

WYNNE
BIRDWELL
JOHNSON

UNCONTESTED AGENDA

Wednesday, March 21, 1990

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY DRESSER - RAND POWER, INC. for a permit (Proposed Permit No. 13497-01) to authorize disposal of treated domestic wastewater effluent from an office and manufacturing facility by evaporation. The disposal volume is not to exceed an average of 900 gallons per day. No discharge of pollutants into the waters of the State is authorized by this permit. The treatment plant and evaporation pond are on St. Charles Street, approximately 3000 feet northwest of the intersection of Highway 290 and Highway 529 (Spencer Road), northwest of Houston within the ETJ of Jersey Village in Harris County, Texas. The plant site and irrigation area are in the drainage area of Buffalo Bayou Above Tidal in Segment No. 1013 of the San Jacinto River Basin.

APPROVED, JB/CJ

Item 2. APPLICATION BY RANDALL PARK, INC. for a permit (Proposed Permit No. 13507-01) to authorize disposal of treated domestic sewage effluent from a horse racing track operation by irrigation on 33.35 acres of the racing tracks infield. The disposal volume is not to exceed an average of 15,000 gallons per day during the months of November through May and not to exceed an average of 72,000 gallons per day during the months of June through October. Application rates for the irrigated land shall not exceed 4.5 acre-feet/acre/year. No discharge of pollutants into the waters of the State is authorized by this permit. The plant site and irrigation area are approximately 6,000 feet due west of the intersection of Farm to Market Road 168 and U.S. Highway 60, near Umbarger in Randall County, Texas. The plant site and irrigated land are in the drainage area of the Prairie Dog Town Fork of the Red River in Segment No. 0207 of the Red River Basin.

APPROVED, JB/CJ

Item 3. APPLICATION BY CHANNEL TERMINAL CORPORATION AND STEMIL, INC. DBA INTERCONTINENTAL TERMINALS COMPANY for an amendment to Permit No. 01984 in order to make the following changes: (1) authorize an increase the discharge of treated industrial wastewater effluent (Outfall 002) from a volume not to exceed 127,000 gallons per day average to a volume not to exceed 273,000 gallons per day average; (2) add Outfall 006 to monitor stormwater runoff from a newly developed tank farm area. Outfalls 001, 003, 004 and 005, currently permitted to monitor stormwater, will remain the same in the amended permit; (3) add outfall 007 to monitor the discharge of treated ballast water at a volume not to exceed 50,000 gallons per day average. The proposed amendment would also make changes and additions for monitoring requirements and limitations, consistent with the permitted discharges. The

applicant operates a bulk liquids storage terminal and commercial wastewater treatment facility. The plant site is at 2627 Tidal Road in the City of Deer Park, Harris County, Texas. The effluent is discharged into drainage ditches; thence to Tucker Bayou; thence to the Houston Ship Channel, Segment No. 1006 of the San Jacinto River Basin.

