

**HALL
GARNER
REED**

UNCONTESTED AGENDA

Wednesday, August 31, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**WATERMASTER OPERATIONS COSTS**)

- Item 1. CONSIDERATION OF FISCAL YEAR 1995 COSTS FOR WATERMASTER OPERATIONS IN THE SOUTH TEXAS WATER DIVISION. For Commission Action. Pursuant to Texas Water Code Section 11.329 and TAC Section 304.61 of the Commission Rules, the Executive Director requests that the Commission consider Watermaster costs of administration for the fiscal year beginning September 1, 1994, and ending August 31, 1995, for appropriators in the South Texas Water Division, which consists of the Nueces, San Antonio and Guadalupe River Basins, as well as the Lavaca-Guadalupe, San Antonio-Nueces and Nueces-Rio Grande Coastal Basins, except that part of the Nueces-Rio Grande Coastal Basin in Hidalgo, Cameron, Willacy and Starr Counties, and approve \$340,700 as the amount to be assessed, with the assessment per account to consist of a \$50.00 base charge plus a use fee and/or a storage fee calculated from the authorized acre-feet, and a delinquent reinstatement fee of \$25.00.

APPROVED FISCAL YEAR 1995 COSTS; PG/PR.

UNCONTESTED (**Water Quality Permits**)

- Item 2. APPLICATION BY CHATEAU WOODS MUNICIPAL UTILITY DISTRICT for a permit (Proposed Permit No. 13700-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day. The proposed permit also requests a variance in the buffer zone requirements in accordance with 30 TAC Chapter 309.13 (e)(1)(B). The proposed wastewater treatment facility will serve the Chateau Woods subdivision. The wastewater treatment plant is 600 feet north of the intersection of Longleaf Drive and Beech Street in Chateau Woods subdivision in Montgomery County, Texas.

APPROVED APPLICATION; PR/PG.

Item 3. APPLICATION BY IDELWILDE CORPORATION for a permit (Proposed Permit No. 13696-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000 gallons per day. The applicant is also requesting a variance to the buffer zone requirements. The proposed wastewater treatment facility will serve the Hooks Airport facility. The plant site is approximately 4,200 feet south-southwest of the intersection of Boudreaux Road and Farm-to-Market Road 2920 in Harris County, Texas.

APPROVED APPLICATION; PR/PG.

Item 4. APPLICATION BY INTERNATIONAL ESTATE CORPORATION for a permit (Proposed Permit No. 13714-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 25,000 gallons per day. The proposed permit will also authorize a variance to the buffer zone requirements in accordance with 30 TAC Chapter 309.13 (e)(1)(B). The wastewater treatment facility will serve a small apartment complex, an office building and a recreational park. The plant site is approximately 650 feet south of the intersection of State Highway 105 and Lake Meadows Drive, and approximately 2000 feet west of the intersection of McCaleb Road and State Highway 105 in Montgomery County, Texas.

APPROVED APPLICATION; PR/PG.

Item 5. APPLICATION BY NEWPARK SHIPBUILDING AND REPAIR, INC. for a permit (Proposed Permit No. 03663) to authorize a discharge of barge cleaning wastewaters at a volume not to exceed 250,000 gallons per day during any 24-hour period. The company operates a facility which cleans, builds and repairs boats and barges. The barges will be inspected prior to cleaning to assure that all chlorine gas has been evacuated to atmospheric conditions and a sodium hydroxide solution has been added to neutralize residual chlorine. The plant site is at 8502 Cypress Street in the City of Houston, Harris County, Texas.

