

CONTESTED AGENDA

Wednesday, December 11, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF TRINITY RIVER AUTHORITY OF TEXAS AND CITY OF HOUSTON FOR EXTENSION OF TIME TO COMPLETE CONSTRUCTION OF THE WALLISVILLE DAM AND RESERVOIR IN CHAMBERS COUNTY, TEXAS, AND THE IMPOUNDMENT OF NOT TO EXCEED 51,600 ACRE-FEET OF WATER PER ANNUM FROM THE TRINITY RIVER, IN THE TRINITY RIVER BASIN, FOR DOMESTIC, MUNICIPAL, IRRIGATION, AND INDUSTRIAL PURPOSES. RECOMMENDATION: grant application. WALLISVILLE PROJECT: CERTIFICATE OF ADJUDICATION NOS. 08-4248 (TRINITY RIVER AUTHORITY OF TEXAS) AND 08-4261 (CITY OF HOUSTON). (1) Consideration of a Settlement Agreement in the case regarding the Executive Director's Motion to Reopen the Record and Amend the Certificates of Adjudication. (2) Certification to the Commission by Hearings Examiner regarding: (a) the motions for continuance filed by the Trinity River Authority of Texas, the City of Houston, the Texas Parks and Wildlife Department, the Galveston Bay Foundation and the Sierra Club, and (b) the plea to the jurisdiction by the Trinity River Authority of Texas and the City of Houston. (Wood)

Continued to January 22, 1992 at 10:00 a.m.

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF VALERO REFINING COMPANY, SWR NO. 30478. (Gonzalez)

Remand to Office Hearings Examiner, JH/PR

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DAN ROBERTS, DBA DAN ROBERTS WATER SYSTEM, DOCKET NO. 9063-E. (Ligarde)

Remand to Office Hearings Examiner, JH/PR

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF BOWIE FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 10071-001. (Martinez)

Continued to January 22, 1992 at 10:00 a.m.

Item 5. CONSIDERATION OF THE PETITION BY THE LAW FIRM OF COATS, ROSE, YALE, HOLM, RYMAN & LEE REQUESTING THE COMMISSION TO MODIFY COMMISSION RULE 31 TEXAS ADMINISTRATIVE CODE SECTION 293.44(a)(12) RELATING TO THE FUNDING OF CULVERT CROSSINGS BY DISTRICTS. (Petrov)

Approve Staff Recommendations, JH/PR

Item 6. 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

CONTESTED OLD BUSINESS

Wednesday, December 11, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 11, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ATOCHEM NORTH AMERICA, INC., SWR NO. 30663, HW PERMIT NO. 50222. (Hahn)

Issue Order as Proposed, JH/PR

Item carried forward from Agenda of September 11, 1991 and October 23, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION TO AMEND PERMIT NO. 3914 OF THE SAN ANTONIO CITY WATER WORKS BOARD OF TRUSTEES. (Jordan)

Continued to February 5, 1992 at 10:00 a.m.

Item carried forward from Agenda of September 11, 1991 and October 23, 1991.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION TO AMEND CERTIFICATE OF ADJUDICATION NOS. 19-2161A AND 19-2162, HELD BY THE SAN ANTONIO CITY PUBLIC SERVICES BOARD. (Jordan)

Continued to February 5, 1992 at 10:00 a.m.

Item carried forward from Agenda of November 6, and November 13, 1991.

- Item 4. 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)

Remand to Office of Hearings Examiner, With instructions to Staff from Chairman Hall.

Item carried forward from Agenda of November 20, 1991.

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF IPOLLO ENTERPRISES, INC. (Smith, J.)

Refer to Attorney Generals Office, JH/PR

Item carried forward from Agenda of November 20, 1991.

- Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR REFERRAL OF IPOLLO ENTERPRISES, INC., TO THE OFFICE OF THE ATTORNEY

GENERAL FOR NONCOMPLIANCE WITH THE ORDER OF THE COMMISSION
ISSUED DECEMBER 1, 1989. (Smith, J.)

Refer to Attorney Generals Office, JH/PR

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, December 11, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of December 4, 1991.

- Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HARRISON MULLINS, ID NO. E10019. (Mehta)

Continued to December 18, 1991 at 9:00 a.m.

UNCONTESTED AGENDA

Wednesday, December 11, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY JON WILLIAMSON for a permit (Proposed Permit No. 03374) to authorize disposal of waste and wastewater from a dairy which will consist of a maximum of 250 head. The dairy is located on the south side of Farm-to-Market Road 138, approximately four miles southwest of the intersection of Farm-to-Market Road 138 and Farm-to-Market Road 95 in Nacogdoches, Texas.

