

HALL
REED
GARNER

UNCONTESTED AGENDA

Wednesday, September 22, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
(TNRCC)

9:00 a.m.
Room 118

UNCONTESTED (AMENDMENT TO WATER QUALITY PERMIT)

- Item 1. APPLICATION BY CENTRAL POWER AND LIGHT COMPANY for an amendment to Permit No. 01200 to authorize an increase in the total suspended solids from 65 mg/1 to 100 mg/1. The permit currently authorizes a discharge of cooling tower blowdown commingled with low volume waste, metal cleaning waste and stormwater runoff at a volume not to exceed an average flow of 1,300,000 gallons per day, which will remain the same. The applicant operates the Laredo Steam Power Station. The plant site is on a 21.42 acre tract of land adjacent to the Rio Grande and west of Interstate Highway 35 on the north boundary of the City of Laredo, Webb County, Texas.

APPROVED, PG/PR

UNCONTESTED (WATER QUALITY PERMIT RENEWAL)

- Item 2. APPLICATION BY J.H. COHEN for renewal of Permit No. 12309-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 30,000 gallons per day. The plant site is on the southwest corner of the intersection of Interstate Highway 45 and North Belt in Harris County, Texas.

RENEWED, PG/PR

- Item 3. APPLICATION BY CITY OF DILLEY for renewal of Permit No. 10404-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day. The wastewater treatment facilities are approximately 3,000 feet east along Crawford Road from the intersection of East White Street and Houston Street near the City of Dilley, in Frio County, Texas.

RENEWED, PG/PR

- Item 4. APPLICATION BY FAMILIA/EL DORADO, INC. for renewal of Permit No. 11376-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from the El Dorado Mobile Home Community Wastewater Treatment Facilities. The plant site is approximately one mile southeast of the intersection of U.S. Highway 59 and North Belt and 500 feet southeast of the crossing of a Harris County Flood Control ditch by Smith Road in Harris County, Texas.

CONTINUED TO OCTOBER 13, 1993 AT 9:00 A.M.

- Item 5. APPLICATION BY GILL SAVINGS ASSOCIATION for renewal of Permit No. 11066-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 180,000 gallons per day. The renewed permit has decreased the flow to 120,000 gallons per day average. The wastewater treatment facilities are approximately 10.5 miles northeast of the Harris County courthouse in downtown Houston and approximately 1.5 miles south/southeast of the intersection of Farm-to-Market Road 526 and U.S. Highway 90, 0.4 of a mile southeast of Farm-to-Market Road 526, at 5830 South Lake Houston Parkway in Harris County, Texas.

CONTINUED TO OCTOBER 13, 1993 AT 9:00 A.M.

- Item 6. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 49 for renewal of Permit No. 11919-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day. The wastewater treatment facilities are at 14901 John Ralston Road, approximately 400 feet north of the North Belt and approximately 2500 feet east of Garners Bayou in Harris County, Texas.

RENEWED, PG/PR

- Item 7. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 200 for renewal of Permit No. 12294-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000,000 gallons per day. The renewed permit has decreased the flow to 2,500,000 gallons per day average. The wastewater treatment facilities are at 13035 Kuykendahl Road, approximately 4000 feet northwest of the intersection of Interstate Highway 45 and Rankin Road in Harris County, Texas.

RENEWED, PG/PR

Item 8. APPLICATION BY INTERCOASTAL TERMINAL, INC. for renewal of Permit No. 02565 which authorizes an intermittent flow variable discharge of stormwater runoff from a bulk storage facility and product terminal via Outfall 001. The plant site is at 159 Levee Road approximately 2200 feet east of the west end of the Industrial Ship Channel of Texas City, Galveston County, Texas.

RENEWED, PG/PR

Item 9. APPLICATION BY LEROY MOODY for renewal of Permit No. 11795-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000 gallons per day from the Leroy's Mobile Home Park Wastewater Treatment Facilities. The plant site is approximately 3100 feet southwest of the intersection of U.S. Highway 59 and Farm-to-Market Road 989 and 1.8 miles southwest of the City of Texarkana in Bowie County, Texas.

RENEWED, PG/PR

Item 10. APPLICATION BY SCHLUMBERGER TECHNOLOGY CORPORATION for renewal of Permit No. 12062-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 8,000 gallons per day from the Sandy Point Wastewater Treatment Plant. The plant site is approximately 13.2 miles west-southwest of the City of Alvin, approximately 1.3 miles north of Farm-to-Market Road 1462 and 1.6 miles northeast of the intersection of Farm-to-Market Road 1462 and Farm-to-Market Road 521, near the intersection of Brazoria County Roads No. 48 and 52, in Brazoria County, Texas.

