

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, November 10, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (Class 2 Modification to Hazardous Waste Permits)

- Item 1. Consideration of an application by NSSI/RECOVERY SERVICES, INC. for a Class 2 Modification to Permit No. HW50269 in accordance with 30 TAC Section 305.69. The permit authorizes operation of a commercial hazardous waste facility that stores and processes small amounts of hazardous waste to be disposed of in bulk off-site. The permit modification authorizes a less than 25% expansion of tank and container storage capacity and updates the permit and incorporated plans. The facility is at 5711 Etheridge in the City of Houston, Harris County, Texas.

APPROVED APPLICATION, PG/PR

UNCONTESTED (Class 3 Modification to Hazardous Waste Permits)

- Item 2. Consideration of an application by AIR PRODUCTS MANUFACTURING CORPORATION for a Class 3 Modification to Permit No. HW50134 in accordance with 30 TAC Section 305.69. The permit modification authorizes operation of a container storage area and a by-product storage tank for storage of hazardous wastes that are generated on-site. The facility is at 1423 Highway 225 in Pasadena, Harris County, Texas.

APPROVED APPLICATION, PG/PR

UNCONTESTED (Waste Disposal Well Permit)

- Item 3. APPLICATION BY REXENE CORPORATION for a Class I Underground Injection Control Permit (Proposed Permit No. WDW-303) to authorize disposal of hazardous and non-hazardous wastes generated during the manufacture of

chemicals at its Odessa facility. The permit will authorize injection of on-site generated hazardous and non-hazardous wastes from the production of olefins, polyolefins, styrene and 1,3 butadiene; water treatment process wastes; cooling tower blowdown; storm water runoff; wash water collected in sumps; recovered groundwater; tank car wash water; brine from hydrocarbon storage wells; and wastes generated during well and associated facility closures. The authorized injection rate is not to exceed 1000 gpm, with an average rate of 800 gpm. The total yearly injection volume is not to exceed 420,480,000 gallons. The operating surface injection pressure is not to exceed 1900 psig. Waste disposal well WDW-303 is to be on company property, approximately 1600 feet from the south line and approximately 400 feet from the west line of Section 38, Block 42, T-2-S, of the T&P RR Co. Survey, two (2) miles southeast of Odessa in Ector County, Texas.

APPROVED APPLICATION, PG/PR

UNCONTESTED (Hazardous Waste Permits and Compliance Plans)

Item 4. APPLICATION BY MARATHON LETOURNEAU COMPANY for a hazardous waste facility post closure care permit (Proposed Permit No. HW50263) and compliance plan (Proposed Compliance Plan No. CP50263) at its Longview facility. The proposed permit would authorize post closure care for a three of the cells of a closed landfill. The three cells have a total surface area of 1.25 acres and a total capacity of 15,600 cubic yards. The compliance plan would authorize a corrective action program to remediate hazardous constituents released from the solid waste management units to groundwater and to ensure the Groundwater Protection Standard is achieved. The compliance plan specifies installation and operation of groundwater corrective action systems to remediate the contamination. The wastes formerly managed in the landfill were Class I hazardous and non-hazardous industrial solid wastes generated on-site from the manufacture of heavy equipment. The Marathon Longview facility is on 2,134-acres of land approximately 0.25 mile northwest of the Estes Parkway and Farm Road 1845 intersection and approximately 0.75 mile north of Interstate Highway 20 in the southwestern portion of the City of Longview, Gregg County, Texas.

APPROVED APPLICATION, PG/PR

Item 5. APPLICATION BY ROLLINS ENVIRONMENTAL SERVICES (TX), INC. for an amendment to Permit No. 50089-001 which authorizes

operation of a commercial hazardous waste treatment, storage and disposal facility. The proposed amendment would 1) authorize a new cap design for the North and South Landfills, 2) authorize construction and operation of two container storage areas atop of the closed South Landfill, and 3) revise the facility's closure plan to incorporate closure of the container storage areas. Rollins has also applied to the TWC for two Class 1 permit modifications which 1) authorize installation and operation of three oxygen lances within each incinerator afterburner, and 2) authorize Bin Storage Area (BSA) 1 to manage certain on-site generated wastes and BSA-2 to manage certain bulk solids. Provisions for the two Class 1 Modifications are being proposed at the same time as the proposed provisions for the major amendment. The industrial solid waste management facility is on an 86-acre tract of land at 2027 Battleground Road, approximately one (1) mile south-southwest of the San Jacinto Monument in Deer Park, Harris County, Texas.

