

CONTESTED AGENDA

Wednesday, August 26, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. RATIFICATION OF THE JOINT ADMINISTRATIVE ORDER BY THE TEXAS WATER COMMISSION (PURSUANT TO TX. HEALTH & SAFETY CODE SEC. 361.272) AND THE TEXAS DEPARTMENT OF HEALTH DATED JULY 24, 1992, REQUIRING WATERSBEND PARTNERS, LTD. TO EVACUATE ALL RESIDENCES IN THE WATERSBEND APARTMENT COMPLEX LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS AND REQUIRING CERTAIN ACTIONS OF THE WATERSBEND PARTNERS, LTD. (LIGARDE)

Ratify Joint Administrative Order as Recommended. PG/PR

Item 2. CONSIDERATION OF THE REQUEST BY FISHPOND, INC., FOR AUTHORIZATION TO CONSTRUCT A WASTEWATER TREATMENT PLANT (PROPOSED PERMIT NO. 13601-01 PURSUANT TO SECTION 26.027(C) OF THE TEXAS WATER CODE. (SMITH, J.)

Approve Autohoization to Construct, JH/PG

Item 3. REVIEW AND DISCUSSION OF PROPOSED RULES, CHAPTER 298; EDWARDS UNDERGROUND RIVER: NO ACTION WILL BE TAKEN.

No Action Taken

Item 4. CONSIDERATION OF EXECUTIVE DIRECTOR'S REQUEST FOR APPROVAL OF EMERGENCY RULE CHANGES TO 31 TEXAS ADMINISTRATIVE CODE (TAC) SECTION 305.69 CONCERNING CLARIFICATION THAT SECTION 305.69 APPLIES ONLY TO INDUSTRIAL AND HAZARDOUS WASTE PERMIT MODIFICATIONS AND NOT TO MUNICIPAL SOLID WASTE PERMIT MODIFICATIONS.

Approve Emergency Rules as Recommended by Staff, PG/PR

Item 5. CONSIDERATION OF EXECUTIVE DIRECTOR'S REQUEST FOR APPROVAL OF NEW EMERGENCY RULE 31 TEXAS ADMINISTRATIVE CODE (TAC) SECTION 305.70 CONCERNING ADMINISTRATIVE MODIFICATIONS TO MUNICIPAL SOLID WASTE PERMITS.

Approve Emergency Rules as Recommended by Staff, PG/PR

Item 6. CONSIDERATION OF THE ADOPTION OF EMERGENCY RULES CONCERNING THE IMPLEMENTATION OF A REIMBURSEMENT PROGRAM FOR THE DISPOSAL OF CONTAMINATED USED OIL COLLECTED BY PUBLIC OIL COLLECTION CENTERS. (KADERKA)

Approve Adoption of Emergency Rules as Recommended by Staff, PG/PR

Item 7. CONSIDERATION OF THE ADOPTION OF EMERGENCY RULES DELINEATING MANAGEMENT STANDARDS FOR USED OIL FILTERS. THESE RULES ADDRESS THE STORAGE, TRANSPORT, PROCESSING AND DISPOSAL REQUIREMENTS FOR THE FILTERS. (KADERKA)

Approve Adoption of Emergency Rules as Recommended by Staff, PR/PG

Item 8. CONSIDERATION OF THE ADOPTION OF 31 TEX ADMIN CODE SECTIONS 320.21 - 320.22 FEE RULES ENTITLED, PROGRAM FOR WATER QUALITY

ASSESSMENT BY WATERSHED, IMPLEMENTING PORTIONS OF SENATE BILL 818. (BROOKINS/LIGARDE).

Adopt Rules as Recommended by Staff, PG/PR

Item 9. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING PENDING LITIGATION: CITY OF LAPORTE, REP. MIKE JACKSON, PHILLIP SMITH, SR., FAMILY AND HARRIS COUNTY VS. TEXAS WATER COMMISSION, NO. 495, 506, 53RD DISTRICT COURT OF TRAVIS COUNTY. AUTHORITY FOR THIS MEETING IS TEX. REV. CIV. STAT. ANN. ART. 6252-17, SEC. 2 (e).

