

HALL PRESENT
REED PRESENT
GARNER PRESENT

OLD BUSINESS CONTESTED AGENDA

Wednesday, March 17, 1993

TEXAS WATER COMMISSION

8:30 a.m.

Room 118

This item is carried forward from agenda of March 3, 1993.

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF MCGINNES INDUSTRIAL MAINTENANCE CORP. & BMCD, Inc. FOR A RENEWAL OF PERMIT NO. 01221 TO AUTHORIZE THE DISCHARGE OF 1,000,000 GALLONS DURING ANY 24-HOUR PERIOD OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN GALVESTON COUNTY, TEXAS, AND SEGMENT NO. 2424 OF THE BAYS AND ESTUARIES OF THE STATE. RECOMMENDATION: ISSUANCE OF PERMIT. (SORRELLS)

Adopt Examiner's Proposal for Decision and Issue Order with other recommendations made by Chairman Hall. JH/PR

UNCONTESTED AGENDA

Wednesday, March 17, 1993

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

Item 1. APPLICATION BY URBAN WASTE TECHNOLOGIES, LTD. for a minor amendment to Permit No. MSW1483-A in order to authorize the transfer of wastes to other permitted facilities which will enable it to cease disposal of garbage in its landfill. The plant site is at 100 Genoa Red Bluff Road, Houston, Harris County, Texas.

Approved, JH/PG

Item 2. Consideration of an application by ETHYL CORPORATION - Houston Plant for Class 2 Modifications to Permit No. HW-50156 and Compliance Plant No. CP-50156-000 in accordance with 31 TAC

Section 305.69. Ethyl Corporation is a chemical manufacturer that generates Class I hazardous waste. The facility is on a 420 acre tract of land at 1000 N. South Street in the City of Pasadena, Harris County, Texas.

Approved, as recommended by staff, PG/PR

Item 3. Consideration of an application by TYLER PIPE INDUSTRIES, INC. for a Class 2 Modification to Permit No. HW-50141 in accordance with 31 TAC Section 305.69. Tyler Pipe Industries, Inc. operates a Class I hazardous waste disposal facility. The facility is located approximately seven miles north of Tyler in Smith County, Texas.

Approved, PG/PR

Item 4. APPLICATION BY GENERAL ELECTRIC CAPITAL RAILCAR REPAIR SERVICES CORPORATION for a Post Closure Care Permit (Proposed Permit No. HW-50134) and a Compliance Plan (Proposed Plan No. CP-50134) at its Ranger Texas facility. The post closure care permit would authorize post closure care for four hazardous waste surface impoundments that were closed as landfills. The compliance plan would authorize a corrective action program to remediate groundwater contaminated with hazardous constituents released from solid waste management units and to ensure the Groundwater Protection Standard is achieved. The facility is located on a 60-acre tract of land on Tiffin Road, approximately 1.5 miles north of the City of Ranger, Eastland County, Texas.

Approved, PG/PR

- Item 5. APPLICATION BY MORTON INTERNATIONAL, INCORPORATED for a permit (Proposed Permit No. 03510) to authorize the disposal of process utility waters and potentially contaminated stormwater which are contained in ponds and recycled. The plant site is on State Highway 110 approximately one mile south of the town of Grand Saline in Van Zandt County, Texas.

Approved, PR/PG

- Item 6. APPLICATION BY ROMAN FOREST CONSOLIDATED MUNICIPAL UTILITY DISTRICT for a permit (Proposed Permit No. 13638-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 322,000 gallons per day from the wastewater treatment facilities. The plant site is approximately 1.7 miles east of U.S. Highway 59 and 1.2 miles north of the intersection of U.S. Highway 59 and Farm-to-Market Road 1485 at 1602 Athens Street in the City of Roman Forest in Montgomery County, Texas.

