

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, September 21, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**Amendment to Water Quality Permit**)

- Item 1. APPLICATION BY BAROID MANAGEMENT COMPANY for an amendment to Permit No. 01970 in order to authorize a change in the waste stream from noncontact cooling water, recovered groundwater and stormwater runoff to treated groundwater and stormwater runoff. The proposed amendment will also reduce monitoring frequencies from 2/week to 1/rainfall event. The permit currently authorizes a discharge at a volume not to exceed an average flow of 250,000 gallons per day, which will remain the same. The applicant proposes to operate a facility which formerly threaded steel pipe which has discontinued all manufacturing operations and currently only remediates contaminated groundwater which is unclassified. The plant site is at 7707 Wallisville Road in the City of Houston, Harris County, Texas.

APPROVED APPLICATION; PR/PG.

UNCONTESTED (**Minor Amendment to Water Quality Permit**)

- Item 2. APPLICATION BY GRAND CANYON DAIRY for a minor amendment to Permit No. 02950 to authorize the disposal of waste and wastewater from a dairy. The proposed amendment is to include: an additional storage pond (Pond No. 8); additional land to be used for irrigation and disposal of manure; and additional improvements completed after the permit was originally approved. The dairy consists of a maximum of 1,450 milking head and a maximum of 1,950 total head. Washdown water, flushwater and stormwater is retained in seven (7) storage ponds. Wastewater is disposed of by evaporation and/or irrigation on approximately 950 acres of land used for growing agricultural crops and pastures. Manure and/or solids are applied as fertilizer on about 1,237 acres of agricultural land on site and on adjacent properties. The dairy is on the east side of Farm-to-Market Road 219, approximately 5 miles south of the intersection of Farm-

to-Market Road 219 and County Road 1702 and seven miles southeast of the City of Dublin in Erath County, Texas.

APPROVED APPLICATION; PR/PG.

UNCONTESTED (Class 2 Modification to Solid Waste Permit)

- Item 3. Consideration of an application by SOUTHWESTERN ELECTRIC POWER COMPANY - LONGVIEW SERVICE CENTER for a Class 2 Modification to Permit No. SW39080 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial solid waste management facility for the storage and processing of Class 1 non-industrial waste. The permit modification will authorize physical changes to permitted units, update spill response procedures, update adjacent property owner list, update facility's registered agent, and correct typographical errors. The facility is located south of the intersection of FM 1845 and FM 2205 in Longview, Gregg County, County, Texas.

APPROVED APPLICATION; PG/PR.

UNCONTESTED (Class 2 Modification to WDW Permit)

- Item 4. Consideration of an application by CHEMICAL WASTE MANAGEMENT, INC. - CORPUS CHRISTI for a Class 2 Modification to Permit No. WDW-70 in accordance with 30 TAC Section 305.69. The permit authorizes operation of a commercial industrial and hazardous waste facility for the storage and processing of industrial and hazardous wastes generated from on-site and off-site sources. The permit modification will authorize the addition of newly listed EPA waste codes to the facility's waste code list and the addition of a submittal date. The facility is located at 6901 Greenwood Drive, Corpus Christi, Nueces County, Texas.

APPROVED APPLICATION; PG/PR.

UNCONTESTED (Class 3 Modification to Compliance Plan)

- Item 5. Consideration of an application by TEXAS EASTMAN DIVISION - EASTMAN CHEMICAL COMPANY for a Class 3 Modification to Compliance Plan No. CP50043 in accordance with 30 TAC Section 305.69. The compliance plan authorizes operation of a groundwater monitoring and corrective action system. The compliance plan modification will authorize the following: (1) revise alternate concentration limits for certain constituents for the Groundwater Protection Standard, (2) move the Special Waste Landfill unit from

the compliance monitoring to the corrective action program, (3) revise the Sabine River sampling and analysis plan, (4) change compliance plan reporting requirements, and (5) authorize an initial phase of the groundwater contamination investigation program for the deeper Carrizo-Wilcox Aquifer along the Sabine River. The facility is located at the end of Kodak Boulevard off State Highway 149 in Harrison County, Texas, near the City of Longview.