No Action Taken

Item 10. 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 11. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING PENDING LITIGATION AND OTHER LITIGATION THAT MAY ARISE CHALLENGING OR SUPPORTING COMMISSION ACTION RELATED TO THE EDWARDS AQUIFER: DANNY MCFADEN AND TEXAS FARM BUREAU VS. TEXAS WATER COMMISSION, NO. 92-05214, 331ST DISTRICT COURT OF TRAVIS COUNTY; EDWARDS UNDERGROUND WATER DIST. ET AL. VS. LIVING WATERS ARTESIAN SPS. LTD., ET AL., NO. 91-CI-14862, 57TH DISTRICT COURT OF BEXAR COUNTY; SIERRA CLUB, ET AL. VS. LUJAN, ET AL., NO. 91-CA-069, U.S. DISTRICT COURT, WESTERN DIST. OF TEXAS, MIDLAND ODESSA DIV.; GBRA VS. TEXAS FARM BUREAU, ET AL., NO. 92-05226, 299TH DISTRICT COURT OF TRAVIS COUNTY. THE AUTHORITY FOR THIS MEETING IS TEX. REV. CIV. STAT. ANN. ART. 6252-17, SEC. 2 (e).

No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, August 26, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AN EMERGENCY ORDER APPOINTING JERRY BUCHER AS TEMPORARY MANAGER AND OPERATOR OF OAK VALLEY WATER COMPANY PURSUANT TO TEXAS WATER CODE SECTION 13.4132; CCN NO. 11938 (IRENE MONTELONGO).

Issue Emergency Order appointing Jerry Bucher as Temporary Manager and Operator of Oak Valley Water Company, PR/JH

UNCONTESTED AGENDA

Wednesday, August 26, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. Consideration of an application by DOW CHEMICAL COMPANY for a Class 2 Modification to hazardous waste Permit No. HW50161-001 in accordance with 31 TAC Section 305.69. Dow operates a Class I hazardous and Class I and II non-hazardous waste storage, processing and disposal site. The facility is located in the City of Freeport, Brazoria County, Texas.

Approved, PR/PG

Item 2. Consideration of an application by KERR-MCGEE CHEMICAL CORPORATION, Forest Products Divisions for a Class 2 Modification to its hazardous waste post closure care Permit No. HW50076-000 and Compliance Plan No. CP50076-000 in accordance with 31 TAC Section 305.69. The facility is at 2513 Buchanan Road in the City of Texarkana, Bowie County, Texas.

Approved, PR/PG

Item 3. Consideration of an application by SAFETY-KLEEN, McAllen Facility for a Class 2 Modification to hazardous waste Permit No. HW50234 in accordance with 31 TAC Section 305.69. The facility is on a 0.37- acre tract of land on Tamarack Road, one quarter mile west of Jackson Road in the City of McAllen, Cameron County, Texas.

Approved, PR/PG

Item 4. APPLICATION BY DISPOSAL SYSTEMS, INC. (DSI) for a permit (Proposed Permit No. HW50058) to authorize operation of a commercial hazardous storage and processing facility for Class I hazardous and nonhazardous industrial solid wastes. DSI currently is authorized to operate the facility under interim status. The facility is located on a 10.6-acre tract of land adjacent to State Highway 134 (Battleground Road) approximately 1.1 miles southwest of the San Jacinto Monument in Deer Park, Harris County, Texas.

Approved, PR/PG

Item 5. APPLICATION BY E.I. DUPONT DE NEMOURS & CO., INC. for an amendment to Permit No. HW50056-001 and to Compliance Plan No. CP50056-001 at their Victoria Plant. The wastes managed at this facility are Class I hazardous and non-hazardous and Class II and Class III industrial solid wastes. Wastes include those generated at the Victoria Plant and from other DuPont sites. The Victoria Plant is located on a 4596-acre tract of land approximately 13 miles south of the City of Victoria in Victoria County, Texas.

Approved, PR/PG

Item 6. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW50247) to authorize continued operation of an

existing hazardous waste storage and processing facility which is currently operating under interim status. The facility stores and processes spent mineral spirits, spent carburetor cleaner, dry cleaning waste, spent immersion cleaner and spent antifreeze for recycling at another location. The facility is located at 900-A Hawkins Road, between Interstate Highway 10 and FM Highway 76 in the City of El Paso, El Paso County, Texas.

Approved, PR/PG

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AN ORDER AUTHORIZING THE CITY OF EDMONSON TO CONSTRUCT A WASTEWATER TREATMENT FACILITY PRIOR TO COMMISSION CONSIDERATION OF THE APPLICATION FOR A PERMIT. (Keils)

Approved, PG/PR

Item 8. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 37 FOR APPROVAL OF \$1,300,000 UNLIMITED TAX AND REVENUE BONDS, 8.1737% NET EFFECTIVE INTEREST RATE, SERIES 1992, SECOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$1,300,000 in tax and revenue bonds to finance the purchase of an expansion to the wastewater treatment plant and utility infrastructure serving the District. (Herbert)

Approved, PG/PR

Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR A COMMISSION RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO CERTAIN CONTRACTS FOR THE 1992-1993 FISCAL YEAR. (Ray)

Approved, PG/PR

Item 10. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE TRINITY RIVER AUTHORITY FOR LABORATORY SERVICES DURING FISCAL YEAR 92-93. THE TOTAL DOLLAR AMOUNT OF THE CONTRACT IS \$200,000 (CARLTON).

