

**HALL  
GARNER  
REED**

UNCONTESTED AGENDA

Wednesday, October 19, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (**Amendment to Production Area Authorization**)

- Item 1. CONSIDERATION OF AN APPLICATION BY INTERCONTINENTAL ENERGY CORPORATION for an amendment to Production Area Authorization No. 1 (Permit No. UR02050-011) at the Pawnee Mine Site in order to amend the restoration table. The proposed amendment would revise restoration values for conductivity, ammonia, molybdenum and uranium. The proposed values will not change the use category of the water. The Pawnee Mine site is approximately 2.4 miles east of the town of Pawnee and 1/4 mile north of Farm Road 798, Bee County, Texas. The production zone is in the Miocene Oakville Formation at a depth of 220 to 280 feet below land surface.

**APPROVED APPLICATION AND GAVE INSTRUCTION TO STAFF; JH\PG. JOHN HALL AND PEGGY GARNER VOTED FOR; PAM REED VOTED AGAINST.**

UNCONTESTED (**Water District Matters**)

- Item 2. APPLICATION BY KINGS MANOR MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF FIRE PLAN. For Commission consideration. Applicant requests Commission approval of it's fire protection plan. (Ferguson)

**APPROVED APPLICATION; PR/PG.**

- Item 3. APPLICATION BY WESTON MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, \$7,350,000 BOND ISSUE APPROVED APRIL 4, 1986. For Commission consideration. Applicant requests approval of the release of \$53,218 in escrowed funds and change in use of escrowed funds to partially finance the minor repair and painting of the Westgreen Water Plant in lieu of a drainage contribution. (Ferguson)

**APPROVED APPLICATION; PR/PG.**

- Item 4. APPLICATION BY LAMAR COUNTY WATER SUPPLY DISTRICT FOR APPROVAL OF \$3,700,000 REVENUE BONDS, 6.5% NET EFFECTIVE

INTEREST RATE, SERIES 1994, SIXTH ISSUE; For Commission consideration. Applicant requests approval for the issuance of \$3,700,000 in revenue bonds to finance construction of water supply facilities within the District. (Ferguson)

**APPROVED APPLICATION; PR/PG.**

- Item 5. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 262 FOR APPROVAL OF \$5,940,000 UNLIMITED TAX BONDS, FIRST ISSUE, 7.70% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance costs of water, wastewater & drainage facilities for Kings Crossing Drive, Kings Crossing Sections 18 & 21, Kingwood Town Center Sections 1 & 2, Lake Houston Parkway; design and construction costs of Kings Crossing Ditch, Ben's Branch and Lift Station No.29; clearing and grubbing of Kingwood Greens Section 1, Kingwood Town Center Section 2, Kings Crossing Ditch and Lake Houston Parkway. (Ferguson)

**APPROVED APPLICATION; PR/PG.**

UNCONTESTED (Water Utility Matter)

- Item 6. **Docket No. 94-0443-UCR.** Approval of Glenwood Water Supply Corporation to Transfer Water CCN No. 11830 from Glenwood Acres Water System; Cancel Water CCN No. 11830; and Amend Water CCN No. 10515 in Upshur County, Texas (Application # 30529-S, Debi Carlson)

**APPROVED APPLICATION; PG/PR.**

UNCONTESTED (Settled Hearings)

- Item 7. Consideration of Examiner's Memorandum and Order concerning the application of Dogwood Estates Water Company to increase retail water rates in Henderson County, Texas, Docket No. 30466-R. Applicant provides retail water service to approximately 302 customers. Recommendation: Adoption of agreement of parties. (Zukauckas)

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

- Item 8. Consideration of Examiner's Memorandum and Order. Inquiry into the rates of Southwest Utilities, Inc. (Docket No. 30519-I). The Utility provides retail water/sewer service to approximately 2,400 customers in Brazoria, Harris, Liberty, Matagorda and Montgomery