APPROVED APPLICATION; PG/PR.

UNCONTESTED (Water District Matters)

Item 6. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 111 FOR APPROVAL OF \$1,370,000 UNLIMITED TAX BONDS, SECOND ISSUE, 7.17% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance water, wastewater & drainage facilities for various subdivisions within the District. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 7. APPLICATION BY CY-CHAMP PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$3,350,000 UNLIMITED TAX AND REVENUE BONDS, FOURTH ISSUE, 6.18% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance water, wastewater & drainage facilities for Champions Park North Section 4, construction of water plant no. 2, replacement of a hydropneumatic tank at water plant no. 1, replacement of a wastewater line, pro rata share of a bar screen at a regional wastewater treatment plant, and wastewater collection system evaluation, and future drainage facilities. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 8. APPLICATION BY WALNUT CREEK SPECIAL UTILITY DISTRICT OF PARKER AND WISE COUNTIES FOR APPROVAL OF AN EXTENSION OF TIME AND BOND AMENDMENT AUTHORIZING THE ISSUANCE OF \$7,400,000 IN BONDS IN LIEU OF \$7,000,000 WATER SYSTEM REVENUE BONDS, SERIES 1994; APPROVED MARCH 5, 1993 TO THE TEXAS WATER DEVELOPMENT BOARD; 6.40 % NET EFFECTIVE INTEREST RATE; PURSUANT TO V.T.C.A., TEXAS WATER CODE SECTION 65.512. For Commission consideration. Applicant requests Commission approval of an extension of time to sell bonds and a bond amendment to increase the amount from \$7,000,000 to \$7,400,000 to finance improvements allowing the District to convert from ground to surface water. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 9. APPLICATION BY WHITE OAK BEND MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO ISSUE \$1,620,000 COMBINATION UNLIMITED TAX AND REVENUE BONDS, SERIES 1994; 5.63% NET EFFECTIVE INTEREST RATE. For Commission consideration. Applicant requests Commission approval to issue bonds to finance the construction of a wastewater treatment plant. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 10. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 173 FOR APPROVAL OF \$4,350,000 UNLIMITED TAX BOND ISSUE, 6.678% NET EFFECTIVE INTEREST RATE, SERIES 1994, FIRST ISSUE. For Commission consideration. Applicant requests approval of the issuance of \$4,350,000 in unlimited tax bonds to finance the purchase of District facilities. (Ferguson)

APPROVED APPLICATION WITH PROVISION THAT DISPUTED FUNDS BE ESCROWED UNTIL COURT MAKES DECISION; PR/PG.

Item 11. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 46 FOR APPROVAL OF \$1,385,000 UNLIMITED TAX BONDS, THIRD ISSUE, 78.19% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance a 12-inch water line serving Reserves A & B, and Timber Forest Drive trunk utilities (water, wastewater, and drainage facilities). (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 12. APPLICATION BY TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 17 COMANCHE TRAIL DEFINED AREA, \$1,020,000 UNLIMITED TAX BONDS, SERIES 1994-B; 6.60% NET EFFECTIVE INTEREST RATE. For Commission consideration. Applicant requests approval to issue bonds to finance construction costs associated with the expansion of the District's existing water supply system. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 13. APPLICATION BY GALVESTON COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 8 FOR APPROVAL OF \$1,220,000 UNLIMITED TAX BONDS, EIGHTH ISSUE, 6.77% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval to issue bonds to finance improvements of water distribution and wastewater collection systems and expansion of District's wastewater treatment plant. (Ferguson)

APPROVED APPLICATION; PR/PG.

UNCONTESTED (**Settled Hearings**)

Item 14. Consideration of Examiner's Memorandum concerning the application of Brushy Creek MUD for a renewal and amendment of Permit No. 11865-001 to authorize discharge of 450,000 gallons of treated domestic wastewater effluent in Williamson County, Texas, and Segment No. 1244 of the Brazos River Basin. Recommendation: Granting of Permit. DK NO. 94-0345-MWD (LIMES)

ADOPTED EXAMINER'S MEMORANDUM AND GRANTED PERMIT; PG/PR.

