

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, April 20, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**Class 2 Permit Modification**)

- Item 1. Consideration of an application by FINA OIL AND CHEMICAL COMPANY - BIG SPRING for a Class 2 permit modification to Permit No. HW-50140 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial and hazardous solid waste management facility. The permit modification authorizes Corrective Measure Implementation and closure/post-closure activities and changes to statistical evaluation procedures. The facility is located five miles east of the Howard County Courthouse near the intersection of Interstate Highway 20 and Refinery Road in Big Spring, Howard County, Texas.

APPROVED APPLICATION; PR/PG.

- Item 2. Consideration of an application by ROLLINS ENVIRONMENTAL SERVICES (TX), INC. - DEER PARK for a Class 2 permit modification to Permit No. HW-50089 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial solid waste storage, processing, and disposal facility for the management of hazardous, Class I, and Class II industrial solid waste. The permit modification authorizes revisions to the facility's waste analysis plan and associated waste acceptance permit provisions. The facility is located at 2027 Battleground Road in Deer Park, Harris County, Texas.

APPROVED APPLICATION; PR/PG.

UNCONTESTED (**Water Quality Permit Renewals**)

- Item 3. APPLICATION BY EL PASO WATER UTILITIES PUBLIC SERVICE BOARD for renewal of Permit No. 10408-10 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 39,000,000 gallons per day from the Southeast (Roberto R. Bustamante) Wastewater Treatment Facilities. The plant site is approximately 4,000 feet southeast of the

Riverside Canal headgates, north of the Rio Grande River and 1.5 miles northwest of the Socorro Wastewater Treatment Plant in El Paso County, Texas.

APPROVED APPLICATION; PG/PR.

Item 4. APPLICATION BY GALVESTON COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 for renewal of Permit No. 10173-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,600,000 gallons per day from Plant No. 1. The wastewater treatment facilities are on the north side of Dickinson Bayou between the Galveston, Houston and Henderson Railroad and Nebraska Street in the Village of Dickinson in Galveston County, Texas.

APPROVED APPLICATION; PG/PR.

UNCONTESTED (**District Matters**)

Item 5. APPLICATION BY GALVESTON COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF \$9,000,000 UNLIMITED TAX BONDS, NINTH ISSUE, 5.86% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration and action. Applicant requests approval of a bond issue to finance water distribution system improvements, wastewater collection system & lift station improvements, and wastewater treatment plant improvements. (Ferguson)

APPROVED APPLICATION; PR/PG

Item 6. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 20 FOR APPROVAL OF \$3,000,000 UNLIMITED TAX AND REVENUE BONDS, FIFTH ISSUE, 6.17% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration and action. Applicant requests Commission approval of a bond issue to finance wastewater collection system rehabilitation. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 7. APPLICATION BY GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 29 FOR APPROVAL OF \$1,345,000 UNLIMITED TAX BOND ISSUE, 7.17% NET EFFECTIVE INTEREST RATE, SERIES 1994, FIRST ISSUE. For Commission consideration and action. Applicant requests Commission approval of the issuance of \$1,345,000 in unlimited tax bonds to finance the purchase of District infrastructure facilities. (Ferguson)

APPLICATION APPROVED; PR/PG.

Item 8. PETITION BY LANDOWNERS OF VALLEY ACRES IRRIGATION DISTRICT FOR APPOINTMENT OF DIRECTORS; For Commission consideration and action. Applicant requests appointment of S. R. Spark, Charles O. Eubank and George E. Schwab as directors each to serve four year terms. (Ferguson)

APPLICATION APPROVED; PR/PG.

Item 9. APPLICATION BY ROMAN FOREST PUBLIC UTILITY DISTRICT NO. 4 FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration and action. Applicant requests authorization to proceed in federal bankruptcy to implement a plan to restructure bonded debt so that conditions will be more favorable for development within the District and the payment of the District's obligations. (Cavazos)

CONTINUED TO MAY 18, 1994 AGENDA AT 9:00 A.M.

UNCONTESTED (**Water Utility Matters**)

Item 10. Application of Community Water company to Transfer Water CCN No. 10534 from H.R. Stroube, Jr. dba Community Water Company in Ellis, Hunt, Navarro, Rains and Smith Counties, Texas. (Application # 30280-T, Albert Holck)

APPROVED APPLICATION; PG/PR.

Item 11. Application of Community Water Company to Transfer Water CCN No. 10790 from John Taylor dba Purdon Water Company in Navarro County, Texas. (Application # 30281-S, Albert Holck)

APPROVED APPLICATION; PG/PR.

Item 12. Application of Community Water Company to Amend (Add and Delete) Water CCN No. 10534 and Cancel CCN No. 10790 in Navarro County, Texas. (Application # 30282, Albert Holck)

APPROVED APPLICATION; PG/PR.

Item 13. Application of Manville Water Supply Corporation to amend Water Certificate of Convenience and Necessity Number 11144 in Travis County, Texas. (Application # 30277-C, Albert Holck)

APPROVED APPLICATION; PG/PR.

Item 14. Application of Randy McConeghy dba Sunset Acres Water Service to Transfer Water CCN No. 12335 from Fred or

Patsy Franklin dba Sunset Acres Water Service in Navarro County, Texas. (Application # 30225-S, Albert Holck)

APPROVED APPLICATION; PG/PR.

UNCONTESTED (**Settled Hearings**)

Item 15. Consideration of Examiner's Memorandum and Order concerning the petition of Rock Creek Water Supply Inc. for a petition to discontinue water utility service in McLennan County, Texas. Recommendation: DISMISSAL. Examiner: LIMES

APPROVED APPLICATION; PR/PG.

