

CONTESTED AGENDA

Wednesday, February 26, 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 ENFORCEMENT REPORT CONCERNING VIOLATIONS OF CHAPTER 13 OF THE TEXAS WATER CODE BY EDWARD R. RATHGEBER, JR., AND E. D. BOHLS - AUSTIN ENTERPRISES DBA RIVER TIMBER WATER SUPPLY OF TRAVIS COUNTY. River Timber, a public utility & holder of CCN No. 12293, has failed to comply with a November 28, 1991 Order (Docket No. 8061-C) which required the installation of an additional pressure tank, provision of continuous and adequate service, and submission of a rate change application to encourage conservation. (Montelongo)

Continued to 10:00 a.m. and to be considered with Item 1.

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

- Item 2. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TORQUE PETROLEUM PRODUCTS, INC. OF GALVESTON COUNTY. (ALVARADO, M.)

Remand to Office Hearings Examiner

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

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CONROE CREOSOTING COMPANY OF MONTGOMERY COUNTY, SWR 31799, FOR VIOLATIONS OF THE TEXAS SOLID WASTE DISPOSAL ACT AND THE TEXAS WATER CODE.

Remand to Office Hearings Examiner

HALL - Absent
REED
GARNER

UNCONTESTED AGENDA

Wednesday, February 26, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY FINA OIL AND CHEMICAL COMPANY for an amendment to Permit No. HW-50074-000 which would continue to authorize ongoing RCRA Facility Investigation activities at the Port Arthur site. The proposed amendment would also: (1) delete tank 660, which is exempt from the permitting under the wastewater treatment exemption pursuant to 31 TAC Section 335.1; (2) reflect the closure of the 5.5-acre below grade surface impoundment; and (3) update permit language and requirements as needed in accordance with currently applicable standards and regulations. The facility is located on a 355-acre tract of land on Texas FM 366 and 32nd Street, Port Arthur, Jefferson County, Texas.

Approved, PR/PG

Item 2. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW-50233) to authorize the operation of existing storage units within its Class I industrial solid waste storage and processing facility. Waste materials will be comprised of spent industrial solvents and degreasers. The facility is located at 3820 Bratton Road, approximately one mile east of Cabaniss Airfield and about 500 feet west of Weber Road in Corpus Christi, Nueces County, Texas.

Approved, PR/PG

Item 3. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW-50234-001) to authorize the operation of a Class I hazardous waste storage and processing facility. The facility units will consist of two tanks with a combined capacity of 10,375 gallons and one container storage area with a maximum capacity of 2,592 gallons. The facility is located about two miles east of McAllen, midway between McAllen and Pharr in Hidalgo County, Texas.

Approved, PR/PG

Item 4. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW-50252) to authorize the operation of existing storage units within its Class I industrial solid waste storage and processing facility. Waste materials will be comprised of spent industrial solvents and degreasers. The facility is located at 3811 Interstate 40 E, on the corner of Dulles Street and the Interstate 40 frontage road, Amarillo, Potter County, Texas.

Approved, PR/PG

Item 5. APPLICATION BY U.S. AIR FORCE - DYESS AIR FORCE BASE for a permit (Proposed Permit No. HW-50250) and Compliance Plan CP-

50250 to authorize the operation of an industrial solid waste storage and disposal facility. The proposed permit would authorize: (1) storage of hazardous wastes in a container storage area limited to 22,900 gallons; and (2) continued operation of an open burning/open detonation area as well as a second container storage area to be operated under applicable interim status requirements. The facility is located within the westernmost portion of the City of Abilene, approximately 1.3 miles west of the intersection of Highway 277 and Highway 83/84 (Winters Freeway) in Taylor County, Texas.

Approved, PR/PG

Item 6. APPLICATION BY CITY OF HUXLEY for a permit (Proposed Permit No. 03381) to authorize the discharge of settled filter backwash water at a volume not to exceed an average flow of 5,000 gallons per day. The permittee currently operates a drinking water treatment plant. The plant site is on an unnumbered county road, between FM 2694 and Toledo Bend Reservoir in the City of Huxley, Shelby County, Texas.

