

HALL  
REED  
GARNER

UNCONTESTED AGENDA

Wednesday, May 19, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (MINOR AMENDMENTS TO WASTE DISPOSAL WELLS)

- Item 1. APPLICATION BY BP CHEMICALS for minor amendments to Permits Nos. WDW-163, WDW-164 and WDW-165 which authorize disposal of hazardous wastewaters generated during the manufacture of petrochemical products. The minor amendments would incorporate injection zone and injection interval language and depths, EPA hazardous waste codes, and restrictive pH and specific gravity values as required by the Hazardous and Solid Waste Amendments (HSWA) no migration petition approval conditions. The minor amendments would also correct the injection interval depths. The waste disposal wells are located on company property approximately 14 miles west of Port Lavaca, in the John Pickering Survey, A-131, Calhoun County, Texas.

APPROVED, PR/PG

UNCONTESTED (PROPOSED HAZARDOUS WASTE PERMIT)

- Item 2. APPLICATION BY UNITED STATES AIR FORCE, Plant #4 for a permit (Proposed Permit No. HW50293-000) to authorize continued operation of a hazardous waste storage and processing facility. The units covered by this permit include four container storage areas and eight storage and/or processing tanks. The proposed permit also requires a RCRA facility investigation and closure of one of the authorized container storage areas. The facility generates, stores and processes industrial solid and hazardous wastes which may be classified as either ignitable, toxic, corrosive, acutely hazardous, reactive and/or toxicity characteristic wastes. The facility is on a 558.0-acre tract of land on the northern side of Clifford Street on the western bounds of the City of Fort Worth and the northern side of the City of White Settlement, with the northern portion of the site bordering Lake Worth, in Tarrant County, Texas.

APPROVED, PR/PG

UNCONTESTED (PROPOSED PERMITS FOR WATER QUALITY)

- Item 3. APPLICATION BY GREENBRO DAIRY for a permit (Proposed Permit No. 03536) to authorize disposal of waste and wastewater from a dairy operation. The dairy will consist of a maximum of 990 head. Washdown water, flushwater and stormwater will be retained in one storage pond, where subsequently it will be used to irrigate agricultural land. Manure/solids will be disposed of as fertilizer on agricultural land. The dairy is on the south side of Farm-to-Market Road 2823 approximately 3

miles east of the intersection of Farm-to-Market road 1702 and Farm-to-Market Road 2823 in Comanche County, Texas.

APPROVED, PG/PR

Item 4. APPLICATION BY HOYER USA, INC. for a permit (Proposed Permit No. 03568) to authorize a discharge of stormwater runoff at a volume variable with rainfall. The applicant proposes to operate an intermodal container cleaning and servicing facility. The plant site is on Chemical Road, approximately 1/2 mile north of Bay Area Boulevard in the City of Pasadena, Harris County, Texas.

APPROVED, PG/PR

Item 5. APPLICATION BY RONALD WEST for a permit (Proposed Permit No. 03566) to authorize disposal of waste and wastewater from a dairy operation. The dairy will consist of a maximum of 350 head. Washdown water, flushwater and stormwater will be retained in one storage pond, where subsequently it will be used to irrigate agricultural land. Manure/solids will be disposed of as fertilizer on agricultural land. The dairy is on the east side of County Road 1226 approximately 2.6 miles northwest of the intersection of County Road 1226 and U.S. Highway 67 in Johnson County, Texas.

APPROVED, PG/PR

Item 6. APPLICATION BY RANDI L. WILLIS for a permit (Proposed Permit No. 03543) to authorize disposal of waste and wastewater from a dairy operation. The dairy will consist of a maximum of 400 head. Washdown water, flushwater and stormwater will be retained in one storage pond, where subsequently it will be used to irrigate agricultural land. Manure/solids will be disposed of as fertilizer on agricultural land. The dairy is on the north side of State Highway 36 approximately 1.5 miles northwest of the intersection of State Highway 36 and Farm-to-Market Road 1689 in Comanche County, Texas.