Approved, PR/JH

Item 2. APPLICATION BY BAKER HUGHES TUBULAR SERVICES, INC. for an amendment to Permit No.02104 to delete the permit limitation for iron. The permit currently authorizes the disposal of compressor aftercooler water, compressed air condensate, and wash water effluent at a volume not to exceed an average flow of 36,000 gallons per day, which will remain the same. The plant site is at 12100 West Little York Road in the City of Houston, Harris County, Texas.

Approved, PR/JH

Item 3. APPLICATION BY PHILLIPS 66 COMPANY for an amendment to Permit No. 01852 in order to add six outfalls (Outfalls 004 - 009) which will regulate stormwater runoff from three separate terminals. The permit currently authorizes intermittent, flow variable discharges of treated wastewater from Freeport Terminal I, Freeport Terminal II and Jones Creek Terminal. The terminals locations are as follows: Freeport Terminal I is on the south side of County Road 240, approximately one mile east of the County Road 240/Farm-to-Market Road 1495 intersection southeast of the City of Freeport. Freeport Terminal II is on the north shore of the peninsula separating the Intracoastal Waterway and Freeport Harbor (Old Brazos River Channel) and approximately two miles southwest of the City of Freeport. Jones Creek Terminal is about one and one-half (1.5) miles southeast of the Town of Jones Creek and approximately five miles west of the City of Freeport, Brazoria County, Texas.

Approved, PR/JH

Item 4. APPLICATION BY PILOT INDUSTRIES OF TEXAS, INC. for an amendment to Permit No. 01899 to authorize an increase in the discharge of boiler blowdown, cooling tower blowdown, wash water and rainfall runoff from a volume not to exceed an average flow of 14,000 gallons per day to a volume not to exceed an average flow of 28,000 gallons per day. The plant site is at 11623 N. Houston Rosslyn Road in Northwest Houston, southwest of FM 249 on the west side of N. Houston Rosslyn Road, in the City of Houston, Harris County, Texas.

Approved, PR/JH

Item 5. APPLICATION BY RTF INDUSTRIES, INC. for an amendment to Permit

No. 02815 to incorporate evaporation as the primary method used to dispose of treated process wastewaters from its metal finishing facility. As an alternate method I, wastewaters may be recycled for process uses via deionization. As an alternate method II, operation wastewaters may be treated via deionization and discharged via Outfall 001 at a maximum rate of 250 gallons per day. The plant site is adjacent to Jefferson Road, 100 yards north of Bussey Road and 0.3 mile west of U.S. Highway 59, approximately five miles north of the City of Marshall, Harrison County, Texas.

Continued to January 8, 1992 at 9:00 a.m.

Item 6. APPLICATION BY SOLVAY POLYMERS, INC. for an amendment to Permit No. 00544 in order to add a waste stream generated by the production of sodium perborate to Outfall 001. The permit currently authorizes a discharge of treated wastewaters via Outfalls 001 and 003 at a volume not to exceed an average flow of 2,590,000 gallons per day plus stormwater runoff at a volume variable with rainfall via Outfalls 002 and 004, which will remain the same. The plant site is at 1230 Battleground Road (State Highway 134) in the City of Deer Park, Harris County, Texas.

Approved, PR/JH

Item 7. APPLICATION BY TEXAS A & M UNIVERSITY for an amendment to Permit No. 11211-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 2,500 gallons per day to a volume not to exceed an average flow of 10,000 gallons per day. The plant site is approximately one mile north of the intersection of U.S. Highway 90 and Imes Road and approximately 2.5 miles east of the City of China in Jefferson County, Texas.

Approved, PR/JH

Item 8. APPLICATION BY TEXAS DEPARTMENT OF CRIMINAL JUSTICE for an amendment to Permit No. 10743-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 500,000 gallons per day to a volume not to exceed an average flow of 600,000 gallons per day. The plant site is west of Alvin at the north end of Jackson Lake; approximately 3.2 miles north and 2 miles west of the intersection of State Highway 288 and Farm-to-Market Road 1462 in Brazoria County, Texas.

Approved, PR/JH

Item 9. APPLICATION BY TEXAS DEPARTMENT OF CRIMINAL JUSTICE for an amendment to Permit No. 11180-01 in order to change the permits final phase from authorizing disposal by irrigation at a volume not to exceed 700,000 gallons per day to a discharge permit at the same volume. The plant site is approximately 4 miles west-northwest of the intersection of State Highway 19 and Farm-to-Market Road 980, within the Ellis Unit No. 1 prison farm in Walker County, Texas.

Approved, PR/JH

Item 10. APPLICATION BY CITY OF FATE for renewal of Permit No. 11077-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 74,000 gallons per day. The wastewater treatment facilities are

immediately southeast of the intersection of State Highway 66 and Ivywood Lane in the City of Fate in Rockwall County, Texas.

