

CONTESTED AGENDA

Wednesday, February 5, 1992

TEXAS WATER COMMISSION

8:00 a.m.  
Room 118

Item carried forward from Agenda of January 15, 1992 and  
January 22, 1992.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT  
AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES  
AND REQUIRING CERTAIN ACTIONS OF CHEM GRIND CHEMICAL  
CORPORATION. (Mehta)

Remand to Office Hearings Examiner

Item carried forward from Agenda of January 15, 1992 and  
January 22, 1992.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTORS REQUEST FOR REFERRAL  
OF HALE DUSTING SERVICE, INC. TO THE OFFICE OF THE ATTORNEY  
GENERAL FOR VIOLATIONS OF A TWC ORDER ISSUED ON JANUARY 28,  
1987. SWR 32963. (HALL, GLENN)

Remand to Office Hearings Examiner

UNCONTESTED AGENDA

Wednesday, February 5, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. APPLICATION BY CITY OF LEWISVILLE FIRE DEPARTMENT for a permit (Proposed Permit No. 03425) to authorize the disposal of wastewaters from a fire training facility by evaporation. The facility is at 701 Treatment Plant Road in the City of Lewisville, Denton County, Texas.

Approved, PR/PG

ITEM 2. APPLICATION BY LIENA POSTMA for a permit (Proposed Permit No. 03417) to authorize disposal of waste and wastewater from a dairy which will consist of a maximum of 240 head. The dairy is located on the north side of Farm-to-Market Road 914, approximately two miles south of the intersection of Farm-to-Market Road 914 and Farm-to-Market Road 847 in Erath County, Texas.

Approved, PR/PG

Item 3. APPLICATION BY TOM WILSON for a permit (Proposed Permit No. 03419) to authorize disposal of waste and wastewater from a dairy. The dairy will be constructed in phases with the final phase consisting of a maximum of 990 head. The dairy is approximately 2 miles northeast of the intersection of U.S. Highway 84 and Farm-to-Market Road 1047, on an unnamed county road and approximately 1/2 mile north of U.S. Highway 84 in Hamilton County, Texas.

Approved, PR/PG

Item 4. APPLICATION BY CITY OF LIVINGSTON for an amendment to Permit No. 10208-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 750,000 gallons per day to a volume not to exceed an average flow of 2,250,000 gallons per day. The wastewater treatment facilities are approximately 3200 feet north of the intersection of U.S Highway 59 and State Highway Loop 90, approximately 1 mile southeast of the intersection of U.S Highway 190 and U.S Highway 59 in Polk County, Texas.

Approved, PR/PG

Item 5. APPLICATION BY CITY PUBLIC SERVICE OF SAN ANTONIO for an amendment to Permit No. 01514 to authorize additional outfalls to monitor stormwater runoff. The permit authorizes a discharge of: condenser cooling water and previously monitored effluents at a volume not to exceed an average flow of 2,440,000 gallons per day; stormwater runoff from a pond at a volume not to exceed an average flow of 300,000 gallons per day; treated sewage effluent at a volume not to exceed an average flow of 20,000 gallons per day; and intermittent flow variable discharges of stormwater runoff, ash transport and low volume wastes. The plant site is adjacent to Calaveras Reservoir at 9599 Gardner Road and east-southeast of the City

of San Antonio, Bexar County, Texas.

Approved, PR/PG

Item 6. APPLICATION BY CITY OF BLOOMING GROVE for renewal of Permit No. 11606-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day. The wastewater treatment facilities are on the west bank of Rush Creek, at a point approximately 4,200 feet southeast of the intersection of State Highway 22 and Farm-to-Market Road 55, in Navarro County, Texas.

Approved, PR/PG

Item 7. APPLICATION BY FIRST GIBRALTAR BANK, FSB for renewal of Permit No. 13118-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 87,100 gallons per day from the League Line Wastewater Treatment Plant. The plant site is approximately 4.3 miles northwest of the courthouse, Conroe, Texas; being also approximately 2.4 miles northwest of the intersection of State Highway Loop 336 and Interstate Highway 45 and 1.5 miles west of Interstate Highway 45 in Montgomery County, Texas.

Approved, PR/PG

Item 8. APPLICATION BY FRUITVALE HOUSING AUTHORITY for renewal of Permit No. 12198-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,300 gallons per day. The wastewater treatment facilities are approximately 1800 feet south of U.S. Highway 80, 2.3 miles southeast of the intersection of U.S. Highway 80 and State Highway 19, just south of the City of Fruitvale in Van Zandt County, Texas.

