

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, March 16, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (**Class 2 Modification**)

- Item 1. Consideration of an application by E.I. DUPONT DE NEMOURS & CO., INC. - LA PORTE for a Class 2 permit modification to Permit No. HW-50213 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial solid waste storage and processing facility for the management of hazardous and non-hazardous waste. The permit modification authorizes treatment of several additional waste streams in three existing facility units. The facility is located on Strang Road 10,000 feet east of the intersection of Miller Cut-off Road and State Highway 225 in La Porte, Harris County, Texas.

Approved, JH/PR

UNCONTESTED (**Class 3 Modification**)

- Item 2. Consideration of an application by EXXON COMPANY U.S.A. - BAYTOWN for a Class 3 permit modification to Permit No. HW-50111 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial hazardous and non-hazardous waste storage and processing facility. The permit modification authorizes (1) Delay of Closure for five surface impoundments and (2) continued use of the five non-MTR retrofitted surface impoundments as non-hazardous impoundments. The facility is located at 2800 Decker Drive on approximately 2624 acres near Baytown, Harris County, Texas.

Continued to April 27, 1994

UNCONTESTED (**Water Quality Permit Renewal**)

- Item 3. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 229 for renewal of Permit No. 12559-01 which authorizes the discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow

of 750,000 gallons per day. The renewed permit has decreased the flow to a final volume not to exceed an average flow of 150,000 gallons per day. The wastewater treatment facilities are east of and adjacent to Willowbrook Lane, approximately 150 feet north of Mills Road and 3000 feet west of the intersection of Mills Road and Farm-to-Market Road 149 in Harris County, Texas.

Approved, JH/PR

Item 4. APPLICATION BY CITY OF MORGAN'S POINT for renewal of Permit No. 10779-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day. The wastewater treatment facilities are at the southwest corner of the intersection of Barbours Cut Blvd. and N. Wilson Street in Harris County, Texas.

Approved, PG/PR

UNCONTESTED (Water District Matters)

Item 5. APPLICATION BY FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 2 FOR APPROVAL OF \$5,620,000 UNLIMITED TAX BONDS, FOURTH ISSUE, 6.26% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration and action. The District's application requests Commission approval of a bond issue to finance construction of a flood protection levee, pump station and outfall, and improvements to various drainage facilities. (Ferguson)

Approved, PR/PG

Item 6. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55 FOR APPROVAL OF \$3,735,000 UNLIMITED TAX BONDS, TWELFTH ISSUE, 6.21% 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 Blackhawk Lift Station repairs & improvements; water plant improvements; purchase of 120,000 gpd of additional surface water plant capacity; Heritage Park Section 20 detention facility & outfall structure including utility relocations; and water, wastewater & drainage facilities for Heritage Park Sections 19 & 20. (Ferguson)

Approved, PR/PG

UNCONTESTED (Settled Hearings)

Item 7. Consideration of Examiner's memorandum concerning the application of Clint Independent School District for Permit No. 13667-001 to authorize the discharge of 0.050 mgd of treated domestic wastewater effluent in El Paso County, Texas, and Segment No. 2307 of the Rio Grande River Basin. Recommendation: Issuance of permit. (Bateman)

Adopt Examiner's memorandum, PR/PG

Item 8. Consideration of Examiner's memorandum concerning the application of Phil Bradbury dba Phil Bradbury Dairy for Permit No. 03460 to authorize disposal by irrigation in Hamilton County, Texas. Recommendation: Dismissal of application. (TODD)

Adopt Examiner's Memorandum, PR/PG

Item 9. Consideration of Examiner's Memorandum concerning the application of Town of Buckholts for a renewal of Permit No. 11875 to authorize the discharge of 100,000 gallons per day of treated domestic wastewater effluent in Milam County, Texas, and Segment No. 1313 of the Brazos River Basin. Recommendation: Issuance of permit. (O'Neal)

Adopt Examiner's Memorandum, PR/PG

Item 10. Consideration of Examiner's Memorandum concerning the application of Villas on Travis Condominium Owners Association for amendment and renewal of Permit No. 11532-001 to authorize discharge of treated domestic wastewater at a volume of not to exceed 42,000 gallons per day in Travis County, Texas, and Segment No. 1404 of the Colorado River Basin. Recommendation: Issuance of permit. (Rogan)

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.)

