

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, May 18, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**District Matters**)

Item 1. APPLICATION BY ROMAN FOREST PUBLIC UTILITY DISTRICT NO. 4 OF MONTGOMERY COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant requests approval of an annual debt service standby fee of \$339 per equivalent single family connection (ESFC) and approval of an annual operation & maintenance standby fee of \$184.88 per ESFC. (Ferguson)

APPROVED APPLICATION AS RECOMMENDED BY STAFF; PG/PR.

Item 2. APPLICATION BY BASTROP COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3 FOR APPROVAL TO LEVY A STANDBY FEE. For Commission consideration and action. Applicant requests Commission approval of a \$540 per lot per year standby fee to supplement its operation and maintenance account. (Ferguson)

APPROVED APPLICATION; PG/PR.

Item 3. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 58 FOR APPROVAL OF RELEASE OF \$30,600 OF ESCROWED FUNDS; \$1,240,000 BOND ISSUE APPROVED FEBRUARY 3, 1984. For Commission consideration. Applicant requests Commission approval of the release of \$30,600 of escrowed funds for replacement of a hydropneumatic tank at its water plant. (Ferguson)

APPROVED APPLICATION; PG/PR.

Item 4. PETITION BY WINDSTONE PROPERTIES, INC. FOR APPOINTMENT OF DIRECTORS FOR HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 284. For Commission consideration. Applicant requests appointment of Sheila M. Condon, Donald Keith Cox, Christopher D. Sims, Richard C. Meek, and Sanford

Reel as temporary directors each to serve until new directors are elected. (Ferguson)

APPROVED APPLICATION; PG/PR.

UNCONTESTED (**Water Utility Matters**)

Item 5. Application of Lake Waterwheels Property Owners Association, Inc. to Transfer Water CCN No. 10135 from Water Wheels, Ltd. in San Jacinto County, Texas. (Application # 30368-S, Albert Holck)

APPROVED APPLICATION; PR/PG.

Item 6. Application of Scenic Oaks Water Supply Corporation, Inc. c/o Randolph Osherow To Transfer Certificate of Convenience and Necessity (CCN) No. 11581 to The Oaks Water Supply Convenience in Bexar County, Texas. (Application # 30284-S, Vera Poe)

APPROVED APPLICATION; PR/JH.

Item 7. Application of Bastrop County Water Control and Improvement District No. 2 to Transfer Water CCN No. 10990 from Riverside Service Company, Inc. in Bastrop County, Texas. (Application # 30365-S, Albert Holck)

APPROVED APPLICATION; PR/JH.

Item 8. Application of Community Water Service, Inc. to amend Water Certificate of Convenience and Necessity Number 10091 in Ellis County, Texas. (Application # 30332-C, Albert Holck)

APPROVED APPLICATION; PR/JH.

Item 9. Application of Millersview-Doole Water Supply Corporation to amend Certificate of Convenience and Necessity Number 11493 in Tom Green County, Texas. (Application # 30363-C, Vera Poe)

APPROVED APPLICATION; PR/JH.

UNCONTESTED (**Budget**)

Item 10. Consideration and Adoption of Budget Amendments for Fiscal Year 1994.

ADOPTED AMENDMENTS AND GAVE POLICY DIRECTIVE TO STAFF; JH/PR.

UNCONTESTED (**Settled Hearings**)

Item 11. Consideration of Examiner's memorandum and Order concerning the application of Hilltop Estates Water Supply Corporation for a certificate of convenience and necessity to provide water service in Denton County, TX. (Docket No. 9866-C). Recommendation: Adoption of agreement of parties. Type of Matter: Water Utilities O'Neal is the Examiner.

APPROVED MEMORANDUM AND ISSUED ORDER; PG/PR.

Item 12. Consideration of Examiner's Memorandum and Order concerning the application of Westwood Utility Corporation to increase retail water rates in Freestone County, TX (Docket No. 30283-R). Applicant provides retail water service to approximately 253 customers. Recommendation: Adoption of agreement of parties. (CRAVEN)

APPROVED MEMORANDUM AND ISSUED ORDER; PG/PR.

