

HALL

REED

GARNER - ABSENT AND EXCUSED FOR ALL OF UNCONTESTED AND ALL OF CONTESTED EXCEPT FOR ITEM 35, 36, AND 39

UNCONTESTED AGENDA

Wednesday, February 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.

Room 118

UNCONTESTED (**Class 2 Mods to Hazardous Waste Permits**)

Item 1. Consideration of an application by BASF CORPORATION for a Class 2 Modification to Permit No. HW-50128 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial and hazardous waste storage and processing facility. The permit modification authorizes an increase in the feedrate of the (non-hazardous) off-gas waste stream to a permitted on-site incinerator. The facility is located on a 401-acre tract of land at 602 Cooper Road, Freeport, Brazoria County, Texas.

Approved, PR/JH

Item 2. Consideration of an application by CHEMICAL WASTE MANAGEMENT, INC. - PORT ARTHUR for a Class 2 Modification to Permit No. HW-50212-001 in accordance with 30 TAC Section 305.69. The permit authorizes operation of a commercial industrial and hazardous waste management facility. The permit modification authorizes addition to the facility's waste management list of waste codes K141-K145 and K147-K151. The facility is located on approximately 442 acres on the southern side of State Highway 73, approximately three miles west of the intersection of the state highway and Taylor Bayou and approximately nine miles west of the Port Arthur Post Office, Port Arthur, Jefferson County, Texas.

Approved, PR/JH

Item 3. Consideration of an application by E.I. DUPONT DE NEMOURS & CO., INC. - SABINE RIVER WORKS for a Class 2 Modification to Permit No. HW-50230-001 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial and hazardous waste storage and processing facility. The permit modification

authorizes the facility to continue to store and process wastes identified in Provision II.A.2.b., some of which have become hazardous by regulatory redefinition. The facility is located along and adjacent to Farm-to-Market Road 1006, approximately three miles southwest of Orange, in Orange County, Texas.

Approved, PR/JH

UNCONTESTED (New Water Quality Permit)

- Item 4. APPLICATION BY MIKE BOREN for a permit (Proposed Permit No. 03619) to authorize disposal of wastes and wastewater from a dairy. The dairy will consist of a maximum of 450 head. Washdown water, flushwater and stormwater will be retained in one (1) storage pond. Wastewater from the pond is to be disposed of by evaporation and/or irrigation on agricultural land. Manure and/or solids are to be applied as fertilizer on agricultural land. The dairy is on the south side of an unnamed county road located approximately five and one quarter miles southeast of Stephenville along Highway 67 in Erath County, Texas.

Approved, PR/JH

UNCONTESTED (Amendment to Water Quality Permit)

- Item 5. APPLICATION BY CITY OF LEAGUE CITY for an amendment to Permit No. 10568-05 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 4,500,000 gallons per day to a volume not to exceed an average flow of 6,000,000 gallons per day from the Dallas Salmon Central Wastewater Treatment Facilities. The proposed amendment would also authorize a variance to the buffer zone requirements. The plant site is approximately 3/4 miles northeast of the intersection of State Highway 3 and Farm-to-Market Road 518 in Galveston County, Texas.

Approved, PR/JH

UNCONTESTED (Water District Matters)

- Item 6. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238 FOR APPROVAL OF \$2,300,000 UNLIMITED TAX BONDS, SECOND ISSUE. 7.72% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration and action. Applicant requests approval of a bond issue to finance water plant improvements; wastewater treatment plant

construction; and water, wastewater and drainage facilities for Barkers Ridge Sections 4 & 5. (Ferguson)

Approved, PR/JH

Item 7. APPLICATION BY RIVER PLACE MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY FOR APPROVAL OF \$3,900,000 UNLIMITED TAX BONDS, FIRST ISSUE, 8.22% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration and action. Applicant requests approval of a bond issue to finance a pro rata share; of a raw water intake structure; a raw water line to treatment plant; a surface water treatment plant; a wastewater treatment plant including modifications; and water, wastewater and drainage facilities for River Place Section 4A. (Ferguson)

Approved, PR/JH

Item 8. APPLICATION BY LAKE PROCTOR IRRIGATION AUTHORITY FOR APPOINTMENT OF DIRECTORS. For Commission consideration and action. Applicant requests appointment of Thomas H. Dickerson, Charles Maguire and Alden E. Wagner as directors. (Ferguson)

Approved, PR/JH

UNCONTESTED (Water Utility Matters)