APPROVED APPLICATION, PG/PR

Item 6. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW50260-001) to authorize the continued operation of an existing hazardous waste storage and processing facility. The facility has been operating since May 1, 1979, and has interim status under the Resource and Conservation Recovery Act (RCRA). The proposed permit would authorize three (3) tanks with a combined capacity of 12,324 gallons and one container storage area with a capacity of 4,464 gallons. The wastes managed at this facility are Class I hazardous wastes from off-site sources such as auto repair shops and laundry dry cleaners. The wastes are classified as ignitable, toxic and toxicity characteristic (TC) toxic liquids and solids. The waste management facility is at 3333 Federal Road on the east side, approximately 1,600 feet south of Spencer Highway in Harris County, Texas.

APPROVED APPLICATION, PG/PR

Item 7. APPLICATION BY SAFETY-KLEEN CORPORATION for a Class I hazardous waste permit (Proposed Permit No. HW50341) to operate storage units at its new proposed EL Paso, Texas facility. The authorized storage units will consist of 1) two storage tanks with a total combined capacity of 40,000 gallons, 2) two 162-gallon drum washers, and 3) one container accumulation storage area totaling 6912 gallons. The facility will collect and store off-site generated Class I industrial hazardous waste which is destined for recycling-reprocessing at a Safety-Kleen facility at a different location. Waste materials are to be comprised of spent industrial solvents, degreasers and antifreeze. The facility (to be known as the El Paso II

Facility) will be located within the city limits of El Paso at 6000 Pompano Street in El Paso County, Texas.

APPROVED APPLICATION, PG/PR

UNCONTESTED (Temporary Variance)

- Item 8. Consideration of a request by SOUTHWESTERN ELECTRIC POWER COMPANY for a temporary variance from the water quality standard for copper for Johnson Creek Reservoir. The temporary variance is for their Permit No. 01331.

APPROVED REQUEST, PR/PG

UNCONTESTED (Water Quality Proposed Permits)

- Item 9. APPLICATION BY SYNTECH CHEMICALS, INC. for a permit (Proposed Permit No. 03593) to authorize an intermittent flow variable discharge of stormwater, cooling water, and boiler blowdown. The applicant proposes to operate a facility which manufactures specialty chemicals. The plant site is on Hooper Road, approximately one quarter mile south of Beltway 8 (Sam Houston Parkway) and about three miles west of Texas Highway 288 in the City of Houston, Harris County, Texas.

APPROVED APPLICATION, PR/PG

UNCONTESTED (Water Quality Amendments)

- Item 10. APPLICATION BY BRYAN-STEWART, INC. for an amendment to Permit No. 11620-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 60,000 gallons per day to a volume not to exceed an average flow of 180,000 gallons per day. The plant site is approximately four miles northwest of the central business district, City of Lufkin, at a point approximately 0.6 mile northeast of U.S. Highway 69 and 1.9 miles southeast of the intersection of U.S. Highway 69 and Farm-to-Market Road 2021 in Angelina County, Texas.

APPROVED APPLICATION, PR/PG

- Item 11. APPLICATION BY CITY OF KAUFMAN for an amendment to Permit No. 12114-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 690,000 gallons per day to a volume not to exceed an average flow of 1,200,000 gallons per day. The wastewater treatment facilities are on U.S.

Highway 175, approximately 1 mile southeast of the intersection of U.S. Highway 175 and State Highway 34 in Kaufman County, Texas.

APPROVED APPLICATION, PR/PG

Item 12. APPLICATION BY CITY OF TEMPLE for an amendment to Permit No. 10470-02 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 5,000,000 gallons per day to a volume not to exceed an average flow of 7,500,000 gallons per day from the Doshier Farm Wastewater Treatment Facilities. The permittee is also requesting a variance to the buffer zone requirements. The plant site is on the west side of State Highway Loop 363, approximately one mile south of the intersection of State Highway 53 and State Highway Loop 363 in Bell County, Texas.

