

WYNNE
BIRDWELL
JOHNSON

CONTESTED AGENDA

Wednesday, July 18, 1990

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF BRAZOS RIVER AUTHORITY FOR WATER USE PERMIT NO. 5093 IN BOSQUE COUNTY, TEXAS, TO CONSTRUCT A 112,438 ACRE-FOOT CAPACITY RESERVOIR ON THE NORTH BOSQUE RIVER APPROXIMATELY 4 MILES NORTHWEST OF MERIDIAN, TEXAS AND TO DIVERT AND USE NOT TO EXCEED 17,900 ACRE-FEET OF LAKE BOSQUE WATER PER ANNUM FOR MUNICIPAL PURPOSES. Recommendation: Denial of authorization. (Wood)

CONTINUED TO AUGUST 15, 1990 @ 3:00 P.M.

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF BRAZOS AUTHORITY FOR WATER USE PERMIT NO. 5094 IN MCLENNAN COUNTY, TEXAS, TO IMPOUND AN ADDITIONAL 87,962 ACRE-FEET OF WATER IN LAKE WACO AND TO DIVERT AND USE NOT TO EXCEED 20,770 ACRE-FEET OF WATER PER ANNUM FOR MUNICIPAL PURPOSES. Recommendation: Denial of authorization. (Wood)

CONTINUED TO AUGUST 15, 1990 @ 3:00 P.M.

Item 3. CONSIDERATION OF THE COMPLAINT OF THE EXECUTIVE DIRECTOR CONCERNING AN UNPERMITTED DAM AND RESERVOIR MAINTAINED BY LARRY JONES, ET AL. Texas Water Code and Commission rules violations by co-owners of Lake Scott in Childress County. (Smith, R.)

CONTINUED TO AUGUST 15, 1990 @ 9:00 A.M.

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF JERRY L. ODOM D/B/A ASPEN PROPERTIES. (Culbertson)

APPROVED, CJ/JB

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF STRAWN. (Smith, S.)

CONTINUED TO AUGUST 15, 1990 @ 9:00 A.M.

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 CHEMICALS, INC. SWR NO. 37520 (RENBARGER)

CONTINUED TO SEPTEMBER 12, 1990 @ 9:00 A.M.

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST TO REFER

FENTON COMPANY OF LOUISIANA; SWR NO. 39123, TO THE OFFICE OF THE ATTORNEY GENERAL FOR VIOLATIONS OF A TEXAS WATER COMMISSION ORDER ISSUED ON AUGUST 22, 1989. (Celestino)

APPROVED AS PROPOSED, CJ/JB

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 AGENDA

Wednesday, July 18, 1990

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of May 23, June 6, and June 27, 1990.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HILL PETROLEUM COMPANY; SWR NO. 30520. (Renbarger)

APPROVED, JB/CJ

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, July 18, 1990

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of April 25, 1990.

- Item 2. COMMISSION WILL CONSIDER AND POSSIBLY TAKE ACTION ON A PROPOSED ORDER PROVIDING AN INTERIM OPERATIONS PLAN WITH RESPECT TO FRESHWATER INFLOWS FOR THE NUECES ESTUARINE SYSTEM UNDER CERTIFICATE OF ADJUDICATION NO. 21-3214, HELD BY THE CITY OF CORPUS CHRISTI, THE CITY OF THREE RIVERS, AND THE NUECES RIVER AUTHORITY. (Jordan)

APPROVED W/ADDITIONAL LANGUAGE, CJ/JB

Item carried forward from Agenda of June 20th, June 27, and July 11, 1990.