Item 9. Application of Orange County WCID No. 1 to Transfer Water CCN No. 11824 and Sewer CCN No. 20729 from Don Lightfoot dba Brook Hollow Development Corporation; Amend Water and Sewer CCN Nos. 10115 and 20048; Cancel Water and Sewer CCN Nos. 11824 and 20729 in Orange County, Texas. (Applications Nos. 30003-S and 30004-S, Vera Poe)

Approved, PR/JH

Item 10. Application of Joe C. DeSmit dba Knob Hills Water System to Transfer Water CCN No. 11414 from Larry Johnson dba Knob Hill Water System in Denton County, Texas. (Application No. 30151-S, Albert Holck)

Approved, PR/JH

Item 11. Application by Deadwood Water Supply Corporation to amend Water CCN No. 12054 in Panola County, Texas. (Application No. 30240-C, Albert Holck)

Approved, PR/JH

(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, February 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

CONTESTED (**SOLID WASTE ENFORCEMENT**)

- Item 1. Consideration of the Executive Director's preliminary enforcement report and petition for a Texas Natural Resource Conservation Commission Order assessing administrative penalties and requiring certain actions of First Company; Texas Solid Waste Registration No. 37629 (WILSON)

Remand back to Staff

- Item 2. Consideration of the Executive Director's preliminary enforcement report and petition for a Texas Natural Resource Conservation Commission Order assessing administrative penalties and requiring certain actions of Texion, Inc. Texas Solid Waste Registration No. 31500 (BAKER)

Remand to Office Hearing Examiner's

CONTESTED (**HAZARDOUS WASTE ENFORCEMENT**)

- Item 3. Consideration of a proposed agreed order resolving an enforcement action brought against Union Pacific Railroad Company, for Violations of the Texas Solid Waste Disposal Act, Tex. Health and Safety Code Ann. Chapter 361 (Vernon Suppl 1990), the Texas Water Code, Tex. Water Code Ann. Chapter 26 (Vernon Suppl 1990) and the Rules of the Texas Natural Resource Conservation Commission; Assessing Administrative Penalties and Requiring Certain Actions of Union Pacific Railroad Company. (Grunberger)

Issue Proposed Agreed Order, PR/JH

CONTESTED (**WATER QUALITY ENFORCEMENT**)

- Item 4. Consideration of a proposed agreed order resolving an enforcement action brought against the city of Southside Place, for violations of the Texas Water Code and Wastewater Discharge Permit number 10712-001, assessing administrative penalties and requiring certain actions of

the City of Southside Place. (Winter/Lehmkuhle)

Issue Agreed Order, PR/JH

- Item 5. Consideration of a proposed agreed order resolving an enforcement action brought against Donna Johnston, for violations of the Texas Water Code and Commission rules, assessing administrative penalties and requiring certain actions for violations of the Texas Water Code. (Winter/Meyer)

Issue Agreed Order, PR/JH

- Item 6. Consideration of a proposed agreed order resolving an enforcement action brought against the City of Bardwell, for violations of the Texas Water Code and Commission Rules, assessing administrative penalties and requiring certain actions for violations of the Texas Water Code. (Keils/Lehmkuhle)

Issue Agreed Order, PR/JH

- Item 7. Consideration of Executive Director's Preliminary Report and Petition for a TNRCC Order Assessing Administrative Penalties and Requiring Certain Actions of Henk & Roelie Post dba Hero Dairy, Permit No. 03126. (McLeod)

Issue Agreed Order, PR/JH

- Item 8. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of City of Moody, TNRCC Permit No. 10225-001. (Bob Sweeney/Merrilee Roberts)

Issue Agreed Order, PR/JH

- Item 9. Consideration of a Texas Natural Resource Conservation Commission Agreed Order requiring certain actions of City of Albany, TNRCC Permit No. 10035-001. (Bob Sweeney/Merrilee Roberts)

Issue Agreed Order, PR/JH

- Item 10. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of Texas Parks and Wildlife Department, TNRCC Permit No. 11214-001. (Roberts)

Issue Agreed Order, PR/JH

- Item 11. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of Cypress Bayou, Inc., Permit No. 12109-001. (Thomas/Stovall)

Issue Agreed Order, PR/JH

CONTESTED (AIR QUALITY ENFORCEMENTS)

Item 12. Consideration of a Texas Natural Resource Conservation Commission agreed order assessing administrative penalties and requiring certain actions of Kar Company; account no. TA-2551-J. (Hudson)

Issue Agreed Order, PR/JH

Item 13. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of all Exotic Marble, Incorporated; Account No. KB-0115-P. (Zeis)

