

HALL
GARNER
REED (ABSENT FOR ITEMS 1-6)

UNCONTESTED AGENDA

Wednesday, September 7, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (Class 3 Modification)

- Item 1. Consideration of an application by HOECHST-CELANESE CORPORATION - CORPUS CHRISTI TECHNICAL CENTER for a Class 3 permit modification to Permit No. HW50199 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial and hazardous waste storage, processing, and disposal facility. The permit modification will authorize the closure and post-closure care of four inactive surface impoundments under the Risk Reduction Rules and the continued operation of one existing container storage area and two metal flasks for the storage and post-closure care of industrial and hazardous waste. The facility is located at 1901 Clarkwood Road on a total of 117.42 acres in Corpus Christi, Nueces County, Texas.

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Water Quality Amendment)

- Item 2. APPLICATION BY CYPRESS BAYOU, INC. for an amendment to Permit No. 12109-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 32,000 gallons per day to a volume not to exceed an average flow of 77,000 gallons per day. The proposed amendment will also authorize a variance to the buffer zone requirements in accordance with 30 TAC Chapter 309.13 (e)(1)(B). Additionally, the proposed amendment will enforce more stringent requirements as needed, in order to meet existing applicable rules and regulations. The Little Cypress Bayou Estates Wastewater Treatment Facilities are north of Orange, at a point approximately 1200 feet east and 1600 feet north of the intersection of State Highway 87 and Farm-to-Market Road 1130 in Orange County, Texas.

CONTINUED TO OCTOBER 12, 1994 AT 9:00 A.M.

UNCONTESTED (District Matter)

- Item 3. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 345; \$1,725,000 UNLIMITED TAX BOND ISSUE, FOURTH ISSUE, 716% NET EFFECTIVE INTEREST RATE, SERIES 1994; For Commission consideration. Applicant requests approval of a bond issue to finance water, wastewater, drainage, and site preparation for Green Trails Park, Sections 10 and 11. (Ferguson)

APPROVED APPLICATION; PG/JH

UNCONTESTED (Water Utility Matters)

- Item 4. Application of Henry M. Garza dba Cielo Azul Ranch for a Water Certificate of Convenience and Necessity in Hays County, Texas. (Holck)

APPROVED APPLICATION; PG/JH

- Item 5. Application of Webb County to Transfer and to Cancel Water CCN No. 12385 from Rio Bravo Water Company, Inc., in Webb County, Texas. Docket #30435-S (Nichols).

APPROVED APPLICATION; PG/JH

- Item 6. Application of Webb County to Amend CCN No. 12704 in Webb County, Texas, Docket #30436-C (Nichols).

APPROVED APPLICATION; PG/JH

UNCONTESTED (Settled Hearings)

- Item 7. Consideration of Examiner's Memorandum and Order concerning the Petition of Dega Inc. dba Briar Village Sewer Utility for a Certificate of Convenience and Necessity or to Cease Operations to provide sewer service in Angelina County, Texas. (Docket No. 30259-C)

CONTINUED TO SEPTEMBER 21, 1994 AT 9:00 A.M.

- Item 8. Consideration of Memorandum and Order concerning the application of Three Lakes Municipal Utility District to adopt and impose standby fees in Harris County, Texas. Recommendation: Adoption of agreement of parties. (BOURGEOIS)

ADOPTED THE AGREEMENT OF PARTIES AND ISSUED ORDER; PG/PR

Item 9. Consideration of Memorandum and Order concerning the application of Tri County Water Supply to increase retail water rates under Certificate of Convenience and Necessity No. 10818. The service area covers approximately 541 customers in Hunt County, Texas. Recommendation: Adoption of the agreement of the parties. (FANTL)

ADOPTED THE AGREEMENT OF PARTIES AND ISSUED ORDER; PG/PR

Item 10. Consideration of Examiner's Memorandum and Order concerning the petition of ratepayers requesting review of Tidwell Timbers MUD's proposed increase in retail sewer rates (Docket No. 30005-A). Applicant provides retail sewer service to approximately 500 customers in Harris County, Texas. Recommendation: Adoption of agreement of parties for dismissal of appeal. (CRAVEN)

ADOPTED AGREEMENT OF PARTIES FOR DISMISSAL OF APPEAL; 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.)

CONTESTED AGENDA

Wednesday, September 7, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (Municipal Solid Waste Enforcement)

- Item 1. **(Docket No. 94-0254-MSW-E)**. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of City of Pecan Gap, TNRCC Permit No. 10744-001. (Pam Campbell)

Issue Agreed Order, PR/PG

CONTESTED (Agricultural Enforcement)

- Item 2. **(Docket No. 94-0329-AGR-E)**. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Kent Holman dba Kent Holman Cattle, Inc., for violations of the Texas Water Code, Chapter 26, and 30 TAC § 321.31 pertaining to water quality. (Snelson\Chaffin)

Issue Agreed Order, PG/PR

CONTESTED (Solid Waste Registration Enforcement)

- Item 3. **(Docket No. 94-0081-SWR-E)**. Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Texion, Inc., SWR No. 31500, 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. (Bourbon)

Issue Agreed Order, PR/PG

CONTESTED (Proposal For Decisions)

- Item 4. Consideration of Examiner's Proposal for Decision concerning the application of La Joya Water Supply Corporation and the City of Palmview for certificates of necessity and convenience to provide sewer service in Hidalgo County, Texas. Recommendation: Issuance of

certificate of convenience and necessity to La Joya Waster Supply Corporation and denial of certificate of convenience and necessity to the City of Palmview. (Robards)

Adopt Examiner's Proposal for Decision and deny City of Palmview's request, PR/JH

Item 5. Consideration of Examiner's Proposal for Decision and Order concerning the application of STEBEC, INC. for Permit No.13666-01 to authorize the discharge of 13,000 gpd of treated domestic wastewater effluent in Harris County, Texas and Segment No. 1005 of the San Jacinto River Basin. Recommendation: Denial of Permit. (FANTL)

Continued to September 21, 1994

Item 6. Consideration of Examiner's Memorandum and Order concerning the application of Tejas Financial Corporation dba Blanchard Utilities for an amendment to Certificates of Convenience and Necessity Nos. 12099 and 20689 to provide water and sewer service in Harris County, Texas. (Docket No. 9408-C) Recommendation: Dismissal. (Limes)

Remand back to Office Hearing Examiner's, PG/PR

EXECUTIVE SESSION

Item 7. 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 8. 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, September 7, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

- Item 9. The Commission will meet in Executive Session to discuss the appointment of the Executive Director and Assistant Executive Director as well as of an Acting Chief Hearings Examiner, 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 the Executive Director, Assistant Executive Director, and Acting Chief Hearings Examiner in accordance with Chapter 551 of the Government Code.

Kerry Sullivan named as Acting Chief Hearings Examiner, all other appointments continued until September 15, 1994 at 11:00 a.m. in Rm 123, Stephen F. Austin