

HALL
REED
GARNER

UNCONTESTED AGENDA

Wednesday, November 17, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**Hazardous Waste Permit Amendment**)

Item 1. APPLICATION BY CHEMICAL WASTE MANAGEMENT for an amendment to Permit No. HW50212-001 which authorizes operation of a commercial hazardous waste storage, processing and disposal facility for wastes from off-site and on-site sources. The proposed amendment would authorize construction and operation of an above-grade landfill, 15 storage tank systems and a container storage area. The amendment would also authorize closure and post-closure care of a below-grade landfill and post-closure care of two closed land disposal units. The hazardous waste management facility is located on a 442 acre tract of land on the south side of Highway 73, approximately 3.2 miles west of the intersection of Highway 73 and Taylor Bayou in the City of Port Arthur, Jefferson, County, Texas.

APPROVED, PG/PR

Item 2. APPLICATION BY CHEMICAL WASTE MANAGEMENT for an amendment to Compliance Plan No. CP50212-001 which authorizes corrective action which will be concurrent with operations authorized by Permit No. HW50212-001. The amendment proposed to the compliance plan would authorize a corrective action program to remediate contamination released to the groundwater at the facility and to ensure the Groundwater Protection Standard is achieved. Hazardous waste authorized to be managed at this facility are classified as ignitable, toxic, corrosive, acute hazardous, toxicity characteristic and reactive. The hazardous waste management facility is located on a 442 acre tract of land on the south side of Highway 73, approximately 3.2 miles west of the intersection of Highway 73 and Taylor Bayou in the City of Port Arthur, Jefferson, County, Texas.

APPROVED, PG/PR

UNCONTESTED (New Hazardous Waste Permit)

- Item 3. APPLICATION BY NASA - LBJ SPACE CENTER for a permit (Proposed Permit No. HW50175-000) to authorize the continued operation of existing hazardous waste tank and container storage areas for wastes generated by research, photographic, plating, construction and maintenance activities conducted on site in support of the United States Manned Space Program. The proposed permit would authorize three (3) container storage areas with a total capacity of 18,495 gallons; and three (3) tank storage areas that contain a combined total of 13 tanks with a combined total capacity of 30,190 gallons. The permit would also require that a RCRA Facility Investigation be performed on two (2) solid waste management units. Wastes managed at this facility are Class I hazardous wastes and are generally described as painting wastes, solvents, sludge, solids and various contaminated wastewaters and aqueous solutions. Mixed radioactive wastes and Mercury wastes are also managed at this facility. The facility is on a 1,617.84-acre tract of land on the northern side of NASA Road One, approximately 25 miles southeast of the City of Houston and approximately 25 miles northwest of the City of Galveston in Harris County, Texas.

APPROVED, PG/PR

UNCONTESTED (Compliance Plan)

- Item 4. APPLICATION BY STRUCTURAL METALS, INC. for a Compliance Plan (Proposed Compliance Plan No. CP50142) to authorize and require SMI to conduct a groundwater Compliance Monitoring Program. The proposed Compliance Plan addresses releases of chromium and barium to the Uppermost Aquifer from the RCRA regulated East Cell, West Cell and South Cell Landfills. SMI operates a steel manufacturing/fabrication plant. The industrial hazardous waste management facility is approximately three miles west of Seguin, adjacent to the Guadalupe River on Bill Dwyer Road, one mile west of the intersection of I-10 and FM 464 in Guadalupe County, Texas.

APPROVED, PG/PR

UNCONTESTED (Waste Discharge Permit Amendments)

- Item 5. APPLICATION BY ELF ATOCHEM NORTH AMERICA for an amendment to Permit No. 01393 in order to add a new Outfall 002 to

regulate the discharge of treated lake water at a volume not to exceed an average flow of 120,000 gallons per day. The permit currently authorizes an intermittent flow variable discharge of stormwater via Outfall 001. The applicant operates an agriculture chemicals manufacturing plant which includes a stormwater treatment plant; and a surface water (Finfeather Lake) recovery and treatment plant. The plant site is immediately southwest of the intersection of the Missouri-Pacific Railroad and Dodge Street in the City of Bryan in Brazos County, Texas.

