

HALL
GARNER
REED-- ABSENT AND EXCUSED

UNCONTESTED AGENDA

Wednesday, October 5, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**Proposed Water Quality Permit**)

- Item 1. APPLICATION BY CITY OF ENNIS for a permit (Proposed Permit No. 10443-03) to authorize a discharge of backwash water at a volume not to exceed an average flow of 75,000 gallons per day. The proposed water treatment facility will serve the City of Ennis. The plant site is at 4400 Beach Road, approximately two miles south-southwest of the intersection of State Highway 34 and Lakeview Road in Ellis County, Texas.

APPROVED APPLICATION; PG/JH.

- Item 2. **Docket No. 94-0276-AGR.** APPLICATION BY SEABOARD FARMS OF OKLAHOMA, INC. for a permit (Proposed Permit No. 03702) to authorize disposal of waste and wastewater from a swine farm. The farm will consist of a maximum of 23,040 head of swine. Washdown water and flushwater will be retained in six storage ponds. Wastewater from the ponds will be disposed of by evaporation. Manure/solids will be disposed of as fertilizer on agricultural land. The swine farm is at the intersection of State Highway 207 and Farm-to-Market Road 2535, approximately six (6) miles northeast of the City of Gruver in Hansford County, Texas.

NO ACTION REQUIRED; ITEM WAS SIGNED BY THE EXECUTIVE DIRECTOR.

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

- Item 3. APPLICATION BY CITY OF OVERTON for an amendment to Permit No. 10242-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 300,000 gallons per day to a volume not to exceed an average flow of 600,000 gallons per day. The proposed amendment will also enforce more stringent effluent limitations and requirements as needed, in order to meet existing applicable rules and

regulations. The wastewater treatment facilities are approximately 2,900 feet east of the intersection of Henderson Street and Linda Lane in Rusk County, Texas.

APPROVED APPLICATION; PG/JH.

UNCONTESTED (Water District Matter)

- Item 4. APPLICATION BY BEECHNUT MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration. Applicant requests authorization to proceed in federal bankruptcy pursuant to V.T.C.A., Water Code Section 50.060. (Allison)

APPROVED APPLICATION; PG/JH.

- Item 5. APPLICATION BY CINCO MUNICIPAL UTILITY DISTRICT NO. 9 OF HARRIS AND FORT BEND COUNTIES FOR APPROVAL TO ISSUE \$1,390,000 IN UNLIMITED TAX BONDS, 6.95% NET EFFECTIVE INTEREST RATE, SERIES 1994, THIRD ISSUE AND USE OF \$88,579 IN SURPLUS FUNDS. For Commission consideration. Applicant requests approval to issue \$1,390,000 in unlimited tax bonds and Use of \$88,579 in Surplus Funds, \$2,935,000 Bond Issue Approved November 16, 1993; Pursuant to Texas Water Code, Section 54.516. (Ferguson)

APPROVED APPLICATION; PG/JH.

- Item 6. PETITION BY TRI-COUNTY WATER SUPPLY CORPORATION FOR CONVERSION TO TRI-COUNTY SPECIAL UTILITY DISTRICT. For Commission consideration. The Commission has received a petition from Tri-County Water Supply Corporation for conversion to Tri-County Special Utility District, transfer of the CCN, and approval of an impact fee. (Ferguson)

APPROVED PETITION; PG/JH.

UNCONTESTED (**Settled Hearings**)

- Item 7. Consideration of Examiner's Memorandum and Order concerning the application of Study Butte Water Supply Corporation and Big Bend Water Company for a Certificate of Convenience and Necessity to provide water service in Brewster County, Texas (Docket No. 30254-C and 30166-G). Recommendation: Adoption of Agreement of Parties. (ZUKAUCKAS)

ADOPTED THE EXAMINER'S MEMORANDUM; JH/PG.

- Item 8. **Docket No. 94-0343-WR.** Consideration of Examiner's Memorandum concerning the application of City South Management Corporation for a permit to authorize the diversion and use of 566 acre-feet of water per annum from the Guadalupe River, Guadalupe River Basin, in Kerr County, Texas. (McClellan)

ADOPTED THE EXAMINER'S MEMORANDUM; JH/PG.

- Item 9. Consideration of Memorandum and Order concerning the application of Pine Trails Utility Company, Inc. to increase retail water and sewer rates in Harris County, Texas (Docket No. 30226-R). Applicant provides retail water and sewer service to approximately 1,857 customers. Recommendation: Adoption of agreement of parties. (WOOD)

ADOPTED THE EXAMINER'S MEMORANDUM; JH/PG.

- Item 10. Consideration of Examiner's Memorandum and Order concerning the petition of Bayview Irrigation District No. 11 complaining of wholesale water rates charged by Cameron County Irrigation District No. 6 in Cameron County, Texas (DOCKET NO. 9832-M) Recommendation: Adoption of Agreement of Parties; Dismissal without prejudice. (Bateman)

ADOPTED THE EXAMINER'S MEMORANDUM; JH/PG.