Approved, PG/PR

Item 11. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH FOR LABORATORY SERVICES DURING FISCAL YEAR 92-93. THE TOTAL DOLLAR AMOUNT OF THE CONTRACT IS 1,573,893.0. (CARLTON)

Approved, PG/PR

Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AUTHORIZATION TO AMEND A CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH FOR HEALTH MONITORING SERVICES DURING FISCAL YEAR 92-93. THE TOTAL DOLLAR AMOUNT OF THE CONTRACT IS \$229, 575.00. THIS BRINGS THE TOTAL AMENDMENT AMOUNT ABOVE 25% OF THE ORIGINAL CONTACT. (CARLTON)

Approved, PG/PR

Item 13. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE EXISTING AZTEC MERCURY STATE SUPERFUND SITE REMEDIAL INVESTIGATION/FEASIBILITY STUDY CONTRACT TO INCLUDE A PHASE II

REMEDIAL INVESTIGATION.

Approved, PG/PR

Item 14. CONSIDERATION OF AN AGREED ORDER TO CONDUCT A REMEDIAL INVESTIGATION/FEASIBILITY STUDY AT THE HIGGINS WOOD PRESERVING PROPOSED STATE SUPERFUND SITE.

Issue Order with changes as recommended by staff, PR/PG

Item 15. CONSIDERATION OF AN AGREED ORDER TO CONDUCT A REMEDIAL INVESTIGATION/FEASIBILITY STUDY AT THE OLD LUFKIN CREOSOTING PROPOSED STATE SUPERFUND SITE.

Issue Order with changes as recommended by staff, PR/PG

Item 16. CONSIDERATION OF AN AGREED ORDER TO CONDUCT A REMEDIAL INVESTIGATION/FEASIBILITY STUDY AT THE GULF METALS STATE SUPERFUND SITE.

Issue Order with changes as recommended by staff, PR/PG

Item 17. CONSIDERATION OF AN AGREED ORDER TO CONDUCT A REMEDIAL INVESTIGATION/FEASIBILITY STUDY AT THE THOMPSON-HAYWARD STATE SUPERFUND SITE.

Issue Order with changes as recommended by staff, PR/PG

Item 18. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT TO CONDUCT POTENTIALLY RESPONSIBLE PARTY DETERMINATION STUDIES AT STATE SUPERFUND SITES.

Approved, PR/PG

Item 19. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT TO AMEND THE EXISTING MUNOZ STATE SUPERFUND SITE REMEDIAL INVESTIGATION/FEASIBILITY STUDY CONTRACT TO INCLUDE A PHASE II REMEDIAL INVESTIGATION.

Approved, PR/PG

Item 20. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH SOUTHWESTERN LABS FOR THE GROUNDWATER REMEDIATION AT THE INDUSTRIAL TRANSFORMERS SUPERFUND SITE.

Approved, PR/PG

Item 21. CONSIDERATION OF THE AUTHORIZATION OF THE EXECUTIVE DIRECTOR TO ENTER INTO AN INTERAGENCY CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH WHICH REQUIRES THE TEXAS DEPARTMENT OF HEALTH TO PERFORM VARIOUS FUNCTIONS TRANSFERRED TO THE TEXAS WATER COMMISSION PER SENATE BILL NO. 2. (Mehta)

Approved, PR/PG

Item 22. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR A COMMISSION RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO CONTRACTS WITH THE TEXAS PUBLIC FINANCE AUTHORITY FOR FINANCING OR REFINANCING THE PURCHASE OR LEASE OF EQUIPMENT AND TO TAKE OTHER ACTIONS NECESSARY TO IMPLEMENT SUCH CONTRACTS DURING FY 92-93.

Withdraw item at request of Executive Director

Item 23. APPLICATION NO. 3369A BY NEVILLE RANCH TO AMEND PERMIT NO. 3133 (A-3369) UNDER TWC SECTION 11.122. FOR COMMISSION ACTION. Applicant seeks to change the place of use, the point of diversion, and establish a separate diversion rate of the portion of water right purchased under the permit. Applicant will move 18 acre-feet of water upstream approximately 10,000 feet on Calamity Creek, Rio Grande Basin in Brewster County. (Smith/lb)

Approved, PG/PR

Item 24. RENEWAL OF 2 STATE-LEAD LEAKING UNDERGROUND STORAGE TANK TRUST FUNDS AND 6 STATE LEAD PETROLEUM STORAGE TANK REMEDIATION FUND MULTI-SITE CONTRACTS FOR AN ADDITIONAL ONE-YEAR TERM.

