

HALL- present  
REED-present  
GARNER- absent and excused

UNCONTESTED AGENDA

Wednesday, January 5, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (**Hazardous Waste Class 3 Modification**)

- Item 1. Consideration of an application by SAFETY-KLEEN CORPORATION - IRVING for a Class 3 Modification to Permit No. HW50218 in accordance with 30 TAC Section 305.69. The modification authorizes addition of a 15,000 gallon tank for waste antifreeze; updates permit and application language; and, updates the Contingency Plan, Waste Analysis Plan and Closure Cost. Safety-Kleen operates a commercial hazardous waste storage and processing facility located on the west side of Suzanne Drive, 500 feet south of Grauwlyer Road and 1000 feet east of Loop 12 at 2130 East Grauwlyer Road in Irving, Dallas County, Texas.

APPROVED APPLICATION TO ISSUE PERMIT; PR/JH

UNCONTESTED (**Temporary Variance**)

- Item 2. CONSIDERATION OF THE CITY OF TYLER'S request for a temporary variance to the existing water quality standards in the area of the discharge. City of Tyler is authorized to operate the Westside Wastewater Treatment Facilities under Permit No. 10653-01. The variance would authorize a three-year period in which to conduct a water quality study of Black Fork Creek and Prairie Creek in Segment No. 0606 of the Neches River Basin to show whether a site-specific amendment to water quality standards is justified. Prior to the expiration of the three-year variance period, the TNRCC will consider the site-specific standards and determine whether to adopt the standards developed as a result of the study or to require the existing water quality standards to remain in effect.

ISSUED TEMPORARY VARIANCE; PR/JH

UNCONTESTED (**Proposed Water Quality Permit**)

Item 3. APPLICATION BY COOPER INDUSTRIES, INC. for a permit (Proposed Permit No. 13668-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,250 gallons per day. The wastewater treatment facilities are at the intersection of U.S. Highway 90 and Farm-to-Market Road 1909 and approximately 3 miles east of the City of Liberty in Liberty County, Texas.

APPROVED APPLICATION TO ISSUE PERMIT; PR/JH

**UNCONTESTED (Renewal of Water Quality Permit)**

Item 4. APPLICATION BY CITY OF TYLER for renewal of Permit No. 10653-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 13,000,000 gallons per day from the Westside Wastewater Treatment facilities which are located approximately 20,000 feet west-northwest of the intersection of State Highway Loop 323 and U.S. Highway 69, approximately seven miles northwest of the Smith County Courthouse in Smith County, Texas.

APPROVED APPLICATION TO RENEW PERMIT; PR/JH

**UNCONTESTED (District Matters)**

Item 5. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 261 FOR APPROVAL OF \$1,715,000 UNLIMITED TAX BONDS, FIRST ISSUE, 8.21% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance water, wastewater & drainage facilities for Woodwind Section 1, land purchase costs, and a detention pond. (Ferguson)

APPROVED APPLICATION; PR/JH

Item 6. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 254 FOR APPROVAL OF \$12,850,000 UNLIMITED TAX BOND ISSUE, SERIES 1994, THIRD ISSUE AND CHANGE IN PROJECT SCOPE; \$3,400,000 BOND ISSUE APPROVED JULY 16, 1986. For Commission consideration and action. Applicant requests approval of the issuance of \$12,850,000 in unlimited tax bonds to augment the construction of City of Houston Regional Wastewater Treatment Plant. (Ferguson)

APPROVED APPLICATION; PR/JH

Item 7. APPLICATION BY FALLBROOK UTILITY DISTRICT OF HARRIS

COUNTY FOR APPROVAL OF \$2,760,000 UNLIMITED TAX AND REVENUE BONDS, SIXTH ISSUE, 7.22% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance water & wastewater facilities for Towne Crossing Shopping Center, land purchase costs, construction of a second water plant, and revisions to the existing water plant. (Ferguson)

APPROVED APPLICATION; PR/JH

UNCONTESTED (Water Utility Matters)

Item 8. Application of Lakeside Utilities, Inc. for a Water and Sewer Certificate of Convenience and Necessity in Travis and Burnett Counties, Texas. (Application # 30084-C and 30085-C, Guillermo Zevallos)

APPROVED APPLICATION; PR/JH

Item 9. Application of Austin County Water Supply Corporation to amend Water Certificate of Convenience and Necessity Number 12044 in Austin County, Texas. (Application # 30161-C, Albert Holck)

