

HALL
REED
GARNER--absent and excused

UNCONTESTED AGENDA

Wednesday, July 27, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (Water Quality Amendment)

Item 1. APPLICATION BY CITY OF CLEBURNE for an amendment to Permit No. 10006-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a final volume not to exceed an average flow of 5,000,000 gallons per day to a final volume not to exceed an average flow of 6,250,000 gallons per day. The permittee is also requesting a variance to the buffer zone requirements. The proposed amendment will enforce more stringent effluent limitations as needed, in order to meet existing applicable rules and regulations. The wastewater treatment plant is on the north side of Buffalo Creek, approximately 1 mile southwest of the intersection of State Highway 174 and State Highway 171 in Johnson County, Texas.

APPROVED APPLICATION; PR/JH.

Item 2. APPLICATION BY LONE STAR STEEL COMPANY for an amendment to Permit No. 00348 in order to reflect modified operations at the steel plant. The permit currently authorizes a discharge of: treated domestic wastewater effluent via Outfall 001 at a volume not to exceed an average flow of 500,000 gallons per day; and stormwater and filter backwash water via Outfall 005 at a volume not to exceed a dry weather flow of 750,000 gallons per day average, which will remain the same. The proposed amendment would: (1) decrease the volume of industrial wastewater effluent via Outfall 002 from 130,000,000 gallons per day average to 70,000,000 gallons per day average; (2) decrease the volume of treated utility wastewater via Outfall 004 from 100,000,000 gallons per day average to 55,000,000 gallons per day average; and (3) change the flow volume for process wastewater and stormwater via Outfall 003 from a continuous flow not to exceed 15,000,000 gallons per day average to a flow variable discharge. The proposed amendment will enforce more stringent requirements as needed, in order to meet

existing applicable rules and regulations. The applicant operates a facility which manufactures steel and fabricates steel pipe and tube. The plant site is at the intersection of U.S. Highway 259 and State Highway 729, south of the City of Lone Star, Morris County, Texas.

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Temporary Variance)

- Item 3. Consideration of a request for a temporary variance to the existing water quality standards for dissolved lead in Segment No. 0404 of the Cypress Creek Basin by LONE STAR STEEL COMPANY. The plant site is at the intersection of U.S. Highway 259 and State Highway 729, south of the City of Lone Star, Morris County, Texas.

APPROVED TEMPORARY VARIANCE; PR/JH.

UNCONTESTED (Water Quality Renewal)

- Item 4. APPLICATION BY LONGVIEW REFINING ASSOCIATES, INC. for renewal of Permit No. 00572 which authorizes a discharge of wastewaters consisting of treated effluent from tank bottoms, a desalter process, crude unit, cooling tower, reformer unit, LPG unit, and stormwater at a volume not to exceed an average flow of 120,000 gallons per day via Outfall 001. The permit also authorizes intermittent flow variable discharges of stormwater runoff via Outfalls 002 and 003. The applicant operates a petroleum refinery. The plant site is at 601 Premier Road in the City of Longview, Gregg County, Texas.

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Amendment to Production Area Authorization)

- Item 5. Consideration of an application by EVEREST EXPLORATION, INC. for an amendment to Production Area Authorization (PAA) No. 4 (Permit No. UR02381-041) for its Mt. Lucas Mine Site in accordance with 30 TAC Section 33.107(f). The proposed amendment will revise the restoration table. The Mt. Lucas site is approximately three miles south of Dinero, Texas in southern Live Oak County.

