

UNCONTESTED AGENDA

Wednesday, May 20, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY FINA OIL AND CHEMICAL COMPANY for an amendment to Permit No. HW50140 in order to incorporate current rules and regulations and to update the permit consistent with current facility operations. Facility components consist of a land treatment demonstration (LTD) plot; container storage areas; Site H land treatment unit (LTU) authorized only for toxicity characteristic hazardous wastes; and closure and post-closure care of the Site E LTU. This facility manages both non-hazardous and hazardous industrial solid wastes generated on site. The facility is located on a 1167.91-acre tract of land five miles east of the Howard County Courthouse near the intersection of IH 20 and Refinery Road in the City of Big Spring, Howard County, Texas.

Approved, PR/PG

Item 2. APPLICATION BY GEORGIA GULF CORPORATION for an amendment to Permit No. 02067 to allow for the installation of a submerged diffuser servicing wastewaters discharged via Outfall 001. The proposed amendment would also increase the discharge of utility wastewaters from a volume not to exceed a flow of 300,000 gallons during any 24-hour period to a volume not to exceed a flow of 500,000 gallons during any 24-hour period via Outfall 005. The permit currently authorizes the discharge of: (1) treated sanitary wastewaters and utility wastewaters at a volume not to exceed 320,000 gallons during any 24-period via Outfall 001; (2) treated wastewaters at a volume not to exceed an average of 550,000 gallons per day via Outfall 004; and (3) stormwater via Outfalls 002, 003 and 006 at volumes variable with rainfall, will remain the same. The applicant operates an organic chemical manufacturing facility which produces Cumene, Phenol and Acetone as the major products. The plant site is at 3503 Pasadena Freeway in the City of Pasadena, Harris County, Texas.

Approved, PR/PG

Item 3. APPLICATION BY SOUTHWESTERN PUBLIC SERVICE COMPANY for an amendment to Permit No. 01312 to authorize an increase in the disposal volume of treated industrial wastewater effluent from an average of 940,000 gallons per day to an average of 2,100,000 gallons per day. The proposed amendment would also increase the amount of land to be used for irrigation from a total of 282 acres to 1040 acres of land. The treated industrial wastewater is disposed of by irrigation on company-owned property. The plant site is approximately two (2) miles east of the U.S. Highway 84/State Highway 331 intersection which is southeast of the City of Lubbock, Lubbock County, Texas.

Approved, PR/PG

Item 4. APPLICATION BY NEWELL COOPER DBA COOPER MILKY WAY DAIRY for a minor amendment to Permit No. 03094 to authorize an increase

in the capacity of Pond No. 4 from 3.44 acre-feet to 24.44 acre-feet. The permit authorizes the disposal of wastes and wastewater from a dairy which consists of a maximum of 1200 head. The dairy is approximately 4.5 miles southwest of the intersection of Farm-to-Market Road 847 and Farm-to-Market Road 914 in Erath County, Texas.

Approved, PR/PG

Item 5. APPLICATION BY HECTOR J. ESCOBAR DBA HORIZON TRUCK WASH for a minor amendment to Permit No. 03033 to authorize modifications to the treatment system. The permit authorizes the disposal of wastewater containing surfactants and a minute amount of acid cleaner by on-site spray irrigation. The disposal volume is not to exceed a maximum of 7,500 gallons per day. The facility is at 11288 Stockyard, two blocks southwest of Interstate Highway 10 and one block northwest of Horizon Blvd., El Paso County, Texas.

Approved, PR/PG

Item 6. APPLICATION BY TEXAS DEPARTMENT OF CRIMINAL JUSTICE for a minor amendment to Permit No. 11915-01 to authorize a decrease in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 1,400,000 gallons per day to a volume not to exceed an average flow of 750,000 gallons per day. The Beto I Wastewater Treatment Facility is approximately six miles northwest of the intersection of U.S. Highways 84 and 79 and Farm-to-Market Road 645, and approximately two miles west of the intersection of Farm-to-Market Roads 645 and 3328 in Anderson County, Texas.

Approved, PR/PG

Item 7. APPLICATION BY BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 for renewal of Permit No. 10351-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,000,000 gallons per day. The wastewater treatment facilities are located on the west side of Farm-to-Market Road 2410 and approximately 0.5 mile north of U.S. Highway 190 in the City of Killeen in Bell County, Texas.

