

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, December 8, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**SOLID WASTE PERMIT**)

- Item 1. APPLICATION BY GLASSCOCK COUNTY for a municipal solid waste permit (Proposed Permit No. MSW2154) to authorize a Type III (landfill) municipal solid waste management facility. Authorized wastes are to be received at a rate not to exceed 24.5 tons in any one week period. The site is to be on a 37.88 acre site, approximately 02. mile east of the intersection of RM 33 and County Road 131 in Glasscock County, Texas.

APPROVED APPLICATION, PG/PR

UNCONTESTED (**HAZARDOUS WASTE PERMIT**)

- Item 2. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW50338) to authorize the operation of a new hazardous waste management facility. The facility will collect and store Class I industrial solid waste generated off site which will be sent to a different Safety-Kleen facility for reprocessing and recycling. Authorized wastes will be stored in 1) a 20,000 gallon capacity storage tank; 2) a 5000 gallon capacity storage tank; 3) two 162 gallon dumpster/drumwashers; 3) a container accumulation storage area totalling 6912 gallons; and 4) a container accumulation storage area totalling 2200 gallons. Wastes materials are to be comprised of spent industrial solvents, degreasers and antifreeze. The hazardous waste management facility is to be within the City limits of Corpus Christi at Santa Elena Street and Centaurus Drive in Nueces County, Texas.

APPROVED APPLICATION, PR/PG

UNCONTESTED (**TEMPORARY VARIANCE TO WASTE DISCHARGE PERMIT**)

- Item 3. CONSIDERATION OF A TEMPORARY WATER QUALITY VARIANCE REQUESTED BY THE CITY OF NEDERLAND. The temporary variance is to the existing water quality standards for the series of perennial canals which are tributaries of Taylor Bayou. The variance would authorize a three year period in which to conduct a water quality study of the perennial canals in Jefferson County into which the City of Nederland discharges treated domestic wastewater effluent. The study would show whether a site specific amendment to water quality standards is justified. Prior to the expiration of the three year variance period, the Commission will consider the site-specific standards and determine whether to adopt the standards or require the existing water quality standards to remain in effect.

APPROVED TEMPORARY VARIANCE, PR/PG

UNCONTESTED (NEW WASTE DISCHARGE PERMIT)

- Item 4. APPLICATION BY T H AGRICULTURE & NUTRITION COMPANY, INC. for a permit (Proposed Permit No. 03529) to authorize the discharge of treated groundwater at a volume not to exceed an average flow of 2,880 gallons per day via either Outfall 001 or Outfall 002. The applicant proposes to operate a groundwater treatment system for site remediation of a former agricultural chemical formulation facility. The plant site is at 201 East Tarrant Street which is bounded on the east by Buttery Creek; on the north by Tarrant Street; on the south by Grayson Street; and on the west by the Austin and Northwestern Railroad Spur in the City of Llano, Llano County, Texas.

APPROVED APPLICATION, PR/PG

UNCONTESTED (AMENDMENT TO WASTE DISCHARGE PERMIT)

- Item 5. APPLICATION BY DAR ANDERSON DBA DAR ANDERSON DAIRY for an amendment to Permit No. 03279 to authorize an increase in the number of head located at the dairy from 550 to a maximum of 995. The proposed amendment also includes construction of additional concrete feed lanes, as well as other improvements completed after the permit was originally issued. The permit authorizes disposal of waste and wastewater and will generate washdown water, flushwater and stormwater which will be retained in three storage ponds. Wastewater from the ponds is disposed of by evaporation and/or irrigation. Manure and solids will be disposed of as fertilizer on agricultural land. The dairy is on the south side of an unnamed County Road approximately four miles southeast of the intersection of

Farm-to-Market Road 2823 and Farm-to-Market Road 1702 in Comanche and Erath Counties, Texas.

APPROVED APPLICATION, PR/PG

- Item 6. APPLICATION BY LYONDELL-CITGO REFINING COMPANY, LTD. for an amendment to Permit No. 00392 in order to change the provisions regarding the discharge of stormwater to include emergency sump overflows through Outfalls 001 and 003. The permit authorizes intermittent flow variable discharges via Outfalls 001 and 003. The permit currently authorizes an intermittent flow variable discharge of emergency overflow of treated wastewater via Outfall 002, which will remain the same. The proposed amendment will enforce more stringent requirements as needed, in order to meet existing applicable rules and regulations. The applicant operates an integrated petroleum refinery. The plant site is at 12000 Lawndale Avenue in the City of Houston, Harris County, Texas.

APPROVED APPLICATION, PR/PG

UNCONTESTED (**MINOR AMENDMENT TO WASTE DISCHARGE PERMIT**)

- Item 7. APPLICATION BY CITY OF FORT WORTH for a minor amendment to Permit No. 10494-13 to authorize the permittee to use sludge dewatering/processing equipment on the dedicated disposal site for sludge. The permit currently authorizes the discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 144,000,000 gallons per day, which will remain the same. The plant site is southeast of the confluence of the West Fork Trinity River with Village Creek in Fort Worth, Tarrant County, Texas.