APPROVED APPLICATION; PR/PG

UNCONTESTED (Water Quality Permit Amendment)

Item 6. APPLICATION BY KOCH REFINING COMPANY for an amendment to Permit No. 00531 in order to add waste streams to existing outfalls, add outfalls, and increase the flow. The permit currently authorizes: a discharge of process wastewater from the East and West plants commingled with ballast water and stormwater runoff at a volume not to

exceed an average flow of 3,200,000 gallons per day via Outfall 001; intermittent, flow variable discharges of stormwater run-off via Outfalls 002, 003, 004 and 006; and an intermittent, flow variable discharge of stormwater run-off via Outfall 005. The proposed amendment will authorize: a discharge of treated process, ballast, stormwater, ground water and other utility wastewaters at a volume not to exceed an average flow of 6,000,000 gallons per day via Outfall 001; intermittent, flow variable discharges of stormwater, hydrostatic test and firewater test wastewaters via Outfalls 002, 003, 004 and 006; an intermittent, flow variable discharge of stormwater, hydrostatic test and firewater test wastewaters via Outfall 005; and intermittent, flow variable discharges of stormwater, hydrostatic test and firewater test wastewaters via Outfalls 007, 008 and 009. The applicant operates a petroleum refinery and offsite storage terminals. The plant site is east of Suntide Road and north of Up River Road in the northwest area of the City of Corpus Christi, Nueces County, Texas.

HEARING REQUEST DENIED AND PERMIT GRANTED; JH/PR VOTED FOR. PG VOTED AGAINST.

UNCONTESTED (Water Quality Minor Amendment)

- Item 7. APPLICATION BY NEWPARK SHIPBUILDING AND REPAIR, INC. for a minor amendment to Permit No. 02034 to authorize the discharge of additional treated wastewaters from off-site sources via Outfall 001. These wastewaters are similar to the treated wastewaters from on-site sources which are currently authorized for discharge via Outfall 001. The permit authorizes: a discharge of treated process wastewater at a volume not to exceed an average flow of 100,000 gallons per day via Outfall 001; and an intermittent, flow variable discharge of uncontaminated stormwater runoff via Outfall 002. The flow volumes for these outfalls will remain the same. The applicant operates a facility for construction, repairing, cleaning and gas-freeing of ships, barges, tugs, tank trucks and from similar off-site sources. The plant site is on Brady Island between the Houston Ship Channel and Old Buffalo Bayou in the City of Houston, Harris County, Texas.

APPLICATION APPROVED; PR/PG.

UNCONTESTED (Class 2 Modification)

Item 8. Consideration of an application by SANDOZ AGRO, INC. - BEAUMONT for a Class 2 Modification to Compliance Plan No. CP50219 in accordance with 30 TAC Section 305.69. The compliance plan modification authorizes (1) administrative and information changes, (2) correction of typographical errors, (3) changes in the number and design of monitor wells, (4) replacement of an existing well, and (5) a monitoring schedule change. The facility is located southeast of Beaumont in Jefferson County, Texas.

APPLICATION APPROVED; PR/PG.

UNCONTESTED (Minor Amendments to WDW-169 AND wdw-249)

Item 9. DISPOSAL SYSTEMS, INC. for minor amendments to Permit Nos. WDW-169 and WDW-249 which authorize operation of two commercial hazardous and non-hazardous injection wells. The amendments will eliminate the maximum cumulative monthly volume limit of 6,696,000 gallons of wastewater injected into the wells. The maximum cumulative annual volume of 78,840,000 gallons remains the same, as well as the maximum instantaneous rate of injection of 260 gallons per minute per well. The amendments authorize injection at higher average rates but the total volume and average injection rate over long periods of time remain the same because the permitted annual volume does not change. The wells are currently used to dispose of non-hazardous and hazardous waste generated on-site by the permittee's facility and from other sources on a commercial basis. Waste disposal wells WDW-169 and WDW-249 are located in the George Ross Survey, A-646 in Harris County, Texas. (Walker/Vail)

APPROVED, PR/PG

UNCONTESTED (Emergency Order)

Item 10. Commission will consider whether Emergency Order No. 94-2E, granted by the Commission on July 13, 1994 to Texas Department of Criminal Justice (TDCJ), should be affirmed, modified or set aside.

EMERGENCY ORDER GRANTED; PR/PG.

