

CONTESTED AGENDA

Wednesday, November 13, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF TEXAS ECOLOGISTS, INC. FOR AN AMENDMENT TO PERMIT NO. HW-50052 TO AUTHORIZE THE OPERATION OF A HAZARDOUS WASTE LANDFILL IN NUECES COUNTY, TEXAS. Applicant seeks an amendment to its authorization to dispose of Class 1 hazardous and nonhazardous, Class 2 and Class 3 wastes at a facility located in Segment No. 2492 of the Nueces Rio Grande Coastal Basin. (LIMES, EXAMINER)

Continued to November 20, at 9:00 a.m.

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DON NAVARRO AND ASSOCIATES, DBA PHOENIX ASSETS MANAGEMENT, NO SWR NUMBER. (Montelongo)

Continued to January 15, 1992 at 10:00 a.m.

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SONIC DRIVE-IN, NO PERMIT. (Corrigan/McCalla)

Issue Agreed Order, PR/JH

Item 4. CONSIDERATION OF BANDAG, INC.'S PETITION REQUESTING REVERSAL OF THE EXECUTIVE DIRECTOR'S DENIAL OF BANDAG, INC.'S REIMBURSEMENT CLAIM; APPLICATION NO. 000341. (Mehta)

Remand to Office Hearing Examiner's, JH/PR

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF WESTLAKE, NO PERMIT. (Smith, S.)

Issue Agreed Order, JH/BJW

Item 6. CONSIDERATION OF THE PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HOUSTON BELT AND TERMINAL RAILWAY COMPANY, PERMIT NO. 02039. (Ligarde)

Remand to Office Hearing Examiner's, PR/JH

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EDDY AND ELEANOR STEPHERSON DBA E&S WATER SYSTEM. (RENBARGER)

Remand to Office Hearing Examiner's, PR/JH

Item 8. CONSIDERATION OF A REQUEST BY THE UNITED STATES DEPARTMENT OF ENERGY FOR AN ORDER AUTHORIZING COMMENCEMENT OF CONSTRUCTION PURSUANT TO SECTION 26.027(c) OF THE TEXAS WATER CODE. (Martinez)

Approve Staff Recommendation, JH/PR

Item 9. CONSIDERATION OF A REQUEST BY THE TEXAS BOARD OF IRRIGATORS TO REFER COMPLAINTS AGAINST REAGAN GIESE TO THE TEXAS WATER COMMISSION, CERTIFICATE OF REGISTRATION NO. 3188. (Persky)

Remand to Office Hearing Examiner's, JH/PR

Item 10. CONSIDERATION OF A REQUEST BY THE TEXAS BOARD OF IRRIGATORS TO REFER COMPLAINTS AGAINST CECIL F. HENDERSON TO THE TEXAS WATER COMMISSION, CERTIFICATE OF REGISTRATION NO. 1056. (Persky)

Remand to Office Hearing Examiner's, JH/PR

Item 11. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR 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 2(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 TEX.REV.CIV.STAT.ANN. art. 6252-17.

No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, November 13, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 12. CONSIDERATION OF EXECUTIVE DIRECTOR'S MOTION REQUESTING THE SETTING OF INTERIM RATES IN THE MATTER OF THE APPLICATION OF FOREST WATER AND SEWER SERVICE CORPORATION FOR A WATER AND SEWER RATE INCREASE IN MONTGOMERY COUNTY. (KATHY KEILS)

Issue Proposed Order, JH/PR

CONTESTED OLD BUSINESS

Wednesday, November 13, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of June 24, 1991 and September 11, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TINSE CHEMICAL COMPANY, INC.; SWR NO. 38465 (SMITH, ROBIN)

Continued to November 20, 1991 at 9:00 a.m.

Item carried forward from Agenda of October 9, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION AND ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TIMCO INDUSTRIES, INC., SWR NO. 38490, CLETUS P. ERNSTER, SWR NO. 39996, AND MARVIN SCHUMACHER, SWR NO. 39997. (Hahn)

Remand to Office Hearing Examiner's, with instruction to staff to continue discussion with company to reach an agreement, JH/PR

Item carried forward from Agenda of November 6, 1991.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PAT G. CHAPMAN, PERMIT NO. 13184-01. (McCalla)

Continued to December 11, 1991 at 9:00 a.m.

UNCONTESTED AGENDA

Wednesday, November 13, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. Application by ASHLAND CHEMICAL COMPANY for a Class 2 Modification of Permit No. HW-50007-001 in accordance with 31 TAC, Section 305.69. The industrial solid waste management facility is located on a 5.516-acre tract of land south of West Miller Road and east of Jupiter Road on Wood Drive in the City of Garland, Dallas County, Texas.

Approved, JH/PR

Item 2. Application by BRUCE LANTING for a permit (Proposed Permit No. 03364) to authorize disposal of wastes and wastewater from a dairy. The dairy will consist of a maximum of 500 total head. The dairy is located on the west side of an unnamed county road; approximately 1 mile west of the Community of Shiloh; approximately 1.5 miles west of Farm-to-Market 1702; and approximately 4 miles south of the intersection of Farm-to-Market Road 1702 and Farm-to-Market Road 219 in Erath County, Texas.

