

HALL
REED
GARNER

UNCONTESTED AGENDA

Wednesday, September 8, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
(TNRCC)

9:00 A.M.
Room 118

UNCONTESTED (Radioactive Material License)

- Item 1. Consideration of an application by CONOCO, INC. to amend Radioactive Material License No. RW1634 which authorizes reclamation activities at the Conquista Project uranium mill tailings disposal site near Falls City, Karnes County, Texas. The license also authorizes Conoco to possess uranium and byproduct material resulting from reclamation. The proposed amendment would incorporate enforceable schedules for accomplishing reclamation and modify the environmental surveillance program at the Conquista site. (Marilyn Preusse, Radioactive Waste Section, IHWD)

APPROVED, PR/PG

UNCONTESTED (Amendment to Uranium Mine Permits)

- Item 2. APPLICATION BY EVEREST EXPLORATION, INC. for an amendment to Production Area Authorization No. 2 (Permit No. UR02381-051) to revise the restoration tables for this area. The amendment would amend values for calcium, magnesium, potassium, sulfate, fluoride, pH, arsenic, manganese, molybdenum, uranium and radium-226. The site is approximately three miles south of Dinero, Texas in southern Live Oak County.

APPROVED, PG/PR

- Item 3. APPLICATION BY EVEREST EXPLORATION, INC. for an amendment to Production Area Authorization No. 5 (Permit No. UR02381-021) to revise the restoration tables for this area. The amendment would amend values for calcium, magnesium, bicarbonate, sulfate, TDS, conductivity, alkalinity, pH, arsenic, manganese, molybdenum, selenium, uranium and radium-226. The site is approximately three miles south of Dinero, Texas in southern Live Oak County.

APPROVED, PG/PR

UNCONTESTED (Class 1 Hazardous Waste Permit)

- Item 4. APPLICATION BY RECOVERY AND RECLAMATION, INC. for a commercial Class I hazardous industrial waste management permit (Proposed Permit No. HW50352) to authorize operation of a container storage unit in conjunction with its battery recycling operations. The proposed permit would authorize an enclosed container storage unit to store a maximum of 110,000 gallons (500 tons) of hazardous waste. Recovery and Reclamation recycles batteries by separating their components to become feed stocks for various manufacturers. Wastes to be managed at this facility are classified as ignitable, corrosive, toxicity characteristic and reactive wastes. The facility is located on an 8.7 acre tract of land, approximately 500 feet west of Highway 17 and 1000 feet north of Interstate Highway 20 at 2001 Western Blvd., just outside the City of Pecos, Reeves County, Texas.

APPROVED, PR/PG

UNCONTESTED (Compliance Plan)

- Item 5. APPLICATION BY ROLLINS ENVIRONMENTAL SERVICES (TEXAS), INC. for an amendment to Compliance Plan No. CP50089-001 in order to add a new waste management area to the compliance plan for inclusion in the proposed corrective action program. The proposed corrective action program will be conducted on the North Landfill Waste Management Area, the South Landfill Waste Management Area and the Process Area Waste Management Area. The proposed corrective action program is designed to remediate three groundwater zones. The permittee owns and operates a commercial hazardous and nonhazardous storage, processing and disposal facility. The facility is located one mile south-southwest of the San Jacinto Monument at 2027 Battleground Road in Deer Park, Harris County, Texas.

APPROVED, PR/PG

UNCONTESTED (New Hazardous Waste Permit)

- Item 6. APPLICATION BY TEMPLE-INLAND FOREST PRODUCTS CORPORATION for a permit (Proposed Permit No. HW50113-000) to authorize post closure care for three former surface impoundments which have been closed as two landfills. Former surface impoundments Nos. 8 and 9 have been closed as a single landfill with a total surface area of 2.07 acres. Former Evaporation Pond No. 11 have been closed as a landfill with a total surface area of 0.36 acre. Temple-Inland has also applied for a compliance plan

(Proposed Compliance Plan No. CP50113-000) to authorize a corrective action program to remediate contamination released from facility units to ground water. The wastes managed at this facility are Class I hazardous and non-hazardous industrial solid waste generated on-site from wood preserving operations. The industrial solid waste management facility is located on the northwest corner portion of a 344-acre industrial manufacturing complex, bordered by Mill Street on the south, Neil Pickett Drive on the west, Pine Valley Road and Borden Drive on the north and First Street on the east, generally within the incorporated limits of the City of Diboll, Angelina County, Texas.

