45 days from the publication date, and a public hearing will be held on the supplement.

EPA Final Rule Adoption

<i>Subject Action</i>	<i>Date Published</i>
Civil Monetary Penalty Inflation Adjustment Rule	March 15, 2004
National Primary and Secondary Drinking Water Regulations: Approval of Additional Method for the Detection of Coliforms and E. Coli in Drinking Water	March 15, 2004
Protection of stratospheric ozone: Allocation of Essential use Allowances for Calendar Year 2004	January 28, 2004
Revisions to Clarify the Scope of Certain Monitoring Requirements for Federal and State Operating Permits Programs; Final Rule	February 23, 2004
National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)	February 3, 2004
Control of Emissions from Highway Motorcycles	March 15, 2004
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Referendum Procedures for a Potential Gulf of Mexico Red Snapper Individual Fishing Quota Program	February 12, 2004

Federal Regulatory Initiatives

Proposals With Comments Under Development

Water Rules

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Control of Emissions from Highway Motorcycles	March 15, 2004
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Referendum Procedures for a Potential Gulf of Mexico Red Snapper Individual Fishing Quota Program	February 12, 2004

PUBLIC COMMENT SESSION: The Commission will receive comments from the public on any matters within the jurisdiction of the TCEQ, with the exception of pending permitting matters or other contested cases which are subject to the *ex parte* prohibition found in Texas Government Code §2001.061. In the interest of time, speakers will be limited to three minutes each, with the total time for public comment limited to one hour.

No materials are available for this item.

Planning for the next Commissioners' Work Session.

NATIONAL COMMENTS LOG

SUBM TO	DATE	SHORT TITLE	TNRCC COMMENTS	DIV PREPARING	DIV CONTACT
EPA	2/11/2004	Guidance on Quantifying NOx Benefits for Cetane Improvement Programs	<p>In general, staff supports the proposed rule.</p> <p>Staff recommends that "Option 1" on how to define "within one industry" be adopted as it is less restrictive.</p> <p>Staff supports the provisions relating to speculative accumulation and which codify the legitimacy criteria.</p> <p>Staff supports EPA adding a provision to the proposal to clarify that a material excluded by both the generating state and receiving state would not be a solid waste for purposes of transportation.</p>	Environmental Planning and Implementation Policy and Regulations	Eve Hou
EPA	2/25/2004	Revisions to the Definition of Solid Waste			Hector Mendieta

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Last Update: March 5, 2004**Scheduled on:** April 30

<u>Short Title of Issue</u>	<u>Lead Office & Staff</u>	<u>Date Issue Referred</u>
NO NEW ISSUES		

Scheduled on: Standing Item

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

Scheduled on: To be determined

Permit back log and time lines	OPRR/M. Vickery	12/1/03
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Tentative Dates for January 2004 - December 2004
Commissioners' Work Sessions
Last Update: 3/5/04

DATE OF WORK SESSION	TIME OF WORK SESSION	FILE AGENDA WITH CHIEF CLERK'S OFFICE by 4:00 pm	EXECUTIVE SUMMARY DEADLINE by 5:00 pm, unless otherwise stated
January 16	9:30 am - 12:00 n	January 7	January 8
February 2	2:00 pm - 4:00 pm	January 23	January 23
February 13	9:30 am - 12:00 n	February 4	February 5
March 12	1:30 pm - 5:00 pm	March 3	March 4
April 30	9:30 am - 12:00 n	April 21	April 22
May 28	9:30 am - 12:00 n	May 19	May 20
June 25	9:30 am - 12:00 n	June 17	June 17
August 13	9:30 am - 12:00 n	August 5	August 5
September 17	9:30 am - 12:00 n	September 9	September 9
October 15	9:30 am - 12:00 n	October 7	October 7
December 15	9:30 am - 12:00 n	December 9	December 9

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

Closed Session:

- a. The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.**
- b. The commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matter considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.**
- c. The commission will conduct a closed session to discuss their duties, roles, and responsibilities as commissioners of the TCEQ pursuant to section 551.074 of the open meetings act, codified as chapter 551 of the government code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.**