

HALL  
REED  
GARNER

UNCONTESTED AGENDA

Wednesday, September 29, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (HAZARDOUS WASTE PERMIT)

- Item 1. APPLICATION BY UNION CARBIDE CHEMICALS AND PLASTICS COMPANY for a post-closure care permit (Proposed Permit No. HW50264-000) at its Texas City Plant. The proposed permit will authorize Union Carbide to conduct post-closure activities for four (4) closed surface impoundments with an approximate total surface area of 36.15 acres. Prior to closure the units managed characteristically hazardous liquids and sludges. The proposed permit does not authorize the storage, processing or disposal of additional hazardous wastes within the four closed surface impoundments. The hazardous waste management facility is on a 435.29-acre tract of land on the east side of Loop 197 at the Texas City Ship Channel, within the City of Texas City, Galveston County, Texas.

APPROVED, PG/PR

UNCONTESTED (COMPLIANCE PLAN)

- Item 2. APPLICATION BY UNION CARBIDE CHEMICALS AND PLASTICS COMPANY for a compliance plan (Proposed No. CP50264) at its Texas City Plant. The compliance plan will authorize a groundwater corrective action program and a groundwater monitoring program for the remediation of releases occurring from the closed hazardous waste surface impoundments. RCRA Facility Investigations (RFI) are specified for eleven solid waste management units and/or areas. The Facility Investigations will be used to determine if hazardous constituents have been released from the solid waste managements units into the surrounding environment. The permit will act as the vehicle for implementing the RFI for this facility. The hazardous waste management facility is on a 435.29-acre tract of land on the east side of Loop 197 at the Texas City Ship Channel, within the City of Texas City, Galveston County, Texas.

APPROVED, PG/PR

UNCONTESTED (NEW WATER QUALITY PERMITS)

- Item 3. APPLICATION BY VILLAGE OF BRIARCLIFF for a permit (Proposed Permit No. 13639-01) to authorize disposal of treated domestic sewage effluent by subsurface drain fields. The disposal volume is not to exceed an average of 8,500 gallons per day. The wastewater treatment facility will serve a residential housing development. Application rates for the subsurface drain fields are not to exceed 0.28 gallons per day per square feet. The septic tank treatment system and subsurface drain fields are located approximately 3.8 miles northeast of the intersection of State Highway 71 and Farm-to-Market Road 2322; approximately 0.4 mile northeast of the intersection of Farm-to-Market Road 2322 and Cat Hollow Club Drive in Travis County, Texas.

APPROVED, PR/PG

- Item 4. APPLICATION BY PEQUOD PACKING, INC. for a permit (Proposed Permit No. 03577) to authorize a discharge of treated process wastewater at a volume not to exceed an average flow of 150,000 gallons per day. The applicant proposes to operate a shrimp processing plant. The plant site is on the southeast corner of the Port Lavaca City Harbor and bordered on the west by State Highway 238 (Broadway Street) and on the south by Harbor Street in the City of Port Lavaca, Calhoun County, Texas.

APPROVED, PR/PG

UNCONTESTED (RENEWAL OF WATER QUALITY PERMITS)

- Item 5. APPLICATION BY CITY OF BURKBURNETT for renewal of Permit No. 10002-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,200,000 gallons per day. The wastewater treatment facilities are on the east side of Kelly Street, just north of Third Street (State Highway 240) in the City of Burkburnett in Wichita County, Texas.

CONTINUED TO NOVEMBER 10, 1993 AT 9:00 A.M.

- Item 6. APPLICATION BY HAMPSHIRE CHEMICAL CORPORATION for renewal of Permit No. 02558 which authorizes the discharge of treated process and domestic wastewaters, cooling tower blowdown, boiler blowdown, and water softener regeneration wastewater at a volume not to exceed an average flow of 155,000 gallons per day via Outfalls 001,

003, and 004; plus intermittent discharges of stormwater runoff via Outfall 002. The renewed permit discontinues the discharges from Outfalls 002, 003, and 004, and designates a new Outfall 001 to monitor the discharge of stormwater runoff and previously monitored effluent. The applicant operates a facility which manufactures glycine, chelate and sulfonated naphthalene polymer. The plant site is on the west side of Texas State Highway 134 (Battleground Road), approximately one mile north of the intersection of Texas State Highway 134 and Texas State Highway 225 (Pasadena Highway) in the City of Deer Park, Harris County, Texas.

