

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, May 4, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (Class 3 Modification)

- Item 1. Consideration of an application by SAFETY-KLEEN CORPORATION for a Class 3 permit modification to Permit No. HW-50228 in accordance with 30 TAC Section 305.69. The permit authorizes operation of a commercial hazardous waste recycling facility located at 6529 Midway Road, Haltom City, Tarrant County, Texas. The permit modification authorizes the existing site to begin storing spent antifreeze in a new tank.

APPROVED APPLICATION; PG/PR.

UNCONTESTED (Water Quality Permit)

- Item 2. APPLICATION BY COASTAL STATES CRUDE GATHERING COMPANY for a permit (Proposed Permit No. 03557) to authorize an intermittent dry weather flow variable discharge of treated tank bottom water and stormwater runoff. The applicant currently operates a jet fuel storage and loading facility. The plant site is at 8376 Monroe Road in the City of Houston, Harris County, Texas.

CONTINUED TO JUNE 8, 1994 AT 9:00 A.M.

UNCONTESTED (Water Quality Renewal Permits)

- Item 3. APPLICATION BY B & B SEWER COMPANY for renewal of Permit No. 12303-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 11,700 gallons per day from the Oakwood Village Wastewater Treatment Facilities. The plant site is approximately 300 feet west of Goslin Road and approximately 1,500 feet south of Root Road in Harris County, Texas.

APPROVED APPLICATION; PR/PG.

Item 4. APPLICATION BY GILL SAVINGS ASSOCIATION for renewal of Permit No. 11066-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 180,000 gallons per day. The renewed permit has decreased the flow to 120,000 gallons per day average. The wastewater treatment facilities are approximately 10.5 miles northeast of the Harris County courthouse in downtown Houston and approximately 1.5 miles south/southeast of the intersection of Farm-to-Market Road 526 and U.S. Highway 90, 0.4 of a mile southeast of Farm-to-Market Road 526, at 5830 South Lake Houston Parkway in Harris County, Texas.

CONTINUED TO JUNE 8, 1994 AT 9:00 A.M.

Item 5. APPLICATION BY IOLA INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 12664-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 7,000 gallons per day. The wastewater treatment facilities are on school property at the intersection of Fort Worth and Neches Streets in the City of Iola in Grimes County, Texas.

APPROVED APPLICATION; PR/PG.

UNCONTESTED (Temporary Order)

Item 6. APPLICATION BY CRESSONA ALUMINUM COMPANY for a Temporary Order (Temporary Order No. 94-1T) to authorize the on-site disposal by land application of 80,000 gallons of wastewater used to cool aluminum extrusions. The aluminum extrusion plant is located approximately 2 miles east of the City of Farmersville in Collin County, Texas. The site is the drainage area of Segment No. 0507 of the Sabine River Basin.

APPROVED APPLICATION; PG/PR.

UNCONTESTED (Water District Matters)

Item 7. APPLICATION BY HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 70 FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant requests Commission approval of an operation & maintenance standby fee of \$238 per lot or reserve per year for the first year and \$159 per lot or reserve per year for the second and third years. (Ferguson)

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

Item 8. APPLICATION BY WEST MEMORIAL MUNICIPAL UTILITY DISTRICT FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, \$1,305,000 BOND ISSUE APPROVED JUNE 9, 1978. For Commission consideration and action. Applicant requests approval of the release of \$69,020 in escrowed surplus funds to reimburse the operations fund account for the purchase of additional central wastewater treatment capacity. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 9. APPLICATION BY BLUE RIDGE WEST MUNICIPAL UTILITY DISTRICT OF FORT BEND COUNTY FOR APPROVAL OF RELEASE OF \$439,000 OF ESCROWED FUNDS AND FOR USE OF \$85,000 IN SURPLUS FUNDS; \$1,825,000 BOND ISSUE APPROVED MARCH 13, 1984. For Commission consideration and action. Applicant requests approval of the release of \$439,000 of escrowed funds and the use of \$85,000 in surplus funds for the expansion of wastewater treatment facilities. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 10. APPLICATION BY WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21 FOR APPROVAL OF \$7,500,000 UNLIMITED TAX BOND ISSUE, 8.23% NET EFFECTIVE INTEREST RATE, SERIES 1994, FIRST ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$7,500,000 in unlimited tax bonds to finance the purchase of District infrastructure facilities. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 11. APPLICATION BY TARA GLEN MUNICIPAL UTILITY DISTRICT OF GALVESTON COUNTY FOR APPROVAL OF \$4,520,000 UNLIMITED TAX BOND ISSUE, 7.142% NET EFFECTIVE INTEREST RATE, SERIES 1994, FIRST ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$4,520,000 in unlimited tax bonds to finance the purchase of District infrastructure facilities. (Ferguson)

APPROVED APPLICATION; PR/PG.