Approved, PR/PG

- Item 7. APPLICATION BY COASTAL REFINING & MARKETING, INC. for an amendment to Permit No. 00465 in order to incorporate the revisions of the Texas Surface Water Quality Standards, adopted July 1991, regarding effluent limitations. The current permit authorizes a discharge of treated process, treated stormwater, treated utility and treated ballast wastewaters at a volume not to exceed an average flow of 3,000,000 gallons per day plus intermittent, flow variable discharges of uncontaminated stormwater, which will remain the same. The plant site is east of Navigation Boulevard and approximately 0.5 mile north of Interstate Highway 37, Nueces County, Texas.

Approved, PR/PG

- Item 8. APPLICATION BY CITY OF LOVELADY for an amendment to Permit No. 10734-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 50,000 gallons per day to a volume not to exceed an average flow of 105,000 gallons per day from the wastewater treatment facilities. The plant site is approximately 0.5 mile southwest of the intersection of State Highway 19 and Farm-to-Market Road 1280 in Houston County, Texas.

Approved, PR/PG

- Item 9. APPLICATION BY ENCOGEN ONE PARTNERS LTD. for renewal of Permit No. 02963 which authorizes an intermittent flow variable discharge of stormwater runoff from the Sweetwater Cogeneration Plant, which produces steam and generates electricity. The plant site is adjacent to the U.S. Gypsum Company Plant, which is adjacent to Highway 80 (Business Route) near the IH 20 intersection, approximately 1.5 miles east of the City of Sweetwater, Nolan County, Texas.

Approved, PR/PG

Item 10. APPLICATION BY CITY OF FALLS CITY for renewal of Permit No. 10398-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 65,000 gallons per day. The wastewater treatment facilities are approximately 600 feet northwest of the intersection of Panna Maria Street and Maverick Street in the City of Falls City in Karnes County, Texas.

Approved, PR/PG

Item 11. APPLICATION BY GUADALUPE-BLANCO RIVER AUTHORITY for renewal of Permit No. 11078-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 8,000,000 gallons per day from the Guadalupe-Blanco River Authority Loop 175 Wastewater Treatment Plant. The plant site is on the east bank of the Guadalupe River, immediately north of U.S. Highway 175 in Victoria County, Texas.

Approved, PR/PG

Item 12. APPLICATION BY CITY OF HALLSVILLE for renewal of Permit No. 10460-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 320,000 gallons per day. The wastewater treatment facilities are approximately 6,200 feet east of the intersection of Farm-to-Market Road 450 and U.S. Highway 80 and 1,100 feet south of U.S. Highway 80 in Harrison County, Texas.

Approved, PR/PG

Item 13. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109 for renewal of Permit No. 11533-01 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 from the Atascocita Central Wastewater Treatment Facilities. The plant site is on Atascocita Road, approximately 0.6 mile south of Farm-to-Market Road 1960 and approximately 2.1 miles west of the intersection of Atascocita Road and Farm-to-Market Road 1960 in Harris County, Texas.

Approved, PR/PG

Item 14. APPLICATION BY HOUSTON INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 11898-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day. The wastewater treatment facilities are on the north shore of Lake Livingston, approximately 7 miles east of the City of Trinity in Trinity County, Texas.

Approved, PR/PG

Item 15. APPLICATION BY LAKEWAY MUNICIPAL UTILITY DISTRICT for renewal

of Permit No. 11495-02 (formerly Permit No. 10531-01) which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 65,000 gallons per day from the Inn & Marina Wastewater Treatment Facilities. The plant site is at 101 Lakeway Drive, approximately 2.0 miles northwest of the intersection of Ranch Road 620 and Lakeway Boulevard, 0.5 mile south of Lake Travis in the Village of Lakeway in Travis County, Texas.

Continued to March 24, 1993

Item 16. APPLICATION BY JAMES E. LAUBACH for renewal of Permit No. 12478-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 48,000 gallons per day from the Tower Terrace Wastewater Treatment Facilities. The plant site is approximately one mile south of Farm-to-Market Road 565 and two miles east of the intersection of Farm-to-Market Roads 565 and 1405 in Chambers County, Texas.

