

UNCONTESTED AGENDA

Wednesday, May 13, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY A. L. MURPHY VETERANS MEMORIAL HOSPITAL for a municipal solid waste permit (Proposed Permit No. 2187) to authorize a Type V municipal solid waste site. The site will consist of approximately 0.20 acre of land and will receive approximately 5 tons of solid waste daily. The applicant will operate a medical waste incinerator. The site is to be approximately 2.0 miles northwest of the IH 10 and IH 410 interchange, at 7400 Merton Mintor Boulevard in the City of San Antonio, Bexar County, Texas.

Approved, PG/PR

Item 2. Consideration of an application by E. I. DUPONT DE NEMOURS & CO, INC. - LA PORTE PLANT for a Class 2 Modification to hazardous waste Permit No. HW50213 in accordance with 31 TAC Section 305.69. Shell operates a facility that stores and processes hazardous wastes produced during the manufacture of chemicals. The facility is located 10,000 feet east of the intersection of Miller Cut-Off Road and State Highway 225 in Harris County, Texas.

Approved, PR/PG

Item 3. Consideration of an application by EXXON COMPANY USA - BAYTOWN for a Class 2 Modification to hazardous waste Permit No. HW50111 in accordance with 31 TAC Section 305.69. Exxon operates a hazardous waste land treatment facility for wastes from three local Exxon plants and refineries. The facility is located on the south side of Decker Drive (Spur 330) and south of IH 10 in the City of Baytown, Harris County, Texas.

See Item 22

Item 4. Consideration of an application by SAFETY-KLEEN CORPORATION - LUBBOCK FACILITY for a Class 2 Modification to hazardous waste Permit No. HW50224 in accordance with 31 TAC Section 305.69. Safety-Kleen operates a commercial hazardous waste recycling facility that stores and processes spent mineral spirits, spent carburetor cleaner, dry cleaner waste, spent immersion cleaner, and spent antifreeze for recycling at another location. The facility is located on Idalou Road (U.S. 62) 1.1 miles northeast of Loop 289 in the City of Lubbock, Lubbock County, Texas.

Approved, PG/PR

Item 5. Consideration of an application by SAFETY-KLEEN CORPORATION - HALTOM CITY FACILITY for a Class 2 Modification to hazardous waste Permit No. HW50228 in accordance with 31 TAC Section 305.69. Safety-Kleen operates a commercial hazardous waste recycling facility that stores and processes spent mineral spirits, spent carburetor cleaner, dry cleaner waste, spent immersion cleaner, and spent antifreeze for recycling at another location. The facility is located at 6529 Midway

Road, Haltom City, Tarrant County, Texas.

Approved, PG/PR

Item 6. Consideration of an application by SHELL OIL COMPANY for a Class 2 Modification to hazardous waste Permit No. HW50152 in accordance with 31 TAC Section 305.69. Shell operates a hazardous waste facility that stores, processes and disposes of refinery wastes. The facility is located on South Grandview Street, three miles south of Odessa in Ector County, Texas.

Approved, PG/PR

Item 7. APPLICATION BY U.S. NAVY/U.S. NAVAL WEAPONS INDUSTRIAL RESERVE PLANT for an amendment to Permit HW50081 which currently authorizes operation of (1) three container storage areas with a total capacity of 16,500 gallons and (2) continued interim status operation of a thermal processing area with a capacity of 2,000 pounds per unit. The proposed amendment would establish operating and closure standards for three separate open burn/open detonation units which are presently being operated under interim status standards. The facility is located on 9700 acres of land contiguous to the west side of State Highway 317, approximately 1/2 mile south of the City of McGregor in the counties of McLennan and Coryell.

Approved, JH/PR

Item 8. APPLICATION BY BAKER PERFORMANCE CHEMICAL CORPORATION for a permit (Proposed Permit No. 13580-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,000 gallons per day. The wastewater treatment facility is to be on the south side of Wallisville Road, approximately 300 feet east of the intersection of Sheldon Road and Wallisville Road in Harris County, Texas.

