

HALL  
GARNER  
REED

UNCONTESTED AGENDA

Wednesday, June 29, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (**Awards**)

- Item 1. Presentation of EPA Excellence Award to Pam Brown, Industrial and Hazardous Waste Investigator, Corpus Christi Regional Office.

AWARDS WERE PRESENTED

- Item 2. Presentation of the Pinnacle Award, the TNRCC Award for Recognition of the Winners of the 1994 State of Texas Operation and Maintenance Excellence Awards of Municipal Wastewater Treatment Facilities. (Ruddell)

AWARDS WERE PRESENTED

UNCONTESTED (**New Water Quality Permit**)

- Item 3. APPLICATION BY CITY OF BARDWELL for a permit (Proposed Permit No. 13675-01) to authorize a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 59,000 gallons per day. The applicant is also requesting a variance to the buffer zone requirements. The proposed wastewater treatment facility will serve the City of Bardwell. The wastewater treatment facility is approximately 1,500 feet northeast of the intersection of Farm-to-Market Road 984 and State Highway 34, and approximately 1,000 feet northwest of State Highway 34 and Farm-to-Market Road 985 in Ellis County, Texas.

APPROVED APPLICATION; PR/PG.

- Item 4. APPLICATION BY OZARK-MAHONING COMPANY for a permit (Proposed Permit No. 03642) to authorize an intermittent, flow variable discharge of process wastewater, Mother Liquor and stormwater via Outfall 001. The permit will also authorize intermittent, flow variable discharges of brine, wash down, condensate and stormwater via Outfalls 002 and 003. The applicant currently operates the

Seagraves Plant which produces sodium sulphate from brine obtained from wells near the plant site. The plant site is at a site 1.0 mile south of FM Road 1066 and 2.4 miles west of the FM Roads 1066/1067 intersection about 8.5 miles southeast of the Town of Loop, Gaines County, Texas.

APPROVED APPLICATION; PR/PG.

**UNCONTESTED (Permit Renewal)**

- Item 5. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 19 for renewal of Permit No. 11970-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 350,000 gallons per day. The wastewater treatment facilities are on Volunteer Lane approximately 800 feet east of Budde Road, approximately 1300 feet northwest of the intersection of Interstate Highway 45 and Sawdust Road in Montgomery County, Texas.

APPROVED APPLICATION; PR/PG.

**UNCONTESTED (Class 2 Modification)**

- Item 6. Consideration of an application by STERLING CHEMICALS, INC. for a Class 2 permit modification to Permit No. HW-50144 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 the addition of a new waste stream to the facility's waste code list. The facility is located on a 250-acre tract of land in Texas City, Galveston County, Texas.

APPROVED APPLICATION; PG/PR.

