

HALL  
GARNER  
REED

UNCONTESTED AGENDA

Wednesday, July 13, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (Class 2 Modifications)

- Item 1. Consideration of an application by ROLLINS ENVIRONMENTAL SERVICES (TX), INC. for a Class 2 permit modification to Permit No. HW-50089-001 in accordance with 30 TAC Section 305.69. The permit authorizes operation of a commercial industrial and hazardous waste storage, processing, and disposal facility. The permit modification authorizes revisions to the facility's waste analysis plan. The facility is located at 2027 Battleground Road in Deer Park, Harris County, Texas.

APPROVED APPLICATION; PR/PG.

- Item 2. Consideration of an application by CROWN CENTRAL PETROLEUM CORPORATION - PASADENA FACILITY for a Class 2 permit modification to Permit No. HW-50112 and to Compliance Plan No. CP-50112 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial and hazardous waste storage and processing facility. The permit and compliance plan modifications authorize several requested changes. The facility is located at 111 Red Bluff Road in Pasadena, Harris County, Texas.

APPROVED APPLICATION; PG/PR.

UNCONTESTED (Class 3 Modifications)

- Item 3. Consideration of an application by GULF COAST WASTE DISPOSAL AUTHORITY - CAMPBELL BAYOU FACILITY for a Class 3 permit modification to Permit No. HW-50133-001 in accordance with 30 TAC Section 305.69. The permit authorizes operation of a commercial industrial and hazardous waste storage and disposal facility. The permit modification authorizes the construction and operation of new waste management units for the storage and disposal of industrial non-hazardous waste. The

facility is located at 1600 Campbell Bayou Road in Texas City, Galveston County, Texas.

APPROVED APPLICATION; PR/PG.

- Item 4. Consideration of an application by E.I. DU PONT DE NEMOURS & CO., INC. - BEAUMONT WORKS for a Class 3 modification to Compliance Plan CP-50166 in accordance with 30 TAC Section 305.69. The compliance plan modification authorizes changes in the ground-water recovery system and in the designation of additional monitor wells and recovery wells. The facility is located on State Highway 347, six miles southeast of Beaumont, Jefferson County, Texas.

APPROVED APPLICATION; PR/PG.

**UNCONTESTED (District Matters)**

- Item 5. APPLICATION BY BILMA PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$3,735,000 UNLIMITED TAX AND REVENUE BONDS, THIRD ISSUE, 6.72% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance temporary drainage swales, Hendrick storm sewer, Fellowship Lane trunk utilities, water plant no. 1 expansion B, wastewater treatment plant phase 1, water & wastewater plant site costs, miscellaneous electrical and drainage improvements, and water, wastewater, and drainage facilities for Spring Creek Oaks Section 4, Woods of Spring Creek Oaks, and Oaks of Spring Creek. (Ferguson)

APPROVED APPLICATION; PG/PR.

- Item 6. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 316 FOR APPROVAL OF \$2,700,000 UNLIMITED TAX BONDS, FIRST ISSUE, 6.9% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. The District's application requests Commission approval of a bond issue to finance water, wastewater & drainage facilities for Wimbledon Champions Section 1 and Wimbledon Champions Gardens, drainage improvements, a water interconnect, wastewater force main, and wastewater treatment capacity. (Ferguson)

APPROVED APPLICATION; PR/PG.

- Item 7. APPLICATION BY BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 4; FOR APPROVAL OF AN EXTENSION OF BOND APPROVAL; \$1,710,000 BOND ISSUE APPROVED MAY 20, 1993. For Commission consideration. District is requesting approval of a one year extension of time of approval to sell bonds. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 8. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 322 FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration. Applicant requests approval of the fire protection plan and approval of contract providing fire-fighting services. (Ferguson)

APPROVED APPLICATION; PG/PR.

Item 9. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 354 FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration. Applicant requests approval of the fire protection plan and approval of contract providing fire-fighting services. (Ferguson)

APPROVED APPLICATION; PR/PG.

