

WYNNE  
BIRDWELL  
JOHNSON

CONTESTED AGENDA

Wednesday, February 6, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AGAINST FELTING HAVINGS, SR., AND TECHNICOAT, INC., AND REQUIRING CERTAIN ACTIONS OF FELTON HAVINGS, SR., TECHNICOAT, INC., AND AMERICAN CYANAMID COMPANY, (SWR NO. 30068). (Gonzalez)

CONTINUED TO MAY 8, 1991 AT 9:00 A.M.

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TYLER PIPE INDUSTRIES, INC., SWR NO. 30140 (WARNEKE, BOB)

CONTINUED TO MARCH 6, 1991 AT 9:00 A.M.

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF THE CITY OF ANNA (PERMIT NO. 11283-01) COLLIN COUNTY. SHAVER.

APPROVED AGREED ORDER, CJ/JB

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF THE CITY OF LOCKHART (PERMIT NO. 10210-01) CALDWELL COUNTY. SHAVER.

APPROVED AGREED ORDER, CJ/JB

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF THE CITY OF PORT ARTHUR (SABINE PASS WWTP) (PERMIT NO. 10364-01) JEFFERSON COUNTY. SHAVER.

APPROVED AGREED ORDER W/CHANGE, CJ/JB

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF B. R. GRIFFIN (PERMIT NO. 11877-01) SCURRY COUNTY. CHAFFIN.

APPROVED, AGREED ORDER, CJ/JB

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF THE CITY OF TROUP (PERMIT NO. 10304-01) CHEROKEE COUNTY. CHAFFIN.

CONTINUED TO FEBRUARY 20, 1991 AT 9:00 A.M.

Item 8. CONCERNING THE COMPLAINT OF DONALD G. ENGELSKIRCHEN AGAINST ABLE SPRINGS WATER SUPPLY CORPORATION IN HUNT COUNTY, TEXAS (DOCKET NO. 8550-X). Recommendation: Dismissal of complaint due to lack of jurisdiction. (LIMES)

APPROVED DISMISSAL AS RECOMMENDED BY STAFF, JB/CJ

Item 9. CONSIDERATION OF THE MOTION OF THE CITY OF HOUSTON TO VACATE THE NOVEMBER 5, 1990 ORDER OF THE COMMISSION ASSESSING STIPULATED PENALTIES PURSUANT TO THE CITY'S THIRD AMENDED ENFORCEMENT ORDER. (Vay).

CONTINUED TO FEBRUARY 20, 1991 AT 9:00 A.M.

Item 10. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION AND SETTLEMENT OFFERS IN THE MATTER OF ACKER V. TEXAS WATER COMMISSION, CAUSE NO. 412,043 IN THE 250TH JUDICIAL DISTRICT COURT, TRAVIS COUNTY. Any final action, decision or vote with regard to matters considered in closed session shall be made in Open Meeting.

CONDUCTED E.D. SESSION IN ROOM 123 - APPROVED PROPOSED SETTLEMENT OFFER W/MODIFICATION, CJ/BJW.

CONTESTED OLD BUSINESS

Wednesday, February 6, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of January 23, 1991.

- Item 1. CONSIDERATION OF THE NOTICE AND COMPLAINT OF THE EXECUTIVE DIRECTOR AGAINST THE CITY OF LAREDO ALLEGING VIOLATIONS OF CHAPTER 11 OF THE TEXAS WATER CODE AND RULES OF THE TEXAS WATER COMMISSION AND REQUIRING CERTAIN ACTIONS, CERTIFICATE OF ADJUDICATION NO. 12-2997, ET AL. (Jordan)

CONTINUED TO THE END OF FEBRUARY 6TH AGENDA AT 3:00 P.M.

Item carried forward from Agenda of January 23, 1991.

- Item 2. CONSIDERATION OF THE NOTICE AND COMPLAINT OF THE EXECUTIVE DIRECTOR AGAINST VALLEY MUNICIPAL UTILITY DISTRICT NO. 2 ALLEGING VIOLATIONS OF CHAPTER 11 OF THE TEXAS WATER CODE AND RULES OF THE TEXAS WATER COMMISSION AND REQUIRING CERTAIN ACTIONS, CERTIFICATE OF ADJUDICATION NO. 23-0072-002. (Jordan)

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

WYNNE  
BIRDWELL  
JOHNSON

UNCONTESTED AGENDA

Wednesday, February 6, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. EMPLOYEE OF THE MONTH PRESENTATION. (Beinke)

NAMED MARK STINE

Item 2. APPLICATION BY CARSWELL AIR FORCE BASE for a permit (Proposed Permit No. HW-50289) to authorize the continued operation of a non-commercial hazardous industrial solid waste storage facility. The facility is located on 2751 acres of land, along the south shore of Lake Worth and bordered by the cities of Fort Worth and White Settlement on the south and east, White Settlement on the southwest, and Fort Worth and Air Force Plant 4 on the northwest, Tarrant County, Texas.