Approved, JH/PR

Item 3. Application by HAROLD PACK DBA HAROLD PACK DAIRY for a permit (Proposed Permit No. 03335) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 650 head in confinement. The dairy is located on the west side of Farm-to-Market Road 914 approximately one mile south of the intersection of Farm-to-Market Road 914 and Farm-to-Market Road 847 in Erath County, Texas.

Approved, JH/PR

Item 4. Application by the CITY OF HOUSTON for renewal of Permit No. 10495-100 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,710,000 gallons per day. The wastewater treatment facilities are on the south bank of Greens Bayou approximately 3,000 feet northeast of the intersection of Interstate Highway 45 and North Belt in Harris County, Texas.

Approved, JH/PR

Item 5. Application by the CITY OF HOUSTON for renewal of Permit No. 10495-107 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,400,000 gallons per day. The wastewater treatment facilities are on West Belfort Avenue, approximately 1.3 miles west of the intersection of West Belfort Avenue and U.S. Highway 59 in Harris County, Texas.

Approved, JH/PR

Item 6. Application by RHONE-POULENC BASIC CHEMICALS CO. for renewal of Permit No. 00542 which authorizes the discharge of treated process wastewater, treated incinerator wastewater, and

contaminated stormwater runoff at a volume not to exceed an average flow of 1,400,000 gallons per day from an inorganic chemical plant. The plant is at 8615 Manchester in the City of Houston, Harris County, Texas.

Approved, JH/PR

Item 7. Application by SANDOZ CROP PROTECTION CORPORATION for renewal of Permit No. 01169 which authorizes flow variable discharges of river water treatment backwash and stormwater runoff from an agricultural chemicals manufacturing plant. The plant is on the west side of West Port Arthur Road, five miles south of Cardinal Drive in the City of Beaumont, Jefferson County, Texas.

Approved, JH/PR

Item 8. Application by the CITY OF STOCKDALE for renewal of Permit No. 10292-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day. The wastewater treatment facilities are on the southeast side of County Road 401 (Old Floresville Road), approximately 1500 feet southwest of the intersection of U.S. Highway 87 and County Road 401 in Wilson County, Texas.

Approved, JH/PR

Item 9. APPLICATION BY HARRIS COUNTY UTILITY DISTRICT NO. 5 FOR APPROVAL OF \$3,110,000 CONTRACT REVENUE BONDS, TENTH ISSUE, 8.704% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests Commission approval for a bond issue to finance regional water and wastewater utility facilities to serve districts located in its Service Area B.

Approved, PR/JH

Item 10. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 155 FOR APPROVAL OF THE ISSUANCE OF \$1,975,000 IN UNLIMITED TAX BONDS, 8.164% NET EFFECTIVE INTEREST RATE, SERIES 1991, THIRD ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$1,975,000 in tax bonds to finance utilities to serve Copperstone, Coppercreek Sections 1 & 2, and Cloverfield, and to make improvements to its water supply and wastewater treatment plants.

Approved, PR/JH

Item 11. APPLICATION BY SOUTH TEXAS WATER AUTHORITY OF KLEBERG AND NUECES COUNTIES FOR APPROVAL OF THE ISSUANCE OF \$75,000 IN CONTRACT REVENUE BONDS, 6.717% NET EFFECTIVE INTEREST RATE, SERIES 1991, SEVENTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$75,000 in revenue bonds to finance the construction of the relocation of water lines associated with the construction of the new water storage tank.

Approved, PR/JH

Item 12. APPLICATION BY CHIMNEY HILL MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$5,310,000 BOND ISSUE APPROVED April 3, 1984. For Commission

consideration and action. The District's application requests Commission approval for the release of escrowed funds to finance a lift station and force main project.

Approved, PR/JH

Item 13. APPLICATION BY ANDERSON MILL MUNICIPAL UTILITY DISTRICT OF WILLIAMSON COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$5,454,000 BOND ISSUE APPROVED February 24, 1984. For Commission consideration and action. The District requests the approval to use \$122,456 in surplus funds plus interest earned thereon to finance the cost of a District Utility Building on the wastewater treatment plant site and to finance a District Utility Mapping System project.

Approved, PR/JH

Item 14. APPLICATION BY FIRST COLONY LEVEE IMPROVEMENT DISTRICT NO. 2 OF FORT BEND COUNTY FOR APPROVAL OF THE ISSUANCE OF \$2,900,000 IN UNLIMITED TAX BONDS, 8.1776% NET EFFECTIVE INTEREST RATE, SERIES 1991, THIRD ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,900,000 in tax bonds to finance the construction of drainage improvements within the District.

Approved, PR/JH

Item 15. APPLICATION BY JACKRABBIT ROAD PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$3,200,000 BOND ISSUE APPROVED May 15, 1991. For Commission consideration and action. The District has requested the approval to release of \$152,460 from escrow to finance site acquisition costs for the District's water plant number three.