Approved, PG/PR

Item 7. APPLICATION BY MABRY FOUNDRY, INC., OF BEAUMONT for a permit (Proposed Permit No. 03438) to authorize the discharge of non-contact cooling water and stormwater at a volume variable with rainfall via Outfall 001. The applicant is authorized to dispose of approximately 2,000 gallons per day of treated domestic wastewater via land application on an approximate one acre on-site area. The plant site is located at 695 Industrial Road, north of the Community of Cheek, Jefferson County, Texas.

Approved, PR/PR

Item 8. APPLICATION BY CITY OF BRYAN for an amendment to Permit No. 10426-01 in order to request a variance to the buffer zone requirements. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,400,000 gallons per day, which will remain the same. The plant site is approximately 3800 feet northeast of the intersection of East 29th Street and Farm-to-Market Road 60 (University Drive) and approximately 3400 feet southwest of the intersection of State Highway 6 and Farm-to-Market Road 60 in Brazos County, Texas.

Approved, PG/PR

Item 9. APPLICATION BY CITY OF BRYAN for an amendment to Permit No. 10426-03 in order to authorize a variance to the buffer zone requirements. The proposed amendment would also decrease the volume of treated domestic wastewater effluent from 1,000,000 gallons per day average to 750,000 gallons per day average from the Turkey Creek Wastewater Treatment Plant. The plant site is approximately 3000 feet west of Farm-to-Market Road 2818 and approximately 4 miles southeast of State Highway 21 in Brazos County, Texas.

Approved, PG/PR

Item 10. APPLICATION BY LS FEEDERS, INC. for an amendment to Permit No. 01397 to authorize an increase in the maximum number of cattle in confinement from 10,000 head to 17,500 head. The permit authorizes the disposal of waste and wastewater from a cattle

feedlot. The cattle feedlot is located approximately 3 and 3/4 miles west of the intersection of Farm-to-Market Roads 145 and 168, immediately south of Farm-to-Market Road 145 and immediately east of a county road, approximately 3 and 1/2 miles west-southwest of the Town of Hart, in Castro County, Texas.

Approved, PG/PR

Item 11. APPLICATION BY CITY OF SNYDER for an amendment to Permit No. 10056-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 2,000,000 gallons per day to a volume not to exceed an average flow of 2,310,000 gallons per day. The current permit also authorizes the permittee to use treated effluent for irrigation on a golf course with application rates not to exceed 4.1 acre-feet/acre/year, which will remain in the amended permit. The wastewater treatment facilities are southeast of the City of Snyder, at a point approximately 5/8 mile south of Farm-to-Market Road 1605 and one (1) mile east of State Highway 350 in Scurry County, Texas.

Approved, PG/PR

Item 12. APPLICATION BY TEXZONA CATTLE FEEDERS for an amendment to Permit No. 01551 to increase the maximum number of head at their cattle feedlot from 30,000 to 35,000 and to incorporate improvements constructed after the permit was originally issued. The feedlot is located on the east side of Farm-to-Market Road 179, approximately one mile north of the intersection of Farm-to-Market Road 179 and Farm-to-Market Road 1914 in Hale County, Texas.

Approved, PG/PR

Item 13. APPLICATION BY CITY OF BURKBURNETT for a minor amendment to Permit No. 10002-01 to change the method of disinfection for the treated effluent from chlorination to ultraviolet radiation. The permit authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,200,000 gallons per day, which will remain the same. The plant site is on the east side of Kelly Street, just north of Third Street (State Highway 240) in the City of Burkburnett in Wichita County, Texas.