- Item 3. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF UNION CARBIDE CORPORATION FOR AN AMENDMENT TO PERMIT NO. HW-50190 TO AUTHORIZE THE OPERATION OF A HAZARDOUS WASTE LANDFILL IN CALHOUN COUNTY, TEXAS. Applicant seeks authorization to store Class I hazardous materials at facilities located in Segment No. 1701 of the Lavaca-Guadalupe Coastal Basin. Recommendation: Issuance of permit. (Limes)

APPROVED AS PROPOSED, JB/CJ. CHAIRMAN WYNNE MOVED FOR A MOTION AND PROPOSED TO HAVE GENERAL COUNSEL WRITE UP A RESOLUTION FOR PROCEDURES ON FUTURE AIR CONTROL BOARD PERMIT REVIEWS AND FOR THIS RESOLUTION TO BE BROUGHT BEFORE OUR NEXT LEGISLATIVE SESSION., JB/CJ

WYNNE
BIRDWELL
JOHNSON

UNCONTESTED AGENDA

Wednesday, July 18, 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY BAYFIELD PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$5,310,000 BOND ISSUE APPROVED FEBRUARY 6, 1981. For Commission consideration and action. Applicant requests approval of the transfer of \$250,000 in surplus construction funds to debt service.

APPROVED, JB/CJ

Item 2. APPLICATION BY HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 155 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,675,000 BOND ISSUE APPROVED JUNE 16, 1989. For Commission consideration and action. Applicant requests approval of the transfer of \$95,130 in surplus construction funds to cover operating deficits.

APPROVED, JB/CJ

Item 3. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF GEORGE BURRIS DBA HIGHLAND UTILITIES REGARDING THE TWC STAFF'S POSITION AS TO THE TAP FEE PROPOSED IN THE UTILITY'S CCN APPLICATION FOR BURNET COUNTY, TEXAS; DOCKET NO. 8414-X. Applicant provides retail water service to approximately 100 customers. Recommendation: Adoption of agreement of parties. (Parker)

APPROVED, JB/CJ

Item 4. CONSIDERATION OF EXAMINER'S MEMORANDUM, ORDER AND TARIFF CONCERNING THE APPLICATION OF J & W UTILITY COMPANY TO INCREASE RETAIL WATER RATES IN HARRIS COUNTY, TEXAS; DOCKET NO. 8368-G. Applicant provides retail water service to approximately 12 customers. Recommendation: Adoption of agreement of parties. (Colbert)

APPROVED, JB/CJ

Item 5. APPLICATION NO. 23-72B BY CITY OF LAREDO TO AMEND CERTIFICATE NO. 23-72, AS AMENDED. For Commission consideration and action. Applicant seeks to amend Certificate No. 23-72, as amended, to change the purpose of use of 161.111 acre-feet of Class "B" irrigation water rights to 64.4444 acre-feet of municipal water rights for use within the City's service area and to change the point of diversion to the City's authorized diversion facility, approximately 1.75 miles northwest of Laredo, Webb County, Texas. (JORDAN:rma)

APPROVED, CJ/JB

Item 6. APPLICATION NO. 23-73B BY CITY OF LAREDO TO AMEND CERTIFICATE NO. 23-73, AS AMENDED. For Commission consideration and

action. Applicant seeks to amend Certificate No. 23-73, as amended, to change the purpose of use of 291.714 acre-feet of Class "B" irrigation water rights to 116.6856 acre-feet of municipal water rights for use within the City's service area and to change the point of diversion to the City's authorized diversion facility, approximately 1.75 miles northwest of Laredo, Webb County, Texas. (JORDAN:rma)

APPROVED, CJ/JB

Item 7. APPLICATION NO. 23-477A BY N. H. KITAYAMA TO COMBINE WATER RIGHTS OWNED UNDER CERTIFICATE NOS. 23-477, 23-467, 23-476 & 23-478 UNDER CERT. NO. 23-477 AND TO AMEND CERT. NO. 23-477, AS COMBINED. For Commission Action Applicant seeks to combine the 235.75 acre-feet, the 16.25 acre-feet, 126.50 acre-feet and the 50 acre-feet of Class "B" water rights under Cert. Nos. 23-477, 23-467, 23-476 and 23-478, respectively, under Cert. No. 23-477 and to amend Cert. No. 23-477 to restate these rights, viz., 428.50 acre-feet of Class "B" water rights from the Rio Grande to irrigate 171.51 acres in Hidalgo County, Texas. (JORDAN/wph)