**UNCONTESTED (District Matter)**

- Item 7. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278 FOR APPROVAL OF \$1,290,000 UNLIMITED TAX BONDS, 6.93% NET EFFECTIVE INTEREST RATE, SERIES 1994, FIRST ISSUE. For Commission consideration. Applicant requests approval of a bond issue to finance clearing for Timber Forest Sections 1, 2 & 3 and an off-site ditch; pipeline & other utility line adjustments; and water, wastewater and drainage facilities for Timber Forest Sections 1 & 3. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 8. APPLICATION BY WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 9 FOR APPROVAL OF \$1,550,000 UNLIMITED TAX AND REVENUE BONDS, FIRST ISSUE, 7.24% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests Commission approval of a bond issue to finance utilities to serve Section 1-B and a water meter vault. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 9. APPLICATION BY RENN ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS AND FORT BEND COUNTIES FOR APPROVAL OF \$1,390,000 UNLIMITED TAX BONDS, 6.42% NET EFFECTIVE INTEREST RATE, SERIES 1994, THIRD ISSUE; For Commission consideration. Applicant requests Commission approval for the issuance of \$1,390,000 in unlimited tax bonds to finance the purchase of District infrastructure facilities. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 10. APPLICATION BY RAYFORD ROAD MUNICIPAL UTILITY DISTRICT OF MONTGOMERY COUNTY FOR APPROVAL OF \$3,250,000 UNLIMITED TAX BONDS, 7.197% NET EFFECTIVE INTEREST RATE, SERIES 1994, SECOND ISSUE; For Commission consideration. Applicant requests Commission approval for the issuance of \$3,250,000 in unlimited tax and revenue bonds to finance continued development within the District. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 11. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 68 FOR APPROVAL OF \$2,000,000 UNLIMITED TAX BONDS, THIRD ISSUE, 6.95% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests Commission approval of a bond issue to finance a pro rata share of water plant costs, a pro rata share of interim wastewater treatment plant costs, lift station & force main costs, land costs, and water, wastewater & drainage facilities for High Meadows Extension, Summerhill, and Autumn Ridge. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 12. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36 FOR APPROVAL OF \$2,200,000 UNLIMITED TAX AND REVENUE BONDS, 7.14% NET EFFECTIVE INTEREST RATE, SERIES 1994, FIRST ISSUE; For Commission consideration. Applicant requests commission approval for the issuance of \$2,200,000 in unlimited tax and revenue bonds, to finance development within the District. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 13. APPLICATION BY FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 8 OF FORT BEND COUNTY FOR APPROVAL OF \$3,300,000 UNLIMITED TAX BONDS, SIXTH ISSUE, 6.74% NET EFFECTIVE INTEREST RATE, SERIES 1994 AND APPROVAL OF THE USE OF \$220,000 OF SURPLUS FUNDS \$2,360,000 Bond Issue Approved September 18, 1991. For Commission consideration. The District's application requests Commission approval of a bond issue and use of surplus funds to finance master utility district connection charges, and water, wastewater & drainage facilities for Lakefield Section 2, Plantation Bend Sections 3A & 3B, and Magnolia Plantation Section 2. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 14. APPLICATION BY PALMER PLANTATION MUNICIPAL UTILITY DISTRICT NO. 2 OF FORT BEND COUNTY FOR APPROVAL OF \$4,030,000 UNLIMITED TAX AND REVENUE BONDS, FIRST ISSUE, 6.674% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. The District's application requests commission approval of a bond issue to finance utilities, detention pond construction, water plant no. 2, wastewater treatment capacity, a lift station, and land costs. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 15. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 215 FOR APPROVAL OF AN EXTENSION OF BOND APPROVAL; \$2,100,000 SECOND BOND ISSUE APPROVED JULY 15, 1994. For Commission consideration. Applicant requests approval of an extension of time to sell bonds. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 16. APPLICATION BY ROLLING CREEK UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF A CHANGE IN PLANS AND RELEASE OF ESCROWED FUNDS; \$4,075,000 BOND ISSUE APPROVED JULY 10, 1985. For Commission consideration. Applicant requests approval of a change in plans and release of \$80,357 in escrowed funds to partially finance the purchase of the District's leased wastewater treatment plant. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 17. PETITION BY 120 GREENBRIAR NORTH JOINT VENTURE REQUESTING APPOINTMENT OF DIRECTORS FOR NORTH GREEN MUD OF HARRIS COUNTY; For Commission consideration. Applicant requests appointment of temporary directors to serve on the board of North Green MUD. (Ferguson)

APPROVED PETITION; PR/PG.

UNCONTESTED (Water Utility Matter)

Item 18. Application of San Antonio Water System to Transfer Sewer CCN No. 20513 from Bexar County Water Control and Improvement District No. 16 and Cancel Sewer CCN NO. 20513 in Bexar County, Texas. (Application # 30350-S, Diego Abrego)

APPROVED APPLICATION; PG/PR.

Item 19. Application of San Antonio Water System to Transfer Water CCN No. 11292 from Bexar County Water Control and Improvement District No. 16 and Cancel Water CCN No. 11292 in Bexar County, Texas. (Application # 30349-S, Diego Abrego)

APPROVED APPLICATION; PG/PR.

Item 20. Application of Canyon Lake Estates Water Supply Corporation to Report the Acquisition and Request the Transfer of Water CCN No. 12592 from Mr. Truett G. Moore, Mr. Mark H. Willemin and Mr. Leonard J. Ohms, Maintenance Committee Members of Canyon Lake Estates Water Department in Comal County, Texas. (Application # 30324-T, Albert Holck)

APPROVED APPLICATION; PG/PR.

Item 21. Application of Fruitland Utilities, Inc. to Purchase all Facilities and Transfer Water CCN No. 12021 from Fruitland Water Corporation in Harris County, Texas. (Application # 30411-S, Guillermo Zevallos)

APPROVED APPLICATION; PG/PR.

Item 22. Application of Wilderness Sound, Ltd. to Purchase Yegua Water, Inc. and Amend Water CCN No. 11699 in Burleson County, Texas. (Application # 30099-S, Albert Holck)

APPROVED APPLICATION; PG/PR.