Item 16. Consideration of Examiner's memorandum concerning the petition of Town North Nissan protesting denial of reimbursement from the petroleum storage tank remediation fund. RECOMMENDATION: DISMISSAL OF PETITION. (WOOD)

APPROVED APPLICATION; PR/PG.

Item 17. Consideration of Examiner's Memorandum concerning the application of Laidlaw Waste Systems, Inc. for Permit No. MSW 2145 to authorize the operation of a municipal solid waste Type I site in Tarrant County, Texas. Applicant seeks authorization to withdraw the application without prejudice and without reimbursement of costs previously incurred by any other party to this proceeding. Recommendation: Dismissal of application without prejudice, in conformity with applicant's request. (ROGAN)

APPROVED APPLICATION; PR/PG.

Item 18. Consideration of Examiner's Memorandum concerning the application of Knox Oil of Texas, Inc. for an amendment to Permit No. 13381-001 to authorize the discharge of .003911 million gallons per day of treated domestic wastewater effluent in Austin County, Texas and Segment No. 1202 of the Brazos River Basin. Recommendation: Dismissal of application. (SORRELLS)

CONTINUED TO APRIL 20, 1994 CONTESTED AGENDA. ITEM WAS TAKEN UP ON CONTESTED AGENDA AT 9:16 A.M. ADOPTED HEARING EXAMINER'S RECOMMENDATION TO DISMISS THE APPLICATION WITH PREJUDICE; 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) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO
THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

HALL
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REED

CONTESTED AGENDA

Wednesday, April 20, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**Water Utilities Enforcement**)

- Item 1. **Docket No. 94-00144-CCN-E.** Consideration of a proposed agreed order resolving an enforcement action brought against Garry Luker dba Day Water company, Hood County Water and Granbury Water Services, Inc. (Sanchez/Arden)

ISSUED AGREED ORDER; PG/PR.

CONTESTED (**Hazardous Waste Enforcement**)

- Item 2. **Docket No. 94-00145-IHW-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Jean Masters of America, Inc., SWR. 78356. (Baker)

ISSUED AGREED ORDER; PR/PG.

CONTESTED (**Water Quality Enforcement**)

- Item 3. **Docket No. 94-00146-MSW-E.** Consideration of a TNRCC Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Runnels Septic Services, Inc., Permit No. (None). (J. Smith/M.Green)

ISSUED AGREED ORDER; PG/PR.

- Item 4. Consideration of a Texas Natural Resource Conservation Commission Order Assessing Administrative Penalties and Requiring Certain Actions of the City of Merkel, Permit No. 10786-001. (Vic Ramirez/Roxanne Cook)

ISSUED AGREED ORDER; PG/PR.

CONTESTED (**Resolution**)

Item 5. Resolution to Adopt Test Fees Required for the Inspection/Maintenance (I/M) Program for Each of the Ozone Nonattainment Areas. (Baier)

ISSUED AGREED ORDER; PR/PG.

CONTESTED (PST Remediation Fund)

Item 6. Report to the Commission regarding nonprofit entities with pending requests for reimbursement from the PST Remediation Fund. (Duncan)

REIMBURSEMENT FROM PST REMEDIATION FUND BE PAID AS RECOMMENDED BY CHAIRMAN HALL; JH/PG.

CONTESTED (Rules)

Item 7. Consideration of adoption of the repeal of and new section 330.65, and amendment to section 330.4(d) of title 30 Texas Administrative Code, concerning permit exemptions for certain municipal solid waste transfer stations. (Robinson)

APPROVED ADOPTION AND AMENDMENTS TO RULES; PG/PR.

Item 8. Consideration of adoption of amendments to Title 30 Texas administrative code, section 305.50, subchapter C, relating to application for permit. The amendments are proposed in order to clarify certain hazardous waste permit application requirements regarding financial assurance pursuant to the Texas Solid Waste Disposal Act, Chapter 361, Texas Health and Safety code, (Vernon's supp. 1993) enacted by the Legislature in SB 1099, 72nd. Legislature, 1991. (Austin/Racanelli)

APPROVED ADOPTION OF AMENDMENTS TO RULES; PR/PG.

EXECUTIVE SESSION

Item 9. 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 10. 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.

GENERAL COUNSEL WILL DO CERTIFIED AGENDA.

Item 11. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING PENDING LITIGATION RELATED TO THE EDWARDS AQUIFER: SIERRA CLUB, ET AL. VS. BABBITT, ET AL., NO. 91-CA-069, U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS, MIDLAND - ODESSA DIVISION. THE AUTHORITY FOR THIS MEETING IS GOVERNMENT CODE, SECTION 551.071, THE OPEN MEETINGS ACT.

GENERAL COUNSEL WILL DO 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) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

CONTESTED OLD BUSINESS

Wednesday, April 20, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of July 14, 1993 and August 18, 1993, November 17, 1993.

- Item 1. Consideration of Examiner's Proposal for Decision and proposed order concerning the petition of City of Highland Village for review of the Wholesale Sewer rates charged by the City of Lewisville, Denton County, Texas, and Petition by Highland Village requesting the commission to compel service. (Docket No. 9271-A & 9324). Recommendation: Approval of rate of \$2.50 per 1000 gallons and rate case expense surcharge of \$39,961. (Thomas) (Instructed staff to bring draft rules to the Commission when this item comes up for consideration).

CONTINUED TO MAY 18, 1994 AGENDA AT 9:00 A.M.