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Amendments to Radioactive Materials Licenses)

Item 6. Consideration of staff initiated minor amendments to Radioactive Materials Licenses Nos. RW3024 TOTAL MINERALS CORPORATION, Webb County; RW2436 MALAPAI RESOURCES CO., Duval and Webb Counties; RW2538 INTERCONTINENTAL ENERGY CORPORATION d/b/a/ IEC CORPORATION IN TEXAS, Live Oak County; RW2449 USX CORPORATION, Live Oak County; RW3653 URI, INCORPORATED, Kleberg and Duval Counties; RW2537 WESTINGHOUSE ELECTRIC CORPORATION, Webb County; RW0219 MONSANTO CO., Brazoria County; RW1270 TEX TIN CORP., Galveston County; RW2704 URI, INCORPORATED, Duval County; RW0448, TEXAS A&M UNIVERSITY, Brazos County; RW1937 ISO-TEX, INC., Brazoria County; RW1234 CHEVRON RESOURCES CO., Duval County; RW1634 CONOCO, INC., Karnes County; RW3626 EVEREST EXPLORATION, INC., Karnes, Duval, Jim Hogg and Live Oak Counties. The proposed minor amendments would revise the permits to reflect transfer of regulatory jurisdiction from the Texas Department of Health to the Texas Natural Resource Conservation Commission on September 1, 1993, and incorporate updated citations to the radiation rules of the TNRCC, 30 TAC Chapter 336, which became effective on December 29, 1993.

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Minor Amendment to Radioactive Materials License)

Item 7. Consideration of a staff initiated minor amendment to Radioactive Materials License No. RW2402 CHEVRON RESOURCES CO., Karnes County in order to revise the permit to reflect transfer of regulatory jurisdiction from the Texas Department of Health to the Texas Natural Resource Conservation Commission on September 1, 1993, and incorporate updated citations to the radiation rules of the TNRCC, 30 TAC Chapter 336, which became effective on December 29, 1993. In addition, the amended license incorporates authorization for Chevron's uranium recovery and processing facility which was previously licensed by the TDH prior to transfer of jurisdiction on September 1, 1993.

APPROVED APPLICATION; PR/JH.

Item 8. Consideration of a staff initiated minor amendment to Radioactive Materials License No. RW1431 EXXON CORP., Live Oak County in order to revise the permit to reflect transfer of regulatory jurisdiction from the Texas Department of Health to the Texas Natural Resource Conservation Commission on September 1, 1993, and incorporate updated citations to the radiation rules of

the TNRCC, 30 TAC Chapter 336, which became effective on December 29, 1993. In addition, the amended license authorizes disposal of soil from Exxon's former uranium mill site at Exxon's reclaimed uranium mill tailings impoundment.

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Water District Matters)

Item 9. APPLICATION BY HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$4,000,000 UNLIMITED TAX BONDS, FOURTH ISSUE, 6.64% NET EFFECTIVE INTEREST RATE, SERIES 1994, AND USE OF SURPLUS FUNDS. For Commission consideration. Applicant requests approval of a bond issue and approval of use of surplus funds (\$252,360) to finance detention pond construction and land costs; wastewater treatment plant expansion & modification; and water, wastewater & drainage facilities for Concord Bridge Section 5 replat, Concord Bridge Section 7 replat, Concord Bridge Section 8, Eldridge Park Section 1 & 2, and Concord Bridge North Section 2. (Ferguson)

APPROVED APPLICATION; PR/JH.

Item 10. APPLICATION BY FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE ISSUANCE OF \$1,000,000 IN UNLIMITED TAX BONDS, 6.91% NET EFFECTIVE INTEREST RATE, SERIES 1994, SEVENTH ISSUE. For Commission consideration. Applicant requests approval of the issuance of \$1,000,000 in unlimited tax bonds to finance District's pro rata share of construction costs of a new 3.0 mgd joint-use wastewater treatment plant. (Ferguson)

APPROVED APPLICATION; PR/JH.

Item 11. APPLICATION BY BROWN COUNTY WATER IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF \$1,265,000 REVENUE BONDS, SIXTH ISSUE, 7.087% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance an elevated water tank and transmission line. (Ferguson)

APPROVED APPLICATION; PR/JH.