Counties, TX. Recommendation: Adoption of agreement of Parties. (BOURGEOIS)

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

Item 9. **Docket 94-0448-IWD.** Consideration of Examiner's Memorandum concerning the application of Hill Country Ranch, Inc. for Permit No. 03617; to authorize the disposal of 4,000 gpd of treated industrial wastewater effluent in Frio County, Texas, in Segment No. 2108 of the Nueces River Basin. Recommendation: Issuance of permit. (Fantl)

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

Item 10. Consideration of Examiner's Memorandum and Order concerning the petition of the City of Knollwood appealing the wholesale water and sewer rates charged by the City of Sherman in Grayson County, Texas (Docket No. 30294-A). Recommendation: Dismissal of Petition. (BATEMAN)

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

Item 11. Consideration of Examiner's Memorandum and proposed Order concerning the application of Richland Hidden Springs, Ltd. for a certificate of convenience and necessity to provide retail water service in Bexar County, Texas. Docket No. 30276-C. Recommendation: Adoption of agreement of parties. (Bateman)

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

Item 12. Consideration of Examiner's Memorandum and Order concerning the application of Day Water Company dba Hood County Water to increase retail water rates. (Docket No. 30477-R). Applicant provides retail water service to approximately 894 customers in Hood County. Recommendation: Adoption of agreement of parties (BOURGEOIS)

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

Item 13. **Docket No. 94-0385-AGR.** Consideration of Examiner's Memorandum concerning the application of Texzona Cattle Feeders General Partnership for an amendment to Permit No. 01551, to increase the number of cattle at the feedlot from a maximum of 60,000 head in Segment No. 1240 of the Brazos River Basin in Hale County, Texas. Recommendation: Issuance of permit. (ZUKAUCKAS)

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

Item 14. Consideration of Examiner's Memorandum and Order concerning the application of WSWS Company to increase retail water rates in Grayson County, Texas (Docket No. 30457-G). Applicant provides retail water service to approximately 188 customers. Recommendation: Adoption of agreement of parties. (BOURGEOIS)

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

Item 15. Consideration of Examiner's Memorandum and Order concerning the application of City of Georgetown for a new sewer Certificate of Convenience and Necessity No. 20786 and an amendment to water Certificate of Convenience and Necessity Nos. 12369 and 11590 to provide water and sewer service in Williamson County, Texas. Consolidated Docket Nos. 30459-C and 30460-C. RECOMMENDATION: Adoption of agreement of parties and issuance of CCNs. (CRAVEN)

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

Item 16. Docket No. 94-0568-WR. Consideration of Examiner's Memorandum concerning the application of OXY USA, Inc. for Permit No. 5491 to authorize the redirection of a portion of an unnamed tributary at Harris Creek that will reenter the original streambed 400 feet downstream from the diversion point within the city limits of Longview, Gregg County, Texas in the Sabine River Basin. RECOMMENDATION: Issuance of Permit. (FANTL)

**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.**

GARNER - ABSENT AND EXECUSED FOR CONTESTED AGENDA

CONTESTED AGENDA

Wednesday, October 19, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

CONTESTED (**Municipal Solid Waste Enforcement**)

Item 1. **Docket No. 94-0523-MSW-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order assessing administrative penalties and requiring certain actions of City of Hidalgo; Municipal Solid Waste Permit No. 490; (VICKERY)

Issue Agreed Order, PR/JH

Item 2. **Docket No. 94-0524-MSW-E.** Consideration of a Texas Natural Resource Conservation Commission agreed order assessing administrative penalties and requiring certain actions of Hidalgo County; Municipal Solid Waste Permit No. 1727; (VICKERY)

Issue Agreed Order, PR/JH

CONTESTED (**Water Quality Enforcements**)

Item 3. **Docket No. 94-0522-IWD-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Chevron U.S.A., Inc., pursuant to the Texas Water Code 26.019 and 26.136 relating to water quality. (Raymond Winter)

