

HALL - ABSENT & EXCUSED FOR ITEMS OB1 - OB6, 1, 3-29
REED - EXCUSED FOR ITEM 2
GARNER

UNCONTESTED AGENDA

Wednesday, May 5, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (Underground Injection Wells)

- Item 1. APPLICATION BY ARCO CHEMICAL COMPANY has filed applications with the Texas Water Commission to amend Underground Injection Control Permits Nos. WDW-148 and WDW-162 which authorize operation of two non-commercial hazardous waste disposal wells. The wells are used for disposal of wastes generated during the manufacture of synthetic organic chemicals. The proposed amendment would change the status of the two disposal wells from non-commercial to non-commercial (off-site); add an additional non-hazardous wastestream from a recently constructed Butanediol Unit; and incorporate Hazardous and Solid Waste Amendments (HSWA) variance no-migration petition approval conditions. The wastes received from off-site sources are to be limited to those generated at the ARCO-Bayport facility and from the Lyondell Petrochemical Company Olefins Plant. The injection zone for each well is the Frio Formation at the approximate subsurface depths of 5155 to 7200 feet below ground level. The operating surface injection pressure for each well is not to exceed 1,000 psig. Waste disposal wells WDW-148 and WDW-162 are located on company property, approximately 2.5 miles north of Channelview, Harris County, Texas. WDW-148 is approximately 1200 feet from the west line and approximately 8720 feet from the south line of the Peter J. Duncan Survey, A-232. WDW-162 is approximately 1000 feet from the northwest line and approximately 7300 feet from the southeast line of the Peter J. Duncan Survey, A-232.

APPROVED, PG/PR

UNCONTESTED (Solid Waste Disposal)

- Item 2. APPLICATION BY BROWNING FERRIS, INC. for an amendment to Permit No. SW39039-001 in order to authorize processing and disposal of additional categories of nonhazardous industrial solid waste including organic liquids, sludges, and solids; pollution control wastes; solids/materials contaminated by petroleum hydrocarbons; incinerator ash and residues; and other wastes classified by TWC as nonhazardous. The wastes presently authorized to be managed at this facility are nonhazardous industrial solid wastes consisting of inorganic liquids, sludges and solids; water based sludges; contaminated soils; production/process wastes; and asbestos contaminated wastes. All wastes to be processed and disposed at this facility will be from off-site sources. The permit amendment will not increase the quantity of wastes to be accepted nor does it change the pattern or place of disposal. This waste management facility is currently under construction on 216.5

acres of land adjoining Jenkins Road, approximately six miles east of Anahuac, Chambers County, Texas.

APPROVED, PG/JH

UNCONTESTED (Water Quality Permit Amendments)

Item 3. APPLICATION BY FORT BEND MUNICIPAL UTILITY DISTRICT NO. 69 AND SKYLINE PROPERTIES, INC. for an amendment to Permit No. 12981-01 to authorize an increase in the discharge of treated domestic wastewater effluent. The discharge is to be increased from a volume not to exceed an average flow of 500,000 gallons per day to a volume not to exceed an average flow of 1,500,000 gallons per day. The wastewater treatment plant is approximately 3000 feet west and 5000 feet south of the intersection of Farm-to-Market Road 1464 and U.S. Highway 90A in Fort Bend County, Texas.

APPROVED, PG/PR

Item 4. APPLICATION BY CITY OF MERCEDES for an amendment to Permit No. 10347-01 to authorize the combination of outfalls 101 and 201 into one Outfall 001. The permit currently authorizes a discharge of treated domestic wastewater effluent via Outfalls 101 and 201 at a combined volume not to exceed an average flow of 2,300,000 gallons per day. The volume of treated wastewater discharged via Outfall 001 will remain unchanged in the proposed amendment. The wastewater treatment facilities are on both sides of and adjacent to Mile 1/2 East Road immediately south of its intersection with North Mile 8 Road in Hidalgo County, Texas.

APPROVED, PG/PR

Item 5. APPLICATION BY CITY OF ROUND ROCK for an amendment to Permit No. 10264-02 to authorize an increase in the discharge of treated domestic wastewater from a volume not to exceed an average flow of 2,500,000 gallons per day to a volume not to exceed an average flow of 3,600,000 gallons per day. The applicant operates the East Wastewater Treatment Facilities. The plant site is adjacent to and south of State Highway 79, approximately 4 miles east of the intersection of State Highway 79 and Interstate Highway 35 on the north bank of Brushy Creek in Williamson County, Texas.