APPROVED APPLICATION, PR/PG

Item 13. APPLICATION BY UNITED STATES DEPARTMENT OF THE NAVY for an amendment to Permit No. 02335 which authorizes an increase in the discharge of treated process wastewater, domestic sewage, boiler blowdown, low volume wastewater, cooling water, rinse water, stormwater and water from the X-Ray silver recovery unit via Outfall 001 from a volume not to exceed an average flow of 150,000 gallons per day to a volume not to exceed 200,000 gallons per day. Outfall 002 discharges only intermittent flows of untreated stormwater. The applicant operates a naval weapons industrial reserve plant which manufactures solid rocket motor propellant. The plant site is southwest of the City of McGregor just west of State Highway 317, bounded on the south by Farm to Market Road 2671 and on the north by the St. Louis Southwestern Railway in Coryell and McLennan Counties, Texas.

APPROVED APPLICATION, PR/PG

UNCONTESTED (Minor Amendments to Water Quality Permit)

Item 14. CONSIDERATION OF staff initiated minor amendment to Permit No. 11184-01, issued to Wildwood Property Owner Association, in order to add monitoring for fecal coliform bacteria and a 21-day detention time of the effluent prior to discharge. The permit currently authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 24,000 gallons per day from the Wildwood Resort City Wastewater Treatment Facilities, which will remain the same. The plant site is at the corner of Balsawood and Chestnut Streets in the Community of Wildwood;

approximately 1/4 mile south of Lake Kimble and approximately 2 1/2 miles west of the intersection of U.S. Highways 69 and 287 and Farm-to-Market Road 3063 in Hardin County, Texas.

APPROVED AMENDMENT, PR/PG

UNCONTESTED (Water Quality Permit Renewals)

Item 15. APPLICATION BY CITY OF DALLAS for renewal of Permit No. 10060-03 which authorizes a discharge of backwash water at a volume not to exceed an average flow of 15,000,000 gallons per day from the East Side Water Treatment Facilities. The plant site is approximately 300 yards east of Lawson Road and approximately 200 yards south of Scyene Road at the Kaufman/Dallas County line in Kaufman County, Texas.

APPROVED APPLICATION, PR/PG

Item 16. APPLICATION BY GNB INCORPORATED for renewal of Permit No. 02964 which authorizes a discharge of treated stormwater runoff at a volume not to exceed 360,000 gallons during any 24-hour period from a facility which recovers and recycles lead bearing materials, primarily spent lead-acid batteries. The plant site is at 7471 South Fifth Street in the City of Frisco, Collin County, Texas.

APPROVED APPLICATION, PR/PG

Item 17. APPLICATION BY SOUTHWESTERN ELECTRIC POWER COMPANY (SWEPCO) for renewal of Permit No. 01331 which authorizes an intermittent flow variable discharge of treated industrial wastewater effluent, via Outfall 001, from the Wilkes Power Plant. The Wilkes Power Plant is adjacent to Johnson Creek Reservoir approximately one and one-half miles southwest of State Highway 49 and 12 miles northwest of the City of Jefferson, Marion County, Texas.

APPROVED APPLICATION, PR/PG

Item 18. APPLICATION BY WALLACE CO., INC. for renewal of Permit No. 11861-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000 gallons per day. The wastewater treatment facilities are in northeast Houston on the northwest corner of the intersection of U.S. Highway 90 and the projection of Oates Road in Harris County, Texas.

