

GARNER  
REED

UNCONTESTED AGENDA

Wednesday, March 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (**Hazardous Waste Class 2 Modification**)

Item 1. Consideration of an application by CHEMICAL WASTE MANAGEMENT, INC. for a Class 2 permit modification to Permit No. WDW70 in order to authorize addition of waste codes F032-Hexachlorobenze; F037-Pentracachlorophenol; and F038-Pyridine to the facility's waste code list with a submittal date of September 20, 1993. This application has been processed pursuant to 30 TAC Sections 305.93 and 305.96. The applicant operates a commercial industrial and hazardous waste management facility located at 6901 Greenwood Drive in the City of Corpus Christi, Nueces County, Texas.

Approved, PR/PG

Item 2. Consideration of an application by UNION CARBIDE CHEMICALS AND PLASTICS CO., INC. for a Class 2 Modification to Permit No. HW-50242-001 in order to authorize the addition of characteristic waste codes DO18-Benzene; DO35-Methyl Ethyl Ketone; and DO43-Vinyl Chloride to the facility's waste code list with a submittal date of March 22, 1991. This application has been processed pursuant to 30 TAC Sections 305.93 and 305.96. The applicant operates a petrochemical manufacturing plant and an industrial and hazardous waste management facility located on approximately 440-acres, located northeast of the junction of State Highways 519 and 146 at 3301 5th Avenue South, Texas City, Galveston County, Texas.

Approved, PR/PG

UNCONTESTED (**Production Area Authorization**)

Item 3. Consideration of an application by TOTAL MINERALS CORPORATION AND MALAPAI RESOURCES COMPANY for amendments to Production Area Authorization (PAA) No. 1 (Permit No. UR02156-011) and PAA No. 2 (Permit No. UR02156-012) at the Holiday Mine Site. The proposed amendment will

authorize the addition of 99 acres to the current mine area of PAA No. 1. With this addition, approximately 3.4 acres currently in PAA No. 2 will be incorporated into PAA No. 1. In conjunction with this amendment, PAA No. 2 is being amended to reflect this acreage reduction. The proposed amendment will conform with the current Underground Injection Control regulations and update the mine plan. The Holiday mine site is approximately 4.5 miles east of Bruni, Duval County, Texas.

Approved, PG/PR

**UNCONTESTED (Municipal Solid Waste Transfer)**

Item 4. Consideration of the Executive Director's request for administrative approval for the transfer of municipal solid waste Permit No. MSW1586 from OLSHAN GENOA-RED BLUFF LANDFILL, INC. to URBAN WASTE TECHNOLOGIES, INC..

Approved, PR/PG

**UNCONTESTED (Temporary Variance to Water Quality Permit)**

Item 5. Consideration of the CITY OF GREENVILLE request for a temporary variance to the existing water quality standards of Cowleech Fork in Segment No. 0507 of the Sabine River Basin. The variance would authorize a three year period in which to conduct a water quality study of Cowleech Fork in Segment No. 0507 of the Sabine River Basin . The study would show whether a site specific amendment to water quality standards is justified. Prior to the expiration of the three year variance period, the Commission 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, PG/PR

**UNCONTESTED (Water Quality Permits)**

Item 6. APPLICATION BY CITY OF GREENVILLE for renewal of Permit No. 10485-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,230,000 gallons per day. The wastewater treatment facilities are approximately 1.3 miles east of the intersection of Interstate Highway 30 and U.S. Highway 69 in Hunt County, Texas.

Approved, PG/PR

Item 7. APPLICATION BY ROLLINS ENVIRONMENTAL SERVICES (TX), INC. for an amendment to Permit No. 01429 to authorize an

increase in the discharge of treated industrial wastes, incinerator scrubber water, treated domestic wastewater and treated stormwater runoff from a volume not to exceed an average flow of 1,440,000 gallons per day to a volume not to exceed an average flow of 2,880,000 gallons per day via Outfall 001 and to add an additional stormwater outfall 003. The permit currently authorizes an intermittent discharge of stormwater runoff via Outfall 002, which will remain the same. The applicant operates an industrial and hazardous waste disposal facility. The plant site is at 2027 Battleground Road, south of Tidal Road, west of State Highway 134 and east of and adjacent to Tucker Bayou in the City of Deer Park in Harris County, Texas.

Approved, PG/PR

**UNCONTESTED (Water District Matters)**

Item 8. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant seeks approval for the levy of a non-uniform annual standby fee ranging from \$521 to \$1,073 per acre to supplement the debt service account, for an annual total standby fee revenue of \$196,566. (Ferguson)

Approved, PR/PG

Item 9. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 76 FOR APPROVAL TO ISSUE \$975,000 UNLIMITED TAX BONDS, SERIES 1994, 6.0% NET EFFECTIVE INTEREST RATE. 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, PR/PG

