

GARNER
REED

UNCONTESTED AGENDA

Wednesday, November 2, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:30 a.m.
Room 201S

UNCONTESTED (Water Quality Renewal)

- Item 1. **DOCKET NO. 94-0650-MWD.** APPLICATION BY GILL SAVINGS ASSOCIATION for renewal of Permit No. 11066-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 180,000 gallons per day. The renewed permit has decreased the flow to 120,000 gallons per day average. The wastewater treatment facilities are approximately 10.5 miles northeast of the Harris County courthouse in downtown Houston and approximately 1.5 miles south/southeast of the intersection of Farm-to-Market Road 526 and U.S. Highway 90, 0.4 of a mile southeast of Farm-to-Market Road 526, at 5830 South Lake Houston Parkway in Harris County, Texas.

APPROVED APPLICATION; PG/PR.

UNCONTESTED (Nunc Pro Tunc Order)

- Item 2. **DOCKET #94-0651-DIS.** Consideration of an order Nunc Pro Tunc correcting escrow requirements in TNRCC Order issued June 15, 1994, on the Bond Application by Orange County Water Control and Improvement District No. 1. (Robert Ferguson)

APPROVED ISSUANCE OF CORRECTED ORDER; PR/PG.

UNCONTESTED (Water District Matters)

- Item 3. **DOCKET #94-0597-DIS.** Application by Falls County Water Control and Improvement District #1 for Approval of \$280,000 Unlimited Tax Bonds, Series 1994, Second Issue; to the Texas Water Development Board; 6.3% Net Effective Interest Rate; Pursuant To V.T.C.A., Texas Water Code Section 51.421. For Commission consideration. The District's application requests Commission approval to issue bonds to acquire land necessary for a floodwater retarding structure. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

- Item 4. **DOCKET #94-0620-DIS.** APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 354 FOR APPROVAL OF \$1,450,000 UNLIMITED TAX BONDS, 6.944% NET EFFECTIVE INTEREST RATE, SERIES 1994, SECOND ISSUE; For Commission consideration. Applicant requests Commission approval for the issuance of \$1,450,000 in unlimited tax bonds to finance utilities within the District. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

- Item 5. **DOCKET #94-0635-DIS.** APPLICATION BY HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1 FOR APPROVAL OF \$2,245,000 UNLIMITED TAX BONDS, FIRST ISSUE, 6.996% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance costs of stormwater detention pond excavation to serve the fully developed District, stormwater detention interconnect system to serve the fully developed District, the waterline interconnect with Fort-Bend County MUD No. 37, the interim wastewater treatment facility serving Falcon Point Section 1. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

- Item 6. **DOCKET #94-0605-DIS.** PETITION BY HUBERT GENTRY, JR., REQUESTING APPOINTMENT OF DIRECTORS FOR BAKER ROAD MUNICIPAL UTILITY DISTRICT. For Commission consideration. Applicant requests appointment of William B. Clayton, merideth R. Harris, Ralph Alexander, John S. Randolph and John L. Stacy as directors. (Robert Ferguson)

APPROVED PETITION; PG/PR.

UNCONTESTED (Settled Hearings)

- Item 7. **Docket No. 94-0488-WR.** Consideration of Examiner's Memorandum concerning the application of San Antonio Water System, formerly Water Works Board of Trustees of San Antonio, for an extension of time to commence and complete construction of an authorized project in Bexar County, Texas. **RECOMMENDATION:** Dismissal of application. (LIMES)

ADOPTED EXAMINER'S MEMORANDUM; PR/PG.

- Item 8. **Docket No. 94-0598-WR.** Consideration of Examiner's Memorandum and Order concerning the 1992 application of Lavaca-Navidad River Authority and the Texas Water

Development Board for an amendment to Certificate of Adjudication No. 16-2095A and dismissal of 1983 proceeding styled "In the Matter of the Texas Water Commission's Hearing on Potential Releases from Lake Texana under Certificate of Adjudication No. 16-2095A," involving use of waters from reservoirs on both the Navidad and Lavaca Rivers in the Lavaca River Basin for maintenance of the bays and estuary system. RECOMMENDATION: Acceptance of settlement and Issuance of Amendment No. 2095B to Certificate per parties' settlement and dismissal of 1983 case. (CRAVEN)

ADOPTED EXAMINER'S MEMORANDUM; PR/PG.

- Item 9. **Docket No. 94-0593-WR.** Consideration of Examiner's Memorandum concerning the application of Weirich Bros., Inc. (formerly V. H. Skaggs & Leroy Skaggs) for an amendment to Certificate of Adjudication No. 14-1571A to authorize the change in use of 40 acre-feet of water per annum from irrigation to mining purposes in Gillespie County, Texas. Applicant seeks authorization to change diversion point from points on Llano River, tributary of Colorado River, to a point on the Perdenales River; and change place of use from 16 acres of land in Kimble County to a mining operation owned by the Weirich Bros., Inc. in Gillespie County, TX. RECOMMENDATION: Issuance of permit. (FANTL)

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

- Item 10. **Docket No. 94-0104-SLG-E.** Petition of the Executive Director of the Texas Natural Resource Conservation Commission for enforcement action against Envirogenics, Inc. for unauthorized discharge of wastewater sludge and septic tank dumping in Grimes County, Texas. Recommendation: Adoption of Agreed Order. (BOURGEOIS)

APPROVED PETITION AND ADOPTED AGREED ORDER; PR/PG.

