

CONTESTED AGENDA

Wednesday, February 12, 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 PETITION FOR AN  
ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN  
ACTIONS OF HAMSHIRE-FANNET INDEPENDENT SCHOOL DISTRICT FOR  
WASTEWATER DISCHARGE VIOLATIONS IN JEFFERSON COUNTY, PERMIT  
NO. 12098-01. (Martinez)

Issue Agreed Order, JH/PR

UNCONTESTED AGENDA

Wednesday, February 12, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. APPLICATION BY SANDOZ CROP PROTECTION, INC. for two underground injection control permits (Proposed Permits Nos. WDW-301 and WDW-302) to authorize the construction and operation of two non-hazardous waste disposal wells. The proposed wells will be used to dispose of non-hazardous wastewaters generated on-site during the manufacturing of agricultural chemicals at the Sandoz plant near Beaumont. The monthly volume of wastewater injected for each well is not to exceed 13,392,000 gallons (based on a 31-day month at 300 gallons per minute). The maximum operating surface injection pressure is to be 900 psig for the lower Miocene Formation and 1200 psig for the Frio Formation. WDW-301 and WDW-302 will be located in the William Sigler Survey, A-48, approximately 7 miles southwest of the City of Beaumont, Jefferson County, Texas.

Approved, PR/PG

Item 2. APPLICATION BY GENERAL HOMES CORPORATION for a permit (Proposed Permit No. 13564-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 650,000 gallons per day. The proposed Harris County Municipal Utility District No. 279 wastewater treatment facilities will serve the Wellington Village Subdivision. The plant site is approximately 17.5 miles north-northwest of the Harris County Courthouse in downtown Houston; being also approximately 3.9 miles southwest of the intersection of Farm-to-Market Highway 1960 and Interstate Highway 45; and 2.0 miles southeast of the intersection of Stuebner-Airline Road and Farm-to-Market Highway 1960 in Harris County, Texas.

Approved, PR/PG

Item 3. APPLICATION BY GULF MATERIALS RECYCLING CORPORATION for a permit (Proposed Permit No. 03324) to authorize a discharge of stormwater runoff at a volume variable with rainfall. The applicant operates a scrap metal reclaiming factory. The plant site is at 15135 Jacintoport Blvd., Harris County, Texas.

Approved, PR/PG

Item 4. APPLICATION BY BIG THREE INDUSTRIAL GAS, INC., BIG THREE - VICTORIA AIR SEPARATION PLANT for an amendment to Permit No. 02465 to authorize an increase in the discharge of cooling tower blowdown and wash water effluent from a volume not to exceed an average flow of 40,000 gallons per day to a volume not to exceed an average flow of 130,000 gallons per day. The applicant operates an atmospheric air separation and distillation plant that produces oxygen, nitrogen and argon. The plant site is on Old Bloomington Road between McCoy Road and Black Bayou Road #1, north of the Community of Bloomington, Victoria County, Texas.

Approved, PR/PG

Item 5. APPLICATION BY CITY OF SEAGOVILLE for an amendment to Permit No. 10370-01 in order to change their method of treating the wastewater effluent. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,200,000 gallons per day, which will remain the same. The plant site is approximately 0.65 mile northeast of the intersection of Malloy Bridge Road and U.S. Highway 175, and approximately 0.5 mile north of U.S. Highway 175, in Dallas County, Texas.

Approved, PR/PG

Item 6. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 41 for renewal of Permit No. 12475-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,000,000 gallons per day. The renewed permit will also decrease the flow to 860,000 gallons per day average. The wastewater treatment facilities are approximately 1500 feet northwest of the intersection of Voss Road and Old Richmond Road and approximately 5000 feet west-northwest of the intersection of State Highway 6 and Voss Road in Fort Bend County, Texas.

Approved, PR/PG

Item 7. APPLICATION BY GREENSPPOINT/NORTHLAND ASSOCIATES, LTD. for renewal of Permit No. 11572-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 60,000 gallons per day from the Northland Shopping Center Sewage Treatment Plant. The plant site is approximately 1000 feet south-southeast of the intersection of Interstate Highway 45/U.S. Highway 75 and Spring-Cypress Road (Farm-to-Market Road 2920), 700 feet east of Interstate Highway 45, adjacent to the Northland Shopping Center in Harris County, Texas.