APPROVED, PR/PG

UNCONTESTED (Waste Discharge Permit Renewal)

- Item 6. APPLICATION BY CITY OF SHERMAN for renewal of Permit No. 10329-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000,000 gallons per day. The wastewater treatment facilities are south of the Farm-to-Market Road 1417 Bridge over Post Oak Creek on the west side of Post Oak Creek southeast of the City of Sherman in Grayson County, Texas.

RENEWED, PR/PG

UNCONTESTED (District Matters)

- Item 7. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL OF \$9,600,000 UNLIMITED TAX AND REVENUE BOND, TWENTY-FIRST ISSUE, 7.675% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The Authority's application requests Commission approval for a bond issue to finance water, wastewater & drainage facilities to serve 481 ESFC's within the Authority. (Ferguson)

APPROVED, PG/PR

- Item 8. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109 FOR APPROVAL OF THE ISSUANCE OF \$2,550,000 IN UNLIMITED TAX BONDS, 6.232% NET EFFECTIVE INTEREST RATE, SERIES 1993, NINTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,550,000 in unlimited tax bonds to finance construction of a new 3.0 mgd wastewater treatment plant and to make improvements to water supply, wastewater collection system and drainage facilities. (Ferguson)

APPROVED, PG/PR

Item 9. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 356 FOR APPROVAL OF \$2,820,000 UNLIMITED TAX BONDS, 7.72% NET EFFECTIVE INTEREST RATE, SERIES 1993, FIRST ISSUE; For Commission consideration and action. Applicant requests Commission approval for the issuance of \$2,820,000 in unlimited tax bonds to finance development within the District. (Ferguson)

APPROVED, PG/PR

Item 10. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 354 FOR APPROVAL OF \$1,870,000 UNLIMITED TAX BONDS, % NET EFFECTIVE INTEREST RATE, SERIES 1993, FIRST ISSUE; For Commission consideration and action. Applicant requests Commission approval for the issuance of \$1,870,000 in unlimited tax bonds to finance development within the District.

APPROVED, PG/PR

Item 11. APPLICATION BY TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 17 FOR APPROVAL OF \$3,375,000 STEINER RANCH DEFINED AREA UNLIMITED TAX BONDS, FIRST ISSUE, 7.42% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. Applicant requests approval of a bond issue to finance a water transmission main along Quinlan Park Road; Steiner Ranch Boulevard water transmission main, phases 1 & 2; a pro rata share of water treatment plant expansion; and water and drainage facilities for Steiner Ranch Phase 1 Section 1 & Steiner Ranch Phase 1 Section 1A & 2. (Ferguson)

APPROVED, PG/PR

Item 12. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 322 FOR APPROVAL OF \$5,300,000 UNLIMITED TAX BONDS, THIRD ISSUE, 7.66% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. Applicant requests approval of a bond issue to finance unreimbursed costs on projects included in the District's first two bond issues; water, wastewater, & drainage facilities for various subdivisions; and master utility district connection charges. (Ferguson)

APPROVED, PG/PR

Item 13. APPLICATION BY CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$5,100,000 UNLIMITED TAX BONDS, 7.17% NET EFFECTIVE INTEREST RATE, SERIES 1993, SIXTH ISSUE; For Commission consideration and action. Applicant requests Commission approval for the issuance of \$5,100,000 in unlimited tax bonds to finance the cost to purchase major facilities within the District. (Ferguson)

APPROVED, PG/PR

Item 14. Application by Montgomery county Municipal Utility District No. 67 for approval of the issuance of \$8,770,000 in unlimited tax bonds, 6.92% net effective interest rate, series 1993, first issue. For Commission consideration and action. Applicant requests approval of the issuance of \$8,770,000 in tax bonds to finance water supply & wastewater treatment plant capacity charges; wastewater conveyance capacity charges; pro rata share of water mains; pro rata share of drainage ditches; and water, wastewater & wastewater & drainage facilities for Village of Cochrans Crossing Sections 23, 28, 29, 31, 32, 33 35, 37, 39-42. (Ferguson)

APPROVED, PG/PR

Item 15. PETITION BY CENTENNIAL HOMES, INC. FOR DISSOLUTION OF WHITE OAK/FM 1960 MUNICIPAL UTILITY DISTRICT/HARRIS COUNTY. For Commission consideration and action. Applicant requests that the Commission to dissolve the District.