APPROVED, CJ/JB

Item 8. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF HANS BONNEMA FOR PERMIT NO. 03176 TO AUTHORIZE THE DISPOSAL BY IRRIGATION AND LAND APPLICATION OF WASTES AND WASTEWATER FROM A DAIRY OPERATION IN BROWN COUNTY, TEXAS, AND SEGMENT NO. 1417 OF THE COLORADO RIVER BASIN. Recommendation: Issuance of permit. (Parker)

APPROVED, CJ/JB

Item 9. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF AZTEX DAIRY, INC. FOR PERMIT NO. 02953 TO AUTHORIZE THE DISPOSAL BY IRRIGATION AND LAND APPLICATION OF WASTES AND WASTEWATER FROM A DAIRY OPERATION IN ERATH COUNTY, TEXAS, AND SEGMENT NOS. 1223 AND 1226 OF THE BRAZOS RIVER BASIN. Recommendation: Issuance of permit. (Parker)

CONTINUED TO AUGUST 8, 1990 @ 3:00 P.M.

Item 10. APPLICATION BY JACK H. KEMPENAAR for a permit (Proposed Permit No. 03188) to authorize disposal of waste and wastewater from a dairy which consists of 800 cows in confinement. The dairy is approximately 4 miles north-northeast of Como and 4 miles north-northwest of the Community of Pickton, approximately 1.5 miles southwest of the intersection of Farm-to-Market Road (F.M.) 269 and F.M. 3105 in Hopkins County, Texas.

APPROVED, CJ/JB

Item 11. APPLICATION BY DURK ZWART for a permit (Proposed Permit No. 03152) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 500 milking head. The dairy is approximately 16-1/2 miles south of Stephenville and 5 miles southeast of the Community of Clairette in Erath County, Texas.

APPROVED, CJ/JB

Item 12. APPLICATION BY BRYAN PARRISH for a permit (Proposed Permit No. 03208) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 600 head in confinement.

The dairy is on U.S. Highway 281, approximately 2 miles north of the intersection of U.S. Highway 281 and Farm-to-Market Road 2905 in Hamilton County, Texas.

APPROVED, CJ/JB

Item 13. APPLICATION BY MINERAL RESEARCH AND DEVELOPMENT CORPORATION for an amendment to Permit No. 01878 to authorize an increase in the discharge of treated wastewater effluent from a volume not to exceed an average flow of 125,000 gallons per day to a volume not to exceed an average flow of 270,000 gallons per day. The plant site is at 302 Midway Road in the City of Freeport, Brazoria County, Texas.

APPROVED, CJ/JB

Item 14. APPLICATION BY KELLY LANE UTILITY COMPANY for an amendment to Permit No. 13219-01 in order to add an initial phase which would authorize disposal by irrigation on a golf course. The plant site is approximately 2,500 feet east of Farm-to-Market Road 685,a and approximately 1,600 feet north of Kelly Lane in Travis County, Texas.

APPROVED, CJ/JB

Item 15. APPLICATION BY CITY OF HARLINGEN for a minor amendment to Permit No. 10490-02 in order to modify the sludge handling provisions in the current permit and delete irrigation provisions. The plant site is at 1102 East Taft, approximately 800 feet southwest of the intersection of 15th Street and Commerce in the City of Harlingen, Cameron County, Texas.

APPROVED, CJ/JB

Item 16. APPLICATION BY FARCO MINING OF TEXAS, INC. for renewal of Permit No. 02733 which authorizes intermittent, flow variable discharges of stormwater from the active mining area via Outfall 001 and discharges of stormwater from the coal preparation plant and associated area via Outfall 002 from the Palafox Coal Mine. The plant site is west of and adjacent to FM Road 1472, at a point approximately 31 miles northwest of the City of Laredo, Webb County, Texas.

RENEWED, CJ/JB

Item 17. APPLICATION BY MEGA DEVELOPMENT COMPANY for renewal of Permit No. 13044-01 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 1,300,000 gallons per day from the Fort Bend Co. MUD No. 57 Wastewater Treatment Facilities which have not been constructed. The plant site is approximately 1 mile east and 2 miles north of the intersection of Farm-to-Market Roads 1463, 359, and 1093 in Fort Bend County, Texas.

