

WYNNE  
JOHNSON  
BIRDWELL

UNCONTESTED AGENDA

Wednesday, March 14, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. APPLICATION BY DANIEL MIKSCH for a permit (Proposed Permit No. 03114) to authorize disposal of waste and wastewater from a dairy which consists of 250 milking head. Washdown water and flushwater will be retained in two storage ponds with a total capacity of 12.6 acre-feet, where it will subsequently be used for irrigation on 172 acres of land allocated for pasture, bermuda grass and corn. Manure and solids will be disposed of by application as fertilizer on the same 172 acres. No discharge of pollutants into the waters of the State is authorized by this permit. The dairy is approximately 2 miles south of the Schulenburg city limits on the west side of the State Highway 77 in Fayette County, Texas. The dairy is in the drainage area of the Navidad River in Segment No. 1605 of the Lavaca River Basin.

APPROVED, CJ/JB

Item 2. APPLICATION BY RODNEY W. MCNEAL DBA TEXAZ DAIRY for a permit (Proposed Permit No. 03124) to authorize disposal of waste and wastewater from a dairy which consists of 650 milking head. Washdown water, flushwater and stormwater will be retained in two containment ponds with a total capacity of 21.1 acre-feet, where it will subsequently be used for irrigation on 113 acres of agricultural land. Manure/solids will be disposed of by application as fertilizer on 119 acres of agricultural land. No discharge of pollutants into the waters of the State is authorized by this permit. The dairy is on the east side of Farm-to-Market Road 1702, approximately 1.5 miles south of the intersection of Farm-to-Market Road 1702 and Farm-to-Market Road 219 and 3.4 miles southeast of Dublin in Erath County, Texas. The dairy is in the drainage area of the Leon River below Proctor Lake in Segment No. 1221 of the Brazos River Basin.

APPROVED, CJ/JB

Item 3. APPLICATION BY OXY PETROCHEMICALS INC. for an amendment to Permit No. 02075 in order to add a waste stream from the recently purchased Butadiene plant to Outfall 001. The amendment would: (1) decrease the discharge of treated wastewater effluent via Outfall 001 from a volume not to exceed an average flow of 3,500,000 gallons per day to a volume not to exceed an average flow of 2,000,000 gallons per day; (2) make effluent limitations more stringent in Outfall 001; (3) delete Outfall 003; and (4) add biomonitoring requirements. Outfall 002 authorizes a discharge of uncontaminated stormwater, which will remain the same. The applicant operates a plant that primarily produces ethylene, propylene, benzene and butadiene. The plant site is approximately four miles east of the City of Robstown and

approximately 1.3 miles east of the intersection of State Highway 44 and FM Road 24, Nueces County, Texas. The effluent is discharged into the Corpus Christi Inner Harbor, Segment No. 2484, of the Bays and Estuaries.

APPROVED, CJ/JB

Item 4. APPLICATION BY CITY OF BRADY for an amendment to Permit No. 10132-01 which currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,000,000 gallons per day. The proposed amendment would authorize an interim I volume not to exceed an average flow of 668,000 gallons per day; an interim II volume not to exceed an average flow of 950,000 gallons per day; and, a final volume not to exceed an average flow of 1,103,000 gallons per day. Effective February 1, 1993, effluent limitations will be made more stringent and upon completion of the final phase, provisions for dechlorinating the chlorinated effluent will be added. The applicant proposes to renovate and expand the existing wastewater treatment facilities. The plant site is 5,000 linear feet east of the intersection of U.S. Highway 87 and 7th Street in the City of Brady, on the west bank of Brady Creek in McCulloch County, Texas. The effluent is discharged into Brady Creek; thence to the San Saba River in Segment No. 1416 of the Colorado River Basin.

APPROVED, CJ/JB

Item 5. APPLICATION BY GONZALES WARM SPRINGS REHABILITATION HOSPITAL, INCORPORATED for renewal of Permit No. 10943-01 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 1,000 feet south of the intersection of Farm-to-Market Road 1586 and Farm-to-Market Road 2091, at a point 2.0 miles west of U.S. Highway 183, in Gonzales County, Texas. The effluent is discharged into an unnamed creek adjacent to the plant site; thence to the San Marcos River in Segment No. 1808 of the Guadalupe River Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff has determined the existing uses for the receiving water in the area of the proposed discharge and whether the proposed discharge will cause significant degradation to any high quality waters in the area. The uses for the unclassified receiving waters are limited aquatic life. The designated uses for Segment No. 1808 are contact recreation, high quality aquatic habitat and public water supply. The effluent limitations in the draft permit will maintain and protect the existing instream uses, and no significant degradation of high quality receiving waters is anticipated. All determinations are preliminary and subject to additional review and/or revision.