REMANDED TO OFFICE OF HEARINGS EXAMINERS

- Item 7. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 104 for renewal of Permit No. 11925-01 which authorizes a discharge at a final volume not to exceed an average flow of 300,000 gallons per day from the Pinewalk Addition Wastewater Treatment Plant. The plant site is approximately 5500 feet west of Interstate Highway 45 and 2.1 miles northwest of the intersection of Farm-to-Market Road 1960 and Interstate Highway 45, on the east bank of Seals Gully, a Harris County Flood Control ditch, in Harris County, Texas.

RENEWED, PR/PG

- Item 8. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 237 for renewal of Permit No. 12745-01 which authorizes a discharge of treated domestic wastewater effluent in the final phase at a volume not to exceed an average flow of 1,350,000 gallons per day. The renewed permit has decreased the final flow to a volume not to exceed 985,000 gallons per day average. The wastewater treatment facilities are along the north bank of Greens Bayou, approximately 3,000 feet southeast of the intersection of Farm-to-Market Road 1960 and Mills Road in Harris County, Texas.

RENEWED, PR/PG

- Item 9. APPLICATION BY INTERNATIONAL PAPER COMPANY for renewal of Permit No. 01339 which authorizes treated process wastewater commingled with stormwater from the Texarkana Mill at a volume not to exceed 10% of the flow rate from Lake Wright Patman. The plant site is approximately 14 miles south of the City of Texarkana and 5 miles east (via FM 3129) of U.S. Highway 59 at a site adjacent to and south of the Sulphur River, bounded on the east of the Kansas City Southern Railway and on the west by the Texas and Pacific Railway in Cass County, Texas.

CONTINUED TO OCTOBER 27, 1993 CONTESTED AGENDA AT 9:00 A.M.

Item 10. APPLICATION BY PAUL H. KREBS for renewal of Permit No. 12691-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 22,500 gallons per day from the Roving Meadows Wastewater Treatment Facilities. The plant site is at 3806 Farm-to-Market Road 1942 in Harris County, Texas.

RENEWED, PR/PG

Item 11. APPLICATION BY QUAIL PIPE CORPORATION for renewal of Permit No. 02971 which authorizes the discharge of treated wastewater effluent at a volume not to exceed an average flow of 6,000 gallons per day. The applicant operates a polyethylene pipe manufacturing facility. The plant site is on the west side of State Highway 70 in the City of Roaring Springs, Motley County, Texas.

RENEWED, PR/PG

Item 12. APPLICATION BY SAN JACINTO RIVER AUTHORITY for renewal of Permit No. 12597-01 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 3,250,000 gallons per day. The wastewater treatment facilities are approximately 3.5 miles south of the intersection of Farm-to-Market Road 1488 and Interstate Highway 45, and approximately 2000 feet northwest of the confluence of Bear Branch with Panther Branch in Montgomery County, Texas.

RENEWED, PR/PG

Item 13. APPLICATION BY SCHULLER INTERNATIONAL, INC. for renewal of Permit No. 02266 and has requested the permit be transferred from Manville Sales Corporation to Schuller International, Inc. The permit authorizes a disposal of stormwater from a plant manufacturing fiberglass insulation by recycling. The plant site is on the west side of State Highway 174, just north of the City of Cleburne, Johnson County, Texas.