RENEWED, CJ/JB

Item 18. APPLICATION BY VIRDELL W. JOHNSON for renewal of Permit No. 12893-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 17,500 gallons per day. Treated effluent may be disposed of by irrigation on 20 acres of land with an application rate not to exceed 2.0 acre-feet/acre/year. The wastewater

treatment facilities are approximately 2 miles east of the intersection of Interstate Highway 20 and Loop 281 on Whitehurst Drive in Harrison County, Texas.

SUBMITTED IN ERROR

Item 19. APPLICATION BY NORTHBELT HARDY JOINT VENTURE for renewal of Permit No. 13009-01 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 Hardy Road Wastewater Treatment Facilities which have not been constructed. The plant site is to be approximately 1500 feet north of the intersection of Farm-to-Market Road 525 and Luthe Street, north of the City of Houston, in Harris County, Texas.

RENEWED, CJ/JB

Item 20. APPLICATION BY NORTHPARK BUSINESS CENTER, LTD. for renewal of Permit No. 12943-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,800 gallons per day from the Northpark Business Center Wastewater Treatment Facilities. The plant site is approximately 0.9 mile east-northeast of the intersection of State Highway Loop 494 and Northpark Drive, approximately 1 mile east-southeast of the intersection of U.S. Highway 59 and West Knox Drive in Montgomery County, Texas.

RENEWED, CJ/JB

Item 21. APPLICATION BY CITY OF RAYMONDVILLE for renewal of Permit No. 10365-01 which 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 wastewater treatment facilities are at 1405 E. San Francisco Avenue, approximately 1/2 mile north of State Highway 186 and approximately 1/4 mile east of U.S. Highway 77 in Willacy County, Texas.

RENEWED, CJ/JB

Item 22. APPLICATION BY CITY OF SOUTHLAKE for renewal of Permit No. 11736-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 43,000 gallons per day from the Southlake Bank Place Wastewater Treatment Plant. The plant site is approximately 2600 feet due west of the intersection of State Highways 26 and 114 in Tarrant County, Texas.

RENEWED, CJ/JB

Item 23. APPLICATION BY TEXAS ALKYL, INC. for renewal of Permit No. 01689 which authorizes a discharge of uncontaminated stormwater runoff and treated industrial wastewater effluent at a volume not to exceed a dry weather flow of 50,000 gallons per day from an organometallic compound manufacturing facility. The plant site is east of and adjacent to State Highway 134, approximately 2500 feet north of the intersection of State Highways 134 and 225, Harris County, Texas.

RENEWED, CJ/JB

Item 24. APPLICATION BY CITY OF TEXAS CITY for renewal of Permit No. 10375-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow

of 8,300,000 gallons per day. The wastewater treatment facilities are approximately one mile north of State Highway Loop 197 and 4 miles east of State Highway 146, in the northeast portion of the City of Texas City, Galveston County, Texas.

RENEWED, CJ/JB

Item 25. APPLICATION BY THOUSAND TRAILS, INC. for renewal of Permit No. 12861-01 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 105,000 gallons per day. The wastewater treatment facilities are approximately 1 mile west of Farm-to-Market Road 47 and approximately 1.15 miles south of Farm-to-Market Road 35 in Rains County, Texas.

RENEWED, CJ/JB

Item 26. APPLICATION BY THOUSAND TRAILS, INC. for renewal of Permit No. 13073-01 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 75,000 gallons per day from the Colorado River Preserve Wastewater Treatment Facilities which have not been constructed. The plant site is to be approximately 1-1/4 miles southwest of the intersection of Farm-to-Market Road 1890 and State Highway 71 in Colorado County, Texas.

RENEWED, CJ/JB

Item 27. APPLICATION BY UNIMIN (TEXAS) CORPORATION for renewal of Permit No. 01401 which authorizes a discharge of mine seepage and stormwater runoff at a volume not to exceed an average flow of 500,000 gallons per day from a sand mining and processing operation. The plant site is approximately 1.2 miles north of U.S. Highway 67 and 0.5 mile west of the eastern boundary of Somervell County, Texas.