RENEWED, CJ/JB

Item 6. APPLICATION BY SAN JACINTO RIVER AUTHORITY for renewal of Permit No. 11401-01 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 Woodlands Wastewater Treatment Plant. The plant site is north of Sawdust Road, approximately 2 miles west of I.H. 45 and 12 miles south of Conroe in Montgomery County, Texas. The effluent is discharged into Panther Branch or alternatively into Lake "B" on Panther Branch; thence to Spring Creek in

Segment No. 1008 of the San Jacinto River Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff has determined the existing uses for the receiving water in the area of the proposed discharge and whether the proposed discharge will cause significant degradation to any high quality waters in the area. The uses for the unclassified receiving waters are limited aquatic life habitat. The designated uses for Segment No. 1008 are contact recreation, high quality aquatic habitat and public water supply. The effluent limitations in the draft permit will maintain and protect the existing instream uses, and no significant degradation of high quality receiving waters is anticipated. All determinations are preliminary and subject to additional review and/or revision.

RENEWED, CJ/JB

Item 7. APPLICATION BY FAULKEY GULLY MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 11832-01 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. The wastewater treatment facilities are at 15503 Hermitage Oak, north of Malcomson Road and west of Farm-to-Market Road 149 in Harris County, Texas. The effluent is discharged into Faulkey Gully; thence to Cypress Creek in Segment No. 1009 of the San Jacinto River Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff has determined the existing uses for the receiving water in the area of the proposed discharge and whether the proposed discharge will cause significant degradation to any high quality waters in the area. The uses for the unclassified receiving waters are limited aquatic life. The designated uses for Segment No. 1009 are contact recreation, high quality aquatic habitat and public water supply. The effluent limitations in the draft permit will maintain and protect the existing instream uses, and no significant degradation of high quality receiving waters is anticipated. All determinations are preliminary and subject to additional review and/or revision.

RENEWED, CJ/JB

Item 8. APPLICATION BY TEXAS INDUSTRIES, INC. for renewal of Permit No. 12966-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 750 gallons per day. The wastewater treatment facilities are at 7525 Harlem Road in the City of Clodine, Fort Bend County, Texas. The effluent is discharged into a drainage ditch; thence to Long Point Slough; thence to Buffalo Bayou in Segment No. 1014 of the San Jacinto River Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff has determined the existing uses for the receiving water in the area of the proposed discharge and whether the proposed discharge will cause significant degradation to any high quality waters in the area. The uses for the unclassified receiving waters are no significant aquatic life. The designated uses for Segment No. 1014 are contact recreation and limited quality aquatic habitat. The effluent limitations in the draft permit will maintain and protect the existing instream uses, and no significant degradation of high quality receiving waters is anticipated.

RENEWED, CJ/JB

Item 9. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO.

189. FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$3,785,000 BOND ISSUE APPROVED April 4, 1984. For Commission consideration and action. Applicant requests approval of the transfer of \$90,000; in surplus construction funds to debt service.

APPROVED, JB/CJ

Item 10. APPLICATION OF TOWER OAK BEND WATER SUPPLY CORPORATION for a water Certificate of Convenience and Necessity and a sewer Certificate of Convenience and Necessity in Harris County (Application No. 8027-C)

APPROVED, CJ/JB

Item 11. APPLICATION OF CITY OF GARDEN RIDGE WATER COMPANY for an amendment to water Certificate of Convenience and Necessity No. 11253 in Comal County (Application No. 8143-C)

APPROVED, CJ/JB

Item 12. APPLICATION CLUB LAKE VIEW, INC. DBA CLUB LAKEVIEW, INC. for a water Certificate of Convenience and Necessity in Waller County (Application No. 8204-C)

APPROVED, CJ/JB

Item 13. APPLICATION OF RIO WATER SUPPLY CORPORATION to amend water Certificate of Convenience and Necessity No. 10245 in Starr County (Application No. 8182-C)

APPROVED, CJ/JB

Item 14. APPLICATION OF SOUTH TAYLOR LAKE VILLAGE WATER SUPPLY CORPORATION for water and sewer Certificates of Convenience and Necessity in Harris County (Application No. 8065-C)

APPROVED, CJ/JB

Item 15. APPLICATION OF MORRIS WEINBERG to discontinue water utility service in Johnson County (Application No. 8280-Q)

APPROVED, CJ/JB

Item 16. APPLICATION OF WESTHAVEN ASSOCIATION, INC. DBA WESTHAVEN WATER COMPANY for a water Certificate of Convenience and Necessity in Comal County (Application No. 8302-C)