Item 10. APPLICATION BY PINE VILLAGE PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO ISSUE \$810,000 WATERWORKS AND SEWER SYSTEM COMBINATION UNLIMITED TAX & REVENUE BONDS, SERIES 1994; 6.0% NET EFFECTIVE INTEREST RATE & APPROVAL OF THE USE OF \$100,000 IN SURPLUS FUNDS, \$4,800,000 BOND ISSUE APPROVED MAY 20, 1985. For Commission consideration and action. Applicant requests approval to issue bonds to finance the construction of improvements to the District's wastewater treatment system, and to utilize surplus bond proceeds from a previous bond sale toward the construction of this project. (Ferguson)

Approved, PR/PG

Item 11. APPLICATION BY EAST CEDAR CREEK FRESH WATER SUPPLY DISTRICT FOR AN EXTENSION OF TIME OF APPROVAL OF \$765,000 OF \$3,200,000 BOND ISSUE APPROVED SEPTEMBER 23, 1992. For Commission consideration and action. Applicant requests Commission approval to issue bonds to finance the construction of water and wastewater improvements to its existing system. (Ferguson)

Approved, PR/PG

Item 12. APPLICATION BY HARRIS COUNTY UTILITY DISTRICT NO 10 FOR APPROVAL OF RELEASE OF \$28,840 OF ESCROWED FUNDS; \$3,120,000 BOND ISSUE APPROVED SEPTEMBER 19, 1990. For Commission consideration and action. The District's application requests Commission approval of the release of \$28,840 of escrowed funds for its pro rata share of construction of drainage improvements. (Ferguson)

Approved, PR/PG

Item 13. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 200 FOR APPROVAL OF \$1,200,000 UNLIMITED TAX BONDS, FOURTH ISSUE, 7.37% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance water & wastewater facilities for Cranbrook Walgreens, future drainage facilities, and an elevated storage tank. (Ferguson)

Approved, PR/PG

Item 14. PETITION BY PROPERTY OWNERS WITHIN EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT - WESTWAY REQUESTING APPOINTMENT OF DIRECTORS AND PETITION REQUESTING REAFFIRMATION OF BOARD MEMBERS CURRENTLY SERVING. For Commission consideration and Action. Petition by Property Owners request appointment of: 1) Jesus H. Luna, 2) Marta Pinedo, 3) Ramona Quinones, 4) Yolanda Rivera and 5) Ernesto M. Chavez, as Directors. A second petition requests that the Commission reaffirm the existing Board consisting of: 1) W. Doug Picklesimer, 2) Janie E. Binford, 3) Paula Sue Griffith, 4) Dolores Mejia and 5) Ernesto Chavez. (Ferguson)

Approved, with changes as recommended by General Counsel, PR/PG

**UNCONTESTED (Water Utility Matters)**

Item 15. Applications of Lake Conroe WSC to Report the Acquisition of First South Federal Savings Association dba Waters Edge Service Corporation through Virgin Development, Inc. and to Obtain Water and Sewer CCNs in Montgomery County, Texas. (Applications 9931-S, 9932-C, & 9933-C, Albert Holck

Approved, PG/PR

Item 16. Application of Timothy W. Loftin, Larry W. Weeden and James W. Ditto, a Partnership, dba Cedar Ridge Deep Well Water System to Transfer Water CCN No. 12091 from D. D. Parsons dba Cedar Ridge Water in McLennan County, Texas. (Application # 30184-S, Albert Holck)

Approved, PG/PR

Item 17. Application of Lillian J. Kissam dba Heights Water Company to Amend Water CCN No. 10789 by Adding Area and Decertifying Area, and of Jack Neely, Jr. dba Heights Water Company to Transfer Water CCN No. 10789 from Lillian J. Kissam dba Heights Water Company in Smith County, Texas. (Application No. 9994-C, Albert Holck)

Approved, PG/PR

Item 18. Application of Starr County WCID No. 2 to amend Water Certificate of Convenience and Necessity No. 12717 in Starr County, Texas. (Application # 30213-C, Darrell Nichols)

Approved, PG/PR

Item 19. Application Number 30214-C of Starr County WCID No. 2 to amend Sewer CCN No. 20776 in Starr County, Texas. (Application # 30214-C, Darrell Nichols)

Approved, PG/PR

Item 20. Application of Lackland Water Company, Ltd. to Transfer Water CCN No. 10734 from Lackland City Water Company, Inc. in Bexar County, Texas. (Application # 30257-S, Diego Abrego)

Approved, PG/PR

**UNCONTESTED (Superfund Contracts)**

Item 21. Consideration of authorizing the Executive Director to expend Fund 550 monies to conduct an immediate removal action at the Cannon Craft Company site in Sulphur Springs, Hopkins County, Texas as per a 361.191 order.

Approved, PG/PR

Item 22. Consideration of authorizing the Executive Director to expend Fund 550 monies to conduct an immediate removal action at the J.C. Pennco Waste Oil Service site in San Antonio, Bexar County, Texas, as per a 361.191 order.

Approved, PG/PR

Item 23. Consideration of authorizing the Executive Director to expend Fund 550 monies to conduct an immediate removal action at the Houston Scrap Metal State Superfund site in Houston, Harris County, Texas, as per a 361-191 order.

