

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, May 11, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**Class 2 Modification**)

- Item 1. Consideration of an application by CHEMICAL RECLAMATION SERVICES, INCORPORATED -AVALON for a Class 2 permit modification to Permit No. HW-50084-001 in accordance with 30 TAC Section 305.69. The permit authorizes operation of a commercial industrial and hazardous waste storage and processing facility. The permit modification authorizes the addition of waste codes to the facility's waste code list. The facility is northeast of the intersection of F.M. 55 and State Highway 34 near Avalon, Ellis County, Texas.

APPROVED APPLICATION; PG/PR.

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

- Item 2. REQUEST BY THE CITY OF PORT NECHES for a temporary variance to the existing water quality standards for the perennial Jefferson County Drainage District Canals of the Neches-Trinity Coastal Basin. The variance would authorize a two year period in which to conduct a water quality study of the perennial Jefferson County Drainage District Canals in Jefferson County into which the City of Port Neches discharges treated domestic wastewater effluent. The study would show whether a site specific amendment to water quality standards is justified. Prior to the expiration of the two 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.

GRANTED REQUEST FOR FOR TEMPORARY VARIANCE; PR/PG.

UNCONTESTED (Water Quality Permit Renewal)

- Item 3. APPLICATION BY CENTRAL POWER AND LIGHT COMPANY for renewal of Permit No. 01254 which authorizes a discharge of cooling tower blowdown commingled with low volume waste, stormwater runoff, and previously monitored metal cleaning waste at a volume not to exceed an average flow of 2,000,000 gallons per day from it's J. L. Bates Power Station. The plant site is southeast of the intersection of FM Road 1427 and Business Route 83 (Loop 374) approximately four and one half (4-1/2) miles west of the City of Mission, Hidalgo County, Texas.

APPROVED APPLICATION; PR/PG.

- Item 4. APPLICATION BY CITY OF PORT NECHES for renewal of Permit No. 10477-04 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,980,000 gallons per day from the Main Plant Wastewater Treatment Facilities. The facilities are approximately 1 mile northwest of the intersection of State Highway 347 and State Highway 73 in the 6100 block of Georgia Street in Jefferson County, Texas.

APPROVED APPLICATION; PR/PG.

- Item 5. APPLICATION BY REX-HIDE INDUSTRIES, INC. for renewal of Permit No. 01452 which authorizes to discharge noncontact cooling water and stormwater at a volume not to exceed an average flow of 150,000 gallons per day from a custom rubber extrusion plant. The plant site is at 705 South Lyons Street in the City of Tyler, Smith County, Texas.

APPROVED APPLICATION; PR/PG.

- Item 6. APPLICATION BY WALNUT COVE WATER SUPPLY CORPORATION for renewal of Permit No. 12416-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 40,000 gallons per day. The wastewater treatment facilities are approximately 2 miles west of Interstate Highway 45 and 1.5 miles north of Farm-to-Market Road 1097, approximately 200 feet east of Lake Conroe on Weir Creek in Montgomery County, Texas.

CONTINUED TO JUNE 8, 1994 AT 9 A.M.

UNCONTESTED (New Water Quality Permit)

- Item 7. APPLICATION BY EMPAK INC. for a permit (Proposed Permit No. 03627) to authorize an intermittent, flow variable discharge of stormwater. The applicant proposes to operate a railcar cleaning service facility. The plant site is at 17020 Premium Drive in the City of Hockley, Harris County, Texas.

APPROVED APPLICATION; PR/PG.

UNCONTESTED (Amendment to Water Quality Permit)

- Item 8. APPLICATION BY MAXIM PRODUCTION CO., INC. for an amendment to Permit No. 03357 to authorize an increase in the number of poultry, ponds and the amount of land used for irrigation. The permit currently authorizes the poultry operation to have a maximum of 268,000 birds in confinement. The proposed amendment will authorize the poultry operation to have 9 houses with a maximum of 67,000 birds per house. Washdown water, flushwater and stormwater is retained in ponds. Wastewater from the ponds is disposed of by irrigation on agricultural land. The proposed amendment will also increase the amount of land used for irrigation from 260 acres to 520 acres. Manure and/or solids are applied as fertilizer on agricultural land. The poultry operation is on the north side of the intersection of Farm-to-Market Road 442 and Farm-to-Market Road 1096 in Wharton County, Texas.

CONTINUED TO MAY 25, 1994 AT 9 A.M.

UNCONTESTED (Water District Matters)

- Item 9. APPLICATION BY WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 FOR APPROVAL OF \$1,000,000 UNLIMITED TAX AND REVENUE BONDS, 6.76% NET EFFECTIVE INTEREST RATE, SERIES 1994, FOURTH ISSUE. For Commission consideration and action. Applicant requests Commission approval for the issuance of \$1,000,000 in unlimited tax and revenue bonds to finance utility facilities to serve commercial development within the District. (Ferguson)

APPROVED APPLICATION; PG/PR.

