

HALL-PRESENT
REED-PRESENT
GARNER-PRESENT

UNCONTESTED AGENDA

Wednesday, September 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY COGEN POWER, L.P. for a permit (Proposed Permit No. 03449) to authorize a discharge of demineralizer wastewater, cooling tower blowdown and sump water effluent at a volume not to exceed an average flow of 170,000 gallons per day from an electricity and steam generating facility. The applicant provides electricity for Great Lakes Carbon Corporation and steam for Chevron U.S.A.. The plant site is east of State Highway 87 and the Turning Basin, west of the Sabine-Neches Canal, in the Great Lakes Carbon Corporation Plant in the City of Port Arthur in Jefferson County, Texas.

Approved, PR/PG

Item 2. APPLICATION BY TONY TUNIS BOS for an amendment to Permit No. 03169 to authorize an increase in the number of head located at the dairy and feedlot from a maximum of 3130 milking head and 410 dry head to a maximum of 3130 milking head with a total maximum of 6000 head. The dairy is on the east side of State Highway 76, approximately two miles northwest of the intersection of State Highway 76 and State Highway 20 in El Paso County, Texas.

Approved, PR/PG

Item 3. APPLICATION BY EL PASO WATER UTILITIES PUBLIC SERVICE BOARD for an amendment to Permit No. 10408-09 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 5,000,000 gallons per day to a volume not to exceed an average flow of 17,500,000 gallons per day. The Quarry (Northwest) Wastewater Treatment Facilities is at the intersection of Interstate Highway 10 and Executive Center Boulevard in El Paso County, Texas.

Approved, PR/PG

Item 4. APPLICATION BY FINA OIL AND CHEMICAL COMPANY for an amendment to Permit No. 00491 in order to consolidate three existing wastewater permits (Permit Nos. 00491, 00657 and 02688) into one permit (Permit No. 00491). The proposed amendment would also eliminate one stormwater outfall and add three stormwater outfalls. The permit will authorize a discharge of stormwater, noncontact cooling water and utility wastewater filter backwash at a volume not to exceed 1,000,000 gallons per day average via Outfall 004; treated process wastewater, stormwater and utility wastewater at a volume not to exceed 3,000,000 gallons per day average via Outfall 007; plus intermittent flow variable discharges of stormwater and uncontaminated stormwater. The plant site is on the northwest corner of State Highway 87 and FM Road 366 and northeast of the City of Groves in Jefferson County, Texas.

Approved, PR/PG

Item 5. APPLICATION BY HOFFMAN-LAROCHE INC. for an amendment to Permit No. 02216 to authorize a decrease in the maximum flow discharge of treated industrial wastewaters via Outfall 001. The permit also authorizes a variable volume discharge of stormwater via Outfall 002. The permit also authorizes a maximum flow not to exceed 750,000 gallons per day to a maximum flow not to exceed 381,000 gallons per day. The company is making process modifications to produce a new vitamin A precursor, beta carotene. The plant site is just south of Oyster Creek and north of FM Road 332 near the City of Freeport in Brazoria County, Texas.

Approved, PR/PG

Item 6. APPLICATION BY CITY OF LA WARD for an amendment to Permit No. 13479-01 to authorize a variance in the effluent monitoring frequency from once a week to once a month. The permit currently authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 210,000 gallons per day from the wastewater treatment facilities. The plant site is on the west side of Sam Houston Avenue approximately 200 feet northeast of the intersection of Palacios Street and Rio Grande Street and Rio Grande Street in the City of La Ward in Jackson County, Texas.

Approved, PR/PG

Item 7. APPLICATION BY ANA-LAB CORPORATION for renewal of Permit No. 11327-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the Twin Oaks Trailer Park/Six Mile Marina Wastewater Treatment Facilities. The plant site is approximately 2000 feet south of Farm-to-Market Road 2928, approximately 4000 feet east of the intersection of State Highway 87 and Farm-to-Market Road 2928 on the shore of Toledo Bend Reservoir in Sabine County, Texas.