APPROVED, PG/PR

UNCONTESTED (Water Quality Renewal Permits)

Item 6. APPLICATION BY AMERADA HESS CORPORATION for renewal of Permit No. 02070 which authorizes a discharge of treated ballast water, treated oily wastewater and stormwater at a volume not to exceed a dry weather flow of 350,000 gallons per day during any 24-hour period. The applicant operates a petroleum bulk storage terminal. The plant site is west of and adjacent to Poth Lane and north of Interstate Highway 37 in the Port of Corpus Christi, Nueces County, Texas.

RENEWED, PG/PR

Item 7. APPLICATION BY BIG THREE INDUSTRIES, INC. for renewal of Permit No. 01891 which authorizes disposal of cooling tower

blowdown, floor drain water and truck wash water by evaporation. The disposal volume is not to exceed an average of 10,000 gallons per day. The plant site and evaporation ponds are at 3001 South Dixie in the City of Odessa, Ector County, Texas.

RENEWED, PG/PR

- Item 8. APPLICATION BY COOK COMPOSITES AND POLYMERS CO. for renewal of Permit No. 02073 which authorizes a discharge of noncontact cooling water and stormwater at a volume not to exceed an average flow of 110,000 gallons per day via Outfall 001 and an intermittent flow variable discharge of stormwater via Outfall 002. The applicant operates a plant manufacturing unsaturated polyester resins. The plant site is 0.75 miles east of the City of Marshall on the north side of FM Road 1998 at proposed intersection with Loop 390 in Harrison County, Texas.

RENEWED, PG/PR

- Item 9. APPLICATION BY CITY OF GIDDINGS for renewal of Permit No. 10456-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 225,000 gallons per day from the State Boys School Wastewater Treatment Facilities. The plant site is along an unnamed creek to the south of State Boys School approximately 1 mile south of U.S. Highway 290 and 2 miles east of the Giddings in Lee County, Texas.

RENEWED, PG/PR

- Item 10. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 19 for renewal of Permit No. 11329-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,000,000 gallons per day from the Newport Wastewater Treatment Facilities. The plant site is west of the confluence of Gum Gully and Jackson Bayou; approximately 1.8 miles northwest of the intersection of Farm-to-Market Road 2100 and United States Highway 90 in Harris County, Texas.

RENEWED, PG/PR

- Item 11. APPLICATION BY HOUSING AUTHORITY OF CAMERON COUNTY for renewal of Permit No. 12580-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 33,000 gallons per day from Las Palmas Subdivision Wastewater Treatment Facilities. The plant site is approximately 500 feet north of State Highway 100 and about 3400 feet generally east of the intersection of Farm-to-Market Road 803 and State Highway 100 in Cameron County, Texas.

RENEWED, PG/PR

- Item 12. APPLICATION BY HOUSTON LIGHTING AND POWER COMPANY, W.A. PARISH S.E.S. for renewal of Permit No. 01038 which authorizes a discharge of condenser cooling water and previously monitored effluents at a volume not to exceed an average flow of 2,121,000,000 gallons per day, plus flow variable discharges of stormwater, low volume wastewaters, and metal cleaning wastes into Smithers Lake. The permit also authorizes a discharge of blowdown and overflow from Smithers Lake at a volume not to exceed an average flow of 37,000,000 gallons per

day into Dry Creek; thence to Rabbs Bayou; thence to the Brazos River below Navasota River in Segment No. 1202 of the Brazos River Basin. The plant site is south of and adjacent to Smithers Lake and Dry Creek, southwest of the Town of Thompsons, Fort Bend County, Texas.

RENEWED, PG/PR

Item 13. APPLICATION BY CITY OF LADONIA for renewal of Permit No. 10740-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 275,000 gallons per day. The wastewater treatment facilities is approximately 400 feet west of State Highway 50 and approximately 1750 feet south of the intersection of State Highway 50 and Farm-to-Market Road 2456 in Fannin County, Texas.

RENEWED, PG/PR

Item 14. APPLICATION BY CITY OF MADISONVILLE for renewal of Permit No. 10215-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 690,000 gallons per day. The wastewater treatment facilities are 550 feet east of South Martin Luther King Street and 750 feet south of the intersection of South Martin Luther King Street and 4th Street in the City of Madisonville in Madison County, Texas.

