

HALL - ABSENT UNCONTESTED 1 - 6, CONTESTED 7 - 12  
REED  
GARNER

AGENDA

Wednesday, March 23, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (District Matters) (Items 1 - 6 are uncontested matters)

Item 1. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 FOR APPROVAL OF THE RELEASE OF \$286,520 OF ESCROWED FUNDS; \$2,600,000 BOND ISSUE APPROVED NOVEMBER 12, 1993 AND \$2,100,000 BOND ISSUE APPROVED NOVEMBER 9, 1990. For Commission consideration and action. Applicant requests approval of the release of \$66,000 of escrowed funds to finance water plant modifications. (Ferguson)

Approved, PG/PR

Item 2. APPLICATION BY EL PASO COUNTY LOWER VALLEY WATER DISTRICT AUTHORITY FOR APPROVAL OF A \$56,000 UTILITY SYSTEM JUNIOR LIEN REVENUE BONDS, SERIES 1994, TO THE TEXAS WATER DEVELOPMENT BOARD; 7.0% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant requests Commission approval for a bond issue to finance construction of water line extensions to a portion of the City of Socorro. (Ferguson)

Approved, PG/PR

Item 3. PETITION BY THE NEWPORT PARTNERS REQUESTING APPOINTMENT OF THREE DIRECTORS TO THE HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 19 BOARD OF DIRECTORS. For Commission consideration and action. Newport Partners, a landowner in the District, petitions the Commission to appoint Ed Sechrest, Robbie L. Ware and Charles L. Thompson as directors to the Board. (Ferguson)

Approved, PG/PR

UNCONTESTED (Water Utility Matters)

Item 4. Application of the Shores Utility Corporation to transfer and cancel Water CCN No. 11743 to the City of Granbury, CCN No. 10904 in Hood County, Texas. Application # 30327-S, Debi Carlson)

Approved, PG/PR

- Item 5. Approval of Rockett Special Utility District to Transfer Water CCN No. 10907 from Bristol Water Supply Corporation; Amend Water CCN No. 10099; and Cancel Water CCN No. 10907 in Ellis County, Texas. (Application # 30152-S, Albert Holck)

Approved, PG/PR

- Item 6. Application to Transfer Certificate of Convenience and Necessity (CCN) Number 11608 from Terra Southwest, Inc. dba Terra Southwest Water Company to Terra Southwest, Inc. in Denton County, Texas. (Application # 9569-S, Albert Holck)

Approved, PG/PR

CONTESTED (Water Quality Enforcement)

- Item 7. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Encanto Real Utility District, No Permit. (Manning)

Issue Agreed Order, PG/PR

CONTESTED (Rules)

- Item 8. Consideration and adoption of new 290.101-190.119 and the repeal of 290.1-290.19 concerning drinking water standards for public water supply systems. Published in the Texas Register January 25, 1994. (Bennett/Montelongo)

Adopt Rules as Recommended by Staff, PG/PR

- Item 9. Consideration and adoption of new 30 TAC 291.76 concerning regulatory assessment as published in the January 28, 1994 issue of the Texas Register. (Robbins/Montelongo)

Adopt Rules as Recommended by Staff, PG/PR

- Item 10. Consideration and adoption of amendments to 30 TAC 293.34, 293.44, 293.45, 293.50, 293.51, 293.56, 293.59, 293.69, 293.82, 293.83, 293.85 and 293.171 concerning water districts as published in the December 14, 1993 issue of the Texas Register. (Jones/Montelongo)

Adopt Rules as Recommended by Staff, PG/PR

Item 11. Consideration of adoption of proposed 30 TAC 305.601-305.604 concerning petitions for groundwater information. (New Subchapter R will impose a fee to cover the costs of determination of the depth and occurrence of groundwater in conjunction with approval of various activities regulated by the Railroad Commission) (Minick)

Continued to April 13, 1994

Item 12. Consideration of adoption of amendments to 30 TAC 320.21 concerning regional water quality fee assessments. (These amendments will increase annual fee assessments for permitted wastewater discharge facilities and holders of permitted water rights to meet FY 1994 budget obligations for the Clean Rivers program) (Minick)

Continued to April 13, 1994

Item 13. Request from American Rockwool Incorporated for a change to 30 TAC 101.27 (Emissions Fee Rule) to exempt companies in Standard Industrial Classification Code 3296 (Mineral Wool) from including the air contaminant carbon monoxide in the basis for payment of the emissions fee. (Henry)

Deny Request from American Rockwool Incorporated, JH/PR

CONTESTED (Air Quality Program)

Item 14. Consideration and discussion on Enforcement Report for the Air Quality Program.

Commission Briefed, No Action Taken

Item 15. Consideration of and action on the requests for certification of Area Emission Reduction Credit Organizations by the Houston-Galveston Area Council and the Southeast Texas Regional Planning Commission.

Approve Staff Recommendation, PG/PR

CONTESTED (Examiner's Proposal for Decision)

Item 16. Consideration of Examiner's Proposal for Decision concerning the application of the City of Parker for an amendment to certificate of convenience and necessity No. 10207 to provide water service in Collin County, Texas. (Docket No. 9764-Q). Recommendation: Dismissal with prejudice. (Bourbon).

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

EXECUTIVE SESSION

Item 17. 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 18. 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, March 23, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of July 14, 1993 and August 18, 1993, November 17, 1993.

- Item 1. Consideration of Examiner's Proposal for Decision and proposed order concerning the petition of City of Highland Village for review of the Wholesale Sewer rates charged by the City of Lewisville, Denton County, Texas, and Petition by Highland Village requesting the commission to compel service. (Docket No. 9271-A & 9324). Recommendation: Approval of rate of \$2.50 per 1000 gallons and rate case expense surcharge of \$39,961. (Thomas) (Instructed staff to bring draft rules to the Commission when this item comes up for consideration).

Continued to April 20, 1994

Item carried forward from Agenda of December 8, 1993 and February 2, 1994.

- Item 2. 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)

Adopt Examiner's Proposal for Decision and Issue Order, Overrule all Exceptions, except for Executive Director on acreage, and Recommendations as made by Chairman Hall, PR/PG

Item carried forward from Agenda of March 9, 1994 and March 16, 1994.

- Item 3. Consideration for adoption of a Resolution relating to the membership of the Texas Natural Resource Conservation Commission's Task Force for the 21st Century and the Municipal Solid Waste Management and Resource Recovery Advisory Council and to the creation and membership of the Advisory Committee for Water Utility Operator Certification. (Haley)

Adopt Resolution as recommended by staff, JH/PR

ADDENDUM TO AGENDA

Wednesday, March 23, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

- Item 19. The Commission will consider a proposed order prepared by the General Counsel concerning the application of Sentry Environmental L.P. for Permit No. MSW 2171. The Commission denied the permit application during its public meeting of March 4, 1994. The proposed order contains specific findings of fact and conclusions of law that the General Counsel suggests the Commission adopt as a written order in support of its motion to deny the application. The proposed landfill site is located in Denton County.

Continued to March 30, 1994

SECOND ADDENDUM TO AGENDA

Wednesday, March 23, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item 20. Consideration of new Budget Policies and Procedures for the TNRCC.

Continued to April 6, 1994

UNCONTESTED AGENDA

Wednesday, March 23, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.

Room 118

- Item 1. There are only 6 uncontested agenda items. Combined the uncontested and contested into one agenda.