Approved, PR/PG

Item 8. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 50 for renewal of Permit No. 11770-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 550,000 gallons per day. The Barrett Station Wastewater Treatment Facilities are located approximately 1.0 mile south of U.S. Highway 90 and 0.5 mile west of the end of Magnolia Street in Barrett Station in Harris County, Texas.

Approved, PR/PG

Item 9. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICTS NO'S. 61, 62, 63, 64, 65 AND WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO.'S 2 AND 5, DBA WILLIAMSBURG REGIONAL SEWAGE AUTHORITY for renewal of Permit No. 11598-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,000,000 gallons per day. The wastewater treatment facilities are at 22823 Franz Road in Harris County, Texas.

Approved, PR/PG

Item 10. APPLICATION BY CITY OF KYLE for renewal of Permit No. 11041-01 which authorizes a discharge of treated domestic wastewater

effluent at a volume not to exceed an average flow of 890,000 gallons per day. The wastewater treatment facilities are approximately 1/4 mile southeast of the intersection of Interstate Highway 35 and Farm-to-Market Road 150, just south of Farm-to-Market Road 150 in Hays County, Texas.

Approved, PR/PG

Item 11. APPLICATION BY LUFKIN INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 12276-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 9,000 gallons per day. The Redland Elementary School Wastewater Treatment Plant is located about 2½ miles north of the City of Lufkin and ¼ mile west of U.S. Highway 59 on Farm-to-Market Road 2021 in Angelina County, Texas.

Approved, PR/PG

Item 12. APPLICATION BY CITY OF POINT for renewal of Permit No. 10964-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 40,000 gallons per day. The wastewater treatment facilities are located approximately 1,500 feet west of the intersection of Farm-to-Market Road 514 and U.S. Highway 69 in Rains County, Texas.

Approved, PR/PG

Item 13. APPLICATION BY CITY OF ROBERT LEE for renewal of Permit No. 10603-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 213,000 gallons per day. The permit also authorizes the permittee to use treated effluent for irrigation on a golf course with application rates not to exceed 4.2 acre-feet/acre/year. The wastewater treatment facilities are located on the east bank of the Colorado River, approximately 2500 feet southwest of the Coke County Courthouse in Coke County, Texas.

Continued to March 4, 1992 at 9:00 a.m.

Item 14. APPLICATION BY TEMPLE-INLAND FOREST PRODUCTS CORPORATION for renewal of Permit No. 00493 which authorizes a discharge of treated process wastewater commingled with cooling water via Outfall 001 at a volume not to exceed an average flow of 65,000,000 gallons per day plus flow variable discharges of stormwater runoff and treated wastewater via Outfall 002 from a Kraft pulp and paper mill. The renewed permit has added a flow limitation of 2,400,000 gallons per day average for Outfall 002. The plant site is near the Town of Evadale, Jasper County, Texas.

Approved, PR/PG

Item 15. APPLICATION BY CITY OF YANTIS for renewal of Permit No. 12187-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 42,000 gallons per day. The wastewater treatment facilities are approximately one mile south of the intersection of Farm-to-Market Road 17 and State Highway 154 in Wood County, Texas.

Approved, PR/PG

Item 16. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING

THE APPLICATION OF MHI WATER SYSTEM, INC. TO INCREASE RETAIL WATER RATES IN JOHNSON COUNTY, TEXAS (DOCKET NO. 9238-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 612 CUSTOMERS. RECOMMENDATION: Adoption of agreement of parties. (BILL ZUKAUCKAS)

Adopt Examiner's Memorandum and Issue Agreed Order, PR/JH

Item 17. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF ST. CHRISTOPHER'S HAVEN SEWER SYSTEM FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER SERVICE IN CALHOUN COUNTY, TEXAS. (DOCKET NO. 9099-C). RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (BILL ZUKAUCKAS)

Adopt Examiner's Memorandum and Issue Agreed Order, PR/JH

Item 18. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF RATEPAYERS OF WEST LEONARD WATER SUPPLY CORPORATION APPEALING AN INCREASE IN RETAIL WATER RATES IN FANNIN COUNTY, TEXAS (DOCKET NO. 9205-W). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 296 CUSTOMERS. RECOMMENDATION: DISMISSAL OF PETITION. (WOOD)

Adopt Examiner's Memorandum and Issue Order, PR/JH

Item 19. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PROPOSED PERMIT CONCERNING THE APPLICATION OF CEDAR FIBER COMPANY FOR AN AMENDMENT TO PERMIT NO. 01412 TO AUTHORIZE THE DISPOSAL BY EVAPORATION OF 18,000 GPD OF PROCESS WASTEWATER, BOILER BLOWDOWN AND EQUIPMENT WASHDOWN IN KIMBLE COUNTY, TEXAS, AND SEGMENT NO. 1415 OF THE COLORADO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (PARKER).

