

REED
GARNER
HALL--absent & excused

UNCONTESTED AGENDA

Wednesday, June 8, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**District Matters**)

Item 1. PETITION BY AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1 OF TRAVIS COUNTY FOR APPOINTMENT OF DIRECTORS. For Commission consideration. Applicant requests appointment of Daniel Read Richards as director. (Ferguson)

APPROVED PETITION; PG/PR.

Item 2. APPLICATION BY ORANGE COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF \$3,100,000 UNLIMITED TAX BONDS, 6.500% NET EFFECTIVE INTEREST RATE, SERIES 1994, EIGHTH ISSUE. For Commission consideration. Applicant requests approval of the issuance of \$3,100,000 in unlimited tax bonds to finance construction of District facilities. (Ferguson)

APPROVED APPLICATION; PG/PR.

Item 3. APPLICATION BY JEFFERSON COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10 FOR APPROVAL OF AMENDMENT AUTHORIZING THE ISSUANCE OF \$2,890,000 IN BONDS IN LIEU OF \$1,890,000 UNLIMITED TAX BONDS, SERIES 1994; APPROVED AUGUST 18, 1993 TO THE TEXAS WATER DEVELOPMENT BOARD; 5.5% NET EFFECTIVE INTEREST RATE; PURSUANT TO CHAPTER 245, ACTS OF THE 54TH LEGISLATURE, REGULAR SESSION, 1955 AND V.T.C.A., TEXAS WATER CODE SECTION 51.421. For Commission consideration. Applicant requests Commission approval of an increase in the bond amount from \$1,890,000 to \$2,890,000 to finance the construction of a wastewater treatment plant and other related projects. (Ferguson)

APPROVED APPLICATION; PG/PR.

UNCONTESTED (**Water Utility Matter**)

Item 4. Application of Lower Colorado River Authority to Transfer CCN No. 11670 from The Uplands Company in Travis County, Texas. (Application # 30417-S, Darrell Nichols)

APPROVED APPLICATION; PR/PG.

UNCONTESTED (**Settled Hearings**)

Item 5. Consideration of Examiner's Memorandum and Order concerning the application of Military Highway WSC and City of Harlingen for an amendment to Certificates of Convenience and Necessity Nos. 20571 and 20756 to provide sewer service in Cameron and Hidalgo Counties, Texas. (Docket No. 30041-C, 30149-C and 30078-C.) Recommendation: Adoption of agreement of parties. (LIMES)

APPROVED MEMORANDUM; PG/PR.

Item 6. Consideration of Examiner's Memorandum and Order concerning the application of City of Mission for a certificate of convenience and necessity to provide sewer service in Hidalgo County, TX (Docket No. 30147-C). Recommendation: Adoption of agreement of parties. (ROBARDS)

WITHDRAW FROM AGENDA; ALREADY APPROVED MAY 25, 1994.

Item 7. Consideration of Examiner's Memorandum concerning the Application of Rich-Mix Corporation for and Amendment to Permit No. 433 to authorize the increase in throughput at a concrete mix bagging operation in Dallas County. Recommendation: Issuance of permit. (Zukauckas)

APPROVED MEMORANDUM; PG/PR.

Item 8. Consideration of Examiner's Memorandum concerning the petition of Baker Performance Chemicals, Inc. for an amendment to Permit No. 01969 to authorize the discharge of 26,500 gpd of treated industrial wastewater effluent in Liberty County, TX, and Segment No. 0801 of the Trinity River Basin. Recommendation: Issuance of permit. (O'Neal)

APPROVED MEMORANDUM; PG/PR.

Item 9. Consideration of Examiner's Memorandum and Order concerning the petition of James Colombo dba Driskell Water Supply to discontinue water utility service in

McLennan County, Texas. (Docket No. 30067-Q).
Recommendation: Issuance upon withdrawal of Executive
Director's protest. (ROGAN)

APPROVED MEMORANDUM; PG/PR.

