

HALL  
GARNER  
REED

UNCONTESTED AGENDA

Wednesday, December 7, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

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

UNCONTESTED (Water Utility Matters)

- Item 1. **Docket No. 94-0779-UCR.** Approval of Virgil Ray and Nanie Mae Hinote, Sr. To Discontinue Retail Water Utility Service to the Etex Acres Addition in Orange County, Texas. (Application # 30458-Q, Vera Poe)

**APPROVED APPLICATION; PR/PG.**

- Item 2. **Docket No. 94-0753-UCR.** Approval of Jim Donahue dba D & S Water Service to Transfer Water CCN No. 11828 from Russell Dean dba D & S Water Service in Brazos, Burleson, Harris, Montgomery, Robertson and Walker Counties, Texas. (Application # 30410-S, Albert Holck)

**APPROVED APPLICATION; PR/PG.**

- Item 3. **Docket No. 94-0780-UCR.** Approval of North Alamo Water Supply Corporation (WSC) to Transfer Water CCN No. 11980 from Monte Alto Water & Sewer Company; Amend Water CCN No. 10553; Cancel Water CCN No. 11980 in Hidalgo County, Texas. (Application # 30454-S, Albert Holck) Approval of North Alamo WSC to Transfer Sewer CCN No. 20645 in Hidalgo County, Texas. (Application # 30455-T, Albert Holck)

**APPROVED APPLICATION; PR/PG.**

UNCONTESTED (District Matters)

- Item 4. **Docket No. 94-0705-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 205 FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant requests Commission approval of an annual debt service standby fee of \$2,462.52 per acre and approval of an annual operation & maintenance standby fee of \$469.44 per acre. (Robert Ferguson)

**APPROVED APPLICATION; PG/PR.**

Item 5. **Docket No. 94-0647-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 15 FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration. Applicant requests Commission approval of an annual debt service standby fee of \$83.45, \$59.07, & \$247.89 per ESFC for water plant, wastewater plant, and lines, and approval of an annual operation & maintenance standby fee of \$34.33, \$19.08, & \$95.58 per ESFC for water plant, wastewater plant, and lines. (Robert Ferguson)

**APPROVED APPLICATION; PG/PR.**

Item 6. **Docket No. 94-0637-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE PETITION BY POST OAK WATER SUPPLY CORPORATION FOR CONVERSION TO POST OAK SPECIAL UTILITY DISTRICT OF NAVARRO, HILL AND LIMESTONE COUNTIES. For Commission consideration. Applicant requests approval to convert to a Special Utility District. (Robert Ferguson)

**APPROVED PETITION; PG/PR.**

Item 7. **Docket No. 94-0492-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE PETITION BY MAURICEVILLE WATER SUPPLY CORPORATION FOR CONVERSION TO MAURICEVILLE SPECIAL UTILITY DISTRICT OF ORANGE, JASPER AND NEWTON COUNTIES. For Commission consideration. Applicant requests approval to convert to a Special Utility District. (Robert Ferguson)

**APPROVED PETITION; PG/PR.**

Item 8. **Docket No. 94-0630-DIS.** CONSIDERATION OF A PROPOSED ORDER ACTING ON THE APPLICATION BY VILLAGE AT WESTERN OAKS MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY FOR APPROVAL OF \$2,485,000 UNLIMITED TAX BONDS, FIRST ISSUE, 7.713% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. The District's application requests Commission approval of a bond issue to finance water, wastewater & drainage facilities for Sections 13, 11A, 11B and 14. (Robert Ferguson)

**APPROVED APPLICATION; PG/PR.**

Item 9. **Docket No. 94-0645-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 67 FOR APPROVAL OF \$7,120,000 UNLIMITED TAX BONDS, SECOND ISSUE, 6.93% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. The District's application requests Commission approval of a bond issue to finance water supply, wastewater treatment, wastewater conveyance, and

stormwater connection charges; drainage improvements for Section 32; shared wastewater and drainage facilities for Section 5; a water line loop and wastewater line; Ditches 3N2, 3P1 & 3P2; and water, wastewater & drainage facilities for Village of Cochrans Crossing Sections 38, 44, 47, 49 & 50 and Village of Alden Bridge Sections 1, 2, 3, 4, & 5. (Ferguson)