Approved, PR/PG

Item 8. APPLICATION BY AZTEC COVE PROPERTY OWNERS ASSOCIATION for renewal of Permit No. 11831-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 7,500 gallons per day. The wastewater treatment facilities is approximately seven miles east of the City of Trinity on the north side of Farm-to-Market Road 356, approximately 2,000 feet west of the bridge over the White Rock Creek Arm of Lake Livingston in Trinity County, Texas.

Approved, PR/PG

Item 9. APPLICATION BY BEAZER WEST, INC. for renewal of Permit No. 02893 which authorizes a discharge of settled wastewater at a volume not to exceed an average flow of 360,000 gallons per day from a sand and gravel mining operation. The plant site is approximately 1.5 miles south of the intersection of State Highway 6 and Loop 340 in McLennan County, Texas.

Approved, PR/PG

Item 10. APPLICATION BY BROWN & ROOT, INC. for renewal of Permit No. 13317-01 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 proposed permit also authorizes treated wastewater effluent be used for irrigation as dust suppression to 43 acres of roads and yards of the Brown & Root Greens Bayou Marine Yard. Application rates shall not exceed 0.78 acre-feet/acre/year. The wastewater treatment facilities is approximately 2.4 miles southeast of the intersection of Farm-to-Market Road 526 (Federal Road) and Interstate Highway 10, and 1.2 miles south of Interstate Highway 10, at the Brown & Root Marine Yard west of the Todd Ship Yards, with Greens Bayou to the north and the Houston Ship Channel to the south in Harris County, Texas.

Approved, PR/PG

Item 11. APPLICATION BY EXPLORER PIPELINE COMPANY for renewal of Permit No. 02398 which authorizes intermittent discharges of stormwater from a petroleum products pipeline tank farm. The plant site is just north of State Highway 26 about 2.5 miles west of Grapevine in Tarrant County.

Approved, PR/PG

Item 12. APPLICATION BY GALVESTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 6 for renewal of Permit No. 10879-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day. The wastewater treatment facilities are on the eastern end of Wilson Point in West Bay in Galveston County, Texas.

Approved, PR/PG

Item 13. APPLICATION BY JAMES H. GLANVILLE, TRUSTEE for renewal of Permit No. 12313-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 16,000 gallons per day. The wastewater treatment facilities is at the confluence of Greens Bayou and the Houston Ship Channel on the north bank of the Houston Ship Channel and on the west bank of Greens Bayou in Harris County, Texas.

Approved, PR/PG

Item 14. APPLICATION BY CITY OF GRAHAM for renewal of Permit No. 10487-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,100,000 gallons per day. The wastewater treatment facilities are approximately 6000 feet south of the State Highway 67 bridge over Salt Creek in Young County, Texas.

Approved, PR/PG

Item 15. APPLICATION BY CITY OF HOUSTON for renewal of Permit No. 10495-075 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,140,000 gallons per day from the Sagemont Wastewater Treatment Facilities. The plant site is approximately 1/2 mile west of the Interstate 45 and 1/4 mile south of the intersection of Sageville Drive and South Belt in southeast Houston in Harris County, Texas.

Approved, PR/PG

Item 16. APPLICATION BY J.W. MASSEY for renewal of Permit No. 11768-01 which authorizes a discharge of treated domestic wastewater

effluent at a volume not to exceed an average flow of 10,000 gallons per day from the Oak Hollow Wastewater Treatment Facilities. The plant site is approximately 3/4 miles southeast of the intersection of Farm-to-Market Road 2540 and State Highway 35 in Matagorda County, Texas.

Approved, PR/PG

Item 17. APPLICATION BY TOWN OF PROSPER for renewal of Permit No. 10915-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 150,000 gallons per day. The wastewater treatment facilities are approximately 300 feet west of the intersection of the St. Louis and San Francisco Railroad and 7th Street in the City of Prosper in Collin County, Texas.