Continued to April 7, 1993

Item 17. APPLICATION BY PHILLIPS PETROLEUM COMPANY for renewal of Permit No. 02484 which authorizes intermittent, flow variable discharges of stormwater runoff from a chemical manufacturing plant. The plant site is approximately four miles northeast of the City of Borger on State Highway 119 in Hutchinson County, Texas.

Approved, PR/PG

Item 18. APPLICATION BY PRAXAIR, INC. for renewal of Permit No. 01173 which authorizes a discharge of cooling tower blowdown, boiler blowdown, treated domestic wastewater and process area washwater at a volume not to exceed an average flow of 430,000 gallons per day from an air separation plant. The plant site is at the southeast corner of the intersection of Old Tidal Road and Port Terminal Railroad about 0.5 mile north of State Highway 225 in the City of Deer Park, Harris County, Texas.

Approved, PR/PG

Item 19. APPLICATION BY WALLACE A. RAYNOR for renewal of Permit No. 11032-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 8,000 gallons per day. The Alta Vista Mobile Home Park Wastewater Treatment Plant is approximately 13 miles north-northeast of the City of Fort Worth central business district and 1.9 miles east of Interstate Highway 35W on the north bank of Big Bear Creek, west of its crossing of Alta Vista Road and approximately 0.5 of a mile south of the intersection of Alta Vista Road and Keller-Hicks Road, in the City of Keller in Tarrant County, Texas.

Continued to April 7, 1993

Item 20. APPLICATION BY CITY OF TEXARKANA for renewal of Permit No. 10374-08 which authorizes a discharge of treated domestic

wastewater effluent at a volume not to exceed an average flow of 50,000 gallons per day from the Rollingwood Wastewater Treatment Facilities. The plant site is approximately 1000 feet west of U.S. Highway 59 and approximately 9500 feet north of Interstate 30 in Bowie County, Texas.

Approved, PR/PG

Item 21. APPLICATION BY TRIFINERY, INC. for renewal of Permit No. 02720 which authorizes a discharge of treated process water, treated stormwater, water softener blowdown, and cooling tower blowdown at a volume not to exceed an average flow of 120,000 gallons per day via Outfall 001. The permit also authorizes an intermittent flow variable discharge of untreated stormwater via Outfall 002. The applicant operates a petroleum refinery. The plant site is on property owned by Berry Contracting Company between Up River Road and the Corpus Christi Inner Harbor, and between Valero Refining Company and Texas Fuel and Asphalt Company in the City of Corpus Christi, Nueces County, Texas.

Approved, PR/PG

Item 22. APPLICATION BY UNITED OF OMAHA LIFE INSURANCE COMPANY for renewal of Permit No. 12440-01 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 are approximately 4200 feet south of the intersection of State Highway 105 and Keenan Road and approximately 2400 feet east of Keenan Road in Montgomery County, Texas.

Approved, PR/PG

Item 23. APPLICATION BY WESTWOOD SHORES MUNICIPAL UTILITY DISTRICT for renewal of Permit Nos. 11300-01 and 11300-02. Permit No. 11300-01 authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 60,000 gallons per day. Permit No. 11300-02 authorizes a discharge of treated domestic wastewater at a volume not to exceed an average flow of 200,000 gallons per day. The wastewater treatment facilities are one mile north of Farm-to-Market Road 356 and 3 miles east of the City of Trinity in Trinity County, Texas.

Approved, PR/PG

Item 24. APPLICATION BY ZAPATA COUNTY for renewal of Permit No. 10462-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 800,000 gallons per day. The permittee is also authorized to use treated effluent to irrigate Los Ebanos Golf Course at an application rate of not to exceed 4.2 acre-feet/acre/year. The wastewater treatment facilities are approximately 1/2 mile east of U.S. Highway 83 on Third Avenue in the City of Zapata County, Texas.

