

HALL
GARNER

UNCONTESTED AGENDA

Wednesday, December 1, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**Hazardous Waste Permits**)

- Item 1. Consideration of an application by CHEMICAL RECLAMATION SERVICES, INCORPORATED -AVALON for a Class 2 Modification to Permit No. HW50084-001 in accordance with 30 TAC Section 305.69. The permit authorizes operation of a commercial industrial and hazardous waste storage and processing facility. The permit modification authorizes the addition of waste codes to the facility's waste code list. The facility is northeast of the intersection of F.M. 55 and State Highway 34 near Avalon, Ellis County, Texas.

APPROVED APPLICATION, PG/JH

- Item 2. Consideration of an application by GATX TERMINALS CORPORATION for a Class 2 Modification to Compliance Plan No. CP50054 in accordance with 30 TAC Section 305.69. The compliance plan modification authorizes changes in start-up schedules of the ground-water recovery system and in the designation of recovery wells. The facility is at 906 Clinton Drive in Galena Park, Harris County, Texas.

APPROVED APPLICATION, PG/JH

- Item 3. Consideration of an application by INTERNATIONAL PAPER COMPANY - NAVASOTA for a Class 2 Modification to Compliance Plan No. CP50266 in accordance with 30 TAC Section 305.69. The compliance plan modification authorizes the installation and operation of additional monitoring, reinjection, and recovery wells. The facility is located northwest of the City of Navasota, Grimes County, Texas.

APPROVED APPLICATION, PG/JH

UNCONTESTED (**Water Quality Permits**)

Item 4. APPLICATION BY AMERIPOL SYNPOL CORPORATION for renewal of Permit No. 02487 and has requested the permit be transferred from Ameripol Synpol Company, Division of Uniroyal Goodrich Tire Company to Ameripol Synpol Corporation. The permit authorizes a discharge of steam condensate and stormwater runoff at a daily average dry-weather flow of 200,000 gallons per day from a synthetic rubber manufacturing plant. The plant site is at 1215 Main Street, immediately east of the City of Port Neches, Jefferson County, Texas.

APPROVED APPLICATION, PG/JH

UNCONTESTED (**Water Right Permit**)

Item 5. Application No. 08-2340A by the City of Denton to amend Certificate of Adjudication No. 08-2340. (For Commission Consideration). Applicant seeks to amend Certificate No. 08-2340 to change the purpose of use of 51 acre-feet of the 89.28 acre-feet per annum of water now authorized for their irrigation use in the certificate from Pecan Creek, Trinity River Basin, in Denton County to recreational use and to change the place of use to three proposed reservoirs on Fletcher Branch, Trinity River Basin, in Denton County included in their pending Water Use Permit Application No. 5463. This request is being made to off-set the evaporation that will be created by the aforesaid three reservoirs. (Smith/tls)

APPROVED APPLICATION, PG/JH

UNCONTESTED (**District Matters**)

Item 6. APPLICATION BY LANGHAM CREEK UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$725,000 UNLIMITED TAX AND REVENUE BOND ISSUE, 7.22% NET EFFECTIVE INTEREST RATE, SERIES 1993, FIFTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$725,000 in unlimited tax and revenue bonds to finance the purchase and construction of District infrastructure facilities. (Ferguson)

REMANDED TO THE OFFICE OF THE EXECUTIVE DIRECTOR

Item 7. PETITION BY BERRY CREEK PARTNERS FOR DISSOLUTION OF WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 6/WILLIAMSON COUNTY. For Commission consideration and action. Applicant requests that the Commission dissolve the District.

APPROVED PETITION, PG/JH

Item 8. PETITION BY BERRY CREEK PARTNERS FOR DISSOLUTION OF WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT No. 5/WILLIAMSON COUNTY. For Commission consideration and action. Applicant requests that the Commission dissolve the District.

APPROVED PETITION, PG/JH

UNCONTESTED (**Water Utility Matters**)

Item 9. Approval of the Negotiated Settlement of Bederkesa Water Company, Inc. for a Rate/Tariff Change; Certificate of Convenience and Necessity (CCN) No. 11521 in Kaufman County, Texas. (Application # 30088-G, Mary Jane Ford)

APPROVED PETITION, PG/JH

Item 10. Application of Atascosa Rural Water Supply Corporation to Transfer a Portion of Water CCN No. 11007 from City of Lytle and Amend Water CCN No. 11366 in Bexar County, Texas. (Application # 30136-T, Albert Holck)

CONTINUED TO DECEMBER 15, 1993 AT 9 A.M.