Approved, PR/PG

Item 18. APPLICATION BY ANTHONY J. RIEDEL for renewal of Permit No. 02798 which authorizes a discharge of treated restaurant wastewater effluent at a volume not to exceed an average flow of 3,000 gallons per day from Hickory Hollow Inn restaurant. The plant site is approximately 400 feet north of 10219 Fairbanks-North Houston Road, at a point approximately 1.25 miles west of FM Road 149 in Harris County, Texas.

Approved, PR/PG

Item 19. APPLICATION BY ROLOFF EVANGELISTIC ENTERPRISES, INC. for renewal of Permit No. 11134-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the Rebekah Home for Girls Wastewater Treatment Facilities. The plant site is approximately one mile west of the intersection of Farm-to-Market Road 665 and Farm-to-Market Road 763 and south of Farm-to-Market Road 665 in Nueces County.

Approved, PR/PG

Item 20. APPLICATION BY STERLING CHEMICALS, INC. for renewal of Permit No. 00575 which authorizes a discharge of industrial wastewaters at a volume not to exceed an average flow of 72,000,000 gallons per day via Outfall 002; a volume not to exceed an average flow of 30,500,000 gallons per day via Outfall 003 and a variable volume discharge of wastewaters including stormwater via Outfall 004. The permittee operates a chemical manufacturing facility that produces organic and inorganic chemicals. The plant site is at the south end of Bay Street, on the west shore of Galveston Bay in the City of Texas City in Galveston County, Texas.

Approved, PR/PG

Item 21. APPLICATION BY WHITE ROCK ESTATES PROPERTY OWNERS CIVIC ASSOCIATION for renewal of Permit No. 13354-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000 gallons per day. The wastewater treatment facilities is approximately seven miles east of the City of Trinity on the south side of Farm-to-Market Road 356, approximately 2,000 feet west of the bridge over the White Rock Creek Arm of Lake Livingston in Trinity County, Texas.

Approved, PR/PG

Item 22. APPLICATION BY WOODMARK DEVELOPMENT CORPORATION for renewal of Permit No. 13168-01 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 is south of Farm-to-Market Road 346, approximately 3500 feet east of the intersection of Farm-to-Market Roads 2493 and 346 in Smith County, Texas.

Approved, PR/PG

Item 23. APPLICATION BY FALLBROOK UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF AN EXTENSION OF TIME TO SELL BONDS; \$2,380,000 BOND ISSUE APPROVED JUNE 24, 1991. For Commission consideration and action. The District requests a one year extension of the Commission's bond approval dated June 24, 1991. (Herbert)

Approved, PR/PG

Item 24. APPLICATION BY HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 1-A FOR APPROVAL OF A \$685,000 UNLIMITED TAX AND REVENUE BOND ISSUE, 7.6% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant requests Commission approval of a bond issue to finance construction cost for a wastewater treatment plant, lift stations and corrective measures to prevent excessive infiltration. (Toliver)

Approved, PR/PG

Item 25. APPLICATION BY TATTOR ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,700,000 BOND ISSUE APPROVED FEBRUARY 4, 1977. For Commission consideration and action. Applicant requests approval of the use of surplus bond funds for the District's 27.93% pro rata share for improvements to the Treschwig Regional Wastewater Treatment Plant. (Romo)

Approved, PR/PG

Item 26. APPLICATION BY POST WOOD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF ESCROW RELEASE & USE OF SURPLUS FUNDS; \$525,000 BOND ISSUE APPROVED JANUARY 24, 1979. For Commission consideration and action. Applicant requests approval of the release of escrowed funds and use of surplus bond funds for District's 21.15% share of construction cost for improvements to the Treschwig Regional Wastewater Treatment Plant. (Toliver)

Approved, PR/PG

Item 27. APPLICATION BY ELLIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$14,095,000 BOND ISSUE APPROVED JULY 12, 1985. For Commission consideration and action. Applicant requests approval of the release of \$51,000 of escrowed funds to finance construction of manholes in the District's north and east areas. (Nelson)