UNCONTESTED (Water District Matter)

Item 11. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 46 FOR APPROVAL OF \$1,465,000 UNLIMITED TAX BONDS, FOURTH ISSUE, 6.69% NET EFFECTIVE INTEREST RATE,

SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance water & wastewater connection charges, and water, wastewater & drainage facilities for Village of Grogans Mill Section 63 Phase 1 and Section 65. (Ferguson)

APPROVED APPLICATION; PG/JH.

Item 12. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119 FOR APPROVAL OF \$3,150,000 UNLIMITED TAX BOND ISSUE, SIXTH ISSUE, SERIES 1994, 6.80% NET EFFECTIVE INTEREST RATE. For Commission consideration. Applicant requests approval of the issuance of \$3,150,000 in unlimited tax bonds to finance the purchase of District infrastructure facilities. (Ferguson)

APPROVED APPLICATION; PG/JH.

Item 13. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 255 FOR APPROVAL OF \$1,150,000 UNLIMITED TAX BOND ISSUE, SERIES 1994, FOURTH ISSUE, 7.255% NET EFFECTIVE INTEREST RATE. For Commission consideration. Applicant requests approval of the issuance of \$1,150,000 in unlimited tax bonds to fund costs of facilities for Twin Lakes, Section Four, Phase 2 and Twin Lakes Section Five. (Ferguson)

APPROVED APPLICATION; PG/JH.

Item 14. APPLICATION BY NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1 OF TRAVIS COUNTY FOR APPROVAL OF \$2,000,000 UNLIMITED TAX BONDS, SECOND ISSUE, 7.43% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance remaining costs of water, wastewater & drainage facilities for Canyon Creek Section 1. (Ferguson)

APPROVED APPLICATION; PG/JH.

Item 15. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10; \$2,200,000 UNLIMITED TAX & REVENUE BOND ISSUE, SECOND ISSUE, 6.69% NET EFFECTIVE INTEREST RATE, SERIES 1994; For Commission consideration. Applicant requests approval of a bond issue to finance water plant additions and modifications, site preparation, erection and expansion of WWTP, drainage outfall channel, for Cypress Point, Section 2. (Ferguson)

APPROVED APPLICATION; PG/JH.

Item 16. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 67 FOR APPROVAL OF \$1,060,000 UNLIMITED TAX

BONDS, FIFTH ISSUE, 6.98% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance pro rata share of wastewater treatment facilities, a pro rata share of water supply facilities, a pro rata share of land purchase, and water & drainage facilities for New Territory Blvd. (Ferguson)

APPROVED APPLICATION; PG/JH.

Item 17. APPLICATION BY CAMERON COUNTY MUNICIPAL DRAINAGE DISTRICT NO. 5 FOR APPROVAL OF \$4,000,000 UNLIMITED TAX BONDS, FIRST ISSUE, 6.5% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. The District's application requests Commission approval of a bond issue to finance major outfall stormwater drainage projects. (Ferguson)

APPROVED APPLICATION; PG/JH.

Item 18. APPLICATION BY CINCO MUNICIPAL UTILITY DISTRICT NO. 1 OF FORT BEND COUNTY FOR APPROVAL TO ISSUE \$8,610,000 IN UNLIMITED CONTRACT TAX AND REVENUE BONDS, 7.000% NET EFFECTIVE INTEREST RATE, SERIES 1994, SECOND ISSUE. For Commission consideration. Applicant requests approval to issue \$8,610,000 in contract bonds to finance major service area facilities. (Ferguson)

APPROVED APPLICATION; PG/JH.

Item 19. APPLICATION BY HARRIS COUNTY IMPROVEMENT DISTRICT NO. 1 FOR APPOINTMENT OF DIRECTORS. For Commission consideration. District requests appointment of Jose A. Gross, Tommy Friedlander and Marilee M. Wood as directors. (Ferguson)

APPROVED APPLICATION; PG/JH.

UNCONTESTED (Water Utility Matters)

Item 20. Approval of the Negotiated Settlement of Application Number 30402-G of HUI Enterprises, Inc. for a Rate/Tariff Change; Certificate of Convenience and Necessity (CCN) No. 12305 in Walker County, Texas. (Zevallos/Abrego)

APPROVED APPLICATION; PG/JH.