APPROVED, JB/CJ

Item 4. APPLICATION BY LAKE LBJ MUNICIPAL UTILITY DISTRICT for amendments to Permits Nos. 11217-01 (Slick Rock Creek Wastewater Treatment Plant) and 11217-02 (Pecan Creek Wastewater Treatment Plant). The permittee is requesting to combine both permits into one permit, Permit No. 11217-01 and cancel Permit No. 11217-02. The amendment would also change Permit No. 11217-01 from a discharge into Lake LBJ with authorization to use some of the treated effluent for irrigation on the Slick Rock Golf Course to the disposal of all effluent by irrigation with no discharge into Lake LBJ. The proposed amendment is written for three phases. The first phase (Interim I) authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 270,000 gallons per day from the Slick Rock Creek Wastewater Treatment Plant (WWTP) with provisions to use a portion of the treated effluent to irrigate the Slick Rock Golf Course. The second phase (Interim II) authorizes a discharge at a volume not to exceed an average flow of 500,000 gallons per day from the Slick Rock Creek WWTP and a discharge at a volume not to exceed an average flow of 90,000 gallons per day from the Pecan Creek WWTP into a 59 acre-foot storage lagoon. The effluent from the lagoon is to be used to irrigate the Ram Rock Golf Course, the Apple Rock Golf Course and the Slick Rock Golf Course. The permit also requires the permittee to cancel Permit No. 11217-02 upon the diversion of the effluent to the 59 acre-foot storage lagoon. The third phase (Final) authorizes a discharge at a volume not to exceed an average of 1,500,000 gallons per day from the Lake LBJ WWTP into a 140 acre-foot storage lagoon. The effluent from the lagoon will be used to irrigate the same three golf courses as in the second phase. Application rates for the irrigated land in the Interim I phase shall not exceed 3.0 acre-feet/acre/year. Application rates for the irrigated land in the Interim II and Final phases shall not exceed 4.5 acre-feet/acre/year. The operation of the Slick Rock Creek WWTP and Pecan Creek WWTP are not authorized in the final phase of the draft permit. The Pecan Creek plant site is in Horseshoe Bay West Subdivision, approximately 3600 feet northwest of the intersection of Farm to Market Road 2147 and Bay West Boulevard in Llano County, Texas. The Slick Rock Creek plant site is south of Farm to Market Road 2147 and approximately 3 miles northeast of the intersection of Farm to Market Road 2147 and State Highway 71 in the Horseshoe Bay Subdivision in Llano County, Texas. The storage lagoon is approximately 3,000 feet northeast of the intersection of State Highway 71 and Farm to Market Road 2831 in Llano County, Texas. The Lake LBJ MUD plant site is approximately 3,000 feet northeast of the intersection of State Highway 71 and Farm to Market Road 2831 in Llano County, Texas. The effluent in the interim I phase is discharged via pipeline into Lake LBJ in Segment No. 1406 of the Colorado River Basin. The plant sites and irrigated lands are all located in the drainage area of Lake LBJ.

APPROVED, JB/CJ

Item 5. APPLICATION BY SMITH INDUSTRIES, INC. for a minor amendment to Permit No. 11975-01, to update the terms and format and to include a specific term of ten years. The permit regulates the disposal of treated domestic wastewater effluent from a steel fabricating plant by irrigation on approximately 56 acres of company-owned pastureland. The disposal volume is not to exceed an average of 6,000 gallons per day. Application rates for the irrigated land shall not exceed 2.1 acre-feet/acre/year. No discharge of pollutants into waters of the State is authorized by this permit. The plant and irrigation sites are approximately four miles east of the City of Alleyton, 2100 feet west of the intersection of Interstate Highway 10 and Farm-to-Market Road 949, in Colorado County, Texas. The plant site and irrigated land are located in the drainage area of San Bernard River, Segment No. 1302 of the Brazos-Colorado Coastal Basin.

CONTINUED TO 4-25-90 @ 3 P.M.

Item 6. APPLICATION BY CITY OF PINELAND for renewal of Permit No. 10249-01 which authorizes a discharge of treated domestic wastewater effluent in phases with the final phase being a volume not to exceed an average flow of 214,000 gallons per day from the City of Pineland Treatment Plant. The plant site is at the intersection of Thomas Street and Transmission Boulevard in the City of Pineland, approximately 1 1/4 miles southeast of the intersection of U. S. Highway 96 and Farm to Market Road 83 in Sabine County, Texas. The effluent is discharged into Little Sandy Creek; thence to Pomponaugh Creek; thence into Sam Rayburn Reservoir in Segment No. 0610 of the Neches River Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff must determine the existing uses for the receiving water in the area of the proposed discharge. The unclassified receiving waters of Little Sandy Creek have intermediate aquatic life uses. The designated uses for Segment No. 0610 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. All determinations are preliminary and subject to additional review and/or revisions. 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 except that effluent limitations have been made more stringent. It is proposed that the expiration date of the renewed permit be specified as midnight, five years after date of Commission approval.