Adopt Examiner's Memorandum and Issue Order, PR/JH

Item 20. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 20 FOR APPROVAL OF THE ISSUANCE OF \$1,620,000 IN UNLIMITED TAX AND REVENUE BONDS, 8.1879% NET EFFECTIVE INTEREST RATE, SERIES 1992, FOURTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$1,620,000 in tax and revenue bonds to finance surface water treatment plant construction.

Approved, PR/PG

Item 21. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 73 FOR APPROVAL OF THE ISSUANCE OF \$815,000 IN UNLIMITED TAX AND REVENUE BONDS, 8.1813% NET EFFECTIVE INTEREST RATE, SERIES 1992, FOURTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$815,000 in tax and revenue bonds to finance surface water treatment plant construction.

Approved, PR/PG

Item 22. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,290,000 BOND ISSUE APPROVED April 6, 1982. For Commission consideration and action. Applicant requests approval to use \$65,058 in surplus funds to partially fund the replacement of a ground storage water tank.

Approved, PR/PG

Item 23. APPLICATION BY FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$5,500,000 BOND ISSUE APPROVED August 8, 1983. For Commission consideration and action. The District requests approval for the use of \$419,725 in surplus funds plus any interest earned thereon to finance the construction and associated costs of the Missouri City Lift Station Modifications Project.

Approved, PR/PG

Item 24. APPLICATION BY RAYBURN COUNTY MUNICIPAL UTILITY DISTRICT OF JASPER COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$2,100,000 BOND ISSUE APPROVED December 12, 1988; For Commission consideration and action. Applicant requests approval of the release of \$36,960 in escrowed funds to purchase and install an auxiliary power generator.

Approved, PR/PG

Item 25. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS AND THE USE OF SURPLUS FUNDS; \$6,400,000 BOND ISSUE APPROVED December 14, 1990. For Commission consideration and action. Applicant seeks approval to withdraw \$106,915 from an escrow account and to use \$107,188 of surplus funds to finance the Middlebrook Storm Drainage project.

Approved, PR/PG

Item 26. APPLICATION OF BERRY LEE MALKEY AND LEROY MALKEY DBA LAKE PARK WATER SYSTEM for a Water Certificate of Convenience and Necessity in Washington County, TX (Application No. 9273-C, Shires)

Approved, JH/PG

Item 27. APPLICATION OF KENNEDY RIDGE WATER SUPPLY CORPORATION for Water and Sewer Certificates of Convenience and Necessity in Travis County, TX (Application No. 9344-C and 9345-C, Holck)

Approved, JH/PG

Item 28. APPLICATION BY JAMES BROCKRIEDE TO EXTEND THE TIME OF TEMPORARY WATER USE PERMIT NO. TA-6622. FOR COMMISSION ACTION. Applicant seeks an extension of the expiration date on Temporary Water Use Permit No. TP-6622 to August 12, 1992. TP-6622 authorizes the diversion and use of 40 acre-feet of water within a 6-month period expiring February 14, 1992, from Beaver Creek, Red River Basin, for irrigation purposes from Beaver Creek approximately 1-mile upstream of the FM 2326 crossing of the creek and 21 miles west of Wichita Falls, Wichita County, Texas. (JORDAN/jme)

Approved, PR/PG

Item 29. CONSIDERATION OF THE TECHNICAL ADVISORY GROUP REPORT ON THE SUFFICIENCY OF EXISTING RULES FOR SALT DOME DISPOSAL OF HAZARDOUS WASTE AND DETERMINATION OF WHETHER ADDITIONAL RULE-MAKING SHOULD BE PURSUED BY THE TWC UNDER SECTION 1.20 AND 1.23 OF SENATE BILL 1099. (WARNEKE)

Approve Staff Recommendation and bring this item before the commission within 30 Days. JH/PR