RENEWED, PR/PG

UNCONTESTED (DISTRICT MATTERS)

Item 14. PETITION BY AMERICAN GENERAL REALTY INVESTMENT CORPORATION FOR DISSOLUTION OF CINCO MUNICIPAL UTILITY DISTRICT NO. 11 OF FORT BEND COUNTY. For Commission consideration and action. Applicant requests that the Commission dissolve the District. (Ferguson)

APPROVED, PR/PG

Item 15. PETITION BY AMERICAN GENERAL REALTY INVESTMENT CORPORATION FOR DISSOLUTION OF CINCO MUNICIPAL UTILITY DISTRICT NO. 13 OF FORT BEND COUNTY. For Commission consideration and action. Applicant requests that the Commission dissolve the District. (Ferguson)

APPROVED, PR/PG

Item 16. APPLICATION BY DECKER CREEK MUNICIPAL UTILITY DISTRICT NO. 1/TRAVIS COUNTY FOR APPROVAL OF DISSOLUTION. For Commission consideration and action. Applicant seeks approval of the Commission to dissolve the District.

APPROVED, PR/PG

Item 17. APPLICATION BY DECKER CREEK MUNICIPAL UTILITY DISTRICT NO. 2/TRAVIS COUNTY FOR APPROVAL OF DISSOLUTION. For Commission consideration and action. Applicant seeks approval of the Commission to dissolve the District.

APPROVED, PR/PG

Item 18. APPLICATION BY DECKER CREEK MUNICIPAL UTILITY DISTRICT NO. 3/TRAVIS COUNTY FOR APPROVAL OF DISSOLUTION. For Commission consideration and action. Applicant seeks approval of the Commission to dissolve the District.

APPROVED, PR/PG

Item 19. APPLICATION BY DECKER CREEK MUNICIPAL UTILITY DISTRICT NO. 4/TRAVIS COUNTY FOR APPROVAL OF DISSOLUTION. For Commission consideration and action. Applicant seeks approval of the Commission to dissolve the District.

APPROVED, PR/PG

Item 20. APPLICATION BY DECKER CREEK MUNICIPAL UTILITY DISTRICT NO. 5/TRAVIS COUNTY FOR APPROVAL OF DISSOLUTION. For Commission consideration and action. Applicant seeks approval of the Commission to dissolve the District.

APPROVED, PR/PG

Item 21. APPLICATION BY MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 1 OF HARRIS AND FORT BEND COUNTIES FOR APPROVAL TO RELEASE \$235,200 FROM ESCROW AND TO USE \$98,870 IN SURPLUS FUNDS; \$6,450,000 BOND ISSUE APPROVED MAY 21, 1984. For Commission consideration and action. Applicant requests the above funds to finance District's share of costs associated with utilities serving Mission Bend Estates, Section 1. (Ferguson)

APPROVED, PR/PG

UNCONTESTED (WATER UTILITY MATTER)

Item 22. Application of Flat Rock Water Cooperative, Inc. to Transfer Water CCN No. 11561 from David Landrum and Michael Landrum dba Flat Rock Water Company in McLennan County, Texas. (Application No. 9789-S, Guillermo Zevallos)

APPROVED, PG/PR

UNCONTESTED (CONTRACT)

Item 23. Consideration of authorizing the Executive Director to amend the contract with IT/Davy Joint Venture for Phase B Remedial Services for the Remedial Action at the Sikes Disposal Pits Superfund Site (J.SHER)

APPROVE STAFF RECOMMENDATION, PG/PR

UNCONTESTED (SETTLED HEARINGS)

Item 24. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF RICHLAND REALTY COMPANY, INC. dba LONG CREEK WATER COMPANY TO INCREASE RETAIL WATER RATES IN HOOD COUNTY, TEXAS (DOCKET NO. 30015-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 75 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (LIMES)

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

Item 25. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF OAKRIDGE WATER COMPANY DBA PINE SPRINGS UTILITIES, INC. FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10147 TO PROVIDE WATER SERVICE IN LIBERTY, TRINITY, POLK, HARDIN, SAN JACINTO, TYLER AND WALKER COUNTIES, TEXAS. (DOCKET NO. 9762-C) RECOMMENDATION: ISSUANCE OF CCN WITH DENIAL OF CCN AMENDMENT. (JACKSON)

CONTINUED TO NOVEMBER 3, 1993 AT 9:00 A.M.