Approved, PG/PR

Item 14. CONSIDERATION OF a minor amendment to Permit No. 11599-01, issued to CHELFORD CITY MUNICIPAL UTILITY DISTRICT In order to revise the permitted 2-hour peak flow rate from 50,000 gallons per minute to 32,292 gallons per minute. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 15,500,000 gallons per day from the Brays Bayou Wastewater Treatment Plant, which will remain the same. The plant site is on the south side of Alief-Clodine Road, approximately 2,000 feet due west of the intersection of Alief-Clodine Road and State Highway 6 in Harris County, Texas.

Approved, PG/PR

Item 15. APPLICATION BY CITY OF ROCKPORT for a minor amendment to Permit No. 10054-01 to authorize plant modifications in order to meet new parameters in the discharge permit. The proposed

amendment would add an interim discharge of not to exceed 1,570,000 gallons per day. The permit authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,500,000 gallons per day, which will remain as the final phase. The permit also authorizes the permittee to use secondary effluent to irrigate the Rockport Country Club Golf Course at an application rate of not to exceed 2.2 acre- feet/acre/year. The plant site is on the west side of Farm-to-Market Road 2165, approximately 1200 feet south of the intersection of Farm-to-Market Road 2165 and Enterprise Boulevard in Aransas County, Texas.

Approved, PG/PR

Item 16. APPLICATION BY CITY OF BLANCO for renewal of Permit No. 10549-01 which authorizes a discharge of filter backwash effluent at a volume not to exceed an average flow of 50,000 gallons per day from a water treatment plant. The plant site is approximately 3000 feet southwest of the intersection of F.M. 1623 and U.S. Highway 281 on Fulcher Street in the City of Blanco, Blanco County, Texas.

Approved, PG/PR

Item 17. APPLICATION BY CITY OF COLDSRING for renewal of Permit No. 13291-01 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 located approximately 2600 feet west of the intersection of State Highway 150 and Farm-to-Market Road 222 and 1500 feet south of the intersection of State Highway 150 and Farm-to-Market Road 2973 in San Jacinto County, Texas.

Approved, PG/PR

Item 18. APPLICATION BY CITY OF CRANDALL for renewal of Permit No. 10834-01 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 approximately 2,000 feet southwest of the Farm-to-Market Road 148 crossing of Buffalo Creek, south of the City of Crandall in Kaufman County, Texas.

Approved, PG/PR

Item 19. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 105 for renewal of Permit No. 11792-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,250,000 gallons per day. The Settlers Village Wastewater Treatment Plant is approximately 5 miles west- southwest of the intersection of State Highway 6 and Farm-to-Market Road 529 (Spencer/Freeman Road), 2.3 miles southeast of the crossing of Bear Creek by Freeman Road (Farm-to-Market Road 529), and 1 mile south of the intersection of Freeman Road and Settlers Village Street in Harris County, Texas.

Approved, PG/PR

Item 20. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 122 for renewal of Permit No. 12250-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,100,000 gallons per day. The renewed permit will also decrease the flow to 250,000

gallons per day average. The wastewater treatment plant is located approximately 2,000 feet north and 4,000 feet west of the intersection of Haralson Road and U.S. Highway 90A in Harris County, Texas.

Approved, PG/PR

Item 21. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 92 for renewal of Permit No. 10908-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 700,000 gallons per day. The wastewater treatment facilities at the northeast end of Bell Chase Lane, approximately 2 miles east of Spring in Harris County, Texas.

Approved, PG/PR

Item 22. APPLICATION BY E. ELMO PILKENTON for renewal of Permit No. 12450-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the Advance Country Mobile Home Park Wastewater Treatment Facilities. The plant site is at 14003 West Hardy Road, approximately one mile south of Aldine-Bender Road in the City Houston in Harris County, Texas.

