

CONTESTED AGENDA

Wednesday, July 3, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF DOW CHEMICAL CO., ET AL AGAINST BRAZOS RIVER AUTHORITY WHOLESAL WATER RATES IN VARIOUS COUNTY, TEXAS; DOCKET NO. 8169-M. Applicant provides retail wholesale water service to approximately 100 customers. Recommendation: Adoption of agreement of parties.

Cont. to Aug 7, 9:00 a.m.

Item 2. APPLICATION BY TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 17 FOR APPROVAL OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped single family lots in the District in the annual amount of \$20.50/lot for residential development to supplement the operating account.

Dismiss w/o prejudice, JH/JEB

Item 3. 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 TEX.REV.CIV.STAT.ANN. art 6252-17 Sections 2(e) and 2(g). 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 TEX.REV.CIV.STAT.ANN. art. 6252-17.

No Action Taken

CONTESTED OLD BUSINESS

Wednesday, July 3, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 20, 1991

- Item 1. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TWC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DIXIE METALS COMPANY - SWR 30136. (RENBARGER)

Cont. to Aug 7, 9:00 a.m.

Item carried forward from Agenda of May 15, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AGAINST TEXAS PROCESSING, INC., DOUGLAS HOSKINS, AND REQUIRING CERTAIN ACTIONS OF TEXAS PROCESSING, INC., AND DOUGLAS HOSKINS, OXY PETROCHEMICALS, INC. AND HOWARD DUNN. (SWR 39877) KARNES COUNTY (GONZALEZ).

Cont. to Sep 11, 9:00 a.m.

Item carried forward from Agenda of February 27, and May 22, 1991.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF RED RIVER ARMY DEPOT. (SWR 67004) (WARNEKE)

Cont. to Jul 10, 9:00 a.m.

Item carried forward from Agenda of March 27 and April 24, 1991, May 29, 1991, June 5, 1991 and June 12, 1991.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FANNING ELECTRIC PLATING CO. (SWR NO. 34880). (BIRCH)

Issue Agreed Order, JH/JEB

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, July 3, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of June 24, 1991.

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HYDROCARBON RECYCLERS, INC.. (Birch)

Issue Agreed Order, JH/JEB

UNCONTESTED AGENDA

Wednesday, July 3, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. EMPLOYEE OF THE MONTH

Robert Hinojosa

Item 2. APPLICATION BY CHEMICAL WASTE MANAGEMENT, INC. PORT ARTHUR FACILITY for a Class 2 Modification hazardous waste to Permit No. HW50212-001 in accordance with 31 TAC, Section 305.69. The facility is on a 15.8 acre tract of land on the south side of State Highway 73, approximately 3.2 miles west of the intersection of State Highway 73 and Taylor Bayou in Port Arthur, Jefferson County, Texas.

Approved, JE/JEB

Item 3. APPLICATION BY OCCIDENTAL CHEMICAL CORPORATION for a permit (Proposed Permit No. HW50322, EPA I.D. No. TXD-982286932) to authorize the use of two incinerators for processing Class I hazardous waste that is generated onsite as a result of chemical production processes. The facility is located on a 593-acre tract of land adjacent to State Highway 361, approximately 2 miles west of the intersection of State Highway 361 with Farm to Market Road 1069 in the City of Ingleside, San Patricio County, Texas.

Remand back to staff

Item 4. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW50236, EPA I.D. No. TXD-010803203) to authorize the continued operation of an existing commercial Class I hazardous industrial solid waste storage and processing facility. The facility is located on 1.919 acres situated on the north side of Industrial Drive at Pike Road, approximately 500 feet north of the intersection between Pike Road and U.S. Highway 90, in Missouri City, Fort Bend County, Texas.

Cont. to Jul 31, 1991 at 3:00 p.m.

Item 5. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW50237, EPA I.D. No. TXD-062287883) to authorize the continued operation of an existing commercial Class I hazardous industrial solid waste storage and processing facility. The 1.29-acre facility is located approximately 1/5 mile west of U.S. 83-84 at 4234 Oil Belt Lane in Abilene, Taylor County, Texas.

Cont. to Jul 31, 1991 at 3:00 p.m.

Item 6. APPLICATION BY HI-PLAINS PARTNERS for a permit (Proposed Permit No. 03198) to authorize disposal of waste and wastewater from a dairy and a feedlot. The dairy and feedlot will consist of a maximum of 522 dairy cows and 670 calves in confinement. The dairy and feedlot are located approximately one mile north-northeast of the intersection of U.S. Highway 385 and Farm-to-Market Road 2587, approximately 24 miles north

of the City of Hereford in Deaf Smith County, Texas.

