

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, October 20, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (HAZARDOUS WASTE PERMIT AND COMPLIANCE PLAN)

- Item 1. Consideration of an application by E.I. DU PONT DE NEMOURS AND COMPANY, INC. - Victoria Plant for a Class 2 Modification to Permit No. HW50056-001 and to Compliance Plan No. CP50056-001 in accordance with 31 TAC Section 305.69. The permit authorizes operation of a regional hazardous industrial solid waste storage, processing and disposal facility. The wastes managed at this facility are Class I hazardous and non-hazardous, Class II and Class III industrial solid wastes generated on-site and from off-site sources defined as du Pont sites, du pont sources, Gulf Coast Regional Plants and local community needs. The facility is approximately 13 miles south of the City of Victoria in Victoria County, Texas.

APPROVED, PG/PR

UNCONTESTED (TEMPORARY VARIANCE)

- Item 2. Consideration of a request by the City of Corpus Christi for their renewal Permit No. 10401-06. The request is for a temporary variance to existing water quality standards of the Nueces River Tidal in Segment No. 2101 of the Nueces River Basin. The variance would authorize a three year period in which to conduct a water quality study of the Nueces River Tidal in Segment No. 2101 of the Nueces River Basin to show whether a site specific amendment to water quality standards is justified. Prior to the expiration of the three year variance period, the TNRCC will consider the site-specific standards and determine whether to adopt the standards or require the existing water quality standards to remain in effect.

APPROVED, PR/PG

- Item 3. Consideration of a request by the City of Eldorado for their renewal Permit No. 10165-001. The request is for a temporary variance to existing water quality standards of the South Concho River in Segment No. 1424 of the

Colorado River Basin. The variance would authorize a three year period in which to conduct a water quality study to South Concho River in Segment No. 1424 of the Colorado River Basin to show whether a site specific amendment to water quality standards is justified. Prior to the expiration of the three year variance period, the TNRCC will consider the site-specific standards and determine whether to adopt the standards or require the existing water quality standards to remain in effect.

APPROVED, PR/PG

UNCONTESTED (PROPOSED WASTE DISCHARGE PERMIT)

Item 4. APPLICATION BY FARCO MINING OF TEXAS, INC. for a permit (Proposed Permit No. 03595) to authorize intermittent flow variable discharges of stormwater runoff and alkaline mine drainage from the Trevino surface coal mine operation. The plant site is on the west side of Farm-to-Market Road 1472, 40 miles northwest of the City of Laredo, Webb County, Texas.

APPROVED, PR/PG

Item 5. APPLICATION BY IOLA INDEPENDENT SCHOOL DISTRICT for a permit (Proposed Permit No. 12664-02) to authorize the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 14,000 gallons per day from the Iola I.S.D. Wastewater Treatment Facilities, which will serve a high school and elementary school. The proposed permit will also replace existing TNRCC Permit No. 12664-01. The plant site is at the intersection of Fort Worth and Neches Streets in the Community of Iola, Grimes County, Texas.

APPROVED, PR/PG

Item 6. APPLICATION BY ROGER PACK DBA ROGER PACK DAIRY for a permit (Proposed Permit No. 03584) to authorize the disposal of waste and wastewater from a dairy, which will be constructed in two phases. The first phase of the dairy will have a maximum of 120 milking head and will generate stormwater, washdown water and flushwater, which will be retained in two (2) ponds. The final phase will have a maximum of 500 milking head and will have three (3) retention ponds. Wastewater from the ponds will be disposed of by evaporation and/or irrigation on agricultural land. Manure and separated solids will be applied as fertilizer on agricultural land. The dairy is on the north side of an unnamed county road, approximately 2 miles northeast of the intersection of State Highway 108 and Farm-to-Market Road 3025 in Erath County, Texas.

APPROVED, PR/PR

UNCONTESTED (WASTE DISCHARGE PERMIT AMENDMENT)

- Item 7. APPLICATION BY CITY OF COTULLA for an amendment to Permit No. 10153-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 504,000 gallons per day to a volume not to exceed an average flow of 990,000 gallons per day. The proposed amendment would also authorize a variance to the buffer zone requirements. The wastewater treatment facilities are approximately 1.1 miles south of the intersection of State Highway 97 and State Highway 624 and 1.1 miles southeast of the intersection of U.S. Highway-Business 81 and State Highway 97 in La Salle County, Texas.