APPROVED, PR/PG

UNCONTESTED (Transfer of Municipal Solid Waste Permit)

- Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ADMINISTRATIVE APPROVAL FOR THE TRANSFER OF MUNICIPAL SOLID WASTE PERMIT NO. MSW-1721 FROM E & D WASTE SYSTEMS, INC., TO WASTE MANAGEMENT OF TEXAS, INC. (ADRIAN)

APPROVED, PG/PR

UNCONTESTED (New Water Quality Permit)

- Item 8. APPLICATION BY BIG BEND MOTOR INN, INC. for a permit (Proposed Permit No. 13652-01) to authorize disposal of treated domestic sewage effluent by irrigation on 12.5 acres of pasture land. The disposal volume is not to exceed an average of 25,000 gallons per day. Application rates for the irrigated land are not to exceed 2.33 acre-feet/acre/year. The wastewater treatment facility and irrigation site are located approximately 1/4 mile east of the intersection of State Highway 118 and State Highway 170 in Brewster County, Texas.

APPROVED, PR/PG

- Item 9. APPLICATION BY ROBERT L. ERVIN DBA DOUBLE E DAIRY for a permit (Proposed Permit No. 03592) to authorize disposal of waste and wastewater from a dairy. The dairy will consist of a maximum of 650 head. Washdown water, flushwater and stormwater will be retained in one storage pond. Wastewater from the pond is to be disposed of by irrigation on agricultural land. Manure/solids will be disposed as fertilizer on agricultural land. The dairy is on the west side of State Highway 220, approximately one half mile south of the intersection of State Highway 220 and County Road 2481 in Erath County, Texas.

APPROVED, PR/PG

UNCONTESTED (Amendment to Water Quality Permit)

- Item 10. APPLICATION BY CITY OF VAN for an amendment to Permit No. 10376-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 300,000 gallons per day to a volume not to exceed an average flow of 600,000 gallons per day. The proposed amendment would also authorize a variance to the buffer zone requirements. The wastewater treatment facilities are immediately north of Interstate Highway 20 and on the west side of Big Sandy Creek, approximately 1 mile east of the intersection of Interstate Highway 20 and Farm-to-Market Road 314 in Van Zandt County, Texas.

APPROVED, PR/PG

UNCONTESTED (Water Quality Permit Renewal)

- Item 11. APPLICATION BY CITY OF BAYTOWN for renewal of Permit No. 11031-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 13,400 gallons per day from the Lincoln Cedar Sewage Treatment Plant. The plant site is approximately 1/4 mile north of the State Highway 146 Bridge over Cedar Bayou in Chambers County, Texas.

RENEWED, PR/PG

- Item 12. APPLICATION BY BERTHA G. CORPORATION for renewal of Permit No. 11443-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,500 gallons per day. The wastewater treatment facilities are south of Halls Bayou, approximately 300 feet northeast of the intersection of Interstate Highway 45 and West Mount Houston Road in Harris County, Texas.

RENEWED, PR/PG

- Item 13. APPLICATION BY MOVIMEX COMPANY for renewal of Permit No. 12527-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000 gallons per day from the Grand Finale Sewage Treatment Plant. The plant site is at 14718 Kuykendahl Road between Farm to Market 1960 and Interstate Highway 45 in Harris County, Texas.

RENEWED, PR/PG

UNCONTESTED (Water Right Permit)

- Item 14. APPLICATION NO. 5464 BY THE CITY OF DALLAS FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. For Commission Consideration. Applicant seeks authorization to modify and maintain a dam and 17.0 acre-foot reservoir on Pleasant Branch, tributary of Prairie Creek, tributary of the Trinity River, Trinity River Basin, for in-place recreation use in Dallas County, approximately 8.7 miles east of Dallas, Texas. (SMITH/arc)

APPROVED, PG/PR

UNCONTESTED (District Matters)

- Item 15. APPLICATION BY SPRING CREEK FOREST PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO RELEASE ESCROWED FUNDS; \$1,200,000 BOND ISSUE APPROVED JUNE 27, 1989. For Commission consideration and action. Application requests Commission approval for release of \$93,500 from escrow to finance improvements to water plant no. 1. (Ferguson)