Approved, PR/PG

Item 28. APPLICATION FOXFIRE DEVELOPMENT CORPORATION to cease operating as a public utility. (Application No. 9452-Q, Poe)

Approved, PG/PR

Item 29. APPLICATION OF BROWNLEE CORPORATION DBA CHEROKEE CLUB ESTATES SUBDIVISION for Cancellation of Sewer CCN No. 20405 in Cherokee County, TX (Application No. 9592-Q, Holck)

Approved, PG/PR

Item 30. APPLICATION OF WATER SERVICES III, INC. to Transfer Water CCN Nos. 10651, 10650, 10682, 10683, 11428, 11381 from the transferrer applicants mentioned above; Amend Water CCN No. 10650; and Cancel Water CCN Nos. 10651, 10682, 10683, 11428, 11381 in Atascosa and Bexar County, TX (Application No. 9370-T, Carlson)

Approved, PG/PR

Item 31. APPLICATION OF GUY JOHNSON DBA HALL PARK ENTERPRISES to Transfer a Portion of Water CCN No. 12188 from Michael J. Wood, Receiver dba Standley Utility Service Corporation; Issue Water CCN No. 12593; Amend Water CCN Nos. 12593 and 12188 in Harris County, TX (Application No. 9086-S, Horst)

Approved, PG/PR

Item 32. APPLICATION OF ALTON H. THEISS DBA ALTON THEISS SUBDIVISION WATER WELL for a Water Certificate of Convenience and Necessity in Harris County, TX (Application No. 9456-C, Gonzalez)

Approved, PG/PR

Item 33. APPLICATION OF SOUTH JASPER COUNTY WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity and to decertify a portion of Roy Stimits dba Evadale Water Supply, CCN No. 12443, in Jasper County, TX (Application No. 9474-C, Gonzalez)

Approved, PG/PR

Item 34. APPLICATION FOR CANCELLATION of Water CCN No. 11104 and Sewer CCN No. 20442 of Kerrville MUD, and Cancellation of Water CCN No. 11678 and Sewer CCN No. 20567 of Leon Turner dba Guadalupe Plaza Utilities, and Cancellation of Water CCN No. 11758 of J. L. L. Investments, Inc. dba Scenic Loop Estates Water System in Kerr County, TX (Application Nos. 9597-Q, 9598-Q, 9599-Q, 9600-Q, and 9601-Q, Holck)

Approved, PG/PR

Item 35. APPLICATION OF SETTING SUN ESTATES for Cancellation of Water CCN No. 11698 in Grayson County, TX (Application No. 9609-Q, Holck)

Approved, PG/PR

Item 36. APPLICATION NO. 5421 BY CITY OF REFUGIO FOR A SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks authorization to construct and maintain a dam and 7.0 acre-foot reservoir on Little Creek for in-place recreational use, San Antonio-Nueces Coastal Basin, Refugio County, Texas. (SHARON SMITH/rma)

Approved, PR/PG

Item 37. APPLICATION NO. 5259 BY RIO GRANDE VALLEY MUNICIPAL WATER

AUTHORITY AND PUBLIC UTILITIES BOARD OF THE CITY OF BROWNSVILLE FOR A WATER USE PERMIT. FOR COMMISSION ACTION. Applicant requests authorization to construct Brownsville Reservoir on the Rio Grande approximately four miles southeast of Brownsville, Texas and use of water for municipal purposes from the proposed reservoir and the United States share of storage in Anzalduas Reservoir on the Rio Grande approximately 15.4 miles southeast of Edinburg. As indicated in the last public notice for this application, the staff is recommending that the application be remanded to the Hearing Examiner's office for public hearing on October 15, 1992 at 10:00 a.m. in Room 119 of the Stephen F. Austin Building (Smith/TLS)

Remand to Office Hearing's Examiner, PR/PG

Item 38. CONSIDERATION OF AGREED REQUEST FOR A TEMPORARY VARIANCE FROM THE TEXAS SURFACE WATER QUALITY STANDARD OF 2,000 COLS./100 MILLILITERS FOR FECAL COLIFORM BACTERIA IN SEGMENT 1007 OF HTE HOUSTON SHIP CHANNEL FOR GULF COAST WASTE DISPOSAL AUTHORITY, PERMIT NO. 01740. PENDING ITS DEVELOPMENT OF AN ALTERNATE STANDARD FOR THE MEASUREMENT OF FECAL PATHOGENS (LAURA RAY)

Approved, JH/PR

Item 39. Consideration of approval of 1994-1995 LAR.