Issue Agreed Order, PR/JH

Item 4. **Docket No. 94-0393-IWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Action of Lebus Manufacturing Company, No TNRCC Permit. (Manning)

Issue Agreed Order, PR/JH

Item 5. **Docket No. 94-0451-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of RTC, No TNRCC Permit. (Campbell)

No Action Taken

- Item 6. **Docket No. 94-0486-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Smith County WCID No.1, Permit No. 10285-001. (Clayborn/Powell)

Issue Agreed Order, PR/JH

**CONTESTED (Petroleum Storage Tank Enforcement)**

- Item 7. **Docket No. 94-0321-PST-E.** Consideration of the Executive Director's Order assessing administrative penalties and requiring certain actions of Mr. Bill Heemsbergen, Facility ID No. - Not Registered; Enforcement ID No. E10437. (PALA/WINTER)

Issue Agreed Order, PR/JH

**CONTESTED (Solid Waste Management Plans)**

- Item 8. Consideration of a proposed regional Solid Waste Management Plan submitted by the South Plains Association of Governments. Regional Solid Waste Management Plans are required by the Texas Health and Safety Code, Chapter 363 (Comprehensive Municipal Solid Waste Management, Recovery, and Conservation Act, 1990) (HAYNIE)

Approve Staff Recommendation, PR/JH

- Item 9. Consideration of a proposed regional Solid Waste Management Plan submitted by the Permian Basin Regional Planning Commission. Regional Solid Waste Management Plans are required by the Texas Health and Safety Code, Chapter 363 (Comprehensive Municipal Solid Waste Management, Recovery, and Conservation Act, 1990) (DAYTON)

Approve Staff Recommendation, PR/JH

**CONTESTED (State Implementation Plans)**

- Item 10. Consideration of the adoption of the new 30 TAC Section 114.27 (concerning Transportation Conformity) and State Implementation Plan (SIP) revisions for the Demonstration of Conformity with SIPs for Nonattainment or Maintenance Areas regarding the National Ambient Air Quality Standards. (Russ Baier)

Adopt New 30 TAC Section 114.27, PR/JH

Item 11. Consideration of adoption of amendments to 30 TAC Section 101.1 (concerning Definitions) and 30 TAC 101.29 (concerning Emissions Banking). (Jim Dodds)

Adopt 30 TAC Sec 101.1 and 30 TAC Sec 101.29, PR/JH

Item 12. Consideration of the adoption of 30 TAC Section 114.29 (concerning the Accelerated Vehicle Retirement Program), which allows for the creation of mobile source emission reduction credits through the permanent removal of high-emitting vehicles in the ozone nonattainment areas. (Ruth Reiman)

Adopt 30 TAC Sec 114.29, PR/JH

**CONTESTED (Proposal for Decisions)**

Item 13. **Docket No. 94-0334-WR.** Consideration of Examiner's Proposal for Decision and Order concerning the application of the City of Dallas for water rights Permit No. 5414, to authorize the diversion for municipal use of the periodically occurring higher flows of the Elm Fork Trinity River, Trinity River Basin, at two diversion points in Dallas County, Texas. Recommendation: Issuance of permit. (ROGAN)

Adopt Proposal for Decision, accept Executive Director exceptions, overrule all other exceptions. JH/PR

Item 14. **Docket No. 94-0446-IWD.** Consideration of Examiner's Proposal for Decision and Order concerning the application of Dos Republicas Resources Company, Inc. for Permit No. 03511 to authorize the discharge of intermittent and variable flow, as determined by rainfall, of treated industrial wastewater effluent from a mining operation in Maverick County, Texas and Segment No. 2304 of the Rio Grande River Basin. Recommendation: Issuance of Permit (CRAVEN)

Continued to November 16, 1994

**EXECUTIVE SESSION**

Item 15. 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 16. 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 19, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from agenda of September 21, 1994.

- Item 1. **(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).

Issue Agreed Order, PR/JH