**APPROVED APPLICATION; PG/PR.**

- Item 10. **Docket No. 94-0616-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY CINCO MUNICIPAL UTILITY DISTRICT NO. 2 OF FORT BEND COUNTY FOR APPROVAL OF \$970,000 UNLIMITED TAX BONDS, THIRD ISSUE, 7.68% 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 Town Center Village Section 1 and North Lake Village Section 10. (Robert Ferguson)

**APPROVED APPLICATION; PG/PR.**

UNCONTESTED (**Superfund Contract**)

- Item 11. **Docket No. 94-0807-SPF.** Consideration of authorizing the Executive Director to execute a contract with CF Systems Corporation for the treatment of certain contaminated soils during the Phase B Industrial Remediation at the United Creosoting Superfund Site. (LaReine Pound/Mary Mahaney)

**GRANTED AUTHORITY TO EXECUTIVE DIRECTOR TO EXECUTE THE CONTRACT; PR/PG.**

UNCONTESTED (**Settled Hearings**)

- Item 12. **Docket No. 94-0773-UCR.** Consideration of Examiner's Memorandum and Order concerning the petition of Kempner Water Supply Corporation for a review of the wholesale water rates of Central Texas Water Supply Corporation in Bell County, Texas. Petition No. 30197-M. Recommendation: Dismissal of petition. (Patricia Robards)

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

- Item 13. **Docket No. 95-0032-UCR.** Consideration of Examiner's Memorandum and Order concerning the application of Marion J. Smith dba Smith Management Services to increase retail water rates in Lubbock County, Texas. Applicant provides retail water service to approximately 279

customers. Recommendation: Adoption of agreement of parties. (Pat Robards)

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

Item 14. **Docket No. 94-0781-UCR.** Consideration of Examiner's Memorandum and Order concerning the application of City of Karnes City for an amendment to Certificates of Convenience and Necessity Nos. 11258 and 20503 and to decertify a portion of El Oso Water Supply Corporation's CCN no. 10570 concerning water service in Karnes County, Texas; and concerning the complaint of El Oso Water Supply Corporation for a Cease and Desist Order against the City of Karnes City, Texas to cease providing water and sewer service in Karnes County, Texas. Recommendation: Dismissal of all consolidated matters. (Pat Robards)

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

Item 15. **Docket No. 94-0808-WR.** Consideration of Examiner's Memorandum and Order concerning the application of Brazos River Authority for an extension of time to begin and complete construction of Lake Bosque Dam to be constructed on North Bosque River, Bosque River Basin, in Bosque County, Texas, Permit No. 5093; Recommendation: Dismissal of application. (Jim Bateman)

**APPROVED 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, December 7, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:30 a.m.  
Room 201S  
Bldg E.  
12118 N. Interstate 35

CONTESTED (**Water Quality Enforcements**)

- Item 1. **Docket No. 94-0201-IWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Eco- Resources, Inc., Certificate No. 20025. (Bonnie Rubey/Robert Powell)

Issue Agreed Order, PG/PR

- Item 2. **Docket No. 94-0532-IWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Gilmer Potteries, Inc., Permit No. 01361, pertaining to water quality violations. (E.J. Bernacki)

Issue Agreed Order, PG/PR

- Item 3. **Docket No. 94-0801-IWD-E.** Consideration to remand Chevron U.S.A., Inc. to the Office of Hearings Examiners because a settlement has not been reached. (Raymond Winter)

Remand to Office Hearings Examiners

- Item 4. **Docket No. 94-0377-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of the City of Asherton, Permit No. 13746-001, (Clayborn/Cook)

Issue Agreed Order, PG/PR

- Item 5. **Docket No. 94-0810-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of City of Abbott, TNRCC Permit No. 11544-001. (Lin Zhang)

Issue Agreed Order, PG/PR

- Item 6. **Docket No. 94-0727-SLG-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order

Assessing Administrative Penalties and Requiring Certain Actions of James Riley, Jr., No TNRCC Registration No.. (Roxanne Cook)

Issue Agreed Order, PG/PR

**CONTESTED (Solid Waste Enforcements)**

Item 7. **Docket No. 94-0802-SWR-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Evans Cooperage of Houston, Inc., SWR No. 32072, for violations of the Texas Health and Safety code Chapter 361, the Texas Water Code, and 30 Texas Administrative Code Chapter 335 pertaining to industrial and hazardous waste. (Sally Jo Hahn/Susan Johnson)

