

WYNNE
JOHNSON
BIRDWELL/Present after OB item 2

CONTESTED AGENDA

Wednesday, January 30, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SASSIN & SONS, SWR NO. 39448. (Birch)

APPROVED, JB/CJ

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF E. I. DU PONT de NEMOURS & COMPANY, INC., SABINE RIVER WORKS, PERMIT NO. 00475. (Ligarde)

CONTINUED TO MARCH 13, 1991 AT 9:00 A.M.

Item 3. COMMISSION APPROVAL OF FY '91 FIRST QUARTER BUDGET AMENDMENTS.

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 REQUIRED

CONTESTED OLD BUSINESS

Wednesday, January 30, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of June 6, August 15, and November 14, 1990.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LONE STAR STEEL COMPANY. WQ PERMIT NO. 00348, AND SWR 30093 (WATER QUALITY AND HAZARDOUS WASTE VIOLATIONS) (McFaddin)

CONTINUED INDEFINITELY

Item carried forward from Agenda of October 31, and November 28, 1990.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EUROPE DAIRY IN HOPKINS, COUNTY. (Ligarde)

APPROVED, CJ/BW

Item carried forward from Agenda of November 7, 1990 December 12, and January 16, 1990.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ROLLINS ENVIRONMENTAL SERVICES, INC., SWR NO. 50089. (McFaddin)

REMANDED TO THE OFFICE OF HEARING EXAMINERS CJ/BW

Item carried forward from Agenda of November 28, December 12, 1990 and January 23, 1991.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S RESPONSE TO ARCHEM COMPANY'S REQUEST TO AMEND A TEXAS WATER COMMISSION ORDER ISSUED ON FEBRUARY 21, 1990, AND REQUEST TO REFER TO THE ATTORNEY GENERAL FOR COLLECTION OF PENALTY. Archem Company has requested an extension of time of 180 days to comply with the provisions in an Agreed Order. (Smith, R.)

CONTINUED INDEFINITELY

WYNNE
BIRDWELL
JOHNSON

UNCONTESTED AGENDA

Wednesday, January 30, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF GARY WATSON FOR PERMIT NO. 03182 to authorize the disposal by irrigation of wastewater from a dairy operation in Erath County, Texas, and Segment No. 1226 of the Brazos River Basin. Recommendation: Issuance of permit. (Zukauckas)

APPROVED, CJ/JB

Item 2. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PERMIT CONCERNING THE APPLICATION OF K. W. MCPHERSON FOR PERMIT NO. 03249 to authorize the disposal by irrigation of washdown water, flushwater and stormwater in Hill County, Texas, and Segment No. 1203 of the Brazos River Basin. Recommendation: Issuance of permit. (Parker)

APPROVED, CJ/JB

Item 3. CONSIDERATION OF THE REQUEST BY GORE'S INC., DBA GORE BROS' DAIRY FOR AUTHORIZATION TO COMMENCE CONSTRUCTION OF TWO WASTEWATER AND STORMWATER STORAGE LAGOONS - PROPOSED PERMIT NO. 03331. (Smith, J.)

APPROVED, JB/CJ

Item 4. APPLICATION BY GEORGE W. CARPENTER for a permit (Proposed Permit No. 03267) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 500 milking head and a maximum of 815 total head in confinement. The dairy is at the southeast corner of Farm-to-Market Road 1926 and Gonzales Road in Hidalgo County, Texas.

APPROVED, CJ/JB

Item 5. APPLICATION BY JOHANNES HERMAN DEGOEDE for a permit (Proposed Permit No. 03271) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 749 head in confinement. The dairy is on the south side of State Highway 154, approximately two miles east of the intersection of State Highway 154 and Farm-to-Market Road 2869 in Wood County, Texas.

APPROVED, CJ/JB

Item 6. APPLICATION BY ROY KENNEDY for a permit (Proposed Permit No. 03236) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 500 head in confinement. The dairy is approximately one mile southeast of the intersection of U. S. Highway 69 and Farm-to-Market Road 241,

approximately 6.0 miles south of Rusk, adjacent to Farm-to-Market Road 241 in Cherokee County, Texas.