APPROVED, CJ/JB

Item 17. APPLICATION NO. 5275 BY HUGH TULLOS AND WIFE, GAYLE TULLOS FOR A WATER USE PERMIT. For Commission consideration and action. Applicants seek authorization to convey groundwater via an unnamed tributary of the Llano River to the Llano River and to divert the water from the Llano River for irrigation purposes in Mason County, Texas. (JORDAN:tls)

APPROVED, JB/CJ

Item 18. APPLICATION NO. 23-2713B BY THE CITY OF LAREDO FOR AN AMENDMENT TO CERTIFICATE OF ADJUDICATION NO. 23-2713, AS AMENDED, PURSUANT TO TEXAS WATER CODE SECTION 11.122. FOR COMMISSION ACTION. Applicant seeks authorization to amend Cert. No. 23-2713, as amended, to change the purpose of use

from irrigation to municipal for use within the city's service area, and to change the point of diversion to the city's authorized diversion facility, approximately 1-3/4 miles northwest of Laredo, Webb County, Texas. (JORDAN/jme)

APPROVED, JB/CJ

Item 19. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF R. MARVIN SHIPMAN TRUST ESTATE FOR WATER USE PERMIT NO. 5241 IN UVALDE COUNTY, TEXAS, NOT TO EXCEED 108 ACRE-FEET OF WATER PER ANNUM FROM THE FRIO RIVER IN NUECES RIVER BASIN FOR IRRIGATION PURPOSES. Recommendation: Issuance of authorization. (O'Neal)

APPROVED, JB/CJ

Item 20. APPLICATION NO. 5274 BY J.R. GRIMSHAW AND WIFE, HELEN GRIMSHAW FOR A SECTION 11.143 WATER USE PERMIT. For Commission consideration and action. Applicants seek a permit to authorize the diversion and use of not to exceed 25 acre-feet of water per annum from a reservoir on Rough Branch, Brazos River Basin, to irrigate 35 acres of land in Eastland County. (JORDAN/tls)

APPROVED, CJ/JB

Item 21. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF SCHLUMBERGER WELL SERVICES FOR PERMIT NO. HW-50301-00 TO AUTHORIZE THE OPERATION OF A HAZARDOUS WASTE STORAGE AND PROCESSING FACILITY IN PECOS COUNTY, TEXAS. Applicant seeks dismissal of the application. Recommendation: Dismissal of application without prejudice. (Sullivan)

DISMISSED WITHOUT PREJUDICE, JB/CJ

Item 22. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, AND TO DISCUSS 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 (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 art. 6252-17.

SUBMITTED IN ERROR NO ACTION TAKEN

UNCONTESTED OLD BUSINESS

Wednesday, March 14, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Carried forward from Agenda of February 21, 1990.

- Item 1. CONSIDERATION OF A MOTION FOR REHEARING of a Motion to modify a Texas Water Commission Order issued to East Texas Steel Facilities, Inc., (Formerly Lone Star Steel Company) on February 24, 1989, and the closure plan approved by the Executive Director on March 31, 1987. The item was considered and dismissed on November 30, 1989.

ORDER APPROVED W/STAFF RECOMMENDATION, CJ/JB

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, March 14, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of February 28, 1990.

- Item 2. APPLICATION BY CHARLES ALLEN SIDES for a permit (Proposed Permit No. 03125) to authorize disposal of waste and wastewater from a dairy. The dairy consists of an average of 320 milking head in Stage 1 and 280 additional milking head in Stage 2. Wastewater from both stages is disposed of by irrigation on 187 acres of pastureland/hayland. Manure/solids will be disposed of by application as fertilizer on the same 187 acres. No discharge of pollutants into the waters of the State is authorized by this permit. The dairy operation is approximately 8.8 miles south of City of Canton, off State Highway 19 in Van Zandt County, Texas. The dairy is in the drainage area of Lake Palestine in Segment No. 0605 of the Neches River Basin.

APPROVED, JB/CJ

Item carried forward from Agenda of September 26, October 24, November 7 and 28, 1989, January 17, 1990 and March 7, 1990.

- Item 3. APPLICATION BY EDWARD B. SNELLER DBA COUNTRY VIEW MOBILE HOME PARK for renewal of Permit No. 12815-01 which authorizes disposal of treated domestic wastewater effluent by evaporation. The disposal volume is not to exceed an average of 5,000 gallons per day from the wastewater treatment facilities which are located approximately 1100 feet north of Spur 370 (Old Iowa Park Road) and approximately 1800 feet east of North Atlantic Street, east of the City of Iowa Park in Wichita County, Texas. The plant site and irrigated land are in the drainage area of the Wichita River in Segment No. 0214 of the Red River Basin. The Executive Director of the Texas Water Commission has prepared a draft permit which, if approved by the Commission, will specify conditions and limitations generally the same as those currently enforced by the existing permit. It is proposed that the expiration date of the renewed permit be specified as midnight, ten years after date of Commission approval.