Item 21. Approval of the Negotiated Settlement of Application Number 30352R of Pelican Bay Company, Inc. (Pelican Bay) for a Rate/Tariff Change; Certificate of Convenience and

Necessity No. 11061 in Tarrant County, Texas. (Debi Carlson)

APPROVED APPLICATION; PG/JH.

Item 22. Approval of Application Number 30275-C of Don Hays dba Southwest Water Company for a Water Certificate of Convenience and Necessity in Lubbock County, Texas. (Roy Roberts)

APPROVED APPLICATION; PG/JH.

Item 23. Application of Barton Creek Water Supply Corporation to transfer water CCN No. 12697 from the Estates above Lost Creek Phase I Property Owners Association, Inc; and amend water CCN No. 12697 to correct the service area boundary in Travis County, Texas. (Application No. 30408-S, Vera Poe)

REMANDED TO STAFF

Item 24. Application of Presidio County for a Water Certificate of Convenience and Necessity in Presidio County, Texas. (Application No. 30425-C, Darrell Nichols)

APPLICATION APPROVED; PG/JH.

UNCONTESTED (Settled Hearings)

Item 25. Consideration of Examiner's Memorandum concerning the application of the City of Brackettville and Fort Clark Municipal Utility District for Water Quality Permit No. 10194-02 to authorize the discharge of up to 500,000 gallons per day of treated domestic wastewater in Kinney County Texas, and Segment No. 2304 of the Rio Grande River Basin. The applicant would also be authorized to irrigate with treated effluent on an approximately 60-acre golf course. RECOMMENDATION: Issuance of Permit. (ZUKAUCKAS)

ISSUED PERMIT; PG/JH.

Item 26. Consideration of Examiner's Memorandum and Order concerning the application of Earl Williams dba Cypress Bayou Inc. to increase retail water and sewer rates in Orange County, Texas (DOCKET No. 30335-R) Applicant provides retail water and sewer service to approximately 162 customers. Recommendation: Adoption of agreement of parties. (Alexandre Bourgeois)

ADOPTED THE AGREEMENT OF PARTIES; PR/PG.

Item 27. Consideration of memorandum of Hearings Examiner concerning the application of Runnels Septic Service, Inc. for proposed Permit No. 13622-01 to authorize the disposal by irrigation of 20,000 gallons per day of treated domestic wastewater effluent in the drainage area of Segment No. 1010 of the San Jacinto River Basin in Montgomery County, Texas. Recommendation: Dismissal of Application. (FANTL)

DISMISSED APPLICATION WITH PREJUDICE; PR/PG.

Item 28. Consideration of Examiner's Memorandum concerning the Application of Astro Commercial Enterprises, Inc. for Permit No. 13600-001 to authorize the discharge of 22,500 gpd of treated domestic wastewater effluent in Fort Bend County, Texas, and Segment No. 2432 of the Bays & Estuaries. Recommendation: Issuance of permit. (Wood)

ISSUED PERMIT; PR/PG.

Item 29. Consideration of Examiner's Memorandum concerning the application of Kent County for Permit No. 13698-001 to authorize the disposal by irrigation of 101,500 GPD of treated domestic wastewater effluent in Kent County, Texas and segment No. 1238 of the Brazos River Basin. recommendation: Issuance of Permit. (BATEMAN)

ISSUED PERMIT; PR/PG.

Item 30. Consideration of Examiner's Memorandum concerning the application of Lyondell Petrochemical Company for an Amendment to Permit No. 00391 to authorize the discharge of 6,500,000 gpd/mgd of treated industrial wastewater effluent in Harris County, Texas, and segment No. 1001 of the San Jacinto River Basin. Applicant also seeks to add three outfalls. Recommendation: Issuance of permit

ISSUED PERMIT; PR/PG.

Item 31. Consideration of Examiner's Memorandum concerning the application of Palm Valley Estates Utility Company for an amendment to Permit No. 10972-02 to authorize the disposal of up to 280,000 gpd of sludge from the facility on 20 acres of land for beneficial use in Cameron County, Texas, and Segment No. 2202 of the Nueces-Rio Grande Coastal Basin. Recommendation: Issuance of Permit

ISSUED PERMIT; PR/PG.

