

HALL  
GARNER  
REED

UNCONTESTED AGENDA

Wednesday, November 16, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

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

UNCONTESTED (Class 3 Modification to Hazardous Waste Permit)

- Item 1. **Docket No. 94-0707-IHW.** Consideration of an application by STERLING CHEMICALS, INC. for a Class 3 permit modification to Permit No. HW-50144 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial and hazardous waste storage and processing facility. The permit modification authorizes Delay of Closure of a surface impoundment. The facility is located at 201 Bay Street South on a 250-acre tract of land in Texas City, Galveston County, Texas.

**APPROVED APPLICATION; PR/PG.**

UNCONTESTED (Water Utility Matter)

- Item 2. **Docket # 94-0701-UCR.** Approval of Lakeside Utilities, Inc. to Decertify a Portion of Water Certificate of Convenience and Necessity Number 12718 and Sewer Certificate of Convenience and Necessity Number 20778 in Travis and Burnet Counties, Texas. (Application Numbers 30511-Q and 30512-Q, Vera Poe)

**APPROVED DECERTIFICATION; PG/PR.**

UNCONTESTED (District Matters)

- Item 3. **Docket Number 94-0631-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 104 FOR APPROVAL OF \$2,580,000 UNLIMITED TAX AND REVENUE BONDS, THIRD ISSUE, 7.68% NET EFFECTIVE INTEREST RATE, SERIES 1994 AND USE OF SURPLUS FUNDS. For Commission consideration. The District's application requests Commission approval of a bond issue and surplus funds to finance water plant expansion, a permanent wastewater treatment plant, and

water, wastewater & drainage facilities for various subdivisions within the District. (Robert Ferguson)

**APPROVED APPLICATION AND ISSUED ORDER; PR/PG.**

- Item 4. **Docket Number 94-0626-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285 FOR APPROVAL OF \$2,275,000 UNLIMITED TAX BONDS, FIRST ISSUE, 6.693% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance purchase of District infrastructure facilities. (Robert Ferguson)

**APPROVED APPLICATION AND ISSUED ORDER; PR/PG.**

- Item 5. **Docket Number 94-0629-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY POINT AQUARIUS MUNICIPAL UTILITY DISTRICT OF MONTGOMERY COUNTY FOR APPROVAL OF \$1,250,000 UNLIMITED TAX AND REVENUE BONDS, SECOND ISSUE, 7.17% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance water plant improvements; wastewater treatment plant improvements; a district office; and water, wastewater, and drainage facilities for Point Aquarius, Sections 7 thru 10, Pelican Bay, Section 2, Phase 3, and Pelican Island. (Robert Ferguson)

**APPROVED APPLICATION AND ISSUED ORDER; PR/PG.**

- Item 6. **Docket Number 94-0640-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 107 FOR APPROVAL OF \$1,035,000 UNLIMITED TAX AND REVENUE BONDS, FOURTH ISSUE, 6.47% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. The District's application requests Commission approval of a bond issue to finance modifications of water supply system, water plant, wastewater treatment facilities, and water, wastewater & drainage facilities for various sections within the District. (Robert Ferguson)

**APPROVED APPLICATION AND ISSUED ORDER; PR/PG.**

**UNCONTESTED (Appointment of a Chairman to Advisory Committee for Water Utility Operator Certification)**

- Item 7. **Docket No. 94-0729-WOC.** Consideration for appointment, of an individual to fill the vacancy of Chairman to the Advisory Committee for Water Utility Operator Certification for year 1995 and individuals to fill two

membership vacancies on same Committee, authorized March 1, 1994 to advise the Commission on matters regarding the administration of the Water and Wastewater Operator Certification Programs, Senate Bill 2. (Doretta A. Conrad)

