

Legislation Text

File #: AI 13-2589, Version: 1

Consider recommendation from the Executive Committee to authorize staff to negotiate a compliance agreement related to the underground tank system at North Central Baptist Hospital and Tenet Healthcare System.

RECOMMENDED MOTION:

Move the board authorize the General Manager to negotiate a compliance agreement related to the underground tank system at North Central Baptist Hospital and Tenet Healthcare System for board consideration at the March meeting.

SUMMARY:

The purpose of this agenda item is for the board to consider an Executive Committee recommendation and receive a report from both EAA staff and representatives of North Central Baptist Hospital / Tenet Healthcare regarding an upcoming deadline for upgrading or removing underground storage tanks (USTs) associated with the hospital's facility.

USTs were installed at the facility in March 1991, and the tanks are not tertiary contained. Section 713.607 (c) of the EAA's rules indicates that "Irrespective of any other provision in these rules, thirty years from the date of the installation of a UST system, all UST systems located on the recharge zone shall:

- (1) incorporate a method of tertiary containment through the major modification process; or
- (2) remove the UST from service."

EAA staff began conversations with the facility in 2017 regarding their obligations under EAA regulations. Since that time, EAA staff has had numerous formal and informal communications regarding the deadline for the UST to be upgraded to tertiary containment or be removed from service.

In December 2020, representatives for the facility contacted EAA staff inquiring as to what, if anything, North Central Baptist Hospital could do to get an extension past the March 27, 2021 deadline. The formal extension request submitted on January 20, 2021 is attached. Current plans for the facility involve removing the UST and replacing it with an aboveground storage tank, but such actions can only take place after March 27, 2021, due to various reasons - including obtaining tank plan approval from the Texas Commission on Environmental Quality. The facility has been informed that EAA staff does not have the ability to grant an extension under EAA rules, but could facilitate a discussion with the EAA Board of Directors to discuss what options the facility may have to move forward without creating a compliance issue under EAA regulations.

At the February 2 Executive Committee meeting, EAA staff reviewed the EAA rules regarding UST upgrades and staff's assistance efforts to date, and representatives from North Central Baptist Hospital / Tenet Healthcare addressed reasons why they cannot meet the March 2021 deadline, their tank tightness testing that was performed in January, and provided a proposed deadline for compliance with EAA rules. The committee recommended that the board authorize staff to negotiate a compliance agreement that would allow for the requested additional time to obtain compliance.

STRATEGIC PLAN REFERENCE:

This agenda item supports the EAA's policy direction to prevent the pollution of the Aquifer.

M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

FISCAL IMPACT:

None.