Item 11. Application of R & R Mobile Home Joint Venture to Transfer Water CCN No. 11986 and Sewer CCN No. 20653 from George E. Blessing dba Blessing Mobile Park; in Williamson County, Texas. (Application # 30110-S, Vera Poe)

APPROVED APPLICATION, PG/JH

Item 12. Application of S & B Water System Management Corporation to Transfer Water CCN No. 11765 from Mr. Henry Seals, Trustee, dba Hunts Water Operations; in McLennan and Bosque Counties, Texas. (Application # 30053-S, Vera Poe)

APPROVED APPLICATION, PG/JH

Item 13. Application of the Town of Holiday Lakes to Transfer Water CCN No. 11254 from O.J. Pursley dba Lakeside Water Service; in Brazoria County, Texas. (Application # 30037-S; Vera Poe)

APPROVED APPLICATION, PG/JH

Item 14. Application of JRC/Huffmeister, Ltd., dba Western Trails Water Plant to Transfer Water CCN No. 12284 from Walter S. Baker, Jr., and John R. Winston, Jr., Trustees dba Western Trails Water Plant in Harris County, Texas. (Application # 30054-S, Albert Holck)

APPROVED APPLICATION, PG/JH

UNCONTESTED (**Water Quality Management Plan**)

- Item 15. Consideration to approve the report, Fiscal Year 1992 Revisions to the State of Texas Water Quality Management Plan, as an adopted revision to the State of Texas Water Quality Management Plan and certify them to the Environmental Protection Agency to satisfy federal water quality management planning requirements. (Brookins)

APPROVED APPLICATION, PG/JH

UNCONTESTED (**Settled Hearings**)

- Item 16. Consideration of Examiner's Memorandum and Order concerning the application of Back Forty Utilities, Inc. to increase retail water rates in Cooke County, Texas (Docket No. 30106-G). Applicant provides retail water service to approximately 60 customers. Recommendation: Adoption of agreement of parties. (Limes)

APPROVED AGREEMENT, PG/JH

- Item 17. Consideration of Examiner's Memorandum and Order concerning the application of River Oaks Ranch Water System, Inc. to increase retail water rates in Hays County, Texas (Docket No. 30093-G). Applicant provides retail water service to approximately 61 customers. Recommendation: Adoption of agreement of Parties. (Todd)

APPROVED AGREEMENT, PG/JH

- Item 18. Consideration of Examiner's Memorandum and Order concerning the application of El Camino Bay Property Owner's Association to increase retail water rates in Sabine County, Texas (Docket No. 30074-G). Applicant provides retail water service to approximately 126 customers. Recommendation: Adoption of agreement of parties. (Sorrells)

APPROVED AGREEMENT, PG/JH

- Item 19. Consideration of Examiner's Memorandum and Order Concerning the Application of Harris County Municipal Utility District No. 221 for approval to levy standby fees in Harris County, TX. (IC No. 020492-001). Recommendation: Adoption of agreement of parties. (Wood)

APPROVED AGREEMENT, PG/JH

Item 20. Consideration of Examiner's Memorandum and Order concerning the application of Vacation Village WSS, Inc. to increase retail water and sewer rates in Denton County, Texas (Docket Nos. 9894-R & 9895-R). Applicant provides retail water and sewer service to the customers in Denton County. Recommendation: Adoption of agreement of parties. (Limes)

ADOPTED AGREEMENT, PG/JH

Item 21. Consideration of Examiner's Memorandum and Order concerning the application of Romark Utility Co. to increase retail water rates in Polk County, Texas (Docket No. 30076-G). Applicant provides retail water service to approximately 179 customers. Recommendation: Adoption of agreement of parties. (Zukauckas)

ADOPTED AGREEMENT, PG/JH

Item 22. Consideration of Examiner's Memorandum and Order concerning the application of Bulverde Utility Company, Inc. to increase retail water rates in Bexar and Comal County, Texas (Docket No. 9913-R). Applicant provides retail water service to approximately 473 customers. Recommendation: Adoption of agreement of parties. (BROYLES)

ADOPTED AGREEMENT, PG/JH

(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 UNCONTESTED AGENDA

Wednesday, December 1, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 23. Consideration of Examiner's Memorandum concerning the application of the City of Copperas Cove for Permit No. MSW 2210 to authorize the operation of a municipal solid waste Type V site in Coryell County, Texas. Recommendation: Issuance of Permit (BOURBON)

ISSUED PERMIT, PG/JH

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 1, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 24. PRESENTATION BY THE PROFESSIONAL AGRICULTURAL WORKERS OF TEXAS. THE GROUP WILL PRESENT A SERVICE AWARD TO COMMISSIONER PEGGY GARNER FOR HER WORK ON ISSUES THAT AFFECT TEXAS AGRICULTURE.