Approved, JH/JEB

Item 7. APPLICATION BY WILHELMUS KASBERGEN for a permit (Proposed Permit No. 03262) to authorize disposal of wastes and wastewater from a dairy operation. The dairy will contain a maximum of 500 total head in confinement. The dairy is at the intersection of County Roads 385 and 368, approximately 3.3 miles south-southwest of the intersection of Interstate Highway 30 and Farm-to-Market 900 in Hopkins County, Texas.

Approved, JH/JEB

Item 8. APPLICATION BY AGNES DAIRY for an amendment to Permit No. 03071 in order to change the size of the storage ponds at its dairy. The ponds will have a total surface area of 13.26 acres with a total volume of 37.88 acre-feet. The dairy consists of a maximum total of 1100 head in confinement. The dairy is approximately 5 miles west of the intersection of Farm-to-Market Road 51 and State Highway 199 and approximately one mile south of State Highway 199 in Parker County, Texas.

Approved, JH/JEB

Item 9. APPLICATION BY CITY OF EMORY for an amendment to Permit No. 10082-02 to authorize an increase in the discharge of settled filter backwash from a volume not to exceed an average flow of 9,000 gallons per day to a volume not to exceed an average flow of 25,000 gallons per day. The water treatment plant is at Freebridge Road, approximately one mile south of FM 35 and 2,000 feet west of Freebridge Road in the City of East Tawakoni, Rains County, Texas.

Approved, JH/JEB

Item 10. APPLICATION BY J.M. HUBER CORPORATION for an amendment to Permit No. 02411 in order to add Outfall 002 which would regulate a discharge of mine dewatering at a volume not to exceed an average flow of 260,000 gallons per day. The permit currently authorizes a discharge of mine dewatering at a volume not to exceed an average flow of 260,000 gallons per day via Outfall 001, which will remain the same. The applicant operates a limestone mine and processing plant. The plant site is adjacent to U.S. Highway 281, approximately 1.3 miles south of the City of Marble Falls, Burnet County, Texas.

Approved, JH/JEB

Item 11. APPLICATION BY BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT #16 for renewal of Permit No. 10130-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 500,000 gallons per day average from the Bexar County #16 Wastewater Treatment Facilities. The plant site is on Hunt Lane, approximately 0.8 mile north of the intersection of Hunt Lane and Highway 90 West in Bexar County, Texas.

Approved, JH/JEB

Item 12. APPLICATION BY CITY OF BIG SPRING for renewal of Permit No. 10069-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 3,800,000 gallons per day average. The wastewater treatment facilities

are located on the north side of Eleventh Street, approximately 1000 feet east of the intersection of Farm-to-Market Road 700 and Eleventh Street in Howard County, Texas.

Approved, JH/JEB

Item 13. APPLICATION BY DIAMOND SHAMROCK REFINING AND MARKETING COMPANY for renewal of Permit No. 01353 which authorizes the discharge of treated wastewater at a volume not to exceed an average flow of 800,000 gallons per day plus stormwater and plant washwater from a petroleum refinery. The treated effluent is used for irrigation of approximately 500 acres of company owned land. During emergency situations, the permittee is authorized to discharge treated process wastewater from emergency ponds. The plant site is at 301 Leroy Street in the City of Three Rivers, Live Oak County, Texas.

Approved, JH/JEB

Item 14. APPLICATION BY HOUSTON LIGHTING AND POWER COMPANY for renewal of Permit No. 01026 which authorizes a discharge of once through cooling water and previously monitored effluents at a volume not to exceed an average flow of 740,200,000 gallons per day from the Sam Bertron Steam Electric Station. The plant site is south of Peggy Lake and approximately 3 miles northwest (via Miller Cut-Off Road) of the City of La Porte, Harris County, Texas.

Approved, JH/JEB

Item 15. APPLICATION BY LAKE CITIES MUNICIPAL UTILITY AUTHORITY for renewal of Permit No. 10698-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,038,000 gallons per day. The wastewater treatment facilities are on Lakeview Airport Road, adjacent to the west side of Lewisville Lake, approximately 1.5 miles east of Interstate Highway 35 in Denton County, Texas.

