

Chairman Hall - Present
Commissioner Reed - Present
Commissioner Garner - Absent/Excused

UNCONTESTED AGENDA

Wednesday, October 21, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY PLAY BALL, INC. for a permit (Proposed Permit No. 13599-01) to authorize the disposal of treated domestic sewage effluent by subsurface disposal on 9,000 square/feet of land. The treated effluent volume is not to exceed an average of 720 gallons per day. The wastewater treatment facility and subsurface disposal site are located on the north side of Farm-to-Market Road 1093 (Westheimer Road), approximately 0.5 mile west of the intersection of Mason Road and Westheimer Road in Fort Bend County, Texas.

Approved, PR/JH

Item 2. APPLICATION BY NORTH MISSION GLEN MUNICIPAL UTILITY DISTRICT for an amendment to Permit No. 12379-01 to authorize a decrease in flow in the interim II phase from a volume not to exceed 600,000 gallons per day to a volume not to exceed 467,000 gallons per day. The proposed amendment would also decrease the flow in the final phase from a volume not to exceed 1,000,000 gallons per day to a volume not to exceed 620,000 gallons per day. The wastewater treatment facilities is at a point approximately 1/2 mile west of Gaines Road, approximately 3/4 mile south of the intersection of Addicks Clodine Road and Beechnut Street in Fort Bend County, Texas.

Approved, PR/JH

Item 3. APPLICATION BY CITGO REFINING AND CHEMICALS, INC., CORPUS CHRISTI REFINERY for renewal of Permit No. 00467 which authorizes the discharge of treated industrial wastewater at a volume not to exceed 5,100,000 gallons per day average plus an intermittent discharge of stormwater, boiler blowdown and cooling tower blowdown from a petroleum refinery. The plant site is at 1801 Nueces Bay Boulevard in the City of Corpus Christi in Nueces County, Texas.

Approved, PR/JH

Item 4. APPLICATION BY CITY OF ENNIS for renewal of Permit No. 10443-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,500,000 gallons per day from the Oak Grove Wastewater Treatment Facilities. The plant site is approximately 1 1/2 miles south of the intersection of State Highway 34 and Farm-To-Market Road 1183, approximately 2 1/2 miles south of the intersection of Interstate Highway 45 and State Highway 34 in Ellis County, Texas.

Approved, PR/JH

Item 5. APPLICATION BY EQUITABLE BAG CO., INC. for renewal of Permit No. 00727 which authorizes flow variable discharges of natural artesian water, boiler blowdown, once through cooling water, and stormwater runoff via Outfall 001. The permit also authorizes a discharge of process wastewater and stormwater at a volume not to exceed an average flow of 800,000 gallons per day via Outfall 002. Plus, Outfall 003 authorizes a discharge of stormwater runoff at a volume variable with rainfall. The paper mill is located on the east bank of Adams Bayou, immediately north of the Missouri Pacific railroad bridge crossing Adams Bayou in the City of Orange, Orange County, Texas.

Approved, PR/JH

Item 6. APPLICATION BY GEORGIA-PACIFIC CORPORATION for renewal of Permit No. 01610 which authorizes a discharge of groundwater seepage at a volume not to exceed an average flow of 1,500,000 gallons per day from the gypsum quarry at its Acme Plant. The plant site is on the west bank of South Groesbeck Creek immediately north of State Loop 285 and approximately five miles west of the City of Quanah, Hardeman County, Texas.

Approved, PR/JH

Item 7. APPLICATION BY CITY OF HOUSTON for renewal of Permit No. 10495-20 which authorizes a discharge of treated domestic wastewater effluent at an average flow not to exceed 1,400,000 gallons per day. The Gulf Meadows Wastewater Treatment Plant is approximately 12.3 miles southeast of the downtown Houston central business district at 11030 Gulfdale, 0.5 of a mile east of State Highway 35 and approximately 0.5 of a mile north of Clear Creek in Harris County, Texas.

Approved, PR/JH

Item 8. APPLICATION BY HOUSTON SOLVENTS & CHEMICALS CO., INC., DBA SOUTHWEST SOLVENTS AND CHEMICALS for renewal of Permit No. 02449 which authorizes an intermittent flow variable discharge of stormwater runoff from a tank farm via Outfall 001. The permit also authorizes an intermittent flow variable discharge of wash water and stormwater runoff via Outfall 002. The applicant operates a bulk storage terminal for petroleum products and chemicals which is located at 11235 FM 529, 1/2 mile southwest of the intersection of U.S. Highway 290 and FM 529 near the City of Jersey Village, Harris County, Texas.