Item 15. Consideration of Examiner's Memorandum and Order concerning the petition of the Executive Director of the Commission for an Order assessing administrative penalties against Joy Powell and Ilene Powell dba Powell Farm Well in Denton County, Texas, and requiring certain remedial actions. Penalty requested: \$1.,600. Recommendation: Adoption of the agreement of the parties. (ROGAN)

ADOPTED EXAMINER'S MEMORANDUM AND AGREEMENT OF PARTIES; PG/PR.

Item 16. Consideration of Examiner's Memorandum and Order concerning the application of Water Services, Inc. and Water Services II, Inc. to increase retail water rates in Bexar, Comal and Kendall Counties, Texas (Docket No. 30385-R) Applicant provides retail water service to approximately 1294 customers. Recommendation: Adoption of the agreement of parties. (LIMES)

ADOPTED EXAMINER'S MEMORANDUM AND AGREEMENT OF PARTIES; PG/PR.

Item 17. Consideration of Examiner's Memorandum concerning the application of Rollins Environmental Services (TX), Inc. for Class III Modification to Hazardous Waste Permit No. HW-50089-001 to authorize adjustments to the allowable emission rates for certain metals from an incinerator in Harris County, Texas RECOMMENDATION: Approval of permit modification. (FANTL)

ADOPTED EXAMINER'S MEMORANDUM AND AGREEMENT OF PARTIES; 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.)

REGISTRATION FOR AGENDA STARTS AT 8:30 A.M. UNTIL 9:15 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

UNCONTESTED OLD BUSINESS

Wednesday, September 21, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 7, 1994.

- Item 1. 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)

ADOPTED EXAMINER'S MEMORANDUM AND ISSUED ORDER; PG/PR.

CONTESTED AGENDA

Wednesday, September 21, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**Water Quality Enforcement**)

Item 1. (**Docket No. 94-0152-IWD-E**). Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of James Creel, (Registration Number 21428) Pursuant to Title 30 Texas Administrative Code §330.442 and the Texas Health and Safety Code, §361.252 relating to water quality. (Raymond Winter)

Approved, PG/PR

Item 2. (**Docket No. 94-0099-IWD-E**). Consideration of an Agreed Order finding significant noncompliances with 529 #35 LTD with the terms of its permit, and requiring no further action pursuant to the Texas Water code §5.117 relating to water quality. (Raymond Winter)

Approved, PG/PR

Item 3. (**Docket No. 94-0162-IWD-E**). Consideration of the Executive Director's preliminary report and petition for an order assessing administrative penalties and requiring certain actions of Hill Country Utilities, Inc., for violations of Texas Natural Resource Conservation Commission (TNRCC) Permit No. 11402-001 and Chapter 26 of the Texas Water Code pertaining to Water Quality; (CLAYBORN/HONER)

Remand to Office Hearing Examiner

Item 4. (**Docket No. 94-0147-IWD-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order assessing administrative penalties and requiring certain actions of Interstate Ford, no permit. (Clayborn/Powell)

Approved, PG/PR

Item 5. (**Docket No. 94-0348-MWD-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties against Northline Corporation for violations of Section 26.121 of the Texas Water Code pertaining to water quality. (Rubey).

