

HALL  
REED  
GARNER

UNCONTESTED AGENDA

Wednesday, February 23, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (**Temporary Variance**)

- Item 1. REQUEST BY CITY OF QUITMAN for a temporary variance to the existing water quality standards for Dry Creek in Segment No. 0515 of the Sabine River Basin. The variance would authorize a three year period in which to conduct a water quality study of Dry Creek. 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, PG/PR

UNCONTESTED (**New Water Quality Permit**)

- Item 2. APPLICATION BY AXTELL INDEPENDENT SCHOOL DISTRICT for a permit (Proposed Permit No. 11576-02) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 16,000 gallons per day. The proposed wastewater treatment facility will serve an Axtell Independent School District elementary school. The wastewater treatment facilities are at a point 2,500 feet northeast of the intersection of Farm-to-Market Road 1330 and St. Louis Southwestern Railway, near the Community of Axtell, McLennan County, Texas.

Remand to Office Hearing's Examiner

UNCONTESTED (**Amendment to Water Quality Permit**)

- Item 3. APPLICATION BY ETHYL CORPORATION for an amendment to Permit No. 00492 to authorize an increase in the discharge of treated process water commingled with treated sewage effluent, stormwater runoff and previously monitored effluent from a volume not to exceed 3,600,000

gallons per day to a volume not to exceed 6,164,000 gallons per day via Outfall 001. The proposed amendment also authorizes the addition of eight new outfalls (Outfall 002, 003, 004, 005, 101, 201, 301 and 401). Internal Outfalls 101, 201, 301 and 401 regulates intermittent, flow variable discharges of stormwater from the lead alkyl blending area and effluent from the lead treatment tanks. External Outfalls 002, 003, 004 and 005 regulates intermittent discharges of stormwater. The applicant currently operates the Houston Plant which manufactures industrial organic and inorganic chemicals. The plant site is at 1000 N. South Street in the City of Pasadena, Harris County, Texas.

Approved, PG/PR

**UNCONTESTED (Permit Renewals)**

Item 4. APPLICATION BY CITY OF QUITMAN for renewal of Permit No. 10254-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 456,000 gallons per day. The wastewater treatment facilities are approximately 0.3 mile west-northwest of the intersection of State Highway 37 and State Highway 154 (City of Quitman) and 700 feet north of State Highway 154 in Wood County, Texas.

Approved, PG/PR

Item 5. APPLICATION BY CITY OF SINTON for renewal of Permit No. 10055-01 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed 800,000 gallons per day from the Sinton Wastewater Treatment Plant. The plant site is south of Chiltipin Creek between Highway 77 and the Missouri Pacific Railroad tracks in San Patricio County, Texas.

Approved, PG/PR

Item 6. APPLICATION BY SOUTHLAKE PLAZA II LIMITED PARTNERSHIP (formerly Lemont Federal Savings Association, RTC) for renewal of Permit No. 13315-01 which authorizes disposal of treated domestic sewage effluent by subsurface disposal on 10,000 square feet of land. The disposal volume is not to exceed an average of 1,500 gallons per day. The wastewater treatment facility and subsurface disposal site are at the Southlake Plaza Shopping Center at the northwest corner of the intersection of Shady Lane and Northwest Parkway East (State Highway 114) in Tarrant County, Texas.

Approved, PG/PR

UNCONTESTED (Water Right Permit)

- Item 7. Application No. 23-838B By East Rio Hondo Water Supply Corporation, for a Texas Water Code Section 11.122 Water Use Permit Application. Amendment to Certificate No. 23-838, as amended, to change purpose of use of 300 acres of Class A irrigation water rights to 375 acre-feet of municipal water rights and to change the point of diversion and place of use, Rio Grande, Rio Grande, Cameron County, Texas.

Approve Staff Recommendation, JH/PR

UNCONTESTED (District Matters)

- Item 8. APPLICATION BY HURST CREEK MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY FOR APPROVAL TO LEVY A STANDBY FEE; \$4,525,000 BOND ISSUE APPROVED NOVEMBER 30, 1988. For Commission consideration and action. Applicant requests Commission approval of a standby fee to supplement its operation and maintenance account. (Ferguson)

Approved, PR/JH

- Item 9. APPLICATION BY GREENS PARKWAY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO LEVY A STANDBY FEE; FOR APPROVAL TO LEVY A STANDBY FEE. For Commission consideration and action. Applicant requests approval of a uniform standby fee of \$1,572 per acre per year (\$468,476 Annual Revenue) for debt service and \$609 per acre per year (\$181,577 Annual Revenue for operations and maintenance for the years 1993, 1994, and 1995. (Ferguson).

Remand to Office Hearing's Examiner

- Item 10. APPLICATION BY TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 17 FOR APPROVAL OF THE ISSUANCE OF \$70,000 IN UNLIMITED TAX BONDS, SERIES 1994-A COMANCHE TRAIL DEFINED AREA; 6.50% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant requests approval to issue bonds to finance project design and engineering costs for the expansion of the District's existing water supply distribution system.