Item 23. Application of City of Miami to Transfer Water CCN No. 12025 from High Plains Natural Gas Company dba Consolidated Utilities Company in Roberts County, Texas (Application # 30467-S, Albert Holck)

APPROVED APPLICATION; PG/PR.

UNCONTESTED (Contract)

Item 24. Consideration of Executive Director's request to enter into a Contract with a hazardous waste management firm for the collection, transportation, and disposal of agricultural waste pesticides collected during the fall 1994 agricultural waste pesticide collection program. (V. RAMIREZ)

REMANDED TO THE OFFICE OF EXECUTIVE DIRECTOR

UNCONTESTED (**Settled Hearings**)

Item 25. Consideration of Examiner's Memorandum and Order concerning the application of Holly Ranch Water Company, Inc. to increase retail water rates in Wood County, Texas (Docket No. 30304-R). Applicant provides retail water service to approximately 950 customers. Recommendation: Adoption of agreement of parties. (Sylvia McClellan).

APPROVED MEMORANDUM AND ISSUED ORDER; PR/PG.

Item 26. Consideration of Examiner's Memorandum and Order concerning the application of Franklin Water Service Company to increase retail water rates in Lubbock County, TX (Docket No. 30264-G). Applicant provides retail water service to approximately 42 customers. Recommendation: Adoption of agreement of parties. (T. BROYLES).

APPROVED MEMORANDUM AND ISSUED ORDER; PR/PG.

Item 27. Consideration of Examiner's Memorandum and Order concerning the application of Orbit Systems, Inc. to increase retail water rates in Brazoria and Matagorda Counties, Texas (Docket No. 30238-R). Applicant provides retail water service to approximately 332 customers. Recommendation: Adoption of agreement of parties. (Wood).

APPROVED MEMORANDUM AND ISSUED ORDER; PR/PG.

Item 28. Consideration of Examiner's Memorandum & Order Concerning the Application of H. E. Butt Foundation for an Amendment to Certificate of Adjudication No. 21-3148 in Real County, Texas to divert and use from three reservoirs not to exceed 48.8 acre-feet of water per annum from the East Frio River, in Nueces River Basin, for irrigation purposes. Recommendation: Issuance of authorization. (Nina Fantl)

APPROVED MEMORANDUM AND ISSUED ORDER; PR/PG.

Item 29. Consideration of Examiner's Memorandum and Order concerning the Petition Requesting Review of Flying L

Public Utility Districts Rate to Increase in Bandera County, Texas (Docket No. 30022A). Applicant provides retail service to approximately 41 customers. Recommendation: Adoption of agreement of parties. (L.Sorrells).

APPROVED MEMORANDUM AND ISSUED ORDER; PR/PG.

Item 30. Consideration of Examiner's Memorandum and Order concerning the Application of Lake LBJ MUD to Adopt & Impose a Standby Fee in Llano & Burnet Counties, Texas (Docket No. 060493-D01).

APPROVED MEMORANDUM AND ISSUED ORDER; PR/PG.

Item 31. Consideration of Examiner's Memorandum and Order concerning the application of BIG EDDY WATER SYSTEM to increase retail water and sewer rates in Smith County, Texas (Docket No. 30334-R). Applicant provides retail water and sewer service to approximately 335 customers. Recommendation: Adoption of agreement of parties. (ROBARDS)

APPROVED MEMORANDUM AND ISSUED ORDER; PR/PG.

Item 32. Consideration of Examiner's Memorandum concerning the application of Coastal States Crude Gathering Co. for Permit No. 03556 to authorize the discharge of 165 gpd of treated industrial wastewater effluent in Harris County, Texas, and Segment No. 1007 of the San Jacinto River Basin. Recommendation: Issuance of permit. (L. Sorrells)

APPROVED MEMORANDUM AND ISSUED ORDER; PR/PG.

Item 33. Consideration of Examiner's memorandum concerning the application of WRE Utilities, Inc. for a renewal of Permit No. 13465-001 to authorize the discharge of 25,000 gpd of treated domestic wastewater effluent in Montgomery County, Texas, and Segment No. 1004 of the San Jacinto River Basin. Recommendation: Issuance of permit. (Bateman)

APPROVED MEMORANDUM AND ISSUED ORDER; PR/PG.

Item 34. Consideration of Examiner's Memorandum and Order concerning the application of Settlers Water System to increase retail water rates in Madison County, TX (Docket No. 30362-G). Applicant provides retail water service to approximately 19 customers. Recommendation: Adoption of agreement of parties. (FANTL)

APPROVED MEMORANDUM AND ISSUED 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, June 29, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of May 18, 1994.