UNCONTESTED OLD BUSINESS

Wednesday, March 16, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 9, 1994

- Item 1. Consideration for adoption of a Resolution relating to the membership of the Texas Natural Resource Conservation Commission's Task Force for the 21st Century and the Municipal Solid Waste Management and Resource Recovery Advisory Council and to the creation and membership of the Advisory Committee for Water Utility Operator Certification. (Haley)

Continued to March 23, 1994

CONTESTED AGENDA

Wednesday, March 16, 1994

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 Atlanta, TNRCC Permit No. 10338-001. (Roberts)

Issue Agreed Order, PG/PR

- Item 2. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Guardian Savings and Loan Association, No TNRCC Permit. (Campbell)

Issue Agreed Order, PG/PR

- Item 3. Consideration of a proposed agreed order resolving an enforcement action brought against Robert Pine dba Willow Manor Mobile Home Park, for violations of the Texas Water Code, Texas Health & Safety Code and Commission Rules, Assessing Administrative Penalties and requiring certain Actions for Violations of the Texas Water Code. (Petrov/Manning)

Issue Agreed Order, PG/PR

- Item 4. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of International Estate Corporation, No TNRCC Permit. (Rasberry)

Issue Agreed Order, PG/PR

CONTESTED (**Municipal Solid Waste**)

- Item 5. Consideration of Application of City of Irving for amendment to municipal solid waste permit No. 1394 to authorize increased depth of excavation and height of aerial fill at a Type I (landfill) facility which stores, processes and disposes of municipal solid waste at a rate averaging 180 tons per day in Dallas County, Texas. Recommendation: Denial of Request for Hearing, Issuance of Permit. (Arenson, Ligarde)

Deny Request for Hearing and Issue Permit, JH/PG

CONTESTED (Rules)

Item 6. Consideration of the Emergency Adoption of amendments and a new section for Title 30 Texas administrative code, Chapter 330, subchapters A And E, Municipal Solid Waste Rules relating to the processing of Liquid Waste; and consideration of Proposed rulemaking for proposed amendments and a proposed New Section for title 30 Texas Administrative Code, Chapter 330, Subchapters A and E, Municipal Solid Waste Rules relating to the processing of Liquid Waste. (These emergency and proposed rules are intended to encourage the establishment of new facilities which process certain liquid wastes such as grease and grit trap waste. (Wayne Lee/Robin Smith)

1. Look at registering processing facilities at existing landfill as a means of addressing problems short term.
2. Proceed to the Register for comments on those portions of proposed rules relating to the handling of car wash waste, and separate from the regulatory track. The staff contact the operators of landfills and ask them to consider making their facilities available for this type of waste in light of the new federal mandate that goes into effect in April 1994.
JH/PR

CONTESTED (Proposal for Decisions)

Item 7. Consideration of Examiner's Proposal for Decision and Order concerning the petition of Kirby Benson for reimbursement from the Commission's PST Fund or Petroleum Storage Tank Remediation Fund. Recommendation: Denial of Reimbursement. (CRAVEN)

Adopt Proposal for Decision, overrule all exceptions and correct finding of facts as noted by Hearing Examiner. JH/PG. Pam Reed
Opposed

Item 8. Consideration of Examiner's Proposal for Decision concerning the petition of Greystone Country Estates for a Review of Extension fees to provide water service in Bexar County, Texas (Docket No. 9954-X). Recommendation: Set extension fee.

Adopt Examiner's Proposal for Decision and the Executive Directors exceptions be adopted to show a change in order to reflect changes as recommended by Executive Direct. JH/PR. Peggy Garner absent for Item 8.

EXECUTIVE SESSION

Item 9. 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 10. 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, March 16, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.
Room 118

Item carried forward from agenda of February 23, 1994 and March 9, 1994.

- Item 1. Resolution to Adopt Test Fees Required for the Inspection/Maintenance (I/M) Program for Each of the Ozone Non-attainment Areas. (Baier)

Continued to April 15, 1994 Policy Agenda. At the time this item is to be considered by the Commission, Commissioners would like a briefing on the EPA and staffs discussion regarding test fees.