Issue Agreed Order, PR/PG

**CONTESTED (Air Quality Enforcements)**

Item 8. **Docket No. 94-0497-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Able Trucking & Demolishing, Inc.; ACCOUNT NO. HG-4666-U for air quality violations (Rawlins)

Issue Agreed Order, PG/PR

Item 9. **Docket No. 94-0499-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Astro Plating; Account No. BG-0742-V, for Air Quality violations (Kerri Rowland).

Issue Agreed Order, PG/PR

Item 10. **Docket No. 94-0498-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Alamo Plating; Account No. BG-0744-R, for Air Quality violations (Kerri Rowland).

Issue Agreed Order, PG/PR

Item 11. **Docket No. 94-0500-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Buell Door Company; Account No. DB-0128-U, for Air Quality violations. (Terrell)

Issue Agreed Order, PG/PR

Item 12. **Docket No. 94-0501-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Davis Gas Processing; Account No. FJ-0045-A, for Air Quality violations. (Walter Ehresman)

Issue Agreed Order, PG/PR

- Item 13. **Docket No. 94-0528-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Elf Atochem North America, Inc.; Account No. JE-0074-L, for Air Quality violations. (Walter Ehresman)

Issue Agreed Order, PG/PR

- Item 14. **Docket No. 94-0503-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Fannin County Packaging Foundation; Account No. FB-0040-B, for Air Quality violations. (Kerri Rowland)

Issue Agreed Order, PG/PR

- Item 15. **Docket No. 94-0504-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Graham Energy, Ltd; Account No. GC-0014-U, for Air Quality violations. (Lisa Uselton)

Issue Agreed Order, PG/PR

- Item 16. **Docket No. 94-0506-Air-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Hoechst Celanese Chemical; Account No. MH-0110-R, for Air Quality violations. (Janis Hudson)

Issue Agreed Order, PG/PR

- Item 17. **Docket No. 94-0527-AIR-E** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Chevron Pipeline Company; Account No. JE-0043-W, for Air Quality violations (Greg Pfeifer).

Issue Agreed Order, PG/PR

- Item 18. **Docket No. 94-0526-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of E.L. Kennard; ACCOUNT NO. HG-5634-D , for air quality violations. (Rachael Rawlins)

Issue Agreed Order, PG/PR

- Item 19. **Docket No. 94-0509-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Louisiana-Pacific Corporation; Account No. WA-0024-A, for Air Quality violations. (Walter Ehresman)

Issue Agreed Order, PG/PR

- Item 20. **Docket No. 94-0511-AIR-E.** Consideration of a TNRCC

Agreed Order assessing administrative penalties and requiring certain actions of Moody Printing and Mail Marketing, Inc.; Account No. TA-1011-H, for Air Quality violations. (Lisa Uselton)

Issue Agreed Order, PG/PR

Item 21. **Docket No. 94-0512-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Osteopathic Health Systems of Texas; ACCOUNT NO. TA-2655-T, for air quality violations. (Rachael Rawlins)

Issue Agreed Order, PG/PR

Item 22. **Docket No. 94-0515-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Rhone-Poulenc Basic Chemicals Company; ACCOUNT NO. BL-0045-A, for Air Quality violations. (ROBIN SMITH)

Issue Agreed Order, PG/PR

Item 23. **Docket No. 94-0516-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of William J. Shirley Family Trust.; ACCOUNT NO. DB-3316-T for air quality violations. (Rachael Rawlins)

Issue Agreed Order, PG/PR

Item 24. **Docket No. 94-0518-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Wreck-A-Wreck; ACCOUNT NO. HG-3535-U for air quality violations (Rachael Rawlins)

Issue Agreed Order, PG/PR

Item 25. **Docket No. 94-0502-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Diamond Shamrock Refining Company L.P.; Account No. LK-0009-T, for Air Quality violations (Lisa Uselton).

