

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, October 13, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
(TNRCC)

9:00 a.m.
Room 118

UNCONTESTED (Proposed Water Quality Permit)

- Item 1. APPLICATION BY GERARD HOEKMAN DBA GERARD HOEKMAN DAIRY for a permit (Proposed Permit No. 03575) to authorize the disposal of waste and wastewater from a dairy. The dairy will consist of a maximum of 450 head. Washdown water, flushwater and stormwater will be retained in one storage pond. Wastewater from the pond is to be disposed of by evaporation and/or irrigation. Manure/solids will be disposed of as fertilizer on agricultural land. The dairy is on the north side of an unnamed county road, approximately 5 miles east of the intersection of State Highway 36 and U.S. Interstate 67 in Comanche County, Texas.

APPROVED, PG/PR

- Item 2. APPLICATION BY CITY OF TIMPSON for a permit (Proposed Permit No. 10614-02) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 400,000 gallons per day from the Timpson Wastewater Treatment Facilities. The permittee is also authorized to compost sludge on-site, to distribute and market the compost for public use. The plant site is approximately 0.5 of a mile northeast from State Highway 87, and 0.8 of a mile east/southeast of the intersection of State Highway 87 and U.S. Highway 59 in Shelby County, Texas.

APPROVED, PG/PR

UNCONTESTED (Amendment to Water Quality Permit)

- Item 3. APPLICATION BY CITY PUBLIC SERVICE OF SAN ANTONIO for an amendment to Permit No. 01513 in order to add one outfall (Outfall 003) to regulate stormwater from the Mission Road Steam Electric Station. The current permit authorizes a discharge of utility wastewater effluent at

a volume not to exceed an average flow of 500,000 gallons per day via Outfall 001 and flow variable discharges of low volume wastewater via Outfall 002, which will remain the same. The plant site is at 303 Mission Road in the City of San Antonio, Bexar County, Texas.

APPROVED, PG/PR

Item 4. APPLICATION BY CITY OF NATALIA for an amendment to Permit No. 11806-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 91,000 gallons per day to a volume not to exceed an average flow of 130,000 gallons per day. The plant site is approximately 1200 feet southwest of the City of Natalia on the west side of Sixth Street in Medina County, Texas.

APPROVED, PG/PR

UNCONTESTED (Water Quality Permit Renewal)

Item 5. APPLICATION BY CENTRAL POWER AND LIGHT COMPANY for renewal of Permit No. 01256 which authorizes a discharge of cooling tower blowdown commingled with low volume wastes, metal cleaning wastes and stormwater runoff at a volume not to exceed an average flow of 1,120,000 gallons per day via Outfall 001. The permit also authorizes an intermittent flow variable discharge of maintenance drains from Units 4 and 5 cooling towers via Outfall 002. Plus, Outfall 003 authorizes an intermittent flow variable discharge of maintenance drains from Unit 6 cooling tower. The La Palma Steam Electric Power Station is about one half (1/2) mile west of Resaca de Los Fresnos, on the north side of the La Palma Boulevard in the City of San Benito, Cameron County, Texas.

APPROVED, PG/PR

Item 6. APPLICATION BY CITY OF JEFFERSON for renewal of Permit No. 10801-02 which authorizes the discharge of backwash water effluent at a volume not to exceed an average flow of 30,000 gallons per day from the Surface Water Treatment Facilities. The facilities are at the corner of Soda Street and Austin Street, in the City of Jefferson, Marion County, Texas.

APPROVED, PG/PR

Item 7. APPLICATION BY CITY OF ROSENBERG for renewal of Permit No. 10607-02 which authorizes the discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 6,000,000 gallons per day. The wastewater treatment plant is approximately 2,000 feet

southwest of the intersection of U.S. Highway 59 and State Highway 36, south of the City of Rosenberg in Fort Bend County, Texas.

APPROVED, PG/PR

Item 8. APPLICATION BY TEXAS UTILITIES MINING COMPANY for renewal of Permit No. 02697 which authorizes intermittent discharges of mine water, surface water runoff and treated domestic sewage from the Monticello-Winfield North and South Lignite Mining Area, a surface mining operation. The plant site is within a 20 mile radius of Monticello Reservoir, which is approximately one mile south of FM 127 and 5 miles southwest of the City of Mt. Pleasant, Titus County, Texas.