Item 32. Consideration of Examiner's Memorandum concerning the application of Texana Tank Car and Manufacturing, Inc. for Permit No. 03609-001 to authorize the discharge of intermittent flow variable stormwater runoff in Bowie

County, Texas, and Segment No. 0301 of the Sulphur River Basin. Recommendation: Issuance of permit. (BATEMAN)

ISSUED PERMIT; PR/PG.

Item 33. Consideration of Hearings Examiner 's Memorandum concerning the application of Williams & Peters Construction Company, Inc., for Air Quality Permit No. AQR-24389 to authorize the construction of a hot mix asphalt plant in Lubbock County, Texas. RECOMMENDATION: Issuance of Permit. (LIMES)

ISSUED PERMIT; PR/PG.

Item 34. Consideration of Examiner's Memorandum and Order concerning the Petition of Vernon Lay dba Paisano Water System to Discontinue Water Utility Service in Kleberg County, Texas (Docket No. 30204-Q) Recommendation: Adoption of agreement of parties. (Bateman)

ADOPTED THE AGREEMENT OF THE PARTIES; PR/PG.

Item 35. Consideration of Examiner's Memorandum concerning the application of IMC Waste Disposal for Permit No. MSW 2229 to Authorize the operation of a type V Municipal Solid Waste Management Facility for the Dewatering of Liquid Wastes at a waste acceptance rate of 10,000 gallons per day in Wichita County, Texas. Recommendation: Issuance of Permit. (Fantl)

ISSUED PERMIT; PR/PG.

(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.)

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Wednesday, August 31, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**WATER QUALITY ENFORCEMENTS**)

Item 1. (**Docket No. 94-0255-MSW-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Hays County Road Department. (Merrilee Roberts)

Issue Agreed Order, PG/PR

Item 2. (**Docket No. 94-0218-MWD-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Elysian Fields ISD, TNRCC Permit No. 12663-001. (Bill Main)

Issue Agreed Order, PG/PR

Item 3. (**Docket No. 94-0252-IWD-E**). Consideration of a Texas Natural Resource Conservation Commission Amended Agreed Order Requiring Certain Actions of Jerry L. Odom dba Aspen Properties, Permit No. 03050. (Ray Winter/Roxanne Cook)

Issue Agreed Order, PG/PR

Item 4. (**Docket No. 94-0253-MWD-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of City of Holliday, no permit. (Merrilee Roberts)

Issue Agreed Order, PG/PR

Item 5. (**Docket No. 94-0274-WOC-E**). Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Lee Canon for Violations of Chapter 26 of the Texas Water Code and Water Quality Permit No. 12851-01. (Geoff Petrov)

Issue Agreed Order, PG/PR

Item 6. **(Docket No. 94-0320-IHW-E)**. Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Exxon Company, U.S.A., Registration #DR100153 for violations of the Texas Water Code §26.121 and 30 Texas Administrative Code Chapter 321.125 relating to water quality. (Raymond Winter)

Issue Agreed Order, PG/PR

Item 7. **(Docket No. 94-0025-WQ-E)**. Consideration of the Executive Director's preliminary report and petition for an order assessing administrative penalties and requiring certain actions of Familia/El Dorado, Inc., for violations of Texas Natural Resource Conservation Commission (TNRCC) Permit No. 11376-01 and Chapter 26 of the Texas Water Code pertaining to Water Quality. (CLAYBORN)

Remand to Office Hearing Examiners

Item 8. **(Docket No. 94-0105-WQ-E)**. Consideration to remand the Matter of Executive Director's Preliminary Enforcement Report and Petition for a TNRCC Order Assessing Administrative Penalties and Requiring Certain Actions of Gary Perdue dba Jackson Hill Marina, Permit No. 11111-001 to the Office of the Hearings Examiner's for the hearing to develop an evidentiary record and recommendations concerning water quality violations of the Texas Water Code. (Snelson/Honer)

Remand to Office Hearing Examiners

CONTESTED (HAZARDOUS WASTE ENFORCEMENT)

Item 9. **(Docket No. 94-0318-IHW-E)**. Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Amber Refining, Inc. SWR No. 30980, for violations of the Texas Health and Safety Code Chapter 361, the Texas Water Code, and 30 Texas Administrative Code Chapter 335 pertaining to industrial and hazardous waste. (Brenda Clayton).