APPROVED, PG/PR

UNCONTESTED (AMENDMENTS TO WATER QUALITY PERMITS)

Item 7. APPLICATION BY CACTUS FEEDERS, INC. for an amendment to Permit No. 01755 to authorize an increase in the capacity of the feedlot from 32,000 head to 55,000 head. The proposed amendment would also include additional improvements completed after the permit was originally approved. Stormwater is retained in one playa lake. Wastewater from the lake is disposed of by evaporation and/or by irrigation on agricultural land. Manure/solids is disposed of as fertilizer on agricultural land. The feedlot is on the north side of Farm-to-Market Road 2698, approximately one and one half miles east of intersection Farm-to-Market Road 2698 and U.S. Highway 87 in Swisher County, Texas.

APPROVED, PG/PR

Item 8. APPLICATION BY ORBIT SYSTEMS, INC. for an amendment to Permit No. 12420-01 to authorize a decrease in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 25,000 gallons per day to a volume not to exceed an average flow of 17,500 gallons per day via

Outfall 001. The proposed amendment also authorizes a variance in monitoring frequencies from once per week to twice per month. The Angle Acres Mobile Home Park Wastewater Treatment Facilities are approximately two miles east of the City of Angleton, on the southwest quadrant of the intersection of County Road 213 and County Road 598 in Brazoria County, Texas.

APPROVED, PG/PR

UNCONTESTED (WATER QUALITY PERMIT RENEWALS)

Item 9. APPLICATION BY ANDERSON-SHIRO CONSOLIDATED INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 13408-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000 gallons per day. The wastewater treatment facilities are approximately 2500 feet west of the intersection of Farm-to-Market Road 149 and State Highway 90, north of the intersection of an unnamed tributary of Holland Creek and Farm-to-Market Road 149 in Grimes County, Texas.

RENEWED, PG/PR

Item 10. APPLICATION BY APPLIED INDUSTRIAL MATERIALS CORPORATION, AIMCOR Terminal for renewal of Permit No. 02291 which authorizes an intermittent flow variable discharge of settled stormwater runoff from a petroleum coke storage yard. The plant site is approximately 0.5 mile west of the Navigation Boulevard drawbridge adjacent to Corpus Christi Inner Harbor in the City of Corpus Christi, Nueces County, Texas.

RENEWED, PG/PR

Item 11. APPLICATION BY BASTROP COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3 for renewal of Permit No. 12963-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 350,000 gallons per day. The renewed permit has decreased the flow to 85,000 gallons per day average. The wastewater treatment facilities are approximately 400 feet north of Pearce Lane, 6 miles north of the intersection of Pearce Lane and State Highway 21 and 18 miles west of the City of Bastrop in Bastrop County, Texas.

RENEWED, PG/PR

Item 12. APPLICATION BY BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 for renewal of Permit No. 12295-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,400,000 gallons per day. The wastewater treatment facilities are approximately 8000 feet northeast of the intersection of State Highway 288 and Hughes Ranch Road, approximately 2200 feet south of Clear Creek in Brazoria County, Texas.

RENEWED, PG/PR

Item 13. APPLICATION BY CITY OF CLEVELAND for renewal of Permit No. 10766-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,200,000 gallons per day from the East Wastewater Treatment Facilities. The proposed renewal will also decrease the flow to a volume not to exceed an average of 950,000

gallons per day. The plant site is east of the City of Cleveland, approximately 1.8 miles northeast of the intersection of United States Highway 59 and State Highway 321/105 in Liberty County, Texas.

RENEWED, PG/PR

Item 14. APPLICATION BY CITY OF CRYSTAL CITY for renewal of Permit No. 10098-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average 1,200,000 gallons per day. The wastewater treatment facilities are northwest of the City of Crystal City at the terminus of Plant Street, which intersects U.S. Highway 83, approximately one block southwest of the West Zavala Street crossing of U.S. Highway 83 in Zavala County, Texas.

