

HALL
GARNER
REED

AGENDA

Wednesday, April 6, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (First 5 items are uncontested) (Water Utilities)

Item 1. Application by Nazareth Water Supply and Sewer Corporation to cancel Water CCN No. 10639 and Sewer CCN No. 20267 in Castro County Texas. (Applications #30383-Q and 30384-Q, Vera Poe)

Approved, PR/PG

Item 2. Application of Midwest Links Corporation to Purchase Facilities from E & K Properties of Texas, Inc. and Transfer Water Certificate of Convenience and Necessity Number 12402 from Commerce Savings Association dba The Woodlands Utility System to Midwest Links Corporation dba Woodlands at Canyon Lake in Comal County, Texas. (Application # 30065-S, Guillermo Zevallos)

Approved, PR/PG

UNCONTESTED (District Matter)

Item 3. APPLICATION BY CROSBY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY, \$935,000 SEWER SYSTEM REVENUE NOTES, SERIES 1994-A AND \$650,000 WATERWORKS SYSTEM REVENUE NOTES, SERIES 1994-B; 5.5% AND 6.5%, RESPECTIVELY, NET EFFECTIVE INTEREST RATE; For Commission consideration and action. Applicant requests Commission approval to issue revenue notes to finance the construction of improvements to the existing wastewater treatment plant and water supply system. (Ferguson)

Approved, PR/PG

UNCONTESTED (Settled Hearings)

Item 4. Consideration of Examiner's Memorandum concerning the application of City of Aubrey for Permit No. 13647-01 to

authorize the discharge of 0.18 million gallons per day of treated domestic wastewater effluent in Denton County, Texas, and Segment No. 0839 of the Trinity River Basin. Recommendation: Issuance of permit. (BROYLES)

Approved, PG/PR

Item 5. Consideration of Examiner's memorandum concerning the petition of J. R. Brownstein protesting the Executive Director's Fund payment report disallowing reimbursement from the Commission's PST Fund. RECOMMENDATION: DISMISSAL OF THE PETITION WITH PREJUDICE. (BATEMAN)

Approve Examiner's Memorandum, PG/PR

CONTESTED (Water Quality Enforcement)

Item 6. **(Docket No. 94-0123-MWD-E)** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of the City of Silsbee, TNRCC Permit Nos. 10282-001 and 10282-002. (Brian Lehmkuhle)

Issue Agreed Order, PR/PG

Item 7. **(Docket No. 94-0124-MWD-E)** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of the City of Hamilton, TNRCC Permit No. 10492-002. (Brian Lehmkuhle)

Issue Agreed Order, PR/PG

Item 8. **(Docket No. 94-0125-MWD-E)** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of the City of Alvarado, Permit No. 10567-001. (Bob Sweeney/Brian Lehmkuhle)

Issue Agreed Order, PR/PG

CONTESTED (Solid Waste Enforcements)

Item 9. **(Docket No. 94-0126-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of American Plating Company, SWR. No. 32125. (McWherter)

Issue Agreed Order, PG/PR

Item 10. **(Docket No. 94-0127-SWR-E)** Consideration of Executive Director's Preliminary Report and Petition for a Texas Natural Resource Conservation Commission Order Assessing

Administrative Penalties and Requiring Certain Action of
Mobile Oil Corporation, SWR No. 30587. (LYNCH)

Issue Proposed Agreed Order, PG/PR

- Item 11. **(Docket No. 94-0128-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Allwaste Recovery Systems, Inc., SWR. 40759. (Hall)

Issue Agreed Order, PG/PR

- Item 12. **(Docket No. 94-0129-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Packless Metal Hose, Inc., D/B/A Betaco; SWR. 37201. (Wilson)

Issue Agreed Order, PG/PR

- Item 13. **(Docket No. 94-0130-SWR-E)** Consideration of a Texas Natural Resource Conservation Commission agreed order assessing administrative penalties and requiring certain actions of Chem Grind Chemical Corporation; Solid Waste Registration Number 32148 (McWherter)

Issue Agreed Order, PG/PR

- Item 14. **(Docket No. 94-0131-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of DSS International Company, Inc., SWR. No. 69488. (Roberts)

Issue Agreed Order, PG/PR

- Item 15. **(Docket No. 94-0132-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Aqua Solutions, Inc., SWR. 52127. (Mehta)

Issue Agreed Order, PG/PR

- Item 16. **(Docket No. 94-0133-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Burbank Barrel & Drum, Inc., SWR. 71151. (Baker)

Issue Agreed Order, PG/PR

- Item 17. **(Docket No. 94-0134-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Firestone Synthetic Rubber and Latex Co. SWR. 30581. (Grunberger)

Issue Agreed Order, PG/PR

Item 18. **(Docket No. 94-0135-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Murdock Machine and Engineering (Edwards Aerospace, Inc. SWR. 30743) (Ray)

