

HALL-present
GARNER-present
REED-absent and excused

UNCONTESTED AGENDA

Wednesday, January 12, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**Municipal Solid Waste Permit**)

- Item 1. APPLICATION BY WASTE MANAGEMENT OF TEXAS, INC. for a municipal solid waste permit (Proposed Permit No. MSW2213) to authorize a Type V municipal solid waste management facility which includes a transfer station, community drop-off center, and recycling facility. Authorized wastes include municipal solid waste, Class II industrial solid waste, and Class III industrial solid waste and are to be received at a rate averaging 666 tons per day. The site covers an area of 17.15 acres and is to be located at 400 Lookout Ridge Boulevard. The location is 210 feet southwest of the intersection of FM 3219 and U.S. Highway 190 (business), 530 feet southeast of the intersection of Indian Trail (FM 3423) and Clore Road, and 1450 feet southeast of the intersection of U.S. 190 (business) and Indian Trail (FM 3423) in Harker Heights, Bell County, Texas.

APPROVED APPLICATION; PG/JH

UNCONTESTED (**Waste Discharge Permit**)

- Item 2. 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 applicant operates a facility which manufactures glycine, chelates 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.

APPROVED APPLICATION; PG/JH

UNCONTESTED (Water District Matters)

Item 3. APPLICATION BY CAMERON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1; \$1,300,000 UNLIMITED TAX BONDS, SERIES 1994; 5.5% NET EFFECTIVE INTEREST RATE AND USE OF SURPLUS FUNDS. For Commission consideration and action. Applicant requests Commission approval to issue bonds to finance the construction of improvements to the District's wastewater treatment system. (Ferguson)

APPROVED APPLICATION; PG/JH

Item 4. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 130 FOR APPROVAL OF \$685,000 UNLIMITED TAX BOND ISSUE, 7.775% NET EFFECTIVE INTEREST RATE, SERIES 1994, THIRD ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$685,000 in unlimited tax bonds to finance the construction of replacement a water well for the District. (Ferguson)

APPROVED APPLICATION; PG/JH

Item 5. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 37 FOR APPROVAL OF \$1,060,000 UNLIMITED TAX AND REVENUE BOND ISSUE, 6.673% NET EFFECTIVE INTEREST RATE, SERIES 1994, THIRD ISSUE AND USE OF SURPLUS FUNDS; \$1,300,000 BOND ISSUE APPROVED SEPTEMBER 10, 1992. For Commission consideration and action. Applicant requests approval of the issuance of \$1,060,000 in unlimited tax and revenue bonds and use of \$31,479 in surplus funds to finance the purchase and construction of District infrastructure facilities. (Ferguson)

APPROVED APPLICATION; PG/JH

Item 6. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6 FOR APPROVAL OF \$540,000 UNLIMITED TAX AND REVENUE BONDS, FIFTH ISSUE, 7.0% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance construction of modifications to an existing wastewater treatment plant. (Ferguson)

APPROVED APPLICATION; PG/JH

Item 7. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 159 FOR APPROVAL OF \$1,290,000 UNLIMITED TAX BOND ISSUE, SERIES 1994, THIRD ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$1,290,000 to augment the upgrade of the

wastewater treatment facilities and water supply and storage facilities serving the District. (Ferguson)

APPROVED APPLICATION; PG/JH

Item 8. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 254 FOR APPROVAL TO RELEASE \$125,300 FROM ESCROW AND TO USE \$321,700 IN SURPLUS FUNDS; \$3,400,000 BOND ISSUE APPROVED JULY 16, 1986. For Commission consideration and action. Applicant requests the above funds to finance phase 1 services associated with the construction of City of Houston Regional Wastewater Treatment Plant. (Ferguson)

APPROVED APPLICATION; PG/JH

Item 9. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 237 FOR APPROVAL OF THE USE OF SURPLUS CONSTRUCTION FUNDS INCLUDING EARNED INTEREST AND RELEASE AND CHANGE IN USE OF ESCROWED FUNDS. For Commission consideration and action. Applicant requests approval of the use of surplus construction funds (\$53,000) and release and change in use of escrowed funds (\$52,353) to finance a portion of District's water, wastewater and drainage utilities construction costs for the Venture Stores, Inc. tract. (Ferguson)

APPROVED APPLICATION; PG/JH

Item 10. APPLICATION BY SPORTSMAN'S WORLD MUNICIPAL UTILITY DISTRICT OF PALO PINTO COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant requests Commission approval of a debt service standby fee of \$8 per lot or tract with water & wastewater service available, and approval of an operation & maintenance standby fee of \$27 per lot or tract with water & wastewater service, \$20 per lot or tract with water service only, & \$15 per lot or tract with wastewater service only. (Ferguson)

REMANDED TO THE OFFICE OF HEARINGS EXAMINERS

UNCONTESTED (Water Utility Matters)

Item 11. Application of The Estates Above Lost Creek Phase I Property Owners Association, Inc. to Transfer a Portion of Water CCN No. 11741 from Travis County Water Control and Improvement District No. 19; Amend Water CCN No. 11741; And Obtain a CCN in Travis County, Texas. (Application # 9962-S, Vera Poe)

CONTINUED TO JANUARY 26, 1994 AT 9:00 A.M.

Item 12. Application of Comal Hills Water Supply Corporation to Transfer Water CCN No. 11639 from Ann Denbow and Richard Billings dba Indian Hills Water Company; Amend Water CCN No. 12349; Cancel Water CCN No. 11639 in Blanco and Comal Counties, Texas. (Application # 30141-S, Albert Holck)

APPROVED APPLICATION; PG/JH

UNCONTESTED (**Resolution**)

Item 13. Commission adoption of a resolution for Clean Industries 2000.