Item 12. APPLICATION BY FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7 FOR APPROVAL OF \$4,500,000 UNLIMITED TAX BONDS, THIRD ISSUE, 6.96% NET EFFECTIVE INTEREST RATE, SERIES 1994; AND THE USE OF \$100,000 IN SURPLUS FUNDS; \$2,500,000 BOND ISSUE APPROVED OCTOBER 8, 1994. For Commission consideration. Applicant requests approval of a bond issue and the use of surplus funds to finance

construction of channel improvements, fill, detention ponds, stormwater pump station, and land costs. (Ferguson)

APPROVED APPLICATION; PR/JH.

Item 13. PETITION BY RONALD T. SHEFMAN, TRUSTEE, REQUESTING APPOINTMENT OF DIRECTORS FOR HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3. For Commission consideration. Petitioner requests the Commission to appoint H. W. Jesse Jenckes and G. E. Chew for four-year terms ending May 6, 1996, and Cyndal Porter and Eileen C. Oser for four-year terms ending May 2, 1998, as directors serving Harris-Fort Bend Counties MUD No. 3. (Ferguson)

APPROVED APPLICATION; PR/JH.

Item 14. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 216 FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration. Applicant requests authorization to proceed in federal bankruptcy pursuant to V.T.C.A. Water Code Section 50.060. (Walton)

APPROVED APPLICATION WITH THE CONDITION THAT THE ENTITY CAN COLLECT DEBTS WHILE IN BANKRUPTCY; PR/JH.

Item 15. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 86 FOR APPROVAL OF \$3,470,000 UNLIMITED TAX AND REVENUE BONDS, SECOND ISSUE, 7.17% NET EFFECTIVE INTEREST RATE, SERIES 1994, AND USE OF SURPLUS FUNDS. For Commission consideration. Applicant requests approval of the issuance of \$3,470,000 in unlimited tax and revenue bonds to finance development within the District. (Ferguson)

APPROVED APPLICATION; PR/JH.

Item 16. APPLICATION BY WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11 FOR APPROVAL OF \$9,525,000 UNLIMITED TAX BONDS, FIRST ISSUE, 7.17% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance a water plant; outfall drainage improvements; regional detention contributions; construction of detention ponds; land for lift station, water plant and detention ponds; and water, wastewater, and drainage facilities for Willowbridge Sections 1, 2, & 3, Willowlake Section 1, and Westbridge Section 1. (Ferguson)

APPROVED APPLICATION; PR/JH.

Item 17. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 69 FOR APPROVAL OF \$1,200,000 UNLIMITED TAX

BONDS, THIRD ISSUE, 6.96% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests 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 APPLICATION; PR/JH.

Item 18. PETITION BY BOARD OF DIRECTORS AND FRIENDSHIP RANCH, LTD. FOR DISSOLUTION OF FRIENDSHIP RANCH WATER CONTROL AND IMPROVEMENT DISTRICT OF HAYS COUNTY. For Commission consideration. Applicant requests that the Commission dissolve the District. (Walton)

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Water Utility Matters)

Item 19. Application of John R. Lightfoot dba Regal Oaks Water System to Discontinue water utility service and Cancel Water CCN No. 12322 in Hays County, Texas. (Application # 30401-Q/ Darrell Nichols)

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Water Right Permit)

Item 20. Consideration of an application by Union Pacific Railroad Company under Texas Water Code Section 16.236. Applicant seeks approval of plans for construction of an embankment project in the 100-year floodplain of Las Raices Creek, tributary of the Nueces River, Nueces River Basin, LaSalle County, Texas. (Docket No. RE-0292)

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Resolution)

Item 21. Consideration of a resolution relating to the membership of the Texas Natural Resource Conservation Commission Task Force for the 21st Century. (Haley)

APPROVED APPLICATION; PR/JH.