Item 26. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF THE WOODLANDS CORPORATION FOR PERMIT NO. 13636-01 TO AUTHORIZE THE DISCHARGE OF 405,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN MONTGOMERY COUNTY, TEXAS, AND SEGMENT NO. 1008 OF THE SAN JACINTO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (BOURBON)

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

(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.)

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, September 29, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item 27. CONSIDERATION OF A RESOLUTION RECOMMENDING THE PURPOSE AND STRUCTURE OF COMMITTEES ADVISING THE TNRCC ON ITS PROGRAMS AND ACTIVITIES.

CONTINUED TO OCTOBER 6, 1993 AT 9:00 A.M.

UNCONTESTED OLD BUSINESS

Wednesday, September 29, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of July 28, and August 18, 1993.

- Item 1. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$9,060,000 BOND ISSUE APPROVED SEPTEMBER 20, 1984. For Commission consideration and action. Applicant requests approval of the use of \$213,129 of surplus funds for construction of water, wastewater and drainage facilities for Oak Hollow Estates. (Ferguson)

APPROVED, PR/PG

Item carried forward from Agenda of August 18, 1993.

- Item 2. APPLICATION NO. 5463 BY THE CITY OF DENTON FOR A TWC SECTION 11.121 WATER USE PERMIT. For Commission Consideration. Applicant seeks a permit to authorize construction and maintenance of three dams and reservoirs on Fletcher Branch, Trinity River Basin, in Denton County to be used for in-place recreational purposes in a proposed park located within the city limits of Denton, Texas, approximately 3 miles south-southeast of the Denton County Courthouse. (SMITH/tls)

CONTINUED TO DECEMBER 1, 1993 AT 9:00 A.M.

Item carried forward from Agenda of September 15, 1993.

- Item 3. APPLICATION BY CDR ENVIRONMENTAL, INC. for a permit (Proposed Permit No. 03524) to authorize the processing of domestic wastewater treatment plant sludges and the disposal of process water and stormwater by irrigation on 40 acres of land. The plant site is approximately 1,500 feet northwest of the intersection of Farm-to-Market Road 2920 and Nichols Road; and approximately 3 miles due north of the intersection of U.S. Highway 290 and Robert Road in Harris County, Texas.

APPROVED PERMIT WITH INSTRUCTIONS TO INCORPORATE ODOR CONTROL MEASURES INTO PERMIT; DISCONTINUE LAND APPLICATION OF SLUDGE IMMEDIATELY; AND PERIODIC INSPECTIONS OF SITE BY STAFF OVER THE

NEXT 12 MONTHS, JH/PR

Item carried forward from Agenda of September 15, 1993.

Item 4. CONSIDERATION TO APPOINT SEVEN NEW MEMBERS TO THE  
MUNICIPAL SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY  
ADVISORY COUNCIL. (TRIM)

CONTINUED TO OCTOBER 6, 1993 AT 9:00 A.M.

CONTESTED AGENDA

Wednesday, September 29, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

CONTESTED (**WATER QUALITY ENFORCEMENT**)

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER REQUIRING CERTAIN ACTIONS OF OAK GROVE CHURCH INC. DBA OAK GROVE MOBILE HOME PARK, PERMIT NO. 12021-01. (Keils)

Issue Agreed Order, PG/PR

Item 2. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GALVESTON COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 12, PERMIT NO. 12039-001 (MARTINEZ).

Issue Agreed Order, PG/PR

Item 3. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LAKEWAY MUNICIPAL UTILITY DISTRICT, PERMIT NO. 11495-001. (RUBEY)

Issue Agreed Order, PG/PR

Item 4. Consideration of the Executive Director's Proposed Agreed Enforcement Order Resolving an Enforcement Action for Alleged Violations of the Texas Water Code, Assessing Administrative Penalties and Requiring Certain Actions of the City of Corpus Christi; Permit No. 10401-04. (SMITH)

Issue Agreed Order, PG/PR

Item 5. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF CITY OF WEST, TWC PERMIT NO. 10544-001. (WINTER/MEYER)

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 THE CITY OF THORNDALE, PERMIT NO. 10302-01. (WINTER)