APPROVED, CJ/JB

Item 7. APPLICATION BY LOWER COLORADO RIVER AUTHORITY for a permit (Proposed Permit No. 13548- 01) to authorize disposal of treated domestic wastewater effluent by irrigation on 130 acres of non-publicly accessible pastureland. The plant and irrigation sites are approximately 1.2 miles east-northeast of the intersection of State Highway 95 and Farm-to-Market Road 1441; approximately 6 miles north of the City of Bastrop in Bastrop County, Texas.

APPROVED, CJ/JB

Item 8. APPLICATION BY PRIDE REFINING, INC. for a permit (Proposed Permit No. 03313) to authorize a discharge of uncontaminated stormwater at a volume variable with rainfall. The plant site is northeast of the City of San Angelo at 4008 North U.S. Highway 67, Tom Green County, Texas.

APPROVED, CJ/JB

Item 9. APPLICATION BY JACKSON SMITH for a permit (Proposed Permit No. 03221) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 1000 head in confinement. The dairy is to be on the west side of North-East County Road 21, approximately 2 miles west of the intersection of State Highway 67 and County Road 21 in Titus County, Texas.

APPROVED, CJ/JB

Item 10. APPLICATION BY SOUTHERN CLAY PRODUCTS, INC. for a permit (Proposed Permit No. 03302) to authorize a flow variable discharge of stormwater and mine groundwater from the Abercrombie bentonite clay mines. The plant site is approximately 3.6 miles east of the intersection of Farm to Market Road 532, Loop 146 and U.S. Highway 90A and approximately 3/4 mile south of U.S. Highway 90A near the City of Gonzales, Gonzales County, Texas.

APPROVED, CJ/JB

Item 11. APPLICATION BY SOUTHERN CLAY PRODUCTS, INC. for a permit (Proposed Permit No. 03306) to authorize a flow variable discharge of stormwater and groundwater from the Johnson bentonite clay mines. The plant site is adjacent to an unnamed county road, approximately 5.4 miles south of the intersection of Farm to Market Road 3282 and U. S. Highway 183 and approximately 1.5 miles southwest of the Terrysville cemetery near the City of Gonzales, Gonzales County, Texas.

APPROVED, CJ/JB

Item 12. APPLICATION BY CITY OF BLANCO for renewal of Permit No. 10549-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 147,000 gallons per day with provisions for disposal of the treated effluent by irrigation on 20 acres of adjacent farmland. Application rates for the irrigated land shall not to exceed 2.8 acre-feet/acre/year. The wastewater treatment facilities

are approximately 0.8 mile northeast of the intersection of U.S. Highway 281 and Farm-to-Market Road 1623, 1/2 mile due east of the intersection of Live Oak Street and 10th Street in Blanco County, Texas.

RENEWED, CJ/JB

Item 13. APPLICATION BY H. MUEHLSTEIN & COMPANY, INC. for renewal of Permit No. 02294 which authorizes a discharge of treated process wastewater at a volume not to exceed an average flow of 20,000 gallons per day plus railcar and silo washout and stormwater at a volume variable with rainfall from its Houston Plant which reclaims plastics by washing, blending, extrusion and packaging. The plant site is at 13001 Almeda Road in the City of Houston, Harris County, Texas.

RENEWED, CJ/JB

Item 14. APPLICATION BY HAMSHIRE-FANNETT INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 12098-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 24,000 gallons per day from the Fannett Campus Wastewater Treatment Facilities which are on the Fannett campus approximately 800 feet southeast of the intersection of State Highway 124 and Farm-to-Market Road 365 in Jefferson County, Texas.

RENEWED, CJ/JB

Item 15. APPLICATION BY CITY OF LAREDO for renewal of Permit No. 10681-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 14,000,000 gallons per day from the Zacate Creek Wastewater Treatment Plant. The plant site is on the banks of the Rio Grande, between Marcella Avenue and Springfield Avenue, south of Willow Street in the City of Laredo in Webb County, Texas.

