

HALL
REED
GARNER

UNCONTESTED AGENDA

Wednesday, October 6, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (DISTRICT MATTERS)

Item 1. PETITION BY NAURU PHOSPHATE ROYALTIES, INC. FOR CREATION OF MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 83, PURSUANT TO V.T.C.A., CHAPTER 54, WATER CODE. For Commission consideration and action. Applicant requests approval of the creation of a municipal utility district. (Ferguson)

APPROVED, PR/PG

Item 2. PETITION BY NAURU PHOSPHATE ROYALTIES, INC. FOR CREATION OF MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 84, PURSUANT TO V.T.C.A., CHAPTER 54, WATER CODE. For Commission consideration and action. Applicant requests approval of the creation of a municipal utility district. (Ferguson)

APPROVED, PR/PG

Item 3. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 350 FOR APPROVAL OF \$2,580,000 UNLIMITED TAX BONDS, 7.713 % NET EFFECTIVE INTEREST RATE, SERIES 1993, THIRD BOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,580,000 in unlimited tax bonds to finance continued District development. (Ferguson)

APPROVED, PR/PG

Item 4. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 345 FOR APPROVAL TO ISSUE \$1,260,000 IN UNLIMITED TAX BONDS, 7.22% NET EFFECTIVE INTEREST RATE, SERIES 1993, THIRD ISSUE. For Commission consideration and action. Applicant requests approval to issue \$1,260,000 in bonds to finance utility infrastructure serving the District. (Ferguson)

APPROVED, PR/PG

Item 5. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 67 FOR APPROVAL OF \$2,500,000 UNLIMITED TAX BONDS, FOURTH ISSUE, 7.50% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance a pro rata share of wastewater treatment facilities, a pro rata share of land purchase, and water, wastewater & drainage facilities for various subdivisions within the District. (Ferguson)

APPROVED, PR/PG

Item 6. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 155 FOR APPROVAL OF THE ISSUANCE OF \$2,750,000 IN UNLIMITED TAX BONDS, 7.705% NET EFFECTIVE INTEREST RATE, SERIES 1993, THIRD ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,750,000 unlimited tax bonds to finance major drainage projects. (Ferguson)

APPROVED, PR/PG

Item 7. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 19 FOR APPROVAL TO LEVY A STANDBY FEE. For Commission consideration and action. Applicant requests approval to levy an annual standby fee of \$10,400 for operating and maintenance. (Ferguson)

APPROVED, PR/PG

Item 8. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12 FOR APPROVAL TO LEVY A STANDBY FEE; For Commission consideration and action. Applicant requests approval to levy a standby fee to supplement the debt service and operations and maintenance accounts. (Ferguson)

APPROVED, PR/PG

Item 9. APPLICATION BY BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1 OF HARRIS COUNTY FOR APPROVAL TO RELEASE ESCROWED FUNDS; \$2,800,000 BOND ISSUE APPROVED OCTOBER 4, 1988. For Commission consideration and action. Application requests Commission approval for release of \$33,000 from escrow to finance construction of lift station modifications. (Ferguson)

APPROVED PR/PG

UNCONTESTED (WATER UTILITY MATTERS)

Item 10. Application of E & L Water Supply Corporation for a Water

Certificate of Convenience and Necessity in El Paso County, Texas. (Application # 30038-C, Guillermo Zevallos)

APPROVED, PG/JH

Item 11. Application of Victor J. Cooper dba Rolling Hills Subdivision for a Water Certificate of Convenience and Necessity in Shelby County, Texas (Application # 30017-C, Guillermo Zevallos)

APPROVED, PG/JH

Item 12. Application of Victor J. Cooper dba Rolling Hills Subdivision for a Sewer Certificate of Convenience and Necessity in Shelby County, Texas (Application # 30018-C, Guillermo Zevallos)

APPROVED, PG/JH

Item 13. Application of Paul Rosenberg dba Rosehill Ranchettes Water System to Transfer Water CCN No. 11955 from Tecomar Corporation dba Rosehill Ranchettes Water System in Harris County, Texas (Application No. 30044-T, Albert Holck)

APPROVED, PG/JH

Item 14. Application of Tanglewood Water Company, Inc. to Transfer Water CCN No. 11390 from Heartland Federal Savings & Loan Association dba Tanglewood Water Company in Grayson County, Texas. (Application # 30020-S, Vera Poe)

APPROVED, PG/JH

UNCONTESTED (SOLID WASTE MANAGEMENT PLAN)

Item 15. CONSIDERATION OF A PROPOSED REGIONAL SOLID WASTE MANAGEMENT PLAN SUBMITTED BY MIDDLE RIO GRANDE DEVELOPMENT COUNCIL. REGIONAL SOLID WASTE MANAGEMENT PLANS ARE REQUIRED BY THE TEXAS HEALTH AND SAFETY CODE, CHAPTER 363 (COMPREHENSIVE MUNICIPAL SOLID WASTE MANAGEMENT, RECOVERY, AND CONSERVATION ACT., 1990).

ADPOTED PLAN, PR/PG

UNCONTESTED (SETTLED HEARING'S)

Item 16. Consideration of Examiner's Memorandum and Order concerning the application of City of Dallas for an amendment to Certificate of Adjudication No. 08-2457D to authorize an additional diversion point and an increase

of 912.86 cfs in the authorized diversion rate from the Elm Fork Trinity River in Trinity River Basin, for municipal purposes. Recommendation: Approval of voluntary dismissal of application. (Rogan).

