

HALL
GARNER
REED

UNCONTESTED AGENDA

Wednesday, November 30, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:30 a.m.
Room 201S
Bldg. E

UNCONTESTED (Class 2 Permit Modifications)

- Item 1. **Docket No. 94-0761-IHW.** Consideration of an application by EXXON COMPANY, U.S.A. - Baytown Refinery for a Class 2 permit modification to Permit No. HW-50111 in accordance with 30 TAC Section 305.69. The permit authorizes operation of an industrial solid waste storage and processing facility. The permit modification will authorize the replacement of ten RCRA monitoring wells around the Stormwater Retention Basin. The facility is located at 2800 Decker Drive, on the south side of Decker Drive (Spur 330) and south of Interstate Highway 10 near the City of Baytown, Harris County, Texas. (Minor Hibbs)

APPROVED APPLICATION; PR/PG.

UNCONTESTED (Class 2 Modification to Compliance Plan)

- Item 2. **Docket No. 94-0798-IHW.** Consideration of an application by GATX TERMINALS CORPORATION for a Class 2 modification to Compliance Plan No. CP50054 in accordance with 30 TAC Section 305.69. The compliance plan modification authorizes the addition of the North Holding Basin to the ground-water corrective action program. The facility is located at 906 Clinton Drive in Galena Park, Harris County, Texas.

APPROVED APPLICATION; PG/PR.

UNCONTESTED (Temporary Variance)

- Item 3. **Docket No. 94-0759-IWD.** REQUEST BY THE GEON COMPANY for a temporary variance to the existing water quality standards for total copper for the Houston Ship Channel in Segment No. 1005 of the San Jacinto River Basin. The three year variance is based on a study which shows a site specific amendment to the water quality standards is

justified. If the Commission adopts the site specific standard for total copper for the Houston Ship Channel in Segment No. 1005 of the San Jacinto River Basin, The Geon Company shall apply for a permit amendment to meet the revised water quality standards. If the Commission does not approve the site specific standard prior to the expiration of the variance period, then final effluent limits based on existing water quality standards shall remain in effect. The permit may be amended to include a permit schedule to meet standards in accordance with 30 TAC Chapter 307.3(f). THE GEON COMPANY has also applied for an amendment to Permit No. 02097 to authorize an additional outfall (Outfall 003) to monitor stormwater. The proposed amendment would also increase the effluent limitations for temperature and chloroform from 105°F and 0.10 lbs/day to 140° and 0.20 lbs/day, respectively. The permit currently authorizes a discharge of treated wastewater consisting of process and utility wastewater, stormwater and domestic sewage via Outfall 001 at a volume not to exceed an average flow of 1,570,000 gallons per day plus an intermittent, flow variable discharge of stormwater, steam condensate and miscellaneous uncontaminated wastewater via Outfall 002, which will remain the same. The plant site is at 2400 Miller Cut-Off Road in the City of La Porte, Harris County, Texas. (Tom Weber)

GRANTED TEMPORARY VARIANCE; PR/PG.

UNCONTESTED (Amendment to Industrial Waste Discharge Permit)

Item 4. **Docket No. 94-0787-IWD.** APPLICATION BY FMC CORPORATION for an amendment to Permit No. 02611 in order to relocate Outfall 004 and increase the discharge of condensate, cooling tower blowdown, wash water, pressure test water, floor drains, lab wastewater and contaminated stormwater from a volume not to exceed an average flow of 38,000 gallons per day to a volume not to exceed an average flow of 41,000 gallons per day. The current permit authorizes intermittent, flow variable discharges of stormwater via Outfalls 001, 002 and 003, which will remain the same. The proposed amendment will enforce more stringent effluent limitations as needed, in order to meet existing applicable rules and regulations. The plant facility which manufactures wellhead components is at 1777 Gears Road in the City of Houston, Harris County, Texas. (Tom Weber)

APPROVED APPLICATION; PR/PG.