- Item 11. Consideration of Examiner's Memorandum and Order concerning the application of Twin Lakes Club, Inc. dba Twin Lakes Club Water System to increase retail water rates in Brazoria County, Texas (Docket No. 30421-G). Applicant provides retail water service to approximately 19 customers. Recommendation: Adoption of agreement of parties. (Bourgeois)

ADOPTED THE EXAMINER'S MEMORANDUM; JH/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) 239-3317 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 AGENDA

Wednesday, October 5, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**Water Quality Enforcement**)

- Item 1. **Docket No. 94-0347-SLG-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order assessing administrative penalties and requiring certain actions of Lee Wilkerson, TNRCC Registration No. 21873. (Roberts)

Approved, PG/JH

- Item 2. **Docket No. 94-0380-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Familia/El Dorado, Inc., Permit No. 11376-01. (Eugene Clayborn/ Mickey Green).

Approved, PG/JH

CONTESTED (**Air Quality Enforcement**)

- Item 3. **Docket No. 94-0424-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Robert Braswell; Account No. MB-0360-M air quality violations.

Approved, PG/JH

- Item 4. **Docket No. 94-0425-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of British Auto House, Inc.; Account No. HG-4604-T, for air quality violations (Ehresman).

Approved, PG/JH

- Item 5. **Docket No. 94-0427-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Grand Prairie Marble Company; Account No. TA-0920-O, for air quality violations (Jones).

Approved, PG/JH

- Item 6. **Docket No. 94-0430-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of John Philip;

Account No. HG-5013-S, for air quality violations (Jones).

Approved, PG/JH

Item 7. **Docket No. 94-0428-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Montroy Sheet Metal; Account No. HG-6226-P air quality violations.

Approved, PG/JH

Item 8. **Docket No. 94-0249-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Mouser Container Service, Incorporated; Account No. HG-5196-G, for air quality violations (Jones).

Approved, PG/JH

Item 9. **Docket No. 94-0432-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Picco Coatings Company; Account No. HG-4061-O, for air quality violations (Salem).

Approved, PG/JH

Item 10. **Docket No. 94-0433-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Producers Cooperative Marketing Association; Account No. GL-0090-C, for air quality violations (Jones).

Approved, PG/JH

Item 11. **Docket No. 94-0434-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Sports Car Unlimited, Inc.; Account No. HG-4663-D, for air quality violations. (Terrell)

Approved, PG/JH

Item 12. **Docket No. 94-0435-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Successful Endeavors, Incorporated; Account No. JE-0380-B, for air quality violations (Salem).

Approved, PG/JH

Item 13. **Docket No. 94-0436-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Texas Renaissance Festival; ACCOUNT NO. GK-0043-W, for air quality violations (Rawlins)

Approved, PG/JH

Item 14. **Docket No. 94-0438-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Witco Corporation; Account No. TA-0273-F, for air quality violations (Jones).

Approved, PG/JH

Item 15. **Docket No. 94-0439-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of X-Ray Auto Sales; Account No. HG-5016-M, for air quality violations. (Terrell)

Approved, PG/JH

Item 16. **Docket No. 94-0423-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Air Products Manufacturing Corporation/Air Products, Incorporated; Account No. HG-0011-L, for air quality violations (Jones).

Approved, PG/JH

Item 17. **Docket No. 94-0426-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of The Geon Company; Account No. HG-0193-B, for air quality violations (Gregg).

Approved, PG/JH

Item 18. **Docket No. 94-0431-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Phillips Pipe Line Company; Account No. HG-0565-J, for air quality violations (Ehresman).

Approved, PG/JH

Item 19. **Docket No. 94-0437-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties requiring certain actions of Texford Joe Heileman; ACCOUNT NO. GB-0342-L, for air quality violations (Rawlins)

Approved, PG/JH

CONTESTED (Proposal for Decision)

Item 20. **Docket No. 94-0344-PST.** Consideration of Examiner's Proposal for Decision concerning the petition of Liquilux, Inc. for reimbursement from the Petroleum Storage Tank Remediation Fund. The petitioner seeks additional reimbursement in the amount of \$18,293.00 for expenses incurred in connection with a petroleum storage

tank cleanup and removal in Harris County, Texas. TNRCC
Docket No. 94-0344-PST. Recommendation: Denial of
Petition (Zukauckas)

Continued to October 26, 1994

EXECUTIVE SESSION

Item 21. 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 22. 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) 239-3317 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

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CONTESTED OLD BUSINESS

Wednesday, October 5, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Rm 118

Item carried forward from Executive Agenda of September 29, 1994.

The Commission will meet in Executive Session to discuss the appointment of the Executive Director and related personnel changes 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 and the related personnel changes in accordance with Chapter 551 of the Government Code.

General Counsel To Do Certified Agenda