Withdraw Request

Item 40. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LAKE FOREST LODGE, INC. FOR A NUNC PRO TUNC ORDER CORRECTING THE LANGUAGE OF A PREVIOUSLY ISSUED ORDER TO PROVIDE FOR A BIENNIAL FEE OF \$65 PER WATER SYSTEM CONNECTION AS AGREED BY ALL PARTIES RATHER THAN AN ANNUAL FEE OF \$65 TO PROVIDE WATER UTILITY SERVICE IN MONTGOMERY COUNTY, TEXAS. (DOCKET NO. 9138-C). RECOMMENDATION: ISSUE THE CORRECTED ORDER.

Issue Nunc Pro Tunc Order, PR/PG

UNCONTESTED OLD BUSINESS

Wednesday, September 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 2, 1992.

- Item 1. APPLICATION NO. 5418 BY CALIFORNIA GOLF, LTD. FOR A WATER USE PERMIT PURSUANT TO TWC SECTION NO. 11.121. FOR COMMISSION ACTION. Applicant seeks to divert 358 acre-feet of water per annum from an existing, on-channel 165.6 acre-foot reservoir on a re-directed unnamed tributary of the West Fork Trinity River, Trinity River Basin, to subsequently divert the water for irrigation of 153 acres of land (golf course) and into 8 existing, off-channel ponds for in-place recreational purposes, approximately 16 miles east of Fort Worth, Tarrant County, Texas. (SMITH/jme)

Approve, PR/PG

Item carried forward from Agenda of September 2, 1992.

- Item 2. APPLICATION BY PARK CENTRAL MUNICIPAL UTILITY DISTRICT OF JEFFERSON COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$12,565,000 BOND ISSUE APPROVED MARCH 31, 1980. For Commission consideration and action. The District is requesting the use of \$99,842 in surplus funds to finance the utility infrastructure to serve Park Central Commercial Plaza, and related engineering costs. (DeRusse)

Approve, PG/PR

CONTESTED AGENDA

Wednesday, September 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MOBIL OIL CORPORATION; SWR NO. 30587. (Alvarado)

Continued to December 9, 1992 at 9:00 a.m.

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF NEWELL COOPER, DBA COOPER MILKY WAY DAIRY, PERMIT NO. 03094. (Ray)

Remand to Office Hearing's Examiner, PG/PR

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE PLANTATION AT ROUND ROCK. (Ray)

Remand to Office Hearing's Examiner, PR/PG

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF J.M. HUBER CORPORATION, PERMIT NO. 00737. (Ray)

Remand to Office Hearing's Examiner, PR/PG

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PLANTATION FOODS, INC., FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, NO PERMIT. (Ray)

Issue Order as Proposed by Staff, PG/PR

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF COASTAL REFINING & MARKETING, INC., FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 00465. (Ray)

Remand to Office Hearing's Examiner, PR/PG

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF JEFF BAILEY DBA J&J DAIRY, NO PERMIT. (Carlton)

Continued to September 30, 1992 at 9:00 a.m.

Item 8. CONSIDERATION OF EXECUTIVE DIRECTOR'S PETITION AND ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CALABRIAN CHEMICALS CORPORATION; SWR NO. 30446-- VIOLATION OF TEXAS SOLID WASTE DISPOSAL ACT, TEXAS WATER CODE AND RULES OF THE TWC.