UNCONTESTED (District Matters)

- Item 5. **Docket Number 94-0745-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY WHARTON COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO 1; \$100,000 UNLIMITED TAX AND REVENUE BONDS, SERIES 1994, FIFTH ISSUE; 6.30% NET EFFECTIVE INTEREST RATE; PURSUANT TO V.T.C.A., TEXAS WATER CODE SECTION 51.421. For Commission consideration. The District's application requests Commission approval to issue bonds to drill a new water well and for the necessary appurtenances including connecting to the existing water system. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

- Item 6. **Docket Number: 94-0613-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 47 FOR APPROVAL OF \$7,310,000 UNLIMITED TAX BONDS, SEVENTH ISSUE, 6.92% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance purchase of District infrastructure facilities. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

- Item 7. **Docket Number 94-0627-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 18 FOR APPROVAL OF \$2,550,000 UNLIMITED TAX BONDS, 7.18% NET EFFECTIVE INTEREST RATE, SERIES 1994, THIRD ISSUE. For Commission consideration. Applicant requests approval of the issuance of \$2,550,000 in tax bonds to finance residential development projects. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

- Item 8. **Docket Number: 94-0744-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY EL PASO COUNTY LOWER VALLEY WATER DISTRICT AUTHORITY, FOR APPROVAL OF AN EXTENSION OF TIME FOR THE ISSUANCE OF \$1,444,000 UTILITY SYSTEM JUNIOR LIEN REVENUE BONDS, SERIES 1994; APPROVED BY ORDER DATED JULY 13, 1993; 7.00% NET EFFECTIVE INTEREST RATE; PURSUANT TO V.T.C.A., WATER CODE, SECTION 54.516. For Commission consideration. The Authority's application requests Commission approval of an extension of time to sell bonds to finance construction of a wastewater collection system and water line extensions to a portion of the City of Socorro. (Robert Ferguson).

APPROVED APPLICATION; PG/PR.

Item 9. **Docket Number 94-0755-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6 FOR APPROVAL OF AMENDMENT TO COMMISSION ORDER DATED JANUARY 26, 1994, AUTHORIZING THE ISSUANCE OF \$1,015,000 IN BONDS IN LIEU OF THE APPROVED \$540,000 IN UNLIMITED TAX AND REVENUE BONDS. For Commission consideration. The District's application requests Commission approval of a bond amendment for the District's bonds to finance improvements to its wastewater treatment plant. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

Item 10. **Docket No. 94-0633-DIS.** CONSIDERATION OF A PROPOSED ORDER ACTING ON THE APPLICATION BY MEMORIAL POINT UTILITY DISTRICT OF POLK COUNTY FOR APPROVAL OF \$610,000 UNLIMITED TAX AND REVENUE BONDS, THIRD ISSUE, 6.71% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. The District's application requests Commission approval of a bond issue to finance water and wastewater plant improvements, new lift station, and wastewater collection system rehabilitation. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

Item 11. **Docket Number: 94-0634-DIS.** CONSIDERATION OF A PROPOSED ORDER APPROVING THE APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 21 FOR APPROVAL OF \$2,625,000 UNLIMITED TAX BONDS, FOURTH ISSUE, 7.25% NET EFFECTIVE INTEREST RATE, SERIES 1994. For Commission consideration. Applicant requests approval of a bond issue to finance costs of water, wastewater & drainage facilities for the Industrial Blvd. extension, Schulz Engineering Tract, Industrial Park, Sugar Land Telephone Tract, Jess Pirtle Blvd., Emily Court, Eldridge Road, West Airport, Sugar Land Business Park Section 4A-1, Lakes on West Airport Section II, Eldridge East; Cleanout of Channel A-22; construction of Drainage Lateral "B"; rectification of water, wastewater and drainage facilities; construction of a detention pond; and pro rata share of bridge construction costs. (Robert Ferguson)

APPROVED APPLICATION; PG/PR.