Approved, JH/JEB

Item 16. APPLICATION BY NORTH TEXAS MUNICIPAL WATER DISTRICT for renewal of Permit No. 10363-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 16,000,000 gallons per day from the Rowlett Creek Wastewater Treatment Facilities. The plant site is approximately 3.5 miles east of the City of Plano, approximately 700 feet north of Farm-to-Market Road 544, one mile west of the Farm-to-Market Road 544 crossing of Rowlett Creek and 200 feet east of Los Rios Boulevard in Collin County, Texas.

Approved, JH/JEB

Item 17. APPLICATION BY CITY OF PEARLAND for renewal of Permit No. 10134-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,500,000 gallons per day from the Barry Rose Wastewater Treatment Facilities. The plant site is at 1092½ Barry Rose, immediately west of Clear Creek, approximately 7000 feet north of Farm-to-Market Road 518 in Brazoria County, Texas.

Approved, JH/JEB

Item 18. APPLICATION BY CITY OF PEARLAND for renewal of Permit No.

10134-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,750,000 gallons per day from the Longwood Wastewater Treatment Facilities. The plant site is at 2217 Myrtle Wood Drive, immediately south of Clear Creek and immediately west of Brazoria and Galveston County common boundary in Brazoria County, Texas.

Approved, JH/JEB

Item 19. APPLICATION BY CITY OF PEARLAND for renewal of Permit No. 10134-05 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 500,000 gallons per day from the proposed Cowart Creek Wastewater Treatment Facilities. The plant site will be at the confluence of an unnamed drainage ditch with Cowart Creek, approximately 0.5 mile southeast of the intersection of County Road 127 and Dixie Farm Road (County Road 126) in Brazoria County, Texas.

Approved, JH/JEB

Item 20. APPLICATION BY FAYETTE COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT MONUMENT HILL FOR APPROVAL OF THE ISSUANCE OF \$550,000 IN UNLIMITED TAX AND REVENUE BONDS, 7.50% AND 8.05% NET EFFECTIVE INTEREST RATES, SERIES 1991, THIRD ISSUE. For Commission consideration and action. Applicant seeks approval of the issuance of \$550,000 in Bonds for water supply and wastewater collection facilities and to pay-off a loan used to construct force main improvements.

Approved, JH/JEB

Item 21. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 150 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$3,370,000 BOND ISSUE APPROVED September 30, 1982. For Commission consideration and action. The District is requesting the use of \$248,244 in surplus funds plus accrued interest on the surplus funds to partially finance the Camden Park Water Plant and Northcliffe Manor Water Plant improvement project.

Approved, JH/JEB

Item 22. APPLICATION BY ELLIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF CHANGE ORDER NO. 4 FOR THE WATER TREATMENT PLANT IMPROVEMENTS PROJECT AND THE RELEASE OF ESCROWED FUNDS, \$14,095,000 BOND ISSUE APPROVED July 12, 1985. For Commission consideration and action. Applicant requests approval of Change Order No. 4 for the water treatment plant improvements project and the release of \$25,044 of escrowed funds to finance the change order costs.

Approved, JH/JEB

Item 23. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 22 FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of a nonuniform quarterly standby fee that varies from \$5.40/ESFC to \$30/ESFC against undeveloped land in the District to supplement the debt service account.

Cont. to Aug 7, 1991 at 3:00 p.m.

Item 24. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING

THE APPLICATION OF WATERCO, INC. TO INCREASE RETAIL WATER RATES IN WALKER COUNTY, TEXAS; DOCKET NO. 8921-R. Applicant provides retail water service to approximately 325 customers. Recommendation: Adoption of agreement of parties. (O'Neal)

Approved, JH/JEB

Item 25. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CRESSON WATER COMPANY TO INCREASE RETAIL WATER RATES IN JOHNSON AND HOOD COUNTIES, TEXAS; DOCKET NO. 8963-G. Applicant provides retail water service to approximately 79 customers. Recommendation: Adoption of agreement of parties. (O'Neal)

Approved, JH/JEB

Item 26. APPLICATION OF ERICKSDAHL WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Jones, Haskell and Shackelford Counties (Application No. 8710-C, Arroyo)

Approved, JH/JEB

Item 27. APPLICATION TO AMEND TEXOMA SERVICES CORPORATION'S Water Certificate of Convenience and Necessity (CCN) No. 11363 in Grayson County, Texas, and to Decertify the Rocky Point Estates Area from the City of Denison, CCN No. 10204, and a Portion of the Service Area of the Red River Authority of Texas, CCN No. 10202, in Grayson County (Application No. 8763-C, Strouse)