UNCONTESTED (Settled Hearings)

Item 22. Consideration of and action on Examiner's Memorandum concerning the application of Weirich Bros., Inc. for temporary water use Permit No. TA-7138, Gillespie County, Texas, to divert 432 acre-feet of water within a 3-year period from the Pedernales River, a tributary of the Colorado River, in the Colorado River Basin, for mining purposes. RECOMMENDATION: Issuance of authorization.

APPROVED APPLICATION; JH/PR.

Item 23. Consideration of Examiner's Memorandum concerning the complaint of the TNRCC regarding Gulf Coast Machine & Supply Company, Permit No. 01203. RECOMMENDATION: Adoption of agreed Order. (ALEXANDRE BOURGEOIS)

APPROVED APPLICATION; JH/PR.

Item 24. Consideration of Examiner's memorandum and Order concerning the application of Glenwood Acres Water System to increase retail water rates in Upshur County, Texas (Docket No. 30255-G). Applicant provides retail water service to approximately 211 customers. Recommendation: Dismissal of application. (FANTL)

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

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, July 27, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 25. Consideration of the ratification of the transfer of Municipal Solid Waste Permit No. MSW-647 from B.K. Paris to Precision Processors, Inc., to operate a Type I landfill facility in Hutchinson County, Texas.

APPROVED TRANSFER; PR/JH.

CONTESTED AGENDA

Wednesday, July 27, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**Water Quality Enforcement**)

- Item 1. (**Docket 94-0159-IWD-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Herman B. Taylor, TNRCC Permit No. 12772-001. (Campbell)

Issue Agreed Order, PR/JH

- Item 2. (**Docket 94-0161-IWD-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Saint Francis Village, Inc., TNRCC Permit No. 10612-001. (Watson)

Issue Agreed Order, PR/JH

- Item 3. (**Docket 94-0224-IWD-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of City of Aubrey, No Permit. (Keils/Roberts)

Issue Agreed Order, PR/JH

- Item 4. (**Docket 94-0225-IWD-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Southwestern Water Corporation, Permit No. 13337-001. (Keils/Roberts)

Issue Agreed Order, PR/JH

- Item 5. (**Docket 94-0149-IWD-E**). Consideration of a Texas Natural Resource Conservation Commission agreed order assessing administrative penalties and requiring certain actions of Yeh's Brothers, Inc., Permit No. 12138-01. (Eugene Clayborne/Carla Thomas)

Issue Agreed Order, PR/JH

CONTESTED (**Municipal Solid Waste Enforcement**)

Item 6. **(Docket 94-0155-MSW-E)**. Consideration of Executive Director's Preliminary Report and Petition for a Texas Natural Resource Conservation Commission Order Assessing Administrative Penalties and Requiring Certain Actions of National Medical Waste of Texas, Inc.; Permit No. MSW-1919. (Smith,D.)

Remand to Office Hearings Examiner

CONTESTED (Utility Enforcement)

Item 7. **(Docket 94-0226-UTL-E)**. Consideration of agreed order assessing administrative penalties and requiring certain actions of Paul Brune dba Western Hills Water System and Rivercrest Water Corporation; Docket Nos. 30188-E and 30189-E (Sanchez/Arden)

Issue Agreed Order, PR/JH

Item 8. **(Docket 94-0227-UTL-E)**. Consideration of agreed order assessing administrative penalties and requiring certain actions of Foothills Mobile Home Ranch, Inc.; Docket No. 30069-E (Roberts/Arden)

Issue Agreed Order, PR/JH

Item 9. **(Docket 94-0222-UTL-E)**. Consideration of Executive Director's Preliminary enforcement report and petition for an order assessing administrative penalties and requiring certain actions of Ilene Powell and Joy Powell DBA Powell Farm Well (Brown)

Remand to Office Hearings Examiner

CONTESTED (Air Quality Enforcement)

Item 10. **(Docket 94-0228-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Abell Corporation/Texas Liquid Fertilizer (a Division of Abell Corporation) and a voluntary order concerning Phoenix Distribution Services, Inc.; Account No. HG-3402-R. (JONES)