Continued to October 19, 1994

Item 6. **(Docket No. 94-0336-MSW-E)**. Consideration of a Texas Natural Resource Conservation Commission Amended Agreed Order Requiring Certain Actions of the City of DeKalb, TNRCC Permit No. 10062-002. (Roxanne Cook)

Approved, PG/PR

CONTESTED (Petroleum Storage Tank Enforcements)

Item 7. **(Docket No. 94-0349-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Balques Corporation, Inc.; Enforcement Identification No. E10570, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 8. **(Docket No. 94-0350-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Ismail Bhal; Enforcement Identification No. E10493, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 9. **(Docket No. 94-0351-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Country Center Inc.; enforcement identification No. E10541, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 10. **(Docket No. 94-0352-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of L. M. Daigle Oil Company, Inc.; Enforcement Identification No. E10528, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 11. **(Docket No. 94-0353-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and

requiring certain actions of Diamond Petroleum Co.; enforcement identification No. E10567, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 12. **(Docket No. 94-0354-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Dang Do; Enforcement Identification No. E10563, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 13. **(Docket No. 94-0355-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Evans Oil Company; Enforcement Identification No. E10566, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 14. **(Docket No. 94-0356-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of E-Z Mart Stores, Inc.; Enforcement Identification No. E10572, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 15. **(Docket No. 94-0357-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Fiesta Mart Inc.; Enforcement Identification No. E10660, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 16. **(Docket No. 94-0358-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of B. Jones Texaco; Enforcement Identification No. E10533, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 17. **(Docket No. 94-0359-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Karl Perry Enterprises of El Paso, Inc.; Enforcement Identification No. E10502, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 18. **(Docket No. 94-0360-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Karl Perry Enterprises of El Paso, Inc.; Enforcement Identification No. E10503, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 19. **(Docket No. 94-0361-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Katy Independent School District; Enforcement Identification No. E10716, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 20. **(Docket No. 94-0362-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Lange's Food Market Inc.; Enforcement Identification No. E10679, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 21. **(Docket No. 94-0363-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Hector Lopez; Enforcement Identification No. E10606, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 22. **(Docket No. 94-0364-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of McWaters Trucking Inc.; enforcement identification No. E10578, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 23. **(Docket No. 94-0365-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Pioneer Oil Co.; Enforcement Identification No. E10495, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 24. **(Docket No. 94-0366-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Red Adair Service & Marine, Inc.; Enforcement Identification No. E10662, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 25. **(Docket No. 94-0367-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Zahid Rehman; Enforcement Identification No. E10582, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 26. **(Docket No. 94-0368-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Rosehill Exxon, Inc.; Enforcement Identification No. E10506, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 27. **(Docket No. 94-0369-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Stubbs Petroleum Company, Inc.; Enforcement Identification No. E10583, for

violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 28. **(Docket No. 94-0370-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Sunland Distributors; Enforcement Identification No. E10512, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 29. **(Docket No. 94-0371-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of TC Partnership, Inc.; Enforcement Identification No. E10508, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 30. **(Docket No. 94-0372-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Town & Country Food Stores; Enforcement Identification No. E10535, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

Item 31. **(Docket No. 94-0373-PST-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Tri-Con Inc.; Enforcement Identification No. E10580, for violations of Texas Water Code § 26.136 and 30 Texas Administrative Code § 334.50(b), pertaining to petroleum storage tanks. (Bower)

Approved, PR/PG

CONTESTED (Authorization to Construct)

Item 32. Consideration of Lakeway Municipal Utility District's Request for Authorization to Commence Construction of the expansion of its central wastewater treatment facility, pursuant to Sections 26.019 and 26.027(c) of the Texas Water Code pertaining to water quality. (Qualtrough)

Approve Authorization to Construct, JH/PR

CONTESTED (Water Utility Enforcement)

- Item 33. Consideration of Agreed Order assessing administrative penalties and requiring certain actions of the City of Mt. Pleasant for violations of Title 30 Texas Administrative Code Section 290 pertaining to Water Hygiene and Section 341 of the Health and Safety Code pertaining to minimum standards of sanitation and health protection measures; DOCKET NO. 30191-E (BROWN/NAPIER)

Issue Agreed Order, PG/PR

CONTESTED (Water Utility, Interim Rates)

- Item 34. Consideration of request by the Executive Director for Interim Rates in Lake Water Companies (Lake Palestine, CCN NO. 11523; Carrizo, CCN NO. 10974; Blue Water CCN NO. 10822; and Southern Oaks, CCN NO. 12344) in Henderson County; DOCKET NO. 30524-R (STEPHERSON/FORD)