**APPROVED APPOINTMENT; PG/PR.**

**UNCONTESTED (Settled Hearings)**

- Item 8. **Document Number 94-0700-UCR.** Consideration of Examiner's Memorandum concerning the application of Javid Jabbarnezhad dba Destiny Ranch for a certificate of convenience and necessity to provide water service in Collin County, Texas, and to decertify a portion of the City of Parker's Certificate of Convenience and Necessity No. 10207. Recommendation: Adoption of agreement of parties. (Jim Bateman)

**ADOPTED EXAMINER'S MEMORANDUM AND AGREEMENT OF PARTIES; PR/PG.**

- Item 9. **Document Number 94-0698-UCR.** Consideration of Memorandum and Order concerning the application of Mohawk Water Company to change retail water rates in Johnson and Tarrant Counties, Texas. Applicant provides retail water service to approximately 424 residential customers. Recommendation: Adoption of agreement of parties. (Nina Fantl)

**ADOPTED EXAMINER'S MEMORANDUM AND AGREEMENT OF PARTIES; PG/PR.**

(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 16, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

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

CONTESTED (Water Quality Enforcements)

- Item 1. **Docket No. 94-0394-MSW-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of City of Manor, Permit No. 11003-001. (Stovall\Honer)

Issue Agreed Order, PG/PR

- Item 2. **Docket No. 94-0378-IWD-E.** Consideration of the Executive Director's Preliminary Report and Petition for an Order Assessing Administrative Penalties and Requiring Certain Actions of Pilgrim's Pride Corporation, No Permit, for Violations of Rules of the Texas Natural Resource Conservation Commission (TNRCC) and Chapter 26 of the Texas Water Code. (Meyer/Keils)

Remand to Office Hearing Examiners

- Item 3. **Docket No. 94-0223-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission **DEFAULT ORDER** Assessing Administrative Penalties and Requiring Certain Actions of J.M. Lewis, Registration No. None, relating to Water Quality violations. (Keils/Horner)

Issue Default Order, PG/PR

- Item 4. **Docket No. 94-0340-IWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Campbell Ready Mix Inc., no permit, relating to water quality violations. (Kathy Keils/Roxanne Cook)

Issue Agreed Order, PG/PR

- Item 5. **Docket No. 94-0328-AGR-R.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order requiring certain actions of James Earnhart and Kenneth Ray Odom Dairy, no permit, regarding water quality violations. (Keils/Chaffin)

Issue Agreed Order, PG/PR

CONTESTED (Petroleum Storage Tank Enforcements)

- Item 6. **Docket #94-0655-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Akber A. Allauddin; Enforcement Identification No. E10692, 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 7. **Docket #94-0656-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Borden, Inc.; Enforcement Identification No. E10691, 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 #94-0657-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Abdul Esmail; Enforcement Identification No. E10558, 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 #94-0658-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Harper's Self Serve; Enforcement Identification No. E10549, 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 #94-0659-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Benny H. Joe; Enforcement Identification No. E10707, 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 #94-0660-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Lyondell-Citgo Refining Company Ltd.; Enforcement Identification No. E10689, 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 #94-0661-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring

certain actions of Mauritz and Couey; Enforcement Identification No. E10645, 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 #94-0662-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of John Moore Plumbing Company, Inc.; Enforcement Identification No. E10693, 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 #94-0663-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Truong Nguyen; Enforcement Identification No. E10651, 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 #94-0664-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Rip Griffin Truck Center; Enforcement Identification No. E10654, 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 #94-0665-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Shell Oil Company; Enforcement Identification No. E10633, 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 #94-0666-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Sammy Tate Texaco (aka Mark Burris Texaco); Enforcement Identification No. E10602, 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 #94-0667-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of TexCon Oil Company; Enforcement Identification No. E10646, 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 #94-0668-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mrs. Consuelo Trevino; Enforcement Identification No. E10608, 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 #94-0669-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of U.S. Immigration & Naturalization Service; Enforcement Identification No. E10540, 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 #94-0670-PST-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mr. Jay Yim; Enforcement Identification No. E10650, 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 (Air Quality Enforcements)**

- Item 22. **Docket No. 94-0535-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Arrow Industries; Account No. DB-1097-W, for Air Quality violations (Gregg).