Approved, PR/JH

UNCONTESTED (Water Utility Matters)

- Item 11. Application of Kelly Lane Utility Company, Inc., to

Decertificate a Portion of Sewer CCN No. 20720 in Travis and Williamson Counties, Texas. (Application # 30301-Q, Darrell Nichols)

Approved, PG/PR

Item 12. Application of Erven Heiligmann dba Whispering Oaks Water Works to Transfer Water CCN No. 12446 in Gillespie County, Texas. (Application # 30183-S, Vera Poe)

Approved, PG/PR

Item 13. Application of Glendale Water Supply Corporation to Transfer Water CCN No. 11790 from SAR Water Company, Inc.; Amend Water CCN No. 11224; and Cancel Water CCN No. 11790 in Trinity County, Texas. (Application # 30258-S, Albert Holck)

Approved, PG/PR

**UNCONTESTED (Settled Hearing)**

Item 14. Consideration of Examiner's Memorandum concerning the consolidated applications of the City of Fort Worth and the City of Weatherford for water rights in the Benbrook Reservoir, Applications Nos. 2126A and 4240, Joint Motion of parties requesting dismissal of their applications. Recommendation: Accept parties' withdrawals and dismiss. (CRAVEN)

Adopt Examiner's Memorandum, 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, February 23, 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 Quantum Tech, Inc.; Texas Solid Waste Registration No. 38577. (HALL)

Remand to Executive Director

**CONTESTED (Water Quality Enforcements)**

- Item 2. Consideration of Executive Director's Preliminary Assessment of Substantial Noncompliance and Order Finding Substantial Noncompliances and Finding No Further Necessary Action Pursuant to the Texas Water Code Section 5.117 for Katy Independent School District, 12110-001; City of Kosse, 11405-01; City of Menard, 10345-001; City of Redwater, 10926-001; Quantum Chemical Corporation, 02175; Texas Department of Criminal Justice, 11180-001; Little Cypress-Mauriceville Consolidated ISD, 11094-001 and 11094-002; City of Bullard; 11787-01; and the United States Department of the Army, 02230. (Ray Winter, Laurie Jelinek)

Issue No Action Orders, PG/PR

**CONTESTED (Rules)**

- Item 3. Adoption of Change to Rule 30 TAC Section 114.21, concerning Employer Trip Reduction Program. (Baier)

Adopted Changes as Recommended, PR/PG

**CONTESTED (State Implementation Plan)**

- Item 4. Consideration of authorization for public hearings on proposed revisions to the Sulfur Dioxide State Implementation Plan for Harris County which will include the use of Agreed Orders to restrict sulfur dioxide allowable emission rates for 22 grandfathered plants in southeast Harris County.

Approve Staff Recommendation, PR/PG

**CONTESTED (Resolution)**

- Item 5. Resolution to Adopt Test Fees Required for the Inspection/Maintenance (I/M) Program for Each of the Ozone Non-

attainment Areas. (Baier)

Continued to March 9, 1994

**CONTESTED (Memorandum of Understanding)**

Item 6. Adoption of Memorandum of Understanding with the Texas Department of Transportation.

Adopt Memorandum of Understanding, PG/PR

**CONTESTED (Examiner's Proposal for Decision)**

Item 7. Consideration of Examiner's Proposal for Decision & Order concerning the application of Browning-Ferris, Inc. for an amendment to Permit No. 02907 to authorize the discharge of variable volumes of intermittent stormwater runoff in Dallas County, Texas, and Segment No. 0805 of the Trinity River Basin. Recommendation: Issuance of permit. (Rogan).

Adopt Examiner's Proposal for Decision and Issue Order, PG/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

(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 23, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item 10. Consideration of proposed repeal of 30 TAC Section 317.2 and adoption of new 30 TAC Section 317.2 concerning design of sewerage collections systems. (Hank Smith)

Adopt New 30 TAC Section 317.2, PR/PG

Item 11. Consideration and Adoption of new 261.13 relating to inscriptions on state-owned vehicles. (Ballard)

Adopt New 261.13, PG/PR



CONTESTED OLD BUSINESS

Wednesday, February 23, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from February 9, 1994 agenda.

- Item 1. 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).

Approve, JH/PR

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, February 23, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item 12. Consideration of applicant's written response to the Commission's directives made at the Agenda meeting of January 26, 1994, and proposed order prepared by the General Counsel. The applicant submitted a letter to the General Counsel which requests authority to withdraw its application without prejudice, and which agrees to pay certain litigation costs incurred by protestants. Application of Madden Road Limited Partnership, Inc. for Permit No. MSW 2110 to authorize the operation of a municipal solid waste type I site in Fort Bend County, Texas.

Approve Proposed order subject to agreement of all Parties, PR/PG