Approve Staff Recommendation, PR/PG

CONTESTED (State Implementation Plans)

- Item 35. Consideration of revisions to Texas Air Control Board Order No. 75-16 authorizing the Rio Grande Valley Sugar Growers, Inc. to conduct outdoor burning of sugarcane for harvesting purposes under certain conditions. (WILLIAMS)

Approve Staff Recommendation and Recommendation from Commssioners, PG/PR

- Item 36. Consideration of the adoption of the Attainment Demonstration revision to the State Implementation Plan for the Dallas/Fort Worth ozone nonattainment area. (Cyril Durrenberger)

Approve Adoption of SIP, PR/PG

- Item 37. Consideration of the adoption of the State Implementation Plan revision concerning the ozone attainment demonstration for El Paso as conducted under Section 818 of the Federal Clean Air Act Amendments. (Cyril Durrenberger)

Approve Staff Recommendation and Adopt SIP, PR/PG

CONTESTED (Rules)

Item 38. Consideration on the adoption of a new 30 TAC chapter 277: Use Determination for Tax Exemption of Pollution Control Property.

Approve adoption with recommendations with changes as recommended by staff, PG/PR

CONTESTED (Superfund)

Item 39. Consideration of an order to authorize the expenditure of up to \$9,000,000 of state funds to complete immediate removal and perform remedial action concerning arsenic-contaminated soils at the Hi-Yield State Superfund site located in Commerce, Texas.

Approve Staff Recommendation, PR/PG

CONTESTED (Advisory Committees)

Item 40. Consideration of and action upon a resolution relating to the membership of the Texas Natural Resource Conservation Commission Task Force for the 21st Century.

Adopt Resolution, PG/PR

Item 41. Consideration of and action upon a resolution relating to the creation, abolition, existence, and composition of advisory committees of the Texas Natural Resource Conservation Commission.

Adopt Resolution with Corrections, PG/PR

CONTESTED (Examiner's Proposal for Decision)

Item 42. Consideration of Examiner's Proposal for Decision concerning the application of S-Estates Water Supply Corporation for a transfer of Certificate of Convenience and Necessity No. 118837 to provide water service in Parker County, Texas. The applicant also requests a finding that a water supply corporation may have non-member customers. Recommendation: Approval of transfer, but find that WSC's must service customers through memberships. (McClellan)

Adopt Examiner's Proposal for Decision, PR/PG. JH voted against, PR/PG voted for.

Item 43. **(Docket No. 94-0270-PST-E)**. Consideration of Proposal for Decision and Order concerning the petition of the Executive Director of the Texas Natural Resource Conservation Commission for an Order assessing penalties against Bell Thunderbird Oil Company, doing business in Andrews, Bailey, Cameron, Dawson, Deaf Smith, Donley, El Paso, Gaines, Tom Green, Hale, Lubbock, Parmer, Potter and Randall Counties, Texas, and requiring certain actions. Penalty requested \$65,400.73. Recommendation: Issuance of Order assessing penalties and requiring certain action. (ROBARDS)

Continued to October 26, 1994

Item 44. Consideration of Examiner's Proposal for Decision concerning the complaint of Charles L. Johnson against East Crawford Water Supply Corporation appealing a connection fee in McLennan County, Texas, Docket 30348-X. Recommendation: Approval of attached Order setting a reduced connection fee (Zukauckas)

Adopt Examiner's Proposal for Decision, PR/PG

EXECUTIVE SESSION

Item 45. 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 46. 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.)

REGISTRATION FOR AGENDA STARTS AT 8:30 A.M. UNTIL 9:15 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

CONTESTED OLD BUSINESS

Wednesday, September 21, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from agenda of September 07, 1994.

- Item 1. 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 October 12, 1994

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, September 21, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from agenda of September 7, 1994 and September 15, 1994.

- Item 2. 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.

Continued to September 29, 1994. A new caption and posting will be posted.