Issue Agreed Order, PG/PR

- Item 23. **Docket No. 94-0537-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Bell Helicopter Textron Incorporated;

ACCOUNT NO. TA-0054-T, for Air Quality violations.  
(USELTON)

Issue Agreed Order, PG/PR

Item 24. **Docket No. 94-0538-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Cars Plus; ACCOUNT NO. EB-0446-J, for Air Quality violations.  
(SALEM)

Issue Agreed Order, PG/PR

Item 25. **Docket No. 94-0191-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of DFW Redi-Mix Environmental Consultants, Inc.; Account No. TA-2612-O, for Air Quality violations. (Hudson)

Issue Agreed Order, PG/PR

Item 26. **Docket No. 94-0543-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Flint Crushing, Inc.; ACCOUNT NO. 92-1170-V, for air quality violations (Rawlins).

Issue Agreed Order, PG/PR

Item 27. **Docket No. 94-0545-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Gardner/Culler Industries; Account No. WA-0041-A, for Air Quality violations (Persky).

Issue Agreed Order, PG/PR

Item 28. **Docket No. 94-0548-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Inland Container Corporation; ACCOUNT NO. OC-0019-C for air quality violations (Rawlins).

Issue Agreed Order, PG/PR

Item 29. **Docket No. 94-0567-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Leonard Holdridge; Account No. BF-0163-I, for Air Quality violations. (Janis Hudson)

Issue Agreed Order, PG/PR

Item 30. **Docket No. 94-0551-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of The May Department Stores; Account No. HG-4337-T, for Air Quality violations (Gregg).



Issue Agreed Order, PG/PR

Item 31. **Docket No. 94-0552-AIR-E.** Consideration of a TNRCC Agreed Order Requiring Certain Actions of Miller Brewing Company, Account No. TA-0235-N, for Air Quality violations. (Kerri Rowland)

Issue Agreed Order, PG/PR

Item 32. **Docket No. 94-0553-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of St. Edward's University; ACCOUNT NO. TH-0380-S, for Air Quality violations. (SALEM)

Issue Agreed Order, PG/PR

Item 33. **Docket No. 94-0554-AIR-E.** Consideration of a TNRCC Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Southern Iron and Metal Company, Account No. HG-6704-A, for Air Quality violations. (Kerri Rowland)

Issue Agreed Order, PG/PR

Item 34. **Docket No. 94-0558-AIR-E.** Consideration of a TNRCC Agreed Order Requiring Certain Actions of Thermonetics, Inc., Account No. BG-0579-I for Air Quality violations. (Kerri Rowland)

Issue Agreed Order, PG/PR

Item 35. **Docket No. 94-0560-AIR-E.** Consideration of a TNRCC Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Trinity Industries, Inc., Account No. OC-0024-J, for Air Quality violations. (Kerri Rowland)

Issue Agreed Order, PG/PR

Item 36. **Docket No. 94-0561-AIR-E.** Consideration of a TNRCC Agreed Order Requiring Certain Actions of Ultra Custom Manufacturing Company, Inc., Account No. JH-0220-O, for Air Quality violations. (Kerri Rowland)

Issue Agreed Order, PG/PR

Item 37. **Docket No. 94-0564-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of United Collision Experts; Account No. TH-0369-G, for Air Quality violations (Humphrey).

Issue Agreed Order, PG/PR

Item 38. **Docket No. 94-0566-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Wilco Peanut Company; ACCOUNT NO. FJ-0062-A, for Air Quality violations. (USELTON)

Issue Agreed Order, PG/PR

Item 39. **Docket No. 94-0536-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Austin Countertops, Incorporated; Account No. TH-0247-V, for Air Quality violations. (Randall Terrell)

Issue Agreed Order, PG/PR

Item 40. **Docket No. 94-0540-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Doane Products Company; Account No. BF-0157-D, for Air Quality violations (Gregg).