Remand to Office Hearing's Examiner, PG/PR

Item 9. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF FRED WILLIAMSON FOR PERMIT NO. 13563-01 TO AUTHORIZE THE 50,000 GPD of TREATED DOMESTIC WASTEWATER EFFLUENT IN MATAGORDA COUNTY, TEXAS, AND SEGMENT NO. 2441 OF THE BAYS & ESTUARIES. RECOMMENDATION: DENIAL OF PERMIT. (JACKSON)

Hold in Abeyance for 6 months to allow applicant to amend discharge route, Reschedule for March 31, 1993 JH/PR

Item 10. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF GULF COAST WASTE DISPOSAL AUTHORITY FOR A RENEWAL OF PERMIT NO. 01740 TO AUTHORIZE THE DISCHARGE OF 54,700,000 GPD OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN HARRIS COUNTY, TEXAS, AND SEGMENT NO. 1007 OF THE SAN JACINTO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (ZUKAUCKAS)

Approve Proposal for Decision and issue order with changes as recommended by Hearing's Examiner, JH/PR

Item 11. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF E & D WASTE SYSTEMS, INC. FOR PERMIT NO. 03416 TO AUTHORIZE THE DISCHARGE OF FLOW VARIABLE GROUNDWATER AND UNCONTAMINATED STORMWATER IN GALVESTON COUNTY, TEXAS, AND SEGMENT NO. 1104 OF THE SAN JACINTO-BRAZOS COASTAL RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (THOMAS)

Adopt Examiner's Proposal for Decision and Issue Order, PR/PG

Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PETROLEUM WHOLESALER, INC., FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE. (Carlton)

Remand to Office Hearing's Examiner, PG/PR

Item 13. CONSIDERATION OF THE ADOPTION OF TITLE 31 TEXAS ADMINISTRATIVE CODE CHAPTER 322. THIS PROPOSED RULE CONCERNS COMMISSION CONSIDERATION OF REGIONAL PLANS WHEN EVALUATING DOMESTIC WASTEWATER PERMIT APPLICATIONS. (MCGINLEY)

Adopt Rules as Proposed, PR/PG

Item 14. Consideration of a request for an emergency order allowing DOW CHEMICAL COMPANY TEXAS OPERATIONS, Freeport facility, (HW 50161-001), Brazoria County, to receive, store and dispose of certain hazardous wastes from Angleton High School, the Brazoria County Mosquito Control District and the Tx Parks & Wildlife Dept as a public service.

Issue Emergency Order, PR/JH

Item 15. 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.

Continued to September 22, 1992 at 9:00 a.m.

Item 16. 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. L.B.TURLOVE, JR. AND JO HELEN BATOT VS. THE STATE OF TEXAS, TEXAS WATER COMMISSION, CAUSE NO. 92-08-18, 127-CV OF UVALDE COUNTY, 38TH JUDICIAL DISTRICT. THE AUTHORITY FOR THIS MEETING IS TEX. REV. CIV. STAT. ANN. ART. 6252-17, SEC. 2 (e).

Continued to September 22, 1992 at 9:00 a.m.

CONTESTED OLD BUSINESS

Wednesday, September 16, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 2, 1992.

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF HARRIS COUNTY FLOOD CONTROL DISTRICT FOR WATER USE PERMIT NO. 5362 , HARRIS COUNTY, TEXAS, TO DIVERT FLOOD FLOWS FROM TWO-YEAR FREQUENCY EVENT OR LESS NOT TO EXCEED 19,000 ACRE-FEET OF WATER PER ANNUM FROM THE KEEGANS BAY AND HARRIS COUNTY FLOOD CONTROL D140-00-00 CHANNEL, IN SAN JACINTO RIVER BASIN, FOR FLOOD CONTROL PURPOSES. RECOMMENDATION: ISSUANCE OF AUTHORIZATION. (SORRELLS)

Recommend Proposal For Decision be granted as recommended by Hearing's Examiner, with inclusion of stipulations by Harris Co. Flood Control District, JH/PR