

GARNER  
REED

UNCONTESTED AGENDA

Wednesday, October 12, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (**District Matters**)

Item 1. APPLICATION BY GREENS PARKWAY 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; PR/PG.**

Item 2. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 13; \$6,950,000 CONTRACT REVENUE BONDS, SERIES 1994; 5.75% 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 wastewater treatment system. (Ferguson)

**APPROVED APPLICATION; PR/PG.**

Item 3. APPLICATION BY TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 14, \$2,020,000 COMBINATION UNLIMITED TAX AND REVENUE BONDS, SERIES 1994; 6.55% NET EFFECTIVE INTEREST RATE. For Commission consideration. Applicant requests approval to issue bonds to finance improvements to the District's existing water supply system. (Ferguson)

**APPROVED APPLICATION; PR/PG.**

Item 4. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 109 FOR APPROVAL OF \$3,950,000 UNLIMITED TAX BONDS, THIRD ISSUE, 7.37% NET EFFECTIVE INTEREST RATE, SERIES 1994 AND ORDER DIRECTING FORT BEND MUD NO. 106 TO ESCROW \$1,929,564. For Commission consideration. Applicant requests approval of a bond issue to finance master utility district connection fees and water, wastewater & drainage facilities for Greatwood Glen Section 1 and Greatwood Crossing Sections 1 & 2. (Ferguson)

**APPROVED APPLICATION; PR/PG.**

- Item 5. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 350 FOR APPROVAL OF \$4,470,000 UNLIMITED TAX BONDS, FOURTH ISSUE, 7.713% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance the District's pro rata share of Greentree Ditch improvements, and water, wastewater & drainage facilities for various subdivisions within the District. (Ferguson)

**APPROVED APPLICATION; PR/PG.**

UNCONTESTED (Water Utility Matters)

- Item 6. **Docket No. 94-0442-UCR.** Approval of Cyndie Park II Water Supply Corporation to Acquire all Facilities and Transfer Water CCN No. 12100 from Cyndie Park II Water Co. in Nueces County, Texas. (Application # 30479-S, Guillermo Zevallos)

**APPROVED APPLICATION; PG/PR.**

- Item 7. **Docket No. 94-0444-UCR.** Approval of Kingsland WSC to Merge with Kingsland Hills WSC and Amend CCN No. 12217 in Burnet County, Texas. (Application # 30135-S, Albert Holck)

**APPROVED APPLICATION; PG/PR.**

- Item 8. **Docket No. 94-0445-UCR.** Approval of River Acres Water Supply Corporation to Decertify a Portion of Water CCN No. 11084 in Nueces County, Texas. (Application # 30496-Q, Albert Holck)

**APPROVED APPLICATION; PG/PR.**

- Item 9. **Docket No. 94-0392-UCR.** Approval of Texas Water Systems, Inc. to Transfer Water CCN No. 12138 from Mt. Sylvan Water System, Inc. and Water CCN No. 12069 from Country Club Estates Water System, Inc.; Amend Water CCN No. 12473; Cancel Water CCN no. 12138 in Smith County, Texas and Cancel Water CCN no. 12069 in Upshur Country. (Application Nos. 30395-S & 30396-S, Vera Poe)

**APPROVED APPLICATION; PG/PR.**

- Item 10. **Docket No. 94-0441-UCR.** Approval of Eddie Williams dba Tri County Water System to Acquire Country Woods Estate Subdivision and Decertify a Portion of CCN No. 10824 Issued to Cash Water Supply Corporation (WSC) in Hunt County, Texas. (Application # 30462-S, Albert Holck)

Approval of Eddie Williams dba Tri County Water System to Amend Water CCN No. 10818 in Hunt County, Texas. (Application # 30463-C, Albert Holck)

**APPROVED APPLICATION; PG/PR.**

**UNCONTESTED (Settled Hearings)**

Item 11. Consideration of Examiner's Memorandum and Order concerning the application of Windermere Utility Company, Inc. to increase retail water and sewer rates in Travis County, TX (Docket No. 30379-R). Applicant provides retail water and sewer service to approximately 1900 customers. Recommendation: Adoption of agreement of parties. (SORRELLS)