Approved, PR/PG

Item 8. APPLICATION BY CITY OF LAKEWAY for renewal of Permit No. 13180-01 which authorizes disposal of treated effluent by evaporation and by irrigation on 10.2 acres of coastal bermuda grass over-seeded annually with winter rye. The disposal volume is not to exceed an average of 24,500 gallons per day. The renewed permit has decreased the disposal volume to 20,000 gallons per day average. The wastewater treatment facility is approximately 450 feet north-northeast of the intersection of Brooks Hollow Road and Hurst Creek Road in Travis County, Texas.

Approved, PR/PG

Item 9. APPLICATION BY CITY OF LAREDO for renewal of Permit No. 10681-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 9,900,000 gallons per day. The wastewater treatment facility is located approximately 3500 feet east of U.S. Highway 83 and 3.2 miles south of the intersection of U.S. Highway 83 and

State Highway 20 in southwest in Webb County, Texas.

Approved, PR/PG

Item 10. APPLICATION BY THOUSAND TRAILS INCORPORATED for renewal of Permit No. 12349-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 30,000 gallons per day. The Lake Conroe Wastewater Treatment Facilities are approximately 3.1 miles west of the intersection of Farm-to-Market Road 830 and Interstate Highway 45, 1.3 miles west-southwest of the intersection of Farm-to-Market Road 830 and Old Willis-Montgomery Road and 1000 feet northwest of the intersection of Old Willis-Montgomery Road with the shoreline of Lake Conroe in Montgomery County, Texas.

Approved, PR/PG

Item 11. APPLICATION BY TRAVIS VISTA, SECTION II for renewal of Permit No. 11531-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,000 gallons per day. The wastewater treatment facilities are approximately 600 feet northwest of Farm-to-Market Road 620 and one mile east of Mansfield Dam in Travis County, Texas.

Approved, PR/PG

Item 12. APPLICATION BY TRINITY RIVER AUTHORITY for renewal of Permit No. 11310-01 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 Wolf Creek Park Wastewater Treatment Plant is approximately 0.3 of a mile northeast of Farm-to-Market Road 224 at a point approximately 2.7 miles southeast of the intersection of State Highway 156 and Farm-to-Market Road 224 in San Jacinto County, Texas.

Approved, PR/PG

Item 13. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF CAPITOL VIEW JOINT VENTURE FOR A RENEWAL OF PERMIT NO. 12772-01 TO AUTHORIZE THE DISCHARGE OF 0.625 MGD OF TREATED DOMESTIC WASTEWATER EFFLUENT I TRAVIS COUNTY, TEXAS, AND SEGMENT NO. 1428 OF THE COLORADO RIVER BASIN. RECOMMENDATION: ISSUANCE OF AMENDED PERMIT. (O'NEAL)

Adopt Examiner's Memo and Issue Order, PR/JH

Item 14. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF CHARTER WASTE MANAGEMENT, INC. FOR PERMIT NO. MSW-2158 TO AUTHORIZE THE OPERATION OF A MUNICIPAL SOLID WASTE LANDFILL IN ECTOR COUNTY, Texas. RECOMMENDATION: ISSUANCE OF PERMIT. (O'NEAL).

Adopt Examiner's Memo and Issue Order, PR/JH

Item 15. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF FIVE LAND, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN GRIMES COUNTY, TEXAS. (DOCKET NO. 8850-C). RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (LIMES)

Adopt Examiner's Memo and Issue Order, PR/JH

Item 16. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF RATEPAYER APPEAL OF EVANT WATER SUPPLY CORP. TO INCREASE RETAIL WATER AND SEWER RATES IN CORYELL AND HAMILTON COUNTIES, TEXAS (DOCKET NO. 9300-W). APPLICANT PROVIDES RETAIL WATER AND SEWER SERVICE TO APPROXIMATELY 224 CUSTOMERS. PETITIONERS WITHDREW PETITION: RECOMMENDATION: DISMISS CASE. (THOMAS)

Adopt Examiner's Memo and Issue Order, PR/JH

Item 17. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE PETITION OF HARRISBURG BANK FOR AN ADMINISTRATIVE HEARING TO DETERMINE THE ELIGIBILITY OF HARRISBURG BANK FOR REIMBURSEMENT FROM THE PETROLEUM STORAGE TANK REMEDIATION FUND. RECOMMENDATION: ISSUANCE OF PERMIT. (LIMES)