UNCONTESTED (Water Utility Matters)

Item 12. **Docket No. 94-0702-UCR.** Approval of Coke County Water Supply Corporation to amend Water Certificate of Convenience and Necessity Number 11382 by decertification

of a portion of its service area in Coke County, Texas.
(Application # 30550-Q, Albert Holck)

APPROVED APPLICATION; PR/PG.

Item 13. **Document No. 94-0520-UCR.** Approval of Community Utility Company, Inc. to Cancel Water CCN No. 11860 in Brazoria County, Texas. (Application # 30599-Q, Albert Holck)

APPROVED APPLICATION; PR/PG.

Item 14. **Document No. 94-0520-UCR.** Approval of Community Utility Company, Inc. to Cancel Sewer CCN No. 20615 in Brazoria County, Texas. (Application # 30600-Q, Albert Holck)

APPROVED APPLICATION; PR/PG.

UNCONTESTED (Budget)

Item 15. **Docket No. 94-0804-BGT.** Consideration of budget amendments for the first quarter of FY 1995. (Bill Briggs)

CONTINUED TO DECEMBER 7, 1994 CONTESTED AGENDA AT 9:30 A.M.

UNCONTESTED (Settled Hearings)

Item 16. **Document No. 94-0720-MWD.** Consideration of Examiner's Memorandum and Order Concerning the application of E. C. Joint Venture No. 1 for Water Quality Permit application of E. C. Joint Venture No. 1 for Water Quality Permit No. 13423-01 to authorize disposal by irrigation of 100,000 gallons per day of treated domestic wastewater effluent in Williamson County, Texas, Segment No. 1244 of the Brazos River Basin. Recommendation: Dismissal of application. (Jim Bateman)

ADOPTED EXAMINER'S MEMORANDUM AND ISSUED ORDER; PG/PR.

Item 17. **Docket No. 94-0728-UCR.** Consideration of Examiner's Memorandum and Order concerning the application of John W. Wiley dba Fort Worth Land and Cattle Company for a certificate of convenience and necessity to provide water and sewer service in Parker County, Texas. Recommendation: Issuance of Order dismissing application. (ALEXANDRE BOURGEOIS)

ADOPTED EXAMINER'S MEMORANDUM AND ISSUED ORDER; PG/PR.

Item 18. **Docket No. 94-0324-AIR.** Consideration of Memorandum and Dismissal Order by Hearings Examiner concerning the

application of Ingram Readymix, Inc., for dismissal of Standard Exemption Registration Permit No. 15645C to authorize the construction of a concrete batch plant in Hays County, Texas. Recommendation: Dismissal of the application. (BILL ZUKAUCKAS)

ADOPTED EXAMINER'S MEMORANDUM AND ISSUED ORDER; PG/PR.

Item 19. **Docket No. 94-0374-AIR.** Consideration of Examiner's Memorandum concerning the application of South Texas Chlorine, Inc., Permit No. 21286, to authorize construction of a chlorine and sulphur dioxide repackaging plant in Cameron County, TX. Recommendation: Issuance of permit. (ALEXANDER BOURGEOIS)

ADOPTED EXAMINER'S MEMORANDUM AND ISSUED PERMIT; PG/PR.

(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) 239-3317 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

CONTESTED AGENDA

Wednesday, November 30, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:30 a.m.
Room 201S
Bldg E.

CONTESTED (**Water Quality Enforcement**)

- Item 1. **Docket No. 94-0105-WQ-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Gary Perdue dba Jackson Hill Marina, Permit No. 11111-001, pertaining to water quality violations. (Gene Snelson/ Karen Honer)

Approved, PR/PG

- Item 2. **Docket No. 94-0776-IWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of The City of Brownwood, Permit No. 10565-001, pertaining to water quality violations. (Gene Snelson/Pam Campbell)

Approved, PR/PG

- Item 3. **Docket No. 94-0723-MWD-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Joaquin Independent School District, No TNRCC Permit. (Lin Zhang)