RENEWED, JB/CJ

Item 7. APPLICATION BY CITY OF GIDDINGS for renewal of Permit No. 10456-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 350,000 gallons per day from the North Wastewater Treatment Plant. The plant site is approximately 1.5 miles west of the intersection of U.S. Highway 77 and Farm-to-Market Road 2440, on the south side of Farm-to-Market 2440, Lee County, Texas. The effluent is discharged into Hockel Branch; thence to Nails Creek; thence to Somerville Lake in Segment No. 1212 of the Brazos River Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff must determine the existing uses for the receiving water in the area of the

proposed discharge. The unclassified receiving waters of Hockel Branch have no aquatic life uses. The designated uses for Somerville Lake, Segment No. 1212, 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. All determinations are preliminary and subject to additional review and/or revisions. 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 except that effluent limitations for minimum dissolved oxygen concentration have been added. Effective April 1, 1992, effluent limitations will be made more stringent. It is proposed that the expiration date of the renewed permit be specified as midnight, five years after date of Commission approval.

RENEWED, JB/CJ

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF KEN AND GARY HULSTEIN D/B/A CORRAL CITY MOBILE HOME PARK; PERMIT NO. 11064-01. This matter was remanded to the Office of Hearings Examiners for a hearing but the parties reached an agreement before a hearing was set. RECOMMENDATION: Adoption of Agreement of the parties. (Ligarde)

APPROVED, CJ/JB

Item 9. APPLICATION BY GREEN TRAILS MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF A USE FOR SURPLUS FUNDS; \$2,210,000 BOND ISSUE APPROVED AUGUST 18, 1981, \$1,300,000 BOND ISSUE APPROVED MARCH 9, 1983, AND \$1,100,000 BOND ISSUE APPROVED SEPTEMBER 12, 1989 For Commission consideration and action. The District requests Commission approval to use \$112,700 in surplus funds to finance the District's purchase of 100,000 gpd of wastewater treatment plant capacity.

APPROVED, CJ/JB

Item 10. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DIST. NO. 21 FOR APPROVAL OF THE ISSUANCE OF \$4,500,00 IN UNLIMITED TAX BONDS, 8.68% NET EFFECTIVE INTEREST RATE, SERIES 1990, FOURTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$4,500,000 in tax bonds to finance construction of phase I of wastewater main improvements to replace existing undersized lines.

APPROVED, CJ/JB

Item 11. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 40 FOR APPROVAL OF A \$4,780,000 UNLIMITED TAX BONDS, SIXTH ISSUE, 7.68% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests Commission approval for a bond issue to finance the utility infrastructure to serve 639 single family connections, and to finance wastewater treatment capacity, and water capacity in regional facilities.

APPROVED W/STAFF RECOMMENDATION, CJ/JB

Item 12. APPLICATION OF AUSTIN COUNTY WATER SUPPLY CORPORATION to amend water Certificate of Convenience and Necessity No. 12044 in Austin County (Application No. 8130-C)

APPROVED, JB/CJ

Item 13. APPLICATION OF MOFFAT WATER SUPPLY CORPORATION, INC. to purchase the water facilities of Mof Boun Water Corporation, to transfer and Cancel Water Certificate of Convenience and Necessity (CCN) No. 11694 and to Amend CCN No. 11166 in Bell County (Application No. 8248-S)

APPROVED, JB/CJ

Item 14. APPLICATION OF RUSSELL DEAN DBA D & S WATER SERVICE to purchase facilities and to transfer and Amend Water Certificate of Convenience and Necessity No. 11828 from Donald Sass dba D & S Water Service and to Cancel water Certificate of Convenience and Necessity No. 12088 in Brazos, Burleson, Harris, Montgomery, Robbertson, and Walker Counties (Application No. 8125-S)

APPROVED, JB/CJ

Item 15. CONSIDERATION OF A MOTION FOR REHEARING to modify the final Order in this Docket No. 7857-C granting Fort Worth a CCN as requested in its application. The item was considered on February 7, 1990 and the Commissioners granted Fort Worth a CCN for treated water service for an area that roughly corresponds to Fort Worth's existing corporate limits.