ADDENDUM TO UNCONTESTED AGENDA

Wednesday, February 12, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

- Item 30. CONSIDERATION OF EXAMINER'S CERTIFIED MOTION TO THE COMMISSION REGARDING THE APPROPRIATENESS OF PROCEEDING WITH DISCOVERY AND THE EVIDENTIARY HEARING CONCERNING THE APPLICATION OF HUNTER INDUSTRIAL FACILITIES, INC. FOR PERMITS NOS. HW-50320 and WDW-286 THROUGH 298 PENDING THE PROMULGATION OF ADDITIONAL RULES RELATED TO SALT DOME DISPOSAL OF HAZARDOUS WASTE. APPLICANT SEEKS AUTHORIZATION TO OPERATE 10 HAZARDOUS WASTE INJECTION WELLS, 3 BRINE INJECTION WELLS AND A HAZARDOUS AND NONHAZARDOUS WASTE STORAGE AND PROCESSING FACILITY IN LIBERTY CO., TEXAS. RECOMMENDATION: PROCEED WITH DISCOVERY. (SULLIVAN)

Draft Rules by March 15, finalize Rules by May 1, Proceed with Discovery March 15, Application is frozen until May 15, Hearing to began June 15, Proposal for Decision Due December 9, 1992. JH/PR

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, February 12, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 31. CONSIDERATION OF BUDGET AMENDMENT AND AWARD A CONTRACT FOR  
1992 WASTE PESTICIDE COLLECTIONS.

Approve Staff Recommendation PR/JR

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

UNCONTESTED OLD BUSINESS

Wednesday, February 12, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of January 22, 1992.

- Item 1. APPLICATION BY TEXAS EASTMAN COMPANY, DIVISION OF EASTMAN KODAK COMPANY for an amendment to Permit No. 00471 which currently authorizes a discharge of treated wastewater effluent via Outfalls 002 and 003 at a volume not to exceed an average flow of 9,920,000 gallons per day plus a flow variable discharge of stormwater runoff and process wastewaters via Outfall 001. The proposed amendment will increase the discharge of treated wastewater effluent via Outfalls 002, 003, 004 and 005 to a volume not to exceed an average flow of 15,900,000 gallons per day. Outfall 001 will continue to regulate the flow variable discharges. The plant site is five miles south of the City of Longview and south of Interstate Highway 20 and east of State Highway 149, Harrison County, Texas.

Approved, PR/PG

Item carried forward from agenda of January 29, 1992.

- Item 2. APPLICATION BY TEXAS DEPARTMENT OF CRIMINAL JUSTICE for renewal of Permit No. 10823-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,350,000 gallons per day. The wastewater treatment facilities are at the southwest terminus of Farm-to-Market Road 2054 at a point approximately 4.5 miles southwest of Tennessee Colony in Anderson County, Texas.

Continued to February 26, at 9:00 a.m.

Item carried forward from agenda of January 22, 1992 and January 29, 1992.

- Item 3. APPLICATION BY CITY OF EL CENIZO for a permit (Proposed Permit No. 13577-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day from the El Cenizo Wastewater Treatment Facilities. The plant site is approximately 3.5 miles west of the intersection of U.S. Highway 83 and Espejo Road on Espejo Road, approximately 1 mile west of Cadena Street in Webb County, Texas.

Approved, PG/PR

CONTESTED AGENDA

Wednesday, February 12, 1992

TEXAS WATER COMMISSION

10:00 a.m.  
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF OAKRIDGE WATER CO. DBA PINE SPRINGS UTILITIES TO INCREASE RETAIL WATER RATES IN POLK, SAN JACINTO, HARDIN, TYLER, WALLAR, TRINITY, LIBERTY COUNTIES, TEXAS (DOCKET NO. 8819-R, 9132-A). Applicant provides retail water service to approximately 5,825 customers. RECOMMENDATION: Approval of rate increase. (JACKSON)

Adopt Examiner's Proposal for Decision and Issue Order, And Adopt Public Interest Counsels recommendation for an audit, PR/PG

Item 2. 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 AGENDA

Wednesday, February 12, 1992

TEXAS WATER COMMISSION

10:00 a.m.  
Room 118

Item carried forward from agenda of January 8, 1992.

- Item 1. EXECUTIVE DIRECTOR'S REPORT AGAINST LABEL & PACKAGING CORPORATION OF AMERICAN AND CARROLL MERLICK ASSESSING ADMINISTRATIVE PENALTIES. (This item is before the commission by direction of Chairman Hall to give a report on negotiations of settlement on penalties.)

This item is to be rescheduled before the commission when a final agreed order has been settled.