RENEWED, PG/PR

Item 15. APPLICATION BY TROY POTTER, INC. for renewal of Permit No. 01154 which authorizes a discharge of stormwater commingled with other residual wastewaters at a volume not to exceed an average flow of 360,000 gallons per day from a carbon black plant. The renewed permit will only authorize an intermittent flow variable discharge of stormwater decanted from ponds. The plant site is adjacent to FM Road 1485 at a site approximately 1.5 miles southeast of State Highway 105 and FM Road 1485 intersection and approximately 5 miles east of the City of Conroe, Montgomery County, Texas.

RENEWED, PG/PR

Item 16. APPLICATION BY SAN ANTONIO WATER SYSTEM for renewal of Permit No. 10137-33 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 154,000,000 gallons per day from the Dos Rios Wastewater Treatment Facilities. The renewed permit has decreased the flow to 125,000,000 gallons per day average. The plant site is on Valley Road near the confluence of the San Antonio and Medina Rivers, approximately 1 mile west of Interstate 37 and 2 1/4 miles east of Farm-to-Market Road 1937 in Bexar County, Texas.

RENEWED, PG/PR

Item 17. APPLICATION BY SAN ANTONIO WATER SYSTEM for renewal of Permit No. 10137-40 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 8,500,000 gallons per day from the Media Creek Wastewater Treatment Facilities. The plant site is approximately 1300 feet north of the point where U.S. Highway 90 crosses Media Creek, on the west side of Media Creek in Bexar County, Texas.

RENEWED, PG/PR

Item 18. APPLICATION BY ELI SASSON for renewal of Permit No. 11414-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 11,000 gallons per day from the Mohdot Village Mobile Home Park Wastewater Treatment Facilities. The plant site is approximately 1.5 miles southeast of the intersection of State Highway 6 and Farm-to-Market Road 529, northwest of the City of Houston in Harris County, Texas.

RENEWED, PG/PR

Item 19. APPLICATION BY SPORTSMAN'S WORLD MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 02461 which authorizes a discharge of spent brine at a volume not to exceed an average flow of 100,000 gallons per day from a reverse osmosis potable water treatment plant. The plant site is approximately 1/2 mile south-southwest of the mouth of the Bluff Creek tributary to the main body of Possum Kingdom Reservoir and approximately 1/4 mile southeast of the Bluff Creek Marina, Palo Pinto County, Texas.

RENEWED, PG/PR

Item 20. APPLICATION BY A.W. WALKER for renewal of Permit No. 12326-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 19,400 gallons per day from the Business Park III Wastewater Treatment Facilities. The plant site is at 8805 Solon road, at a point approximately 700 feet east of Ann Lane and approximately 50 feet north of Greens Bayou in Harris County, Texas.

RENEWED, PG/PR

Item 21. APPLICATION BY WEST CEDAR CREEK MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 11839-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 684,000 gallons per day from the No. 1 Wastewater Treatment Facilities. The plant is approximately 2,200 feet north of the State Highway 274 Bridge crossing over the Cedar Creek Reservoir Spillway, on the west side of State Highway 274 in Henderson County, Texas.

RENEWED, PG/PR

Item 22. APPLICATION BY CITY OF WOODVILLE for renewal of Permit No. 10322-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 900,000 gallons per day from the Woodville South Wastewater Treatment Facilities. The plant site is approximately 1000 feet east of U.S. Highway 69 and 3000 feet south of U.S. Highway 190 in Tyler County, Texas.

RENEWED, PG/PR

UNCONTESTED (Water Right Permits)

Item 23. APPLICATION NO. 5451 BY CHALLENGE DEVELOPMENT, INC., FOR A TWC SECTION NO. 11.121. FOR COMMISSION ACTION. Applicant seeks a permit to construct and maintain a dam creating a 9.0 acre-foot reservoir on an unnamed tributary of Walker Branch,

tributary of the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin in Tarrant County, Texas for in-place recreational purposes and for storm water detention. (SMITH/arc)

APPROVED, PG/PR

Item 24. APPLICATION NO. 5446 BY U. S. FISH & WILDLIFE SERVICE - SAN BERNARD NATIONAL WILDLIFE REFUGE UNDER TWC SECTION 11.121 FOR A WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks authorization to divert 2545 acre-feet of water per annum from Cedar Lake Creek, Brazos-Colorado Coastal Basin into a 1086 acre-feet capacity off-channel reservoir for subsequent release by gravity flow directly into wetland areas or into (Old & New) Cocklebur Slough into wetland areas in Brazoria Co. (Smith)

CONTINUED TO JUNE 30, 1993 AT 9:00 A.M.