Remand to Office Hearing's Examiner

Item 7. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REVOKING THE CLASS "C" WASTEWATER OPERATOR CERTIFICATE FOR ROSCOE CONOLEY, TWC OPERATOR CERTIFICATE NO. 454204261. (WINTER)

Remand to Office Hearing's Examiner

Item 8. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND SUSPENDING THE TWC CLASS "C" WASTEWATER OPERATOR'S CERTIFICATE FOR JAMES TRUDELL, TWC OPERATOR CERTIFICATE NO. 381464270. (WINTER)

Remand to Office Hearing's Examiner

Item 9. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF RUNNELS SEPTIC SERVICES, INC., PERMIT NO. (NONE) (J. SMITH/M. GREEN)

Remand to Office Hearing's Examiner

Item 10. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AGAINST DONNA JOHNSTON, NO PERMIT. (WINTER)

Remand to Office Hearing's Examiner

CONTESTED (**SOLID WASTE ENFORCEMENT**)

Item 11. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ALLIED TUBE & CONDUIT CORP.; TEXAS SOLID WASTE REGISTRATION NUMBER 31030. (BAKER)

Issue Agreed Order, PR/PG

Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FIRESTONE SYNTHETIC RUBBER AND LATEX COMPANY; TEXAS SOLID WASTE REGISTRATION NO. 30581 (GRUNBERBER)

Remand to Office Hearing's Examiner

Item 13. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF JEAN MASTERS OF AMERICA, INC.; TEXAS SOLID WASTE REGISTRATION NO. 78356 (CARLTON)

Remand to Office Hearing's Examiner

CONTESTED (**RULES**)

Item 14. CONSIDERATION OF ADOPTION OF NEW 30 TAC 330.15, CONCERNING ESTABLISHMENT OF AN EFFECTIVE DATE FOR IMPLEMENTATION OF NEW MUNICIPAL SOLID WASTE LANDFILL REGULATIONS TO COINCIDE WITH THE FEDERAL EFFECTIVE DATE WHEN ESTABLISHED. (BOND)

Adopt Rules as Recommended by Staff, PG/PR

EXECUTIVE SESSION

Item 15. 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 16. 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 17. 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 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 29, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item 18. CONSIDERATION OF PETITION FOR RULEMAKING FILED JULY 27, 1993 BY SIERRA CLUB. PETITION REQUEST THAT THE COMMISSION ADOPT REVISIONS TO 31 TEXAS ADMINISTRATION CODE SECTION 335.221(a)(23) (RELATING TO RESIDUES FROM CEMENT KILNS). (CARLTON/h1)

Continued to October 6, 1993

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, September 29, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

- Item 19. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF WHOLESALERS, INC. FOR REIMBURSEMENT FROM THE PETROLEUM STORAGE TANK REMEDIATION FUND. THE PETITIONER SEEKS REIMBURSEMENT IN THE AMOUNT OF \$19,619.69 FOR EXPENSES INCURRED IN CONNECTION WITH A RELEASE FROM A PETROLEUM STORAGE TANK IN SAN PATRICIO COUNTY, TEXAS. RECOMMENDATION: DENIAL OF PETITION. (BOURBON)

Adopt Examiner's Proposal for Decision, Issue Order and overrule all exceptions, PR/PG

(Item carried forward from Agenda of April 14, 1993. This item was continued indefinitely, until a policy agenda was held concerning these types of items. On September 17, 1993 policy agenda was held and staff briefed the Commission on policy and is asking the Commission for a final decision on this matter.)

CONTESTED OLD BUSINESS

Wednesday, September 29, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of September 15, 1993.

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF TEXAS UTILITIES MINING COMPANY (TUMCO) FOR TEMPORARY WATER USE PERMIT NO. 6978 IN TITUS COUNTY, TEXAS, TO IMPOUND AND DIVERT 417 ACRE-FEET OF WATER PER ANNUM FROM AN UNNAMED TRIBUTARY OF BLUNDELL CREEK IN THE CYPRESS RIVER BASIN FOR MINING PURPOSES. RECOMMENDATION: DENIAL OF AUTHORIZATION. (L. SORRELLS)

Issue Interim Order