Approved, PR/JH

Item 9. APPLICATION BY J.M. HUBER CORPORATION for an amendment to Permit No. 02835 in order to add an outfall (Outfall 003) to regulate an intermittent, flow variable discharge of stormwater and filter backwash water. The proposed amendment would also add a wastestream of treated sewage effluent to be regulated via Outfall 002. The permit currently authorizes intermittent flow variable discharges of stormwater, area washdown, cooling tower blowdown, and process cooling water, which will remain the same. The plant site is at 6522 Interstate Highway 10 West which is approximately one (1) mile east of State Highway 62 and west of the City of Orange in Orange County, Texas.

Approved, PR/JH

Item 10. APPLICATION BY CINCO MUNICIPAL UTILITY DISTRICT NO. 1 for a minor amendment to Permit No. 13172-02 in order to allow sludge disposal to an approved land application site. The current permit authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 550,000 gallons per day from the Cinco South Wastewater Treatment Facilities, which will remain the same. The plant site is at 6055 South Mason Road, approximately 3 miles west and 3/4 mile north of the intersection of Farm-to-Market Road

1093 and Farm-to-Market Road 1464 in Fort Bend County, Texas.

Approved, PR/JH

Item 11. APPLICATION BY CINCO MUNICIPAL UTILITY DISTRICT NO. 1 for a minor amendment to Permit No. 13558-01 in order to allow final sludge disposal to an approved land application site. The current permit authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,080,000 gallons per day from the wastewater treatment facilities, which will remain the same. The plant site is approximately 3.25 miles east and 2.0 miles north of the intersection of Farm-to-Market 723 and Farm-to-Market 1093 in Fort Bend County, Texas.

Approved, PR/JH

Item 12. APPLICATION BY 333 CONSTRUCTION, INC. for renewal of Permit No. 12238-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 25,000 gallons per day. The wastewater treatment facilities are adjacent to and on the east side of Hardy Road, approximately 1000 feet south of the intersection of Hardy Road and Richey Road in Harris County, Texas.

Approved, PR/JH

Item 13. APPLICATION BY DEVEREUX FOUNDATION for renewal of Permit No. 11411-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 15,000 gallons per day from Outfall 001 and a discharge at a volume not to exceed an average flow of 15,000 gallons per day from Outfall 002. The wastewater treatment facilities are located approximately 1300 feet west of U.S. Highway 59 and approximately 17 miles south of downtown Victoria in Victoria County, Texas.

Approved, PR/JH

Item 14. APPLICATION BY CITY OF GALVESTON for renewal of Permit No. 10688-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000,000 gallons per day. The wastewater treatment facilities are located at 5200 Industrial Boulevard in Galveston County, Texas.

Approved, PR/JH

Item 15. APPLICATION BY CITY OF MONT BELVIEU for renewal of Permit No. 11030-01 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 Cotton Bayou Wastewater Treatment Facilities which are located approximately 1.4 miles north of Interstate Highway 10, and approximately 0.6 mile east of Eagle Drive, east of the City of Mont Belvieu in Chambers County, Texas.

Approved, PR/JH

Item 16. APPLICATION BY PALO PINTO COUNTY for renewal of Permit No. 11698-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 120,000 gallons per day. The wastewater treatment facilities are located in the Town of Palo Pinto on the east

bank of Town Branch Creek approximately 1200 feet due north of the intersection of U.S. Highway 180 and Farm-to-Market Road 4 South in Palo Pinto County, Texas.

Approved, PR/JH

Item 17. APPLICATION OF HUNTER OAKS PROPERTY ASSOCIATION, INC. DBA HUNTER OAKS WATER SUPPLY COMPANY for a Water Certificate of Convenience and Necessity in Comal County, TX (Application No. 9397-C, Shires)

Approved, PR/JH

Item 18. APPLICATION OF NORWOOD WATER SUPPLY CORPORATION to amend Water CCN No. 10955, to cancel CCN No. 10798 issued to Per-Lang Water Supply and to decertify portions of CCN No. 11275 in Anderson County, TX (Application No. 9343-C, Holck)

Approved, PR/JH

Item 19. APPLICATION OF R. C. WATER COMPANY, INC. for Cancellation of Water CCN No. 10679 and Sewer CCN No. 20284 in Bexar County, TX (Application No. 9453-Q, Holck)