APPROVED APPLICATION; PR/JH

Item 10. Application of El Sauz Water Supply Corporation to amend Water Certificate of Convenience and Necessity Number 11424 in Starr and Jim Hogg Counties, Texas. (Application # 30138-C, Darrell Nichols)

APPROVED APPLICATION; PR/JH

Item 11. Application of Castle Water, Inc. dba Horseshoe Bend Water System to amend Water Certificate of Convenience and Necessity Number 10263 in Parker County, Texas. (Application # 30200-C, Debi Carlson)

APPROVED APPLICATION; PR/JH

Item 12. Application of Pat Petty dba Big Woods Springs Water Company to amend Water Certificate of Convenience and Necessity Number 12367 in Wood County, Texas. (Application # 30163-C, Vera Poe)

APPROVED APPLICATION; PR/JH

Item 13. Application of Grayson Hilltop Estates Water Supply Corporation to Transfer Water CCN No. 12387 from Hilltop Estates Water Authority in Grayson, County. (Application # 9926-T, Vera Poe)

APPROVED APPLICATION; PR/JH

UNCONTESTED (**Hearing's Examiners Memorandums**)

Item 14. Consideration of Examiners Memorandum concerning the application off Michael Steward dba Holy Cow Dairy for Permit No. 03579 to authorize the disposal by irrigation and solid application of waste from a 500-head dairy operation in Comanche County, TX. Recommendation: Issuance of permit. (Craven) Type of Matter: Dairy (Agricultural)

ISSUED PERMIT; PR/JH

Item 15. Consideration of Examiner's Memorandum and Order concerning the application of Evelyn Farhood dba Hilltop (Abraxas) Utility to increase retail water rattes in Tarrant County, Texas (Docket No. 9901-R). Applicant provides retail water service to less than 200 customers. Recommendation: Adoption of agreement of parties. (BATEMAN).

APPROVED APPLICATION; PR/JH

Item 16. Consideration of Examiner's Memorandum concerning the application of Diamond Shamrock Refining and Marketing Company for Permit No. 03531 to authorize the intermittent flow variable discharge of treated industrial wastewater effluent in Webb County, Texas, and Segment No. 2304 of the Rio Grande River Basin. Recommendation: Issuance of Permit. (BATEMAN)

ISSUED PERMIT; PR/JH

Item 17. Consideration of Examiner's Memorandum and Order Concerning the Application of Ridge Harbor Utility Company to increase retail water and sewer rates in Burnet County, Texas (Docket No. 30079-R). Applicant provides retail water and sewer service to approximately 48 customers. Recommendation: Adoption of agreement of parties. (Rogan)

APPROVED APPLICATION; PR/JH

Item 18. Consideration of Examiner's Memorandum concerning the application of American Norit Company, Inc. for a renewal of Permit No. 00703 to authorize the discharge of treated domestic sewage, treated process wastewater, and stormwater at a volume not to exceed 20,000 gpd in Harrison County, Texas, and Segment No. 505 of the Sabine River Basin. Recommendation: Issuance of permit. (ZUKAUCKAS)

ISSUED PERMIT; PR/JH

- Item 19. Consideration of Examiner's Memorandum concerning the application of John Haflinger for Permit No. 03586 to authorize disposal of wastes from a dairy operation. Recommendation: Dismissal of application.

DISMISSED APPLICATION; PR/JH

- Item 20. Consideration of Examiner's Memorandum and Order concerning the application of UNITED STATES AIR FORCE, SA/ALC/CC, Kelly Air Force Base, for renewal of Permit No. HW-50115-001 to authorize the operation of a hazardous waste storage facility in Bexar County, Texas. Applicant seeks authorization to store Class I and Class II hazardous and nonhazardous materials at facilities located in Segment No. 1911 of the San Antonio River Basin. Recommendation: Issuance of permit. (HURD)

ISSUED PERMIT; PR/JH

- Item 21. Consideration of Examiner's Memorandum and Order concerning the application of Big Lakes Utilities, Inc. to increase retail sewer rates in Sabine County, Texas (Docket No. 30014-G). Applicant provides retail sewer service to approximately 28 customers. Recommendation: Adoption of agreement of parties. (Bourbon)

APPROVED APPLICATION; PR/JH

(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.)

CONTESTED AGENDA

Wednesday, January 5, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

CONTESTED (**WATER QUALITY ENFORCEMENT**)

- Item 1. 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 THE CITY OF MERKEL, PERMIT NO. 10786-001. (RAMIREZ/CRETINI)

Remand to Office Hearing Examiner's

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 The Dow Chemical Company, Permit No. 00007. (J. Smith/Green)

Issue Agreed Order, PR/JH

Item 3. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST RADLER ENTERPRISES TEXAS, INC. FOR VIOLATIONS OF THE TEXAS WATER CODE AND PERMIT NUMBER 12544-001, ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS.