Continued to March 11, 1992 at 9:00 a.m.

Item 9. APPLICATION BY CITY OF GRAPELAND for a renewal of Permit No. 10181-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 120,000 gallons per day from Wastewater Treatment Plant No. 1. The wastewater treatment facilities are located immediately north of and adjacent to Wastewater Plant No. 2; being also east of U. S. Highway 287; and approximately 1,300 feet north of the intersection of U. S. Highway 287 and Farm-to-Market Highway 2423 in Houston County, Texas.

Approved, PR/PG

Item 10. APPLICATION BY CITY OF LINDALE for renewal of Permit No. 10412-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 72,000 gallons per day from the Southside Wastewater Treatment Facilities. The plant site is at Interstate Highway 20 and County Road 463 in Smith County, Texas.

Approved, PR/PG

Item 11. APPLICATION BY TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION for renewal of Permit No. 10651-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from the Vernon Center Wastewater Treatment

Facilities. The plant site is adjacent to Farm-to-Market Road 433 and approximately 2.3 miles east of Farm-to-Market Road 2074 in Wilbarger County, Texas.

Approved, PR/PG

Item 12. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF SEBASTIAN WATER SUPPLY CORP. FOR CREATION OF SEBASTIAN MUD TO PROVIDE WATER, WASTEWATER AND DRAINAGE CONTROL SERVICE TO THE COMMUNITY OF SEBASTIAN, TEXAS. Recommendation: Adoption of agreement of parties. (PARKER)

Approved, PR/PG

Item 13. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF H.B. ARMSTRONG, JR. dba A&P WATER COMPANY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY AND AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 12471 TO DECERTIFY MINDEN-BRANCHFIELD WSC TO PROVIDE WATER SERVICE IN RUSK COUNTY, TEXAS. (DOCKET NO. 9175-C). RECOMMENDATION: Adoption of agreement of Parties. (COLBERT)

Approved, PR/PG

Item 14. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WILDWOOD PROPERTY OWNERS ASSOCIATION TO INCREASE RETAIL WATER RATES IN HARDIN COUNTY, TEXAS. (DOCKET NO. 9183-). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 447 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (ZUKAUCKAS)

Approved, PR/PG

Item 15. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$7,200,000 BOND ISSUE APPROVED August 14, 1990. For Commission consideration and action. Applicant requests approval of the release of \$3,028,862 of escrowed funds to finance the District's pro rata share of the estimated construction costs for a 2.76 million gallon per day replacement wastewater treatment plant, and a portion of estimated condemnation costs incurred during procurement of the replacement wastewater treatment plant (WWTP) site.

Approved, PR/PG

Item 16. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 18 FOR APPROVAL OF THE RESCISSION OF ESCROW REQUIREMENT, \$1,010,000 BOND ISSUE APPROVED ON November 20, 1991. For Commission consideration and action. Applicant requests approval of the rescission of the requirement to escrow \$605,000 for Water Plant No. 1 improvements.

Approved, PR/PG

Item 17. APPLICATION OF ROY CURLEE, RICKEY CURLEE, JOHN TURNBOW AND EVERETT ORINGDERFF DBA TEJAS VILLAGE, for a Water Certificate of Convenience and Necessity (CCN) (Application No. 9139-C, Carlson) and REPORT OF SALE APPLICATION OF ROY CURLEE, RICKEY CURLEE, JOHN TURNBOW AND EVERETT ORINGDERFF DBA TEJAS VILLAGE to buy Tejas Village Facilities from Kermit A. and Marian S. Tyler, Co-Trustees of Tyler Family Trust in Marion County (Application No. 9140-S, Carlson)

Approved, PR/PG

Item 18. APPLICATION BY THE CITY OF STEPHENVILLE, THE CITY OF GLEN ROSE AND THE COUNTY OF SOMERVELL TO EXTEND THE TIME REQUIRED FOR COMMENCEMENT AND COMPLETION OF PALUXY RESERVOIR AUTHORIZED BY WATER USE PERMIT NO. 4302. For Commission Action. Applicants seek to extend the time to commence construction of the referenced project from November 5, 1991 to November 5, 1995 and to extend the time to complete the project from November 5, 1997 to November 5, 2003. (JORDAN;tls)