Item 10. PETITION BY JIMJUDY LAND COMPANY REQUESTING APPOINTMENT OF DIRECTORS FOR HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 205. For Commission consideration. Petitioner requests the Commission to appoint Paul W. Fuchs and Andrew P. Sloan for four-year terms ending May 6, 1996, and Garland L. Bridges, David Carpenter and Barry H. Ballard for four-year terms ending May 2, 1998, as directors serving Harris Co. MUD No. 205. (Ferguson)

APPROVED APPLICATION; PG/PR.

**UNCONTESTED (Water Utility Matters)**

Item 11. Application of Cone Water Supply Corporation for a Water Certificate of Convenience and Necessity in Crosby County, Texas (Application # 30222-C, Albert Holck)

APPROVED APPLICATION; PR/PG.

**UNCONTESTED (Water Right Matter)**

Item 12. APPLICATION NO. 5444 BY GUADALUPE RIVER R. V. RESORT, INC. FOR A WATER USE PERMIT PURSUANT TO TEXAS WATER CODE §11.121. FOR COMMISSION ACTION. Applicant seeks to divert and use 100 acre-feet of water per annum from the Guadalupe River to irrigate 25.5 acres of land approximately 4 miles northwest of Kerrville, Kerr County, Texas. Commission staff recommends that the applicant be granted 10 acre-feet of water per annum, which is a realistic amount of water that could be diverted per annum with reasonable regularity and the applicant has agreed.

APPROVED APPLICATION; PG/PR.

UNCONTESTED (**On-Site Disposal**)

Item 13. Application by City of Ennis, Walker County, and Young County for Authorized Agent status to regulate on-site disposal systems within their jurisdiction.

APPROVED APPLICATION; PR/PG.

UNCONTESTED (**Examiner's Settled Hearings**)

Item 14. Consideration of Examiner's Memorandum and Order concerning the Petition of San Jacinto Utility Company, Inc. for an Order to Compel Johnson County Rural Water Corporation to Terminate water utility service for nonpayment of sewer utility service in Johnson County, Texas. (Docket No. 30144-X) Recommendation: Adoption of agreement of parties. (McClellan)

APPROVED APPLICATION; PR/PG.

Item 15. Consideration of Examiner's Memorandum and Order concerning the Application of Suburban Utilities Co., Inc. for an Amendment to Certificate of Convenience and Necessity No. 11943 and a Transfer of Certificate of Convenience and Necessity No. 11415, to Provide Water/Sewer service in Hood County, Texas. (Docket No. 30265-S) Recommendation: Adoption of Agreement of Parties. (Rogan)

APPROVED APPLICATION; PR/PG.

Item 16. Consideration of Examiner's Memorandum and Order concerning the application of Hill Country N.W. Water Supply to increase retail water rates in Travis County, Texas (Docket No. 30210-R). Applicant provides retail water service to approximately 206 customers. Recommendation: Adoption of agreement of parties. (BATEMAN)

APPROVED APPLICATION; PR/PG.

Item 17. Consideration of Examiners Memo and Order concerning the Application of Country Terrace Water Company Inc to Increase retail Water and Sewer rates in Harris Co., Texas (docket no. 30306-R). Applicant provides retail/wholesale water and sewer service to approximately 220 Customers. Recommendation: Adoption of agreement of parties. (Zukauckas)

APPROVED APPLICATION; PR/PG.

Item 18. Consideration of Examiner's Memorandum and Order concerning the application of TCW Supply, Inc. to increase retail water rates in Hutchinson County, Texas (Docket No. 30295-R). Applicant provides retail water service to approximately 760 customers. Recommendation: Adoption of agreement of parties. (BATEMAN)

APPROVED APPLICATION; 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, July 13, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

CONTESTED (**Water Quality Enforcements**)

- Item 1. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of the City of Port Arthur, Permit No. 10364-001, (Snelson/Main)

Continued to July 27, 1994

- Item 2. (**Docket 94-0103-IWD-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Eddie D. Melasky dba Melasky Dairy, No Permit (Clayborn)

Issue Agreed Order, PG/PR

- Item 3. (**Docket No. 94-0152-IWD-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of RTC, No TNRCC Permit. (Campbell)