AWARD PRESENTED TO PEGGY GARNER

UNCONTESTED OLD BUSINESS

Wednesday, December 1, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of August 18 and September 29, 1993.

Item 1. APPLICATION NO. 5463 BY THE CITY OF DENTON FOR A TWC SECTION 11.121 WATER USE PERMIT. For Commission Consideration.

Applicant seeks a permit to authorize construction and maintenance of three dams and reservoirs on Fletcher Branch, Trinity River Basin, in Denton County to be used for in-place recreational purposes in a proposed park located within the city limits of Denton, Texas, approximately 3 miles south-southeast of the Denton County Courthouse. (SMITH/tls)

APPROVED APPLICATION, PG/JH

Item carried forward from Agenda of November 10, 1993.

Item 2. APPLICATION BY LAKEWAY MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY; APPLICATION FOR APPROVAL OF A \$3,250,000 UNLIMITED TAX AND REVENUE BOND ISSUE; 6.368% NET EFFECTIVE INTEREST RATE; TENTH ISSUE. For Commission consideration and action. The

District's application requests Commission approval of a bond issue to finance the expansion of the East WWTP (Palos Verdes), the purchase of land for effluent disposal, and improvements to the District's water and wastewater systems. (Ferguson)

APPROVED APPLICATION, PG/JH

CONTESTED AGENDA

Wednesday, December 1, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**Water Quality Enforcement**)

Item 1. Commission Consideration of an Agreed Enforcement Order Resolving the Matter of the Executive Director's Preliminary Enforcement Report Concerning Western Litho Plate & Supply Co.; Permit No. 02165 (Martinez)

Issue Agreed Order, PG/JH

Item 2. Consideration of Executive Director's Preliminary Report and Petition for a Texas Natural Resource Conservation Commission Order assessing Administrative Penalties and Requiring Certain Actions of City of Bardwell, Permit No. 10999-01. (Keils/Lehmkuhle)

Remand to Office Hearing Examiner's

Item 3. Consideration of Executive Director's Preliminary Report and Petition for a Texas Natural Resource Conservation Commission Order Assessing Administrative Penalties and Requiring Certain Actions of Ashland Katy Company, Expired Permit No. 11073-01. (Keils/Cretini)

Issue Proposed Default Order, PG/JH

Item 4. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of City of Leonard, TRNCC Permit No. 19920-01. (Roberts)

Issue Agreed Order, PG/JH

Item 5. Consideration of Executive Director's Preliminary Report and Petition for a Texas Natural Resource Conservation Commission Order Assessing Administrative Penalties and Requiring Certain Actions of Aachen Clear Water Utility Company, Permit No. 13060-001. (Keils/Meyer)

Remand to Executive Director, PG/JH

Item 6. CONSIDERATION OF AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TRACE, INC.; PERMIT NO. 12822-01 (SMITH, J./GREEN).

Issue Agreed Order, PG/JH

CONTESTED (Solid Waste Enforcement)

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MAXX FUELS, INC. AND THE ATCHISON, TOPEKA, AND SANTA FE RAILWAY COMPANY; TEXAS SOLID WASTE REGISTRATION NO. 52115 (CASTANUELA)

Remand to Executive Director

CONTESTED (MSW Minor Amendment)

Item 8. APPLICATION BY WASTE MANAGEMENT OF TEXAS for a minor amendment to Permit No. MSW2092 in order to revise the hours of operation from 7:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 3:00 p.m. on Saturday to 4:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 3:00 p.m. Saturday. The proposed changes are considered a Class I modification and will not substantially alter the permit conditions or reduce the capacity of the landfill.

Issue Minor Amendment, PG/JH

CONTESTED (Water Right Matter)

Item 9. APPLICATION NO. 2130C BY BEXAR-MEDINA-ATASCOSA COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 TO AMEND CERTIFICATE NO. 19-2130, AS AMENDED, PURSUANT TO TEXAS WATER CODE SECTION 11.122. For Commission Consideration. Applicant seeks to amend Certificate No. 19-2130, as amended, to change the authorized use of 63, 830 acre-feet of water from irrigation to multiple uses for either irrigation, municipal, or industrial purposes. Applicant also seeks to add five diversion points; two on Diversion Lake, two on the Medina Irrigation Canal and one on Medina Lake to facilitate diversion and use of the water. No additional appropriation of water or increase in diversion rate is sought. (SMITH/lb)

Remand to Office Hearing Examiner's

CONTESTED (Water Utility Matter)

Item 10. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR INTERIM RATES ON THE APPLICATION OF EAST TEXAS WATER & SEWER, INC. FOR A WATER RATE INCREASE; DOCKET NO. 30165-G; POLK AND SAN JACINTO COUNTIES. (Roberts).