Issue Agreed Order, PG/PR

Item 26. **Docket No. 94-0521-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Flint Ink Corp; ACCOUNT DB-0355-H, for air quality violations (Rawlins)

Issue Agreed Order, PG/PR

Item 27. **Docket No. 94-0525-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of The Goodyear Tire & Rubber Company, Houston Chemical Plant; ACCOUNT NO. HG-0289-K, for Air Quality violations. (Ronnie Jones)

Issue Agreed Order, PG/PR



Item 28. **Docket No. 92-0505-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Gritten Automotive; Account No. MB-0358-W, for Air Quality violations. (Randall Terrell)

Issue Agreed Order, PG/PR

Item 29. **Docket No. 94-0507-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Highland Pump Company, L.P.; Account No. GJ-0161-D, for Air Quality violations (Lisa Uselton).

Issue Agreed Order, PG/PR

Item 30. **Docket No. 94-0508-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Longhorn Motor Company; Account No. HG-5137-W, for Air Quality violations (Lisa Uselton).

Issue Agreed Order, PG/PR

Item 31. **Docket No. 94-0510-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Mac's Custom Fiberglass; Account No. BG-0313-C, for Air Quality violations. (Kerri Rowland)

Issue Agreed Order, PG/PR

Item 32. **Docket No. 94-0514-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Randall Newhouse; ACCOUNT NO. DB-3317-R, for air quality violations. (Rachael Rawlins)

Issue Agreed Order, PG/PR

Item 33. **Docket No. 94-0513-AIR-E.** Consideration of a TNRCC Agreed Order requiring certain actions of Phelps-Dodge Refining Company; ACCOUNT NO. EE-0067-L, for air quality violations. (Rachael Rawlins)

Issue Agreed Order, PG/PR

Item 34. **Docket No. 94-0517-AIR-E.** Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of T & N Lone Star Warehouse; Account No. MS-0012-R, for Air Quality violations. (Kerri Rowland)

Issue Agreed Order, PG/PR

CONTESTED (**Petroleum Storage Tank Enforcements**)

Item 35. **Docket No. 94-0766-PST-E.** Consideration of a TNRCC Agreed Order pursuant to Texas Water Code Section 26.136 for violations of 30 Texas Administrative Code Section 334.5(b) assessing administrative penalties and requiring certain actions of Best Super Drive-In Grocery; Enforcement Identification No. 1200001. (Karen Pala)

Issue Agreed Order, PR/PG

Item 36. **Docket No. 94-0767-PST-E.** Consideration of a TNRCC Agreed Order pursuant to Texas Water Code Section 26.136 for violations of 30 Texas Administrative Code Section 334.50(b) assessing administrative penalties and requiring certain actions of Alief Independent School District; Enforcement Identification No. 1200002. (Karen Pala)

Issue Agreed Order, PR/PG

Item 37. **Docket No. 94-0768-PST-E.** Consideration of a TNRCC Agreed Order pursuant to Texas Water Code Section 26.136 for violations of 30 Texas Administrative Code Section 334.50(b) assessing administrative penalties and requiring certain actions of EDCO, Incorporated; Enforcement Identification No. 1200003. (Karen Pala)

Issue Agreed Order, PR/PG

Item 38. **Docket No. 94-0769-PST-E.** Consideration of a TNRCC Agreed Order pursuant to Texas Water Code Section 26.136 for violations of 30 Texas Administrative Code Section 334.50(b) assessing administrative penalties and requiring certain actions of City International; Enforcement Identification No. 1200004. (Karen Pala)

Issue Agreed Order, PR/PG

CONTESTED (**Water Right Matters**)

Item 39. **Docket No. 94-0803-WR.** Consideration of a voluntary abandonment and cancellation of Water Use Permit No. 3914 held by San Antonio Water System which authorizes the construction of and the use of water from the Applewhite Reservoir. (Robert Martinez)

Approve Staff Recommendation, PG/JH

Item 40. **Docket No. 94-0808-WR.** Consideration of a voluntary abandonment and cancellation of Water Use Permit No. 5093 held by the Brazos River Authority which authorizes the construction of and use of water from Lake Bosque. (Robert Martinez)

