

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, November 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:30 a.m.
Room 201S
Bldg E.

UNCONTESTED (**Temporary Variance and Proposed Permit**)

- Item 1. **Docket No. 94-0677-MWD.** REQUEST BY THE CITY OF COLLEGE STATION for a temporary variance to the existing water quality standards of Carters Creek in Segment No. 1209 of the Brazos River Basin. The variance would authorize a three year period in which to conduct a water quality study of Carters Creek in Segment No. 1209 of the Brazos River Basin into which the City of College Station discharges treated domestic wastewater effluent. The study would show whether a site specific amendment to water quality standards is justified. Prior to the expiration of the three year variance period, the Commission will consider the site-specific standards and determine whether to adopt the standards or require the existing water quality standards to remain in effect. The City also has applied for a permit (Permit No. 10024-06) which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 9,500,000 gallons per day average. The wastewater treatment facility will serve the City of College Station. This notice is a reissuance of the original notice of application and includes the required notice of the city's request for a temporary variance pursuant to 30 Texas Administrative Code 307.2.. The Carters Creek Wastewater Treatment Facilities are adjacent to the west side of Carters Creek, approximately 0.75 mile east of the State Highway 6, and approximately 4,000 feet north and 1,800 feet east of the intersection of State Highway 6 East and Texas Avenue in Brazos County, Texas.

APPROVED TEMPORARY VARIANCE AND APPLICATION; PG/PR.

UNCONTESTED (**Permit Amendment**)

- Item 2. **Docket No. 94-0678-MWD.** APPLICATION BY CITY OF BRIDGE

CITY for an amendment to Permit No. 10051-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 1,100,000 gallons per day to a volume not to exceed an average flow of 1,600,000 gallons per day. The permittee is also requesting a variance to the buffer zone requirements in accordance with 30 TAC Chapter 309.13 (e)(1)(B). The proposed amendment will enforce more stringent effluent limitations as needed, in order to meet existing applicable rules and regulations. The wastewater treatment plant is on Bower Drive, approximately 2,000 feet southeast of the State Highway 87 bridge over Cow Bayou within Bridge City in Orange County, Texas.

APPROVED APPLICATION; PR/PG.

UNCONTESTED (District Matters)

Item 3. **Docket Number 94-0623-DIS.** APPLICATION BY WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 3 FOR APPROVAL OF \$3,400,000 UNLIMITED TAX AND REVENUE BONDS, 6.91% NET EFFECTIVE INTEREST RATE, SERIES 1994, SIXTH ISSUE; For Commission consideration. Applicant requests Commission approval for the issuance of \$3,400,000 in unlimited tax and revenue bonds to finance construction costs of facilities within the District. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

Item 4. **Docket Number 94-0699-DIS.** APPLICATION BY WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 14 FOR APPROVAL OF \$3,280,000 UNLIMITED TAX AND REVENUE BONDS, 7.21% NET EFFECTIVE INTEREST RATE, SERIES 1994, FIRST ISSUE; For Commission consideration. Applicant requests Commission approval for the issuance of \$3,280,000 in unlimited tax and revenue bonds to finance construction of facilities within the District. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

Item 5. **Docket Number 94-0641-DIS.** APPLICATION BY WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1 FOR APPROVAL OF \$2,000,000 UNLIMITED TAX AND REVENUE BONDS, FOURTH ISSUE, 7.42% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance water capital recovery fees and wastewater treatment plant capacity for 52 equivalent single family connections (ESFCs), wastewater flowmeter improvements, drainage facilities for Anderson Mill West Section 5, and water, wastewater, and drainage facilities for Anderson Mill West Sections

6 & 15. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

Item 6. **Docket Number 94-0673-DIS.** APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 73 FOR APPROVAL OF A CHANGE IN PLANS AND THE RELEASE OF \$31,500 OF ESCROWED FUNDS; \$2,000,000 BOND ISSUE APPROVED JUNE 1, 1979. For Commission consideration. The District's application requests Commission approval of the release of \$31,500 of escrowed funds for rehabilitation of its wastewater collection system. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

Item 7. **Docket Number 94-0646-DIS.** APPLICATION BY FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 11 FOR APPROVAL OF \$8,390,000 UNLIMITED TAX BONDS, SECOND ISSUE, 7.63% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. The District's application requests Commission approval of a bond issue to finance construction of a diversion channel, levee construction, and road improvements resulting from levee construction. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