APPROVED, PG/PR

UNCONTESTED (Water Utility Matters)

Item 16. Application of H. F. Christman Water Service to Transfer Water CCN No. 12195 from H.F. Christman Water Service to Craig S. Turner dba Turner Water Service in Fort Bend County, Texas. (Application # 30066-S, Darrell Nichols)

APPROVED, PR/PG

Item 17. Application of Colonia Nueva Water Distribution System, Inc., for a Water Certificate of Convenience and Necessity (CCN) and to Decertify a Portion of North Alamo Water Supply Corporation (WSC), CCN No. 10553, in Hidalgo County, Texas. (Application # 30086-C, Darrell Nichols)

APPROVED, PR/PG

UNCONTESTED (Release of Escrow Funds)

Item 18. Consideration of a request by Am-Tex Corporation, Receiver for Tawakoni Water Utility Corporation, to amend the Commission's Order under Docket No. 7368-R to release escrowed surcharge funds and to allow reimbursement for system improvements. (Montelongo)

APPROVE STAFF RECOMMENDATION, PG/PR

UNCONTESTED (**Resolution**)

- Item 19. Presentation of a Certificate of Appreciation for Billy L. Moody for services rendered to the State of Texas as Commissioner of the Pecos River Compact. (Settemeyer)

PEGGY GARNER PRESENTED CERTIFICATE

UNCONTESTED (**Settled Hearings**)

- Item 20. Consideration of Examiner's Memorandum and Order concerning the application of C. D. (Josh) Ham for an amendment to water use Permit No. 5314 in Rusk County, Texas, to indicate that the reservoir complex included in the permit will be located on Dill Creek, a tributary of the East Fork Angelina River in the Neches River Basin. Recommendation: Dismissal without prejudice (Bateman).

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

- Item 21. Consideration of Examiner's Memorandum and Order concerning the application of Matthew Road Water Co-op for a certificate of convenience and necessity to provide water service in Dallas County, Texas. (Docket No. 9535-C). (Jackson)

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

- Item 22. Consideration of Examiner's Memorandum and Order concerning the Application of Lakewood WSC to increase retail water rates in Leon County, TX (Docket No. 30016-G). Applicant provides retail water service to approximately 24 customers. Recommendation: Adoption of agreement of parties. (Wood). Leon County.

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.)

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, November 17, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 23. CONSIDERATION OF APPROVAL OF ADJUSTMENTS TO FY94
OPERATING BUDGET.

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

UNCONTESTED OLD BUSINESS

Wednesday, November 17, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of August 18, and September 22, 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 DECEMBER 15, 1993 AT 9:00 A.M.

Item carried forward from Agenda of September 29, 1993 and November 10, 1993.

- Item 2. 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.

APPROVED, PR/PG

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CONTESTED AGENDA

Wednesday, November 17, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**SOLID WASTE ENFORCEMENT**)

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TRANSFORMA MARINE CORPORATION; TEXAS SOLID WASTE REGISTRATION NO. 37911 (CASTAÑUELA)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

- 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 AMOCO CHEMICAL COMPANY PLANT A; TEXAS SOLID WASTE REGISTRATION NO. 32297 (CASTAÑUELA)

ISSUE PROPOSED ORDER, PR/PG

CONTESTED (**WATER QUALITY ENFORCEMENTS**)

- Item 3. CONSIDERATION OF A TEXAS NATURAL RESOURCE CONSERVATION COMMISSION AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TRIFINERY, INC., PERMIT NO. 02720. (WINTER/ANGELLE)

ISSUE AGREED ORDER, PG/PR

- Item 4. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DOYLE WOOD DBA MARTIN SPRINGS DAIRY, PERMIT NO. 03274 (WINTER)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

- Item 5. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AQ TNRCC ORDER ASSESSING ADMINISTRATIVE