APPROVED, CJ/JB

Item 3. APPLICATION BY AMERICAN AIRLINES for a permit (Proposed Permit No. 03291) to authorize a discharge of stormwater runoff at a volume variable with rainfall. The applicant proposes to operate the American Airlines Maintenance Base at the Alliance Airport. The plant site is to be approximately 2.0 miles north of the Keller-Haslet Road interchange on Interstate Highway 35W and is at 2000 Eagle Parkway in the City of Fort Worth, Denton County, Texas.

APPROVED, CJ/JB

Item 4. APPLICATION BY FREDDIE CHAMNESS for a permit (Proposed Permit No. 03254) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 750 head in confinement. The dairy is located on the south side of County Road 1192 at the intersection of County Road 1192 and Farm-to-Market Road 2297 in Hopkins County, Texas.

APPROVED, CJ/JB

Item 5. APPLICATION BY F & S DAIRY for a permit (Proposed Permit No. 03256) to authorize the disposal of waste and wastewater from a dairy which consists of a maximum of 600 head in confinement. The dairy is on the south side of Farm-to-Market Road 219, approximately one mile east of the intersection of Farm-to-Market Road 219 and State Highway 281 in Hamilton County, Texas.

APPROVED, CJ/JB

Item 6. APPLICATION BY CITY OF HAWKINS for an amendment to Permit No. 10439-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 190,000 gallons per day to a volume not to exceed an average flow of 250,000 gallons per day. The wastewater treatment facilities are approximately 3,500 feet

south-southeast of the intersection of U.S. Highway 80 and State Highway 14; approximately 1000 feet west of the intersection of State Highway 14 and County Road 3300 in Wood County, Texas.

APPROVED, CJ/JB

Item 7. APPLICATION BY TEXAS BEEF PRODUCERS FEEDYARD for an amendment to Permit No. 01520 to authorize all feedlot expansion products which have been implemented. The feedlot is on the west side on an unnamed county road, approximately four miles east of the intersection of Farm-to-Market Road 1284 and State Highway 152 in Moore County, Texas.

APPROVED, CJ/JB

Item 8. APPLICATION BY CITY OF WILLS POINT for an amendment to Permit No. 10623-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 400,000 gallons per day to a volume not to exceed an average flow of 510,000 gallons per day. The wastewater treatment facilities are approximately 6000 feet south of U.S. Highway 80 and 4000 feet east of State Highway 47 in Van Zandt County, Texas.

APPROVED, CJ/JB

Item 9. APPLICATION BY CITY OF BALLINGER for renewal of Permit No. 10325-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 480,000 gallons per day. The wastewater treatment facilities are approximately 4000 feet east of the intersection of U.S. Highways 67 and 83, approximately 3000 feet southeast of U.S. Highway 67 and 83 crossing over Elm Creek in Runnels County, Texas.

RENEWED, CJ/JB

Item 10. APPLICATION BY CITY OF FRANKSTON for renewal of Permit No. 10441-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day from the wastewater treatment facilities which are south of Frankston, immediately north of Caddo Creek, and approximately 1000 feet south and 1500 feet east of the intersection of State Highway 155 and State Highway 175 in Anderson County, Texas.

RENEWED, CJ/JB

Item 11. APPLICATION BY REAGAN C. HELM for renewal of Permit No. 13139-01 which authorizes a discharge of treated domestic wastewater effluent in phases with the final volume not to exceed an average flow of 250,000 gallons per day from the Fairbanks/W. Little York Wastewater Treatment Facilities. The plant site is approximately 1000 feet northwest of the intersection of Fairbanks North Houston Road and West Little York Road, approximately 3000 feet northwest of the intersection of U.S. Highway 290 and Fairbanks North Houston Road in Harris County, Texas.