Continued to April 7, 1993

Item 25. APPLICATION BY SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT FOR APPROVAL OF \$2,900,000 UNLIMITED TAX & REVENUE BONDS, 6.93% NET EFFECTIVE INTEREST RATE, SERIES 1993, FOURTH BOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,900,000 in unlimited tax & revenue bonds to finance drainage improvement projects, construction of new district office building & improvements to the District's water treatment plant. (Ferguson)

Approved, PG/PR

Item 26. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 154 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$5,500,000 BOND ISSUE APPROVED DECEMBER 29, 1983. For Commission consideration and action. Applicant requests approval of the transfer of approximately \$100,000 in surplus interest earnings from the construction funds to debt service. (Ferguson)

Approved, PG/PR

Item 27. APPLICATION BY WEST MEMORIAL MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$1,305,000 BOND ISSUE APPROVED JUNE 9, 1978. For Commission consideration and action. Applicant requests approval to use \$128,238 in surplus funds to make rehabilitation/repairs to District's water plants nos. 1 & 2 and for televising and evaluation of wastewater collection lines. (Ferguson)

Approved, PG/PR

Item 28. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$3,300,000 BOND ISSUE APPROVED DECEMBER 21, 1989. For Commission consideration and action. Applicant requests approval of the release of \$252,792 of escrowed funds to finance a pro rata share of Cypresswood Drive drainage improvements. (Ferguson)

Approved, PG/PR

Item 29. APPLICATION FOR APPOINTMENT OF DIRECTORS FOR DAVIS SPRING MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY. For Commission consideration and action. Davis Spring Properties, Inc., a landowner within the District, has submitted a petition requesting that: (1) Lance L. Morris, (2) Bill Kochwelp, (3) Chuck Taylor, (4) William E. Blood, and (5) Lee Weber III be appointed as directors. (Ferguson)

Approved, PG/PR

Item 30. PETITION FOR APPOINTMENT OF DIRECTORS FOR CINCO MUNICIPAL UTILITY DISTRICT NO. 12 OF FORT BEND COUNTY. For Commission consideration and action. American General Realty Investment Corporation, a landowner within the District, has submitted a petition requesting that: (1) Dale Conger, (2) Brett Bohn, (3) Bruce Arendale, (4) Sharon Bauer, and (5) Michael Cox be appointed as directors. (Ferguson)

Approved, PG/PR

Item 31. APPLICATION OF HARRISBURG WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Jasper and Newton Counties, TX (Application No. 9842-C, Holck)

Approved, PG/PR

Item 32. APPLICATION OF TOWN OF QUINTANA to Acquire Mr. Lee Brown's Water system and Obtain a CCN in Brazoria County, TX (Application No. 9624-S, Poe)

Approved, PG/PR

Item 33. APPLICATION OF R. H. BROWN to amend Water Certificate of Convenience and Necessity No. 12563 in El Paso County, TX (Application No. 9890-C, Holck)

Approved, PG/PR

Item 34. APPLICATION OF OLD TOWN WATER SUPPLY CORPORATION to Transfer Water CCN No. 12119 from Steve Bramlett, Administrator of the Estate of M. F. Bramlett dba Old Town Water System in Harrison County, TX (Application No. 9829-T, Holck)

Approved, PG/PR

Item 35. APPLICATION OF LACKLAND CITY WATER COMPANY to amend Water Certificate of Convenience and Necessity No. 10734 in Bexar County, TX (Application No. 9822-C, Holck)

Remand to Staff, (All Commissioner's in Agreement)

Item 36. APPLICATION OF RICHARD WAGNER DBA WAGNER SERVICES to Transfer Water CCN No. 11981 and Sewer CCN No. 20651 from Clearwater Cove, Inc. c/o FAMCO Services, Inc.; in Montgomery County, TX (Application No. 9771-S, Poe)