PENALTIES AND REQUIRING CERTAIN ACTIONS OF DOYLE AND MACK WOOD DAIRY, NO PERMIT. (WINTER)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

- Item 6. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER REQUIRING CERTAIN ACTIONS OF UNITED CLAYS OF TEXAS, INC., PERMIT NO. 02973. (KEILS/WATSON)

ISSUE AGREED ORDER, PG/PR

- Item 7. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SOUTHERN CLAY PRODUCTS, INC., PERMIT NO. 02973. (KEILS/WATSON)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

CONTESTED (PETROLEUM STORAGE TANK ENFORCEMENTS)

- Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EL PASO COUNTY, FACILITY ID NO. 09036; ENF. ID NO. E10325. (WINTER/PALA)

ISSUE AGREED ORDER, PR/PG

- Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF CARROLLTON, FACILITY ID NO. 27151; ENF. ID NO. E10257. (WINTER/CARSON)

ISSUE AGREED ORDER, PR/PG

CONTESTED (RULES)

- Item 10. CONSIDERATION OF THE EXECUTIVE DIRECTOR TO ADOPT PROPOSED NEW §290.51 RELATING TO PUBLIC WATER SYSTEM FEES AS PUBLISHED IN THE OCTOBER 15TH ISSUE OF THE TEXAS REGISTER. (Walden/Montelongo)

ADOPT RULES AS RECOMMENDED BY STAFF, PR/PG

CONTESTED (PROPOSAL FOR DECISION AND ORDER)

- Item 11. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF GIBRALTAR CHEM. RESOURCES, INC. FOR AN AMENDMENT TO PERMIT NO. WDW 186 IN SMITH

COUNTY, TEXAS. RECOMMENDATION: ISSUANCE (MOTION FOR DISMISSAL W/PREJUDICE). (SORRELLS)

ADOPT EXAMINER'S PROPOSAL FOR DECISION AND ISSUE ORDER, OVERRULE ALL EXCEPTIONS, PR/PG

Item 12. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF SENTRY ENVIRONMENTAL, L.P. FOR PERMIT NO. 2171 TO AUTHORIZE THE OPERATION OF A MUNICIPAL SOLID WASTE TYPE I SITE IN DENTON COUNTY, TEXAS. RECOMMENDATION: DENIAL OF PERMIT. (ZUKAUCKAS)

REMANDED TO OFFICE OF HEARINGS EXAMINERS TO HEAR MORE EVIDENCE REGARDING (1) DEEP GROUNDWATER; (2) LAND USE COMPATIBILITY; AND (3) EFFECTS OF LANDFILL ON AIRPORT AIRCRAFT. REVISED PROPOSAL FOR DECISION TO COME BEFORE COMMISSION ON MARCH 2, 1994, JH/PR

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 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 14. 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.)

ADDENDUM TO CONTESTED AGENDA

Wednesday, November 17, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

- Item 15. Consideration of the Application of American WasteWater Ltd. for an Emergency Order pursuant to 30 Texas Administrative Code Section 305.29 to process grease trap waste not to exceed 50,000 gallons per day at its facility located at 250 Gellhorn, Houston, Harris County, Texas (Type V MSW Appl. No. 2234); (Adrian/Ligarde)

ISSUE EMERGENCY ORDER, PG/PR

CONTESTED OLD BUSINESS

Wednesday, November 17, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of July 14, 1993 and August 18, 1993.

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND PROPOSED ORDER CONCERNING THE PETITION OF CITY OF HIGHLAND VILLAGE FOR REVIEW OF THE WHOLESALE SEWER RATES CHARGED BY THE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS, AND PETITION BY HIGHLAND VILLAGE REQUESTING THE COMMISSION TO COMPEL SERVICE. (DOCKET NO. 9271-A & 9324). RECOMMENDATION: APPROVAL OF RATE OF \$2.50 PER 1000 GALLONS AND RATE CASE EXPENSE SURCHARGE OF \$39,961. (THOMAS) (Instructed staff to bring draft rules to the Commission when this item came up for consideration.)

CONTINUED TO MARCH 2, 1994 AT 9:00 A.M.