RENEWED, CJ/JB

Item 12. APPLICATION BY PPG INDUSTRIES, INC. for renewal of Permit No. 01220 which authorizes intermittent, flow variable discharges

via Outfalls 001, 002 and 003 of rainfall runoff from a chemical plant. The plant site is at the intersection of Avenue H and 16th Street in the City of La Porte, Harris County, Texas.

RENEWED, CJ/JB

Item 13. APPLICATION BY SOUTHWEST UTILITIES, INC. for renewal of Permit No. 11255-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 158,000 gallons per day from the Greenwood Village Wastewater Treatment Plant. The plant site is at 3010 Kowis Street, approximately 3500 feet west-northwest of the intersection of State Highway 59 and Little York Road, 1600 feet north-northwest of the intersection of Little York Road and Foy Street in Harris County, Texas.

REMANDED TO EXECUTIVE DIRECTOR FOR FURTHER PROCESSING.

Item 14. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 44 FOR AFTER-THE-FACT APPROVAL TO PROCEED WITH AN EMERGENCY PROJECT BY NEGOTIATED BIDS AND THE APPROVAL TO USE SURPLUS FUNDS; \$1,000,000 BOND ISSUE APPROVED January 7, 1980. For Commission consideration and action. Applicant requests approval to use \$58,283 in surplus funds to reimburse the District's operating account for costs associated with repairs to the District's Water Well No. 1, and after-the-fact approval of emergency repairs to the District's Water Well No. 1.

APPROVED, JB/CJ

Item 15. APPLICATION BY WESTADOR MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF AN EXTENSION OF TIME OF APPROVAL OF THE \$5,690,000 BOND ISSUE APPROVED July 17, 1986. For Commission consideration and action. Applicant requests approval of an extension of time to sell the \$5,690,000 in bonds for Water Plant Modifications, Sanitary Sewer Rehabilitation, North District Channel Drainage Improvements, Water Plant No. 3, and Red Oak Road Storm Sewer.

APPROVED, JB/CJ

Item 16. APPLICATION OF THALIA WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Foard County. (Application No. 8828-C, Fenner)

APPROVED, CJ/JB

Item 17. APPLICATION OF LESTER C. DOLEZAL DBA WHISPERING OAKS WATER SYSTEM for a Water Certificate of Convenience and Necessity in Gillespie County. (Application No. 8756-C, Holck)

APPROVED, CJ/JB

Item 18. APPLICATION OF BENT TRAIL HOMEOWNERS ASSOCIATION, INC. DBA WINFRED TATE WATER COMPANY for a Water Certificate of Convenience and Necessity in Tarrant County. (Application No. 8207-C, Mayhew)

APPROVED, CJ/JB

Item 19. APPLICATION OF J-M DEVELOPMENT, INC. for a Sewer Certificate of Convenience and Necessity in Kerr County. (Application No.

8753-C, Mayhew)

APPROVED, CJ/JB

Item 20. CONSIDERATION OF THE MOTION OF LAKE TRAVIS LODGES AND MARINA ASSOCIATION AND J.M. LAIRSEN, JR., DBA LAKE TRAVIS LODGES AND MARINA TO DISMISS THEIR PETITION FOR COMMISSION DETERMINATION PURSUANT TO SECTION 11.097(C), TEXAS WATER CODE. (PERSKY)

APPROVED DISMISSAL JB/CJ

Item 21. APPLICATION NO. 5063A BY GAFFORD FAMILY PARTNERSHIP TO AMEND WATER USE PERMIT NO. 5063. For Commission action. Applicant seeks to amend Permit No. 5063, which authorizes the diversion and use of not to exceed 100 acre-feet of water per annum from the Frio River, Nueces River Basin to irrigate 50 acres of land in Uvalde County, to add authorization to divert and use not to exceed ten acre-feet of water per annum from the Frio River for treatment and use at the applicant's proposed rental cabins and campsites in Uvalde County.

CONTINUED TO FEBRUARY 20, 1991 9:00 A.M.

Item 22. APPLICATION NO. 23-2713C BY THE CITY OF LAREDO TO AMEND CERTIFICATE NO. 23-2713. FOR COMMISSION ACTION. Applicant seeks to amend Certificate No. 2713 to change the purpose of use of 28 acre-feet of Class "A" irrigation water rights to 14 acre-feet of municipal water rights and to change the place of use and diversion point to applicant's service area and diversion facilities in Webb County, Texas. (JORDAN/wph).