APPROVED, PR/PG

- Item 16. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY FOR APPROVAL OF AMENDMENT AUTHORIZING THE ISSUANCE OF \$7,000,000 IN BONDS IN LIEU OF \$5,900,000 OF COMBINATION TAX AND REVENUE BONDS, SERIES 1993-A, APPROVED NOVEMBER 21, 1991; 5.5% NET EFFECTIVE INTEREST RATE AND USE OF SURPLUS FUDNS; For Commission consideration and action. The Authority's application requests Commission approval for a bond issue to finance expansion of a wastewater collection and treatment system. (Ferguson)

APPROVED, PR/PG

UNCONTESTED (Water Utility Matters)

- Item 17. Application of Southwestern Water Corporation to Transfer Water CCN No. 11601 from Live Oak Water Supply, Inc.; Amend Water CCN No. 10741 by Adding and Decertifying Area; and Cancel Water CCN No. 11601 in Travis and Williamson Counties, Texas. (Application No. 30027-S/Albert Holck)

APPROVED, PG/PR

- Item 18. Application of Starward Realty & Development, Inc. for a Water Certificate of Convenience and Necessity in Jefferson County, Texas. (Application # 9957-T/Albert

Holck)

APPROVED, PG/PR

Item 19. Application of Ms. Susan Griffiths dba Cardinal Valley Water Co. to Transfer Water CCN No. 11696 from Turkey Hollow Water Corporation c/o Kallaco, Inc.; in Hays and Blanco Counties, Texas. (Application # 30058-S/Vera Poe)

APPROVED, PG/PR

UNCONTESTED (Settled Hearings)

Item 20. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF MR. AND MRS. LEROY BROWN DBA OAK TERRACE MOBILE HOME PARK FOR A RENEWAL OF PERMIT NO. 11357 TO AUTHORIZE THE DISCHARGE OF 6000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN ORANGE COUNTY, TEXAS, AND SEGMENT NO. 0511 OF THE SABINE RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (T. BROYLES)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/PG

Item 21. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF CHARLES M. FLORY DBA DANNY BOY MOBILE PARK TO CEASE OPERATION AND DISCONTINUE RETAIL PUBLIC UTILITY SERVICE IN EL PASO COUNTY TEXAS, DOCKET NO. 9892-Q. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (E. BOURBON)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE 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.)

CONTESTED AGENDA

Wednesday, September 8, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
(TNRCC)

9:00 a.m.
Room 118

CONTESTED (Petroleum Storage Tank Enforcements)

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MR. C. T. COLEMAN, FACILITY NOT REGISTERED; ENF ID NO. E10314 (WILSON/PALA)

Issue Default Order as Proposed, PR/PG

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BELL THUNDERBIRD, OWNER ID NO. 02723; ENF ID NO. E10154 (PFEIFER/PALA)

Remand to Office Hearing's Examiner

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MR. JAMES MABRY, FACILITY ID NO. 06820; ENF ID NO. E10134 (PFEIFER/BOWER)

Issue Agreed Order, PG/PR

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MR. JAMES CAMPBELL, FACILITY ID NO. 62673; ENF ID NO. E10145 (PFEIFER/CARSON)

Remand to Office Hearing's Examiner

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MONTGOMERY WARD AUTO EXPRESS, FACILITY ID NO. 58597; ENF ID NO. E10118 (WINTER)

Remand to Office Hearing's Examiner

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MR. DONNIE URBANOVSKY; FACILITY ID NO 35781; ENF. ID NO. E10102 (WINTER)

Issue Agreed Order, PG/PR

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TMT, INC., FACILITY ID NO. 36107; ENF. ID NO. E10031.

Issue Agreed Order, PG/PR

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF JIM WAFER OIL COMPANY, INC., FACILITY ID NO. 0009615; ENF. ID NO. E10205.