Adopt Examiner's Memo and Issue Order, PR/JH

Item 18. APPLICATION OF CHANNELVIEW BANK AS EXECUTOR OF LILLIE LANGE ESTATES DBA LANGE WATER COMPANY to Cancel Water CCN No. 12548 in Washington County, TX (Application No. 9424-Q, Holck)

Approved, PG/PR

Item 19. APPLICATION BY FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 9 OF FORT BEND COUNTY FOR APPROVAL OF THE ISSUANCE OF \$3,000,000 IN UNLIMITED TAX AND REVENUE BONDS, SERIES 1992, FIFTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$3,000,000 in tax and revenue bonds to finance the purchase of District infrastructure facilities. (Herbert)

Approved PR/PG

Item 20. APPLICATION NO. 5401 BY H. E. BUTT GROCERY COMPANY FOR A WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.121. For Commission action. Applicant seeks to maintain two existing dams and reservoirs on Turtle Creek, with a combined reservoir capacity of 15.7 acre-feet, for in-place recreation use, Guadalupe River Basin, approximately 6.6 miles southwest of Kerrville, Kerr County, Texas. (JORDAN:rma)

Continued to June 10, 1992 at 9:00 a.m.

Item 21. APPLICATION NO. 5398 BY ROBERT B. NUNLEY, JR., RICHARD H. NUNLEY AND DOLPH BRISCOE, JR. TEXAS WATER CODE SECTION 11.121 & 11.143 WATER USE APPLICATION. FOR COMMISSION ACTION. Applicants seek authorization to maintain two existing exempt reservoirs on unnamed tributaries of East Elm Creek, and an existing non-exempt reservoir on East Elm Creek, tributary of the Nueces River in Uvalde County. These reservoirs will be used for domestic and livestock purposes and recreation use. Reservoirs 1 & 2 have respective capacities of 133.15 & 130.9 ac/ft, No. 3 impounds 460.371 ac/ft.

Approved, JH/PR

Item 22. APPLICATION NO. 23-865E BY THE PUBLIC UTILITIES BOARD OF CITY OF BROWNSVILLE TO AMEND CERTIFICATE NO. 23-865, AS AMENDED. TWC SECTION 11.122. FOR COMMISSION ACTION. Applicant seeks to combine 125 acre-feet of "Class B" irrigation water purchased under Cert. No. 23-139 with water rights owned under Cert. No. 23-865, as amended, and to convert this irrigation water to municipal use, change the diversion point and the

service area to Cameron Co., Texas. (SMITH/lb)

Approved, JH/PR

Item 23. APPLICATION NO. 14-5435A TO AMEND CERTIFICATE NO. 14-5435 BY R.A.L.A.C., INC. TWC SECTION 11.122. For Commission consideration and action. Applicant seeks to amend the certificate to extend the term of that portion of the certificate which is to expire December 31, 1992. This is for the diversion and use of 1008 acre-feet of water from Blue Creek, Colorado River Basin, Wharton County, approximately 13 miles south of Wharton, Texas. (JORDAN/lb)

Approved, JH/PR

Item 24. THE COMMISSION WILL DETERMINE WHETHER EMERGENCY ORDER NO. 92-7E GRANTED BY THE TEXAS WATER COMMISSION ON APRIL 22, 1992 TO MOBIL OIL CORPORATION DBA MOBIL MINING & MINERALS COMPANY, SHOULD BE AFFIRMED, MODIFIED OR SET ASIDE.

Modify as Recommended by Staff, PR/JH

UNCONTESTED OLD BUSINESS

Wednesday, May 20, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of December 18, 1991 and March 18, 1992.

- Item 1. APPLICATION BY BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 FOR APPROVAL OF STANDBY FEE. For Commission consideration and action. Applicant requests approval to adopt and impose an annual total standby fee of \$289,965 to supplement the debt service account.

Remand to Office Hearing's Examiner, PG/PR

Item carried forward from Agenda of April 15, 1992.

- Item 2. APPLICATION NO. 5394 BY THE UPPER GUADALUPE RIVER AUTHORITY FOR A SECTION 11.121 WATER USE PERMIT. For Commission consideration. Applicant seeks authorization to divert not to exceed 4760 acre-feet of water per annum from an existing reservoir on the Guadalupe River in Kerr County, for municipal purposes and/or injection into an underground aquifer reservoir for subsequent municipal use. The existing reservoir on the Guadalupe River is included in a permit owned by the authority. (JORDAN;tls)

Continued to June 10, 1992 at 9:00 a.m.