RENEWED, PG/PR

Item 15. APPLICATION BY CITY OF DALLAS for renewal of Permit No. 10060-05 which authorizes a discharge of wastewater at a volume not to exceed an average flow of 5,000,000 gallons per day from the Elm Fork Water Treatment Plant. The plant site is approximately 300 yards west of the Interstate Highway 35E and approximately 300 yards south of Sandy Lake Road in the City of Carrollton, Dallas County, Texas.

RENEWED, PG/PR

Item 16. APPLICATION BY FORT DAVIS WATER SUPPLY CORPORATION for renewal of Permit No. 10971-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 45,000 gallons per day from the Fort Davis Wastewater Treatment Facilities. The plant site is one mile south of State Highway 17, approximately 500 feet north of Cemetery Road and 1/2 mile east of Fort Davis in Jeff Davis County, Texas.

RENEWED, PG/PR

Item 17. APPLICATION BY CITY OF GALENA PARK for renewal of Permit No. 10831-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from Wastewater Treatment Plant No. 2 Facilities. The plant site is at 1802 Dunaway Street in the City of Galena Park in Harris County, Texas.

RENEWED, PG/PR

Item 18. APPLICATION BY HARRIS COUNTY F.W.S.D. NO. 6 for renewal of Permit No. 10184-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day. The wastewater treatment facilities are at the intersection of DeZavalla Road and Elsbeth Road in the City of Channelview in Harris County, Texas.

RENEWED, PG/PR

Item 19. APPLICATION BY HEATHER GLEN COMPANY for renewal of Permit No. 11231-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 500,000 gallons per day. The wastewater treatment facilities are approximately 1600 feet south-southwest of the intersection of Farm-to-Market Road 149 and Stuebner-Airline

Road on the west side of Harris County Flood Control Ditch No. P-118-32-00 in Harris County, Texas.

RENEWED, PG/PR

Item 20. APPLICATION BY ITEL RAIL CORPORATION for renewal of Permit No. 01922 which authorizes a discharge of wastewaters resulting from the cleaning, sand-blasting, painting, and repairing of railroad cars via Outfall 001 at a volume not to exceed 100,000 gallons during any 24-hour period. The railcar cleaning and repair yard is at 407 West Brentwood, the intersection of West Brentwood Drive and the Missouri-Pacific Railroad, approximately one (1) east of Beltway 8 in the Community of Channelview in Harris County, Texas.

RENEWED, PG/PR

Item 21. APPLICATION BY MILES INC. for renewal of Permit No. 01167 which authorizes a discharge of treated process wastewater and stormwater at a volume not to exceed an average flow of 3,500,000 gallons per day from a synthetic rubber manufacturing plant. The plant is at 2800 feet southeast of the intersection of FM Road 1006 and Foreman Road in the City of West Orange in Orange County, Texas.

RENEWED, PG/PR

Item 22. APPLICATION BY NORTHWEST FREEWAY INVESTORS, LTD. for renewal of Permit No. 12139-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 40,000 gallons per day. The wastewater treatment facilities are approximately 600 feet southwest of the intersection of Fairbanks-North Houston Road and Northwest Freeway (U.S. Highway 290) in the City of Houston in Harris County, Texas.

RENEWED, PG/PR

Item 23. APPLICATION BY NUCOR CORPORATION for renewal of Permit No. 01897 which authorizes the disposal of industrial wastes from a steel products manufacturing company by evaporation. The plant site is on the north side of U.S. Highway 79 at a point approximately 1.2 miles west of the intersection of U.S. Highway 79 with State FM 39, in Leon County, Texas.

RENEWED, PG/PR

Item 24. APPLICATION BY OLIN CORPORATION for renewal of Permit No. 00647 which authorizes an intermittent flow variable discharge of stormwater from its Beaumont inorganic chemicals manufacturing plant. The plant site is at 1400 Olin Road approximately 2000 feet east of State Highway 380 and approximately 2.7 miles south of the intersection of State Highway 380 and State Highway 347 on the south side of the City of Beaumont in Jefferson County, Texas.