RENEWED, CJ/JB

Item 28. CONSIDERATION OF ORDER NUNC PRO TUNC TO CORRECT AN ORDER ISSUED TO TORKELSON FLYING SERVICE, INC. BY THE COMMISSION ON JUNE 22, 1990. THE ORDER ISSUED WAS THE PROPOSED ORDER, HOWEVER, THE PARTIES IN THIS MATTER HAD ENTERED INTO AN AGREED ORDER WHICH WAS APPROVED BY THE COMMISSION ON THE JUNE 20, 1990 AGENDA. SWR NO. 39118 (SMITH, ROBIN)

APPROVED, JB/CJ

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, July 18, 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

- Item 29. AUTHORIZATION FOR A CONTRACT FOR IMMEDIATE ACTION AT LEAKING PETROLEUM STORAGE TANK SITE IN JOLLYVILLE, TEXAS. (Jameson/Mosely/Mehta)

(Due to the threat to public health and safety posed by the presence of petroleum vapor infiltration into over 20 homes, an emergency addition to the agenda is necessary.)

APPROVED, CJ/JB

- Item 30. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S RESPONSE TO THE PETITION OF ROLLINS ENVIRONMENTAL SERVICES (TX), INC., FOR RENEWAL OF EMERGENCY ORDER 90-11E (PERMIT NO. HW-50089-001). (McFaddin)

(Due to the imminent threat to public health and safety posed by the need for storage of land disposal restricted materials, an emergency addition to the agenda is necessary.)

RENEWED, CJ/JB

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, July 18 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 31. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S RESPONSE TO THE PETITION OF DOW CHEMICAL COMPANY FOR THE ONE TIME RENEWAL OF EMERGENCY ORDER NO. 90-12E IN ORDER THAT THE UNKNOWN WASTE PESTICIDES COLLECTED DURING THE WEST TEXAS PESTICIDE AMNESTY DAY PROJECT CAN BE IDENTIFIED AND INCINERATED. (Alvarado)

(Due to the additional time needed to analyze and dispose of chemicals or pesticides collected for the Amnesty Project, an emergency addition to the agenda is necessary.)

APPROVED, CJ/JB

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, July 18, 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 32. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER FOR THE AUTHORIZATION OF TECHNICAL ENVIRONMENTAL SYSTEMS, INC., TO REPACKAGE UNKNOWN PESTICIDE FORMULATIONS COLLECTED AS A RESULT OF THE WEST TEXAS PESTICIDE AMNESTY DAY PROJECT. (Alvarado)

(An emergency posting is necessary due to the present imminent and substantial endangerment to human health, safety and environment.

APPROVED, CJ/JB

UNCONTESTED OLD BUSINESS

Wednesday, July 18, 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of June 27, 1990.

- Item 1. CONSIDERATION OF THE ADOPTION OF NEW CHAPTER 291 SUBCHAPTER H OF 31 TEXAS ADMINISTRATIVE CODE, CONCERNING WATER RATES AND UTILITIES. This new chapter is proposed in response to legislative changes promulgated by House Bill 1808. ADOPTION OF CHAPTER 291 SUBCHAPTERS A THROUGH G WAS GRANTED ON JUNE 27, 1990. (Petrov)

APPROVED, CJ/JB

Item carried forward from Agenda of July 11, 1990.

- Item 2. CONSIDERATION OF THE APPOINTMENT OF A TECHNICAL ADVISORY COMMITTEE TO REVIEW AND MAKE RECOMMENDATIONS FOR LEGISLATIVE CHANGES OR OTHER PROCEDURAL CHANGES TO ALLOW THE COMMISSION TO ADDRESS PROBLEMS ENCOUNTERED IN REGULATING RETAIL PUBLIC UTILITIES UNDER CHAPTER 13 OF THE WATER CODE. (ROBBINS)

CONTINUED TO JULY 25, 1990 @ 3:00 P.M.