RENEWED, CJ/JB

Item 16. APPLICATION BY NORTHWEST MITCHELLDALE, INC. for renewal of Permit No. 12108-01 which authorizes a discharge of treated domestic wastewater effluent at an interim volume not to exceed an average flow of 100,000 gallons per day and a final volume not to exceed an average flow of 200,000 gallons per day from the wastewater treatment facilities which are located at the southern boundary of Deauville Plaza which is immediately southwest of the intersection of the Northwest Freeway and West 34th Street in Harris County, Texas.

RENEWED, CJ/JB

Item 17. APPLICATION BY PONDEROSA JOINT POWERS AGENCY for renewal of Permit No. 11081-01 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 6,000,000 gallons per day. The wastewater treatment facilities are at 17940 Butte Creek Drive in Houston, immediately south of Cypress Creek and approximately 2.3 miles west of Interstate Highway 45 in Harris County, Texas.

CONTINUED TO FEBRUARY 27, 1991 @ 3:00 P.M.

Item 18. APPLICATION BY TEXAS A & M UNIVERSITY for renewal of Permit No. 10968-01 which authorizes a discharge of treated domestic

wastewater effluent at a volume not to exceed an average flow of 4,000,000 gallons per day from the University Sewage Treatment Plant. The plant site is approximately 6000 feet southeast of the intersection of Farm-to-Market Road 60 and Farm-to-Market Road 2818, 1000 feet west of Farm-to-Market Road 2818, southwest of the City of College Station in Brazos County, Texas.

RENEWED, CJ/JB

Item 19. APPLICATION BY CITY OF WALLER for renewal of Permit No. 10310-01 which authorizes a discharge of treated domestic wastewater effluent in phases with the final volume not to exceed an average flow of 400,000 gallons per day. The wastewater treatment facilities are at 102 Walnut Street, approximately 4500 feet southeast of the intersection of U.S. Highway 290 and Farm-to-Market Road 362 in Waller County, Texas.

RENEWED, CJ/JB

Item 20. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109 FOR APPROVAL OF \$2,130,000 UNLIMITED TAX AND REVENUE BONDS, 9.16016% NET EFFECTIVE INTEREST RATE, FIFTH ISSUE, PURSUANT TO V.T.C.A. WATER CODE SECTION 54.516. For Commission consideration and action. Applicant seeks approval of the issuance of \$2,130,000 in bonds to finance the design and construction of the District's second water plant.

APPROVED, JB/CJ

Item 21. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 255 FOR APPROVAL OF A \$3,100,000 FIRST BOND ISSUE, SERIES 1991, 8.7% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant seeks approval for the issuance of its \$3,100,000 first bond issue to finance construction of a detention/sedimentation basin, the lift station, the purchase of a wastewater treatment plant site, a wastewater treatment plant, a water treatment plant, and wastewater and drainage infrastructure to serve 111 equivalent single family connections.

APPROVED, JB/CJ

Item 22. APPLICATION BY VARNER CREEK UTILITY DISTRICT OF BRAZORIA COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$500,000 BOND ISSUE APPROVED JANUARY 7, 1981. For Commission consideration and action. Applicant requests approval to use \$144,700 in surplus funds to finance the costs to dismantle the existing, unusable 10,000 barrel water storage tank and install a new 5,000 barrel water storage tank.

APPROVED, JB/CJ

Item 23. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF STEPHENS DEVELOPMENT CORP. AND KING'S COUNTRY WATER SUPPLY CORPORATION AND AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10532 AND A TRANSFER OF CERTIFICATES OF CONVENIENCE AND NECESSITY NOS. 11662 AND 11512 to provide water service in Franklin County, Texas; Docket No. 8398-S. Recommendation: Adoption of agreement of parties. (Harris)

APPROVED, CJ/JB

Item 24. APPLICATION OF LARRY HAMPTON DBA M. C. WATER SUPPLY for a Water Certificate of Convenience and Necessity in Henderson County. (Application No. 8740-C, Strouse)