Approved, PG/PR

Item 37. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LAKE NAVIGATION COMPANY, INC. DBA OAK SHORES WATER SYSTEM TO INCREASE RETAIL WATER RATES IN TRAVIS COUNTY, TEXAS (DOCKET NO. 9772-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 24 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (SORRELLS)

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

Item 38. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF FRIENDSWOOD DEVELOPMENT COMPANY FOR CREATION OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 358. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (BATEMAN)

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

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TEXAS WATER COMMISSION AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES (SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE) ARE REQUESTED TO CONTACT DOUG KITTS IN THE THE OFFICE OF THE CHIEF CLERK AT (512) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, March 17, 1993

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

Item 39. PETITION FOR APPOINTMENT OF DIRECTORS FOR CINCO MUNICIPAL UTILITY DISTRICT NO. 10 OF FORT BEND COUNTY. For Commission consideration and action. American General Realty Investment Corporation, a landowner within the District, has submitted a petition requesting that: (1) Kevin Cochran, (2) Gary Kob, (3) Russel G. Larson, (4) Ronald Grannan, and (5) Alan Hirschman be appointed as directors. (Ferguson)

Approved, PG/PR

Item 40. APPLICATION BY THE WOODLANDS MUNICIPAL UTILITY DISTRICT NO. 2 OF MONTGOMERY COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,015,000 BOND ISSUE APPROVED JANUARY 15, 1992. For Commission consideration and action. Applicant requests approval of the transfer of \$68,354 in surplus construction funds plus accrued interest to the operating account. (Ferguson)

Approved, PG/PR

UNCONTESTED OLD BUSINESS

Wednesday, March 17, 1993

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

Item carried forward from Agenda of January 13, 1993 and February 17, 1993.

- Item 1. APPLICATION BY CITY OF SOUR LAKE for renewal of Permit No. 10703-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 460,000 gallons per day. The wastewater treatment facilities are approximately 1/2 mile southwest of the City of Sour Lake, approximately 3/4 mile west of State Highway 326 in Hardin County, Texas.

Continued to June 23, 1993

Item carried forward from Agenda of February 24, 1993.

- Item 2. APPLICATION BY ASCENSION RESORTS, LTD. for renewal of Permit No. 12482-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day from the Holly Lake Ranch Wastewater Treatment Facilities. The renewed permit will decrease the flow to a volume not to exceed 47,000 gallons per day average. The plant site is approximately 7600 feet south and 2400 feet east of the intersection of Farm-to-Market Road 49 and Farm-to-Market Road 2869 and 9.0 miles north of the Town of Hawkins in Wood County, Texas.

Approved, PR/PG

Item carried forward from Agenda of February 24, 1993.

- Item 3. APPLICATION BY BLUE BELL MANOR UTILITY COMPANY, INC. for renewal of Permit No. 11473-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an interim flow of 600,000 gallons per day average and a final flow of 1,000,000 gallons per day average from the wastewater treatment facilities. The renewed permit will decrease the final flow to a volume not to exceed 600,000 gallons per day average. The plant site is on the north bank of Halls Bayou, approximately 1200 feet north-northeast of the intersection of

Farm-to-Market Road 149 with Stuebner Airline Road in Harris County, Texas.

Approved, PR/PG

Item carried forward from the Agenda of February 17, 1993 and March 3, 1993.

Item 4. APPLICATION OF BRANCH CREEK PROPERTIES, INC. to Transfer Water CCN No. 11905 from A.T.F., Inc. dba Branch Creek Estates; in Travis County (Application No. 9780-S, Poe)

Remand to Staff, (All Commissioner's in Agreement)

Item carried forward from the Agenda of March 3, 1993.