Issue Agreed Order, PR/JH

Item 11. **(Docket 94-0229-AIR-E)**. Consideration of a TNRCC Agreed Order assessing Administrative Penalties, revoking a permit, and requiring certain actions of Brown & Root Inc.; Account No. TA-0317-K. (Hudson)

Issue Agreed Order, PR/JH

Item 12. **(Docket 94-0230-AIR-E)**. Consideration of a TNRCC Agreed Order requiring certain actions of Cactus Investment Company; Account No. HG-4953-O. (Gregg)

Issue Agreed Order, PR/JH

Item 13. **(Docket 94-0231-AIR-E)**. Consideration of a TNRCC Agreed Order assessing administrative penalties and requiring certain actions of Carriage House Motors; Account No. HG-4984-D. (Hudson)

Issue Agreed Order, PR/JH

Item 14. **(Docket 94-0232-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of City Auto Sales; Account No. GB-0292-B. (Terrell)

Issue Agreed Order, PR/JH

Item 15. **(Docket 94-0233-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of EKCO/GLACO, LTD.; Account No. DB-2278-J. (Terrell)

Issue Agreed Order, PR/JH

Item 16. **(Docket 94-0234-AIR-E)**. Consideration of a TNRCC Agreed order requiring certain actions of Environmental Transport Corporation; Account No. TA-2546-A. (Hudson)

Issue Agreed Order, PR/JH

Item 17. **(Docket 94-0235-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Fleet Design of Texas, Inc.; Account No. CV-0099-Q. (SALEM)

Issue Agreed Order, PR/JH

Item 18. **(Docket 94-0236-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Gifford-Hill Pipe Company, Wholly Owned Subsidiary of Beazer West, Inc.; Account No. DB-0405-R. (Ehresman)

Issue Agreed Order, PR/JH

Item 19. **(Docket 94-0237-AIR-E)**. Consideration of a TNRCC Agreed order requiring certain actions of John Parker Auto Sales, Inc.; Account No. HG-5151-F. (SALEM)

Issue Agreed Order, PR/JH

Item 20. **(Docket 94-0238-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Marrcshare Leasing; Account No. HG-5045-F. (JONES)

Issue Agreed Order, PR/JH

Item 21. **(Docket 94-0239-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Mestek, Inc.; Account No. DB-0039-U. (Ehresman)

Issue Agreed Order, PR/JH

Item 22. **(Docket 94-0240-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Mobil Chemical Company; Account No. JE-0062-S. (Ehresman)

Issue Agreed Order, PR/JH

Item 23. **(Docket 94-0241-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Oiltanking Houston, Incorporated; Account No. HG-0531-D. (Terrell)

Issue Agreed Order, PR/JH

Item 24. **(Docket 94-0242-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Phillips 66 Company; Account No. HG-0566-H. (Ehresman)

Issue Agreed Order, PR/JH

Item 25. **(Docket 94-0243-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Phillips Pipe Line Company; Account No. BL-0417-I. (Ehresman)

Issue Agreed Order, PR/JH

Item 26. **(Docket 94-0244-AIR-E)**. Consideration of a TNRCC Agreed order requiring certain actions of PRD, Inc.; Account No. HG-4997-R. (SALEM)

Issue Agreed Order, PR/JH

Item 27. **(Docket 94-0245-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Priefert Manufacturing Company, Inc.; Account TF-0058-C. (Gregg)

Issue Agreed Order, PR/JH

Item 28. **(Docket 94-0246-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Texas Hill Country Meat Snacks; Account No. KF-0036-O. (Gregg)

Issue Agreed Order, PR/JH

Item 29. **(Docket 94-0247-AIR-E)**. Consideration of a TNRCC Agreed order assessing administrative penalties and requiring certain actions of Vulcan Materials Company; Account 91-7972-P. (Gregg)