CONTINUED ITEM TO DECEMBER 8, 1993 CONTESTED AGENDA WHERE THE APPLICATION WAS APPROVED, PR/PG

UNCONTESTED (**RENEWAL TO WASTE DISCHARGE PERMITS**)

- Item 8. APPLICATION BY CITY OF NEDERLAND for renewal of Permit No. 10483-002 which authorizes a discharge of treated domestic wastewater effluent at an interim volume not to exceed an average flow of 3,000,000 gallons per day and a final volume not to exceed an average flow of 3,800,000 gallons per day. The City of Nederland wastewater treatment facility is located immediately east of the intersection of Hardy Avenue and Avenue D, east of the main drainage canal in the City of Nederland in Jefferson County, Texas.

APPROVED APPLICATION, PR/PG

- Item 9. APPLICATION BY SEQUOIA IMPROVEMENT DISTRICT for renewal of Permit No. 10785-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 550,000 gallons per day. The renewed permit has decreased the flow to 200,000 gallons per day average. The wastewater treatment facilities are in the Sequoia Estates Subdivision on the north bank of Greens Bayou, approximately 2000 feet west of U.S. Highway 59 and 0.7 mile south of Farm-to-Market Road 525 in Harris County, Texas.

APPROVED APPLICATION, PR/PG

UNCONTESTED (DISTRICT MATTERS)

- Item 10. APPLICATION BY SAN ANTONIO MUNICIPAL UTILITY DISTRICT NO. 1 OF BEXAR COUNTY FOR APPROVAL TO LEVY A STANDBY FEE. For Commission consideration and action. Applicant requests approval to levy a non-uniform standby fee to supplement the debt service (\$237,388/Yr.) and general fund accounts (\$110,625/Yr.) (Ferguson)

REMANDED TO THE OFFICE OF HEARINGS EXAMINERS

- Item 11. APPLICATION BY FAYETTE COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT - MONUMENT HILL FOR APPROVAL TO LEVY A STANDBY FEE; \$545,000 BOND ISSUE APPROVED JULY 16, 1991. For Commission consideration and action. Applicant requests approval to levy a uniform standby fee to supplement the general fund account (\$72/yr/lot). (Ferguson)

APPROVED APPLICATION, PG/PR

- Item 12. APPLICATION BY THREE LAKES MUNICIPAL UTILITY DISTRICT NO. 1 OF HARRIS COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee of \$243,705 to supplement the debt service account and \$63,882 to supplement the operation & maintenance account.

CONTINUED TO DECEMBER 15, 1993 AT 9 A.M.

- Item 13. APPLICATION BY TRAIL OF THE LAKES MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$2,200,000 UNLIMITED TAX BOND ISSUE, 8.180% NET EFFECTIVE INTEREST RATE, SERIES 1993, FIFTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,200,000 in unlimited tax bonds

to finance the purchase and construction of District infrastructure facilities. (Ferguson)

APPROVED APPLICATION, PG/PR

UNCONTESTED (**WATER UTILITY MATTERS**)

Item 14. Application of Cego-Durango Water Supply Corporation to amend Water Certificate of Convenience and Necessity Number 11159 in Falls County, Texas. (Application # 30139-C, Albert Holck)

APPROVED APPLICATION, PG/PR

Item 15. Application of Creedmore-Maha Water Supply Corporation to amend Water Certificate of Convenience and Necessity Number 11029 in Travis and Hays Counties, Texas. (Application # 30083-C, Vera Poe)

APPROVED APPLICATION, PG/PR

Item 16. Application of Wade Granger dba Granger Water Systems to Amend Water Certificate of Convenience and Necessity Number 12684 in Orange County, Texas. (Application # 30173-C, Vera Poe)

APPROVED APPLICATION, PG/PR

Item 17. Application of W.C. Morris dba Western Water System for a Water Certificate of Convenience and Necessity in Grayson County, Texas. (Application # 30140-C, Vera Poe)

APPROVED APPLICATION, PG/PR

UNCONTESTED (**SETTLED HEARINGS**)

Item 18. Consideration of Examiner's Memorandum concerning the application of BFI Medical Waste Systems, Inc. for Permit No. MSW 2222 to authorize the operation of a municipal solid waste Type V site in Montgomery County, Texas. Applicant seeks authorization to operate a Type V municipal solid waste management facility (autoclave permit). The proposed site is to receive approximately 96 tons of municipal solid waste per day for disposal or other processing. Recommendation: Issuance of permit. (BROYLES)