APPROVED, PG/PR

UNCONTESTED (District Matters)

Item 9. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 102 FOR APPROVAL OF \$4,225,000 UNLIMITED TAX AND REVENUE BONDS, FOURTH ISSUE, 8.21% NET EFFECTIVE INTEREST RATE, SERIES 1993 AND APPROVAL OF THE USE OF SURPLUS FUNDS AND THE MODIFICATION OF AN ESCROW REQUIREMENT, \$5,600,000 BOND ISSUE APPROVED JULY 12, 1985. For Commission consideration and action. Applicant requests approval of a bond issue to finance a pro rata share of detention pond costs; water well no 3 & water plant no. 1 improvements; wastewater treatment plant expansion & modification; and water, wastewater & drainage facilities for Concord Crossing, Concord Bridge North Section 1, and Bradford Colony Section 3. (Ferguson)

APPROVED, PG/PR

UNCONTESTED (Water Utility Matters)

Item 10. Application of Comanche County Water Supply Corporation for a Water Certificate of Convenience and Necessity in Comanche and Eastland Counties, Texas. (Application # 30030-C, Guillermo Zevallos)

APPROVED, PR/PG

Item 11. Application of the City of Pilot Point to Transfer and amend Water CCN No. 11294 from Water Line 377 North in Denton, Grayson, and Cooke Counties, Texas. (Application # 30039-C, Darrell Nichols)

APPROVED, PR/PG

UNCONTESTED (Settled Hearing's)

- Item 12. Consideration of Examiner's Memorandum and Order concerning the application of Holiday Oaks Water Company to increase retail water rates in Harris County, Texas (Docket No. 9805-G). Applicant provides retail water service to approximately 37 customers. Recommendation: Adoption of agreement of parties. (CRAVEN)

ADOPTED EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/PG

- Item 13. Consideration of Examiner's Memorandum concerning the application of Bruce Soape for Permit No. 13643-001 to authorize the discharge of a daily average flow of 0.10 mgd of treated domestic wastewater effluent in Chambers County, Texas, and Segment No. 2422 of the bays and estuaries. Recommendation: Issuance of permit. (CRAVEN)

ADOPTED EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/PG

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TNRCC AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT DOUG KITTS IN THE OFFICE OF THE CHIEF CLERK AT (512) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

UNCONTESTED OLD BUSINESS

Wednesday, October 13, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of July 14, 1993.

- Item 1. APPLICATION BY CITY OF MARSHALL for renewal of Permit No. 10583-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,910,000 gallons per day from the Southside Wastewater Treatment Facilities. The plant site is southeast of the City of Marshall, approximately 1,800 feet southeast of the intersection of Interstate Highway 20 and Five Notch Road in Harrison County, Texas.

APPROVED, PR/PG

Item carried forward from Agenda of September 22, 1993.

- Item 2. APPLICATION BY FAMILIA/EL DORADO, INC. for renewal of Permit No. 11376-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from the El Dorado Mobile Home Community Wastewater Treatment Facilities. The plant site is approximately one mile southeast of the intersection of U.S. Highway 59 and North Belt and 500 feet southeast of the crossing of a Harris County Flood Control ditch by Smith Road in Harris County, Texas.

APPROVED, PR/PG

Item carried forward from Agenda of September 22, 1993.

- Item 3. APPLICATION BY GILL SAVINGS ASSOCIATION for renewal of Permit No. 11066-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 180,000 gallons per day. The renewed permit has decreased the flow to 120,000 gallons per day average. The wastewater treatment facilities are approximately 10.5 miles northeast of the Harris County courthouse in downtown Houston and approximately 1.5 miles south/southeast of the intersection of Farm-to-Market Road 526 and U.S. Highway 90, 0.4 of a mile

southeast of Farm-to-Market Road 526, at 5830 South Lake Houston Parkway in Harris County, Texas.

REMANDED TO THE OFFICE OF THE EXECUTIVE DIRECTOR

Item carried forward from Agenda of September 29 and October 6, 1993.