**CONTINUED TO OCTOBER 26, 1994 AT 9:00 A.M.**

Item 12. Consideration of Examiner's Memorandum and Order concerning the application of Vacation Village Water Supply System, Inc. to increase retail sewer rates in Denton County, TX (Docket No. 30414-R). Applicant provides retail sewer service to approximately 223 customers. Recommendation: Adoption of agreement of parties. (Wood)

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

Item 13. Consideration of Examiner's Memorandum concerning the application of Southdown, Inc. for an amendment to Permit No. AQ-5296 & **Docket No. 94-0384-AIR** to authorize the modification of its Portland Cement Manufacturing Plant near Odessa in Ector County, Texas. Recommendation: Issuance of Permit. (Bateman)

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

Item 14. Consideration of Examiner's Memorandum and Order concerning the application of Olmito Water Supply Corporation for a certificate of convenience and necessity to provide sewer service in Cameron County, Texas (Docket No. 9983-C) RECOMMENDATION: Adoption of agreement of Parties. (LIMES)

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

Item 15. Consideration of Examiner's Memorandum and Order concerning the application of Greens Parkway MUD to adopt and impose standby fees in Harris County, Texas. Recommendation: Adoption of agreement of Parties. (LIMES)

**ADOPTED EXAMINER'S MEMORANDUM AND ISSUED ORDER; 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) 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.**

**HALL  
GARNER  
REED**

UNCONTESTED OLD BUSINESS

Wednesday, October 12, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of September 7, 1994.

- Item 1. 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.

**REMANDED TO THE OFFICE OF THE EXECUTIVE DIRECTOR**

CONTESTED AGENDA

Wednesday, October 12, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

CONTESTED (Water Quality Enforcements)

- Item 1. **Docket #94-0203-SWR-E.** Consideration of a Texas Natural Resource Conservation Commission Default Order Assessing Administrative Penalties and requiring Certain Actions of Bob Martin, Permit No. 12962-001. (Rubey\Thomas)

Remand to Executive Director

- Item 2. **Docket #94-0458-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of Bastrop County W.C.I.D. Number Three, TNRCC Permit No. 12963-01 pertaining to Water Quality. (Bernacki/Powell)

Issue Agreed Order, PG/PR

- Item 3. **Docket #94-0457-MWD-E.** Consideration of an Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of the City of Riesel, TNRCC Permit No. 11015-001, for violations of the Texas Water Code Chapter 26 pertaining to Water Quality. (Ramirez/Smith)

Issue Agreed Order, PG/PR

- Item 4. **Docket #94-0456-SLG-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties against Wheelabrator Clean Water Systems, Inc. for violations of §361.302 of the Health and Safety Code, §§26.019, 26.121(c), 26.136(a)(b) and (c)(1) - (4), 26.136(n) of the Texas Water Code pertaining to water quality. (Rubey)

Issue Agreed Order, PG/PR

- Item 5. **Docket #94-0452-MWD-E.** Consideration of an Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of the Pine Trails Utility Company, Inc., TNRCC Permit No. 11701-001, Public Water Supply Identification No. 1010535 and Certificate of Convenience and Necessity No. 10938, for violations of the Texas Water Code Chapter 13, pertaining to Water Utilities and Chapter 26,

pertaining to Water Quality. (Ramirez/Lehmke)

Issue Agreed Order, PG/PR

**CONTESTED (Petroleum Storage Tank Enforcements)**

Item 6. **Docket #94-0453-PST-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Susser Environmental Services, No. E10160, pursuant to the Texas Water Code §26.351(b), 26.019, and 26.136 relating to petroleum storage tanks. (Raymond Winter)