Issue Agreed Order, PG/PR

- Item 4. (**Docket No. 94-0219-IWD-E**). Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Crown Central Petroleum Corporation, SWR. 30311, for violations of the Texas Health and Safety Code Chapter 361, the Texas Water Code, and 30 Texas Administrative Code Chapter 335 pertaining to industrial and hazardous waste. (Castañuela/LaRue)

Issue Agreed Order, PG/PR

- Item 5. (**Docket No. 94-0216-MWD-E**). Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties against River Inn Resort. (Rubey)

Issue Agreed Order, PG/PR

CONTESTED (**Municipal Solid Waste Enforcement**)

Item 6. **(Docket No. 94-0206-MSW-E)**. Consideration of a Texas Natural Resource Conservation Commission agreed order assessing administrative penalties and requiring certain actions of City of Brownsville; Municipal Solid Waste Permit No. 1273; (VICKERY)

Issue Agreed Order, PR/PG

Item 7. **(Docket No. 94-0207-MSW-E)**. Consideration of a Texas Natural Resource Conservation Commission agreed order assessing administrative penalties and requiring certain actions of Lagrange Concrete and Aggregate, Inc.; Municipal Solid Waste Disposal Site No. 34028; (VICKERY)

Issue Agreed Order, PR/PG

Item 8. **(Docket No. 94-0091-MSW-E)**. Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties against Merco Joint Venture, Registration No. 710565. (Rubey)

Issue Agreed Order, PR/PG

**CONTESTED (Remedial Investigation/Feasibility Study)**

Item 9. Consideration of a proposed agreed order with Exxon Chemical Americas to conduct a remedial investigation/feasibility study at the La Pata Oil State Superfund Site.

Issue Agreed Order, PG/PR

**CONTESTED (Rules)**

Item 10. Consideration and adoption of amendments to 30 TAC §330.801 - 330.889, AND 330.900 - 330.939, concerning the Waste Tire Recycling Fund Program, as published in the April 17, 1994, Texas Register. (SIDNELL)

Continued to July 27, 1994

Item 11. Consideration of adoption of 30 TAC Chapter 334, Subchapter L and amendments to 30 TAC 334.2 regarding audits of overpayments from the Petroleum Storage Tank Remediation Fund. (Raymond Winter).

Approve Staff Recommendations with changes as recommended by Chairman Hall, PR/PG

Item 12. Consideration of a petition from the Outdoor Power Equipment Institute to rescind or amend the Texas Natural

Resource Conservation Commission Utility Engine Rule  
(Sections 115.621-625). (Karen Kirkpatrick)

See Item #25

Item 13. Consideration of the Repeal of Section 101.28, Asbestos Notification Fee, concerning the assessment of fees based on the reporting requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP) (for Asbestos) promulgated in 40 Code of Federal Regulations Part 61, Subpart M.

Approve Staff Recommendation, PG/PR

Item 14. Adoption of an amendment to 30 TAC Section 114.1(b)(3)(A) relating to the Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles. On May 9, 1994, the Commission passed a resolution concerning the enforcement of 114.1(b)(3)(A), pending its deletion.  
(Russ Baier)

Approve Staff Recommendation, PR/PG

Item 15. Consideration on Adoption of Rules for Chapter 115, relating to the Control of Air Pollution from Volatile Organic Compounds, which Pertain to Alternate Means of Control and Early Reductions.  
(Karen Kirkpatrick)

Approve Staff Recommendation, PG/PR

Item 16. Adoption of Proposed Revisions to Chapter 101 (concerning General Rules) regarding new definitions and Chapter 116 (concerning Regulation of Air Pollution by Permits for New Construction and Modification) regarding general conditions and bilingual public notice. (Karen Kirkpatrick)

See Item #23

**CONTESTED (Waste Tire Processing Audits)**

Item 17. Presentation by Deloitte and Touche and discussion regarding audits of registered Waste Tire Processing Facilities performed by Deloitte and Touche under Contract with TNRCC. Audits performed on the following: Safe Tire Disposal Corp. of Texas - Midlothian; Safe Tire Disposal Corp. of Texas - San Antonio; Safe Tire Disposal Corp of Texas - Penwell; Gibson Recycling, Inc., Atlanta, Texas; Tiregator, Inc., Haltom City, Texas. Commission staff will give overview of Waste Tire Recycling Fund

Program and discuss current status of program. No Commission action requested. (Gordon\Mooney, Deloitte and Touche).