ADOPTED RESOLUTION; JH/PG

UNCONTESTED (**Settled Hearings**)

Item 14. Consideration of Examiner's Memorandum concerning the application of Rhone-Poulenc, Inc. for a renewal of Permit No. 01822 to authorize the discharge of treated wastewater consisting of process and utility water, stormwater and domestic sewage at a volume not to exceed an average flow of 175,000 gpd in Brazoria County, Texas, and Segment No. 1201 of the Brazos River Basin. Recommendation: Renewal of Permit. (BROYLES)
Uncontested water quality matter.

ADOPTED EXAMINER'S MEMORANDUM AND RENEWED PERMIT; PG/JH

Item 15. Consideration of Examiner's Memorandum and Order concerning the application of MHI Water System to increase retail water rates in Johnson County, Texas (Docket No. 30094-R). Applicant provides retail water service to approximately 613 customers. Recommendation: Adoption of agreement of parties. (BROYLES)

ADOPTED EXAMINER'S MEMORANDUM AND ISSUED APPLICATION; PG/JH

(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, January 12, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

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

- Item 1. 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)

ADOPTED EXAMINER'S MEMORANDUM AND ISSUED CCN WITH DENIAL OF CCN AMENDMENT; PG/JH

Item carried forward from Agenda of August 18, September 22, and November 17, 1993.

- Item 2. 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)

REMANDED TO THE OFFICE OF HEARINGS EXAMINERS

CONTESTED AGENDA

Wednesday, January 12, 1994

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 the Inland - Orange; Texas Solid Waste Registration No. 30006 (McLeod)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

- Item 2. 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 the U.S. Department of the Army - Fort Hood; Texas Solid Waste Registration No. 66005 (SWEENEY)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

CONTESTED (**Water Quality Enforcement**)

- Item 3. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of the City of Henderson, TNRCC Permit No. 10187-001 (Roberts).

ISSUED AGREED ORDER; PG/JH

CONTESTED (**Water Quality Matter**)

- Item 4. Consideration of terms of an order directing a nutrient impact study required by the Texas Natural Resource Conservation Commission by motion in an Open Meeting on August 25, 1993, Authorizing renewal of permit no. 10486-02 for the city of Grapevine to discharge 3,750,000 GPD of treated domestic wastewater effluent in Tarrant County, Texas, and segment no. 0826 of the Trinity River Basin. (BAKER)

ADOPTED LANGUAGE AS PROPOSED BY EXECUTIVE DIRECTOR'S STAFF, THAT THE STUDY BE CONDUCTED ONLY ON WATER IN MOOREHEAD COVE. ALSO, THE STUDY MOST BE COMPLETE WITHIN THREE YEARS OF PERMIT ISSUANCE ORDER; PG/JH

CONTESTED (Hearing Examiner's Proposals for Decision)

- Item 5. Consideration of Examiner's Proposal for Decision & Order concerning the Application of Loving County Disposal, Inc. for Permit No. WDW-275, WDW-276 and HW-50313-001 to Authorize the Operation of a Hazardous Waste Disposal Well and Storage Facility in Loving County, Texas.

ADOPTED EXAMINER'S PFD AND ISSUED ORDER OVERRULING ALL EXCEPTIONS;
PG/JH

- Item 6. Consideration of Examiner's Proposal for Decision concerning the application of Texas Municipal Power Agency for water use Permit No. 5458, Grimes County, Texas to construct a reservoir to impound 253 acre-feet and divert not to exceed 100 acre-feet of water per annum from the Peach Creek, tributary of Gibbons Crk., tributary of Navasota River, tributary of Brazos River in Brazos River Basin, for industrial purposes. RECOMMENDATION: ISSUANCE OF AUTHORIZATION. (ROGAN)

CONTINUED TO JANUARY 26, 1994 AT 9:00 A.M.

EXECUTIVE SESSION

- Item 7. 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 8. 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, January 12, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 9. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION INSTITUTED AGAINST MEKLO, INC. DBA ELTEX CHEMICAL AND SUPPLY COMPANY UNDER THE TEXAS SOLID WASTE DISPOSAL ACT AND THE TEXAS WATER CODE.

ISSUED AGREED ORDER; PG/JH

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, January 12, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 10. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST PLANTATION FOODS, INC. (SULAK FARM), FOR VIOLATIONS OF THE TEXAS WATER CODE AND COMMISSION RULES, ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS FOR VIOLATIONS OF THE TEXAS WATER CODE (Keils/Chaffin)

APPROVED PROPOSED AGREED ORDER; PG/JH

Item 11. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST WATER WELL DRILLER TOMMY ARNOLD, FOR VIOLATIONS OF THE TEXAS WATER CODE AND COMMISSION RULES, ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS FOR VIOLATIONS OF THE TEXAS WATER CODE (Keils\Kuhn)

APPROVED PROPOSED AGREED ORDER; PG/JH

Item 12. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST WATER WELL DRILLER FRANCISCO HUERTA, FOR VIOLATIONS OF THE TEXAS WATER CODE AND COMMISSION RULES, ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS FOR VIOLATIONS OF THE TEXAS WATER CODE (Keils\Wilder)

APPROVED PROPOSED AGREED ORDER; PG/JH

Item 13. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST WATER WELL DRILLER BILLY J. PEARSON, FOR VIOLATIONS OF THE TEXAS WATER CODE AND COMMISSION RULES, ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS FOR VIOLATIONS OF THE TEXAS WATER CODE (Keils\Parahm)

APPROVED PROPOSED AGREED ORDER; PG/JH