RENEWED, PG/PR

UNCONTESTED (Water Right Permits)

Item 11. APPLICATION BY BRAZOS RIVER AUTHORITY TO EXTEND THE TIME REQUIRED FOR COMMENCEMENT AND COMPLETION OF CONSTRUCTION OF BOSQUE RESERVOIR AUTHORIZED BY WATER USE PERMIT NO. 5093. For Commission Consideration. Applicant seeks to extend the time required for commencement of construction of the dam authorized by Permit No. 5093 in Bosque County on the North Bosque River, Brazos River Basin, to June 1, 1995 and to extend the time required for completion of the dam to June 1, 1998. (SMITH/tls)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

UNCONTESTED (District Matters)

Item 12. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 111 FOR APPROVAL OF \$2,200,000 UNLIMITED TAX BONDS, THIRD ISSUE, 7.50% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance a pro rata share of water plant capacity, a pro rata share of a wastewater trunk main, a pro rata share of wastewater treatment facilities, a pro rata share of land purchase, and water, wastewater & drainage facilities for various subdivisions within the District. (Ferguson)

APPROVED, PG/PR

Item 13. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 69 FOR APPROVAL OF \$3,000,000 UNLIMITED TAX BONDS, THIRD ISSUE, 7.50% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance a pro rata share of a wastewater trunk main, a pro rata share of wastewater treatment facilities, a pro rata share of land purchase, and water, wastewater & drainage facilities for various subdivisions within the District. (Ferguson)

APPROVED, PG/PR

Item 14. APPLICATION BY FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7 FOR APPROVAL OF \$2,500,000 UNLIMITED TAX BONDS, THIRD ISSUE, 7.50% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance construction of a flood protection levee and channel improvements. (Ferguson)

APPROVED, PG/PR

Item 15. APPLICATION BY BENBROOK WATER AND SEWER AUTHORITY OF TARRANT COUNTY FOR APPROVAL OF THE ISSUANCE OF \$2,550,000 IN REVENUE BONDS, 5.75% NET EFFECTIVE INTEREST RATE, SERIES 1993, TENTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,550,000 in bonds to finance a 2.5 mgd expansion to its surface water treatment plant. (Ferguson)

APPROVED, PG/PR

Item 16. APPLICATION BY SOUTH TEXAS WATER AUTHORITY ON BEHALF OF THE RICARDO WATER SUPPLY CORPORATION OF AN EXTENSION OF TIME. For Commission consideration and action. The applicant requests an extension of time for a \$250,000 Bond Issue Approved April 22, 1993. (Ferguson)

APPROVED, PG/PR

UNCONTESTED (Water Utility Matters)

- Item 17. Application of Sharon Water Supply Corporation to amend Water Certificate of Convenience and Necessity Number 10476 in Camp, Upshur and Wood Counties, Texas. (Application Number 9888-C, Albert Holck)

APPROVED, PR/PG

- Item 18. Application to Transfer all facilities and service area from Wilco Water Company, Inc., (CCN No. 12366) to Orbit Systems, Inc., (CCN No. 11982); Amend Water CCN No. 11982; and Cancel Water CCN No. 12366 in Brazoria County, Texas. (Application No. 30043-S, Guillermo Zevallos)

APPROVED, PR/PG

UNCONTESTED (Contract)

- Item 19. CONSIDERATION OF EXECUTIVE DIRECTOR'S REQUEST TO ENTER INTO A CONTRACT WITH A HAZARDOUS WASTE MANAGEMENT FIRM FOR THE COLLECTION AND DISPOSAL OF AGRICULTURAL WASTES COLLECTED DURING THE SPRING 1994 AGRICULTURAL CHEMICAL WASTE COLLECTION PROGRAM. (V. RAMIREZ)

ADOPT STAFF RECOMMENDATION AND ENTER INTO CONTRACT, PG/PR

UNCONTESTED (Settled Hearing's)

- Item 20. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LAKELINE ACRES WATER COMPANY TO INCREASE RETAIL WATER RATES IN BOSQUE COUNTY, TEXAS (DOCKET NO. 9941-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 118 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (O'NEAL)

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

- Item 21. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER THE APPLICATION OF TEXAS ECOLOGISTS, INC. FOR AN AMENDMENT TO PERMIT NO. HW 50052-00 TO AUTHORIZE THE OPERATION OF A HAZARDOUS WASTE LANDFILL IN NUECES COUNTY, TEXAS. APPLICANT SEEKS AUTHORIZATION TO DISPOSE OF CLASS I HAZARDOUS AND CLASS II AND III NONHAZARDOUS MATERIALS AT FACILITIES LOCATED IN SEGMENT NO. 2492 OF THE NUECES-RIO GRANDE COASTAL BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (BOURBON).