RENEWED, PG/PR

Item 25. APPLICATION BY STAR ENTERPRISE for renewal of Permit No. 01172 which authorizes an intermittent discharge of rainfall runoff from the tank farm and loading rack areas plus tank bottom water from a bulk petroleum products terminal. The plant site is at 2661 Steven Street in the City of Houston in Harris County, Texas.

RENEWED, PG/PR

Item 26. APPLICATION BY TEXAS UTILITIES ELECTRIC COMPANY for renewal of Permit No. 02032 which authorizes a discharge of once through cooling water and previously monitored effluents at a volume not to exceed an average flow of 1,584,000,000 gallons per day via Outfall 001; and intermittent flow variable discharges of low volume wastewater, stormwater and metal cleaning wastes via Outfalls 002, 003, 004 and 005. The applicant operates the Forest Grove Steam Electric Station. The plant site is on the north shore of Forest Grove Reservoir off Farm to Market Road 2329 and approximately 7 miles northwest of the City of Athens in Henderson County, Texas.

RENEWED, PG/PR

Item 27. APPLICATION BY WEST HARRIS COUNTY MUD NO. 7 for renewal of Permit No. 12140-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 500,000 gallons per day. The wastewater treatment plant is approximately 5.9 miles northwest of the intersection of Interstate Highway 10 and State Highway 6 at a point 1.9 miles north of Interstate Highway 10 approximately 5,500 feet northwest of the intersection of Fry Road and Franz Road on the southwest bank of South Mayde Creek, west of the City of Houston in Harris County, Texas.

RENEWED, PG/PR

Item 28. APPLICATION BY WEST TEXAS UTILITIES COMPANY for renewal of Permit No. 00964 which authorizes a discharge of cooling tower blowdown commingled with previously monitored effluents at a volume not to exceed an average flow of 400,000 gallons per day from the Abilene Steam Electric Station. The plant site is on the west bank of Cedar Creek, north of U.S. Highway 80 in the City of Abilene, Taylor County, Texas.

RENEWED, PG/PR

Item 29. APPLICATION BY ROBERT M. WILLIAMS for renewal of Permit No. 02926 which authorizes the disposal of vehicle washwater with commingled stormwater by evaporation or irrigation on an on-site 2.5 acre tract of land. The disposal volume is not to exceed an average of 2,000 gallons per day, excluding stormwater. The applicant currently operates the Clean as a Whistle Car Wash. Application rates for the irrigated land shall not exceed 2.5 acre-feet/acre/year. No discharge of pollutants into the waters of the State is authorized by this permit. The plant site is adjacent to State Highway 208, approximately one mile north of the intersection of State Highway 208 and State Highway 4, Hood County, Texas.

RENEWED, PG/PR

UNCONTESTED (WATER RIGHT PERMIT)

Item 30. APPLICATION NO. 3930A BY ELKINS LAKE RECREATION CORPORATION TO AMEND CERT. OF ADJ. NO. 10-3930. FOR COMMISSION ACTION. Applicant seeks to amend Cert. of Adj. No. 10-3930 by increasing the number of acres to be irrigated from 70 to 85 within the overall area currently authorized for irrigation approximately 4.5 miles south of Huntsville, Walker County, Texas. (SMITH/jme)

APPROVED, PG/PR

UNCONTESTED (DISTRICTS)

Item 31. APPLICATION BY HOMESTEAD MUNICIPAL UTILITY DISTRICT OF EL PASO COUNTY FOR THE RELEASE OF ESCROWED FUNDS & CHANGE IN PLANS; \$1,995,000 BOND ISSUE APPROVED JANUARY 6, 1986. For Commission consideration and action. Applicant requests approval to use \$205,646 in escrowed funds to finance costs of drilling two water wells, construction of interconnect lines, water main extensions and looping projects. (Ferguson)