APPROVED, JB/CJ

Item 25. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE REQUEST FOR DISMISSAL OF APPLICATION NO. 5174 BY ROCKETT SPECIAL UTILITY DISTRICT FOR A WATER USE PERMIT TO CONSTRUCT A RESERVOIR AND TO IMPOUND AND DIVERT WATER FROM THE PROPOSED RESERVOIR ON RED OAK CREEK IN THE TRINITY RIVER BASIN, FOR MUNICIPAL PURPOSES. Recommendation: Approval for request for dismissal of application. (O'Neal)

DISMISSAL OF APPLICATION, CJ/JB

Item 26. APPLICATION NO. 5327 BY CITY OF BURNET FOR A WATER USE PERMIT PURSUANT TO SECTION 11.121 OF THE TEXAS WATER CODE For Commission action. Applicant seeks to construct and maintain 5 dams and reservoirs on Hamilton Creek, tributary of Colorado River, Colorado River Basin with a combined capacity of 9.59 acre-feet for in-place recreational use within the city limits of Burnet, Burnet County, Texas. (JORDAN:rma)

APPROVED, JB/CJ

Item 27. APPLICATION NO 5325 BY RONALD E. LEE, JR., FOR A SECTION 11.121 WATER USE PERMIT. For Commission action. Applicant seeks authorization to divert and use not to exceed 255 acre-feet of water per annum from the Sabinal River, Nueces River Basin, at a maximum rate of 2.2 cfs to irrigate 100 acres out of a total of 4720.10 acres in the Maria Pablo Zoto Survey No. 932, Abstract No. 551, approximately 30 miles northeast of Uvalde, Uvalde County, Texas. (JORDAN/wph).

APPROVED, JB/CJ

Item 28. APPLICATION NO. 5322 BY E. RAND SOUTHARD AND WIFE, COLLEEN W. SOUTHARD FOR A WATER USE PERMIT PURSUANT TO SECTION 11.143 OF THE TEXAS WATER CODE. For Commission action. Applicants seek to maintain an existing dam and 6.0 acre-foot reservoir on Fall Branch, Guadalupe River Basin for in-place recreation use, approximately 3.8 miles northwest of Ingram, Kerr County, Texas. (JORDAN:rma)

APPROVED, JB/CJ

Item 29. APPLICATION NO. 5326 BY WALNUT CREEK MINING COMPANY FOR A WATER USE PERMIT PURSUANT TO SECTION 11.121 OF THE TEXAS WATER CODE For Commission action. Applicant seeks to construct and maintain 2 dams and reservoirs on an unnamed tributary of Walnut Creek, tributary of the Little Brazos River, tributary of the Brazos River and an unnamed tributary of Big Willow Creek, tributary of Walnut Creek, Brazos Basin. Impoundments, with a combined capacity of 49.8 acre-feet, will be used for industrial (sedimentation control) purposes at the applicant's mining area near Calvert, Robertson County, Texas. (JORDAN:rma)

APPROVED, JB/CJ

Item 30. APPLICATION NO 23-277A BY GARZA & GARZA, ATTORNEYS AT LAW, A PARTNERSHIP BETWEEN REYNALDO G. GARZA, JR. AND DAVID C. GARZA TO AMEND CERTIFICATE NO. 23-277. FOR COMMISSION ACTION.

Applicants own a 40.99 acre-feet portion of the 160 acre-feet of Class "A" water rights under the certificate with the right to irrigate 11.483 acres of land. They seek to add a diversion point and an additional 33.30 acres of land in Cameron County, Texas. No increase in diversion rate is sought. (JORDAN/lb)

APPROVED, JB/CJ

Item 31. APPLICATION NO. 12-3485A BY RONNIE N. LOVE, ET. AL. TO AMEND CERT. NO. 12-3485. For Commission Action. Applicants seek to amend Certificate of Adjudication No. 12-3485 to delete Special Condition 5.B. or extend the term of the certificate for an additional number of years and to clarify the special condition to reflect that the diversion and use of water from the reservoir shall expire rather than all authorizations under the certificate. (JORDAN/wph).