Issue Agreed Order, PR/JH

Item 30. **(Docket 94-0248-AIR-E)**. Consideration of a TNRCC Agreed order requiring certain actions of Cobrans Corporation; Account No. HG-5000-E. (SALEM)

Issue Agreed Order, PR/JH

Item 31. **(Docket 94-0249-AIR-E)**. Consideration of a TNRCC Agreed order requiring certain actions of C & L Motors; Account No. HG-4661-H. (Terrell)

Issue Agreed Order, PR/JH

CONTESTED (Air Quality Matters)

Item 32. Demonstration of attainment of the National Ambient Air Quality Standard for ozone in El Paso under the requirements of Section 818 of the Federal Clean Air Act Amendments of 1990. (Karen Kirkpatrick)

Approve Staff Recommendation on Hearing, JH/PR

Item 33. Consideration for approval to go to public hearing for the State Implementation Plan (SIP) Revision to meet Federal Clean Air Act Amendments Ozone Post-96 Rate-of-Progress requirements for the control of volatile organic compound (VOC) emissions in the Beaumont/Port Arthur and Houston/Galveston nonattainment areas.

Authorized to go to public hearing, PR/JH

Item 34. Consideration of adoption of the petition for redesignation and maintenance plan revisions to the State Implementation Plan (SIP) regarding the Victoria County ozone nonattainment area.

Approve Staff Recommendation, JH/PR

Item 35. Consideration of proposal to adopt the Attainment Demonstration revision to the State Implementation Plan (SIP) for the Dallas/Fort Worth ozone nonattainment area. (Kirkpatrick)

Adopt Staff Recommendation for Hearing, PR/JH

CONTESTED (Rules)

Item 36. Consideration of proposal for a new 30 TAC Section 101.30 regarding criteria and procedures for determining General Conformity with the State Implementation Plan. (Karen Kirkpatrick)

Approve Staff Recommendation, PR/JH

Item 37. Consideration on the adoption of 30 TAC Chapter 117, Section 117.570 (concerning Trading) regarding Control of Air Pollution from Nitrogen Compounds. (Karen Kirkpatrick)

Approve Adoption, PR/JH

Item 38. Adoption of Revisions to 30 TAC Chapter 114 (Concerning Control of Air Pollution From Motor Vehicles) Section 114.3 and Section 114.5, a new Section 114.6, and Corresponding Revisions to the State Implementation Plan for the Vehicle Emissions Inspection/Maintenance Program in Ozone Nonattainment Areas. (Russ Baier)

Approve revisions as requested by staff and pull part of rules dealing with hardship waivers, PR/JH

Item 39. Consideration of the adoption of a revised 30 TAC Section 114.23 concerning enforcement of Transportation Control Measures. The revised rule replaces three paragraphs inadvertently omitted from the original adoption in November, 1993. (Russ Baier)

Approve staff recommendation, PR/JH

Item 40. Consideration of adoption of rules which amend 30 TAC Chapter 281, pertaining to criteria for expediting permits for commercial hazardous waste management

facilities and describing information which will be prepared by the Executive Director for consideration by the Commissioners in evaluating permit applications for commercial hazardous waste management facilities, and adoption of new 30 TAC §305.149 and amended 30 TAC §305.69, regarding construction schedules for permitted commercial hazardous waste management units and procedures for seeking extensions of such schedules. (McWherter).

Approve staff recommendations, JH/PR

Item 41. Consideration and Adoption of the Repeal of §§291.131-291.136 and Adoption of New §§291.128-291.138 concerning appeals of Wholesale Water and Sewer Rates Published in the Texas Register May 20, 1994 (19 TEXREG 3899). (Robbins/Montelongo)

Adopt rules as recommended, JH/PR

CONTESTED (Modification of Contracts)

Item 42. Consideration of authorizing the Executive Director to modify the Contracts for the Motor Vehicle Inspection/Maintenance (I/M) Program with the Managing Contractors (in El Paso Region, Marta Technologies, Inc.; and in the Dallas/Fort Worth and Southeast Regions, Tejas Testing Technology, Inc.)