Approved, PG/PR

Item 23. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PROPOSED PERMIT CONCERNING THE APPLICATION OF OCCIDENTAL CHEMICAL CORPORATION FOR AN AMENDMENT TO PERMIT NO. 03083 TO AUTHORIZE THE DISCHARGE OF 1,600,000 GPD OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN SAN PATRICIO COUNTY, TEXAS, AND SEGMENT NO. 2481 OF THE BAYS AND ESTUARIES. RECOMMENDATION: ISSUANCE OF PERMIT. (PARKER)

Adopt Examiner's Proposal for Decision and Issue Agreed Order, PR/PG

Item 24. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF JACK SIEGRIST dba BENTWOOD BEND WATER SYSTEM FOR REPORT OF SALE AND CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN POLK COUNTY, TEXAS. (DOCKET NOS. 9258-S and 9259-C). RECOMMENDATION: Adoption of agreement of parties. (O'NEAL)

Adopt Examiner's Proposal for Decision and Issue Agreed Order, PR/PG

Item 25. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR REFERRAL TO THE ATTORNEY GENERAL'S OFFICE FOR VIOLATION OF AN ENFORCEMENT ORDER ISSUED MAY 1, 1989, AGAINST THE CITY OF POTEET FOR NON-PAYMENT OF STIPULATED PENALTIES; PERMIT NO. 10859-01. (Ligarde)

Remand to Executive Director for Referral to Attorney General, PG/PR

Item 26. APPLICATION BY CADDO BASIN SPECIAL UTILITY DISTRICT OF HUNT AND COLLIN COUNTIES; \$3,160,000 FIRST BOND ISSUE, 7.50% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant requests Commission approval for a bond issue to finance a water approach main, pump station, elevated storage tank, water distribution mains, a loan refund, a computer system and related issuance costs.

Approved, PR/PG

Item 27. APPLICATION BY ISAACSON MUNICIPAL UTILITY DISTRICT OF WHARTON COUNTY FOR APPROVAL OF A \$275,000 FIRST BOND ISSUE, 3.90% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests Commission approval for a bond issue to finance a water distribution system, and a wastewater collection system for an existing development.

Approved, PR/PG

Item 28. APPLICATION BY WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10 FOR APPROVAL OF A \$1,800,000 THIRD TAX BOND ISSUE, 9.2177% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District requests approval of a bond issue to finance the District's share of utility infrastructure to serve 341 equivalent single family connections, water and wastewater treatment plant site improvements and regional drainage contributions.

Approved, PR/PG

Item 29. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109 FOR APPROVAL OF AN EXTENSION OF BOND APPROVAL; \$7,200,000 BOND ISSUE APPROVED August 14, 1990. For Commission consideration and action. The District requests approval for an extension of time to sell the remaining \$2,550,000 in approved but unissued bonds out of the previously approved \$7,200,000 bond issue, approved by Commission order dated August 14, 1990.

Approved, PR/PG

Item 30. APPLICATION BY CORNERSTONES MUNICIPAL UTILITY DISTRICT OF HARRIS AND FORT BEND COUNTIES FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$5,520,000 BOND ISSUE APPROVED October 28, 1983. For Commission consideration and action. Applicant requests approval of the transfer of \$100,000 in surplus construction funds to debt service.

Approved, PR/PG

Item 31. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$7,245,000 BOND ISSUE APPROVED February 20, 1985; For Commission consideration and action. Applicant requests approval to use \$71,390 in surplus funds to fund pro rata share of wastewater trunk line repairs.

Approved, PR/PG

Item 32. APPLICATION BY CHELFORD ONE MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY; APPLICATION FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$2,105,000 BOND ISSUE APPROVED September 28, 1978. For Commission consideration and action. Applicant requests approval to use \$59,122 in surplus funds to fund its share of costs to repair the Joint-use Alief Road wastewater trunk line, and to replace the hatch & recoat the interior of the District's 500,000 gallon ground storage water tank.

Approved, PR/PG

Item 33. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$1,665,000 BOND ISSUE APPROVED December 21, 1990. For

Commission consideration and action. Applicant requests approval of the release of \$1,381,050 of escrowed funds for expansion of the District's Wastewater Treatment Plant to 1.6 mgd.