- Item 10. APPLICATION BY BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1 OF HARRIS COUNTY FOR APPROVAL TO RELEASE ESCROWED FUNDS; \$2,800,000 BOND ISSUE APPROVED OCTOBER 4, 1988 AND FOR USE OF SURPLUS FUNDS, \$2,300,000 BOND ISSUE APPROVED MAY 31, 1990. For Commission consideration and action.

Applicant requests approval for release of \$30,177 from escrow and use of \$348,473 in surplus funds to finance reimbursement to the developer for constructed District facilities. (Ferguson)

CONTINUED TO MAY 25, 1994 AT 9 A.M.

UNCONTESTED (**Settled Hearings**)

Item 11. Consideration of Examiner's Memorandum concerning the application of Arthur Kalsbeek dba Arthur Kalsbeek Dairy for an amendment to Permit No. 03142 which would authorize an increase in the capacity of the dairy operation. Recommendation: Issuance of proposed permit.

APPROVED APPLICATION; PR/PG.

Item 12. CONSIDERATION OF EXAMINER'S Memorandum and Order concerning the petition of Cresencio Rodriguez to protest fees of Military Highway WSC for new connections for water utility service in Cameron County, Texas (Docket No. 30253-X). Recommendation: Adoption of agreement of parties. (LIMES)

ITEM WAS DISMISSED.

(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 AGENDA

Wednesday, May 11, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**Water Quality Enforcements**)

Item 1. **Docket No. 94-0148-IWD-E.** Consideration of a Texas Natural Resource Conservation Commission Order Assessing Administrative Penalties and Requiring Certain Actions of Bud Adams, Inc., Permit No. 02373. (Bernacki)

Approved, PG/PR

Item 2. **Docket No. 94-0151-IWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Montgomery County Municipal Utility District No. 15, Permit No. 11395-001. (Stovall/Watson)

Approved, PG/PR

Item 3. **Docket No. 94-0152-IWD-E.** Consideration of Executive Director's Preliminary Report and Petition for a Texas Natural Resource Conservation Commission Order Assessing Administrative Penalties and Requiring Certain Actions of Mr. James Creel, Registration No. 21428. (Winter/Roberts)

Remand to Office Hearing Examiner's, PG/PR

Item 4. **Docket No. 94-0153-IWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Hardin County WCID #1, Permit No. 10678-001. (Stovall/Honer)

Continued to May 25, 1994

CONTESTED (PST Enforcement)

- Item 5. **Docket No. 94-0150-PST-E.** Consideration of Executive Director's Petition for Order Requiring Certain Actions of the Consolidated Smyrna LPST Site. (Raymond Winter)

Remand to Office Hearing Examiner's, PR/PG

CONTESTED (Motion For Rehearing)

- Item 6. The Commission will consider the motions for rehearing filed concerning the application of Sentry Environmental L.P. for Permit No. MSW 2171. The Commission issued an order on March 31, 1994, which denied the application. The proposed landfill site is located in Denton County.

Deny Motion for Rehearing, JH/PR

CONTESTED (Rules)

- Item 7. Consideration and adoption of amendments to 30 TAC 325.2, 325.3, 325.5., 325.6, 325.11 and 325.15 concerning the eligibility requirements and procedures for those applying for wastewater operator certificates of competency. These amendments were published in the January 7, 1994 issue of the Texas Register. (Tinstman/Keils)

Adopt Amendments as Recommended by Staff, PG/PR

CONTESTED (Solid Waste Management Plan)

- Item 8. Consideration of a proposed regional solid waste management plan submitted by the West Central Texas Council of Governments. Regional solid waste management plans are required by the Texas Health and Safety Code, Chapter 363 (Comprehensive Municipal Solid Waste Management, Recovery, and Conservation Act, 1990). (Stephen Dayton)

Approve Solid Waste Management Plan as Recommended, PR/PG

CONTESTED (Proposal for Decisions)

- Item 9. Consideration of Examiner's Proposal for Decision and Order concerning the application of Hung's Shrimp Farm, Inc. for Permit No. 03457 to authorize the discharge of 100 daily average/180 daily maximum mgd of industrial wastewater effluent in Cameron County, Texas, and Segment

No. 2201 of the Nueces Rio Grande River Basin.
Recommendation: Issuance of permit. (CRAVEN)

Adopt Examiner's Proposal for Decision and Issue Order, overrule all exceptions, except Parks & Wildlife, Texas Shrimp Association to open Record Denied, JH/PR

Item 10. CONSIDERATION OF EXAMINER'S Proposal for Decision and Order concerning the application of Brushy Creek MUD for a renewal of Permit No. 11866-01 to authorize the discharge of 300,000 gallons per day of treated domestic wastewater effluent in Williamson County, Texas and Segment No. 1244 of the Brazos River Basin.
Recommendation: Issuance of permit. (LIMES).

Adopt Proposal for Decision and Issue Order, JH/PR

EXECUTIVE SESSION

Item 11. 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 12. 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.)