Issue Agreed Order, PR/PG

CONTESTED (WATER UTILITIES ENFORCEMENT)

Item 10. Consideration of Agreed Order assessing Administrative Penalties and requiring certain actions of Pine Lake Club, Inc. for violations of 30 Texas Administrative Code Chapter 290 pertaining to water hygiene, Docket No. 30218-E (Brown/Napier)

Issue Agreed Order, PR/JH

CONTESTED (PETROLEUM STORAGE TANK ENFORCEMENTS)

Item 11. **(Docket No. 94-0300-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of A. A. Syed; enforcement identification No. E10559, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 12. **(Docket No. 94-0319-PST-E)**. Consideration of Agreed Order Requiring Certain Actions of Big Chief Distributing Co., LPST ID #96132 Pursuant to the Texas Water Code §26.351(b). (Raymond Winter)

Issue Agreed Order, PR/PG

Item 13. **(Docket No. 94-0277-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. & Mrs. Andy Byun; enforcement identification No. E10577, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 14. **(Docket No. 94-0278-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Cameron Wholesale; enforcement identification No. E10587, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 15. **(Docket No. 94-0280-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Cantrell Oil Co.; enforcement identification No. E10599, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 16. **(Docket No. 94-0281-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and

requiring certain actions of Mr. Paul Covington; enforcement identification No. E10524, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 17. **(Docket No. 94-0282-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Craft Oil Co.; enforcement identification No. E10523, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 18. **(Docket No. 94-0283-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Ms. Brenda Davis; enforcement identification No. E10530, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 19. **(Docket No. 94-0285-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Discount Oils, Lube & Fuel; enforcement identification No. E10510, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 20. **(Docket No. 94-0286-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of EDCO, Incorporated; enforcement identification No. E10519, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 21. **(Docket No. 94-0287-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of FFP Operating Partners, LP; enforcement identification No. E10597, for violations of Texas Water Code § 26.136 and 30 Texas Administrative

Code § 334.50(b), pertaining to petroleum storage tanks.
(Bower)

Issue Agreed Order, PR/PG

Item 22. **(Docket No. 94-0275-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Jerry Flowers; enforcement identification No. E10531, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 23. **(Docket No. 94-0288-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Fred Garrison Oil Company; enforcement identification No. E10509, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 24. **(Docket No. 94-0289-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Gold Star Petroleum, Inc.; enforcement identification No. E10539, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 25. **(Docket No. 94-0291-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Henry D. Hargreaves; enforcement identification No. E10542, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 26. **(Docket No. 94-0292-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of HEB Grocery Company; enforcement identification No. E10601, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 27. **(Docket No. 94-0290-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Imran Himani; enforcement identification No. E10491, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 28. **(Docket No. 94-0293-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Kallina Oil Co.; enforcement identification No. E10565, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 29. **(Docket No. 94-0294-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Dang K. Lee; enforcement identification No. E10484, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 30. **(Docket No. 94-0295-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Metzger Dairies; enforcement identification No. E10490, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 31. **(Docket No. 94-0296-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of National Convenience Stores, Inc.; enforcement identification No. E10585, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 32. **(Docket No. 94-0297-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of OKay Food Stores, Inc.; enforcement identification No. E10505, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 33. **(Docket No. 94-0284-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Ray Davis; enforcement identification No. E10513, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 34. **(Docket No. 94-0298-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Rio Grande Distributors, Inc.; enforcement identification No. E10501, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 35. **(Docket No. 94-0299-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Schepps Dairy; enforcement identification No. E10670, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