APPROVED, PR/PG

UNCONTESTED (WATER RATE MATTERS)

Item 32. APPLICATION OF AQUA WATER SUPPLY CORPORATION to Amend Water Certificate of Convenience and Necessity No. 10294 in Travis County, TX (Application No. 9908-C, Holck)

APPROVED, PG/PR

Item 33. APPLICATION OF CHAMP'S WATER SERVICE, INC. to Transfer and Cancel Water CCN No. 11965 and Sewer CCN No. 20646; and amend Water CCN No. 10972 and Sewer CCN No. 20385 in Harris and Montgomery County, TX (Application No. 9831-S, Holck)

APPROVED, PG/PR

Item 34. APPLICATION OF ROBERT C. ROBINSON DBA HERITAGE ESTATES WATER SYSTEM for a Water Certificate of Convenience and Necessity in Lubbock County, TX (Application No. 9784-C, Holck)

APPROVED, PG/PR

UNCONTESTED (AGREED ORDER)

Item 35. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PROPOSED AGREED ENFORCEMENT ORDER AGAINST CHROMIUM CORPORATION -- LUFKIN PLANT FOR RESOLUTION OF VIOLATIONS OF THE TEXAS SOLID WASTE DISPOSAL ACT. (Grunberger)

ADOPTED AGREED ORDER, PR/PG

UNCONTESTED (ON-SITE SEWAGE FACILITIES)

Item 36. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER AUTHORIZING THE CITY OF ARGYLE TO REGULATE ON-SITE SEWAGE FACILITIES WITHIN THE INCORPORATED AREAS OF ARGYLE THUS MAKING ARGYLE AN AUTHORIZED AGENT OF THE TEXAS WATER COMMISSION.

APPROVED, PG/PR

UNCONTESTED (HEARING EXAMINER'S SETTLED CASES)

Item 37. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF I. M. BURNS DBA CATARINA WATER WORKS TO INCREASE RETAIL WATER RATES IN DIMMIT COUNTY, TEXAS (DOCKET

NO. 9878-G). APPLICANT PROVIDES WATER SERVICE TO APPROXIMATELY 52 RESIDENTIAL CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (BOURBON)

CONTINUED TO JUNE 2, 1993 AT 9:00 A.M.

Item 38. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF JELLE JONGSMA FOR PERMIT NO. 03128 TO AUTHORIZE THE DISPOSAL BY IRRIGATION OF WASTE AND WASTEWATER FROM A DAIRY WHICH CONSISTS OF 990 HEAD IN CONFINEMENT, in WOOD COUNTY, TEXAS, AND SEGMENT NO. 0408 OF THE CYPRESS CREEK BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (O'NEAL)

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

Item 39. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF EL JARDIN WATER SUPPLY CORPORATION APPEALING WHOLESALE WATER RATE INCREASES IN CAMERON COUNTY, TEXAS (DOCKET NO. 9013M). RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (SORRELLS)

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

Item 40. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF GLENWOOD ACRES WATER SYSTEM TO INCREASE RETAIL WATER RATES IN UPSHUR COUNTY, TEXAS (DOCKET NO. 9793-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 198 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (JACKSON)

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

Item 41. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITIONS OF BAYOU VISTA UTILITIES COMPANY AND BAYOU VISTA PROPERTY OWNERS' ASSOCIATION APPEALING WHOLESALE SEWER RATES INCREASE BY GALVESTON COUNTY MUD NO. 12 IN GALVESTON COUNTY, TEXAS (CONSOLIDATED DOCKET NOS. 9795-A & 9850-A). PETITIONERS PROVIDE RETAIL SEWER SERVICE TO APPROXIMATELY 224 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (CRAVEN)