Remand to Office Hearing's Examiner

CONTESTED (Water Quality Enforcements)

Item 9. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF HIDALGO, PERMIT NO. 11080-01. (MARTINEZ)

Issue Agreed Order, PR/PG

Item 10. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF JACK H. KEMPENAAR DBA SILL MEADOW DAIRY, PERMIT NO. 03188. (RAYMOND WINTER)

Remand to Office Hearing's Examiner

Item 11. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER REQUIRING CERTAIN ACTIONS OF CITY OF BAIRD, PERMIT NO. 10037-01. (KILGORE)

Issue Agreed Order, PR/PG

Item 12. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER REQUIRING CERTAIN ACTIONS FOR THE CITY OF LOVELADY, PERMIT NO. 10734-001. (QUALTROUGH)

Issue Agreed Order, PR/PG

Item 13. Consideration of the Executive Director's proposed Agreed Enforcement Order resolving an Enforcement Action brought against Surrey, Inc. for violation of Section 26.121 of the Texas Water Code, and the Rules of the Texas Natural Resource Conservation Commission; Assessing Administrative Penalties and Requiring Certain Actions of Surrey, Inc. (Rubey)

Issue Agreed Order, PR/PG

Item 14. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY ASSESSMENT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCES AND FINDING NO FURTHER NECESSARY ACTION PURSUANT TO THE TEXAS WATER CODE SECTION 5.117 FOR VARIOUS PERMITTEES. (WINTER).

Approve Staff Recommendation, Issue 2 agreed orders, 3 default order, PR/PG

Item 15. APPLICATION BY CITY OF FORT WORTH for renewal of Permit No. 10494-13 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 144,000,000 gallons per day from the Village Creek Wastewater Treatment Facilities. The plant site is southeast of the confluence of the West Fork Trinity River with Village Creek in Fort Worth, Tarrant County, Texas.

Issue Permit, Deny Motion for Hearing, PR/JH

CONTESTED (Solid Waste Enforcement)

Item 16. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF JOHN'S INTERNATIONAL; TEXAS SOLID WASTE REGISTRATION NO. 31790 (SWEENEY)

Issue Agreed Order, PR/PG

CONTESTED (Rules)

Item 17. ADOPTION OF REPEAL OF COMMISSION RULES CONTAINED IN 31 TAC CHAPTER 298, SUBCHAPTERS A THROUGH G, EDWARDS UNDERGROUND RIVER, PURSUANT TO THE TEXAS WATER CODE 5.103, 5.105, AND 5.120. (SHARON SMITH)

Approve Staff Recommendation, JH/PR

CONTESTED (Examiner Proposals for Decision)

Item 18. CONSIDERATION OF EXAMINER PROPOSALS FOR DECISION AND TWO MEMORANDUMS AND ORDERS CONCERNING THE PETITIONS OF EX.DIRECTOR FOR ORDERS ASSESSING ADMINISTRATIVE PENALTIES AND/OR REQUIRING CERTAIN ACTIONS OF JAMES FLECK, JOHN GARCIA, MARION HEISLER, BRENT T. JADEN, ROYCE RADICKE, RONNIE DAVIS, WILLIAM CURTIS REEL, DONN GALLOWAY AND DONALD DONNLEY. (DOCKET NO. WWD 93-07, 93-13, 93-14, 93-16, 93-17, 93-18, 93-22, 93-15 and 93-20. RECOMMENDATION: APPROVAL OF PROPOSED ORDER (7) RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (2) (JACKSON)

Adopt Examiner's Proposal for Decision and Issue Order, Rehear Mr. Royce Radicke's Case, PR/JH

Item 19. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF THE CITY OF WASKOM FOR AN AMENDMENT TO PERMIT NO.10378-001 TO AUTHORIZE THE DISCHARGE OF 250,000 gpd of TREATED DOMESTIC WASTEWATER EFFLUENT IN HARRISON COUNTY, TEXAS, AND SEGMENT NO. 0400 OF THE RED RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (E. BOURBON).

Continued to September 22, 1993

EXECUTIVE SESSION

Item 20. 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 TEX.REV.CIV.STAT.ANN. art 6252-17 Sections 2(e) and 2(g). 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 TEX.REV.CIV.STAT.ANN. art. 6252-17.

