

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, October 26, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (District Matters)

Item 1. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 108 FOR APPROVAL OF \$1,600,000 UNLIMITED TAX BONDS, THIRD ISSUE, 7.45% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance master utility district connection fees and water, wastewater & drainage facilities for the Retreat at Greatwood Section 1. (Ferguson)

APPROVED APPLICATION; PG/JH.

Item 2. APPLICATION BY CYPRESS FOREST PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO ISSUE \$1,860,000 IN UNLIMITED TAX AND REVENUE BONDS, 6.49% NET EFFECTIVE INTEREST RATE, SERIES 1994, SIXTH ISSUE. For Commission consideration. Applicant requests approval of to issue \$1,860,000 in tax and revenue bonds to finance major service area facilities. (Ferguson)

APPROVED APPLICATION; PG/JH.

Item 3. APPLICATION BY JACKRABBIT ROAD PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF RELEASE OF \$77,330 OF ESCROWED FUNDS; \$3,200,000 BOND ISSUE APPROVED MAY 15, 1991. For Commission consideration. Applicant requests approval of the release of \$77,330 of escrowed funds for improvements to water plant no. 2. (Ferguson)

APPROVED APPLICATION; PG/JH.

Item 4. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO 16 FOR APPROVAL OF USE OF \$106,000 IN ESCROWED DEVELOPER FINANCIAL GUARANTEE PROCEEDS. For Commission consideration. Applicant requests Commission approval to use \$106,000 from a financial guarantee (escrowed) for operating and maintenance expenses. (Ferguson)

APPROVED APPLICATION; PG/JH.

UNCONTESTED (Water Utility Matters)

- Item 5. DOCKET # 94-0496-UCR. Approval of Cypress Bayou, Inc. dba Cypress Bayou Estates, to Obtain a Water CCN and to Decertificate a portion of CCN No. 11398 issued to the City of Orange in Orange County, Texas. (Application # 30354-C, Darrell Nichols)

APPROVED APPLICATION; JH/PG.

- Item 6. Approval of Cypress Bayou, Inc. dba Cypress Bayou Estates, to Obtain a Sewer CCN and to Decertificate a portion of CCN No. 20535 issued to the City of Orange in Orange County, Texas. (Application #30355-C, Darrell Nichols)

APPROVED APPLICATION; JH/PG.

- Item 7. Docket # 94-0490-UCR. Approval of Texas Water Systems, Inc. to Transfer Water CCN No. 12430 from Estate of W.B. Floyd dba Floyd Water Systems No. 1 & 2 aka Countryside Water Supply; Amend Water CCN No. 12473; and Cancel Water CCN No. 12430 in Upshur County, Texas. (Application # 30543-S, Debi Carlson)

APPROVED APPLICATION; JH/PG.

- Item 8. Docket No. 94-0493-UCR. Approval of the Negotiated Settlement of Wagner Utility Co., Inc. (Wagner) for a Rate/Tariff Change; Water Certificate of Convenience and Necessity (CCN) No. 11157 and Sewer CCN No. 20453 in Victoria County, Texas. (Application # 30506-G, Vera Poe)

APPROVED APPLICATION; JH/PG.

UNCONTESTED (Settled Hearings)

- Item 9. Docket No. 94-0487-MWD. Consideration of Examiner's Memorandum concerning the application of Petroleum Wholesale, Inc. for Permit No. 13677-01 to authorize the disposal by irrigation of 15,000 gpd of treated domestic wastewater effluent in Hill County, Texas, and Segment No. 1242 of the Brazos River Basin. Recommendation: Issuance of permit. (FANTL)

ADOPTED EXAMINER'S MEMORANDUM AND ISSUED ORDER; PG/JH.

- Item 10. Consideration of Examiner's Memorandum and Order concerning the application of Lake Whitney Water Company,

Inc., to increase retail water rates in Hill County and Bosque County, Texas. Docket No. 30353-R. Applicant provides retail water service to approximately 3027 Customers. Recommendation: Dismissal of application. (McClellan)

ADOPTED EXAMINER'S MEMORANDUM AND ISSUED ORDER; PG/JH.

UNCONTESTED (Report on Enforcement Actions)

Item 11. Discussion of an Agency Report on Enforcement from various agency programs including Air, Industrial & Hazardous Waste, Watershed Management, Municipal Solid Waste, Petroleum Storage Tanks, Water Utilities, Agriculture and Superfund. (Lynch)

COMMISSIONERS HEARD THE REPORT.