Issue Agreed Order, PR/PG

Item 7. **Docket #94-0395-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Larry Bartsch, Inc.; Enforcement Identification No. E10709, 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 8. **Docket #94-0396-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Joyce Blackwell; Enforcement Identification No. E10761, 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 9. **Docket #94-0399-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Brogan 66 Service Center; enforcement identification No. E10615, 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 10. **Docket #94-0400-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Leonidas Crane; Enforcement Identification No. E10616, 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 11. **Docket #94-0401-PST-E.** Consideration of a TNRCC Agreed

Order assessing administrative penalties and requiring certain actions of Nu Van Doan; enforcement identification No. E10609, 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 #94-0402-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Everheart Oil Company; Enforcement Identification No. E10551, 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 13. **Docket #94-0403-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of FFP Operating Partners, L.P.; Enforcement Identification No. E10621, 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 #94-0404-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Georgetown Independent School District; Enforcement Identification No. E10755, 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 #94-0405-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of High Plains Concrete Company, Inc.; Enforcement Identification No. E10760, 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 #94-0406-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Himont U.S.A., Incorporated; Enforcement Identification No. E10617, 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 #94-0407-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. George Hogland; Enforcement Identification No. E10759, 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 #94-0408-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. R. K. Jaggi; Enforcement Identification No. E10672, 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 #94-0409-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of B. P. Newman Oil Company; Enforcement Identification No. E10723, 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 #94-0410-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of B. P. Newman Oil Company; Enforcement Identification No. E10724, 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 #94-0411-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of B. P. Newman Oil Company; Enforcement Identification No. E10725, 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 #94-0412-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Alfredo Olivas dba Olivas Aviation; enforcement identification No. E10614, 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 #94-0413-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Patco Gas Station; Enforcement Identification No. E10545, 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 #94-0414-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. William C. Rice; Enforcement Identification No. E10720, 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 #94-0415-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Safety-Kleen Corporation; Enforcement Identification No. E10762, 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 #94-0416-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Dominick Sasser; Enforcement Identification No. E10625, 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 #94-0417-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Swift Oil Company; Enforcement Identification No. E10719, 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 #94-0418-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring

certain actions of Texas Department of Public Safety; Enforcement Identification No. E10758, 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 #94-0419-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Western Recycling, Inc.; Enforcement Identification No. E10677, 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 #94-0420-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Tom E. Williams; Enforcement Identification No. E10604, 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 #94-0421-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Wylie, Inc.; Enforcement Identification No. E10669, 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 (Water Well Driller Enforcements)**

Item 32. **Docket #94-0454-WWD-E.** Consideration of a Texas Natural Resource Conservation Commission Order Assessing Administrative Penalties against Water Well Driller John S. Murchison, for violations of §32.002(1) and (2)(a) of the Texas Water Code pertaining to Water Well Drillers. (Rubey)

Issue Order as Recommended by Staff, PG/PR

Item 33. **Docket #94-0455-WWD-E.** Consideration of a Texas Natural Resource Conservation Commission Order Assessing Administrative Penalties against Water Well Driller Joe I. Salazar, License No. 3201-W, for violations of §32.016 of the Texas Water Code pertaining to Water Well Drillers. (Rubey)

Issue Order as Recommended by Staff, PG/PR

**CONTESTED (State Implementation Plan)**

Item 34. Consideration of the adoption of the State Implementation Plan (SIP) revision, Section VI, B, Ozone Control Strategy, regarding Vehicle Miles Traveled Offset for the Houston/Galveston ozone nonattainment area required by the Federal Clean Air Act Amendments of 1990.

Adopt SIP as Recommended by Staff, PR/PG

**CONTESTED (Proposal for Decision)**

Item 35. **Docket #94-0450-WWD.** Consideration of Examiner's Proposal for Decision and Order concerning the petition of the Executive Director for an Order assessing administrative penalties to Ramon Luna; Water Well Driller Docket No. WWD 94-10. Recommendation: Approval of Proposed Enforcement Order. (BATEMAN)

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

**EXECUTIVE SESSION**

Item 36. 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 37. 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 12, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from agenda of September 07, 1994  
and September 21, 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 December 7, 1994