Issue Agreed Order, PG/PR

Item 41. **Docket No. 94-0542-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Exxon Company, U.S.A.; Account No. FG-0009-J, for Air Quality violations (Gregg).

Issue Agreed Order, PG/PR

Item 42. **Docket No. 94-0544-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Flint Crushing, Inc.; ACCOUNT NO. 92-1169-G for air quality violations (Rawlins).

Issue Agreed Order, PG/PR

Item 43. **Docket No. 94-0546-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Himont U.S.A., Incorporated; Account No. HG-0323-M, for Air Quality violations (Ehresman).

Issue Agreed Order, PG/PR

Item 44. **Docket No. 94-0549-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Interturbine Dallas; Account No. TA-0403-Q, for Air Quality violations (Stepherson).

Issue Agreed Order, PG/PR

Item 45. **Docket No. 94-0550-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Letsos Company Mechanical Contractors; ACCOUNT NO. HG-6093-K, for Air Quality violations. (JONES)

Issue Agreed Order, PG/PR

Item 46. **Docket No. 94-0541-AIR-E.** Consideration of a TNRCC Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Louis Dreyfus Corporation, Account No. HG-6705-V, for Air Quality violations. (Kerri Rowland)

Issue Agreed Order, PG/PR

Item 47. **Docket No. 94-0547-AIR-E.** Consideration of a TNRCC Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of H.L. Merrill and Son Construction Company, Account No. 90-9742-I, for Air Quality violations. (Kerri Rowland)

Issue Agreed Order, PG/PR

Item 48. **Docket No. 94-0555-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Star Enterprise; Account No. JE-0095-D, for Air Quality violations (Ehresman).

Issue Agreed Order, PG/PR

Item 49. **Docket No. 94-0557-AIR-E.** Consideration of a TNRCC Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Thermonetics, Inc., Account No. CP-0230-L for Air Quality violations. (Kerri Rowland)

Issue Agreed Order, PG/PR

Item 50. **Docket No. 94-0559-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Tri-B Industries; ACCOUNT NO. DF-0084-R, for Air Quality violations. (USELTON)

Issue Agreed Order, PG/PR

Item 51. **Docket No. 94-0556-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Texas Industries, Incorporated; ACCOUNT NO. WN-0025-V, for Air Quality violations. (USELTON)

Issue Agreed Order, PG/PR

Item 52. **Docket No. 94-0562-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring

certain actions of Union Pacific Railroad Company; Account No. OC-0159-I, for Air Quality violations (Gregg).

Issue Agreed Order, PG/PR

Item 53. **Docket No. 94-0563-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of United Coatings, Incorporated; ACCOUNT NO. ED-0141-M, for Air Quality violations. (USELTON)

Issue Agreed Order, PG/PR

Item 54. **Docket No. 94-0565-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Wilco Peanut Company; ACCOUNT NO. AG-0026-C, for Air Quality violations. (USELTON)

Issue Agreed Order, PG/PR

**CONTESTED (Municipal Solid Waste Enforcements)**

Item 55. **Docket No.. 94-0725-MSW-E.** Consideration of agreed order assessing administrative penalties and requiring certain actions of C.S.C. Disposal and Landfill, INC.; Permit No. 1209; (Mark Vickery)

Issue Agreed Order, PR/PG

Item 56. **Docket No. 94-0726-MSW-E.** Consideration of agreed order requiring certain actions of E.D. "SONNY" Hall dba Acme Tyre Company to reimburse the Waste Tire Recycling Fund for Monies expended in the Cleanup of an unauthorized waste tire disposal site no. 70435; (Mark Vickery)

Issue Agreed Order, PR/PG

**CONTESTED (Solid Waste Enforcement)**

Item 57. **Docket No. 94-0014-SWR-R.** Consideration of an Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Citgo Petroleum Corporation, SWR. 30964 relating to industrial solid waste. (Christopher Wilson)