Item 36. **(Docket No. 94-0301-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Triple A Oil Company; enforcement identification No. E10492, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Issue Agreed Order, PR/PG

CONTESTED (AIR QUALITY ENFORCEMENTS)

Item 37. **(Docket No. 94-0317-AIR-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Aluminum Company of America, Account No. MM-0001-T, regarding an air quality violation. (Hudson)

Issue Agreed Order, PG/PR

Item 38. **(Docket No. 94-0302-AIR-E)**. Consideration of a TNRCC Agreed Order requiring certain actions of Anderson

Manufacturing Company; ACCOUNT NO. SI-0001-C, for air quality violations (Rawlins)

Issue Agreed Order, PG/PR

Item 39. **(Docket No. 94-0054-AIR-E)**. Consideration of a TNRCC Agreed Order requiring certain actions of A-Way Tank Services, Inc.; Account No. LF-0048-N, for Air Quality violations (Marvin)

Issue Agreed Order, PG/PR

Item 40. **(Docket No. 94-0303-AIR-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Ron Carter, Inc. DBA Mainland Chevy, Olds, Toyota; Account No. GB-0205-W, for Air Quality violations. (Terrell)

Issue Agreed Order, PG/PR

Item 41. **(Docket No. 94-0309-AIR-E)**. Consideration of a TNRCC Agreed Order and requiring certain actions of Charles Lang Motors, ACCOUNT NO. HG-4987-U, regarding an air quality violation. (Hudson)

Issue Agreed Order, PG/PR

Item 42. **(Docket No. 94-0304-AIR-E)**. Consideration of a TNRCC Agreed Order requiring certain actions of Clark-Tech Environmental Systems, Inc.; Account No. HG-5540-N for air quality violations.

Issue Agreed Order, PG/PR

Item 43. **(Docket No. 94-0305-AIR-E)**. Consideration of a TNRCC Agreed Order requiring certain actions of The City of Cleburne Resource Recovery Center; Account No. JH-0091-B, for Air Quality violations (Gregg).

Issue Agreed Order, PG/PR

Item 44. **(Docket No. 94-0306-AIR-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Dahlstrom Corporation, Account No. 91-7410-Q, regarding an air quality violation. (Ehresman)

Issue Agreed Order, PG/PR

Item 45. **(Docket No. 94-0307-AIR-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Earl Taylor and David

Fincher, ACCOUNT NO. DF-0254-Q, regarding an air quality violation. (Hudson)

Issue Agreed Order, PG/PR

Item 46. **(Docket No. 94-0308-AIR-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of GATX Terminals Corporation, ACCOUNT NO. HG-0262-H, regarding an air quality violation. (Ehresman)

Issue Agreed Order, PG/PR

Item 47. **(Docket No. 94-0310-AIR-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Phillips Petroleum Company, ACCOUNT NO. BL-0042-G, regarding an air quality violation. (Ehresman)

Issue Agreed Order, PG/PR

Item 48. **(Docket No. 94-0311-AIR-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Republic Industries, Inc.; Account No. HH-0046-E, for Air Quality violations. (Terrell)

Issue Agreed Order, PG/PR

Item 49. **(Docket No. 94-0312-AIR-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Synthetic Products Company, ACCOUNT NO. TA-1090-I, regarding an air quality violation. (Hudson)

Issue Agreed Order, PG/PR

Item 50. **(Docket No. 94-0314-AIR-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Volcano Pallets, ACCOUNT NO. EE-0741-R, regarding an air quality violation. (Hudson)

Issue Agreed Order, PG/PR

Item 51. **(Docket No. 94-0315-AIR-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Woody's Auto Sales, ACCOUNT NO. HG-5048-W, regarding an air quality violation. (Ehresman)

Issue Agreed Order, PG/PR

Item 52. **(Docket No. 94-0316-AIR-E)**. Consideration of a TNRCC Agreed Order and requiring certain actions of Wrangler Boats, ACCOUNT NO. DF-0294-E, regarding an air quality violation. (Hudson)

Issue Agreed Order, PG/PR

Item 53. **(Docket No. 94-0313-AIR-E)**. Consideration of a TNRCC Agreed Order requiring certain actions of Tarrant County Hospital District; ACCOUNT NO. TA-0304-P, for air quality violations (Rawlins)

Issue Agreed Order, PG/PR

CONTESTED (WATER UTILITY MATTER)

Item 54. The Commission will consider the Petition of Ridge Investors, Ltd. against Dessau Utility Company, Inc. The Commission will consider the petitioner's request for interim rates. Docket no. 30469-X.

