

HALL  
REED  
GARNER

UNCONTESTED AGENDA

Wednesday, January 26, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

**UNCONTESTED (Waste Disposal Well)**

- Item 1. Consideration of an application by CHEMICAL WASTE MANAGEMENT, INC. - CORPUS CHRISTI for a Class 2 Modification to Permit No. WDW-70 in accordance with 30 TAC Section 305.69. The permit authorizes operation of a commercial industrial and hazardous waste facility that stores and processes industrial and hazardous wastes generated from on-site and off-site sources. The permit modification authorizes revision of the Waste Analysis Plan. The facility is located at 6901 Greenwood Drive, Corpus Christi, Nueces County, Texas.

APPROVED, PG/PR

**UNCONTESTED (Class 2 Modification to Hazardous Waste Permits)**

- Item 2. Consideration of an application by E.I. DUPONT DE NEMOURS & CO., INC. - LAPORTE for a Class 2 Modification to Permit No. HW-50213 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial and hazardous waste storage and processing facility. The permit modification authorizes revision to the soil boaring program under the RCRA Facility Investigation (RFI) and removal of EPA from the approval of RFI work, unless a release migrates off-site. The facility is located east of the intersection of Miller Cut-Off Road and State Highway 225 in the City of LaPorte, Harris County, Texas.

APPROVED, PG/PR

- Item 3. Consideration of an application by HOECHST CELANESE CORPORATION - CORPUS CHRISTI for a Class 2 Modification to Permit No. HW-50199 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial and hazardous waste storage and processing facility. The permit modification authorizes revisions to groundwater

monitoring well construction requirements, waste characterization requirements, and the Contingency and Waste Analysis Plans. The facility is located between Clarkwood Road and Rand Morgan Road, south of Leopard Street (Texas Highway 9) in the City of Corpus Christi, Nueces County, Texas.

APPROVED, PG/PR

**UNCONTESTED (New Water Quality Permit)**

- Item 4 APPLICATION BY BELVIEU ENVIRONMENTAL FUELS for a permit (Proposed Permit No. 03499) to authorize the discharge of process wastewater, neutralized wastewater, cooling tower filter backwash, cooling tower blowdown and stormwater at a volume not to exceed an average flow of 422,000 gallons per day. The permittee proposes to operate a synthetic organic chemical manufacturing (C4 Oleflex) plant. The plant site is area boundaried by Southern Pacific Railroad on the east, Hatcherville road on the west, and is approximately 2000 feet north of the intersection of Hatcherville Road and FM 1942 in the City of Mont Belvieu in Chambers County, Texas.

APPROVED, PR/PG

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

- Item 5. APPLICATION BY ARMCO, INC. for renewal of Permit No. 00509 which authorizes a discharge of treated domestic sewage effluent at a volume not to exceed an average flow of 360,000 gallons per day via Outfall 003. The permit also authorizes an intermittent flow variable discharge of stormwater via Outfall 009. The applicant operates an Industrial Park including miscellaneous manufacturing and cargo transfer facilities. The plant site is at 13609 Industrial Road, on a tract of land bounded on the north and east by Industrial Road and on the south by the Houston Ship Channel, Harris County, Texas.

APPROVED, PR/PG

- Item 6. APPLICATION BY COUNTRY TERRACE WATER COMPANY, INC. for renewal of Permit No. 11955-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 220,000 gallons per day. The Country Terrace Wastewater Treatment Facilities are approximately 600 feet south of Highlands Reservoir, approximately 3/4 mile northwest of the intersection of Wallisville and Wade Roads in Harris County, Texas.