ADOPTED THE EXAMINER'S MEMORANDUM TO VOLUNTARILY DISMISS APPLICATION AND ISSUE ORDER, PG/PR

Item 17. CONSIDERATION OF EXAMINERS MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF BARTON CREEK WEST WSC FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN TRAVIS COUNTY, TEXAS AND FOR DECERTIFICATION OF A PORTION OF SENNA HILLS UTILITY COMPANY'S CCN NO. 11975 AND A PORTION OF THE UPLANDS COMPANY'S CCN NO. 11670, DOCKET NO. 9861-C. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (WOOD)

ADOPTED THE EXAMINER'S MEMORANDUM AND ISSUE ORDER, PG/PR

Item 18. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF PINE TREE MOBILE HOME PARK LANDOWNERS ASSOC. FOR A RENEWAL OF PERMIT NO. 13036-01 TO AUTHORIZE THE DISCHARGE OF 42,000 gpd of TREATED DOMESTIC WASTEWATER EFFLUENT IN TARRANT COUNTY, TEXAS, AND SEGMENT NO. 0841 OF THE TRINITY RIVER BASIN. RECOMMENDATION: DENIAL OF PERMIT. (WOOD)

ADOPT THE EXAMINER'S MEMORANDUM TO RENEW PERMIT AND ISSUE ORDER, PG/PR

Item 19. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WILLIE WARE WATER WORKS DBA W.W.W.W. TO INCREASE RETAIL WATER RATES IN SMITH COUNTY, TEXAS (DOCKET NO. 30026-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 29 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (BILL ZUKAUCKAS).

ADOPT THE EXAMINER'S MEMORANDUM AND ISSUE ORDER, PG/PR

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TNRC 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.)

UNCONTESTED OLD BUSINESS

Wednesday, October 6, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
(TNRCC)

9:00 a.m.
Room 118

Item carried forward from Agenda of September 1, 1993.

- Item 1. APPLICATION BY CITY OF QUITMAN for renewal of Permit No. 10254-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 456,000 gallons per day. The wastewater treatment facilities are approximately 0.3 mile west-northwest of the intersection of State Highway 37 and State Highway 154 (City of Quitman) and 700 feet north of State Highway 154 in Wood County, Texas.

REMANDED TO EXECUTIVE DIRECTOR

Item carried forward from Agenda of September 29, 1993.

- Item 2. CONSIDERATION OF A RESOLUTION RECOMMENDING THE PURPOSE AND STRUCTURE OF COMMITTEES ADVISING THE TNRCC ON ITS PROGRAMS AND ACTIVITIES.

CONTINUED TO OCTOBER 13, 1993 AT 9:00 A.M.

Item carried forward from Agenda of September 15 and September 29, 1993.

- Item 3. CONSIDERATION TO APPOINT SEVEN NEW MEMBERS TO THE MUNICIPAL SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY ADVISORY COUNCIL. (TRIM)

CONTINUED TO OCTOBER 13, 1993 AT 9:00 A.M.

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CONTESTED AGENDA

Wednesday, October 6, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (SOLID WASTE REGISTRATION)

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AEROSPACE TECHNOLOGIES, INC.; TEXAS SOLID WASTE REGISTRATION NO. 34450 (CARLTON)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

CONTESTED (**WATER QUALITY ENFORCEMENT**)

- Item 2. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TNRCC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF RISING STAR, PERMIT NO. 10702-01. (R. MARTINEZ)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

EXECUTIVE SESSION

- Item 3. 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 TEX.REV.CIV.STAT.ANN. art 6252-17 Sections 2(e) and 2(g). 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 TEX.REV.CIV.STAT.ANN. art. 6252-17.

NO ACTION TAKEN

- Item 4. COMMISSIONERS WILL MEET IN EXECUTIVE SESSION TO DISCUSS THEIR DUTIES, ROLES, AND RESPONSIBILITIES AS COMMISSIONERS OF THE TNRCC UNDER SECTION 2(g) OF THE OPEN MEETINGS ACT. TEX. REV. CIV. STAT. ANN. Art 6252-17, AND

2 (g) .

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

ADDENDUM TO CONTESTED AGENDA

Wednesday, October 6, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.

Room 118

- Item 5. Consideration of staff report and recommendations regarding publication of proposed fee revenue rules for public comment. Staff will report on status of proposals to amend fee revenue authority in the following programs: municipal solid waste, industrial solid waste/hazardous waste, wastewater treatment permits, regional water quality assessments, public drinking water systems and permit application fees. (Minick)

NO ACTION TAKEN

CONTESTED OLD BUSINESS

Wednesday, October 6, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.

Room 118

Item carried forward from agenda of September 29, 1993.

- Item 1. CONSIDERATION OF PETITION FOR RULEMAKING FILED JULY 27, 1993 BY SIERRA CLUB. PETITION REQUEST THAT THE COMMISSION ADOPT REVISIONS TO 31 TEXAS ADMINISTRATION CODE SECTION 335.221(a)(23) (RELATING TO RESIDUES FROM CEMENT KILNS). (CARLTON/h1)

CONTINUED TO OCTOBER 13, 1993 AT 9:00 A.M.