Item 25. APPLICATION NO. 5445 BY TIMARRON LAND CORPORATION FOR A TWC SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to build three dams and reservoirs on two unnamed tributaries of Big Bear Creek, Trinity River Basin and initially fill the reservoirs after which the reservoirs will be maintained with groundwater. Reservoirs will be used for recreation purposes in Timarron Development in Southlake, Texas, 16 miles NW of Ft Worth, in Tarrant County. (Smith/lb)

APPROVED, PG/PR

UNCONTESTED (Water Rate Matters)

Item 26. APPLICATION OF BETHANY WATER SUPPLY CORPORATION to amend Water Certificate of Convenience and Necessity No. 11051 in Johnson County, TX (Application No. 9809-C, Poe)

APPROVED, PG/PR

Item 27. APPLICATION OF LOMETA RURAL WATER SUPPLY CORPORATION to Amend Water CCN No. 12000 in Burnet, Lampasas, Mills and San Saba Counties, TX (Application No. 9827-C, Holck)

APPROVED, PG/PR

Item 28. APPLICATION OF WOODLAWN WATER SUPPLY CORPORATION to amend Water Certificate of Convenience and Necessity No. 10354 in Angelina County, TX (Application No. 9922-C, Holck)

APPROVED, PG/PR

Item 29. APPLICATION OF NORTH ALAMO WATER SUPPLY CORPORATION for Cancellation of Water CCN No. 10564 in Willacy County, TX (Application No. 9997-Q, Holck)

APPROVED, PG/PR

UNCONTESTED (Superfund Contracts)

Item 30. SELECTION OF CONSULTANTS AND AUTHORIZATION OF THE EXECUTIVE DIRECTOR TO ENTER INTO MULTI-SITE CONTRACTS FOR REMEDIAL INVESTIGATION/FEASIBILITY STUDIES AND REMEDIAL DESIGN/REMEDIAL ACTIONS AT STATE SUPERFUND SITES IN TEXAS.

ADOPT STAFF RECOMMENDATIONS, PR/PG

UNCONTESTED (Examiner's Settled Hearings)

- Item 31. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION & PETITION OF EAST TEXAS HYDRO TECHNOLOGY, INC. & OAKRIDGE WATER CO. DBA PINESPRINGS UTILITIES FOR A TRANSFER OF CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10147 AND A PETITION TO RELEASE HYDRO TECH FROM AUDIT REQUIREMENT OF DOCKET NOS. 8819-R AND 9132-A TO PROVIDE WATER SERVICE IN LIBERTY, TRINITY, POLK, HARDIN, SAN Jacinto, TYLER, & WALKER COUNTIES, TX. (DOCKET NO. 9758-S AND 8819-R/9132-A.) RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (JACKSON)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/PG

- Item 32. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF S.A. DUFFIN DBA WEST PARK VILLAGE TO INCREASE RETAIL WATER RATES IN JOHNSON COUNTY, TEXAS (DOCKET NO. 9858-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 23 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES (O'NEAL).

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.)

UNCONTESTED OLD BUSINESS

Wednesday, May 5, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from the Agenda of March 10, 1993 and April 7, 1993.

- Item 1. APPLICATION BY CITY OF CORPUS CHRISTI for renewal of Permit No. 10401-03 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 Westside Wastewater Treatment Facilities. The plant site is located to the south of the State Highway 357 (Saratoga Boulevard), approximately one mile west of the intersection of State Highway 286 and State Highway 357 in the City of Corpus Christi in Nueces County, Texas.

APPROVED, PG/PR

Item carried forward from the Agenda of April 14, 1993.

- Item 2. APPLICATION BY JACOB WEIRSMA for a permit (Proposed Permit No. 03526) to authorize the disposal of waste and wastewater from a dairy operation. The dairy will consist of a maximum of 525 head. The dairy is on the west side of an unnamed county road, approximately 2 miles from the intersection of State Highway 219 and the unnamed County Road, and 5 miles south of the City of Dublin in Erath County, Texas.

CONTINUED TO MAY 12, 1993 AT 9:00 A.M.

Item carried forward from the Agenda of April 14, 1993.

- Item 3. APPLICATION BY CITY OF CORPUS CHRISTI for an amendment to Permit No. 10401-05 to authorize a discharge revision limit for Copper to be consistent with the receiving stream standards. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000,000 gallons per day from the Broadway Wastewater Treatment Facility, which will remain the same. The plant site is near the intersection of North Staples and Broadway Street in Corpus Christi in Nueces County, Texas.