Approve Staff Recommendation, PG/JH

CONTESTED (**Rules**)

Item 11. CONSIDERATION OF THE ADOPTION OF TO ADOPT PROPOSED NEW 30 TAC §293.180 RELATING TO APPEAL OF A DECISION REGARDING FACILITIES CONSTRUCTED FOR A MUNICIPAL UTILITY DISTRICT AS PUBLISHED IN THE October 8, 1993 issue of the Texas Register. (Jones/Montelongo)

Continued to December 15, 1993

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

Item 12. Consideration of Examiner's Proposal for Decision concerning the Application of Dogwood Springs WSC for a CCN in Anderson County, Texas (DOCKET NO. 9993-C). Applicant provides retail water service to approximately 139 customers. Recommendation: Approval of issuance of CCN. (LIMES)

Adopt Examiner's Proposal for Decision and Issue Order, PG/JH

Item 13. Consideration of Examiner's Proposal for Decision and Order concerning the application of Cogen Lyondell, Inc. for Permit No. 02845 to authorize the discharge of not to exceed 504,000 gallons per day of industrial wastewater effluent in Harris County, Texas, and Segment No. 1001 of the San Jacinto River Basin. Recommendation: Issuance of Permit. (JACKSON)

Adopt Examiner's Proposal for Decision and Issue Order, PG/JH

Item 14. Consideration of Examiner's Proposal for Decision and order concerning the application of HEATHERWILDE III, LTD, and Bill Palmer Homes for a determination of the appropriate extension fee and for water and wastewater service from Windermere Utility Company, Inc. in Travis County, Texas (Docket No. 9996-X). Recommendation: Approval of extension fee. (Bateman).

Show LUE 2726 per lot, 2400 be credited to Heatherwilde, Heatherwilde pay \$99,000 to Windermere and water be turned on, JH/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.)

ADDENDUM TO CONTESTED AGENDA

Wednesday, December 1, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 15. Consideration of Examiner's Proposal for Decision concerning the Application of Texas Utilities Mining Company for water use Permit No. 5456 and Temporary Water Use Permit No. TA6978 in Titus County, Texas to impound and divert not to exceed 417 acre-feet of water per annum from the unnamed tributary of Blundell Creek, in Cypress River Basin, for mining purposes.
Recommendation: Denial of authorization. (SORRELLS)

Proposal for Decision denied, Use of water to mine is of beneficial use and adopt Executive Director proposal and include in permit that noise and dust not be a nuisance, and changes be made to reflect correction to Proposal for Decision, JH/PG

CONTESTED OLD BUSINESS

Wednesday, December 1, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from agenda of October 13, 1993.

Item 1. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FORMOSA PLASTICS CORPORATION, TEXAS; ACCOUNT NO. CB-0038-Q (DUNCAN)

Issue Agreed Order with instructions to the Executive Director to send a letter and to work with FORMOSA and the citizen on time frame to get air monitor in place and working, JH/PG

Item carried forward from Agenda of September 29, 1993 and October 27, 1993.

Item 2. APPLICATION BY INTERNATIONAL PAPER COMPANY for renewal of Permit No. 01339 which authorizes treated process wastewater commingled with stormwater from the Texarkana Mill at a volume not to exceed 10% of the flow rate from Lake Wright Patman. The plant site is approximately 14 miles south of the City of Texarkana and 5 miles east (via FM 3129) of U.S. Highway 59 at a site adjacent to and south of the Sulphur River, bounded on the east of the Kansas City Southern Railway and on the west by the Texas and Pacific Railway in Cass County, Texas.

Continued to December 15, 1993

Item carried forward from Agenda of October 27, 1993 and November 10, 1993.

Item 3. Consideration of Examiner's Proposal for Decision concerning the applications of Bolivar WSC for an amendment to certificate of convenience and necessity No. 11257 and for partial decertification of the City of Denton's certificate of Convenience and Necessity No. 10195 to provide water service in Denton County, Texas (Docket No. 9447-C), together with the application of the City of Denton for amendments to its Certificates of Convenience and Necessity Nos. 10195 and 20072 to provide water and sewer service in Denton Co., Texas.
Recommendation: Approve No. 9447-C in part and deny in part, approve No. 9824-C in part and deny in part.

Adopt Examiner's Proposal for Decision and Issue Order, overrule
all exceptions, except for those Modifications as recommended by
Hearing Examiner, JH/PG