APPROVED, PR/PG

UNCONTESTED (**District Matters**)

Item 7. APPLICATION BY BARKER CYPRESS MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant requests Commission approval of a nonuniform debt service standby fee of \$15.63 per lot within Glencairn Village, \$21.92 per lot within Westglen subdivision, and \$12.44 per equivalent single family connection (ESFC) within Commercial Reserves. (Ferguson)

APPROVED, PR/PG

Item 8. APPLICATION BY CORNERSTONES MUNICIPAL UTILITY DISTRICT OF FORT BEND AND HARRIS COUNTIES FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant seeks approval for the levy of a debt service fee of \$60.00 per ESFC and \$240 per acre per year for an annual total standby fee revenue of approximately \$33,561. (Ferguson)

APPROVE AS PER STAFF'S ORIGINAL RECOMMENDATION, PR/PG

Item 9. APPLICATION BY ACTON MUNICIPAL UTILITY DISTRICT OF HOOD AND JOHNSON COUNTIES FOR APPROVAL OF AN IMPACT FEE. For Commission consideration and action. The District's application requests Commission approval of an impact fee of \$2,212 per equivalent single family connection (ESFC) for new connections to its water system, \$2,290 per ESFC for new connections to its wastewater system within the DeCordova Bend Estates subdivision, and \$1,444 per ESFC for new connections to its wastewater system within the Pecan Plantation and Orchard Addition subdivisions. (Ferguson)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

Item 10. APPLICATION BY SMITH COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF AN EXTENSION OF TIME FOR \$710,000 BOND ISSUE APPROVED OCTOBER 30, 1992 AND APPROVAL OF A BOND AMENDMENT TO INCREASE THE \$710,000 BOND AMOUNT TO \$1,210,000. For Commission consideration and action. Applicant requests approval of an extension of time for one year and approval of a bond amendment to increase the bond amount to \$1,210,000 to provide adequate funds to improve its wastewater treatment plant. (Ferguson)

APPROVED, PR/PG

Item 11. PETITION BY THE WOODLANDS CORPORATION REQUESTING APPOINTMENT OF FIVE DIRECTORS TO THE MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 68 BOARD OF DIRECTORS. For Commission Consideration and Action. The Woodlands Corporation, a landowner in the District, petitions the Commission to appoint five directors to the Board.

APPROVED, PR/PG

UNCONTESTED (**Water Utility Matters**)

Item 12. Application of John Miller and Chris Hajovsky dba M. & H. Water Supply to Purchase Facilities and Transfer Water CCN No. 11595 from Glenn Water Supply, Inc. in Hill County, Texas. (Application # 30130-S, Guillermo Zevallos)

APPROVED, PG/PR

Item 13. Application of Enviro Hydronics, Inc. dba Lakeville Water to Acquire Howard Boren dba Greenwood Lake Water Well and for a Water CCN in Harris County, Texas. (Application # 30040-S, Albert Holck)

APPROVED, PG/PR

Item 14. Approval of Application Number 30148-C of Kennedy Road Water Supply Corporation for a Water Certificate of Convenience and Necessity; and to Decertify Portions of CCN Number 11646, (Leveretts Chapel WSC), Cross Roads WSC CCN No. 11469, (Cross Roads WSC), and CCN No. 10411, (the City of Kilgore) in Rusk County, Texas. (Application # 30148-C, Guillermo Zevallos)

APPROVED, PG/PR

Item 15. Application of Southwestern Water Corporation to Transfer Sewer CCN No. 20710 from Donald Dempsey dba Goforth Utility Company; Amend Sewer CCN No. 20710; in Travis and Hays Counties, Texas. (Application # 30047-S, Albert Holck)

APPROVED, PG/PR

Item 16. Application No. 9606-S of Central Texas Utilities, Inc. to Transfer Water CCN No. 11604 from Mr. Walter Parker dba Woodland Hills Water Supply; Amend Water CCN No. 11719; Cancel Water CCN no. 11604 in Denton County, Texas. (Application # 9606-S, Vera Poe)

APPROVED, PG/PR

Item 17. Application of Hill Country Water Supply Corporation to amend Water Certificate of Convenience and Necessity Number 12458 in Hays and Travis Counties, Texas. (Application # 30172-C, Albert Holck)

APPROVED, PG/PR

UNCONTESTED (**Contract**)

Item 18. Consideration of authorizing the Executive Director to amend the contract with IT/Davy Joint Venture for Phase B Remediation Services for the Remedial Action at the Sikes Disposal Pits Superfund site.