Approved, PR/JH

Item 9. APPLICATION BY JIM HOGG COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 2 for renewal of Permit No. 10799-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 464,000 gallons per day. The wastewater treatment facilities are approximately 3,700 feet east of the intersection of State Highway 285 and Farm-to-Market Road 1017 on the north side of State Highway 285 in Jim Hogg County, Texas.

Approved, PR/JH

Item 10. APPLICATION BY NJB & SON'S, INC. for renewal of Permit No. 10888-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000 gallons per day. The permittee is also authorized to

use the treated effluent to irrigate a golf course at an application rate not to exceed 2.0 acre-feet/acre/year. The Greenbrier Wastewater Treatment Facilities are located approximately 2.25 miles north of the intersection of State Highway 317 and Farm-to-Market Road 107 and 0.75 mile west of State Highway 317 in McLennan County, Texas.

Approved, PR/JH

Item 11. APPLICATION BY PIONEER AGGREGATES for renewal of Permit No. 01406 which authorizes a discharge of process wash water and stormwater from Treatment Pond #3 at a volume not to exceed an average flow of 6,000,000 gallons per day via Outfall 001. The permit also authorizes an intermittent flow variable discharge of settled stormwater from Sedimentation Ponds 3, 4A, and 4B via Outfalls 002, 003, and 004. The limestone crushing and washing plant is located approximately 3.5 miles northwest of the City of Bridgeport on FM 1658 and 1/2 mile east of Lake Bridgeport, Wise County, Texas.

Approved, PR/JH

Item 12. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 350 FOR APPROVAL OF A \$5,000,000 UNLIMITED TAX BOND ISSUE, FIRST ISSUE, 7.21% NET EFFECTIVE INTEREST RATE & USE OF SURPLUS FUNDS; \$2,480,000 BOND ISSUE APPROVED OCTOBER 15, 1981. For Commission consideration and action. Applicant requests Commission approval for a bond issue and use of surplus funds to finance water, wastewater and drainage improvements to serve 209 ESFCs within the District. (Toliver)

Approved, PR/JH

Item 13. APPLICATION BY SMITH COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF THE ISSUANCE OF \$710,000 IN UNLIMITED TAX & REVENUE BONDS, 7.76% NET EFFECTIVE INTEREST RATE, SERIES 1992, THIRD ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$710,000 in tax & revenue bonds to finance modification and expansion of its wastewater treatment plant to 1.3 mgd. (Nelson)

Approved, PR/JH

Item 14. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$14,265,000 BOND ISSUE APPROVED NOVEMBER 21, 1991. For Commission consideration and action. The Authority is requesting the use of \$267,000 in surplus funds to finance the emergency repair and reconstruction of the 30" sanitary sewer at Space Center Blvd. and Gunwale Road and the rehabilitation of Space Center Blvd. Sanitary Trunk Sewer, Phase 1. (Romo)

Approved, PR/JH

Item 15. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 39 FOR APPROVAL OF THE USE OF SURPLUS FUNDS & RELEASE OF ESCROWED FUNDS; \$2,005,000 BOND ISSUE APPROVED MARCH 22, 1990 & \$1,715,000 BOND ISSUE APPROVED JANUARY 17, 1984, RESPECTIVELY. For Commission consideration and action. Applicant requests the use of the aggregate sum of \$230,000 in surplus funds & escrowed funds to finance construction of a 150 gpm water well, a 100,000 gallon ground storage tank,

booster pump station, a hydropneumatic tank, engineering & legal fees. (Romo)

Approved, PR/JH

Item 16. APPLICATION BY JACKRABBIT ROAD PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$3,200,000 BOND ISSUE APPROVED MAY 15, 1991. For Commission consideration and action. Applicant requests approval of the release of \$1,574,100 of escrowed funds for the construction of water supply plant no. 3 and tie-in to District distribution system. (Heroy)

Approved, PR/JH

Item 17. APPLICATION OF AQUA WATER SUPPLY CORPORATION to amend Water Certificate of Convenience and Necessity No. 10294 in Travis County, TX (Application No. 9499-C, Holck)

Approved, PR/JH

Item 18. APPLICATION OF S & S HILLS WATER SUPPLY CORPORATION to Transfer Water CCN No. 11110 from Scenic Hills Water System, and Transfer and Cancel No. 11695 of Carl Patrick Smith dba Bavarian Hills Water Company aka Serene Hills Water System in Bexar County, TX Application No. 9557-S and No. 9558-S, Holck)