APPROVED, PR/PG

UNCONTESTED (WASTE DISCHARGE PERMIT MINOR AMENDMENT)

- Item 8. APPLICATION BY LAKEWAY MUNICIPAL UTILITY DISTRICT for a minor amendment to Permit No. 11495-03 in order to modify the wording of Requirement No. 2 of the Other Requirements section of the existing permit to state the following: "There shall be no discharge from the pond into Lake Travis except a flow which results from a rainfall in excess of one inch per hour for 3 consecutive hours in the drainage area of the pond. The above noted, permitted discharges from the pond into Lake Travis following such a rainfall event shall be terminated within twelve days after the rainfall event. The permittee shall use the irrigation system to dewater the ponds to the maximum extent possible given the climatic conditions." The permit authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 105,000 gallons per day from the World of Tennis Wastewater Treatment Facilities. The permittee is also authorized to use treated effluent to irrigate 105 acres of the Live Oak Golf Course. Application rates for the irrigated land shall not exceed 1.81 acre-feet/acre/year. The plant site is approximately 2.0 miles northwest of the intersection of Ranch Road 620 and Lohmans Crossing in Travis County, Texas.

APPROVED, PR/PG

- Item 9. APPLICATION BY BRAZOS ELECTRIC POWER COOPERATIVE, INC. for renewal of Permit No. 01904 which authorizes the discharge of once through cooling water and previously

monitored effluents at a volume not to exceed an average flow of 85,000,000 gallons per day via Outfall 001 and flow variable discharges of low volume wastes plus stormwater via Outfall 002. The applicant operates the North Texas Steam Electric Station. The plant is on the southwest shore of Lake Weatherford approximately four miles northeast of the City of Weatherford, Parker County, Texas.

APPROVED, PR/PG

Item 10. APPLICATION BY BRIDGESTONE/FIRESTONE for renewal of Permit No. 00454 which authorizes the discharge of treated process wastewater, utility wastewater, stormwater and domestic wastewater at a volume not to exceed 1,000,000 gallons per day via Outfall 001 and an intermittent flow variable discharge of stormwater via Outfall 002. The applicant operates a synthetic rubber plant, which manufactures Polybutadiene and Butadiene/Styrene copolymers. The plant site is on the south side of FM Road 1006, approximately one mile east of the intersection of FM Road 1006 with State Highway 87, southwest of the City of Orange, Orange County, Texas.

APPROVED, PR/PG

Item 11. APPLICATION BY CENTRAL POWER AND LIGHT COMPANY for renewal of Permit No. 01303 which authorizes a discharge of once through cooling water and previously monitored effluents at a volume not to exceed an average flow of 231,000,000 gallons per day from the E.S. Joslin Steam Electric Station. The plant site is approximately 1.5 miles south of State Highway 35 near the City of Point Comfort, Calhoun County, Texas.

APPROVED, PR/PG

UNCONTESTED (WASTE DISCHARGE PERMIT RENEWAL)

Item 12. APPLICATION BY CONROE INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 12607-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the Ben Milam Elementary School Wastewater Treatment Facilities. The plant site is approximately 1,000 feet north of Farm-to-Market Road 3083 and 2,200 feet south of Farm-to-Market Road 2090 in Montgomery County, Texas.

APPROVED, PR/PG

Item 13. APPLICATION BY CITY OF CORPUS CHRISTI for renewal of

Permit No. 10401-06 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000,000 gallons per day from the Allison Wastewater Treatment Facilities. The plant site is in the northwest portion of the City of Corpus Christi, approximately one (1) mile north of Interstate Highway 37 at the end of Allison Road in Nueces County, Texas.

APPROVED, PR/PG

Item 14. APPLICATION BY CITY OF ELDORADO for renewal of Permit No. 10165-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 385,000 gallons per day. The wastewater treatment facilities are approximately 5,000 feet northeast of the intersection of U.S. Highway 277 and U.S. Highway 915 in Schleicher County, Texas.

APPROVED, PR/PG

Item 15. APPLICATION BY HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT #91 for renewal of Permit No. 10732-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 400,000 gallons per day. The wastewater treatment plant is approximately 1.25 miles northeast of the intersection of Farm-to-Market Road 1960 and Kuykendahl Road in northern Harris County, Texas.