Approved, PR/PG

Item 34. APPLICATION OF RAYMON E. WINDHAM DBA DEER RUN WATER SYSTEM to Transfer Water CCN No. 12131 from Jerry A. Meyer dba Deer Run Water System; Amend Water CCN No. 12131; in Brown County, TX (Application No. 9233-S, Erwin)

Approved, PG/PR

Item 35. APPLICATION OF CITY OF BAYTOWN to Transfer a Portion of Water CCN No. 11681 from Donald K. Whitaker dba Whitaker Construction Company; Amend Water CCN No. 10860; in Chambers County, Texas and amend water CCN No. 11681 in Liberty County, TX (Application No. 9143-S, Erwin)

Approved, PG/PR

Item 36. APPLICATION OF EAST CEDAR CREEK FRESH WATER SUPPLY DISTRICT (ECCFWSO) to Transfer Water CCN No. 10433 and Sewer CCN No. 20582 from Alexa Enterprises, Inc. dba Engel Utility (Engel); Amend Water CCN No. 11682; Cancel Water CCN No. 10433 in Henderson County, TX (Application No. 9047-S, Horst)

Approved, PG/PR

Item 37. APPLICATION OF LAGUNA TRES, INC. to Transfer Water CCN No. 11976 from 5-T Enterprises, Inc.; Amend Water CCN No. 11609; and Cancel Water CCN No. 11976 in Hood County, TX (Application No. 9320-S, Carlson)

Approved, PG/PR

Item 38. APPLICATION NO. 23-2721A BY THE CITY OF LAREDO TO AMEND CERTIFICATE NO. 23-2721. For Commission Action. Applicant seeks to amend Certificate No. 23-2721 to change the purpose of use of 96 acre-feet of Class "A" irrigation rights to 48 acre-feet of municipal water rights and to change the diversion rate, place of use and diversion point to the city's service area and diversion facilities, approximately 1 3/4 miles northwest of the Webb County Courthouse, Laredo, Texas. (JORDAN/rma).

Approved, PG/PR

Item 39. APPLICATION NO. 14-2516A BY J. PHILLIP KEETER TO AMEND CERTIFICATE NO. 14-2516. For Commission Action. Applicant seeks to combine the irrigation water rights on the Colorado River in San Saba County included in Certificate Nos. 14-2516 and 14-2517 under Certificate No. 14-2516 and to amend Certificate No. 14-2516, as combined, to move the place of use and point of diversion approximately 1.7 miles upstream from the currently authorized land and diversion point. (JORDAN/tls).

Approved, PG/PR

Item 40. APPLICATION NO. 5393 BY JAMES BROCKRIEDE FOR A WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION NO. 11.121. FOR COMMISSION ACTION. Applicant seeks to divert and use 300

acre-feet of water per annum from a proposed 10 acre-foot reservoir from Beaver Creek, Red River Basin, to irrigate 300 acres of land in both Wichita and Wilbarger Counties, approximately 25 miles west of Wichita Falls, Texas, approximately 26 miles southeast of Vernon, Texas. (JORDAN/jme)

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

Item 41. APPLICATION NO. 4212A BY CAPITOL AGGREGATES, INC. TO AMEND PERMIT NO. 3913 PURSUANT TO TEXAS WATER CODE SECTION 11.122. FOR COMMISSION ACTION. Applicant seeks to amend Permit No. 3913 by deleting or extending the term contained Special Condition 4.(a). The permit authorizes the diversion and use of 70 acre-feet of water per annum from the perimeter of an existing 70 acre-foot reservoir for mining purposes, approximately 3.5 miles northwest of Georgetown, Williamson County, Texas. (JORDAN/jme).

Continued to April 29, 1992 at 9:00 a.m.

Item 42. QUARTERLY UPDATE OF ACTIONS OF SCENIC OAKS WATER SUPPLY CORPORATION AS REQUESTED BY COMMISSION ON OCTOBER 31, 1991. (Wiley)

Briefed the Commission on Scenic Oaks Water Supply Corporation.