Approved, PR/JH

Item 11. APPLICATION BY CITY OF MALAKOFF for renewal of Permit No. 10738-01 which authorizes the discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 400,000 gallons per day. The wastewater treatment facilities are 1 mile west and 1/4 mile south of the intersection of State Highway 31 and Farm-to-Market 198 (old Farm-to-Market 90) in Henderson County, Texas.

Approved, PR/JH

Item 12. APPLICATION BY ROBROY INDUSTRIES - TEXAS, INC. for renewal of Permit No. 01052 which authorizes a discharge of non-contact cooling water, boiler blowdown and stormwater at a volume not to exceed an average flow of 225,000 gallons per day. The applicant operates a plastic coated electrical conduit manufacturing facility which is located at Highway 271 South and Dean St., on the west side of Highway 271 at a point approximately 1,000 feet south of its intersection with State Highway 300, in the City of Gilmer, Upshur County, Texas.

Approved, PR/JH

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.

Approved, PR/JH

Item 14. APPLICATION BY TIMBERWOOD NURSING HOME, INC. for renewal of Permit No. 13388-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000 gallons per day. The wastewater treatment facilities are located on the west side of U.S. Highway 59, approximately 3 1/2 miles northeast of the City of Livingston and just south of the Town of Marston in Polk County, Texas.

Approved, PR/JH

Item 15. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LIPAN WATER WORKS, INC. TO INCREASE RETAIL WATER RATES IN HOOD COUNTY, TEXAS (DOCKET NO. 9163-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 180 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (COLBERT).

Issue Agreed Order, JH/PR

Item 16. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 58 FOR APPROVAL OF \$1,140,000 OF UNLIMITED TAX BONDS; THIRD ISSUE. For Commission consideration and action. The District is requesting the approval to issue \$1,140,000 in unlimited

tax bonds to finance a remote water well and 12-inch well collection line.

Approved, JH/PR

Item 17. APPLICATION BY DALLAS COUNTY FLOOD CONTROL DISTRICT NO. 1 FOR APPROVAL OF A \$795,000 UNLIMITED TAX BOND ISSUE, SERIES 1991, 9.977% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests Commission approval for a \$795,000 unlimited tax bond issue to finance a settlement agreement between the District and Loram Construction, Inc.

Approved, JH/PR

Item 18. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$6,400,000 BOND ISSUE APPROVED December 14, 1990. For Commission consideration and action. Applicant requests approval of the use of \$232,502 of surplus funds for reimbursement of previously disallowed costs and for repair of certain wastewater trunk mains.

Approved, JH/PR

Item 19. APPLICATION BY FT. BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 81 FOR A CHANGE IN PLANS, USE OF SURPLUS FUNDS & THE RELEASE OF ESCROWED FUNDS; \$3,560,000 BOND ISSUE APPROVED July 12, 1988 & \$4,500,000 BOND ISSUE APPROVED August 16, 1990. For Commission consideration and action. Applicant requests approval of the release of \$179,300 in escrowed funds & use of \$62,120 in surplus funds to fund wastewater trunkline project & to purchase water and wastewater plant sites.

Approved, JH/PR

Item 20. APPLICATION OF BEACH ROAD UTILITIES, INC. for Water and Sewer Certificates of Convenience and Necessity in Matagorda County, TX (Application Nos. 9196-C and 9197-C, Fenner)

Approved, PR/JH

Item 21. APPLICATION OF O. J. ERLUND, JR. DBA HILL COUNTRY UTILITY COMPANY for an Amendment to Water Certificate of Convenience and Necessity Number 11710 in Bandera, Kendall, Kerr and Medina Counties, TX (Application No. 8925-C, Holck)

Approved, PR/JH

Item 22. APPLICATION OF BETHESDA WATER SUPPLY CORPORATION (BETHESDA) to Transfer a Portion of Water CCN No. 11760 from G-Haw Water Systems, Inc.; Amend Water CCN No. 10089 and Water CCN No. 11760 in Tarrant County, TX (Application No. 9147-S, Horst)

Approved, PR/JH

Item 23. APPLICATION OF JACQUEIE OVERSTREE DBA THE SHORES UTILITY for a Rate/Tariff Change; Certificate of Convenience and Necessity (CCN) No. 11743 in Hood County, TX (Application No. 9182-G)

Approved, PR/JH

Item 24. APPLICATION NO. 5382 BY SABINE 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 a dam and 28 acre-foot reservoir on an unnamed tributary of Clark Creek, tributary of Sabine River, Sabine River Basin, for in-place sedimentation control and to divert 100 acre-feet of water per annum from the reservoir for dust control and haul road compaction (industrial) purposes in an area approximately 4.5 miles south of Hallsville, Harrison County, Texas. (JORDAN:rma)