Item 4. CONSIDERATION OF A RESOLUTION RECOMMENDING THE PURPOSE AND STRUCTURE OF COMMITTEES ADVISING THE TNRCC ON ITS PROGRAMS AND ACTIVITIES.

ADOPTED RESOLUTION AS RECOMMENDED, PR/PG

Item carried forward from Agenda of September 15, September 29 and October 6, 1993.

Item 5. CONSIDERATION TO APPOINT SEVEN NEW MEMBERS TO THE MUNICIPAL SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY ADVISORY COUNCIL. (TRIM)

APPROVED, PR/PG

CONTESTED AGENDA

Wednesday, October 13, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
(TNRCC)

9:00 a.m.
Room 118

CONTESTED (**Water Quality Enforcement**)

Item 1. Consideration of Executive Director's Preliminary Report and Petition for a TNRCC Order Assessing Administrative Penalties and Requiring Certain Actions of Aachen Clear Water Utility Corporation. (Keils)

Remand to Executive Director, PG/PR

Item 2. Consideration of Executive Director's Preliminary Report and Petition for a TNRCC Order Assessing Administrative Penalties and Requiring Certain Actions of Betty Carnley dba Carnley Mobile Home Park, No TNRCC Permit. (Qualtrough/Main)

Issue Agreed Order, PG/PR

Item 3. Consideration of Executive Director's Preliminary Report and Petition for a TNRCC Order Assessing Administrative Penalties and Requiring Certain Actions of Town of Pecos City, Permit No. 10245-001. (WINTER/HONER)

Issue Agreed Order, PG/PR

Item 4. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AGAINST MR. FRANK ATWOOD; CLASS "C" CERTIFICATE OF COMPETENCY (EXPIRED FEBRUARY 6, 1985). (KEILS).

Issue Default Order, PG/PR

CONTESTED (**Petroleum Storage Tank Enforcement**)

Item 5. Consideration of Executive Director's Petition for Order Assessing Administrative Penalties and Requiring Certain Actions of the Blackland Oil Co. of Corsicana. (WINTER)

Issue Agreed Order, PR/PG

CONTESTED (**Air Quality Enforcement**)

Item 6. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ACTION INSULATION COMPANY, INCORPORATED; ACCOUNT NO. EE-0768-U (NIX)

Issue Agreed Order, PG/PR

Item 7. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTION OF AUSIMONT U.S.A., INC.; ACCOUNT NO. OC-0077-L (GREGG)

Issue Agreed Order, PG/PR

Item 8. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTION OF CSI REMEDIATION SERVICES, INCORPORATED; ACCOUNT NO. 92-1780-L (EHRESMAN)

Issue Agreed Order, PG/PR

Item 9. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CRUSHED STONE BASE ASPHALT COMPANY, INC.; ACCOUNT NO. 90-9303-P (MARVIN)

Issue Agreed Order, PG/PR

Item 10. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF EPIC CONSTRUCTION COMPANY; ACCOUNT NO. HT-0149-J (HUDSON)

Issue Agreed Order, PG/PR

Item 11. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FILM-PAK, INCORPORATED; ACCOUNT NO. TA-0685-B (TERRELL)

Issue Agreed Order, PG/PR

Item 12. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FLYING J, INC; ACCOUNT NO. OC-0177-G (MARVIN)

Issue Agreed Order, PG/PR

Item 13. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FORMOSA PLASTICS CORPORATION, TEXAS; ACCOUNT NO. CB-0038-Q (DUNCAN)

Continued to December 1, 1993 at 9:00 a.m.

Item 14. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HART GRAPHICS, INCORPORATED; ACCOUNT NO. TH-0203-S (ZEIS)

Issue Agreed Order, PG/PR

Item 15. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HIMONT U.S.A., INC.; ACCOUNT NO. HG-0323-M (EHRESMAN)

Continued to October 20, 1993 at 9:00 a.m.

