

HALL
GARNER
REED - ABSENT AND EXCUSED

AGENDA

Wednesday, April 13, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (Item 1 - 8 Uncontested Items) **(Water Quality Amendment)**

- Item 1. APPLICATION BY GUADALUPE-BLANCO RIVER AUTHORITY for an amendment to Permit No. 11378-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 85,000 gallons per day to a volume not to exceed an average flow of 160,000 gallons per day. The wastewater treatment facilities are approximately 1 mile east of Farm-to-Market Road 725 and 3.1 miles southeast of the intersection of Interstate Highway 35 and Farm-to-Market Road 725 in Guadalupe County, Texas.

Approved, PG/JH

UNCONTESTED **(Water Quality Renewal)**

- Item 2. APPLICATION BY PHILLIPS PETROLEUM COMPANY for renewal of Permit No. 01064 which authorizes a discharge of treated wastewater at a volume not to exceed an average flow of 7,100,000 gallons per day via Outfall 001. The permit also authorizes intermittent flow variable discharges of uncontaminated stormwater runoff via Outfalls 002, 003, and 004. The applicant currently operates a petroleum refinery, a natural gas liquids processing center, and a chemical manufacturing plant. The plant site is adjacent to State Highway 119, approximately one mile north of the intersection of State Highway 246 and State Highway 119 near the City of Borger, Hutchinson County, Texas.

Approved, PG/JH

UNCONTESTED **(District Matters)**

- Item 3. APPLICATION BY LUMBERTON MUNICIPAL UTILITY DISTRICT OF HARDIN COUNTY FOR APPROVAL TO ISSUE \$4,950,000 UNLIMITED TAX BONDS, SERIES 1994 LOT A & \$50,000 UNLIMITED TAX

BONDS, SERIES 1994, LOT B; FIFTH ISSUE; 5.5% & 7.62% NET EFFECTIVE INTEREST RATE; PURSUANT TO CHAPTER 388, ACTS OF THE 63RD LEGISLATURE, REGULAR SESSION, 1973 AND V.T.C.A., TEXAS WATER CODE, SECTION 54.516. For Commission consideration and action. Applicant requests Commission approval to issue bonds to finance improvements to the District's two wastewater treatment plants, the purchase of land, and other related expenses. (Ferguson)

Approved, PG/JH

Item 4. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 22 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, \$1,500,000 BOND ISSUE APPROVED JULY 12, 1982. For Commission consideration and action. Applicant requests approval of the release of \$110,706 in escrowed funds to finance a portion of the District's 70% share of costs for water, wastewater & drainage facilities for Hambleton Section 3. (Ferguson)

Approved, PG/JH

Item 5. APPLICATION BY HARRIS COUNTY IMPROVEMENT DISTRICT NO. 1 FOR APPOINTMENT OF DIRECTORS. For Commission consideration and action. District requests appointment of Garrett Boone, Wm. James Miller and Nicholas J. Neuhausel as directors. (Ferguson)

Approved, PG/JH

UNCONTESTED (Examiner's Settled Hearings)

Item 6. Consideration of Examiner's Memorandum concerning the application of City of Brenham for Permit No. MSW-2218 authorizing the operation of a municipal solid waste Type V transfer facility in Washington County, Texas. Recommendation: Dismissal of application. (WOOD)

Adopt Examiner's Memorandum, PG/JH

Item 7. Consideration of Examiner's Memorandum concerning the application of Steamboat Shores Owner's Association for Permit No. 13659-001 to authorize the discharge of 13,500 gallons per day of treated domestic wastewater effluent in Rains County, Texas and Segment No. 0512 of the Sabine River Basin. Recommendation: Issuance of permit. (HURD)

Adopt Examiner's Memorandum, PG/JH

Item 8. Consideration of Examiner's Memorandum concerning the application of Dynagen, Inc. for an amendment to Permit

No. 00817 to authorize the addition of two outfalls for discharging stormwater from the plant which is south of Odessa, Ector County, Texas. The stormwater is discharged into the Colorado River in Segment No. 1412 of the Colorado River Basin. Recommendation: Issuance of amended permit. (Rogan) Type of matter: Water quality permit amendment.

Adopt Examiner's Memorandum, PG/JH

- Item 9. Consideration of Examiner's Memorandum concerning the Application of Rollins Environmental Services, Inc. for and Amendment to Permit No. HW-50089-001 to Authorize the Operation of A Hazardous Waste Landfill in Harris County, Texas.

Adopt Examiner's Memorandum, PG/JH

CONTESTED (Water Quality Enforcement)

- Item 10. **Docket 94-00029-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Domestic Utility Company, Permit No. 11762-01. (Thomas/Keils)

Issue Agreed Order, PG/JH

- Item 11. **Docket 94-00026-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of City of Texas City, Permit No. 10375-01. Kathy Keils/Pam Campbell)

Issue Agreed Order, PG/JH

- Item 12. **Docket 94-00106-AIR-E.** Consideration of Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of Aluminum Company of America (Alcoa).

Issue Agreed Order, PG/JH

CONTESTED (Proposal for Decisions)

- Item 13. Consideration of Examiner's Proposal for Decision & Order concerning the application of Texas Ecologists, Inc. for an amendment to Permit No. HW 50052 to authorize the operation of a hazardous waste landfill in Nueces County, TX. Applicant seeks authorization to store hazardous and nonhazardous Class I, Class II and Class III materials at facilities located in Segment No. 2492 of the Nueces-Rio

Grande Coastal Basin. Recommendation: Issuance of permit. (BOURBON)

Continued to May 4, 1994

Item 14. Consideration of Examiner's Proposal for Decision concerning the petition of Thelma Area Neighborhood Corporation for revocation of CCN No. 10641 held by Windy's Water Works to provide water service in Bexar and Atascosa Counties, Texas. (Docket No. 9520-Q)
Recommendation: Denial (LIMES)

Remand to Office Hearings Examiner

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.)

CONTESTED OLD BUSINESS

Wednesday, April 13, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 23, 1994.

- Item 1. 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 Indefinitely

Item carried forward from Agenda of March 23, 1994.

- Item 2. 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)

Adopt Amendments as recommended, JH/PG

Item carried forward from Agenda of April 6, 1994.

- Item 3. CONSIDERATION AND ADOPTION OF AMENDMENTS TO 30 TAC §§ 330.601 - 330.603, 330.621, AND 330.641, CONCERNING MUNICIPAL SOLID WASTE DISPOSAL FEES AND REPORTS AND NEW § 330.604 CONCERNING REFUNDS FOR COMPOSTING OF SOURCE-SEPARATED YARD WASTE AS PUBLISHED IN THE OCTOBER 15, 1993, TEXAS REGISTER. (MENDIETA)

Adopt Amendments as recommended, JH/PG

AGENDA

Wednesday, April 13, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 1 - 9 uncontested agenda items, created an agenda.

MEETING
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
WEDNESDAY, APRIL 13, 1994
5:30 P.M.

CESAR CHAVEZ & TRINITY STREETS
AUSTIN CONVENTION CENTER
AUSTIN, TEXAS

The Commissioners will participate in the annual Employee Recognition Program and present awards to agency employees.

Commissioner's presented awards to agency employees.