



RESOLUTION NO. 20120925-15

**A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR/CEO TO REQUEST A
CONTESTED CASE HEARING UPON TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY PROPOSED TPDES PERMIT NO. WQ0004978000**

WHEREAS, TexAmericas Center is a political subdivision of the State of Texas with the powers and authorities specified in Chapter 3503 of the Special District Local Laws Code of the State of Texas; and

WHEREAS, TexAmericas Center operates a sanitary sewer treatment plant which discharges treated waste streams into an unnamed tributary, thence to Elliott Creek, thence to Wright Patman Lake in the Sulphur River Basin and operates the same under a Permit issued by the Texas Commission on Environmental Quality; and

WHEREAS, the U.S. Department of the Army and Day & Zimmermann Lone Star, LLC have applied to the Texas Commission on Environmental Quality for a Permit to discharge waste from the High Explosives Demolition Operation at the former Lone Star Army Ammunition Plant into an unnamed tributary, thence to Elliott Creek, thence to Wright Patman Lake in the Sulphur River Basin, which is the same ultimate destination of treated effluent from the sanitary sewer system operated by TexAmericas Center; and

WHEREAS, the proposed Permit has been published by the Texas Commission on Environmental Quality which permit sets limits for constituent discharges having concentrations greater than those established for the sanitary sewer treatment plant system operated by TexAmericas Center, and in some cases, does not set limits at all upon discharges of certain metals such as lead and mercury; and

WHEREAS, the disparity in discharge limitations proposed by the proposed permit and the established permit limitations of the sanitary sewer treatment plant operated by TexAmericas Center will limit the ability of TexAmericas Center to market and redevelop its property for economic development and business creation purposes as required by the Texas Legislature as codified in Chapter 3503 the Special District Local Laws Code of the State of Texas; and

WHEREAS, the impact upon TexAmericas Center and its ability to redevelop the property as required by the Legislature, is an adverse impact to TexAmericas Center in a way not common to the general public; and

WHEREAS, applicable Texas law and Regulations authorize a person or entity adversely affected by a permit in a way not common to the general public to request a contested case hearing and to litigate the issues relating to permit and the permit limits and whether or not said permit should be issued and if so, at what limits; and

WHEREAS, in order for TexAmericas Center to fulfill its obligations as required by its statute, it is necessary that it take action to protect its ability to redevelop the portion of the former Lone Star Army Ammunition Plant which it received from the Dept. of the Army;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of TexAmericas Center that the Executive Director/CEO is authorized to file on behalf of TexAmericas Center a request for a contested case hearing upon proposed TPDES Permit No. WQ0004978000 and prosecute the matter to conclusion.

PASSED and APPROVED this 25th day of September, 2012



Denis Washington, Chairman of the Board

ATTEST:



Wayne Cranfill, Secretary-Treasurer

Attached: TPDES Permit No. WQ0004978000