UNCONTESTED (Water Utility Matter)

Item 12. Applications of Debbie Okun dba Community Water Systems to Transfer Water CCN No. 11438 from B & B Water Systems and Amend Water CCN No. 11438 in Orange County, Texas. (Albert Holck, Application # 30001-S, and 30002-C)

APPROVED APPLICATION; PG/PR.

UNCONTESTED (**Settled Hearings**)

- Item 13. Consideration of Examiner's Memorandum concerning the application of Lee-Co Coating Enterprises for Permit No. AQ-21351 to authorize the operation of a metal spraying (metallizing) operation at the site in Midland County, Texas. Recommendation: Issuance of Permit. (ZUKAUCKAS) Type of Matter- AIR QUALITY

ISSUED PERMIT; PR/PG.

- Item 14. Consideration of Examiner's MEMORANDUM AND ORDER Concerning the Application of Cody B. Lewis dba Water Works I & II and Deer Springs Water Company to increase retail water rates in Llano County, Texas (Docket No. 30298-G & 30299-G). Applicant provides retail water service at approximately 139 customers. Recommendation: Adoption of agreement of parties. (Zukauckas)

ADOPTED THE AGREEMENT OF PARTIES AND ISSUED ORDER; PR/PG.

- Item 15. Consideration of Examiner's Memorandum and Order Concerning the Application of Texas Resort Companies to increase retail/wholesale Water rates in Henderson, Hood, Parker, Smith, Bandera, Trinity and Marion County, Texas (Docket Nos. 9874-R, 9875-R, 9876-R, 9877-R) Applicant provides Retail Water and Sewer service to customers. Recommendation: Adoption of Agreement of Parties. (Robards)

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

UNCONTESTED OLD BUSINESS

Wednesday, May 4, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 16, and April 27, 1994.

- Item 1. Consideration of an application by EXXON COMPANY U.S.A. - BAYTOWN for a Class 3 permit modification to Permit No. HW-50111 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial hazardous and non-hazardous waste storage and processing facility. The permit modification authorizes (1) Delay of Closure for five surface impoundments and (2) continued use of the five non-MTR retrofitted surface impoundments as non-hazardous impoundments. The facility is located at 2800 Decker Drive on approximately 2624 acres near Baytown, Harris County, Texas.

APPROVED APPLICATION; PR/PG.

CONTESTED AGENDA

Wednesday, May 4, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**Solid Waste Management Plan**)

- Item 1. Consideration of a proposed regional solid waste management plan submitted by the East Texas Council of Governments. 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). (Stephen Dayton)

Approve as Recommended, PG/PR

CONTESTED (**Rules**)

- Item 2. Consideration of rules to be adopted to implement section 361.0232 of the Texas Solid Waste Disposal Act. the rules, which amend 30 TAC Section 281, pertain to criteria for expediting commercial Hazardous Waste Management Facilities and describe information which will be prepared by the Executive Director for consideration by the Commissioners.

Continued to May 25, 1994

- Item 3. Consideration and action on the adoption of rules and state implementation plan revisions to meet Federal Clean Air Act Ozone rate-of-progress requirements for the Control of Volatile Organic Compound Emissions in the Dallas/Fort Worth, El Paso, Beaumont/Port Arthur, and Houston/Galveston Nonattainment Areas.

Approve Staff Recommendation, JH/PR

- Item 4. Consideration and Action on the submission of 182(f) exemption petitions to the Environmental Protection Agency for the Houston/Galveston, Beaumont/Port Arthur, Dallas/Fort Worth, and El Paso ozone nonattainment areas, including any necessary public hearings for such petitions. Approval for public hearings to consider revisions to the compliance schedules of 30 TAC Chapter 117, regarding Control of Air Pollution from Nitrogen Compounds, to extend and make the final compliance dates

contingent upon a showing of ozone benefits from NOx reductions.

Approve Staff Recommendation and recommendations as made by Chairman Hall, JH/PR

Item 5. Consideration of proposed new rule - 30 TAC 334.14. (Duncan)

Remand to Staff

CONTESTED (Examiner's Proposal for Decision)

Item 6. Consideration of Examiner's Proposal for Decision concerning the application of Lloyd Lenz dba QV Utility to obtain certificates of convenience and necessity to provide water and sewer service in Hidalgo County, Texas (Docket Nos. 30193-C and 30194-C). Applicant provides retail water and sewer service to approximately 103 customers. Recommendation: Approval of the certificate of convenience and necessity.