RENEWED, JB/CJ

EMERGENCY SUPPLEMENTAL UNCONTESTED AGENDA

Wednesday, March 14, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 23. IN THE MATTER OF THE REQUEST OF THE EXECUTIVE DIRECTOR TO REFER NATIONAL METAL FINISHING, INC. TO THE ATTORNEY GENERAL'S OFFICE FOR REPRESENTATION AT UNITED STATES BANKRUPTCY COURT, CASE NO. 389-328-15-HCA-11 NATIONAL METAL FINISHING, INC.'S OPERATIONS HAVE ALLEGEDLY RESULTED IN CONTAMINATION WHICH MAY ENDANGER HUMAN HEALTH AND SAFETY OF THE ENVIRONMENT.

GRANTED, CJ/JB



WYNNE  
JOHNSON  
BIRDWELL

CONTESTED AGENDA

Wednesday, March 14, 1990

TEXAS WATER COMMISSION

1:30 p.m.  
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AEGON USA REALTY ADVISORS, INC., (FORMERLY WELLMAN INDUSTRIES, INC.), SWR NO. 33350. (Dickman)

CONTINUED TO 6/13/90 @ 9 A.M.

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF ORANGE COUNTY WCID NO. 1 FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10115 TO PROVIDE WATER SERVICE IN ORANGE COUNTY, TEXAS; DOCKET NO. 7835-C. Recommendation: Issuance. (Demerle)

CONTINUED TO 3/21/90 @ 2 P.M.

Item 3. CONSIDERATION OF EMERGENCY ADOPTION OF NEW TITLE 31 TEXAS ADMINISTRATIVE CODE, CHAPTER 313 PERTAINING TO UNDERGROUND AND ABOVEGROUND STORAGE TANKS ON THE EDWARDS AQUIFER. These rules will implement the storage tank regulation section of the Edwards Aquifer Protection Rules. (Smith, R.)

APPROVED, JB/CJ

Item 4. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, AND TO DISCUSS 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 (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 art. 6252-17.

NO ACTION TAKEN

SUPPLEMENTAL CONTESTED AGENDA

Wednesday, March 14, 1990

TEXAS WATER COMMISSION

1:30 p.m.  
Room 118

Item 5. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO CONSIDER A SETTLEMENT OFFER IN THE MATTER OF CITY OF AUSTIN VS. THE TEXAS WATER COMMISSION, CAUSE NO. 469,085, AS PERMITTED BY TEX.REV.CIV.STAT.ANN. art.6252-17 Section 2(e).

NO ACTION TAKEN AT THIS TIME

CONTESTED OLD BUSINESS

Wednesday, March 14, 1990

TEXAS WATER COMMISSION

1:30 p.m.  
Room 118

Items carried forward from Agenda of January 17, 1990 and  
February 14, 1990.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT  
AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND  
REQUIRING CERTAIN ACTIONS OF ODESSA DRUM COMPANY, INC. SWR NO.  
31481. (Eccles)

ORDER APPROVED W/ADDITIONAL CLAUSE AS RECOMMENDED BY STAFF, CJ/JB

EMERGENCY SUPPLEMENTAL CONTESTED AGENDA

Wednesday, March 14, 1990

TEXAS WATER COMMISSION

1:30 p.m.  
Room 118

Item 6. CONSIDERATION OF A FORMAL PETITION BY THE TEXAS WATER COMMISSION REQUESTING THE AGRICULTURAL RESOURCES PROTECTION AUTHORITY TO INITIATE RULEMAKING TO PROHIBIT THE USE OF CHLORDANE IN TEXAS. (Wynne)

An emergency posting is necessary due to the potential adverse effect upon the aquatic environment and public health posed by the presence of Chlordane in certain Texas river segments.

APPROVED, JB/CJ

WYNNE  
JOHNSON  
BIRDWELL

OLD BUSINESS

TEXAS WATER COMMISSION

Wednesday, March 14, 1990

2:00 p.m.  
Room 118

Item carried forward from Agenda of December 7, 1989.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BMC, INC., SWR NO. 32438. (Eccles)

REMANDED TO OFFICE OF HEARINGS EXAMINER, JB/CJ

Item carried forward from Agenda of November 16, 1989, and January 17, 1990.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER CONCERNING CHEMICAL ENTERPRISES PLANT SITE, S.R. REG. NO. 34599. (Dickman)

ORDER APPROVED W/CLAUSE TO REFER TO A.G.'s OFFICE, JB/CJ