Approved, JH/JEB

Item 28. APPLICATION OF INTERCONTINENTAL WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Harris County (Application No. 8891-C, Fenner)

Approved, JH/JEB

Item 29. APPLICATIONS OF MAXWELL WATER SUPPLY CORPORATION and THE CITY OF SAN MARCOS for Amendments to Water Certificates of Convenience and Necessity No. 10293 and No. 10289 in Hays County (Application Nos. 8444-C and 8505-C, Holck)

Approved, JH/JEB

Item 30. APPLICATION OF CITY OF SAN MARCOS for an Amendment to Sewer Certificate of Convenience and Necessity No. 20116 in Hays County (Application No. 8506-C, Holck)

Approved, JH/JEB

Item 31. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF THOMAS MEAR DBA CHALK MOUNTAIN DAIRY FOR PERMIT NO. 03290 to authorize the disposal by irrigation of partially treated wastewater from a dairy in Erath County, Texas, and Segment No. 1226 of the Brazos River Basin. Recommendation: Issuance with changes of permit. (Harris)

Approved, JH/JEB

Item 32. APPLICATION NO. 5356 BY DALLAS COUNTY UTILITY AND RECLAMATION DISTRICT FOR A TEXAS WATER CODE SECTION 11.121. FOR COMMISSION ACTION. Applicant seeks to build and maintain two dams on an unnamed tributary of Hackberry Creek, Trinity River

Basin, with impoundment capacities of 18.7 & 12.9 acre-feet of water for recreational purposes in the Los Colinas Development in Dallas Co. After initial filling the reservoirs will be maintained with groundwater based effluent. (JORDAN\lb)

Approved, JH/JEB

Item 33. APPLICATION NO. 5352 BY BONITA OWNERS ASSOCIATION, INC. FOR A WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION NO. 11.121. FOR COMMISSION ACTION. Applicant seeks to divert and use 2 acre-feet of water per annum from the South Fork Guadalupe River, Guadalupe River Basin, to irrigate 2 acres of land approximately 14 miles west of Kerrville, Kerr County, Texas. (JORDAN/jme)

Approved, JH/JEB

Item 34. APPLICATION NO. 5355 BY J. F. GUY FOR A 11.143 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to maintain two existing dam and reservoirs, exempt under the provision of Section 11.142 of the Texas Water Code, on an unnamed tributary of Nash Creek, Brazos River Basin, and to divert and use 42 acre-feet of water per annum therefrom at a maximum rate of 0.56 cfs (250 gpm) to irrigate 42 acres out of a 200-acre tract, approximately 9.5 miles southeast of Eastland, Eastland County, Texas. (JORDAN/wph).

Approved, JH/JEB

Item 35. APPLICATION NO. 4514A BY INDEPENDENT AMERICAN DEVELOPMENT CORPORATION TO AMEND WATER USE PERMIT NO. 4297. For Commission consideration and action. Applicant seeks to amend Permit No. 4297, which authorizes the maintenance of a dam and recreational reservoir on an unnamed tributary of Marshall Branch, tributary of Denton Creek, Trinity River Basin in Denton County, to add recreational use of four other reservoirs in the Denton Creek watershed. (JORDAN\tls)

Approved, JH/JEB

Item 36. TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT FOR REMEDIAL DESIGN AND CONSTRUCTION OVERSIGHT WITH MALCOLM PIRNIE INC. FOR THE GRANBURY LEAKING PETROLEUM STORAGE TANK SITE. (JAMESON/LIEN)

Authorized to enter contract with Malcolm Pirnie, Inc.

Item 37. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE AMENDED ORDER CONCERNING THE APPLICATION OF TAWAKONI WATER UTILITY CORPORATION TO INCREASE RETAIL WATER RATES IN HUNT, KAUFMAN AND VAN ZANDT COUNTIES, TEXAS; DOCKETS NOS. 8127-A AND 7961-R. (This matter was considered on May 1, 1991.)

MFR Overruled, JH/JEB

UNCONTESTED OLD BUSINESS

Wednesday, July 3, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of June 24, 1991.

- Item 1. APPLICATION BY HEAT ENERGY ADVANCED TECHNOLOGY, INC. for a minor amendment to Permit No.HW-50029-001 which currently operates a storage and processing facility for the recycling and reclamation of Class I hazardous industrial solid waste. The facility is located on a 2.409 acre tract of land at 4460 Singleton Boulevard in the City of Dallas, Dallas County, Texas.

Issue Minor Amendment as proposed, JH/JEB