Approve Staff Recommendation, PR/PG

- Item 41. **Docket No. 94-0704-WR.** APPLICATION NO. 5094A BY THE BRAZOS RIVER AUTHORITY TO AMEND WATER USE PERMIT NO. 5094. For Commission Consideration. Applicant seeks to amend Permit No. 5094, which authorizes impoundment of water in Lake Waco on the Bosque River, Brazos River Basin, in McLennan County, for recreational use and the diversion and use of water from the lake for municipal purposes. The applicant is requesting that the permit be amended by deleting all references in the permit to the Authority's Lake Bosque Project (a proposed upstream reservoir on the North Bosque River authorized in Water Use Permit No. 5093). The Authority is requesting this amendment as they are abandoning the Lake Bosque project and have requested that Water Use Permit No. 5093 be cancelled. (Terry Slade)

Approve Staff Recommendation, PR/PG

**CONTESTED (Rules)**

- Item 42. **Docket No. 94-0806-RUL.** Consideration of the adoption of revisions to Section 117.510, concerning Compliance Schedule For Utility Electric Generation, in 30 TAC Chapter 117, regarding Control of Air Pollution from Nitrogen Compounds. (Randy Hamilton)

Adopt as Recommended by Staff, PR/PG

- Item 43. **Docket No. 94-0742-RUL.** CONSIDERATION OF ADOPTION TO PUBLISH IN THE TEXAS REGISTER ADOPTION OF AMENDMENTS TO 30 TAC CHAPTER 331, SUBCHAPTERS A-L AND THE REPEAL AND PROPOSAL OF SECTION 331.62, REGARDING UNDERGROUND INJECTION CONTROL. (Alice Rogers)

Publish in Tx Register as recommended on amendments to 30 TAC Chapter 331, Subchapters A-L and approve repeal and proposal of Section 331.62, PR/PG

- Item 44. **Docket No. 94-0774-RUL.** CONSIDERATION AND ACTION ON THE ADOPTION OF AMENDMENTS TO CHAPTER 335, SUBCHAPTER M, PRE-APPLICATION REVIEW PROCESSING FOR NEW HAZARDOUS WASTE MANAGEMENT ACTIVITIES. THE AMENDMENTS ARE PROPOSED TO BE ADOPTED IN ORDER TO DEFINE NEW AND CLARIFIED REQUIREMENTS FOR INFORMING THE PUBLIC OF PRE-APPLICATION REVIEW, FOR DESIGNATING THE MEMBERSHIP OF REVIEW COMMITTEES, AND FOR PROCEDURES RELATED TO REVIEW. (Cynthia Hayes)

Adopt as Recommended, PR/PG

- Item 45. **Docket No. 94-0809-RUL.** Consideration of proposal to publish in the Texas Register the adoption of amendments to 30 TAC Chapter 334, Subchapters C and D, regarding

Technical Standards, Release Reporting and Correction Action requirements for Underground Storage Tanks. (Jackie Hardee)

Proceed with publication into the Tx Register, PG/JH

Item 46. **Docket No. 94-0813-RUL.** Consideration for publication in the Texas Register to receive public comment of proposed new 30 TAC 321.31-321.46, Subchapter B and the repeal of 30 TAC 321.31-321.46, Subchapter B, relating to Commercial Livestock and Poultry Production Operations. (James Kowis)

No Action Required

Item 47. **Docket No. 94-0824-RUL.** Consideration of publication in the Texas Register for notice and public comment the proposed amendment of 30 TAC 321.34, Procedure for Making Application for a Permit, by adding subsections (a), (b), (c), (d), and (e). (James Kowis)

No Action Required

**CONTESTED (Proposal for Decision)**

Item 48. **Docket No. 94-0812-DIS.** Consideration of Examiner's Proposal for Decision concerning the application of Sportsman's World Municipal Utility District to adopt and impose standby fees in Palo Pinto County. Application No. IC-070193-D03; Recommendation: Issuance. (Cecile Hanna)

Continued to December 21, 1994

**EXECUTIVE SESSION**

Item 49. **Docket No. 94-0825-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 50. **Docket No. 94-0826-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.

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, December 7, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

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

Item carried forward from agenda of September 07, September 21, and October 12, 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 21, 1994

Item carried forward from agenda of November 30, 1994.

- Item 2. **Docket No. 94-0804-BGT.** Consideration of budget amendments for the first quarter of FY 1995. (Bill Briggs)

Adopt Budget for FY 1995, with instructions to staff on funding for positions, JH/PG. Pam Reed-Abstain