Issue Agreed Order, PG/PR

Item 19. **(Docket No. 94-0136-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of On-Site Analytical SWR. 53132. (Castañuela)

Issue Agreed Order, PG/PR

Item 20. **(Docket No. 94-0137-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Phillips Petroleum Company, Sweeny Refinery and Petrochemical Complex, SWR. No. 30048. (Hahn)

Issue Agreed Order, PG/PR

Item 21. **(Docket No. 94-0138-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Professional Services, Inc., SWR. 78766. (Clayton)

Issue Agreed Order, PG/PR

Item 22. **(Docket No. 94-0139-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of San Angelo Electric Service Company, SWR. 30188. (Foster)

Issue Agreed Order, PG/PR

Item 23. **(Docket No. 94-0140-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Southern Petroleum Laboratories, TWC Reg. No.74344. (Castañuela)

Issue Agreed Order, PG/PR

Item 24. **(Docket No. 94-0141-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Union Oil Co. of California ("UNOCAL"), SWR. 30001. (Grunberger)

Issue Agreed Order, PG/PR

Item 25. **(Docket No. 94-0142-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Gulf Reduction Corporation, SWR. 39259. (Castañuela and Winter)

Issue Agreed Order, PG/PR

Item 26. **(Docket No. 94-0143-SWR-E)** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Service Painting Company, SWR. 356721. (Montes)

Issue Agreed Order, PG/PR

CONTESTED (Rules)

Item 27. Consideration for adoption of amendments to 30 Texas Administrative Code §311.43, Subchapter E, concerning rules relating to Colorado River Watershed. (Ramirez/Wilburn)

Approve Staff Recommendation, JH/PG

EXECUTIVE SESSION

Item 28. 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 29. 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.

General Counsel will do 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.)

ADDENDUM TO AGENDA

Wednesday, April 6, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 30. CONSIDERATION AND ADOPTION OF AMENDMENTS TO 30 TAC §§ 330.601 - 330.603, 330.621, AND 330.641, CONCERNING MUNICIPAL SOLID WASTE DISPOSAL FEES AND REPORTS AND NEW § 330.604 CONCERNING REFUNDS FOR COMPOSTING OF SOURCE-SEPARATED YARD WASTE AS PUBLISHED IN THE OCTOBER 15, 1993, TEXAS REGISTER. (MENDIETA)

Continued to April 13, 1994

Item 31. Consideration of Petitioners' motion to set interim water rates for 1994. Docket No. 30102-M; Steven White, d/b/a White Bros. Farm, J.M. Frost, III, Ford J. Frost, and Devers Canal Rice Producers Association, Inc. complaint against Trinity Water Reserve, Inc., d/b/a Devers Canal System, debtor in possession. Devers Canal System is located in Jefferson, Chambers, and Liberty Counties.

Amended 1993 interim rate and set interim rates of \$79.00 as set in 1990 order, to remain in effect until parties reach a decision, and petition overruled, JH/PG. Pam Reed voted No.

CONTESTED OLD BUSINESS

Wednesday, April 6, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 23, 1994.

- Item 1. Consideration of new Budget Policies and Procedures for the TNRCC.

Adopt New Budget Policies and Procedures as recommended by Staff, with corrections as recommended by Chairman Hall, JH/PR

Item carried forward from Agenda of March 30, 1994.

- Item 2. Adoption of proposed revisions to Chapter 116, (Concerning Regulation of Air Pollution by Permits for New Construction and Modification) regarding standard permits, compliance history, and renewal schedule, and the Standard Exemption List regarding standard exemption numbers 75, 107, 113, and new 124.

Approve staff recommendation, policy agenda discussion concerning Campbell Bill, PG/PR

Item carried forward from Agenda of March 30, 1994.

- Item 3. Consideration of Examiner's Proposal for Decision and Order concerning the application of E&L Lumber Company, Inc. for Permit No. 03545 to authorize the no-discharge operation of a wood chipmill facility in Tyler County, Texas. Recommendation: Issuance of permit. (O'Neal)

Adopt Examiner's Proposal for Decision issue order, overrule all exceptions, Language be added to permit as recommended by Chairman Hall. Item is carried forward to April 6, 1994 agenda for staff and General Counsel to add language into the permit as stated by Chairman Hall. JH/PG. Adopt General Counsels order as recommended. JH/PR

Item carried forward from Agenda of March 30, 1994.

Item 4. APPLICATION BY LAKE LBJ MUNICIPAL UTILITY DISTRICT OF LLANO AND BURNET COUNTIES FOR APPROVAL TO LEVY A STANDBY FEE; For Commission consideration and action. Applicant requests Commission approval for the levy of a standby fee in the amount of \$24 per lot per year (\$182,736 annual revenue) on all underdeveloped property within the District. (Ferguson)

Remand to Office Hearing Examiner's