Approve recommendations of Office Hearing Examiners and Executive Director and Public Interest Counsel, PR/JH

CONTESTED (ENFORCEMENT REPORTS)

Item 55. Discussion of an Agency Report on Enforcement Actions from various programs including Air, Industrial & Hazardous Waste, Watershed Management, Municipal Solid Waste, Petroleum Storage Tanks, Water Utilities, Agriculture, and Superfund. (LYNCH)

No Action Required

CONTESTED (RULES)

Item 56. Consideration on the adoption of amendments to 30 TAC Chapter 117, regarding Control of Air Pollution from Nitrogen Compounds. (KIRKPATRICK)

Adopt amendments as recommended by staff, PR/PG

Item 57. Consideration to adopt revisions to 30 TAC Chapter 114 (Concerning Control of Air Pollution From Motor Vehicles), a new Section 114.6 regarding the Hardship Waiver Eligibility Criteria and corresponding revisions to the State Implementation Plan for the Vehicle Emissions Inspection Maintenance Program in Ozone Nonattainment Areas. (BAIER)

Adopt revisions as recommended by staff, PG/PR

Item 58. Consideration of the adoption of 30 Texas Administrative Code Sections 312.141-312.150 (Subchapter G), concerning transporters and temporary storage of sewage sludge. (Weber)

Adopt rules as recommended, PG/PR

CONTESTED (QUEST IMPLEMENTATION PLAN)

Item 59. Approval of the TNRCC Quality Environmental Service to Texas (QUEST) Implementation Plan

Approve TNRCC Quest Implementation Plan, PG/PR

CONTESTED (PROPOSAL FOR DECISIONS)

Item 60. Consideration of Proposal for Decision and Order by Hearings Examiner concerning the application of Trinity Industries, Inc., for issuance of an amendment to Permit No. R-411A to authorize a modification of painting operations to increase air emissions to 38.4 tpy VOC and 0.9 tpy of PM from its facility in Fort Worth, Tarrant County, Texas. Applicant also seeks to consolidate permits Nos. R412A and R413A under R411A at the request of the Texas Natural Resource Conservation Commission. Recommendation: Issuance of the Permit. (Robards)

Adopt Proposal For Decision and Issue Order as Motioned by Office Hearing Examiners and Chairman Hall, Pam Reed voted against, JH/PG

Item 61. Consideration of Examiner's Proposals for Decision and Orders concerning petitions of the Executive Directors for Orders assessing administrative penalties and/or requiring certain actions of the following water well drillers: **(Docket No. 94-0325-WWD-E)**. Mike Coles (94-18); **(Docket No. 94-0236-WWD-E)**. E. C. Herring (94-19). Recommendation: Approval of the proposed enforcement orders. (McClellan)

Adopt Examiner's Proposal for Decision, Issue Order, and overrule all exceptions, PR/PG

EXECUTIVE SESSION

Item 62. 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 63. 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 CONTESTED AGENDA

Wednesday, August 31, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 64. Consideration of the TNRCC FY 95 Operating Budget and FY 96-97 Legislative Appropriation Request.

Approve FY95 Operating Budget with recommendations to Budget as recommended by Chairman Hall, Approve FY 96-97 Legislative Appropriation Request, JH/PR

Item 65. The Commission will meet in Executive Session to discuss the appointment and duties of an Acting Executive Director, as permitted by Gov't Code, Section 551.074, the Open Meetings Act. The Commission may also meet in Open Session to consider the appointment of an Acting Executive Director in accordance with Chapter 551 of the Government Code.

General Counsel will do certified agenda