Item 43. Petroleum Storage Tank Remediation (PSTR) Fund Contract (Contract Nos. 0700010000, 0700020000, 0700040000 and 0700060000) Amendments for Additional Funding for Enreco Engineering Group, Inc., Ecology & Environment, Inc., Malcolm Pirnie, Inc. and ERM-Southwest, Inc. (Calkins/Wentworth/Rashin/Cokinos/Jameson)

Approve Staff Recommendation, PR/PG

Item 44. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SUPERFUND STATE CONTRACT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR THE DEVELOPMENT OF A TEMPORARY RELOCATION PLAN AND THE TEMPORARY RELOCATION OF RESIDENTS OF THE TANGLEWOOD EAST SUBDIVISION DURING THE PHASE A CLEANUP AT THE UNITED CREOSOTING SUPERFUND SITE.

Approve Staff Recommendation, PG/PR

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, February 26, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 45. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A SUPERFUND STATE CONTRACT WITH THE ENVIRONMENTAL PROTECTION AGENCY FOR THE PURCHASE OF RESIDENCES IN THE CARVER TERRACE SUBDIVISION AT THE KOPPERS/TEXARKANA FEDERAL SUPERFUND SITE.

Approve Staff Recommendation, PR/PR

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, February 26, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 46. AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO ENTER INTO AN AMENDED INTERAGENCY CONTRACT WHICH REQUIRES THE TDH TO PROVIDE THE TWC WITH ADDITIONAL ANALYTICAL SERVICES FOR THOSE PROGRAMS TRANSFERRED TO THE TWC PER SENATE BILL 2. (MEHTA)

Approved, PG/PR

Item 47. AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO ENTER INTO AN INTERAGENCY CONTRACT WITH THE TDH WHICH REQUIRES THE TDH TO PERFORM VARIOUS INTERIM FUNCTIONS FOR THE TWC WHICH RELATE TO THOSE PROGRAMS TRANSFERRED TO THE TWC PER SENATE BILL 2. (MEHTA)

Approved, PG/PR

(Due to unforeseeable circumstances these items need to be set on this agenda.)

UNCONTESTED OLD BUSINESS

Wednesday, February 26, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from agenda of January 29, 1992 and February 12, 1992.

- Item 1. 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.

Approved, PG/PR

Item carried forward from agenda of February 19, 1992.

- Item 2. CONSIDERATION OF THE CONSOLIDATION BUDGET AMENDMENT FOR THE TEXAS WATER COMMISSION AND THE TEXAS DEPARTMENT OF HEALTH, AND OTHER BUDGET AMENDMENTS FOR THE FY 1992 OPERATING BUDGET.

Approved, PG/PR

CONTESTED AGENDA

Wednesday, February 26, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF STANLEY W. WRIGHT, AS TRUSTEE FOR THE ESTATE OF EDWARD RICHARD RATHGEBER, AKA DICK RATHGEBER AND SARA ROSS RATHGEBER; DOCKET NO. 9208-E, FOR VIOLATIONS OF CHAPTER 13 OF THE TEXAS WATER CODE. Certificate of Convenience and Necessity No. 12293 was issued under the name of Edward R. Rathgeber, Jr. and E.D. Bohls-Austin Enterprises dba River Timber Water Supply who operated a water utility in Travis County with inadequate facilities and has experienced numerous service interruptions. (Montelongo)

Remand to Office Hearings Examiner, PR/PG

Item 2. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TEXAS ENVIRONMENTAL SERVICES, INC., SWR NO. 70080. Texas Environmental Systems, Inc., and analytical laboratory in Nederland, Jefferson County, Texas has allegedly violated the Texas Solid Waste Disposal Act, the Texas Water Code, and rules of the Texas Water Commission. (Montelongo)