Extend contract for addition 90 days, PG/PR

Item 25. RENEWAL OF EXISTING CONTRACT WITH CONTINENTAL WATER SYSTEMS FOR INSTALLATION AND MAINTENANCE OF GRANULAR ACTIVATED CARBON WATER FILTERS AT VARIOUS LEAKING PETROLEUM STORAGE TANK SITES FOR FISCAL YEAR (FY 93). (LIEN, DANNY)

Approved, PG/PR

Item 26. COMMISSION APPROVAL OF FISCAL 1993 OPERATING BUDGET.

Approved, PG/PR

Item 27. COMMISSION APPROVAL OF VARIOUS CONTRACTS FOR SERVICES TO BE RENDERED BY OR FOR THE TEXAS WATER COMMISSION BY OTHER STATE AGENCIES DURING FISCAL YEAR 92-93.

Withdraw item at Request of Executive Director, PG/PR

Item 28. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF SAFETY-KLEEN CORPORATION FOR PERMIT NO. HW-50246-001 TO AUTHORIZE THE OPERATION OF A HAZARDOUS WASTE STORAGE FACILITY AND PROCESSING FACILITY IN BEXAR COUNTY, TEXAS. Applicant seeks authorization to process Class I hazardous wastes at facilities located in Segment No. 1910 of the San Antonio River Basin. RECOMMENDATION: Issuance of Permit. (SORRELLS)

Approved, PG/PR

Item 29. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION AND PRELIMINARY ENFORCEMENT REPORT OF THE EXECUTIVE DIRECTOR FOR AN ORDER REQUIRING CERTAIN ACTIONS OF SCHU-TEX, INC. AND SOUTHERN PACIFIC TRANSPORTATION COMPANY. RECOMMENDATION: ISSUANCE OF AGREED ORDER. (ROGAN)

Issue Agreed Order PR/PG

Item 30. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN AGREED ENFORCEMENT ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DIXIE METALS. (DALLAS COUNTY). (VILAS, MAC)

Issue Agreed Order PR/PG

Item 31. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN AGREED ENFORCEMENT ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN

ACTIONS OF LOWENCO, INC. SWR 38987

Issue Agreed Order, PR/PG

Item 32. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN AGREED ENFORCEMENT ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ROBERTS PEST CONTROL. TRAVIS COUNTY. (JANEK, SUSAN)

Issue Agreed Order, PR/PG

UNCONTESTED OLD BUSINESS

Wednesday, August 26, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of February 26, 1992; March 11, 1992; April 1, 1992; and April 22, 1992.

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF COMMUNITY INDEPENDENT SCHOOL DISTRICT FOR PERMIT NO. 13554-01 TO AUTHORIZE THE DISCHARGE OF 23,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN COLLIN COUNTY, TEXAS, AND SEGMENT NO. 0507 OF THE SABINE RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (PARKER) (This item was continued indefinitely. Community Independent School has now reached an agreement with the City of Josephine. Community ISD requests their application be withdrawn without prejudice.)

Withdraw W/O Prejudice, JH/PR

Item carried forward from Agenda of July 22, 1992.

- Item 2. APPLICATION BY CITY OF ABILENE for renewal of Permit No. 10334-04 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 18,000,000 gallons per day from the Hamby Wastewater Treatment Facilities. The plant site is approximately 6.5 miles northeast of the intersection of Interstate Highway 20 and State Highway 351, three miles west of the intersection of State Highway 351 and Farm-to-Market Road 604 in Jones County, Texas.

Continued to September 9, 1992

Item carried forward from Agenda of July 22, 1992.

- Item 3. APPLICATION NO. 02-5117A BY THE RED RIVER AUTHORITY OF TEXAS TO AMEND CERTIFICATE OF ADJUDICATION NO. 02-5117. For Commission action. Applicant seeks to amend Certificate No. 02-5117, which authorizes the diversion of not to exceed 1240 acre-feet of high saline water from the South Wichita River, Red River Basin, to a brine reservoir for evaporation, by increasing the amount of water authorized for diversion from 1240 to 5010 acre-feet per annum. (SHARON SMITH;tls)

Issue as Recommended by Staff, PR/PG