Approved, PR/JH

Item 16. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF ELVIN R. IRVING DBA VERDE PARK ESTATES WATER SYSTEM FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE in KERR COUNTY, TEXAS. (DOCKET NO. 9004-C). RECOMMENDATION: Adoption of agreement of parties. (ZUKAUCKAS)

Issue Agreed Order, JH/PR

Item 17. APPLICATION OF BOB BOOKER DBA MCCracken ESTATES WATER SYSTEM for a Water Certificate of Convenience and Necessity and to Decertify a Portion of O R B Development, Inc., Certificate of Convenience and Necessity Number 12208, in El Paso County, TX (Application No. 8869-C, Holck)

Approved, JH/PR

Item 18. APPLICATION OF ATASCOSA RURAL WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity (CCN) Number 11366 and to Decertify Portions of CCN Number 11366, CCN Number 11007 of the City of Lytle and CCN Number 10640 of the San Antonio City Water Board in Bexar County, TX (Application No. 8614-C, Holck)

Approved, JH/PR

Item 19. APPLICATION OF JIM COURTNEY DBA CRESSON WATER WORKS to Transfer Water CCN No. 11472 from Oliver Gibson dba Cresson

Water Works in Hood and Johnson Counties, TX (Application No. 8964-S, Carlson)

Submitted in error

Item 20. APPLICATION NO. 5376 BY HELDENFELS BROTHERS, INC. FOR A SECTION 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to impound 425 acre-feet of water in an existing 340 acre-foot capacity excavated reservoir (No. 1) and an existing 85 acre-foot capacity reservoir (No. 2) on Spring Creek, Guadalupe River Basin, and to divert and use not to exceed two (2) acre-feet of water per annum from Reservoir No. 1 for Industrial Purposes at applicant's Hot Mix Plant, approximately 3.5 miles north of the Victoria County Courthouse, Victoria, Texas. (JORDAN/wph).

Approved, JH/PR

Item 21. APPLICATION NO. 5375 BY BREWSTER COUNTY FOR A SECTION 11.121 WATER USE PERMIT For Commission consideration and action. Applicant seeks authorization to maintain a dam creating a seven acre-foot reservoir on Pena (Colorado) Creek, Rio Grande Basin for in-place recreational use at Fort Pena Colorado Park in Brewster County. As there is not sufficient water available for appropriation at the reservoir site, the applicant is in the process of signing a water supply contract with a downstream water right holder. (JORDAN;tls)

Continued to January 8, 1992 at 09:00 a.m.

Item 22. APPLICATION NO. 4298A BY J. FRED MULLINS, JONAS F. MULLINS, JR. AND LISA ANN MULLINS O'CONNOR TO AMEND WATER USE PERMIT NO. 4096. For Commission consideration and action. Applicants seek to combine the water rights authorized by Water Use Permit No. 4096 (A-4298) with a portion of the water rights authorized by Certificate of Adjudication No. 18-1998, under Permit No. 4096 and to amend Permit No. 4096, as combined. The permit and certificate include adjacent irrigation rights on Town Creek, Guadalupe River Basin in Kerr County. (JORDAN;tls)

Approved, JH/PR

Item 23. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO SPEND ADDITIONAL FUNDS TO COMPLETE THE FINAL PHASE OF AN EMERGENCY REMOVAL AT THE HAGERSON ROAD ABANDONED DRUM STATE SUPERFUND SITE.

Issue Proposed Order, with instruction to General Counsel to do an in depth review of records, JH/PR

Item 24. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD STATE-WIDE EMERGENCY RESPONSE CONTRACT TO EMTECH ENVIRONMENTAL SERVICES FOR FY92.

Approve Staff Recommendation, JH/PR

Item 25. Petroleum Storage Tank Remediation (PSTR) Fund Contract Amendment for Additional Funding for Ecology & Environmental, Inc. (Contract #0700020000), PSTR Fund Region II, and ERM-Southwest, Inc. (Contract #0700060000), PSTR Fund Region VI. (Wentworth/Cokinos)

Approve Staff Recommendation, JH/PR

DOCKET

Wednesday, November 13, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. MODIFY, AFFIRM, SET ASIDE EMERGENCY ORDER AUTHORIZING DOW
CHEMICAL COMPANY TO DISPOSE OF A DISTRESSED CANISTER OF
DIISOPROPYL ETHER. (Warneke) (This matter was considered on
September 18, 1991 agenda)

Affirm Order, JH/PR

UNCONTESTED OLD BUSINESS

Wednesday, November 13, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of October 2, 1991.

- Item 1. APPLICATION BY KMCO, INC. for renewal of Permit No. 02712 which authorizes the discharge of treated industrial wastewater, domestic sewage and stormwater at a volume not to exceed 56,000 gallons per day. The Crosby Plant, an industrial organic chemical plant, is located at 16503 Ramsey Road at the intersection with Crosby-Dayton Road, 1.2 miles northeast of the Town of Crosby, Harris County, Texas.

Approve, JH/PR