APPROVED APPLICATION, PR/PG

UNCONTESTED (Water Right Permits)

Item 19. APPLICATION NO. 5297 FOR AN EXTENSION OF TIME BY THE CITY OF UVALDE FOR A TEXAS WATER CODE SECTION 11.145 WATER USE PERMIT APPLICATION. For Commission Consideration. Applicant seeks an extension of time to complete the dam authorized by Permit 5297, Leona River, Nueces River Basin, Uvalde County, Texas. (SMITH/arc)

APPROVED APPLICATION, PR/PG

Item 20. APPLICATION NO. 23-3997H 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 44 & 47 ac-ft of Class A irrigation water rights from Cert No. 23-2721, as amended, and 25 ac-ft of Class B irrigation water rights from Cert No. 23-503, as amended, 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 APPLICATION, PR/PG

UNCONTESTED (District Matters)

Item 21. APPLICATION BY LAKEWAY MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY; APPLICATION FOR APPROVAL OF A \$3,250,000 UNLIMITED TAX AND REVENUE BOND ISSUE; 6.368% NET EFFECTIVE INTEREST RATE; TENTH ISSUE. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance the expansion of the East WWTP (Palos Verdes), the purchase of land for effluent disposal, and improvements to the District's water and wastewater systems. (Ferguson)

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

Item 22. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 81 FOR APPROVAL OF \$1,445,000 UNLIMITED TAX BONDS, 6.181% NET EFFECTIVE INTEREST RATE, SERIES 1993, FOURTH ISSUE; For Commission consideration and action. Applicant requests Commission approval for the issuance of \$1,445,000 in unlimited tax bonds to finance the cost to construct major facilities within the District.

APPROVED APPLICATION, PG/PR

Item 23. APPLICATION BY CINCO MUNICIPAL UTILITY DISTRICT NO. 9 OF HARRIS AND FORT BEND COUNTIES FOR APPROVAL OF \$2,935,000

UNLIMITED TAX BONDS, 7.188% NET EFFECTIVE INTEREST RATE, SERIES 1993, SECOND ISSUE AND RELEASE OF ESCROWED FUNDS, \$3,120,000 BOND ISSUE APPROVED AUGUST 5, 1992. For Commission consideration and action. Applicant requests approval of the issuance of \$2,935,000 in tax bonds and the release of \$87,116 in escrowed funds to finance the purchase of District infrastructure facilities. (Ferguson)

APPROVED APPLICATION, PG/PR

Item 24. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 18 FOR APPROVAL OF \$5,190,000 UNLIMITED TAX BONDS, 7.500% NET EFFECTIVE INTEREST RATE, SERIES 1993, SECOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$5,190,000 in tax bonds to finance the purchase of District infrastructure facilities. (Ferguson)

APPROVED APPLICATION, PG/PR ;7.500% NET EFFECTIVE INTEREST RATE CORRECTED TO READ 7.683%.

Item 25. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 41 FOR APPROVAL OF \$2,150,000 UNLIMITED TAX BONDS, THIRD ISSUE, 7.74% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. Applicant requests approval of a bond issue to finance a portion of the construction, engineering, land and legal costs for improvements to Red Gully; a portion of water treatment plant construction & improvements; a portion of wastewater treatment plant expansion & improvements; regional drainage contribution costs; and water, wastewater, and drainage facilities for Oak Lake Estates Section 1 and Village of Oak Lake Section 3. (Ferguson)

APPROVED APPLICATION, PG/PR

Item 26. APPLICATION BY CINCO MUNICIPAL UTILITY DISTRICT NO. 2 OF FORT BEND COUNTY FOR APPROVAL OF \$1,935,000 UNLIMITED TAX BONDS, 7.188% NET EFFECTIVE INTEREST RATE, SERIES 1993, SECOND ISSUE AND RELEASE OF ESCROWED FUNDS, \$4,320,000 BOND ISSUE APPROVED OCTOBER 14, 1992. For Commission consideration and action. Applicant requests approval of the issuance of \$1,935,000 in tax bonds and the release of \$262,707 in escrowed funds and the use of surplus funds to finance the purchase of District infrastructure facilities. (Ferguson)

APPROVED APPLICATION, PG/PR

Item 27. APPLICATION TO APPOINT FIVE TEMPORARY DIRECTORS TO THE HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO.355 BOARD OF DIRECTORS. For Commission Consideration and Action.

Sueba Investments No. 26 Ltd., the majority landowner in the District, petitions the Commission to appoint five new directors to the Board.