Item 10. Consideration of Examiner's Memorandum and Order concerning the application of Raymond C. Wiedenfeld, receiver, dba W. W. Svcs. Utilities for an emergency increase in retail water rates in Kerr County, Texas (Docket No. 30351-G). Applicant provides retail water service to approximately 161 customers. Recommendation: Adoption of agreement of parties. (ROGAN)

APPROVED MEMORANDUM; PG/PR.

Item 11. Consideration of Examiner's Memorandum and Order concerning the application of Willis Water Company to increase retail water rates in Grayson County, Texas (Docket No. 30251-R). Applicant provides retail water service to approximately 627 customers. Recommendation: Adoption of agreement of parties. (Sorrells)

APPROVED MEMORANDUM; 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.)

UNCONTESTED OLD BUSINESS
Wednesday, June 8, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.

Room 118

Item carried forward from Agenda of May 4, 1994.

- Item 1. APPLICATION BY COASTAL STATES CRUDE GATHERING COMPANY for a permit (Proposed Permit No. 03557) to authorize an intermittent dry weather flow variable discharge of treated tank bottom water and stormwater runoff. The applicant currently operates a jet fuel storage and loading facility. The plant site is at 8376 Monroe Road in the City of Houston, Harris County, Texas.

APPROVED APPLICATION; PG/PR.

Item carried forward from Agenda of May 4, 1994.

- Item 2. APPLICATION BY GILL SAVINGS ASSOCIATION for renewal of Permit No. 11066-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 180,000 gallons per day. The renewed permit has decreased the flow to 120,000 gallons per day average. The wastewater treatment facilities are approximately 10.5 miles northeast of the Harris County courthouse in downtown Houston and approximately 1.5 miles south/southeast of the intersection of Farm-to-Market Road 526 and U.S. Highway 90, 0.4 of a mile southeast of Farm-to-Market Road 526, at 5830 South Lake Houston Parkway in Harris County, Texas.

REMANDED TO EXECUTIVE DIRECTOR FOR OUTSTANDING FEES.

Item carried forward from Agenda of May 11, 1994.

- Item 3. 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.

REMANDED TO EXECUTIVE DIRECTOR FOR OUTSTANDING FEES.

CONTESTED AGENDA

Wednesday, June 8, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**Water Quality Enforcement**)

Item 1. Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of East Cedar Creek Fresh Water Supply District, Permit No. 11858-01.(Raymond Winter)

Issue Agreed Order, PG/PR

Item 2. Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Texas A&M University, Permit No. 10968-02.(Raymond Winter)

Issue Agreed Order, PG/PR

Item 3. Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Associated Milk Producers, Inc., Permit No. 03074.(Vic Ramirez)

Issue Agreed Order with changes, PG/PR

Item 4. Consideration of a Texas Natural Resource Conservation Commission Agreed Order assessing administrative penalties and requiring certain actions of Edd's Metal Finishes Corporation. (Foster)

Issue Agreed Order, PG/PR

Item 5. 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 Quantum Chemical Company; Permit No. 03053. (Bernacki)

Issue Proposed Agreed Order, PG/PR

CONTESTED (Water Well Driller Enforcement)

- Item 6. Consideration of a Texas Natural Resource Conservation Commission Order Assessing Administrative Penalties against Water Well Driller Donald Woehl, License No. 2160W. (Rubey)

Issue Proposed Agreed Order, PG/PR

CONTESTED (Hazardous Waste Enforcement)

- Item 7. Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Recovery and Reclamation, Inc., Permit No. HW-50352. (Ray)

Issue Agreed Order, PG/PR

CONTESTED (Rules)

- Item 8. Consideration of proposal to publish in the Texas Register a proposed new 30 TAC Section 114.27 regarding criteria and procedures for determining Transportation Conformity with the State Implementation Plan.

Continued to June 29, 1994

EXECUTIVE SESSION

- Item 9. 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 10. 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, June 8, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 11. Consideration of a request by the Executive Director for interim rates in Twin Lakes Club, Inc.; Docket No. 30421-G (Sanchez).

Approve Staff Recommendation, PG/PR