(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) 239-3317 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

REGISTRATION FOR AGENDA STARTS AT 8:30 A.M. UNTIL 9:15 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

HALL
GARNER
REED--absent and excused

UNCONTESTED OLD BUSINESS

Wednesday, October 26, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from agenda of October 12, 1994.

- Item 1. Consideration of Examiner's Memorandum and Order concerning the application of Windermere Utility Company, Inc. to increase retail water and sewer rates in Travis County, TX (Docket No. 30379-R). Applicant provides retail water and sewer service to approximately 1900 customers. Recommendation: Adoption of agreement of parties. (SORRELLS)

APPROVED THE EXAMINER'S MEMORANDUM AND ISSUED ORDER; PG/JH.

CONTESTED AGENDA

Wednesday, October 26, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**Water Quality Enforcements**)

Item 1. **Docket No. 94-0391-IWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Herndon Marine Products, Inc. dba Gulf King Shrimp Co., TNRCC Permit No. 02010. (Cook)

Approved, PR/PG

Item 2. **Docket No. 94-0589-AGR-E.** Consideration of a Texas Natural Resource Conservation Commission Water Quality Agreed Order assessing administrative penalties and requiring certain actions of Don W. Hinton Dairy, Permit No. 02521, pertaining to water quality. (Keils/Chaffin)

Approved, PR/PG

Item 3. **Docket No. 94-0590-SLG-E.** Consideration of a Texas Natural Resource Conservation Commission Water Quality Agreed Order assessing administrative penalties and requiring certain actions of Jay R. Pinkston, Permit No. 21671, pertaining to water quality. (Keils/Green)

Approved, PR/PG

Item 4. **Docket No. 94-0591-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order assessing administrative penalties and requiring certain actions of Fallbrook Utility District Wastewater Treatment Plant, Permit No. 10919-01, pertaining to Water Quality. (Keils/Meyer)

Approved, PR/PG

Item 5. **Docket No. 94-0530-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order assessing administrative penalties and requiring certain actions of City of Pinehurst, TNRCC Permit No. 10597-01. (Smith)

Approved, PR/PG

Item 6. **Docket No. 94-0531-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed order assessing administrative penalties and requiring certain actions of City of Presidio, TNRCC Permit No. 12955-01. (Roberts)

Approved, PR/PG

CONTESTED (Industrial Hazardous Waste Enforcements)

Item 7. **Docket No. 94-0575-IHW-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of U.S. Air Force, Reese A.F.B., SWR. 62005, for violations of Texas Health and Safety Code Chapter 361, Texas Water Code Chapter 26, and 30 Texas Administrative Code Chapter 335, pertaining to industrial and hazardous waste. (Ray & Hall/Koulter/Weegar).

Approved, JH/PG

Item 8. **Docket No. 94-0576-IHW-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of E. I. DuPont de Nemours and Company, SWR NO. 30018 and Waste Disposal Well Permits NOS. 109 and 121 for violations the Texas Health and Safety Code Chapter 361, the Texas Water Code Chapters 5, 26, and 27, and 30 Texas Administrative Code Chapters 331, 335, and 337 pertaining to industrial and hazardous waste. (Keils/Frew)

Approved, JH/PG

Item 9. **Docket No. 94-0577-IHW-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of E.I. du Pont and Company, SWR.No. 30010, for violations of the Texas Health and Safety Code Chapter 361, the Texas Water Code, and 30 Texas Administrative Code Chapter 335 pertaining to industrial and hazardous waste. (Wilson\Murphy)

Approved, JH/PG

Item 10. **Docket No. 94-0578-IHW-E.** Consideration of Agreed Order assessing administrative penalties and requiring certain actions of South Hampton Refinery Co., SWR No. 30672, for violations of the Texas Health and Safety Code Chapter 361, the Texas Water Code, and 30 Texas Administrative Code Chapter 335 pertaining to Industrial and hazardous Waste. (SMITH/REMMERT)

Approved, JH/PG

Item 11. **Docket No. 94-0579-IHW-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Technical Coatings, Inc., SWR.No. 33276, for violations of the Texas Health and Safety Code Chapter 361 and 30 Texas Administrative Code Chapter 335 pertaining to industrial and hazardous waste. (Wilson\Rao)

Approved, JH/PG

Item 12. **Docket No. 94-0580-IHW-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Alamo Drum Company, SWR. 52029, for violations of Texas Health and Safety Code Chapter 361 and 30 Texas Administrative Code Chapter 335, pertaining to industrial and hazardous waste. (Ray/Murphy)