- Item 1. 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

APPROVED MEMORANDUM AND ISSUED ORDER; PG/PR.

CONTESTED AGENDA

Wednesday, June 29, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

CONTESTED (**Water Quality Enforcement**)

- Item 1. **Docket No. 94-0151-IWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of Texas A&M University System, TNRCC Permit No. 11345-001. (Gilbert Angelle)

Issue Agreed Order, PG/PR

- Item 2. (**Docket No. 94-0178-MWD-E**). Consideration of a proposed agreed order resolving an enforcement action brought against Southern Clay Products, Inc. Permit No.02973, for violations of the rules of the Texas Water Commission and permit No. 02973, assessing administrative penalties against Southern Clay Products, Inc. (KEILS/WATSON)

Issue Agreed Order, PG/PR

- Item 3. (**Docket No. 94-0052-IWD-E**). Consideration of a Texas Natural Resource Conservation Commission agreed order assessing administrative penalties and requiring certain actions of Montague County, Permit No. 13513-001. (Stovall/Roberts)

Issue Agreed Order, PG/PR

CONTESTED (**Hazardous Waste Enforcement**)

- Item 4. (**Docket No. 94-0179-SWD-E**). Consideration of an Agreed Order resolving an Enforcement Action brought against Dowell Schlumberger, Inc. -- Midland for Violations of the Texas Solid Waste Disposal Act, TEX.HEALTH AND SAFETY CODE ANN. Chapter 361 (Vernon Pamph. 1992), the Texas Water Code, TEX. WATER CODE ANN. Chapter 26 (Vernon Pamph.1992) and the Rules of the Texas Natural Resource Conservation Commission; Assessing Administrative Penalties and Requiring Certain Actions of Dowell Schlumberger, Inc. -- Midland. (Grunberger)

Continued to July 13, 1994

CONTESTED (**PST Enforcement**)

- Item 5. (**Docket No. 94-0180-PST-E**). Consideration of the Executive Director's order assessing administrative penalties and requiring certain actions of Henderson Oil Company, facility ID No. 0043677; Enforcement ID No. E10637. (Winter/Carson)

Issue Agreed Order, PR/PG

CONTESTED (**District Matters**)

- Item 6. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 42 FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration. 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. (Walton)

Approve Authorization to Proceed into Federal Bankruptcy, PG/PR

CONTESTED (**Enforcement Reports**)

- Item 7. Discussion of Agency Report on Enforcement Actions from various programs, including Air, Hazardous Waste, and Water Quality. (LYNCH)

No Action Taken

CONTESTED (**Air Quality Enforcements**)

- Item 8. (**Docket No. 94-0181-AIR-E**). CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF Cannon Enterprises, Inc.; ACCOUNT NO. HG-5469-R (Gregg)

Issue Agreed Order, PG/PR

- Item 9. (**Docket No. 94-0182-AIR-E**). CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF Celina Ready-Mix, Inc.; ACCOUNT NO. CP-0132-M (Hudson)

Issue Agreed Order, PG/PR

- Item 10. (**Docket No. 94-0183-AIR-E**). CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF Exxon Chemical Company; ACCOUNT NO. HG-5099-F (Gregg)

Issue Agreed Order, PG/PR

Item 11. **(Docket No. 94-0184-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF Kuntry Kar Kare; ACCOUNT NO. GB-031@-@Terrell)

Issue Agreed Order, PG/PR

Item 12. **(Docket No. 94-0185-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF NASR Corporation; ACCOUNT NO. HG-5028-F (Terrell)

Issue Agreed Order, PG/PR

Item 13. **(Docket No. 94-0186-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF Rohm and Haas Texas, Incorporated; ACCOUNT NO. HG-0632-T (Ehresman)

Issue Agreed Order, PG/PR

Item 14. **(Docket No. 94-0187-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF Starcrete Products; ACCOUNT NO. CS-0035-B (Hudson)

Issue Agreed Order, PG/PR

Item 15. **(Docket No. 94-0188-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF Sparhawk, Inc.; ACCOUNT NO. HG-5268-G (Hudson)

Issue Agreed Order, PG/PR

Item 16. **(Docket No. 94-0189-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF Tarrant Interiors, Inc.; ACCOUNT NO. TA-2553-F (Hudson)