ADOPT STAFF'S RECOMMENDATION, PR/PG

UNCONTESTED (**Settled Hearings**)

Item 19. Consideration of Examiner's Memorandum and Order concerning the application of Woodland Hills Water Company to increase retail water rates in Liberty County, Texas (Docket No. 30146-G). Applicant provides retail water service to approximately 197 customers. Recommendation: Adoption of agreement of parties. (L. Sorrells)

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

Item 20. Consideration of Examiner's Memorandum, Order and Tariff concerning the application of Crystal Springs Water Co., Inc. to increase retail water rates in Montgomery County, Texas. (Docket No. 30181-R) Applicant provides retail water service to approximately 892 customers. Recommendation: Adoption of agreement of parties. (Thomas)

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

Item 21. Consideration of Examiner's Memorandum concerning the application of U.S. Silica Company for an amendment to Permit No. 01176 to authorize the discharge of 4 mgd of treated industrial wastewater effluent, area runoff, and water from mine area dewatering in Limestone County, Texas, and Segment No. 1209 of the Brazos River Basin. (ROGAN)

ADOPT EXAMINER'S MEMORANDUM, PR/PG

Item 22. Consideration of Examiner's Memorandum and Order concerning the application of G & L Land Co. for approval of the sale and transfer of its water and sewer utility

system and service area in Harris County, Texas authorized under CCNs Nos. 12085 and 20658 to Windy Hill Utilities, Inc; Docket No. 30097-S. (ROBARDS)

ADOPT 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, January 26, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from agenda of January 12, 1994.

- Item 1. Application of The Estates Above Lost Creek Phase I Property Owners Association, Inc. to Transfer a Portion of Water CCN No. 11741 from Travis County Water Control and Improvement District No. 19; Amend Water CCN No. 11741; And Obtain a CCN in Travis County, Texas. (Application # 9962-S, Vera Poe)

APPROVED, PR/PG

CONTESTED AGENDA

Wednesday, January 26, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

**CONTESTED (Petroleum Storage Tank Enforcement)**

- Item 1. Consideration of Executive Director's Petition for Order Assessing Administrative Penalties and Requiring Certain Actions of the Petroleum Wholesale, Inc. (Raymond Winter)

Issue Agreed Order, PR/JH (Peggy Garner Absent)

- Item 2. Consideration of the Executive Director's preliminary report and petition for a TNRCC order assessing administrative penalties and requiring certain actions of Fina Oil and Chemical Company, Facility ID No. 0024684; Enf. ID No. E10310. (Winter/Carson)

Issue Agreed Order, PR/JH (Peggy Garner Absent)

**CONTESTED (Water Quality Enforcement)**

- Item 3. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of the City of Thorndale. (Winter/Meyer)

Issue Agreed Order, PR/JH (Peggy Garner Absent)

- Item 4. Consideration of a proposed agreed order resolving an enforcement action brought against the City of Bryan, for violations of the Texas Water Code and wastewater discharge permit numbers 10426-01, 10426-02 and 10426-03, assessing administrative penalties and requiring certain actions of the City of Bryan. (Petrov/Meyer)

Issue Agreed Order, PR/JH (Peggy Garner Absent)

- Item 5. Consideration of a proposed agreed order resolving an enforcement action brought against the City of Ladonia, for violations of the Texas Water Code and commission rules, assessing administrative penalties and requiring certain actions for violations of the Texas Water Code (Petrov/Lehmkuhle)

Issue Agreed Order, PR/JH (Peggy Garner Absent)



Item 6. Consideration of a proposed agreed order resolving an enforcement action brought against Roscoe Conoley, for violations of the Texas Water Code and wastewater discharge permit number 10302-01, assessing administrative penalties and requiring certain actions of Roscoe Conoley. (Winter/Meyer)