APPROVED, PG/PR

Item carried forward from the Agenda of April 14, 1993.

- Item 4. APPLICATION BY DON P. (RIP) MILLER & WILLIAM T. MILLER for a minor amendment to Permit No. 13238-01 to authorize a decrease in the disposal volume from 190,000 gallons per day average to 170,000 gallons per day average. The proposed amendment would also decrease the irrigation site from 100.5 acres to 70.3 acres and revise the proposed location of the effluent holding

pond and wastewater treatment facility. The plant site and irrigation site are approximately 700 feet north of Farm-to-Market Road 2244, approximately two miles east of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas.

APPROVED, PG/PR

Item carried forward from the Agenda of April 14, 1993.

- Item 5. APPLICATION BY FIRST TEXAS EQUITIES, INC. for renewal of Permit No. 13147-01 which authorizes a discharge of treated domestic wastewater effluent at an interim volume not to exceed an average flow of 30,000 gallons per day and a final volume not to exceed an average flow of 50,000 gallons per day. The final phase (0.05 mgd) of the original permit has been deleted from the draft permit because this phase will not be operational during the life of the permit. The wastewater treatment facilities is approximately 1.2 miles north of the intersection of Farm-to-Market Road 350 and Farm-to-Market Road 3126, approximately 5 miles west of the City of Livingston and on the east shoreline of Lake Livingston in Polk County, Texas.

APPROVED, PG/PR

Item carried forward from the Agenda of April 28, 1993.

- Item 6. PETITION BY RESOLUTION TRUST CORPORATION FOR APPOINTMENT OF DIRECTORS FOR FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 94; For Commission consideration and action. Applicant requests appointment of Pat Jankowiak, Connie Martin, Lisa Sisto, Fatemeh Hakimzadeh and Seda Kalentarians as directors. (Ferguson)

APPROVED, PG/PR

CONTESTED AGENDA

Wednesday, May 5, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

CONTESTED (HAZARDOUS WASTE ENFORCEMENT)

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PROPOSED AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF VIA METROPOLITAN TRANSIT AUTHORITY; TEXAS SOLID WASTE REGISTRATION NO. 52110. (Ballard)

Issue Proposed Agreed Order, PG/PR

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LYONDELL PETROCHEMICAL COMPANY; SW NO. 30030. (Ballard)

Issue Proposed Agreed Order, PR/PG

CONTESTED (WATER QUALITY ENFORCEMENTS)

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF COLLEGE STATION; PERMIT NO. 10024-002. (Winter)

Remand to Office Hearing's Examiner, PR/PG

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF KMART CORPORATION, TWC FACILITY NOS. 15694 AND 15762. (Winter)

Issue Agreed Order, PR/PG

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF E-Z MART STORES, INC. (Winter)

Issue Agreed Order, PG/PR

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WYLIE, INC. (Winter)

Issue Agreed Order, PR/PG

CONTESTED (HEARING EXAMINER'S PROPOSAL FOR DECISION)

Item 7. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING

THE APPLICATION OF SUGARBERRY OIL & GAS CORPORATION FOR A SECTION 11.145 EXTENSION OF TIME OF A SPECIAL CONDITION OF A CERTIFICATE OF ADJUDICATION, IRION AND TOM GREEN COUNTIES, TEXAS. RECOMMENDATION: GRANT THE EXTENSION. (O'NEAL)

Adopt Examiner's Proposal for Decision and Issue Order, Overrule all exceptions, PR/JH

CONTESTED (EXECUTIVE SESSION)

Item 8. 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 9. 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

Item 10. COMMISSIONERS WILL MEET IN EXECUTIVE SESSION TO DISCUSS THEIR DUTIES, ROLES, AND RESPONSIBILITIES AS COMMISSIONERS OF THE TEXAS WATER COMMISSION UNDER SECTION 2(g) OF THE OPEN MEETINGS ACT. TEX. REV. CIV. STAT. ANN. Art 6252-17, AND 2(g).

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 AGENDA

Wednesday, May 5, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of April 28, 1993.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF RALPH GABRIELSEN, PERMIT NO. 12710-01. (Martinez)

Issue Agreed Order, PR/PG

Item carried forward from Agenda of April 28, 1993.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DAVID K. MOORE, DBA DKM ENTERPRISES; PERMIT NO. 03011. (Martinez)

Issue Agreed Order, PR/PG