Issue Agreed Order, PG/PR

Item 17. **(Docket No. 94-0190-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF City of Center; ACCOUNT NO. SI-0033-M (Gregg)

Issue Agreed Order, PG/PR

Item 18. **(Docket No. 94-0191-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF D\FW REDI-MIX Environmental Consultants, Inc.; ACCOUNT NO. TA-2612-O (Hudson)

Continued to July 27, 1994

Item 19. **(Docket No. 94-0192-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF Exxon Company, USA; ACCOUNT NO. OC-0067-O (Ehresman)

Issue Agreed Order, PG/PR

Item 20. **(Docket No. 94-0193-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF Gulf Power Systems, Inc.; ACCOUNT NO. HG-4528-K (Gregg)

Issue Agreed Order, PG/PR

Item 21. **(Docket No. 94-0194-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF Pollution Control Management Corporation d/b/a B & B Demolition and Dismantling; ACCOUNT NO. HG-4138-E (Ehresman)

Issue Agreed Order, PG/PR

Item 22. **(Docket No. 94-0195-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF Tejas Toyota; ACCOUNT NO. HG-5106-K (Terrell)

Issue Agreed Order, PG/PR

Item 23. **(Docket No. 94-0196-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF Tola Asphalt Pavers, Incorporated; ACCOUNT NO. BK-0030-B (Ehresman)

Issue Agreed Order, PG/PR

Item 24. **(Docket No. 94-0197-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TRINITY MEDICAL CENTER; ACCOUNT NO. DB-2176-S (Gregg)

Issue Agreed Order, PG/PR

Item 25. **(Docket No. 94-0198-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF West Briar Interests Partnership; ACCOUNT NO. HG-5085-Q (Terrell)

Issue Agreed Order, PG/PR

CONTESTED **(Rules)**

Item 26. Consideration and adoption of New Chapter 285 concerning on-site sewage facilities rules. Rules published in the January 25, 1994 issue of the Texas Register. (HART)

Withdrew Rules

Item 27. Consideration for approval for publication in the Texas Register of new proposed rules in 30 TAC Chapter 277 relating to Proposition Two, a constitutional amendment and enabling legislation providing a property tax exemption for pollution control equipment. (Duncan and Mazuca)

Authorized to Publish into Texas Register, PR/PG

Item 28. Consideration on authorization for public hearings on proposed new 30 TAC Chapter 277 (concerning Use Determinations for Pollution Control Property). (Karen Kirkpatrick)

Proceed to Public Hearing, PR/PG

Item 29. Consideration of adoption of revisions to Sulfur Dioxide State Implementation Plan (SIP) for Harris County. Adoption of Agreed Orders from 14 companies in Harris County to legally limit sulfur dioxide allowable emissions for grandfathered emission points at 6 certain facilities. The 14 companies are, Anchor Glass Container; Atochem North America, Inc.; Crown Central Petroleum Corp.; Exxon Company, USA, ;, ISK Biosciences Corporation; Lubrizol Corporation; Lyondell Petrochemical Company; Lyondell-Citgo Refining Co., Ltd.; Merichem Company; Mobil Mining and Minerals Company; Phibro Refining, Inc.; Shell Chemical and Shell Oil; Shell Oil Company; and Simpson Paper Company. (Karen Kirkpatrick)

Approve Staff Recommendation, PG/PR

Item 30. Task Force 21 Interim Report on Texas Mid-Continent Oil and Gas Association Recommendations. (Saitas)

Approve Staff Recommendation with instructions to staff and General Counsel and bring back to commission with recommendation on whether we need to formulate rules, JH/PR

Item 31. Consideration of a strategy for Liquid Waste Management containing recommended actions for TNRCC to take regarding the future management of grease trap waste, grit trap waste, and septage. (The commission directed the staff to prepare a strategy containing disposal alternatives). (Wayne Lee)

This item should have been scheduled for discussion, Chairman Hall instructed Jim Haley to hold meeting with Protestants and

Applicants and bring a concept paper to the Commission on discussions.

**CONTESTED (Hearing Examiner's Matters)**

Item 32. Consideration of Examiner's Proposal for Decision & Order concerning the application of Safety-Kleen Corp. for Permit No. HW-50163 to authorize the operation of a hazardous waste storage and recycling facility in Denton County, Texas. Applicant seeks authorization to store, process and recycle Class I hazardous materials at facilities located in Segment No. 0823 of the Trinity River Basin. Recommendation: Issuance of permit. (ROGAN).