Approved, JH/PR

Item 19. APPLICATION NO. TA-6722 BY TEXAS MUNICIPAL POWER AGENCY FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.138. FOR COMMISSION ACTION. Applicant seeks to divert and use 33 acre-feet of water within a 2-year period from two diversion points on Gibbons Creek, Brazos River Basin for irrigation purposes (hardwood mitigation project) from the two diversion points on Gibbons Creek just upstream of the CR 190 crossing, approximately 8 miles NW of Anderson, Grimes County, Texas. (JORDAN/jme)

Approved, JH/PR

Item 20. APPLICATION NO. 12-4024A BY CITY OF GORDON TO AMEND CERTIFICATE NO. 12-4024. For Commission action. Applicant seeks to amend the certificate to (1) increase the normal operating elevation of Lake C. B. Long; (2) increase the authorized diversion from Lake C. B. Long from 115 acre-feet of water per annum to 360 acre-feet of water per annum and (3) increase the authorized diversion from Lake C. B. Long from 0.89 cfs (400 gpm) to 1.34 cfs (600 gpm), Panther Creek, Brazos River Basin, Palo Pinto County, Texas. (JORDAN:rma)

Continued to March 11, 1992 at 9:00 a.m.

Item 21. APPLICATION NO. 23-778B BY JOHN A. SHUFORD AND WIFE, HELEN V. SHUFORD TO AMEND CERTIFICATE NO. 23-778. For Commission action. Applicant seeks to combine 87.5 acre-feet of Class "B" irrigation rights owned under Cert. No. 797 and 87.5 acre-feet of Class "B" irrigation rights owned under Cert. No. 23-630 with water rights owned under Cert. No. 23-778 and to amend Cert. No. 778 to change the place of use under Cert. No. 23-630, to change the location of the diversion points under both Cert Nos. 23-797A and 23-630 and to restate the applicants' total authorization under Cert. No. 23-778, Starr County, Texas. (JORDAN:rma)

Approved, JH/PR

Item 22. APPLICATION NO. 23-2775C BY MARIA LUISA VIDAURRI STOT TO AMEND CERTIFICATE OF ADJUDICATION NO. 23-2775, AS AMENDED. FOR COMMISSION ACTION. Applicant seeks to amend that 260.2 acre-foot portion of Class "B" water rights owned under Certificate No. 23-2775, as amended, to convert 50 acre-feet of water per annum from irrigation to mining purposes for a period of time ending December 31, 1994, at which time the applicant requests that the 50 acre-feet automatically revert to irrigation use, from the Rio Grande in Zapata County, Texas. (JORDAN/lb)

Approved, JH/PR

Item 23. CONSIDERATION OF THE ADOPTION OF PST RULES TO 31 TEXAS

ADMINISTRATIVE CODE, CHAPTER 334, SUBCHAPTER H, WHICH WILL PERMANENTLY IMPLEMENT H.B.1214 WHICH EXPANDS THE REIMBURSEMENT ELIGIBILITY FOR CERTAIN OWNERS, LIMITS THE LIABILITY OF LENDERS, AND INCLUDES OTHER REIMBURSEMENT PROVISIONS. (Birch)

Adopt Rules as Recommended, JH/PR

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, February 5, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 24. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND A CONTRACT WITH LOCKWOOD, ANDREWS AND NEWNAM (LAN) FOR ENGINEERING SERVICES FOR THE REMEDIAL ACTION AT THE SIKES DISPOSAL PITS SUPERFUND SITE.

Approved, PR/JH

(Due to unforeseeable circumstances this item must be placed on this agenda.)

UNCONTESTED OLD BUSINESS

Wednesday, February 5, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of December 4, 1991.

- Item 1. APPLICATION BY CITY OF MINERAL WELLS for renewal of Permit No. 10585-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,920,000 gallons per day. The wastewater treatment facilities are southwest of the City of Mineral Wells at the crossing of Pollard Creek by 26th Street in Palo Pinto County, Texas.

Approve, PR/PG

Item carried forward from Agenda of December 11, 1991 and January 8, 1992.

- Item 2. 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 March 4, 1992 at 9:00 a.m.

Item carried forward from Agenda of January 22, 1992.