- Item 11. **Docket No. 94-0529-MWD.** Consideration of Examiner's Memorandum and Proposed Permit concerning the application of the City of Pampa for an amendment to Permit No. 10358-02 to authorize on-site composting, marketing, and distribution of sludge in Gray County, Texas. The permit currently authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000,000 gallons per day, which will remain the same. The proposed amendment will enforce more stringent effluent limitations as needed, in order to meet existing applicable rules and regulations. Recommendation: Adoption of amendment to Permit No. 10358-02. (ZUKAUCKAS)

ADOPTED EXAMINER'S MEMORANDUM TO AMEND PERMIT; PR/PG.

Item 12. Consideration of Examiner's Memorandum concerning the applications of Maxim Production Company, Inc. for amendments to Water Quality Permit No. 03357 and Air Permit No. 21120 to authorize an increase in the number of (1) poultry from 268,000 to a maximum 603,000 birds in confinement, (2) treatment withholding ponds, and (3) from 260 to 520 acres used for irrigation in Wharton County, Texas, in Segment No. 1305 of the Caney Creek above Tidal in the drainage area of the Brazos-Colorado Coastal Basin. **Docket No. 94-0279-AGR, and Docket No. 94-0594-AIR.** Recommendation: Issuance per settlement of parties. (Leslie Craven)

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 8:45 A.M. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

CONTESTED AGENDA

Wednesday, November 2, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:30 a.m.
Room 201S

CONTESTED (On-Site Disposal Systems)

- Item 1. **Docket No. 94-0653-OSS.** Application by the City of Heath for Authorized Agent status to regulate on-site disposal systems within their jurisdiction.

Approve Staff Recommendation, PG/PR

CONTESTED (Water Quality Enforcements)

- Item 2. **Docket No. 94-0603-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of the City of Bridge City, TNRCC Permit No. 10051-001. (Smith)

Issue Agreed Order, PG/PR

- Item 3. **Docket No. 94-0654-MWD-E** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Positive Feed, Inc., Permit No. 02314 for violations of the Texas Water Code §26.121 and its permit relating to water quality. (Raymond Winter)

Continued to November 9, 1994

- Item 4. **Docket No. 94-0689-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of City of Lorenzo, TNRCC Permit No. 10988-01. (Lin Zhang)

Issue Agreed Order, PG/PR

CONTESTED (Rules)

- Item 5. **Docket No. 94-0679-RUL.** Consideration and action on the adoption of amendments to the Medical Waste Rules, Chapter 330, Subchapter Y and associated changes in Subchapters A, G, and P. The amended and new sections are proposed to be adopted in order to clarify and

properly delineate the jurisdiction of the TNRCC in rules that were moved in their entirety from the Texas Department of Health, as required by 72nd Legislature, 1991. (P. Riley)

Adopt Amendments to rules as recommended by staff, PR/PG

CONTESTED (Authorization to Construct)

- Item 6. **Docket No. 94-0697-ATC.** Consideration of Southern Clay Products, Inc.'s Request for Authorization to Commence Construction of 10 evaporation/sedimentation ponds and 1 final irrigation pond at the Burleson Site (approximately 4 miles east of Gonzales), pursuant to sections 26.019 and 26.027(c) of the Texas Water Code. (Keils/White)

Approve request for Authorization to Construct, PG/PR

EXECUTIVE SESSION

- Item 7. **Docket No. 94-0686-EXE.** 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. **Docket No. 94-0687-EXE.** 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 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.

General Counsel will do certified agenda

- Item 9. **Docket No. 94-0688-EXE.** THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO CONFER WITH COUNSEL CONCERNING PENDING LITIGATION, CONTEMPLATED LITIGATION, AND SETTLEMENT OFFERS RELATED TO THE DISCIPLINE OR DISMISSAL OF SPECIFIC COMMISSION EMPLOYEES. THE COMMISSIONERS WILL ALSO DISCUSS PENDING LITIGATION, CONTEMPLATED LITIGATION, OR SETTLEMENT OFFERS. The executive session

will be held pursuant to the Texas Government Code, Sections 551.071 and 551.074 (Texas Open Meetings Act). The Commission will be briefed on individual complaint, grievance, or unlawful discrimination charges for which litigation is contemplated. In addition, the Commission will be briefed on the following pending litigation against the TNRCC: Thomas McDill v. Texas Natural Resource Conservation Commission, Michael Vance v. The State of Texas, and the Texas Air Control Board, James Cunningham v. Texas Air Control Board, Judith Loy v. The State of Texas, and the Texas Air Control Board. The Commission may vote or make a decision to take certain action concerning one or more of the litigation matters discussed in closed session. The Commission will reconvene in open meeting prior to voting or making decisions.

General Counsel will do certified agenda

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