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

Item 22. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF RIVER RIDGE TO INCREASE RETAIL WATER RATES IN TRAVIS COUNTY, TEXAS (DOCKET NO. 9938-G). Applicant provides retail water service to approximately 71 customers. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (LIMES)

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.)

UNCONTESTED OLD BUSINESS

Wednesday September 22, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of August 18, 1993.

- Item 1. APPLICATION NO. 5462 BY C J HOLLOWAY, INDIVIDUAL AND TRUSTEE FOR A TWC SECTION 11.121 WATER USE PERMIT. For Commission Consideration. Applicant seeks a permit to authorize construction and maintenance of a dam and a 575.0 acre-foot reservoir on Pickens Branch, Trinity River Basin, in Henderson County to be used for domestic and livestock purposes, approximately 6 miles northwest of Athens, Texas. (SMITH/arc)

CONTINUED TO NOVEMBER 17, 1993 AT 9:00 A.M.

Item carried forward from Agenda of August 25, 1993.

- Item 2. APPLICATION BY HATHEWAY PATTERSON CORPORATION for a permit (Proposed Permit No. 03572) to authorize a discharge of treated groundwater at a volume not to exceed an average flow of 14,400 gallons per day. The applicant proposes to operate a groundwater treatment unit from a site that formerly was a wood treatment facility and is presently under remediation and closure activities. The plant site is at 6809 Irvington Boulevard in the City of Houston, Harris County, Texas.

APPROVED, PR/PG

Item carried forward from Agenda of August 25, 1993.

- Item 3. APPLICATION BY CITY OF PRESIDIO for an amendment to Permit No. 12955-01 to authorize an increase in the disposal volume of treated domestic wastewater effluent from 340,000 gallons per day average to 680,000 gallons per day average. The wastewater is disposed of by evaporation and irrigation on 200 acres of coastal bermuda grass and alfalfa. Application rates for the irrigated land shall not exceed 4.9 acre-feet/acre/year. The wastewater treatment facility, evaporation and irrigation site are approximately two miles northwest of the northern intersection of U.S. Highway 67 and Farm-to-Market Road 170 in Presidio County, Texas.

REMANDED TO EXECUTIVE DIRECTOR

Item carried forward from Agenda of August 25, 1993.

Item 4. APPLICATION BY HUNTERWOOD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO LEVY A STANDBY FEE. For Commission consideration and action. Applicant requests approval to levy a uniform standby fee to supplement the debt service and operations and maintenance accounts. (Ferguson)

APPROVED, PR/PG

HALL - ABSENT & EXCUSED FOR ITEMS 4 - 8
REED
GARNER

CONTESTED AGENDA

Wednesday, September 22, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
(TNRCC)

9:00 a.m.
Room 118

CONTESTED (Water Quality Enforcement)

- Item 1. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF BRYAN, PERMIT NOS. 10426-001, 10426-002, AND 10426-003. (PETROV).

Remanded to Office of Hearings Examiners

- Item 2. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CITY OF CHICO, PERMIT NO. 10023-001. (PETROV).

Issue Agreed Order, PG/PR

- Item 3. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF J.M. HUBER CORPORATION, TWC PERMIT NO. 00737. (WINTER/LEHMKUHLE)

Issue Agreed Order, PG/PR

CONTESTED (Petroleum Storage Tank Enforcements)

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MR. BENNET SHORTES, FACILITY ID NO. 62109; ENFORCEMENT ID NO. 310211. (Smith, Frew)

Issue Agreed Order, PG/PR

- Item 5. Consideration of the Executive Director's preliminary report and petition for an order assessing administrative penalties and requiring certain actions of Mr. Larry Lynch; Enforcement ID No. E10207. (Winter/Bower)

Issue Agreed Order, PG/PR

- Item 6. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PETROLEUM WHOLESALE, INC., NO WATER QUALITY PERMIT, PST FACILITY NO. 48158. (WINTER)

Remanded to Office of Hearings Examiners

CONTESTED (Memorandum of Understanding and Joint Rules)

- Item 7. Consideration of adoption of the new 31 TAC § 330.732, concerning Memorandum of Understanding and Joint Rules With Other Agencies. The Rule adopts a Memorandum of Understanding by reference which contains the TNRCC's and the Office of the Attorney General's policies in regard to intervention in the civil enforcement process. (Shepherd)

Adopt Rules as Recommended by Staff, PG/PR

CONTESTED (Examiner's Memorandum)

- Item 8. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF HURST CREEK MUD FOR A RENEWAL OF PERMIT NO. 12215-001 TO AUTHORIZE THE DISCHARGE OF 250,000 GPD IN THE INTERIM PHASE AND 650,000 GPD IN THE FINAL PHASE OF TREATED DOMESTIC WASTEWATER EFFLUENT IN TRAVIS COUNTY, TEXAS, AND SEGMENT NO. 1404 OF THE COLORADO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (WOOD)

