

HALL
REED
GARNER

UNCONTESTED AGENDA

Wednesday, February 2, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (New Water Quality Permit)

- Item 1. APPLICATION BY LADROYTT NORTHCUTT for a permit (Proposed Permit No. 03594) to authorize disposal of waste and wastewater from a dairy. The dairy will consist of a maximum of 995 milking head and will generate wash-down water, flushwater and stormwater, which will be retained in two (2) ponds. Wastewater from the ponds will be disposed of by evaporation and/or irrigation on agricultural land. Manure and separated solids will be applied as fertilizer on agricultural land. The dairy is on the northwest side of Farm-to-Market Road 1476, approximately three miles south of the intersection of Farm-to-Market Road 1476 and U.S. Highway 377 in Comanche County, Texas.

Approved, PG/PR

UNCONTESTED (Amendment to Water Quality Permit)

- Item 2. APPLICATION BY THE DOW CHEMICAL COMPANY for an amendment to Permit No. 01866 to authorize an increase in the discharge of chemical plant wastewaters via Outfall 001 from a volume not to exceed an average flow of 3,230,000 gallons per day to a volume not to exceed an average flow of 4,800,000 gallons per day. The proposed amendment would also change the provisions regarding the discharge of stormwater to include utility wastewaters from process Unit VI via Outfall 003. The permit authorizes an intermittent flow variable discharge via Outfall 003. The permit currently authorizes: a discharge of refinery wastewaters at a volume not to exceed an average flow of 3,300,000 gallons per day via Outfall 002; and an intermittent flow variable discharge of stormwater runoff via Outfall 004, which will remain the same. The plant site is in the southwest quadrant defined by the intersection of State Highway 332 with FM Road 523 north of the City of Freeport, Brazoria County, Texas.

Approved, PG/PR

Item 3. APPLICATION BY CITY OF NEW BOSTON for an amendment to Permit No. 10482-01 to request a variance to the buffer zone requirements and authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 950,000 gallons per day to a volume not to exceed an average flow of 1,700,000 gallons per day. The plant site is 2,500 feet southeast of the intersection of State Highway 8 and Farm-to-Market Road 1840 and approximately 1.75 miles southeast of the City of New Boston in Bowie County, Texas.

Approved, PG/PR

UNCONTESTED (Water Quality Permit Renewal)

Item 4. APPLICATION BY TOWN OF HACKBERRY for renewal of Permit No. 13434-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 30,500 gallons per day. The wastewater treatment plant is at the southern end of Maxwell Road in the Town of Hackberry in Denton County, Texas.

Approved, PG/PR

UNCONTESTED (Water Utility Matters)

Item 5. Application of Lakeshore Utility Co., Inc. to Transfer a Portion of Water CCN No. 11682 from East Cedar Creek Fresh Water Supply District; Amend Water CCN No. 10843; and Amend Water CCN No. 1682 in Henderson County Texas. (Application # 30062-S, Vera Poe)

Approved, PR/PG

Item 6. Application of Robert H. and Melba E. Gafford dba Gafford Water Systems for a Rate/Tariff Change; Certificate of Convenience and Necessity (CCN) No. 12096 in Kleberg County, Texas. (Application #30105-G, Vera Poe/Bernie Erwin)

Approved, PR/PG

Item 7. Application of Grace J. Wahrmond dba Utilities Services for a Water Certificate of Convenience and Necessity in Comal and Hays Counties, Texas. (Application # 30023-C, Albert Holck)

Approved, PR/PG

UNCONTESTED (On-Site Sewage Facilities)

- Item 8. Application by Armstrong County, Town of Bartonville, Village of Bee Cave, Eastland County Water Supply District, City of Frisco, Kimble County, City of Krum, City of Oak Point and Rockwall County for Authorized Agent status to regulate on-site sewage disposal systems within their jurisdiction.

Approved, PG/PR

UNCONTESTED (Settled Hearings)

- Item 9. Consideration of Examiner's Memorandum and Order concerning the application of Cedar Creek Water to increase retail water rates in Limestone County, Texas (Docket No. 30075-G). Applicant provides retail water service to approximately 44 customers. Recommendation: Adoption of agreement of parties. (BOURBON)

Adopt Examiner's Memorandum and Issue Order, PR/PG

- Item 10. Consideration of Examiner's Memorandum and Order Concerning the Petition of Blockhouse MUD appealing wholesale water rates set by City of Leander in Williamson County, Texas Docket No. 30116-A.