Approved, JH/PR

Item 25. APPLICATION NO. 5152A BY CITY OF WICHITA FALLS TO AMEND PERMIT NO. 5152. For Commission action. Applicant seeks to delete the authorization for an impoundment from the permit, thereby leaving an authorization for a direct diversion from the Wichita River, Red River Basin, Wichita County, Texas. (JORDAN:rma)

Approved, JH/PR

Item 26. APPLICATION NO. TA-6686 BY BILL SADLER FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECT. 11.138. FOR COMMISSION ACTION Applicant seeks to divert and use 50 acre-feet of water within a 2-year period from the Leon River, Brazos River Basin, for mining purposes (gravel washing) from the Leon River approximately 3 miles northwest of Gatesville, Coryell County, Texas. (JORDAN:jme)

Approved, JH/PR

Item 27. APPLICATION BY THE RESOLUTION TRUST CORPORATION, AS RECEIVER FOR HILL FINANCIAL SAVINGS ASSOCIATION FOR A TIME EXTENSION TO COMPLETE THE PROJECT AUTHORIZED UNDER PERMIT NO. 5114 (A-5114) PURSUANT TO TEXAS WATER CODE SECTION 11.145. Applicant seeks to complete the project started by the previous owner to modify a dam and construct a second dam in a subdivision in Dallas County. Applicant requests that the time for completion should be extended from March 9, 1990 to December 31, 1992. These are small low hazard structures used for recreational purposes.

Approved, JH/PR

Item 28. AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH THE TEXAS WATER DEVELOPMENT BOARD FOR CLIMATE-CHANGE STUDIES. (Smith, D.)

Approve Staff Recommendations, JH/PR

Item 29. AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH THE HOUSTON ADVANCED RESEARCH CENTER FOR CLIMATE-CHANGE STUDIES. (Smith, D.)

Approve Staff Recommendations, JH/PR

Item 30. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S INVESTIGATION INTO WATER SERVICES RENDERED BY COUNTRY SIDE ESTATES OF ORANGE COUNTY. (Smith, D.)

Issue Agreed Order, PR/JH

Item 31. CONSIDERATION OF ADOPTION OF NEW RULES TO TITLE 31 TEXAS ADMINISTRATIVE CODE, SECTIONS 335.471-335.480, CONCERNING SOURCE REDUCTION AND WASTE MINIMIZATION PLANS AND REPORTING

PURSUANT TO S.B. 1099. (BOB WARNEKE)

Adopt Rules as Recommended, JH/PR

Item 32. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PROPOSED ORDER IN
THE MATTER OF THE REQUEST BY TEXAS DEPARTMENT OF CRIMINAL
JUSTICE FOR AN ORDER AUTHORIZING COMMENCEMENT OF
CONSTRUCTION. (CARLTON)

No Action Taken

UNCONTESTED OLD BUSINESS

Wednesday, December 11, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of November 6, 1991.

- Item 1. APPLICATION BY TEXAS DEPARTMENT OF HIGHWAYS & PUBLIC TRANSPORTATION for renewal of Permit No. 11325-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000 gallons per day. The permit also authorizes the permittee to use the treated effluent to irrigate the grass median of Interstate Highway 45. The Southbound Rest Area Wastewater Treatment Facilities are on the west side of Interstate Highway 45, approximately 8.5 miles north of Huntsville in Walker County, Texas.

Approved, PR/JH

Item carried forward from Agenda of November 6, 1991.

- Item 2. APPLICATION NO. 4591A BY WARREN'S TURF NURSERY, INC. TO AMEND PERMIT NO. NO. 4591. For Commission Action. Applicant seek an amendment to Water Use Permit No. 4591 to increase the amount of water authorized to be diverted and used from the Little River, Brazos River Basin, from 600 feet to 900 acre-feet of water per annum with no increase in the rate of diversion or number of acres to be irrigated, approximately 9 miles southwest of Cameron, Milan County, Texas. (JORDAN/wph).

Approved, JH/PR

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, December 11, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of December 4, 1991.

Item 3. Employee Of The Month.

Jorge Arroyo

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 11, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 33. CONSIDERATION OF MOTION FOR REHEARING IN THE MATTER OF JOE CORDELL DBA LLEDROC FARM WEST FOR PERMIT NO. 03278 TO AUTHORIZE THE DISPOSAL BY IRRIGATION OF WASTE AND WASTEWATER FROM A DAIRY CONSISTING OF A MAXIMUM OF 960 HEAD IN CONFINEMENT IN ERATH COUNTY, TEXAS. (This matter was considered on September 18, October 2, and October 9, 1991. The commission issued proposed order and changes as recommended by Executive Director)

Continued to January 8, 1992 at 10:00 a.m.