APPROVED, PR/PG

Item 16. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 202 for renewal of Permit No. 12631-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,600,000 gallons per day. The renewed permit will decrease the flow to 750,000 gallons per day average. The wastewater treatment facilities are approximately 1300 feet west of Bammel-North Houston Road, between Bourgeois Road and a Harris County Flood Control ditch in Harris County, Texas.

APPROVED, PR/PG

Item 17. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 229 for renewal of Permit No. 12559-01 which authorizes the discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 750,000 gallons per day. The renewed permit has decreased the flow to a final volume not to exceed an average flow of 150,000 gallons per day. The wastewater treatment facilities are east of and adjacent to Willowbrook Lane, approximately 150 feet north of Mills

Road and 3000 feet west of the intersection of Mills Road and Farm-to-Market Road 149 in Harris County, Texas.

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

Item 18. APPLICATION BY CITY OF KRUM for renewal of Permit No. 10729-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 95,000 gallons per day. The wastewater treatment plant is approximately 0.6 mile southwest of the intersection of Farm-to-Market Roads 1173 and 156 and approximately 1.5 miles north of the intersection of Farm-to-Market Road 156 and U.S. Highway 380 in the City of Krum in Denton County, Texas.

APPROVED, PR/PG

Item 19. APPLICATION BY CITY OF ORE CITY for renewal of Permit No. 10241-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 218,000 gallons per day. The wastewater treatment facilities are 0.85 of a mile northeast of the intersection of U.S. Highway 259 and Farm-to-Market Road 450 and 0.6 of a mile east of U.S. Highway 259 in the City of Ore City, Upshur County, Texas.

APPROVED, PR/PG

Item 20. APPLICATION BY CITY OF POTTSBORO for renewal of Permit No. 10591-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 210,000 gallons per day. The wastewater treatment plant is on County Line Road at Little Mineral Creek, approximately 1.6 miles north of the intersection of Farm-to-Market Road 120 and Farm-to-Market Road 996 and approximately 0.5 mile east of Farm-to-Market Road 120 in Grayson County, Texas.

APPROVED, PR/PG

Item 21. APPLICATION BY TODD SHIPYARDS CORPORATION for renewal of Permit No. 00779 which authorizes the discharge of treated domestic wastewater and boiler blowdown at a volume not to exceed an average flow of 16,000 gallons per day via Outfall 001. Treated domestic wastewater is discharged at a volume not to exceed an average flow of 16,000 gallons per day via Outfall 002. Stormwater will be discharged on an intermittent flow variable basis via Outfall 003. The applicant operates the Galveston Division shipyards facility. The plant site is on Pelican Island adjacent to Galveston Channel on Pelican Island and approximately 1.5 miles east of the Pelican Island Bridge, Galveston County, Texas.

APPROVED, PR/PG

Item 22. APPLICATION BY U.S. DEPARTMENT OF THE ARMY for renewal of Permit No. 12074-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,500 gallons per day. The Canyon Lake Recreational Area Wastewater Treatment Facilities are located approximately 3,300 feet east of Farm-to-Market Road 306 and 2,500 feet north of Jacob Creek Park Road in Comal County, Texas.

APPROVED, PR/PG

UNCONTESTED (WATER RIGHT PERMIT)

Item 23. APPLICATION NO. 23-3997B BY THE CITY OF LAREDO FOR A TEXAS WATER CODE SECTION 11.122 WATER USE AMENDMENT APPLICATION. For Commission Consideration. Applicant seeks to change diversion point, diversion rate, place of use, type of use & ownership of 150 ac-ft of Class B irrigation water rights from Cert No. 23-586, as amended, 130 ac-ft of Class B irrigation water rights from Cert No. 23-224 and 155 ac-ft of Class B irrigation water rights from Cert No. 23-118 and also requests that these water rights be combined under Cert No. 23-3997, as amended, for municipal use, Rio Grande, Rio Grande Basin, Webb County, Texas. (SMITH/arc)

APPROVED, PG/PR; THE APPLICATION NUMBER SHOULD HAVE READ 23-3997G.