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

Item 42. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF BAYOU VISTA UTILITIES COMPANY APPEALING DENIAL OF WATER AND SEWER RATE INCREASE IN GALVESTON COUNTY, TEXAS (DOCKET NO. 9812-A). APPLICANT PROVIDES RETAIL WATER AND SEWER SERVICE TO THE CITY OF LA MARQUE'S CORPORATE LIMITS - THE OMEGA BAY SUBDIVISION IN GALVESTON COUNTY, TEXAS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (CRAVEN)

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

Item 43. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF J. M. Boswell dba TEXAS WATER SUPPLY TO INCREASE RETAIL WATER RATES IN POLK COUNTY, TEXAS (DOCKET NO. 9524-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 35 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (BOURBON)

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

Item 44. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING

THE APPLICATION OF KELLEY WELL SERVICE TO INCREASE RETAIL WATER RATES IN LIBERTY COUNTY, TEXAS (DOCKET NO. 9879-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 138 RESIDENTIAL CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (O'NEAL)

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

Item 45. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF CHALK HILL WATER SUPPLY CORPORATION FOR CONVERSION OF CHALK HILL WSC AND CREATION OF CHALK HILL SUD TO PROVIDE WATER SERVICE IN RUSK COUNTY AND APPROVAL OF TRANSFER OF CCN NO. 11746 FROM CHALK HILL WSC TO CHALK HILL SUD. RECOMMENDATION: Adoption of agreement of parties. (BOURBON)

ADOPTED EXAMINER'S MEMORANDUM WITH THE INCLUSION OF AGREED LANGUAGE 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, May 19, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 46. APPLICATION NO. 5457 BY COLORADO RIVER MUNICIPAL WATER DISTRICT FOR A 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks authorization to complete construction of Sulphur Draw Reservoir on Sulphur Springs Draw, Colorado River Basin, and to enlarge an existing nearby off-channel playa lake (Red Lake Reservoir) which will be hydraulically connected to Sulphur Draw Reservoir. The reservoirs will be used for water-quality purposes in Martin County. (SMITH;tls)

APPROVED, PG/PR

UNCONTESTED OLD BUSINESS

Wednesday, May 19, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of April 28, 1993.

- Item 1. APPLICATION BY OCCIDENTAL CHEMICAL CORPORATION for an amendment to Permit No. 01539 in order to add a stormwater outfall (Outfall 002). The permit currently authorizes a discharge of process wastewater, cooling tower blowdown, stormwater, washwater, and sanitary sewage at a volume not to exceed an average flow of 2,150,000 gallons per day, which will remain the same. The applicant operates a chloro-alkali manufacturing plant. The plant site is on the east side of State Park Road 1836 (Vista Road), approximately 1000 feet north of the intersection with State Highway 134 (Battleground Road) in the City of La Porte, Harris County, Texas.

APPROVED, PR/PG

Item carried forward from Agenda of April 28, 1993.

- Item 2. APPLICATION BY DEGUSSA CORPORATION for renewal of Permit No. 02077 which authorizes an intermittent flow variable discharge of stormwater from the Aransas Pass Carbon Black Plant. The plant site is adjacent to and on the west side of State Highway 35, approximately six (6) miles south of the City of Rockport in Aransas County, Texas.

REMANDED TO EXECUTIVE DIRECTOR, PR/PG

Item carried forward from Agenda of April 28, 1993.

- Item 3. APPLICATION BY GULF COAST TRADES CENTER for renewal of Permit No. 11829-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,500 gallons per day. The wastewater treatment facilities are approximately 0.4 mile north of the intersection of Interstate Highway 45 and Sheppard Hill Road and approximately 4.1 miles north of the City of Willis on the west side of Interstate Highway 45 in Montgomery County, Texas.

APPROVED, PR/PG

Item carried forward from Agenda of April 28, 1993.

- Item 4. APPLICATION BY CITY OF LAKEWOOD VILLAGE for renewal of Permit No. 10903-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000 gallons per day. The wastewater treatment facilities are approximately 7000 feet northeast of the north end of the Old Lake Dallas Dam in Denton County, Texas.

