

HALL
REED
GARNER

AGENDA

Wednesday, February 16, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (First four items are Uncontested Items) (District Matter)

- Item 1. APPLICATION BY PARK CENTRAL MUNICIPAL UTILITY DISTRICT OF JEFFERSON COUNTY FOR APPROVAL OF RELEASE OF \$121,033 OF ESCROWED FUNDS AND A CHANGE IN PLANS; \$12,564,000 BOND ISSUE APPROVED MARCH 31, 1980. For Commission consideration and action. Applicant requests approval of the release of \$121,033 of escrowed funds for the construction of wastewater facilities and approval of the change in plans for use of escrowed funds. (Ferguson)

Approved, PR/PG

UNCONTESTED (Water Utility Matters)

- Item 2. Application of Dale Haggard to Transfer a Portion of Water CCN No. 12416 from Mrs. T. P. Stewart dba Stewart Water; Amend CCN No. 12416; and Obtain a CCN in Cass County, Texas. (Application # 30096-S, Vera Poe)

Approved, PG/PR

- Item 3. Application of Starr County WCID No. 2 to amend Water Certificate of Convenience and Necessity No. 12717 in Starr County, Texas. (Application # 30213-C, Darrell Nichols)

Remand to Staff

UNCONTESTED (Settled Hearing)

- Item 4. Consideration of Examiner's memorandum concerning the application of Quixx Corp. dba Amarillo Railcar Services for Permit No. 03581 to authorize the disposal by irrigation of treated industrial wastewater effluent in Potter County, Texas. Recommendation: Issuance of Permit. (WOOD)

Adopt Examiner's Memorand and Issue Permit, PR/PG

CONTESTED (Solid Waste Enforcement)

- Item 5. 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 South Hampton refining Company; Texas Solid Waste Registration No. 30672 (WILSON)

Remand to Office Hearing's Examiner

CONTESTED (Water Quality Enforcement)

- Item 6. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of the City of Chandler, TNRCC Permit No. 11012-001. (Roxanne Cook)

Issue Agreed Order, PG/PR

- Item 7. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Requiring Certain Actions of the City of Oglesby, TNRCC Permit No. 10914-001. (Winter/Watson)

Issue Agreed Order, PG/PR

- Item 8. Consideration of a Texas Natural Resource Conservation Commission Agreed Order assessing administrative penalties and requiring certain actions of Thomas Gartner, expired Permit NO. 12697-001. (Keils/Cook)

Issue Agreed Order, PG/PR

CONTESTED (Waste Management Plan)

- Item 9. Consideration of a Proposed Regional Solid Waste Management Plan submitted by the Houston-Galveston Area 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). (Stephen Dayton)

Adopt Regional Solid Waste Management Plan, PR/PG

CONTESTED (Adoption Of State Implementation Plan (SIP))

Item 10. Adoption of Revisions to the State Implementation Plan (SIP) regarding Inspection/Maintenance (I/M) program in Ozone Nonattainment Areas to add model years for High-Tech (IM240) Vehicle Emissions testing in the Houston/Galveston and El Paso areas. (Russ Baier)

Adopt State Implementation Plan as recommended by staff, PG/PR

CONTESTED (Rules)

Item 11. CONSIDERATION AND ADOPTION OF AMENDMENTS TO RULES CONTAINED IN §305.53 RELATING TO FEES FOR WASTEWATER DISCHARGE PERMITS. (MINICK)

Adopt Amendments as recommended by staff, PR/PG

CONTESTED (Certified Question)

Item 12. Consideration of Certified Question Concerning Application of Subtitle D of the Federal Resource Conservation and Recovery Act and the Texas Natural Resource Conservation Commission's Rules Implementing Subtitle D through Permitting to Pending Applications for Solid Waste Landfill Permits files before October 9, 1993, but finally decided after December 17, 1993. These pending applications are for permits or permit amendments: Williamson County (Permit No. MSW1405-A); East Texas Landfill, Inc. (Permit No. MSW 2140); Laidlaw Waste Systems, Inc. (Permit No. MSW 2145); Fort Bend County (Permit No. MSW 1554-A); Waste Management of Texas, Inc. (Permit No. MSW 42-C); Sentry Environmental, L.P. (Permit No. MSW 2171); Madden Road Landfill L.P. (Permit No. MSW 2110); Hidalgo County, (Permit No. MSW 1593); City of Carrizo Springs, (Permit No. MSW 2225); USA Waste Services, Inc. (Permit No. MSW 1745-A); City of Irving, (Permit No. MSW 1394-A); Hardin County, (Permit No. MSW 2214).

Contested applications are required to meet Subtitle D as part of hearing requirements, should they not meet Sub D which would cause delay in application process other than East Texas Landfill and Williamson County, Office Hearing's Examiner brings them back to staff. Any special conditions will go before the commission. Those cases in which evidentiary hearing is closed they will go before commission on agenda as scheduled. JH/PR

EXECUTIVE SESSION

Item 13. 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.

Did not meet in executive session

Item 14. 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.

Did not meet in executive session

(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.)