ISSUED PERMIT, PR/PG

Item 19. Consideration of Examiner's Memorandum and Order concerning the application of Crystal Systems Texas, Inc. to increase retail water rates in Smith County, Texas. (Docket No. 9901-R). Applicant provides retail water service to approximately 1514 customers. Recommendation: Adoption of agreement of parties. (BATEMAN)

ISSUED PERMIT, PR/PG

Item 20. Consideration of Examiner's Memorandum concerning the application of Billy Mack Chamness Dairy, Inc. for Permit No. 03525 to authorize disposal of waste and wastewater by irrigation and/or evaporation on agricultural land from a dairy operation with a maximum of 780 total head in Hopkins County, Texas, and Segment No. 0512 of the Sabine River Basin. Recommendation: Issuance of permit. (HURD)

ISSUED PERMIT, PR/PG

Item 21. Consideration of Examiner's Memorandum concerning the application of Wal-Mart Stores, Inc. for Permit No. 03597 to authorize the discharge not to exceed 20,000 gpd of treated domestic wastewater effluent in Anderson County, Texas, and Segment No. 0804 of the Trinity River Basin. Recommendation: Issuance of permit. (Cindy Hurd, Examiner)

ISSUED PERMIT, 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.)

CONTESTED AGENDA

Wednesday, December 8, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**WATER QUALITY ENFORCEMENT**)

Item 1. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of City of Troy, TNRCC Permit No. 11263-01.

Issue Agreed Order, PG/PR

Item 2. Consideration of Executive Director's Preliminary Report and Petition for a Texas Natural Resource Conservation Commission Order Requiring Certain Actions of United State Department of the Interior, Permit No. 02234. (Qualtrough/Powell)

Issue Agreed Order, PG/PR

Item 3. Consideration of the Executive Director's Preliminary Report and Petition for a Texas Natural Resource Conservation Commission Order Assessing Administrative Penalties and Requiring Certain Actions of Bryan-Stewart, Inc., Permit No. 11620-01. (Qualtrough/Lehmkuhle)

Remand to Office Hearing's Examiner

CONTESTED (**RULES**)

Item 4. Consideration of proposed amendments to Title 30 Texas Administrative Code, Chapter 336, Radiation Rules, relating to source material recovery and radioactive substance disposal. (These rules will implement Senate Bill 1043 which transferred authority for source material recovery and processing to the TNRCC, will incorporate revised radiation protection standards mandated by the U.S. Nuclear Regulatory Commission, and will increase radioactive material license fees). (Preusse/McLeod)

Adopt Amendment as Proposed, PR/PG

CONTESTED (**EXAMINER'S PROPOSAL FOR DECISIONS**)

Item 5. Consideration of Examiner's Proposal for Decision concerning the application of National Medical Waste of Texas, Inc. for an amendment to Permit No. MSW-1919 to authorize the operation of a solid waste incinerator (medical) in Brazoria County, Texas. Recommendation: Dismissal of application without prejudice. (Jackson)

Adopt Examiner's Proposal for Decision, Issue Order and show application dismissed with prejudice, PR/JH

Item 6. Consideration of Examiner's Proposal for Decision & Order concerning the application of City of Canyon for an amendment to Permit No. 10073-01 to authorize the disposal by irrigation of 2.16 mgd of treated domestic wastewater effluent in Randall County, Texas, and Segment No. 0207 of the Red River Basin. Recommendation: Issuance of Permit. (Bateman)

Continued to February 2, 1994

EXECUTIVE SESSION

Item 7. 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 8. 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

(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, December 8, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

- Item 9. CONSIDERATION OF THE MOTIONS FOR RECONSIDERATION FILED BY THE CITY OF HOUSTON AND BY LAKE HOUSTON F.I.S.T., INC. REGARDING THE APPLICATION OF WASTE MANAGEMENT OF TEXAS, INC. FOR AN AMENDMENT TO MUNICIPAL SOLID WASTE PERMIT NO. MSW1307-A. The motions for rehearing concern the permit amendment signed by the Executive Director on October 25, 1993. The amendment authorizes an increase in the size of the municipal solid waste site from 120.89 acres to 325.53 acres. The site is north of Houston in Harris County.

Grant Motion for Reconsideration, Remand to Office Hearing's Examiner for Mediation, and if it has to go to hearing then it is to be brought before the commission on February 2, 1994, PR/JH

CONTESTED OLD BUSINESS

Wednesday, December 8, 1993

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from agenda of November 19, 1993.

Item 1 Approval for publication of proposed amendments to the Commission's procedural rules, including the repeal of 30 TAC 274, Complex Hearing Rules, and the addition of new 30 TAC Sections 265.21-265.35, Special Provisions for Freezing the Process; Sections 265.36-265.49, Discovery in the Frozen Process; Sections 265.50-265.55, Sanctions. (Arenson)

Approve staff recommendation and adopt proposed amendments, PR/JH