Approved, PR/PG

- Item 4. **Docket No. 94-0724-SLG-E.** Consideration of a Texas Natural Resource Conservation Commission Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Montgomery County M.U.D. No. 42, TNRCC Permit No. 11963-001. (Gene Snelson, Karen Honer)

Approved, PR/PG

CONTESTED (**Petroleum Storage Tank Enforcement**)

- Item 5. **Docket No. 94-0758-PST-E.** Consideration of a TNRCC Agreed Order pursuant to Texas Water Code Section 26.136 for violation of 30 Texas Administrative Code Section

334.50(b) assessing administrative penalties and requiring certain actions of Southern Heritage, Inc.; Enforcement Identification No. E10443. (Craig Carson)

Approved, PG/PR

CONTESTED (Water Hygiene Enforcement)

Item 6. **Docket No. 94-0772-WHY-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring certain actions of Sloan Valve Company for violations of Title 30 Texas Administrative Code Chapter 20 pertaining to Water Hygiene and Section 372 of the Health and Safety Code pertaining to water saving performance standards; Docket No. 9405047 (Leslie Brown/Terry Thompson)

Approved, PR/PG

Item 7. **Docket No. 94-0771-PWS-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of the City of San Benito for violations of Title 30 Texas Administrative Code Chapter 290 pertaining to Water Hygiene and Section 341 of the Health and Safety Code pertaining to minimum standards of sanitation and health protection measures; Docket No. 9404001 (Leslie Brown/Tom Napier)

Approved, PR/PG

Item 8. **Docket No. 94-0784-PWS-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Koomey Company International, Inc. for violations of Title 30 Texas Administrative Code Chapter 290 pertaining to Water Hygiene and Chapter 341 of the Health and Safety Code pertaining to minimum standards of sanitation and health protection measures; Docket No. 9406014 (Leslie Brown/Kathryne Wheatly)

Approved, PR/PG

Item 9. **Docket No. 94-0770-PWS-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Ft. Bend Chrysler, Plymouth, Jeep, Eagle, Inc. for violations of Title 30 Texas Administrative Code Chapter 290 pertaining to water hygiene and Section 341 of the Health and Safety Code pertaining to minimum standards of sanitation and health protection measures; Docket No. 9406912 (Leslie Brown/Kathryne Wheatly)

Approved, PR/PG

Item 10. **Docket No. 94-0783-PWS-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Jack Lenamond dba Big Creek West Water System for violations of Title 30 Texas Administrative Code Chapter 290 pertaining to water hygiene and Chapter 341 of the Health and Safety Code pertaining to minimum standards of sanitation and health protection measures; Docket No. 9404074 (Leslie Brown/Tom Napier)

Approved, PR/PG

Item 11. **Docket No. 94-0785-PWS-E.** Consideration of Agreed Order Assessing Administrative Penalties and Requiring Certain Actions of Charles Buckner dba Fairport Business Center for violations of Title 30 Texas Administrative Code Chapter 290 pertaining to Water Hygiene and Chapter 341 of the Health and Safety Code pertaining to minimum standards of sanitation and health protection measures; Docket No. 9406024 (Leslie Brown/Kathryne Wheatly)

Approved, PR/PG

CONTESTED (Solid Waste Management Plan)

Item 12. **Docket No. 94-0750-MSW.** Consideration of a proposed regional solid waste management plan submitted by the North Central Texas Council of Governments. 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). (J. Russell Holster)

Approve proposed regional solid waste management plan, PG/PR

CONTESTED (Resolution)

Item 13. **Docket No. 94-0765-RES.** Consideration of a resolution relating to the membership of the Texas Natural Resource Conservation Commission Task Force for the 21st Century. (Jim Haley)

Adopt Resolution, PR/PG

Item 14. **Docket No. 94-0748-RES.** Consideration of a resolution to establish a fee of \$5.00 to recover the Texas Natural Resource Conservation Commission's cost for processing exemptions and waivers for the Inspection/Maintenance program for each of the ozone nonattainment areas. (John Steib)