Approved, PR/JH

Item 19. APPLICATION OF ONALASKA WATER SUPPLY CORPORATION to transfer and Cancel Water CCN No. 12521 from Stowaway Bay Owners Association, Inc. dba Stowaway Bay Water System and to Amend Water CCN No. 10119 in Polk County, TX (Application No. 9588-S, Holck)

Approved, PR/JH

Item 20. APPLICATION OF ASSIST U, INC. DBA HILLCREST WATER COMPANY to Transfer Water CCN No. 11713 from Herb Madison dba Hillcrest Company in Tarrant County, TX (Application No. 9502-S, Gonzalez)

Approved, PR/JH

Item 21. APPLICATION OF SOUTHERN UTILITIES COMPANY, INC. to Transfer facilities and service area from Combined Water Systems, Inc., and to cancel CCN No. 11946 in Cherokee County, TX (Application No. 9517-S, Gonzalez)

Continued to October 28, 1992

Item 22. CONSIDERATION OF APPLICATION BY AMTOPP CORPORATION FOR APPROVAL OF PERMIT NO. 03477 WHICH AUTHORIZES THE DISCHARGE OF TREATED WASTEWATER. This application was approved July 22, 1992, conditioned on the resolution of several procedural issues regarding the Sierra Club's request for a hearing. Sierra Club has withdrawn its request and this application is now submitted for final action and approval. (Qualtrough)

Approved, PR/JH

Item 23. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PERMIT CONCERNING THE APPLICATION OF PRISTINE SYSTEMS FOR PERMIT NO. 2177 TO

AUTHORIZE THE OPERATION OF A TYPE V MUNICIPAL SOLID WASTE INCINERATOR IN REFUGIO COUNTY, TEXAS. APPLICANT SEEKS AUTHORIZATION TO PROCESS MEDICAL WASTES, SPECIAL WASTES, AND ON-SITE GENERATED MUNICIPAL SOLID WASTE. RECOMMENDATION: ISSUANCE OF PERMIT. (JACKSON)

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

Item 24. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HARRIS CREEK WATER COMPANY TO INCREASE RETAIL WATER RATES IN McLENNAN COUNTY, TEXAS (DOCKET NO. 9471-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 224 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (JACKSON)

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

Item 25. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF THE TOWN OF LAKESIDE FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10073 TO PROVIDE WATER SERVICE IN TARRANT COUNTY, TEXAS. (DOCKET NO. 8666-C). RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (WOOD)

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

Item 26. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE PETITION OF EXECUTIVE DIRECTOR FOR ASSESSMENT OF ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CONTINENTAL BELTON COMPANY (SWR NO. 39951) IN BELL COUNTY, TEXAS. RECOMMENDATION ISSUANCE OF AGREED ORDER. (HAYES)

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

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, October 21, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 27. 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.

Approve Staff Recommendation and Issue Resolution, JH/PR

UNCONTESTED OLD BUSINESS

Wednesday, October 21, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of October 14, 1992.

- Item 1. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE PETITION OF EXECUTIVE DIRECTOR AGAINST CEDAR POINT UTILITY COMPANY, PERMIT NO. 12454-01 REGARDING NONCOMPLIANT TREATED DOMESTIC WASTEWATER EFFLUENT IN POLK COUNTY, TEXAS, SEGMENT NO. 0803 OF THE TRINITY RIVER BASIN. RECOMMENDATION: Issuance of Agreed Enforcement Order. (Arenson)

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

CONTESTED AGENDA

Wednesday, October 21, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TWC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TECHNICAL COATINGS, INC.; SWR NO. 33276 (LIGARDE, MARGI)

Remand to Office Hearing's Examiner, PR/JH

Item 2. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SUSSER ENVIRONMENTAL SERVICES, SWR. NO. 52090 (HALL, GLENN)

Continued to January 6, 1993

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF B.C. WATER, INC., PERMIT NO. 12880-01, AND JAMES HALL, CLASS D CERTIFICATE NO. 8030006, FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE. (McLeod)

Remand to Executive Director, PR/JH

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ROEL BARERRA, TWC FACILITY I.D. NO. 40772. (Banijamali)

Issue Proposed Agreed Order, PR/JH

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 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).

No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, October 21, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PROPOSED AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ROHM AND HAAS TEXAS, INC., PERMIT NO. 00458. (McCalla)

Issue Agreed Order, PR/JH

CONTESTED OLD BUSINESS

Wednesday, October 21, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of July 8, 1992 and September 9, 1992.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DON MOYER DBA SHADY LANE DAIRY, NO PERMIT. (Martinez)

Issue Agreed Order, PR/JH