APPROVED, PR/PG

Item carried forward from Agenda of April 28, 1993.

- Item 5. APPLICATION BY SAN JACINTO UTILITY COMPANY for renewal of Permit No. 11102-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 13,000 gallons per day from the Mountain View Estates Wastewater Treatment Plant. The plant site is approximately 17 miles northeast of the City of Cleburne Central Business District and approximately 1,000 feet east/northeast of the intersection of Farm-to-Market Road 917 and Farm-to-Market Road 2838, northeast of the community of Lillian in Johnson County, Texas.

REMANDED TO EXECUTIVE DIRECTOR, PR/PG

Item carried forward from Agenda of April 28, 1993.

- Item 6. APPLICATION BY WOODY LESIKAR AIRCRAFT SALES AND SERVICE, INCORPORATED for renewal of Permit No. 12516-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,000 gallons per day from the Lakeside Airport Wastewater Treatment Facilities. The plant site is on Lakeside Airport property at 18000 Groschke Road in Harris County, Texas.

APPROVED, PR/PG

CONTESTED AGENDA

Wednesday, May 19, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

CONTESTED (SOLID WASTE REGISTRATION)

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF B & E ENVIRONMENTAL SYSTEMS, INC.; TEXAS SOLID WASTE REGISTRATION NO. 41773. (Hall)

Remand to Office Hearing's Examiner

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF KOCH REFINING COMPANY; TEXAS SOLID WASTE REGISTRATION NO. 30529. (Grunberger)

Continued to July 14, 1993.

CONTESTED (WATER QUALITY ENFORCEMENT)

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LARRY MARTINDALE, DBA LAR-LIN FARMS, (NO PERMIT). (Smith, J.)

Issue Agreed Order, PR/PG

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF GREGORY, PERMIT NO. 10092. (Smith, J.)

Issue Agreed Order, PR/PG

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TOWER OAK BEND WATER SUPPLY CORPORATION; PERMIT NO. 11986-001. (Martinez)

Issue Agreed Order, PR/PG

CONTESTED (PST ENFORCEMENT)

- Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FRANKLIN SERVICE STATION, INC. (HOLMES)

Issue Proposed Order, PG/PR

- Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING

ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF STAR ENTERPRISE. (HOLMES)

Issue Agreed Order, PG/PR

CONTESTED (AUTHORIZATION TO CONSTRUCT)

- Item 8. CONSIDERATION OF A REQUEST BY THE CITY OF TEMPLE FOR AUTHORIZATION TO CONSTRUCT A WASTEWATER DISPOSAL FACILITY PRIOR TO THE ISSUANCE OF AN AMENDMENT TO PERMIT NO. 10470-002. (Keils)

Approve Authorization to Construct, PG/PR

CONTESTED (DISTRICT BANKRUPTCY)

- Item 9. APPLICATION BY CYPRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1 FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration and action. Applicant requests authorization to proceed in federal bankruptcy to implement a plan to restructure bonded debt and set a reasonable debt service tax rate in the District, which would create conditions favorable for supporting the necessary growth needed to fund the bond payments. (Cavazos)

Authorize to Proceed in Federal Bankruptcy, PR/PG

CONTESTED (EXAMINER'S PROPOSAL FOR DECISION)

- Item 10. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF DAVID G. MORTON AND MARTIN VAN BEEK DAIRY FOR PERMIT NO. 03384 TO AUTHORIZE THE DISPOSAL BY IRRIGATION AND LAND APPLICATION OF WASTEWATER AND SOLIDS FROM A DAIRY WITH 600 HEAD, IN ERATH COUNTY, TEXAS, AND SEGMENT NO. 1226 OF THE BRAZOS RIVER BASIN. (RECOMMENDATION: DENIAL OF PERMIT. (THOMAS)

Adopt Proposal for Decision and Issue order with noted corrections, and overrule all exceptions, PR/PG