APPROVED APPLICATION, PG/PR

UNCONTESTED (**Water Utility Matters**)

Item 28. Application of M.J. Wootan & Fay Miller dba Liveoak Hills Water System; Certificate of Convenience and Necessity (CCN) No. 12463 in Llano County, Texas. (Application # 30028-G, Debi Carlson & Darrell Nichols)

APPROVED APPLICATION, PR/PG

Item 29. Application of Starr County WCID No. 2 for a Water Certificate of Convenience and Necessity and To Decertificate a Portion of CCN No. 10243 of Union Water Supply Corporation (WSC) in Starr County, Texas. (Application # 30114-C, Darrell Nichols)

APPROVED APPLICATION, PR/PG

Item 30. Application of Starr County WCID No. 2 for a Sewer CCN in Starr County, Texas. (Application # 30115-C, Darrell Nichols)

APPROVED APPLICATION, PR/PG

Item 31. Rate/Tariff Change Application Number 9960-G of Woodland Hills Water Supply; Certificate of Convenience and Necessity (CCN) No. 11604 in Denton County, Texas. (Application # 9960-G, Darrell Nichols)

APPROVED RATE/TARIFF CHANGE, PR/PG

Item 32. Application of Terrell County WCID No. 1 for a Sewer Certificate of Convenience and Necessity in Terrell County, Texas. (Application # 30082-C, Darrell Nichols)

APPROVED APPLICATION, PR/PG

Item 33. Application of Gulf Coast Utilities, Inc. dba Bayou Colony to Discontinue water utility service and Cancel Water CCN No. 11826 in Brazoria County, Texas. (Application # 30108-Q, Darrell Nichols)

APPROVED APPLICATION, PR/PG

Item 34. Application of Gulf Coast Utilities, Inc. dba Bayou Colony to Cancel Sewer CCN No. 20625 in Brazoria County, Texas. (Application # 30109-Q, Darrell Nichols)

APPROVED APPLICATION, PR/PG

- Item 35. Application of S & K Water Supply Corporation to Purchase the Water System and Transfer Water CCN No. 12191 of Robert Poteet dba Poteet Water Supply in Dimmit County, Texas. (Application # 9966-S, Albert Holck)

APPROVED APPLICATION, PR/PG

UNCONTESTED (Contract)

- Item 36. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AUTHORIZATION TO ENTER INTO A CONTRACT WITH SOUTHWESTERN BELL TELEPHONE COMPANY FOR TELECOMMUNICATIONS SERVICES IN THE AMOUNT OF \$1,327,000.00.

APPROVED CONTRACT, PG/PR

UNCONTESTED (Innovative Technology Policy)

- Item 37. CONSIDERATION OF AN INNOVATIVE TECHNOLOGY POLICY TO IDENTIFY AND ENCOURAGE THE USE OF ENVIRONMENTALLY BENEFICIAL INNOVATIVE TECHNOLOGIES WITHIN ALL PROGRAMS AT THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION.

APPROVED POLICY, PR/PG

UNCONTESTED (Settled Hearing)

- Item 38. Consideration of Examiner's Memorandum Concerning the Petition of Waldine, William and Scott Lipsey for Approval of Levee plans in Freestone County, Texas Recommendation: Issuance (Broyles)

ISSUED PETITION, PG/PR

(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, November 10, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 29, 1993.

- Item 1. 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 17, 1993 AT 9:00 A.M.

Item carried forward from Agenda of September 29, 1993.

- Item 2. 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 JANUARY 12, 1993 AT 9:00 A.M.

Item carried forward from Agenda of October 20, 1993.

- Item 3. 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.

REMANDED TO THE OFFICE OF EXECUTIVE DIRECTOR

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, November 10, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 39. CONSIDERATION OF A RESOLUTION RELATING TO REAUTHORIZATION
OF THE FEDERAL ENDANGERED SPECIES ACT.