Issue Agreed Order, PR/JH

Item 14. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Austex Molding Company; Account No. TH-0321-L. (Ehresman)

Issue Agreed Order, PR/JH

Item 15. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of A-Way Tank Services, Inc; Account No. LF-0048-N. (Marvin)

Remand back to Staff

Item 16. Consideration of Texas Natural Resource Conservation Commission agreed order requiring certain actions of Bear Custom Molding; Account No. DF-0279-A. (Ehresman)

Issue Agreed Order, PR/JH

Item 17. Consideration of Texas Natural Resource Conservation Commission agreed order requiring certain actions of Beaumont HSC Development Corp.; Account No. JE-0384-Q. (Cregg)

Issue Agreed Order, PR/JH

Item 18. Consideration of Texas Natural Resource Conservation Commission agreed order requiring certain actions of Bonar Packaging, Incorporated; Account No. SK-0043-p. (Ehresman)

Issue Agreed Order, PR/JH

Item 19. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain action of Brown and Root Services Corporation; Account NO. EE-0763-H. (Hudson)

Issue Agreed Order, PR/JH

Item 20. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Car-Trucks Etc.; Account No. HG-4572-H. (Gregg)

Issue Agreed Order, PR/JH

Item 21. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Comet Cleaners; Account No. TA-2344-Q. (Gregg)

Issue Agreed Order, PR/JH

Item 22. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Dollinger Steel Company; Account No. GG-0065-F. (Gregg)

Issue Agreed Order, PR/JH

Item 23. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Goodyear Tire and Rubber Company; Account No. HV-0093-M. (Ehresman)

Issue Agreed Order, PR/JH

Item 24. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Imperial Construction and Roofing; Account No. EE-0764-F. (Hudson)

Issue Agreed Order, PR/JH

Item 25. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Miles Inc.; Account no. 0C-0004-P. (Gregg)

Issue Agreed Order, PR/JH

Item 26. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Mini-Max Construction; Account No. BL-0381-E. (Hudson)

Issue Agreed Order, PR/JH

Item 27. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Ron Schmidt's Used Cars; Account No. HG-4499-P. (Hudson)

Issue Agreed Order, PR/JH

Item 28. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Road Clipper enterprises, Inc.; Account No. TF-0056-G. (Gregg)

Issue Agreed Order, PR/JH

Item 29. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Rosa's Auto Sales; Account No. HG-4785-L. (Hudson)

Issue Agreed Order, PR/JH

Item 30. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Socio's Auto Sales; Account No. HG-4780-V. (Gregg)

Issue Agreed Order, PR/JH

Item 31. Consideration of a Texas Natural Resource Conservation Commission agreed order modifying the corrective actions required by agreed board order 92-07(SS) regarding Tarrant County Processors, Inc.; Account No. TA-0787-P. (Gregg)

Issue Agreed Order, PR/JH

Item 32. Consideration of a Texas Natural Resource Conservation Commission agreed order assessing administrative penalties and requiring certain actions of Texas By-Products, Incorporated; Account No. CP-0061-K. (Ehresman)

Issue Agreed Order, PR/JH

Item 33. Consideration of a Texas Natural Resource Conservation Commission agreed order requiring certain actions of Thorpe Insulation Services Company; Account No. HG-4564-G. (Gregg)

Issue Agreed Order, PR/JH

Item 34. Consideration of a Texas Natural Resource Conservation Commission agreed order assessing administrative penalties and requiring certain actions of Village Motors Co.; Account No. DB-3184-M. (Gregg)

Issue Agreed Order, PR/JH

EXECUTIVE SESSION

Item 35. 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.

General Counsel will do certified agenda

Item 36. 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, February 9, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item 37. Consideration of the application of American Wastewater Ltd. for a 90-day extension of Emergency Order 93-9E issued November 19, 1993 (to process grease trap waste not to exceed 50,000 gallons per day at its facility located at 250 Gellhorn, Houston, Harris County, Texas). (Type V MSW Application 2234) (Adrian)

Approve staff recommendation and extend for 90 days, PR/JH

Item 38. Consideration of the Executive Director's request for interim rates on the application of TCW Supply, Inc. for a water rate increase; docket No. 30295-R; Hutchinson County, Texas. (Baker)

Withdraw Application

Item 39. Consideration of the Dispute Resolution Specialist's Memorandum on the Application by Waste Management Texas, Inc., for amended Permit No. MSW 1307-B for operating a Type I landfill in Harris County, Texas. Recommendation: Issuance of Permit. (Forrester).

Continued to February 23, 1994