- Item 11. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF RANKIN ROAD WEST MUNICIPAL UTILITY DISTRICT FOR APPROVAL TO IMPOSE AND COLLECT STANDBY FEES AGAINST UNDEVELOPED PROPERTY IN ITS DISTRICT IN HARRIS COUNTY, TEXAS. (TWC IC NO. 012792-D02) RECOMMENDATION: Approve an annual nonuniform debt service standby fee ranging from \$73 to \$366 per equivalent single-family connection (ESFC), and a nonuniform operation and maintenance standby fee of \$46 or \$225 per ESFC in year one, of \$133 or \$21 per ESFC in year two, and of \$106 or \$17 in year three. (Bourbon)

Continued to May 26, 1993

- Item 12. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF RECONTEK OF TEXAS, INC. FOR PERMIT NO. HW-50324 TO AUTHORIZE THE OPERATION OF A HAZARDOUS WASTE STORAGE FACILITY IN HENDERSON COUNTY, TEXAS. APPLICANT SEEKS AUTHORIZATION TO STORE HAZARDOUS MATERIALS AT FACILITIES LOCATED IN SEGMENT NO. 0818 OF THE TRINITY RIVER BASIN. RECOMMENDATION: REMAND TO THE EXECUTIVE DIRECTOR (THOMAS)

Remand back to Office Hearing's Examiner

CONTESTED (EXECUTIVE SESSION)

Item 13. 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 14. 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 15. 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.)  
COMMISSIONER REED ABSENT FOR ITEM #16, 17, 18

ADDENDUM TO CONTESTED AGENDA

Wednesday, May 19, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 16. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR COMMISSION REMAND OF TYPE 1 MUNICIPAL SOLID WASTE PERMIT NO. 1554A, HELD BY FORT BEND COUNTY, TO THE OFFICE OF HEARING'S EXAMINERS FOR A HEARING TO BE HELD CONSISTENT WITH COURT OF CIVIL APPEALS, 3RD DISTRICT OF TEXAS AT AUSTIN, OPINION NO. 3-91-440-CV, AND FOR COMMISSION DETERMINATION OF THE SCOPE OF THE REMANDED PROCEEDING. (S. MEHTA)

Remand to Office Hearing's Examiner on Ground Water connection to Surface Water, JH/PG

Item 17. CONSIDERATION OF FORT BEND COUNTY'S PETITION FOR AN EMERGENCY ORDER PER 31 TEXAS ADMINISTRATIVE CODE 305.29 AUTHORIZING THE COUNTY TO OPERATE ITS TYPE I MUNICIPAL SOLID WASTE LANDFILL, PERMIT NO. 1554A.

Remand to Executive Director, JH/PG

Item 18. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ISSUANCE OF AN ORDER REQUIRING CERTAIN CORRECTIVE ACTIONS OF FORT BEND COUNTY; MUNICIPAL SOLID WASTE PERMIT NOS. 1554 AND 1048. (M. VICKERY)

Approve Corrective Action Order

CONTESTED OLD BUSINESS

Wednesday, May 19, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of February 17, 1993.

- Item 1. 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 C. HALL, CLASS D CERTIFICATE NO. 803006, FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE. (McLeod)

Remand to Office Hearing's Examiner

Item carried forward from Agenda of February 17, 1993.

- Item 2. 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 UNION PACIFIC RAILROAD COMPANY; TEXAS SOLID WASTE REGISTRATION NO. 34950 (GRUENBERGER)

Continued to July 14, 1993

Item carried forward from Agenda of December 16, 1992 and March 17, 1993

- Item 3. 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)

Remand to Office Hearing's Examiner

Item carried forward from Agenda of March 17, 1993.

- Item 4. 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 July 14, 1993

Item carried forward from Agenda of May 12, 1993.

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TOM HOLMES, JR., DBA HOLMWOOD SUBDIVISION, (NO TWC PERMIT). (Smith, J.)

Issue Agreed Order, PR/PG