Item 13. Consideration of Examiner's Memorandum and Order of Dismissal concerning the application of Baumgart Water Supply Corporation to increase retail water rates in Aransas County, Texas (Docket No. 30049-R). Applicant provides retail water service to approximately 520 customers. Recommendation: Issuance of Order of Dismissal. (CRAVEN)

APPROVED MEMORANDUM AND ISSUED ORDER; PG/PR.

Item 14. Consideration of Examiner's Memorandum and Order concerning the application of G. Kelly Brewer to increase retail water rates in Orange County, Texas (Docket No. 30159-G). Applicant provides retail water service to approximately 125 customers. Recommendation: Adoption of agreement of parties. (Wood)

APPROVED MEMORANDUM AND ISSUED ORDER; PG/PR.

Item 15. Consideration of Examiner's memorandum concerning the application of Phillips 66 Company for a renewal of Permits Nos. AQR-2580A, AQR-4146 to authorize the continued operation of a sulfolene/sulfolane production operation at the site in Hutchinson County, Texas. Recommendation: Issuance of Permit Examiner: PATRICIA ROBARDS

APPROVED MEMORANDUM AND ISSUED ORDER; PG/PR.

Item 16. Consideration of Examiner's Memorandum and Order concerning the application of Stonegate Utility Company

to increase retail water rates in Bexar County, Texas (Docket No. 30234-G). Applicant provides retail water service to approximately 74 customers. Recommendation: Adoption of agreement of Parties. (Nina Fantl)

APPROVED MEMORANDUM AND ISSUED ORDER; PG/PR.

Item 17. Consideration of Examiner's Memorandum and Order concerning the application of Windy Hilll Utilities, Inc. to increase retail water and sewer rates in Harris, Chambers, and Liberty Counties, TX. (Docket No. 30207-R). Applicant provides retail water and sewer service to approximately 722 customers. Recommendation: Adoption of agreement of parties. (O'NEAL)

APPROVED MEMORANDUM AND ISSUE ORDER; PG/PR.

Item 18. Consideration of Examiner's Memorandum and Order concerning the application of LA JOYA WATER SUPPLY CORPORATION for an amendment to certificate of convenience and necessity No. 10559 and decertification of Ozuna Water System's water service territory (CCN No. 12332) to provide water service in Hidalgo County, Texas. (Docket No. 30101-C). Recommendation: Adoption of agreement of Parties. (CRAVEN) Type of Matter: CCN

CONTINUED TO JUNE 29, 1994 AT 9:00 A.M.

(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, May 18, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of April 20, 1994.

- Item 1. APPLICATION BY ROMAN FOREST PUBLIC UTILITY DISTRICT NO. 4 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)

DENIED APPLICATION FOR AUTHORIZATION TO PROCEED TO BANKRUPTCY; PG/PR.

Item carried forward from Agenda of May 4, 1994.

- Item 2. APPLICATION BY HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 70 FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant requests Commission approval of an operation & maintenance standby fee of \$238 per lot or reserve per year for the first year and \$159 per lot or reserve per year for the second and third years. (Ferguson)

APPROVED APPLICATION AS RECOMMENDED BY STAFF; PR/PG.

CONTESTED AGENDA

Wednesday, May 18, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**Contract**)

- Item 1. Consideration of authorizing the Executive Director to enter into agreement with IT/DAVY Joint Venture, a prime contractor, for the contract for remediation services for the soil and groundwater remediation phase, of the Texarkana Wood Preserving Company Superfund Site.

Continued to June 29, 1994

CONTESTED (**Resolution**)

- Item 2. Consideration and action on a resolution to adopt the proposed voluntary cooperative agreement between the Texas Natural Resource Conservation Commission and the City of Austin Electric Utility Department concerning air quality issues associated with the Holly Street Power Plant.