No Action Taken

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

Item 18. Consideration of Examiner's Proposal for Decision & Order concerning the application of American Milk Producers, Inc. for an amendment to Permit No. 03074 to authorize the disposal by irrigation of 200,000 gpd of treated industrial wastewater effluent in Erath County, TX, and Segment No. 1229 and 1226 of the Brazos River Basin. Recommendation: Issuance of amendment. (Limes)

See Item #24

**EXECUTIVE SESSION**

Item 19. 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 20. COMMISSIONERS WILL MEET IN EXECUTIVE SESSION TO DISCUSS THEIR DUTIES, ROLES, AND RESPONSIBILITIES AS COMMISSIONERS OF THE TNRC 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 TNRC 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, July 13, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of May 18, 1994 and June 29, 1994.

- Item 1. Consideration of authorizing the Executive Director to enter into agreement with IT/DAVY Joint Venture, a prime contractor, for the contract for remediation services for the soil and groundwater remediation phase, of the Texarkana Wood Preserving Company Superfund Site.

No Action Required

Item carried forward from Agenda of June 29, 1994.

- Item 2. **(Docket No. 94-0179-SWD-E)**. Consideration of an Agreed Order resolving an Enforcement Action brought against Dowell Schlumberger, Inc. -- Midland for Violations of the Texas Solid Waste Disposal Act, TEX.HEALTH AND SAFETY CODE ANN. Chapter 361 (Vernon Pamph. 1992), the Texas Water Code, TEX. WATER CODE ANN. Chapter 26 (Vernon Pamph.1992) and the Rules of the Texas Natural Resource Conservation Commission; Assessing Administrative Penalties and Requiring Certain Actions of Dowell Schlumberger, Inc. -- Midland. (Grunberger)

Issue Agreed Order, PG/PR

ADDENDUM TO CONTESTED AGENDA

Wednesday, July 13, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:00 a.m.  
Room 118

Item 21. Consideration of the issuance of an Emergency Order to the Texas Department of Criminal Justice - Coffield Prison Unit to authorize an increase in its permitted wastewater discharge from 1,300,000 to 1,600,000 gallons per day in Anderson County, Texas. Permit No. 10823-001 (Geoff Petrov)

Issue Emergency Order, PR/PG

Item 22. Consideration of the Appeal of the Executive Director's decision to call a contested case hearing on the renewal of Air Quality Permit No. 5633a Held by Occidental Chemical Corporation for its barge loading dock facility in Corpus Christi, Texas. (Susan White)

Deny Appeal, but hold a meeting with Protestants and Occidental Chemical Corporation, PR/JH

Item 23. Consideration of Adoption of Proposed Revisions to Chapter 101 (concerning General Rules) regarding new definitions and Chapter 116 (concerning Regulation of Air Pollution by Permits for New Construction and Modification) regarding general conditions and bilingual public notice. (Karen Kirkpatrick) (This item is being reposted to correct language in the caption from Item #16.)

Approve Staff Recommendation, PG/JH

Item 24. Consideration of Examiner's Proposal for Decision & Order concerning the application of Associated Milk Producers, Inc. for an amendment to Permit No. 03074 to authorize the disposal by irrigation of 200,000 gpd of treated industrial wastewater effluent in Erath County, TX, and Segment No. 1229 and 1226 of the Brazos River Basin. Recommendation: Issuance of amendment. (Limes) (This item is being reposted to correct language in the caption from item 18.)

Adopt Examiner's Proposal for Decision and Issue Order with instructions to staff by Commissioner Reed, regarding Protestants Concerns, PG/JH

Item 25. Consideration for approval for the publication in the Texas Register of Proposed Amendments to 30 TAC §§115.621 & 115.625 regarding Small Internal Combustion Engines. (Beecher Cameron). (This item is being reposted to correct language in the caption form item 12.)

Publish into the Texas Register, PR/PG