Approved, PR/JH

Item 20. APPLICATION NO. 5399 BY GARY E. POGUE AND WIFE, IDA MAE POGUE FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. For Commission action. Applicants seek to maintain an existing dam and 447.5 acre-foot reservoir on Doe Branch and to divert 223 acre-feet of water per annum from the reservoir to irrigate 122.897 acres of land, San Antonio River Basin, approximately 6.2 miles southwest of Kenedy, Karnes County, Texas. (JORDAN:rma)

Approved, PG/PR

Item 21. APPLICATION NO. TA-6783 BY JACKSON COUNTY FOR A TEMPORARY WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to divert and use 4 acre-feet of water within a 3-year period from the Navidad River, Lavaca River Basin, for industrial purposes (maintenance and construction of county roads) from the Navidad River at the CR 401 crossing, approximately 6 miles northwest of Edna, Jackson County, Texas. (JORDAN:jme)

Approved, PG/PR

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, May 13, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

- Item 22. Consideration of an application by EXXON COMPANY USA - BAYTOWN for a Class 1, 2, and 3 Modification to hazardous waste Permit No. HW50111 in accordance with 31 TAC Section 305.69. Exxon operates a hazardous waste land treatment facility for wastes from three local Exxon plants and refineries. The facility is located on the south side of Decker Drive (Spur 330) and south of IH 10 in the City of Baytown, Harris County, Texas. (This addendum is added to the uncontested agenda to clarify language in item #3.)

Approved, PR/PG

UNCONTESTED OLD BUSINESS

Wednesday, May 13, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of April 22, 1992.

- Item 1. APPLICATION BY RICHARD HESSEE for an amendment to Permit No. 01680 to authorize an increase in the number of cattle at the feedlot from a maximum of 7,500 head to a maximum of 15,700 head. Stormwater runoff is retained in four storage ponds, where it is disposed of by evaporation. The feedlot is one mile north of State Highway 15 and approximately three miles east of the intersection of State Highway 15 and State Highway 305 in Lipscomb County, Texas.

Approved, PR/PG

Item carried forward from Agenda of April 22, 1992.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF AMERICAN CHROME & CHEMICALS, INC. .(PERMIT NO. 00349-201)
(CHONG)

Issue Order as Proposed, PR/PG

CONTESTED AGENDA

Wednesday, May 13, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF SWIG WATER SUPPLY CORPORATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN TRAVIS COUNTY, TEXAS. (DOCKET NO. 9100-C). RECOMMENDATION: ISSUANCE. (ZUKAUCKAS)

Grant Certificate of Convenience and Necessity, Approve the Enforcement order, Adopt Executive Director's recommendation of a 1,500 refund be granted. JH/PR

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR HEARING AND PETITION FOR ORDER REVOKING CLASS B WASTEWATER OPERATOR'S CERTIFICATE OF COMPETENCY NO. 464-76-3703 ISSUED TO MICHAEL ELDER. (Ray)

Continued to May 27, 1992 at 10:00 a.m.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT, PETITION, AND PROPOSED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF LADONIA, FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 10740-01. (Ray)

Remand to Office Hearings Examiner, PR/JH

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ZIA TECHNOLOGY OF TEXAS SWR 41707. (E. BIRCH)

Continued to June 24, 1992 at 10:00 a.m.

- Item 5. 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

- Item 6. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS LITIGATIONS AND RELATED AGENCY ACTIONS CONCERNING EDWARDS AQUIFER.

No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, May 13, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TRIFINERY, INC., FOR VIOLATIONS OF WATER QUALITY PERMIT NO. 02720 AND TEXAS WATER CODE SECTION 26.121. (Ray)

Remand to Office Hearings Examiner, PR/JH

CONTESTED OLD BUSINESS

Wednesday, May 13, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item carried forward from Agenda of May 6, 1992.

- Item 1. CONSIDERATION OF THE ADOPTION OF AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE, SECTIONS 331.2, 331.3, 331.42, 331.43, 331.45 - 331.47, 331.61 331.65, 331.67, 331.68, AND 331.121, AND OF THE ADOPTION OF NEW RULES, SECTIONS 331.14 AND 331.161 - 331.171, CONCERNING UNDERGROUND INJECTION CONTROL (SPECIFICALLY DEALING WITH PERMIT REQUIREMENTS AND STANDARDS FOR CONSTRUCTION AND OPERATION OF SALT DOME CAVERNS BY INJECTION WELL TECHNOLOGY) (WARNEKE)

Continued to May 20, 1992 at 9:30