- Item 3. APPLICATION BY OWEN SIEPERDA for a permit (Proposed Permit No. 03398) to authorize the disposal of wastes and wastewater from a dairy. The dairy will consist of a maximum of 700 milking head with a maximum of 1000 total. The dairy is on the west side of an unnamed county road; approximately 1 mile west of the Community of Live Oak; approximately 1.5 miles east of Farm-to-Market Road 1702; and approximately 4 miles south of the intersection of Farm-to-Market 1702 and Farm-to-Market Road 219 in Erath County, Texas.

Continued to February 19, 1992 at 9:00 a.m.

CONTESTED AGENDA

Wednesday, February 5, 1992

TEXAS WATER COMMISSION

10:00 a.m.  
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ROCKWOOL INDUSTRIES, INC., SWR NO. 30086 IN BELL COUNTY, CONCERNING A VIOLATION OF THE TEXAS SOLID WASTE DISPOSAL ACT, TEX. HEALTH AND SAFETY CODE ANN., CHAPTER 361 AND THE RULES OF THE COMMISSION. (Montelongo)

Issue Agreed Order, PR/PG

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF CLARKSVILLE, RED RIVER COUNTY, PERMIT NO. 10148-01. (Ligarde)

Issue Agreed Order, PR/PG

ADDENDUM TO CONTESTED AGENDA

Wednesday, February 5, 1992

TEXAS WATER COMMISSION

10:00 a.m.  
Room 118

Item 3. CONSIDERATION OF A TEMPORARY AUTHORIZATION REQUEST BY ENCYCLE/TEXAS, INC. TO AUTHORIZE STORAGE OF HAZARDOUS WASTE IN BUILDING "B" PRIOR TO RECYCLING PENDING APPROVAL OF CLASS 3 MODIFICATION PURSUANT TO 31 TEXAS ADMINISTRATIVE CODE SECTION 305.69(e). CELESTINO

Approve Staff Recommendations and Issue Temporary Authorization, JH/PR

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, February 5, 1992

TEXAS WATER COMMISSION

10:00 a.m.  
Room 118

Item 4. CONSIDERATION OF THE ADOPTION OF EMERGENCY AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE, SECTIONS 320.21-320.22, REGARDING WATER QUALITY ASSESSMENT FEES FOR PROGRAM FOR REGIONAL ASSESSMENT OF WATER QUALITY BY WATERSHED. (LIGARDE)

Approve Staff Recommendations and Adopt Emergency Amendments. Do Not  
send bills to irrigators until comment periods. JH/PR

THIRD ADDENDUM TO CONTESTED AGENDA

Wednesday, February 5, 1992

TEXAS WATER COMMISSION

10:00 a.m.  
Room 118

Item 5. THE COMMISSION WILL RECEIVE A REPORT FROM MAYOR BRUCE TODD ON THE STATUS OF HIS MEDIATION EFFORT OF THE VARIOUS INTEREST GROUPS REGARDING THE EDWARDS AQUIFER.

No Action Taken

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, February 5, 1992

TEXAS WATER COMMISSION

10:00 a.m.  
Room 118

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

(Due to unforeseeable circumstances this item must be set on agenda.)

SECOND EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, February 5, 1992

TEXAS WATER COMMISSION

10:00 a.m.  
Room 118

Item 7. IN THE MATTER OF PRECISIONHARD CHROME'S REQUEST FOR AN EMERGENCY ORDER TO ADDRESS CHROMIUM CONTAMINATION AT CERTAIN SITES LOCATED IN WACO, TEXAS. (HAHN)

Issue Emergency Order as Proposed by Staff, PR/PG

Item 8. CONSIDERATION OF THE PETROLEUM STORAGE TANK PROGRAM BUDGET AMENDMENT FOR THE 1992 OPERATING BUDGET.

Continued to February 14, 1992 at 3:00 p.m.

(Due to unforeseeable circumstances these items must be placed on this agenda.)

CONTESTED OLD BUSINESS

Wednesday, February 5, 1992

TEXAS WATER COMMISSION

10:00 a.m.  
Room 118

Item carried forward from Agenda of September 11, 1991 and October 23, 1991, December 4, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TRIFINERY. SWR NO. 34703 (RENBARGER)

Continued to April 1, 1992 at 10:00 a.m.

Item carried forward from Agenda of September 11, 1991 and October 23, , December 11, 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 March 4, 1992 at 10:00 a.m.

Item carried forward from Agenda of September 11, 1991 and October 23, December 11, 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 March 4, 1992 at 10:00 a.m.