APPROVED RESOLUTION, JH/PG

CONTESTED AGENDA

Wednesday, November 10, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**Petroleum Storage Tank Enforcement**)

Item 1. Consideration of the Executive Director's 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/Pala)

Issue Agreed Order, PG/PR

Item 2. Consideration of the Executive Director's petition for a TNRCC order assessing administrative penalties and requiring certain actions of Mr. Ian Evans, Registration No. ILP000341; Enf. ID No. E10078. (Pfeifer/Pala)

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 SAN ANTONIO CASTLE MGPC, INC., PERMIT NO. PST FACILITY ID #0047384. (WINTER/ROBERTS)

Issue Agreed Order, PG/PR

CONTESTED (**Water Quality Enforcement**)

Item 4. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE RIVER INN RESORT, NO TWC PERMIT. (RUBEY/POWELL)

Remand to Executive Director

Item 5. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF RADLER ENTERPRISES TEXAS, INC., PERMIT NO. 12544-001. (QUALTROUGH/WATSON)

Remand to Office Hearing Examiner's

Item 6. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE

PENALTIES AND REQUIRING CERTAIN ACTIONS OF TYLER PIPE INDUSTRIES, INC., PERMIT NO. 01793. (MARTINEZ/ROBERTS)

Remand to Office Hearing Examiner's

Item 7. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CDC COATINGS COMPANY, PERMIT NO. 02650. (RAMIREZ/ROBERTS)

Issue Agreed Order, PR/PG

Item 8. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CITY OF TEAGUE & CITY OF FAIRFIELD, PERMIT NO. 13579-01. (KEILS)

Issue Agreed Order, PR/PG

Item 9. COMMISSION CONSIDERATION OF AN AGREED ENFORCEMENT ORDER RESOLVING THE MATTER OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT CONCERNING BOUMA DAIRY NO. 2; NO PERMIT (MARTINEZ)

Issue Agreed Order, PR/PG

Item 10. COMMISSION CONSIDERATION OF AN AGREED ENFORCEMENT ORDER RESOLVING THE MATTER OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT CONCERNING HORIZON TRUCK WASH; PERMIT NO. 03033 (MARTINEZ)

Issue Agreed Order, PR/PG

Item 11. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ORDER REQUIRING CERTAIN ACTIONS OF GULF COAST MACHINE AND SUPPLY COMPANY, PERMIT NO. 01203. (QUALTROUGH/COOK)

Remand to Office Hearing Examiner's

Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR FOR AN ORDER AUTHORIZING THE DONNA INDEPENDENT SCHOOL DISTRICT TO CONSTRUCT A WASTEWATER TREATMENT FACILITY PRIOR TO COMMISSION CONSIDERATION OF THE APPLICATION FOR PERMIT. (Eugene Clayborn)

Approve Authorization to Construct, PG/PR

CONTESTED (Water Utilities Matter)

Item 13. CONSIDERATION OF AN AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST CODY AND ANITA LEWIS D/B/A WILLOWS PUBLIC WATER SYSTEM, CASSIE PUBLIC WATER SYSTEM, WATER

WORKS #1 & #2, PUBLIC WATER SYSTEMS AND DEER SPRINGS WATER COMPANY, ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS FOR VIOLATIONS OF THE TEXAS WATER CODE (SANCHEZ)

Issue Agreed Order, PR/PG

CONTESTED (District Matter)

Item 14. REQUEST BY DUVAL COUNTY CONSERVATION AND RECLAMATION DISTRICT TO RELEASE THE DISTRICT FROM THE ORDER OF THE CONSERVATORSHIP AND THE ORDER OF THE ASSISTANT CONSERVATORSHIP. For Commission consideration and action. The district requests authorization to be released from the order of the conservatorship and the order of the assistant conservatorship. (Cavazos)

Approve as Recommended by Staff, PG/PR

CONTESTED (Proposal For Decision)

Item 15. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF JANET SLEGGERS DBA ASPEN DAIRY FOR AN AMENDMENT TO PERMIT NO. 03301 TO AUTHORIZE THE DISPOSAL BY IRRIGATION AND ON LAND OF SOLID WASTES AND WASTEWATER FROM A DAIRY OPERATION IN ERATH COUNTY, TEXAS AND SEGMENT NO. 1226 OF THE BRAZOS RIVER BASIC. RECOMMENDATION: ISSUANCE