Approve staff recommendations, JH/PR

CONTESTED (Liquid Waste Management)

- Item 43. Consideration for Adoption of a Strategy for Liquid Waste Management which includes Grease Trap Waste, Grit Trap Waste, and Septage. (WAYNE LEE)

Adopt strategy as recommended by staff and develop rules and include recommendations as made by Chairman Hall, JH/PR

CONTESTED (Enforcement Report)

- Item 44. Discussion of an Agency Report on Enforcement Actions from various programs including Air, Industrial & Hazardous Waste, Watershed Management, Municipal Solid Waste, Petroleum Storage Tanks, Water Utilities, Agriculture, and Superfund. (LYNCH)

No Action Taken

CONTESTED (Adjudication of Water Rights in Rio Grande)

- Item 45. Consideration of the April 15, 1994 letter from the El Paso County Water Improvement District, No. 1 requesting the adjudication of the water rights in the Rio Grande (above Fort Quitman, Texas) Segment of the Rio Grande Basin. The Executive Director recommends that the TNRCC, on its own motion, find that the adjudication would be in the public interest, move that the water rights in the segment be adjudicated, and direct the Executive Director to begin the investigation, pursuant to sections 11.301 - 11.341 of the Texas Water Code and sections 275.11 - 275.18 of title 30 of the Texas Administrative Code. (Kowis/Qualtrough)

Approve staff recommendations, PR/JH

CONTESTED (Water Well Driller)

- Item 46. Consideration of an Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Water Well Driller Lewis Harbison, License No. 1675-W for violations of the Texas Water Code, and 30 Texas Administrative Code (TAC) §338.43(b) and §338.44(2)(c)30. The violations include locating a water well less than 150 feet horizontal distance from concentrated sources of contamination and failing to extend the well casing a minimum of twelve (12) inches above the surface slab. (Kathy Keils/Steve Wiley).

Issue Agreed Order, JH/PR

EXECUTIVE SESSION

Item 47. 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 48. 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) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

CONTESTED OLD BUSINESS

Wednesday, July 27, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of June 29, 1994.

- Item 1. **(Docket No. 94-0191-AIR-E)**. CONSIDERATION OF A TNRCC AGREED ORDER REQUIRING CERTAIN ACTIONS OF D\FW Read-Mix Environmental Consultants, Inc.; ACCOUNT NO. TA-2612-O (Hudson)

Remand to Staff

Item carried forward from Agenda of July 13, 1994.

- Item 2. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of the City of Port Arthur, Permit No. 10364-001, (Snelson/Main)

Issue Agreed Order, PR/JH

Item carried forward from Agenda of July 13, 1994.

- Item 3. Consideration and adoption of amendments to 30 TAC §330.801 - 330.889, AND 330.900 - 330.939, concerning the Waste Tire Recycling Fund Program, as published in the April 17, 1994, Texas Register. (SIDNELL)

Adopt amendments as recommended by staff and instruction to staff by Chairman Hall, JH/PR

ADDENDUM TO CONTESTED AGENDA

Wednesday, July 27, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 49. Discussion and authorization to move forward with rule preparation implementing the permitting-by-basin provisions of the Texas Clean Rivers Act found in Texas Water Code §26.0285. (Wilburn)

Authorized to move forward with rules, JH/PR

Item 50. Consideration of the issuance of an Emergency Order to Disposal Systems, Inc. to authorize a waiver of its monthly permitted capacity of 6,690,000 gallons at its two injection wells in Harris County, Texas. The permittee shall continue to comply with its permitted annual capacity limit and injection rate. (WDW-169 & WDW-249). (Kevin McLeod & Larry Walker)

Withdraw Request