Item 5. APPLICATION NO. 5442 BY THE U.S. DEPARTMENT OF ENERGY FOR A TWC SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks a permit to construct and maintain a dam creating a reservoir on an unnamed tributary of Chambers Creek, Trinity River Basin in Ellis County and to store contract water in the reservoir for subsequent diversion and use for cooling purposes (rejection of heat to the atmosphere generated during operation of the proposed Superconducting Super Collider Project. (Smith;tls)

Approved, PR/PG

CONTESTED AGENDA

Wednesday, March 17, 1993

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF INTERCOASTAL TERMINAL, INC.; TEXAS SOLID WASTE REGISTRATION NO. 30773. (Hall)

Remand to Executive Director (All Commissioner's Agree)

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PROPOSED ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY BY THE CITY OF MALONE FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE; PERMIT NO. 10514-001. (Carlton)

Issue No Action Order, PR/PG

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DAL-TILE CORPORATION, MASTER HALCO, INC. AND BILLIE AND CHARLES WALTON; SWR. NO. 39972 (GROMATZKY)

Continued to May 19, 1993

Item 4. CONSIDERATION OF THE STATUS OF THE IMPLEMENTATION OF THE AGREED ORDER ISSUED DECEMBER 2, 1992, IN THE MATTER OF ELF ATOCHEM NORTH AMERICA, INC. SWR NO. 31695 (GLENN HALL)

Continued to April 7, 1993

Item 5. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF SECURED ENVIRONMENTAL MANAGEMENT, INC. FOR PERMITS NOS. WDW-267, 268, 269 and 270 TO AUTHORIZE THE OPERATION OF FOUR WASTE DISPOSAL WELLS IN SALT CAVERNS IN THE BOLING SALT DOME IN WHARTON COUNTY, TEXAS. APPLICANT SEEKS AUTHORIZATION TO DISPOSE OF CLASS I & CLASS II HAZARDOUS AND NONHAZARDOUS MATERIALS AT FACILITIES LOCATED IN SEGMENT 1302 OF THE BRAZOS-COLORADO COASTAL BASIN RIVER BASIN. RECOMMENDATION: DISMISSAL OF PERMIT APPLICATIONS. (LIMES)

Adopt Proposal For Decision and Issue Order, Overrule exceptions except those recommended by Office Hearing Examiner. PR/JH

Item 6. 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.

The General Counsel will do a certified agenda.

Item 7. 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

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TEXAS WATER COMMISSION AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT DOUG KITTS IN THE THE OFFICE OF THE CHIEF CLERK AT (512) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

CONTESTED OLD BUSINESS

Wednesday, March 17, 1993

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

Item carried forward from Agenda of December 16, 1992.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ELTEX CHEMICAL & SUPPLY COMPANY; TEXAS SOLID WASTE REGISTRATION NO. 30271. (Ballard)

Continued to May 19, 1993

Item carried forward from Agenda of January 27, 1993.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF THE U.S. DEPARTMENT OF THE AIR FORCE, THE DEFENSE REUTILIZATION AND MARKETING SERVICE, MR. SEBASTIAN KOCH, MR. EUGENE BOECK, AND THE ESTATE OF LUTHER SMITH; EUGENE BOECK PROPERTY, TEXAS SOLID WASTE REGISTRATION NO. 39770; LUTHER SMITH PROPERTY, TEXAS SOLID WASTE REGISTRATION NO. 52014. (Alvarado)

Remand to Executive Director (All Commissioner's Agree)

Item carried forward from Agenda of February 10, 1993.

- Item 3. CONSIDERATION OF THE PETITION OF BAYVIEW IRRIGATION DISTRICT NO. 11 FOR REVIEW OF THE WATER DELIVERY RATES OF CAMERON COUNTY IRRIGATION DISTRICT NO. 6. (Smith, D.)

Remand to Office Hearing Examiner's PG/PR

Item carried forward from Agenda of February 17, 1993.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF HOUSTON, PERMIT NO. 10495-090. (Ramirez)

Remand to Office Hearing Examiner's JH/PR