Adopt Examiner's Memorandum and Issue Order, PG/PR

CONTESTED (Examiner's Proposal for Decision)

- Item 9. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF POWELL FARM WELL WATERWORKS, INC. TO INCREASE RETAIL WATER RATES IN DENTON COUNTY, TEXAS (DOCKET NO. 9833-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 20 CUSTOMERS. RECOMMENDATION: APPROVAL OF ORDER TYPE OF MATTER: RATES

Adopt Examiner's Proposal for Decision and Issue Order, Overrule all Exceptions, PR/JH

- Item 10. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF ENVIROGUARD TECHNOLOGIES, INC. FOR PERMIT NO. MSW 02193 TO AUTHORIZE THE OPERATION OF A MUNICIPAL SOLID WASTE INCINERATOR --MEDICAL WASTE IN

WALLER COUNTY, TEXAS. RECOMMENDATION: ISSUANCE OF PERMIT. (JACKSON)

Approve Proposal for Decision and Issue order, all exceptions overruled, and a provision be added to the permit which directs the executive director of the TNRCC to initiate permit amendments or revisions as necessary to ensure compliance with EPA's requirements for a particular matter dioxin, furan, metals and other conditions EPA may impose once such standards are established and necessary corrections to findings be made to the Proposal for Decision. JH/PR

Item 11. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER (SUPPLEMENTAL, PERTAINING TO REMAND TO CONSIDER POSSIBLE VIOLATION OF WATER CODE, SECTION 26.0283) CONCERNING THE APPLICATION OF LIVING WATERS ARTESIAN SPRINGS, LTD FOR PERMIT NO. 03462-01 TO AUTHORIZE THE DISCHARGE OF 55.3 MGD OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN BEXAR COUNTY, TEXAS AND SEGMENT NO. 1903 OF THE SAN ANTONIO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT (ROGAN)

Adopt Examiner's Proposal for Decision with additional provisions as offered by Hearings Examiner and Office of Public Interest Counsel and recommendations as recommended by Chairman Hall, JH/PG

Item 12. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPEAL OF JOHN B. CLOPTON CONCERNING CONNECTION FEES SET BY MOUNTAIN PEAK WSC IN ELLIS COUNTY, TEXAS (DOCKET NO. 9488-X). RECOMMENDATION: DISMISSAL OF APPEAL, (O'NEAL)

Adopt Proposal For Decision and Issue order with changes, PR/PG

EXECUTIVE SESSION

Item 13. 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 14. 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

Item 15. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO SELECT A CANDIDATE TO FILL THE POSITION OF PUBLIC INTEREST COUNSEL UNDER SECTION 2(g) OF THE OPEN MEETING ACT, TEX. REV. CIV. STAT. ANN., ART. 6252-17 (SECTION) 2(g).

No Action Taken

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TNRC 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, September 22, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
(TNRCC)

9:00 a.m.
Room 118

Item carried forward from Agenda of September 8, 1993.

- Item 1. 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).

Remanded to Office of Hearings Examiners and limited hearing to water quality issues

Item carried forward from Agenda of September 8, 1993.

- Item 2. CONSIDERATION OF MOTIONS FOR REHEARING ON AN ORDER DENYING THE APPLICATION OF TEXCOR INDUSTRIES, INC. FOR RADIOACTIVE MATERIALS LICENSE NO. L04336 AND WATER QUALITY PERMIT NO. 03328.

Motion for Rehearing Granted so Corrections to Order Can be Made; All Other Motions Overruled, JH/PR

Item carried forward from Agenda of September 8, 1993.

- Item 3. 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.

Deny Motion for Rehearing; Modify Order to Reflect Facts Showing Commission not include 361.063, JH/PR

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, September 22, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 16. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AN EMERGENCY ORDER REQUIRING CERTAIN ACTIONS OF GIBRALTAR CHEMICAL RESOURCES, INC. - WINONA FACILITY. (GONZALES)

1. The company will suspend receiving waste until an independent consultant certifies to the Executive Director that the company is complying with all waste processing procedures, specified in the permit and the agreed order and the Executive Director concurs in that certification.

2. The company is to retain the consultant selected after consultation with the Executive Director to serve as an on site monitor of the company's waste handling procedures and that the monitor remain on site at least 60 days after the monitor certifies that they have the proper equipment, proper waste handling procedures and the staff is trained in those procedures and the use of equipment.

3. The Executive Director will work with Winona area residents and the company to form a citizen advisory committee. The committee will select an independent contractor retained by the company to perform the comprehensive long term environmental audit and will review the results of that audit.

4. The company will install an ambient air monitor.

(An immediate threat to human health and the environment exist as a result of certain actual or threatened releases at the Gibraltar Chemical Resources, Inc. facility located in Winona, Smith County, Texas.)