Approved, PG/PR

UNCONTESTED (**Resolution**)

Item 24. Consideration of a Resolution relating to the Membership of the Texas Natural Resource Conservation Commission Task Force for the 21st Century and Advisory Committee for Water Utility Operator Certification. (Haley)

Item 29 to be considered in palce of 24

UNCONTESTED (**Settled Hearing's**)

Item 25. Consideration of Examiner's Memorandum and Order concerning the complaint of Hy-Land Joint Venture, et al., against Brushy Creek MUD alleging that Brushy Creek MUD had failed to provide wastewater service to certain developments located within Brushy Creek's Certificate of Convenience and Necessity No. 20592 in Williamson County, Texas. (Docket No. 30145-X) Recommendation: Adoption of agreement of parties. (T. Broyles)

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

Item 26. Consideration of Examiner's Memorandum concerning the application of RanDee Corporation for Permit No. 03512 to authorize the disposal by irrigation of treated industrial wastewater effluent in Angelina County, Texas, and Segment No. 0611 of the Neches River Basin. Recommendation: Issuance of permit. (CRAVEN)

Adopt Examiner's Memorandum and Issue Permit, PG/PR

Item 27. Consideration of Examiner's Memorandum and Order concerning the application of Rolling Hills Water Service, Inc. for a certificate of convenience and necessity to provide water service in Hood County, TX. (Docket No. 30081-C). RECOMMENDATION: Adoption of agreement of parties. (TODD)

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

Item 28. CONSIDERATION of Examiner's Memorandum and Order concerning the petition of Tal-Tex, Inc. in appeal of actions of the City of Round Rock (Docket No. 30198-A). Recommendation: Dismissal of petition.

Adopt Examiner's Memorandum and Issue Order, 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.)

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, March 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

- Item 29. Consideration for adoption of a Resolution relating to the membership of the Texas Natural Resource Conservation Commission's Task Force for the 21st Century and the Municipal Solid Waste Management and Resource Recovery Advisory Council and to the creation and membership of the Advisory Committee for Water Utility Operator Certification. (Haley)

Continued to March 16, 1994

CONTESTED AGENDA

Wednesday, March 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

CONTESTED (**Water Quality Enforcement**)

- Item 1. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Chateau Woods Municipal Utility District, No TNRCC Permit. (Manning)

Issue Agreed Order, PR/PG

- Item 2. Consideration of a proposed agreed order resolving an enforcement action brought against James Trudell, for violations of the Texas Water Code and Commission Rules, assessing administrative penalties and requiring certain actions for violations of the Texas Water Code (Winter/Meyer)

Issue Agreed Order, PR/PG

- Item 3. Consideration of a Texas Natural Resource Conservation Commission Agreed Sixth Amended Order, Proposed Changes to the Fifth Agreed Amended Order, Order Provisions I.E.(7), I.E.(10)(d) and I.N.(b), Permit Nos. 10495-001 through 121, (City of Houston). (Ramirez/Cook)

Issue Agreed Order, PR/PG

CONTESTED (**Municipal Solid Waste Enforcement**)

- Item 4. 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 Tiregator, Inc., Municipal Solid Waste Registration No. 79513. (VICKERY)

Remand to Office Hearing's Examiner

- Item 5. Consideration of a Texas Natural Resource Conservation Commission Agreed Order assessing Administrative Penalties and requiring certain actions of Crosbyton Independent School District; Municipal Solid Waste Site No. 32942; (VICKERY)

Issue Agreed Order, PG/PR

- Item 6. Consideration of the Executive Director's Preliminary Report and Petition for a Texas Natural Resource Conservation Commission Order Assessing Administrative Penalties and requiring certain actions of Hurricane Industries; Municipal Solid Waste Site No. 33432; (VICKERY)

Remand to Office Hearing's Examiner

**CONTESTED (State Implementation Plan)**

- Item 7. Consideration and action on revisions to the Texas State Implementation Plan (SIP), Site-Specific SIP for particulate Matter (PM10), for ASARCO Incorporated in El Paso.

Adopt SIP as Recommended by Staff, PR/PG

**EXECUTIVE SESSION**

- Item 8. 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 9. 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

March 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item 10. Consideration of executive Director's preliminary assessment of substantial noncompliance and order finding substantial noncompliances and finding no further necessary action pursuant to the Texas Water Code Section 5.117 for Northwoods Management, Inc., Permit 13484-01. (Ray Winter)

Remand to Office Hearing's Examiner

CONTESTED OLD BUSINESS

Wednesday, March 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from agenda of February 23, 1994.

- Item 1. Resolution to Adopt Test Fees Required for the Inspection/Maintenance (I/M) Program for Each of the Ozone Non-attainment Areas. (Baier)

Continued to March 16, 1994

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, March 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item 11. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING PENDING LITIGATION RELATED TO THE EDWARDS AQUIFER: SIERRA CLUB, ET AL. VS. BABBITT, ET AL., NO. 91-CA-069, U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS, MIDLAND - ODESSA DIVISION. THE AUTHORITY FOR THIS MEETING IS GOVERNMENT CODE, SECTION 551.071, THE OPEN MEETINGS ACT.

General Counsel will do certified agenda