Adopt Examiner's Proposal For Decision as amended by Chairman Hall and Issue Order, PR/PG

Item 16. CONSIDERATION OF EXAMINER'S PROPOSALS FOR DECISION AND ORDERS CONCERNING PETITIONS OF THE EXECUTIVE DIRECTOR FOR ORDERS ASSESSING ADMINISTRATIVE PENALTIES AND/OR REQUIRING CERTAIN ACTIONS OF JOSE MARTINEZ AND DAVID HUNZIKER (DOCKET NOS. 94-02, 94-03). RECOMMENDATION: APPROVAL OF PROPOSED ENFORCEMENT ORDERS. (BOURBON)

Adopt Proposal For Decision and Issue Order, PG/JH

CONTESTED (Examiner's Memorandum)

Item 17. Consideration of Examiner's Memorandum and Order concerning the Petition of One Austin Capital Group, Inc., et al. for Commission review of City of Austin Ordinance No. 920903-D pursuant to Section 26.177(d) of the Texas Water Code. Recommendation: Issuance of Order of dismissal. (Thomas)

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

EXECUTIVE SESSION

Item 18. 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 19. 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) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

CONTESTED OLD BUSINESS

Wednesday, November 10, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of October 27, 1993.

- Item 1. Consideration on the approval for submission to the U.S. Environmental Protection Agency of the 1990 Base Year Ozone Nonattainment Area State Implementation Plan Emissions Inventories for Dallas/ Fort Worth, Houston/Galveston, Beaumont/Port Arthur, and El Paso to meet the Federal Clean Air Act requirement for completion of area-wide base year inventories. - (Gill)

Adopt SIP as recommended by staff, PG/PR

Item carried forward from Agenda of October 27, 1993.

- Item 2. Consideration on adoption of amendments to the State Implementation Plan for the control of volatile organic compounds in Dallas/ Fort Worth, Houston/Galveston, Beaumont/Port Arthur, and El Paso to meet the Federal Clean Air Act Rate-of-Progress requirements for ozone nonattainment areas - (Kirkpatrick)

Adopt SIP as recommended by staff, PG/PR

Item carried forward from Agenda of October 27, 1993.

- Item 3. Consideration on adoption of amendments to TNRCC 30 TAC Chapter 115 regarding Control of Air Pollution From Volatile Organic Compounds and 30 TAC Chapter 101 regarding General Rules to meet 80% of the rate-of-progress reduction requirements of volatile organic compounds under the 1990 Clean Air Act Amendments - (Kirkpatrick)

Adopt SIP as recommended by staff, PG/PR

Item carried forward from Agenda of October 27, 1993.

- Item 4. Consideration on adoption of Revisions to 30 TAC Chapter 114 and the State Implementation Plan (SIP) Regarding Motor Vehicle Inspection/Maintenance (I/M) in Ozone Nonattainment Areas - (Baier)

Adopt SIP as recommended by staff, PG/PR

Item carried forward from Agenda of October 27, 1993.

- Item 5. Consideration of Examiner's Proposal for Decision concerning the applications of Bolivar WSC for an amendment to certificate of convenience and necessity No. 11257 and for partial decertification of the City of Denton's certificate of Convenience and Necessity No. 10195 to provide water service in Denton County, Texas (Docket No. 9447-C), together with the application of the City of Denton for amendments to its Certificates of Convenience and Necessity Nos. 10195 and 20072 to provide water and sewer service in Denton Co., Texas. Recommendation: Approve No. 9447-C in part and deny in part, approve No. 9824-C in part and deny in part.

Continued to December 1, 1993

Item carried forward from Agenda of October 27, 1993.

- Item 6. Consideration of Examiner's Proposal for Decision & Order concerning the application of Loving Co. Disposal, Inc. for Permit No. WDW-275; WDW-276; HW-50313-001 to authorize the operation of a hazardous waste disposal well storage facility in Loving County, Texas. Recommendation: Issuance of Permit. (Linda Sorrells)

Remand to Office Hearing Examiner's with hearing to be held on Waste Analysis, Tank Assessments, Emergency Response Plan, Item to be brought back on the Commission's Agenda January 19, 1994.