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.)

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CONTESTED AGENDA

Wednesday, February 2, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (SOLID WASTE ENFORCEMENT)

- Item 1. 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 REFUGIO RADIATOR WELDING SHOP; TEXAS SOLID WASTE REGISTRATION NO. 80944 (BAKER)

Remand to Office Hearing Examiner's

CONTESTED (WATER QUALITY ENFORCEMENT)

- Item 2. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST ANA-LAB INC., FOR VIOLATIONS OF THE TEXAS WATER CODE AND OPERATIONS COMPANY CERTIFICATE NO. 20020, ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ANA-LAB INC. (Rubey)

Issue Agreed Order, PR/PG

- Item 3. CONSIDERATION OF AN AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST JIM LASATER DBA DIAMOND J. SERVICE FOR VIOLATIONS OF TITLE 30 TEXAS ADMINISTRATIVE CODE (TAC), CHAPTER 312, SLUDGE DISPOSAL AND TRANSPORTATION.

Issue Agreed Order, PR/PG

CONTESTED (RULES)

- Item 4. CONSIDERATION OF PROPOSED AMENDMENTS TO TITLE 30 TEXAS ADMINISTRATIVE CODE, CHAPTER 335 SUBCHAPTER R, INDUSTRIAL SOLID WASTE AND MUNICIPAL HAZARDOUS WASTE RULES, RELATING TO CLASSIFICATION AND CODING REQUIREMENTS. (These rules describe the classification and coding requirements for industrial solid and municipal hazardous waste.) (Johnson)

Adopt proposed amendments as recommended, PR/PG

EXECUTIVE SESSION

Item 5. 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 6. 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, February 2, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of December 8, 1993.

- Item 1. Consideration of Examiner's Proposal for Decision & Order concerning the application of City of Canyon for an amendment to Permit No. 10073-01 to authorize the disposal by irrigation of 2.16 mgd of treated domestic wastewater effluent in Randall County, Texas, and Segment No. 0207 of the Red River Basin. Recommendation: Issuance of Permit. (Bateman)

Continued to March 23, 1994

Item carried forward from Agenda of December 8, 1993.

- Item 2. CONSIDERATION OF THE MOTIONS FOR RECONSIDERATION FILED BY THE CITY OF HOUSTON AND BY LAKE HOUSTON F.I.S.T., INC. REGARDING THE APPLICATION OF WASTE MANAGEMENT OF TEXAS, INC. FOR AN AMENDMENT TO MUNICIPAL SOLID WASTE PERMIT NO. MSW1307-A. The motions for rehearing concern the permit amendment signed by the Executive Director on October 25, 1993. The amendment authorizes an increase in the size of the municipal solid waste site from 120.89 acres to 325.53 acres. The site is north of Houston in Harris County. (Agreement has been reached.)

This item was continued to February 9, however the item was submitted in error and therefore will not be carried forward to February 9. Item #39 on the Contested Agenda will be considered.

Item carried forward from Agenda of December 15, 1993.

- Item 3. APPLICATION BY RANKIN ROAD WEST MUNICIPAL UTILITY DISTRICT FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration and action. Applicant requests authorization to proceed in federal bankruptcy to implement a plan to restructure bonded debt so that conditions will be more favorable for development within the District and the payment of the District's obligations. (Cavazos)

Authorized to proceed into federal bankruptcy, PR/PG

ADDENDUM TO CONTESTED AGENDA

Wednesday, February 2, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

- Item 7. CONSIDERATION OF THE MOTIONS FOR REHEARING FILED BY WINDERMERE UTILITY COMPANY, INC., AND BY HEATHERWILDE III, LTD. AND BILL PALMER HOMES INC., REGARDING THE PETITION OF HEATHERWILDE III, LTD. AND BILL PALMER HOMES, INC. FOR THE COMMISSION'S REVIEW OF WATER AND SEWER EXTENSION FEES CHARGED BY WINDERMERE UTILITY COMPANY, INC. The Commission's order set extension fees for obtaining service in the Heatherwilde, Section 3 subdivision from Windermere Utility Company. Windermere's service area is in Travis County, Texas. Docket No. 9996-X.

The General Counsel entered an agreed order to reflect correction to original order as recommended. A stipulation is to be added to reflect agreement between parties as to use of water lines, PG/PR