UNCONTESTED (DISTRICT MATTERS)

Item 24. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 108 FOR APPROVAL OF \$2,150,000 UNLIMITED TAX BONDS, SECOND ISSUE, 7.43% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance master utility district connection fees and water, wastewater & drainage facilities for Greatwood Trails Sections 3 & 4 and Greatwood Shores Section 2. (Ferguson)

APPROVED, PR/PG

Item 25. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 109 FOR APPROVAL OF \$3,460,000 UNLIMITED TAX BONDS, SECOND ISSUE, 7.44% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance master utility district connection fees and water, wastewater & drainage facilities for Greatwood Knoll Sections 3, 4, & 5, and

Greatwood Glen Section 3. (Ferguson)

APPROVED, PR/PG

UNCONTESTED (WATER UTILITY MATTER)

Item 26. Application of Coleman County Water Supply Corporation to amend Water Certificate of Convenience and Necessity Number 11308 in Coleman, Callahan, Brown, Taylor, and Runnels Counties, Texas. (Application # 30064-C, Vera Poe)

APPROVED, PR/PG

Item 27. Application of Rancho Linda, Inc. dba Retiree Haven Water System to Terminate Water Utility Service in Hidalgo County, Texas. (Application # 30107-Q, Albert Holck)

APPROVED, PR/PG

Item 28. Application of Wellborn Water Supply Corporation to Transfer a portion of Water CCN No. 11828 from Russell Dean dba D & S Water Service; Amend Water CCN No. 11340 and Water CCN No. 11828; in Brazos County, Texas. (Application # 30048-S, Vera Poe)

APPROVED, PR/PG

Item 29. Rate/Tariff Change Application of Westpark Water Corporation; Certificate of Convenience and Necessity (CCN) No. 12210 in Denton County, Texas. (Application # 9627-G, Mary Jane Horst)

APPROVED, PR/PG

UNCONTESTED (SETTLED HEARINGS)

Item 30. Consideration of Examiner's Memorandum concerning the application of the City of Burnet for a renewal of Permit No. 10793-02 to authorize the discharge of 726,000 gpd of treated domestic wastewater effluent in Burnet County, Texas and Segment No. 1404 of the Colorado River Basin. Recommendation: Issuance of permit. (Bateman)

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

Item 31. Consideration of Examiner's Memorandum concerning the application of Javelina Company for an amendment to Permit No. 03137 to authorize the flow variable discharge of treated industrial wastewater effluent in Nueces County, Texas, and Segment No. 2484 of the bays and estuaries. Recommendation: Issuance of Permit.

(Bourbon)

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

(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 AGENDA

Wednesday, October 20, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

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 MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 15, PERMIT NO. 11395-001. (MCLEOD/WATSON)

Remand to Office Hearing's Examiner

CONTESTED (INDUSTRIAL & HAZARDOUS WASTE ENFORCEMENT)

- 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 ANADITE, INC.; TEXAS SOLID WASTE REGISTRATION NO. 30409 (BALLARD)

Remand to Office Hearing's Examiner

CONTESTED (EXAMINER'S PROPOSAL FOR DECISION)

- Item 3. Consideration of Examiner's Proposal for Decision concerning the petition of North Kaufman WSC to increase retail water rates in Kaufman County, Texas (Docket No. 9847-W). Applicant provides retail water service to approximately 284 customers. Recommendation: Approval of rate increase (Broyles)

Change Wording in finding of facts #10, #11, #17, and #18 as discussed by general counsel. Change finding of fact #19 adopt Proposal for Decision, Overrule all exceptions and make additional changes to PFD as recommended, PR/JH

EXECUTIVE SESSION

- Item 4. 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 5. 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.

Commission met in Executive Session, General Counsel will do a certified agenda.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TNRCC AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT DOUG KITTS IN THE OFFICE OF THE CHIEF CLERK AT (512) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

CONTESTED OLD BUSINESS

Wednesday, October 20, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from agenda of September 29 and October 6, 1993, October 13, 1993.

- Item 1. 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/hl)

Deny Petition, JH/PR

Item carried forward from agenda of October 13, 1993.

- Item 2. CONSIDERATION OF A TNRCC AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HIMONT U.S.A., INC.; ACCOUNT NO. HG-0323-M (EHRESMAN)

Issue Agreed Order, PR/PG

Item carried forward from agenda of October 13, 1993.

- Item 3. Consideration on the Adoption of Revisions to the State Implementation Plan (SIP) for the Control of Carbon Monoxide in El Paso (Contingency Measures). (Karen Kirkpatrick)

Adopt Revision to the State Implementation Plan as recommended by staff, PG/PR