No Action Taken

Item 21. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING PENDING LITIGATION AND OTHER LITIGATION THAT MAY ARISE CHALLENGING OR SUPPORTING COMMISSION ACTION RELATED TO THE EDWARDS AQUIFER: DANNY MCFADEN AND TEXAS FARM BUREAU VS. TNRCC, NO. 92-05214, 331ST DISTRICT COURT OF TRAVIS COUNTY; EDWARDS UNDERGROUND WATER DIST. ET AL. VS. LIVING WATERS ARTESIAN SPS. LTD., ET AL., NO. 91-CI-14862, 57TH DISTRICT COURT OF BEXAR COUNTY; SIERRA CLUB, ET AL. VS. LUJAN, ET AL., NO. 91-CA-069, U.S. DISTRICT COURT, WESTERN DIST. OF TEXAS, MIDLAND ODESSA DIV.; GBRA VS. TEXAS FARM BUREAU, ET AL., NO. 92-05226, 299TH DISTRICT COURT OF TRAVIS COUNTY. L.B.TURLOVE, JR. AND JO HELEN BATOT VS. THE STATE OF

TEXAS, TNRCC, CAUSE NO. 92-08-18, 127-CV OF UVALDE COUNTY, 38TH JUDICIAL DISTRICT. THE AUTHORITY FOR THIS MEETING IS TEX. REV. CIV. STAT. ANN. ART. 6252-17, SEC. 2 (e).

No Action Taken

Item 22. COMMISSIONERS WILL MEET IN EXECUTIVE SESSION TO DISCUSS THEIR DUTIES, ROLES, AND RESPONSIBILITIES AS COMMISSIONERS OF THE TNRCC UNDER SECTION 2(g) OF THE OPEN MEETINGS ACT. TEX. REV. CIV. STAT. ANN. Art 6252-17, AND 2(g).

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.)

ADDENDUM TO CONTESTED AGENDA

Wednesday, September 8, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
(TNRCC)

9:00 a.m.
Room 118

Item 23. CONSIDERATION OF MOTIONS FOR REHEARING ON AN ORDER DENYING THE APPLICATION OF EXCOR INDUSTRIES, INC. FOR RADIOACTIVE MATERIALS LICENSE NO. L04336 AND WATER QUALITY PERMIT NO. 03328.

Continued to September 22, 1993

Item 24. CONSIDERATION OF MOTION FOR REHEARING ON AN ORDER DISMISSING WITH PREJUDICE THE APPLICATION OF RECONTEK OF TEXAS, INC. FOR PERMIT NO. HW-50324 TO STORE HAZARDOUS WASTES INCIDENT TO RECYCLING IN HENDERSON COUNTY, TEXAS.

Continued to September 22, 1993

CONTESTED OLD BUSINESS

Wednesday, September 8, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of June 2 and June 30, 1993.

- Item 1. APPLICATION NO. 5433 BY EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. ONE FOR A PERMIT GRANTING SPECIFIC RIGHTS. FOR COMMISSION ACTION. Applicant seeks a permit that will indicate its total water rights as included in Certified Filing No. 123, Water Use Permit No. 293, the Loomis affidavits filed with El Paso County Clerk on July 6, 1889 and its portion of water in Project Storage (as defined in the Rio Grande Compact) and legally available for release and its use, all of which will be diverted from the Rio Grande for use in El Paso and Hudspeth Counties. (SMITH;tls)

Approved, PG/PR

Item carried forward from Agenda of June 2 and June 30, 1993.

- Item 2. APPLICATION NO. 1584C BY THE CITY OF EL PASO WATER UTILITIES PUBLIC SERVICE BOARD TO AMEND WATER USE PERMIT NO. 1535B. FOR COMMISSION ACTION. Applicant seeks to amend Water Use Permit No. 1535, as amended, which authorizes the diversion and use of 11,000 acre-feet of water per annum from the Rio Grande for municipal and domestic use, by adding a diversion point, identifying the City's three existing water treatment plants and allowing for use of a proposed canal extension. (SMITH;tls)

Approved, PG/PR

Item carried forward from Agenda of June 2 and June 30, 1993.

- Item 3. APPLICATION NO 244A BY HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. ONE TO AMEND WATER USE PERMIT NUMBER 236 (A-244) FOR COMMISSION ACTION. Applicant seeks to amend Permit No. 236, which authorizes the diversion and use of not to exceed 27,000 acre-feet of water per annum from a specific point on the

Rio Grande to irrigate 9000 acres of land in El Paso and Hudspeth County, by adding two diversion points on the Rio Grande and one diversion point each on Tornillo Drain, Faben Wasteway and Tornillo Wasteway. (SMITH;tls)

Approved with additional language added to Permit, Staff and parties are in agreement with additional language, PG/PR