CONTINUED TO 5-30-90 @ 9 A.M. W/CONSIDERATION OF MFR EXTENDED FOR 90 DAYS TO 6-22-90, JB/CJ

SUPPLEMENTAL UNCONTESTED AGENDA

Wednesday, March 21, 1990

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 16. CONSIDERATION OF WHETHER PROBABLE GROUND EXISTS FOR THE COMMISSION TOTAKE JURISDICTION AND SET A HEARING ON THE PETITION OF THE DEVERS CANAL RICE PRODUCERS ASSOCIATION, INC., J&E FARMS, INC. AND THREE DAILY FARMS, INC. REQUESTING A REVIEW OF THE RATES CHARGED BY TRINITY WATER RESERVE, INC. AND BOYT REALTY COMPANY FOR UNTREATED SURFACE WATER PURSUANT TO CHAPTERS 11 AND 12 OF THE TEXAS WATER CODE. DOCKET NO. 8388M (LANNING)

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR EVIDENTIARY HRG., JB/CJ

UNCONTESTED OLD BUSINESS

TEXAS WATER COMMISSION

Wednesday, March 21, 1990

9:00 a.m.
Room 118

Item carried forward from Agenda of February 21, 1990.

- Item 1. APPLICATION BY LAKE LBJ MUNICIPAL UTILITY DISTRICT for a minor amendment to Permit No. 11217-02 in order to update the permit format and to add a provisions requiring the permittee to cancel the permit upon the diversion of effluent to the 59 acre-foot holding pond regulated by Permit No. 11217-01. The permit authorizes disposal of treated domestic wastewater effluent by irrigation on 140 acres of the Ram Rock Golf Course. The disposal volume is not to exceed an average of 90,000 gallons per day. Application rates for the irrigated land shall not exceed 3.0 acre-feet/acre/year. No discharge of pollutants into the waters of the State is authorized by this permit. The plant site and irrigation site are in Horseshoe Bay West Subdivision, approximately 3600 feet northwest of the intersection of Farm to Market Road 2147 and Bay West Boulevard in Llano County, Texas. The plant site and irrigation area are in the drainage area of Lake Lyndon B. Johnson in Segment No. 1406 of the Colorado River Basin.

APPROVED, JB/CJ

DOCKET

TEXAS WATER COMMISSION

Wednesday, March 21, 1990

9:00 a.m.
Room 118

Item 1. IN RE: EMERGENCY ORDER NO. 90-3E ISSUED TO E-SYSTEMS ON JANUARY 24, 1990. FOR COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY, OR SET ASIDE THE EMERGENCY ORDER WHICH AUTHORIZED THE HANDLING AND DISPOSAL OF SMALL QUANTITIES OF POTENTIALLY REACTIVE AND EXPLOSIVE CHEMICALS IN HUNT COUNTY. (THIS EMERGENCY AGENDA WAS NEEDED DUE TO AN IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY.) McFadden

CONTINUED TO 3-28-90 @ 9 A.M.

WYNNE
JOHNSON
BIRDWELL

CONTESTED AGENDA

Wednesday, March 21, 1990

TEXAS WATER COMMISSION

1:30 p.m.
Room 118

Item 1. CONSIDERATION OF AN ORDER DISMISSING THE APPLICATION OF CPL PROPERTIES, INC., FOR RENEWAL OF PERMIT NO. 12609-01. (Montelongo)

ORDER APPROVED FOR DISMISSAL, CJ/JB

Item 2. CONSIDERATION OF AN ORDER DISMISSING THE APPLICATION OF U. S. PROTEINS CORPORATION FOR WASTEWATER PERMIT NO. 02999. (Montelongo)

ORDER APPROVED FOR DISMISSAL, CJ/JB

Item 3. CONSIDERATION OF AN ORDER DISMISSING THE APPLICATION OF DOTY SAND PIT VENTURE FOR WASTEWATER PERMIT NO. 02942. (Montelongo)

ORDER APPROVED FOR DISMISSAL, CJ/JB

Item 4. CONSIDERATION OF THE CITY OF MORGAN'S POINT APPEAL OF STIPULATED PENALTIES ACCRUED PURSUANT TO ENFORCEMENT ORDER DATED AUGUST 24, 1988, PERMIT NO. 10779-01. (Montelongo)

APPROVED W/STAFF RECOMMENDATIONS, JB/CJ

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ALLIED RADIATOR SERVICE. (DICKMAN)

CONTINUED TO 5-2-90 @ 9 A.M.