APPROVED, CJ/JB

Item 23. APPLICATION NO. 23-809H BY SHARYLAND WATER SUPPLY CORPORATION TO COMBINE WATER RIGHTS AND TO AMEND CERTIFICATE NO. 23-809. For Commission Action. Applicant seeks to combine irrigation water rights acquired under seven certificates with water rights owned under Certificate No. 23-809 and to change the purpose of use, place of use and diversion points to the applicant's service area in Hidalgo County and to restate applicant's total authorizations under the certificate, viz., 5013.4783 acre-feet of water per annum from the Rio Grande, Rio Grande Basin, for municipal purposes in Hidalgo County, Texas. (JORDAN/wph).

APPROVED, CJ/JB

Item 24. APPLICATION NO. 12-3479A BY TEDDY J. SNIDER, et ux, TO AMEND CERT. NO. 12-3479. FOR COMMISSION ACTION. Applicant seeks to amend Cert. No. 12-3479 by deleting or extending the term contained in Special Condition 4B. The certificate authorizes owners to divert and use 60 acre-feet of water per annum from an existing, exempt 35 acre-foot reservoir on Nash Creek, Brazos River Basin, to irrigate a maximum of 60 acres of land, approximately 11 miles southeast of Eastland, Eastland County, Texas. (JORDAN/jme)

APPROVED, CJ/JB

Item 25. APPLICATION NO. 14-1262 BY JOHN B. TWEEDY AND ELIZABETH TWEEDY SYKES TO AMEND CERTIFICATE NO. 14-1262 For Commission Action. Applicant seeks to amend the certificate to increase the acreage to be irrigated from 275 to 450 acres and to add a diversion point downstream of two existing diversion points on

Dove Creek, Colorado River Basin, Tom Green County, Texas. No increase in the diversion rate or the annual appropriation is sought. (JORDAN:lb)

APPROVED, CJ/JB

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, February 6, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 26. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER TO AUTHORIZE AN IMMEDIATE REMOVAL ACTION AT THE HAGERSON ROAD ABANDONED DRUM SITE, TEMPORARY SWR NO. 39805. (Dickman)

APPROVED, JB/CJ

UNCONTESTED OLD BUSINESS

Wednesday, February 6, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of January 16, 1991.

- Item 1. APPLICATION BY RHONE-POULENC BASIC CHEMICALS COMPANY (formerly Stauffer Chemical Company) for a minor amendment to Permit No. HW-50095 which currently authorizes a commercial industrial hazardous and non-hazardous solid waste storage and processing facility. The facility is located at 8615 Manchester Road, west of Loop 610 East in the City of Houston, Harris County, Texas.

APPROVED W/CHANGES, CJ/JB

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, February 6, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of January 23rd and February 6, 1991 at 9:00 a.m.

- Item 2. CONSIDERATION OF THE NOTICE AND COMPLAINT OF THE EXECUTIVE DIRECTOR AGAINST THE CITY OF LAREDO ALLEGING VIOLATIONS OF CHAPTER 11 OF THE TEXAS WATER CODE AND RULES OF THE TEXAS WATER COMMISSION AND REQUIRING CERTAIN ACTIONS, CERTIFICATE OF ADJUDICATION NO. 12-2997, ET AL. (Jordan)

APPROVED AGREED ORDER, JB/CJ

WYNNE  
BIRDWELL  
JOHNSON

EMERGENCY AGENDA

Wednesday, February 6, 1991

TEXAS WATER COMMISSION

6:00 p.m.  
Room 118

- Item 1. COMMISSION CONSIDERATION OF THE ADOPTION OF AN EMERGENCY RULE SUSPENDING ALL PERMITTING ACTIVITIES ON NEW OR PENDING APPLICATIONS FOR COMMERCIAL INDUSTRIAL SOLID WASTE INCINERATORS, INCLUDING BOILERS AND INDUSTRIAL FURNACES THAT BURN INDUSTRIAL SOLID AND HAZARDOUS WASTE OR HAZARDOUS WASTE FUEL, INJECTION WELLS, AND LANDFILLS. These rules will amend Commission regulations currently found at 31 TAC Chapters 281, 305, 331 and 335.

[Due to reasonably unforeseeable circumstances and the potential threat to public health, safety and the environment an emergency setting of this matter is necessary].

APPROVED PROPOSED RULES W/CHANGES, JB/CJ