Adopt Proposal for Decision and Issue Order, JH/PR

Item 33. Consideration of Examiner's Proposal for Decision & Order concerning the application of Trophy Club Municipal Utility District for a renewal of Permit No. 11593-01 to authorize the discharge and disposal by irrigation of 1,400,000 gpd of treated domestic wastewater effluent in Denton County, TX, and Segment No. 0826 of the Trinity River Basin. Recommendation: Issuance of permit. (BROYLES)

Adopt Proposal for Decision and Issue Order, overrule all exceptions, JH/PR

Item 34. Consideration of Examiner's Proposal for Decision concerning the Application of Technology-Hydraulics, Inc. to Increase Retail Sewer Rates in Travis County, Texas (Docket No. 30089-R). Applicant provides retail/sewer service of approximately 613 customers. Recommendation: Approval, with adjustments, of rate increase.

Adopt Examiner's Proposal for Decision, accept Executive Director's exceptions to Federal Income Tax, pay refunds immediately, and all other exceptions overruled, JH/PR

Item 35. Consideration of Examiner's Memorandum, 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: Herman Gehrels (94-11) UNCONTESTED AGENDA; A. B. English (94-08 CONTESTED AGENDA; John Evans (94-12) CONTESTED; and Leonard Samuels (94-07). Recommendation: Approval of the proposed Enforcement Orders. (MCCLELLAN)

Approve Examiner's Memorandum, and Proposals for Decision and Orders, PG/PR

Item 36. Consideration of Examiner's Memorandum concerning the Application of Paper Chemicals, Inc. for a Renewal of Permit No. 02955-01 to Authorize the Discharge of 0.04 mgd of Treated Industrial Wastewater Effluent in Bowie County, Texas and Segment No. 0304 of the Sulphur River Basin. Recommendation: Issuance of permit. (Bateman)

Approve Examiner's Memorandum, PR/JH

**EXECUTIVE SESSION**

Item 37. 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 38. 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, June 29, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of December 15, 1993 and June 15, 1994.

- Item 1. APPLICATION BY GREENS PARKWAY 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 the bonded debt and repay the bonds from (a) revenues from standby fees, (b) revenues from the sale of land and (c) future ad valorem tax revenues generated through increased development. (Cavazos)

Remand to Staff

Item carried forward from Agenda of May 18, 1994.

- Item 2. 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 July 13, 1994

Item carried forward from Agenda of May 25, 1994.

- Item 3. Consideration of the appeal and request for a contested case hearing on the amendment granted by the Executive Director on March 3, 1994, to Air Quality Permit No. 9429 held by Gibraltar Chemical Resources, Inc. for its hazardous waste management facility in Winona, Smith County, Texas.

Draft order to Gibraltar laying out time frames as proposed by EPA, JH/PR

Item carried forward from Agenda of May 25, 1994.

- Item 4. Discussion of the Executive Director's proposal that commercial hazardous waste permit (No. HW-50358) for

Waste Control Specialists, Inc.'s Andrews County facility require Waste Control Specialists, Inc. to comply with S.B. 1099 in its payment of financial assurance. Under the proposal, the financial assurance required to close each landfill unit at the facility would be paid into a closure trust fund within three years of the unit's first receipt of waste.

Accept that fixed cost at 81% and make payments over 6 years, variable cost paid over 10 year period, JH/PG, (Pam Reed - Opposed)

Item carried forward from Agenda of July 14, 1993 and August 18, 1993, November 17, 1993, and April 20, 1994 and May 18, 1994 and May 25, 1994.

- Item 5. 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).

Dismissed

Item carried forward from Agenda of May 18, 1994 and May 25, 1994.

- Item 6. 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)

Dismissed

Item carried forward from Agenda of June 8, 1994.

- Item 7. Consideration of proposal to publish in the Texas Register a proposed new 30 TAC Section 114.27 regarding criteria and procedures for determining Transportation Conformity with the State Implementation Plan.

Authorized to Publish into Texas Register, PR/PG

ADDENDUM TO CONTESTED AGENDA

Wednesday, June 29, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

- Item 39. Consideration on authorization to repeal 30 TAC Section 114.11, Alternative Fuel Requirements for Transit Authorities, and Adoption of a new 30 TAC Section 114.11, Alternative Fuel Requirements for Motor Vehicle Fleets, establishing the Texas Alternative Fleet Fuel (TAFF) program requirements. (Russ Baier)

Continued to July 6, 1994