Adopt Resolution as Recommended by Staff, PR/PG

CONTESTED (**PST Enforcement**)

- Item 3. Consideration of the Executive Director's order assessing administrative penalties and requiring certain actions of West-Tex Service Station LTD, Facility ID NO. 026613; Enforcement ID NO. E10398. (WINTER/PALA)

Issue Agreed Order, PG/PR

- Item 4. Consideration of the Executive Director's order assessing administrative penalties and requiring certain actions of Mr. Richard R. Alamia and Mr. Jaime Guerra, Facility ID NO. 11191; Enforcement ID NO. E10544. (WINTERS/PALA)

Issue Agreed Order, PG/PR

- Item 5. Consideration of the Executive Director's order Assessing Administrative penalties and requiring certain actions Quorum investment corporation, Facility ID NO. 057844; Enforcement ID NO. E10393. (WINTER/PALA)

Issue Agreed Order, PG/PR

CONTESTED (Air Quality Enforcement)

Item 6. Consideration of a TNRCC Agreed Order Assessing Administrative penalties and Requiring Certain Actions of Mayfield Concrete, Inc.; Account No. HV-0027-C (Gregg)

Issue Agreed Order, PR/PG

Item 7. Consideration of a TNRCC Agreed Order Requiring Certain Actions of Mark Elliot Autos; Account BF-0164-G (Salem)

Issue Agreed Order, PR/PG

Item 8. Consideration of a TNRCC Agreed Order Assessing Administrative Penalties and requiring certain actions of Springtown Truck Sales; Account No. PC-0134-H (Hudson)

Issue Agreed Order, PR/PG

Item 9. Consideration of a TNRCC Agreed Order Requiring Certain Actions of Naim Henry; Account No. HG-5257-L (Ehresman)

Issue Agreed Order, PR/PG

Item 10. Consideration of a TNRCC Agreed Order Assessing Administrative Penalties and requiring Certain actions of Transit Mix Concrete & Materials Company; Account No. MB-0128-S (Hudson)

Issue Agreed Order, PR/PG

Item 11. Consideration of a TNRCC Agreed Order Requiring Certain Actions of C & S Woodcrafters, Inc.; Account NO. TA-0072-R (Gregg)

Issue Agreed Order, PR/PG

Item 12. Consideration of a TNRCC Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Allan Products, Incorporated; Account No. DB-1864-U (Ehresman)

Issue Agreed Order, PR/PG

Item 13. Consideration of a TNRCC Agreed Order/Requiring certain actions of Brass Craft Western Company; Account No. DB-0121-L (Rawlins)

Issue Agreed Order, PR/PG

Item 14. Consideration of a TNRCC Agreed Order Assessing Administrative Penalties and requiring certain actions of Buckholts Farmers Gin; Account No. MM-0004-N (Ehresman)

Issue Agreed Order, PR/PG

Item 15. Consideration of a TNRCC Agreed Order Assessing Administrative Penalties and requiring certain actions of D & R Metal Finishing; Account No. HG-1790-Q (Gregg)

Issue Agreed Order, PR/PG

Item 16. Consideration of a TNRCC Agreed Order/Requiring Certain Actions of Magnablend, Incorporated; Account No. ED-0070-K (Rawlins)

Issue Agreed Order, PR/PG

CONTESTED (Water Quality Enforcement)

Item 17. **(Docket No. 940155IWD-E)**. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of City of Springlake, TNRCC Permit No. 11016-001. (Roberts)

Issue Agreed Order, PR/PG

EXECUTIVE SESSION

Item 18. 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 19. 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, May 18, 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, and April 20, 1994.

- 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 May 25, 1994

ADDENDUM TO CONTESTED AGENDA

Wednesday, May 18, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

- Item 20. Consideration of the adequacy of the record for final Commission action 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 Nos. 9271-A and 9324) in light of the Court's decision in Texas Water Commission v. City of Fort Worth (Tex. App.--Austin, No. 3-92-502-CV) And proposed rules relating to wholesale water and sewer contractual rate provisions (proposed 30 TAC 291.128 through 291.138). (Sullivan)

Continued to May 25, 1994