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR REFERRAL OF LYNDELL AND TERRIE CAVENDER D/B/A CAVENDERS CUSTOM PLATING TO THE OFFICE OF THE ATTORNEY GENERAL. (Renbarger)

APPROVED, CJ/JB

Item 7. CONSIDERATION OF THE ADOPTION OF NEW 31 TEXAS ADMINISTRATIVE CODE SECTIONS 317.1 - 317.14 AND THE REPEAL OF EXISTING 31 TEXAS ADMINISTRATIVE CODE SECTIONS 317.1 - 317.13, CONCERNING THE DESIGN CRITERIA FOR SEWERAGE SYSTEMS. The Chapter establishes minimum design standards for facilities which collect, treat, and dispose of primarily domestic wastewaters and associated waste solids. (McCalla)

ADOPTED, JB/CJ

Item 8. 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

CONTESTED OLD BUSINESS

Wednesday, March 21, 1990

TEXAS WATER COMMISSION

1:30 p.m.
Room 118

Item carried forward from Agenda of February 21, 1990.

- Item 1. CONSIDERATION OF ALTERNATIVE ACTIONS WHICH THE COMMISSION COULD TAKE CONCERNING LAKE GRAPEVINE. WHEN THE COMMISSION DISMISSED THE COMPLAINT FILED BY PARK CITIES MUNICIPAL UTILITY DISTRICT AGAINST THE CITIES OF DALLAS AND GRAPEVINE ON OCTOBER 26, 1989, THE COMMISSION DIRECTED THE EXECUTIVE DIRECTOR TO PREPARE A LIST OF ALTERNATIVES THE COMMISSION COULD TAKE TO ADDRESS PROBLEMS WHICH WILL ARISE DURING A TIME OF DROUGHT IN THIS OVER APPROPRIATED RESERVOIR. (Smith, R.)

CONTINUED TO 4-4-90 @ 9 A.M.

WYNNE
BIRDWELL
JOHNSON/ABSENT & EXCUSED FOR ITEM NO. 1

CONTESTED OLD BUSINESS

TEXAS WATER COMMISSION

Wednesday, March 21, 1990

2:00 p.m.
Room 118

Item carried forward from Agenda of November 16, 1989, and January 24, 1990.

- Item 1. CONSIDERATION OF NOTICE OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EAST TEXAS STEEL FACILITIES, INC., (FORMERLY LONE STAR STEEL COMPANY), PERMIT NO. 00348. (Jordan)

CONTINUED TO 5-23-90 @ 9 A.M.

Item carried forward from Agenda of December 7, 1989, and January 24, 1990.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 1, PERMIT NO. 11459-01. (Jordan)

ORDER APPROVED W/STAFF RECOMMENDATIONS, JB/CJ

Item carried forward from Agenda of December 14, 1989 and January 31, 1990.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ACID DELINTERS, INC. (SWR No. 39164). (Dickman)

ORDER APPROVED W/STAFF RECOMMENDATIONS, CJ/JB

Item carried forward from Agenda of November 29, 1988, January 8 and 17, 1990.

- Item 4. APPLICATION NO. 5174 BY ROCKET WATER SUPPLY CORPORATION FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. For Commission consideration and action and/or setting of a hearing date. The applicant seeks authorization for the impoundment of 21,558 acre-feet of water in a reservoir to be created by a proposed dam on Red Oak Creek, tributary of the Trinity River, Trinity River Basin, and the diversion and use therefrom of not to exceed 4646 acre-feet of water per annum for municipal use in the service area of the applicant in

Ellis County, Texas. The applicant also seeks authorization for in-place use of the reservoir, approximately 10 miles northeast of Waxahachie, Ellis County, Texas.

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR EVIDENTIARY HEARING, JB/CJ

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, March 21, 1990

TEXAS WATER COMMISSION

2:00 p.m.
Room 118

Item carried forward from Agenda of March 14, 1990.

- Item 5. 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)

ADOPTION W/STAFF RECOMMENDATIONS ON SUGGESTED LANGUAGE AND AMENDING THE EXAMINER'S PROPOSAL FOR DECISION, JB/CJ