Approved, JH/PG

Item 13. **Docket No. 94-0581-IHW-E.** Consideration of agreed order assessing administrative penalties and requiring certain actions of Reliable Machine & Supply Co., Inc., SWR NO. 30775, for violations of the Texas Health and Safety Code Chapter 361, The Texas Water Code, and 30 Texas Administrative Code Chapter 335 pertaining to Industrial and Hazardous Waste. (SMITH/REMMERT)

Approved, JH/PG

Item 14. **Docket No. 94-0582-IHW-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Label and Packaging Corp. of America, SWR No. 38623, and Carroll Merlick, for violations of the Texas Health and Safety Code Chapter 361 and 30 Texas Administrative Code Chapter 335 pertaining to industrial and hazardous waste. (Bourbon/Vilas)

Approved, JH/PG

Item 15. **Docket No. 94-0583-IHW-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Transforma Marine Corporation, SWR. 37911, for violations of Texas Health and Safety Code Chapter 361, Texas Water Code Chapter 26, and 30 Texas Administrative Code Chapter 335, pertaining to industrial and hazardous waste. (Ray/Frew)

Approved, JH/PG

Item 16. **Docket No. 94-0584-IHW-E.** Consideration of Order Assessing Administrative Penalties and Requiring Certain Actions of Dal-Tile Corporation, Master-Halco, Inc. and Billie and Charles Walton, SWR No. 39972 for violations

of the Texas Health and Safety Code Chapter 361 and the Texas Water Code Chapter 26 and 30 Texas Administrative Code Chapter 335 pertaining to Industrial and Hazardous Waste. (Roberts/Beckley)

Approved, JH/PG

Item 17. **Docket No. 94-0585-IHW-E.** Consideration of Order Requiring Certain Actions of Dowell Schlumberger Incorporated, SWR Nos. 33588, 33569, 33585, 33566, 33597, 33589, 31453, 33571, 33565, 33568, 33570, 33596, and 33549 for violations of the Texas Health and Safety Code Chapter 361 and the Texas Water Code Chapters 5 and 26. (Roberts/Wehner)

Approved, JH/PG

Item 18. **Docket No. 94-0586-IHW-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Chevron U.S.A., Inc. Refinery - Port Arthur, Texas, SWR. No. 30004, for violations of the Texas Health and Safety Code Chapter 361, the Texas Water Code, and 30 Texas Administrative Code Chapter 335 pertaining to industrial and hazardous waste. (Hahn/Wong)

Approved, JH/PG

Item 19. **Docket No. 94-0587-IHW-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Conroe Creosoting Company, SWR No. 31799, for violations of the Texas Health and Safety Code Chapter 361, the Texas Water Code, and 30 Texas Administrative Code Chapter 335 pertaining to industrial and hazardous waste. (Clayton/Rodriguez)

Approved, JH/PG

Item 20. **Docket No. 94-0588-IHW-E.** Consideration of Agreed Order Requiring Certain Actions of Conroe Creosoting Company, SWR No. 31799, for violations of the Texas Health and Safety Code Chapter 361, the Texas Water Code, and 30 Texas Administrative Code Chapter 335 pertaining to industrial and hazardous waste. (Clayton/Rodriguez)

Approved, JH/PG

CONTESTED (Petroleum Storage Tank Enforcements)

Item 21. **Docket #94-0461-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mrs. Baird's Bakeries; Enforcement Identification No. E10695, for violations of Texas Water

Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 22. **Docket #94-0462-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Carroll Petroleum; Enforcement Identification No. E10753, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 23. **Docket #94-0463-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Central Power & Light Company; Enforcement Identification No. E10626, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 24. **Docket #94-0464-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Dee and Dee Oil Company; Enforcement Identification No. E10529, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 25. **Docket #94-0465-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Ms. Bertha Espinosa; Enforcement Identification No. E10717, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 26. **Docket #94-0466-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Exxon Company, U.S.A.; Enforcement Identification No. E10623, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 27. **Docket #94-0467-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring

certain actions of Exxon Company, U.S.A.; Enforcement Identification No. E10631, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 28. **Docket #94-0468-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Fareed Enterprises; Enforcement Identification No. E10673, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 29. **Docket #94-0469-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Guthrie Oil Company; Enforcement Identification No. E10751, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 30. **Docket #94-0470-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Harvey & Rihn Aviation; Enforcement Identification No. E10656, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 31. **Docket #94-0471-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Hicks Oil & Butane Company; Enforcement Identification No. E10738, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 32. **Docket #94-0472-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Jerry Hodge; Enforcement Identification No. E10684, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 33. **Docket #94-0473-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Albert Hoelscher; Enforcement Identification No. E10674, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 34. **Docket #94-0474-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Pete Hominick; Enforcement Identification No. E10636, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 35. **Docket #94-0475-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Industrial Steel Warehouse; Enforcement Identification No. E10754, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 36. **Docket #94-0476-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Kincer Oil Company; Enforcement Identification No. E10635, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 37. **Docket #94-0477-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Landmark Industries; Enforcement Identification No. E10624, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 38. **Docket #94-0478-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Lee's Texaco; Enforcement Identification No. E10687, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 39. **Docket #94-0479-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Lomax Oil Company; Enforcement Identification No. E10613, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 40. **Docket #94-0480-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Oak Farms Inc, Enforcement Identification No. E10685, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 41. **Docket #94-0481-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Oak Farms Inc.; Enforcement Identification No. E10686, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 42. **Docket #94-0482-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of O'Rourke Distributing Company, Inc.; Enforcement Identification No. E10553, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 43. **Docket #94-0483-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Richter Baking Co.; Enforcement Identification No. E10605, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 44. **Docket #94-0484-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Kenneth Sescil; Enforcement Identification No. E10550, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code §

334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

Item 45. **Docket #94-0485-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Star Enterprise; Enforcement Identification No. E10612, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PG/PR

CONTESTED (Water Right Permit)

Item 46. **DOCKET NO. 94-0489-WR.** APPLICATION 5284A BY TEXAS UTILITIES MINING COMPANY FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT AMENDMENT APPLICATION. For Commission Consideration. Permit No. 5284 currently authorizes impoundments for sediment control in several ponds. Pond J-3 was permitted to impound 13.9 acre-feet of water on an unnamed tributary of Tankersley Creek at an elevation of 370.7 feet above mean sea level which was 25.3 feet below the lowest ungated outlet in the proposed dam. Applicant seeks to amend the permit by changing the location of Pond J-3 which was actually constructed approximately 500 feet upstream of the permitted location and to increase the permitted volume of Pond J-3 to 126 acre-feet which is the capacity of the pond at an elevation of 394.5 feet above mean sea level which is the elevation of the lowest ungated outlet. (SMITH/kr)

Approve Staff Recommendations, PR/PG

CONTESTED (Proposal For Decision)

Item 47. Consideration of Examiner's Proposal for Decision concerning the applications of City of Copperas Cove and Kempner Water Supply Corporation for amendments to Certificates of Convenience and Necessity Nos. 10449 and 10456 to provide water service in Lampasas and Coryell Counties, Texas, and for partial decertification of Kempner Water Supply Corporation. (Docket No. 30098-C and Docket No. 30129-C). Recommendation: Issuance of certificates.

Approve Proposal For Decision and make correction as recommended by Hearings Examiner, PG/PR

CONTESTED (Motion for Modification)

Item 48. Consideration of the Motion for Modification of Texas Natural Resource Conservation Commission Order No. 94-28, filed by Gibraltar Chemical Resources, inc., and the Motion in Support of Gibraltar's Motion for Modification filed by American Ecology Corporation. The motions concern Gibraltar's facility located in Winona, Texas.

Approve Motion for Modification and make changes to order as recommended by Chairman Hall, JH/PR

EXECUTIVE SESSION

Item 49. 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 50. 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) 239-3317 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

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CONTESTED OLD BUSINESS

Wednesday, October 26, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 21, 1994.

- Item 1. **(Docket No. 94-0270-PST-E)**. Consideration of Proposal for Decision and Order concerning the petition of the Executive Director of the Texas Natural Resource Conservation Commission for an Order assessing penalties against Bell Thunderbird Oil Company, doing business in Andrews, Bailey, Cameron, Dawson, Deaf Smith, Donley, El Paso, Gaines, Tom Green, Hale, Lubbock, Parmer, Potter and Randall Counties, Texas, and requiring certain actions. Penalty requested \$65,400.73. Recommendation: Issuance of Order assessing penalties and requiring certain action. (ROBARDS)

Approve Proposal for Decision and Order, Assess all penalties, PR/PG (John Hall voted Against)

Item carried forward from Agenda of October 5, 1994.

- Item 2. **Docket No. 94-0344-PST**. Consideration of Examiner's Proposal for Decision concerning the petition of Liquilux, Inc. for reimbursement from the Petroleum Storage Tank Remediation Fund. The petitioner seeks additional reimbursement in the amount of \$18,293.00 for expenses incurred in connection with a petroleum storage tank cleanup and removal in Harris County, Texas. TNRCC Docket No. 94-0344-PST. Recommendation: Denial of Petition (Zukauckas)

Approve Proposal for Decision, JH/PR