Adopt Resolution, with changes as recommended by staff, PG/PR

Item 15. **Docket No. 94-0794-RES.** Consideration of and action on a resolution directing the staff of the TNRCC to review, and, as needed to reflect Commission policy, prepare proposals to simplify and clarify rules and to amend or repeal rules that are obsolete or outdated; create across-the-board obligations to which some exceptions should be created; impose burdens without serving a useful purpose; or require time, effort, and expense from those we regulate, while producing little or no contribution to the Commission's mission of protecting the environment. (Dave Bolduc)

Adopt Resolution, PR/PG

CONTESTED (Agency Report on Enforcement Actions)

Item 16. **Docket No. 94-0788-RPT.** Discussion of an Agency Report on Enforcement Actions from various programs including Air, Industrial & Hazardous Waste, Watershed Management, Municipal Solid Waste, Petroleum Storage Tanks, Water Utilities, and Agriculture. (Anne Dobbs, John Riley)

No Action Required, Commissioners briefed

CONTESTED (Rules)

Item 17. **Docket No. 94-0795-RUL.** Consideration of the publication in the Texas Register for public notice and comment the proposed repeal of 30 TAC §§323.31 - 323.33, Subchapter C. Certification Notice for NPDES Permits, as duplicative of the provisions contained in 30 TAC §§279.5 - 279.11 relating to the notice and hearing on an application for state water quality certification pursuant to §401 of the federal Clean Water Act. (Mark Jordan)

Approved for publication in the Texas Register, PR/PG

Item 18. **Docket No. 94-0796-RUL.** Consideration of the publication in the Texas Register for public notice and comment the proposed repeal of 30 TAC §§323.1 - 323.6, Subchapter A. Review and Approval of Plans and Specifications for Disposal Systems, as duplicative of provisions contained in 30 TAC Chapter 317, Design Criteria for Sewerage Systems. (Mark Jordan)

Approved for publication in the Texas Register, PR/PG

Item 19. **Docket No. 94-0797-RUL.** Consideration of the publication in the Texas Register for public notice and comment proposed amendments to 30 TAC §305.126, Additional Standard Permit Conditions for Waste Discharge Permits,

eliminating the requirement for certain permittees to submit a wastewater reuse study within one year of issuance of a new, amended, or renewed permit. Rather, water conservation measures should be implemented by applicants prior to the submission of an application for certain new or amended permits to control the cost and amount of discharged treated wastewater. (Mark Jordan)

Approved for publication in the Texas Register, PR/PG

Item 20. **Docket No. 94-0789-RUL.** Reconsideration of the Commission's May 25, 1994 direction to the staff concerning the proposed Texas Surface Water Quality Standards, 30 TAC §307, including approval for publication in the Texas Register and authorization for subsequent public hearing. The Executive Director recommends that changes be made to the draft triennial revisions to the Texas Surface Water Quality Standards, in accordance with the Texas Water Code and the Federal Clean Water Act, and that the amended draft triennial revisions be published in the Texas Register for public hearing. (Jim Davenport)

Approve staff recommendation with changes, JH/PR

Item 21. **Docket No. 94-0790-RUL.** Consideration of the publication in the Texas Register of the proposed repeal of 30 TAC Section 101.12, concerning the seal of the Texas Air Control Board. (Dave Bolduc/Houston)

Approved for publication in the Texas Register, PR/PG

Item 22. **Docket No. 94-0791-RUL.** Consideration of the publication in the Texas Register of the proposed repeal of 30 TAC Section 101.22, concerning the effective date of 30 TAC Chapter 101. (Dave Bolduc/Houston)

No Action Required

Item 23. **Docket No. 94-0792-RUL.** Consideration of the publication in the Texas Register of the proposed repeal of 30 TAC Section 110.103 (b)(8), concerning outdoor burning at landfills. (Dave Bolduc/Houston)