OLD BUSINESS CONTESTED AGENDA

Wednesday, May 20, 1992

TEXAS WATER COMMISSION

9:30 a.m.
Room 118

Item carried forward from Agenda of May 6, and May 13, 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)

Adopt Admndments as recommended by Staff and include Chairman Hall's motion to replace 10,000 years with 15,000 years on No Escape, JH/PR

CONTESTED AGENDA

Wednesday, May 20, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S ORDER CONCERNING THE COMPLAINT OF THE MEADOWS OF CHANDLER CREEK MUD TO REVIEW WHOLESALE WATER AND SEWER RATES IN WILLIAMSON COUNTY, TEXAS (DOCKET NO. 8599-M). APPLICANT PROVIDES WHOLESALE WATER AND SEWER SERVICE TO APPROXIMATELY 4 WHOLESALE CUSTOMERS IN ADDITION TO IN-CITY CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (PARKER)

Consider with Item #2.

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE PETITION OF CITY OF ROUND ROCK FOR A REVIEW OF THE WHOLESALE WATER RATES CHARGED TO BRUSHY CREEK MUNICIPAL UTILITY IN WILLIAMSON COUNTY, TEXAS (DOCKET NO. 8600-M). APPLICANT PROVIDES WHOLESALE WATER SERVICE TO 4 WHOLESALE CUSTOMERS, IN ADDITION TO IN-CITY CUSTOMERS. RECOMMENDATION: SET NEW RATE. (PARKER)

Adopt Examiner's Proposal with modifications that all refunds forwarded to the courts for refunds, JH/PR

Item 3. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF COLORADO RIVER MUNICIPAL UTILITY DISTRICT FOR RENEWAL OF A PERMIT, WITH AMENDMENT, TO CONDUCT WEATHER MODIFICATION IN SEVERAL COUNTIES IN WEST TEXAS. THE TARGET AREA SOUGHT BY COLORADO RIVER MUNICIPAL UTILITY DISTRICT INCLUDES THE FOLLOWING 12 COUNTIES: BORDEN, COKE, DAWSON, FISHER, GLASSCOCK, HOWARD, MARTIN, MITCHELL, NOLAN, RUNNELS, SCURRY, AND STERLING.

Proposal for Decision Denied, Approve Executive Director's recommendation, draft permit and work with protestants on language, and issue permit as requested by Colorado River Municipal Utility District, JH/PR

Item 4. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF CAMERON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 FOR PERMIT NO. 10757-01 TO AUTHORIZE THE DISCHARGE AND DISPOSAL BY IRRIGATION OF 2.6 MGD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN CAMERON COUNTY, TEXAS, AND SEGMENT NO. 2491 OF THE LAGUNA MADRE BAYS AND ESTUARIES. RECOMMENDATION: ISSUANCE OF PERMIT. (ZUKAUCKAS)

Adopt Examiner's Proposal for Decision and issue order but, add to waste discharge permit that district develop comprehensive water conservation plan and present to the Commission within 6 months, JH/PG

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LARRY BREWER, CCN NO. 12243, ORANGE, HARDIN, AND JASPER COUNTIES, TEXAS, FOR VIOLATIONS OF THE TEXAS WATER CODE, TEXAS WATER COMMISSION RULES, COMMISSION ORDER UNDER DOCKET NO. 8491-S/8492-C AND COMMISSION ORDER UNDER DOCKET NO. 8797-C.

(Keils)

Approve, PR/JH

- Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF J.C. PENNCO WASTE OIL SERVICE AND ALAMO DRUM COMPANY; SWR 52029. (GLENN HALL)

Remand to Office Hearing Examiner's, JH/PR

- Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF GILMER (PERMIT NO. 10457-01. (Smith, J.)

Issue Agreed Order, PR/JH

- Item 8. APPLICATION BY U.S. DEPARTMENT OF THE AIR FORCE (Air Force) for an Emergency Order to authorize the disposal of treated effluent by irrigation on a golf course located at Kelly Air Force Base in Bexar County, Texas. The Air Force is authorized by Permit No. 02356 to discharge treated industrial wastewater via Outfall 001 at a volume not to exceed an average flow of 1,750,000 gallons per day. The applicant is requesting to divert 462,000 gallons per day average of wastewater to irrigate an 155-acre golf course.

Issue Proposed Order, JH/PR

- Item 9. 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 10. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS LITIGATIONS AND RELATED AGENCY ACTIONS CONCERNING EDWARDS AQUIFER.

No Action Taken