APPROVED, JB/CJ

Item 32. APPLICATION BY MUENSTER WATER DISTRICT FOR AN EXTENSION OF TIME TO BEGIN AND COMPLETE CONSTRUCTION OF THE RESERVOIR AUTHORIZED BY CERTIFICATE NUMBER 08-2323 For Commission consideration and action. Applicant seeks authorization to extend the date by which construction of a dam and reservoir on Brushy Creek, Trinity River Basin in Cooke County, included in Certificate No. 08-2323, must begin from November 17, 1990 to November 17, 1992 and to extend the date by which construction must be completed from November 17, 1991 to November 17, 1995. (JORDAN/tls)

APPROVED, JB/CJ

Item 33. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE ORDER CONCERNING THE APPLICATION OF THE CITY OF TRINIDAD FOR A TEMPORARY ORDER. (This matter was considered on December 12, 1990.)

EXTENDED MOTION FOR REHEARING FOR A FULL 90-DAY PERIOD. ADDITIONAL DISCUSSION SET FOR MARCH 13, 1991, @ 3:00 P.M., CJ/JB

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, January 30, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 34. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT FOR CONSTRUCTION SERVICES WITH ARENS CORPORATION FOR THE PESSES SUPERFUND SITE.

CONTINUED TO FEBRUARY 13, 1991 @ 3:00 P.M.

Item 35. CONSIDERATION OF THE REQUEST BY HARRIS COUNTY IMPROVEMENT DISTRICT NO. 1 FOR THE APPOINTMENT OF DIRECTORS.

APPROVED, CJ/JB

UNCONTESTED OLD BUSINESS

Wednesday, January 30, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of September 5, October 10, and October 31, 1990.

- Item 1. APPLICATION BY BOB MARTIN for renewal of Permit No. 12962-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 15,000 gallons per day from the Martin's Country Living Mobile Home Park Wastewater Treatment Plant. The plant site is approximately 3300 feet north and 1500 feet west of the intersection of U.S. Highway 80 and State Highway 154 in Harrison County, Texas.

CONTINUED TO MARCH 20, 1991 @ 3:00 P.M.

Item carried forward from Agenda of December 12, 1990.

- Item 2. APPLICATION BY LOUETTA NORTH PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of a monthly standby fee of \$15/lot against unimproved lots within Colony Creek Village Section 1 & 3 and Champion Woods Section 1 to supplement the debt service account.

APPROVED, JB/CJ

Item carried forward from Agenda of January 16, 1991.

- Item 3. SELECTION OF A CONSULTANT AND AUTHORIZATION OF THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT FOR REMEDIAL INVESTIGATION/FEASIBILITY STUDY FOR THE TEXAS AMERICAN OIL AND PRECISION MACHINE AND SUPPLY STATE SUPERFUND SITES. (Feeley)

APPROVED AND SELECTED LAN LOCK ANDREWS NEWNAM, CJ/JB

Item carried forward from Agenda of January 23, 1991.

- Item 4. APPLICATION BY SOUTHERN CLAY PRODUCTS, INC. for an amendment to Permit No. 02973 which currently authorizes a discharge of mine groundwater and stormwater at a volume not to exceed 115,000 gallons during any 24-hour period. The plant site is approximately 1 mile southwest of the intersection of FM Road 856 and FM Road 13 and 1.8 miles north-northwest of the Town of Concord, Cherokee County, Texas.

CONTINUED TO FEBRUARY 13, 1991 @ 3:00 P.M.

Item carried forward from Agenda of January 23, 1991.

Item 5. APPLICATION BY LARRY WILDE FOR A WATER PERMIT (FOR GROUNDWATER REUSE) FOR COMMISSION CONSIDERATION AND ACTION. Applicant runs groundwater through his fields into a natural pool in Lipan Creek, Colorado River Basin, and then diverts the tailwater to complete his irrigation of land in Tom Green County. A complaint was filed regarding this operation and applicant now seeks to quantify his operation for the Commission to avoid continuing complaints. Applicant states that no state water is diverted. See Dist. 12 and staff comments. (JORDAN/MARTINEZ/LB)

REMANDED TO OFFICE OF HEARINGS EXAMINERS FOR HEARING ON MARCH 26, 1991 @ 10:00 A.M. IN ROOM 119