See Item 31, No Action Required on item 23

Item 24. **Docket No. 94-0793-RUL.** Consideration of the publication in the Texas Register of the proposed amendment of 30 TAC Section 335.6(c), concerning notification by generators of hazardous waste, to conform the notification requirements for industrial Conditionally Exempt Small Quantity Generators to those in 40 CFR 261.5(b). (Dave Bolduc/Austin)

See Item 32, No Action Required on Item 24

Item 25. **Document 94-0777-RUL.** Consideration for approval of publication in the Texas Register of proposed revisions to 30 TAC Section 114.13(f), concerning oxygenated fuels, in response to a request from Exxon Company, U.S.A. to revise labeling requirements in order to allow inclusion of relevant dates in labels as an alternative to removing labels for a portion of the year. (Russell Baier)

Approve Staff Recommendation, PG/PR

CONTESTED (Proposal for Decisions)

Item 26. **Docket No. 94-0716-DIS.** Consideration of Examiner's Proposal for Decision and Order concerning the petition of Comal County Landowners (represented by Cameron P. Wiley) for creation of an underground water Conservation District in the Hill Country critical area to preserve and conserve water in the Trinity Group Aquifer, Comal County, TX; Recommendation: Approval. (Elizabeth Todd)

Approve Proposal for Decision and Issue Order, Overrule all Exceptions, PR/PG

Item 27. **Docket No. 94-0682-DIS.** Consideration of Proposal for Decision and Order by Hearings Examiner, concerning the application of San Antonio Municipal Utility District No. 1 for approval to levy standby fees on undeveloped property located within its District in Bexar County, Texas. Recommendation: Issuance of the Order approving standby fees. (Sylvia McClellan)

Proposal for Decision and issue order, accept the exceptions filed by TRA, PR/PG

Item 28. **Docket No. 94-0786-UCR.** Consideration of Examiner's Proposal for Decision concerning the petition of Ridge Investors, LTD. requesting a review of the fees charged by Dessau Utility Company, Inc. to provide sewer utility service in Travis County, Texas. Recommendation: Adoption of Order setting developer fee. (Carol Wood)

Adopt Proposal for Decision, overrule all exceptions and approve on finding of fact as recommended by Office Hearings Examiner, PG/JH

EXECUTIVE SESSION

Item 29. **Docket No. 94-0799-EXE.** 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 30. **Docket No. 94-0800-EXE.** 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 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

(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) 239-3317 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

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ADDENDUM TO CONTESTED AGENDA

Wednesday, November 30, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:30 a.m.
Room 201S

Item 31. **Docket No. 94-0792-RUL.** Consideration of the publication in the Texas Register of the proposed amendment of 30 TAC 110.103, concerning Exceptions to Prohibitions of Outdoor Burning. (Dave Bolduc) (This item submitted as an addendum to correct language in item 23.)

Approved, PR/PG

Item 32. **Docket No. 94-0793-RUL.** Consideration of the publication in the Texas Register of the proposed amendments of 30 TAC 335.6(c), 335.10, 335-323, and 335.503, to exclude from notification requirements, hazardous waste generation fees, mandatory manifesting requirements, and waste classification and coding requirements those industrial generators that generate less than 100 kilograms per month of hazardous waste and less than 100 kilograms per month of nonhazardous waste, and less than one kilogram per month of acute hazardous waste, to allow the use of the letter "CESGQ" for their state waste generator number, and to update the terminology by replacing references to the Texas Water Commission and "TWC" with more current references. (Dave Bolduc) (This item submitted as an addendum to correct language in item 24).

Approved, PR/PG

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, November 30, 1994

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

9:30 a.m.
Room 201S
Bldg. E

Item 33. **Docket No. 94-0820-RES.** Consideration of a resolution relating to regulatory procedures to address compliance difficulties resulting from the recent flooding in Southeast Texas. (Tamara-Shae Oatman)

Adopt Resolution, JH/PG