Item 8. **Docket Number 94-0642-DIS.** APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 360 FOR APPROVAL OF \$3,500,000 UNLIMITED TAX BONDS, FIRST ISSUE, 7.195% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance a water plant, creation and operating expenses, and water, wastewater, and drainage facilities for Longwood Village Section 1. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

Item 9. **Docket Number 94-0671-DIS.** APPLICATION BY GREATER TEXOMA UTILITY AUTHORITY, \$440,000 CONTRACT REVENUE BONDS, SERIES 1994, THIRTEENTH ISSUE; TO THE TEXAS WATER DEVELOPMENT BOARD; 6.55% NET EFFECTIVE INTEREST RATE; PURSUANT TO ACTS OF THE 66TH LEGISLATURE, CHAPTER 97, 1979, AS AMENDED, AND V.T.C.A., TEXAS WATER CODE SECTION 54.516. For Commission consideration. The Authority's application requests Commission approval to issue bonds for improvements to the water supply systems serving the cities of Gunter and Sadler. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

UNCONTESTED (Settled Hearings)

Item 10. **Docket No. 94-0649-UCR.** Consideration of Memorandum and Order of Hearings Examiner concerning the petition against the City of Murphy from out-of-city ratepayers pertaining to an increase in a monthly surcharge in retail water rates in Collin County, Texas. Recommendation: Dismissal of the Petition. (Mike Rogan)

APPROVED MEMORANDUM AND ISSUED ORDER TO DISMISS PETITION; PR/PG.

Item 11. **Docket No. 94-0602-MWD.** Consideration of Examiner's Memorandum concerning the application of East Cedar Creek Fresh Water Supply District for an amendment to Permit No. 11890-01 to authorize the discharge of 200,000 gallons per day of treated domestic wastewater effluent in Henderson County, Texas, and Segment No. 0818 of the Trinity River Basin. DOCKET NO.94-0602-MWD. RECOMMENDATION: Dismissal of application. (NINA FANTL)

APPROVED MEMORANDUM AND ISSUED ORDER TO DISMISS PETITION; PR/PR.

Item 12. **Docket No. 94-0652-UCR.** Consideration of Examiner's Memorandum and Order concerning the application of Evelyn Freeman Farhood dba Abraxas (Hilltop) Utility to increase retail water and sewer rates in Parker County, Texas, Application No. 30431-G, Applicant provides retail water and sewer service to approximately 164 water customers and 163 sewer customers. RECOMMENDATION: Adoption of agreement of parties. (Cecile Hanna)

APPROVED MEMORANDUM AND ISSUED ORDER TO ADOPT AGREEMENT OF PARTIES; PR/PG.

CONTESTED AGENDA

Wednesday, November 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:30 a.m.
Room 201S
Bldg E.

CONTESTED (Petroleum Storage Tank Enforcement)

- Item 1. **Docket No. 94-0260-PST-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Ben E. Keith Foods; TNRCC Facility ID No. 32704; Enforcement ID No. E10441 relating to petroleum storage tanks. (Vic McWherter).

Issue Agreed Order, PR/PG

CONTESTED (State Implementation Plan)

- Item 2. **Docket No. 94-0676-SIP.** Consideration of the adoption of the Post-96 Rate-of-Progress and Attainment Demonstration Ozone State Implementation Plan Revision for the Houston/Galveston and Beaumont/Port Arthur nonattainment areas. (Cyril Durrenberger)

Adopt State Implementation Plan as recommended by staff, PG/PR

CONTESTED (Rules)

- Item 3. **Docket No. 94-0672-RUL.** Consideration of the adoption of amendments to §115.621 and §115.625, concerning Utility Engines. (Cyril Durrenberger)

Approve as Recommended by staff, PR/PG

EXECUTIVE SESSION

- Item 4. **Docket No. 94-0710-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 5. **Docket No. 94-0711-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 certified agenda

(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 OLD BUSINESS

Wednesday, November 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:30 a.m.
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Item carried forward from Agenda of November 2, 1994.

- Item 1. **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)

Issue Agreed Order, PG/PR