Adopt Examiner's Proposal for Decision, PR/JH

Item 7. Consideration of Examiner's Memorandum concerning the application of Waste Management of Texas, Inc. for an amendment to Permit No. 1983 to authorize the operation of a Municipal Solid Waste Type 1 Site in Tarrant County, Texas. Applicant seeks authorization to increase the site size to approximately 195.67 acres, and change from a Type IV to a Type I landfill receiving approximately 1,000 tons of solid waste per day. RECOMMENDATION: Dismissal of application without prejudice. (BATEMAN)

Adopt Examiner's Memorandum, overrule all exceptions, JH/PR

EXECUTIVE SESSION

Item 8. 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 9. 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

Item 10. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING PENDING LITIGATION: In Re TRINITY WATER RESERVE, INC., d/b/a Devers Canal Systems, No. 93-10408-S-11 (Bank. E.D. Tex), and Texas Water Commission, Trinity Water Reserve, Inc. d/b/a Devers Canal System and Devers Canal Rice Producers association, Inc. v. Boyt Realty Co., J & E. Farms, Inc., Three Dailey Farms, Inc., J.M. Frost, III and Ford J. Frost No. 3-91-279-CV (Tx. App.--Austin, June 23, 1993). The Authority for the Meeting is government code, Section 551.071, 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) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

ADDENDUM TO CONTESTED AGENDA

Wednesday, May 4, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.

Room 118

- Item 11. Proposal to repeal 30 TAC §114.1, subsection (b)3(A); Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles and replace it with a new §114.1, subsection (b)3(A), that has become necessary in order to enable fleet operators to continue to convert vehicles to use alternative fuels in accordance with Legislative mandates as administered by Texas Natural Resource Conservation Commission.

This item is replaced by item 13.

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, May 4, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 12. Status report on enforcement case against Exxon Refinery Baytown.

Briefing given to Commission on enforcement case against Exxon, Chairman Hall recommended to staff that if an agreement has not be reached within 15 days, that staff is to forward case to the Attorney General.

THIRD ADDENDUM TO CONTESTED AGENDA

Wednesday, May 4, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

- Item 13. Consideration for approval of the publication in the Texas Register of the proposed repeal of 30 TAC §114.1(b)(3)(A) and of a New §114.1(b)(3)(A) relating to the maintenance and operation of air pollution control systems or devices used to control emissions from motor vehicles. The Commission shall also consider a related resolution concerning the enforcement of §114.1(b)(3)(A) pending its repeal. (Ubanwa/Baier)

Approve as Recommended, PG/PR

CONTESTED OLD BUSINESS

Wednesday, May 4, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of April 13, 1994.

- Item 1. Consideration of Examiner's Proposal for Decision & Order concerning the application of Texas Ecologists, Inc. for an amendment to Permit No. HW 50052 to authorize the operation of a hazardous waste landfill in Nueces County, TX. Applicant seeks authorization to store hazardous and nonhazardous Class I, Class II and Class III materials at facilities located in Segment No. 2492 of the Nueces-Rio Grande Coastal Basin. Recommendation: Issuance of permit. (BOURBON)

Adopt Examiner's Proposal for Decision, issue order, overrule all exceptions, except those submitted by the Public Interest Counsel and Mr Alrdige is to be notified when sirens are installed, PG/PR

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, May 4, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

- Item 14. Consideration of an Emergency Order to authorize Gulf Coast Waste Disposal Authority to discharge up to three million gallons per day of treated wastewater into Taylor Bayou, then to Taylor Lake then to Clear Lake in Segment 2025 of the Bays and Estuaries. The facility is located in the City of Pasadena in Harris County, Texas.

Withdraw Request

(This item needs to be posed on an emergency basis due to the potential overflow of wastewater treatment ponds. Gulf Coast's normal discharge mechanism, a 2.5 mile force main is under emergency repair after the April 27, 1994 discovery of a leak in the main. A secondary (smaller) pipeline is being employed at this time and the facility's wastewater treatment ponds are presently near capacity. The applicant seeks the Emergency order due to the claimed necessity of the unforeseen repairs and the claimed possibility that failure of the secondary pipeline and/or overflows causes as imminent threat to public health and safety.)