Issue Agreed Order, PR/PG

**CONTESTED (Air Quality Permit Renewals)**

Item 58. **Docket No. 94-0731-AIR.** Consideration of Sid Richardson Carbon Company's applications for renewal of Air Quality Permit Nos. 1867A, 1868A, and 1869A authorizing the operations of three waste gas fired boilers at its carbon black plant located in Borger, Hutchinson County, Texas. (Kevin Jung/Gregg Nudd)

Hearing Denied, Permit is to be issued, JH/PR

**CONTESTED (Motion for Reconsideration)**

Item 59. **Docket No. 94-0739-MWD.** Consideration of Motion for Reconsideration of the Executive Director's issuance of Permit No. 13462-003 to Military Highway Water Supply Corporation. The Permit would authorize the disposal of up to 230,000 gallons per day of treated domestic sewage effluent by irrigation on 65 acres of land. The proposed facility and irrigation sites are on a county road, northeast of Santa Maria, one mile northeast of the intersection of U.S. Highway 281 and Farm-to-Market Road 2556 in Cameron County, Texas. (Kerry Sullivan)

No Action Taken

**CONTESTED (Rules)**

Item 60. **Docket No. 94-0715-RUL.** Consideration of the adoption of proposed revisions to Chapter 116 (concerning Regulation of Air Pollution by Permits for New Construction and Modification) regarding a new Subchapter G: Flexible Permits and the State Implementation Plan. (Jeff Saitas)

Adopt Proposed Revisions to Chapter 116, PR/PG

Item 61. **Docket No. 94-0719-RUL.** Consideration of proposal to publish in the Texas Register a proposed repeal of 30 TAC §§ 337.1 - 337.6, §§ 337.31 - 337.40, and §§ 337.51 - 337.54, concerning the TNRCC's procedural rules governing enforcement and a proposal to publish in the Texas Register a proposed new 30 TAC Chapter 337 concerning those same matters. (Glen Grunberger)

Proceed with publication into Texas Register, PG/PR, John Hall Absent for this item.

Item 62. **Docket No. 94-0718-RUL.** CONSIDERATION AND FINAL ADOPTION OF AMENDMENTS TO CHAPTER 290, RELATING TO DRINKING WATER STANDARDS AND NEW 290.120 RELATING TO LEAD AND COPPER REGULATIONS. THE PROPOSAL WAS PUBLISHED IN THE TEXAS REGISTER SEPTEMBER 23, 1994 (19 TEXREG 7495). (BEARDEN)

Approve adoption of amendments, PG/PR, John Hall Absent for this item.

**CONTESTED (State Implementation Plan)**

Item 63. **Docket No. 94-0709-SIP.** Consideration of the adoption of a new 30 TAC Section 101.30 and State Implementation Plan revision regarding criteria and procedures for determining General Conformity with the State Implementation Plan. (Cyril Durrenberger)

Approve adoption of new 30 TAC Section 101.30 and SIP, PR/JH, Peggy Garner absent for this item.

**EXECUTIVE SESSION**

Item 64. **Docket No. 94-0746-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 65. **Docket No. 94-0747-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 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.)

**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.**

ADDENDUM TO CONTESTED AGENDA

Wednesday, November 16, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

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

- Item 66. **94-0778-EXE.** THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO CONFER WITH COUNSEL CONCERNING THE FOLLOWING PENDING LITIGATION: Thomas McDill v. Texas Natural Resource Conservation Commission; cause no. 93-07567 in the Travis County District Court. The executive session will be held pursuant to the Texas Government Code, Section 551.071 (Texas Open Meetings Act). The Commission may vote or make a decision to take certain action concerning the matter discussed in closed session. The Commission will reconvene in open meeting to vote or make that decision.

No Action Taken

CONTESTED OLD BUSINESS

Wednesday, November 16, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:30 a.m.  
Room 201S

Item carried forward from Agenda of October 19, 1994.

- Item 1. **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)

Adopt Proposal for Decision and Issue Order, Overrule all Exceptions, JH/PG