Issue Agreed Order, PR/JH

Item 4. Consideration of a Proposed Agreed Order Resolving an Enforcement Action Brought Against Replas of Texas, For Violations Of The Texas Water Code, Assessing Administrative Penalties Against Replas of Texas, Inc., No TNRCC Permit. (Qualtrough)

Issue Agreed Order, PR/JH

Item 5. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of VAM-PTS Company, TNRCC Permit No. 12246-01. (Powell)

Issue Agreed Order, PR/JH

Item 6. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST THE WOODLANDS, FOR VIOLATIONS OF THE TEXAS WATER CODE, ASSESSING ADMINISTRATIVE PENALTIES OF THE WOODLANDS CORPORATION.

Issue Agreed Order, PR/JH

Item 7. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of the City of Hutto, Permit No. 11324-001. (J. Smith/Main)

Issue Agreed Order, PR/JH

Item 8. Commission Consideration of an Agreed Enforcement Order Resolving the matter of the Executive Director's Preliminary Enforcement Report Concerning City of Rising Star Permit No. 10702-01 (Martinez/Green)

Issue Agreed Order, PR/JH

CONTESTED (**PETROLEUM STORAGE TANK ENFORCEMENT**)

- Item 9. Consideration of Executive Director's Petition for Order Assessing Administrative Penalties and Requiring Certain Actions of the Montgomery Ward Auto Express. (Raymond Winter)

Issue Agreed Order, PR/JH

CONTESTED (**SOLID WASTE ENFORCEMENT**)

- Item 10. 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 EXXON COMPANY, U.S.A.; TEXAS SOLID WASTE REGISTRATION NO. 30040 (BALLARD)

Remand to Office Hearing Examiner's

- Item 11. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GEORGE KING; TEXAS MUNICIPAL SOLID WASTE UNAUTHORIZED SITE NO. 32208 (Bernacki)

Issue Order as Recommended by Executive Director, PR/JH

CONTESTED (**RULES**)

- Item 12. CONSIDERATION OF PROPOSED AMENDMENTS TO TITLE 30 TEXAS ADMINISTRATIVE CODE, CHAPTER 335, INDUSTRIAL SOLID WASTE AND MUNICIPAL HAZARDOUS WASTE RULES, RELATING TO ANNUAL SUMMARY, SHIPMENT SUMMARY AND RECEIVER SUMMARY REPORTING REQUIREMENTS. (These rules will require reporters to submit reports to the Commission which are complete and correct). (Montgomery Faulkner)

Adopt Rules as recommended by staff, JH/PR

CONTESTED (**CONTESTED HEARINGS**)

- Item 13. Consideration of Examiner's Proposal for Decision and Order concerning the application of Mary Bryant dba Double J Lil L Dairy for Permit No. 03484 to authorize the disposal of waste as fertilizer and wastewater by irrigation on agricultural land from a dairy operation with 900 milking head in Hill County, Texas, and Segment No. 1254 of the Brazos River Basin. Recommendation:

Issuance of permit. (T BROYLES)

Issue Proposal for Decision, Overrule all exceptions, and make changes to order to reflect additional language be added to permit as recommended by Commissioner's and General Counsel, specifically (1) Finding of Facts #8 be included in permit, (2) Time frame imposed 90 days after permit issued, (3) Disposal of waste must be for beneficial use. JH/PR

Item 14. Consideration of Examiner's Proposal for Decision and Order concerning the petition of Southguard Corporation for reimbursement from the Commission's PST Fund or petroleum storage tank remediation fund. Recommendation: Denial of reimbursement. (Bateman)

Adopt Examiner's Proposal for Decision and Issue Order, Overrule all Exceptions, PR/JH

#### **EXECUTIVE SESSION**

Item 15. 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 GOV'T CODE, Sections 551.071 and 551.074, the Open Meetings Act. 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 Chapter 551 of the Government Code.

No Action Taken

Item 16. COMMISSIONERS WILL MEET IN EXECUTIVE SESSION TO DISCUSS THEIR DUTIES, ROLES, AND RESPONSIBILITIES AS COMMISSIONERS OF THE TNRCC UNDER GOV'T CODE, SECTION 551.074, the Open Meetings Act.

No Action Taken

(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.)