Issue Agreed Order, PR/JH (Peggy Garner Absent)

**CONTESTED (Rules)**

Item 7. Consideration of adoption of 30 TAC, Chapters 305, Subchapters A and D, and 335, Subchapters A, E, F, and O, concerning corrective action management units and temporary units. The adoption of these rules are required by the resource conservation and recovery act, which conforms with certain federal regulations relating to corrective action under subtitle C. (AUSTIN)

Adopt Rules as Recommended by Staff, PR/JH (Peggy Garner Absent)

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

Item 8. Consideration of Examiner's Proposal for Decision & Order concerning the Application of Madden Road Landfill Limited Partnership, Inc. for Permit No. MSW 2110 to authorize the operation of a Municipal Solid Waste Type I Site in Fort Bend County, Texas. Applicant seeks authorization to withdraw application without prejudice and without costs. Dismissal of Application without prejudice with costs (Thomas)

Applicant is given 2 choices to choose from, (1) Dismiss application w/o prejudice, payment of the legal fees as proposed by the Examiner, (2) Go to Hearing on application as developed, no amendments are allowed, examiner bring back a Proposal for Decision, and applicant is given 2 weeks to decide which choice they choose and to provide their decision to the Commission through the General Counsel by Registered Mail, JH/PR

Item 9. Consideration of Examiner's Proposal for Decision and Order concerning the application of Beach Road Utilities, Inc. for Permit No. 13563-001 to authorize the discharge of 0.05 and 0.10 mgd of treated domestic wastewater effluent in Matagorda County, Texas, and Segment No. 1401 of the Colorado River Basin. Recommendation: Issuance of Permit. (ROBARDS)

Adopt Examiner's Proposal for Decision and Issue Order, PR/JH (Peggy Garner Absent)

Item 10. 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 the following water well drillers: Royce Radicke (93-17); Donald Donnley (94-03); Donn Galloway (94-04). Recommendation: Approval of proposed Enforcement Orders. (Bourbon)

Adopt Examiner's Proposal for Decision and Issue Order, PR/JH (Peggy Garner Absent)

#### **EXECUTIVE SESSION**

Item 11. 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 12. 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.)

#### CONTESTED OLD BUSINESS

Wednesday, January 26, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of August 25, 1993

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF FORT BEND COUNTY FOR PERMIT NO. 1554-A, TO AUTHORIZE THE OPERATION OF A MUNICIPAL SOLID WASTE TYPE I SITE IN FORT BEND COUNTY, TEXAS. APPLICANT SEEKS AUTHORIZATION TO EXPAND ITS TYPE I MUNICIPAL SOLID WASTE DISPOSAL SITE. RECOMMENDATION: ISSUE PERMIT. (L. LIMES)

Continued Indefinitely

Item carried forward from agenda of January 12, 1994.

- Item 2. Consideration of Examiner's Proposal for Decision concerning the application of Texas Municipal Power Agency for water use Permit No. 5458, Grimes County, Texas to construct a reservoir to impound 253 acre-feet and divert not to exceed 100 acre-feet of water per annum from the Peach Creek, tributary of Gibbons Crk., tributary of Navasota River, tributary of Brazos River in Brazos River Basin, for industrial purposes. RECOMMENDATION: ISSUANCE OF AUTHORIZATION. (ROGAN)

Adopt Examiner's Proposal for Decision, and overrule all exceptions, PR/JH

ADDENDUM TO CONTESTED AGENDA

Wednesday, January 26, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item 13. BRIEFING AND PROGRESS REPORT BY EXECUTIVE DIRECTOR ON METHANE GAS REMEDIATION GROUND WATER MONITORING AND HEALTH AFFECTS STUDY ASSOCIATED WITH FORT BEND COUNTY LANDFILL IN FORT BEND COUNTY TEXAS; PERMIT 1048, 1554, 1554A.

Continued indefinitely