Item 16. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF MODERN GIN; ACCOUNT NO. MM-0017-E (ZEIS)

Issue Agreed Order, PG/PR

Item 17. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PHIBRO ENERGY USA, INCORPORATED; ACCOUNT NO. GB-0073-P (EHRESMAN)

Issue Agreed Order, PG/PR

Item 18. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF P.L. JACKSON CONSTRUCTION, INC.; ACCOUNT NO. HG-4393-J (MARVIN)

Issue Agreed Order, PG/PR

Item 19. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF STEVES & SONS, INC.; ACCOUNT NO. BG-0214-F (GREGG)

Issue Agreed Order, PG/PR

Item 20. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TUBOSCOPE VETCO INTERNATIONAL; ACCOUNT NO. ML-0260-K (ZEIS)

Issue Agreed Order, PG/PR

Item 21. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF VICOM, INCORPORATED; ACCOUNT NO. DB-1893-N (NIX)

Issue Agreed Order, PG/PR

CONTESTED (**Examiner's Proposal for Decision**)

Item 22. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF CITY OF GEORGETOWN FOR A RENEWAL OF PERMIT NO. 10489-02 TO AUTHORIZE THE DISCHARGE OF 2.5 mgd of TREATED DOMESTIC WASTEWATER EFFLUENT IN WILLIAMSON COUNTY, TEXAS, AND SEGMENT NO. 1248 OF THE BRAZOS RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (CRAVEN)

Adopt Examiner's Proposal for Decision, issue order and correct finding of Fact #15, add additional language to permit as recommended by Executive Director, overrule all exceptions, PR/JH

Item 23. Consideration of Examiner's Proposals for Decision and Orders concerning petitions of the Executive Director for Orders assessing administrative penalties and/or requiring certain actions of Mike Coles and Mike Winstead (Docket Nos. 93-24, 93-25). Recommendation: Approval of Proposed Enforcement Orders

Adopt Examiner's Proposal for Decision, issue order, PG/PR

CONTESTED (Revisions to State Implementation Plan)

Item 24. Consideration on the Adoption of Revisions to the State Implementation Plan (SIP) for the Control of Carbon Monoxide in El Paso (Contingency Measures). (Karen Kirkpatrick)

Continued to October 20, 1993 at 9:00 a.m.

EXECUTIVE SESSION

Item 25. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO 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 TEX.REV.CIV.STAT.ANN. art 6252-17 Sections 2(e) and 2(g). No final action, decision or vote with regard to any matter considered in closed session shall be made in the absence of further notice issued in accordance with TEX.REV.CIV.STAT.ANN. art. 6252-17.

No Action Taken

Item 26. COMMISSIONERS WILL MEET IN EXECUTIVE SESSION TO DISCUSS THEIR DUTIES, ROLES, AND RESPONSIBILITIES AS COMMISSIONERS OF THE TNRCC UNDER SECTION 2(g) OF THE OPEN MEETINGS ACT. TEX. REV. CIV. STAT. ANN. Art 6252-17, AND

2 (g) .

No Action Taken

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TNRC AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT DOUG KITTS IN THE OFFICE OF THE CHIEF CLERK AT (512) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

ADDENDUM TO CONTESTED AGENDA

Wednesday, October 13, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 27. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TEXAS UTILITIES ELECTRIC COMPANY; TEXAS SOLID WASTE REGISTRATION NO. 39927 (WILSON)

Issue Agreed Order, PR/PG

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, October 13, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 28. The Commission will meet in Executive Session to discuss pending litigation brought under the Texas Clean Air Act, including actions initiated by the prior Texas Air Control Board, as permitted by GOVERNMENT CODE Section 551.071."

Commission received a briefing on Air Litigations, No Action Taken

CONTESTED OLD BUSINESS

Wednesday, October 13, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from agenda of September 29 and October 6, 1993.

- Item 1. CONSIDERATION OF PETITION FOR RULEMAKING FILED JULY 27, 1993 BY SIERRA CLUB. PETITION REQUEST THAT THE COMMISSION ADOPT REVISIONS TO 31 TEXAS ADMINISTRATION CODE SECTION 335.221(a)(23) (RELATING TO RESIDUES FROM CEMENT KILNS). (CARLTON/hl)

Continued to October 20, 1993 at 9:00 a.m.