Remand to Executive Director, JH/PR

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR REFERRAL OF L&M BATTERY AND SALVAGE OF TARRANT COUNTY TO THE OFFICE OF THE ATTORNEY GENERAL FOR VIOLATIONS OF AN ORDER ISSUED ON DECEMBER 21, 1988, SWR NO. 38460. (Hahn)

Remand to Executive Director, PR/PG

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF JIMMIE STACY (TWC FACILITY I.D. NO. 27887). (Hahn)

Remand to Office Hearings Examiner, PR/PG

Item 5. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF COMMUNITY INDEPENDENT SCHOOL DISTRICT FOR PERMIT NO. 13554-01 TO AUTHORIZE THE DISCHARGE OF 23,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN COLLIN COUNTY, TEXAS, AND SEGMENT NO. 0507 OF THE SABINE RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (PARKER)

Continued to March 11, at 10:00 a.m.

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR TO ADOPT AMENDMENTS TO SECTION 335.202, CONCERNING INDUSTRIAL SOLID WASTE AND MUNICIPAL HAZARDOUS WASTE. SUBCHAPTER G, LOCATION STANDARDS FOR HAZARDOUS WASTE STORAGE, PROCESSING, OR DISPOSAL. (HAHN, SALLY JO)

Adopt Rules as Proposed, PR/PG

Item 7. CONSIDERATION OF THE PUBLICATION OF RULES PERTAINING TO REVIEW OF MUNICIPAL WATER POLLUTION ABATEMENT PLANS PURSUANT TO TEXAS WATER CODE SECTION 26.177(c). (Smith, S.)

Development of Rules dealyed until clean water council has completed all studies and deliberations, JH/PR

Item 8. 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
EXECUTIVE SESSION

Wednesday, February 26, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 123

Item 9. LITIGATIONS AND RELATED AGENCY ACTIONS OF THE COMMISSION
CONCERNING EDWARDS AQUIFER.

Discussed strategy in Edwards Aquifer Litigation

CONTESTED OLD BUSINESS

Wednesday, February 26, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item carried forward from Agenda of June 24, 1991 and November 20, 1991, December 4, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TWC ORDER ASSESSING ADMINISTRATIVE PENALTIES OF LOWRY TANK & TERMINAL COMPANY, LOWENCO, INC., TINSE CHEMICAL COMPANY, INC. AND REQUIRING CERTAIN ACTIONS OF LOWRY TANK & TERMINAL COMPANY, LOWENCO, INC., AND TINSE CHEMICAL COMPANY, INC. AND EXXON CHEMICAL COMPANY. (ROBIN SMITH)

Remand to Office Hearings Examiner, PR/PG

Item carried forward from agenda of January 8, 1992.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUESTING CERTAIN ACTIONS OF THE CITY OF ELKHART FOR WASTEWATER DISCHARGE VIOLATIONS IN ANDERSON COUNTY; PERMIT NO. 10735-001. (LIGARDE)

Issue Agreed Order, PR/PG

Item carried forward from agenda of January 29, 1992.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ACIENDA TRUCK WASH FOR WASTEWATER DISCHARGE VIOLATIONS IN EL PASO COUNTY. (J. SMITH)

Remand to Office Hearings Examiner, PG/PR

Item carried forward from agenda of January 29, 1992.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DON DAVIS FOR VIOLATIONS OF THE COMMISSION'S UNDERGROUND STORAGE TANK REGULATIONS IN CAMERON COUNTY, (NOT REGISTERED). (Warneke)

Remand to Office Hearings Examiners and simultaneously remand to Attorney General with Texas Water Commission named as a party in bankruptcy case, PR/PG

Item carried forward from Agenda of February 19, 1992.

- Item 5. CONSIDERATION OF THE ADOPTION OF AMENDMENTS, REPEALS AND NEW SECTIONS TO 31 TEXAS ADMINISTRATIVE CODE, CHAPTER 335, SUBCHAPTER J, CONCERNING INDUSTRIAL SOLID WASTE AND HAZARDOUS WASTE FEE SYSTEM, WHICH WILL IMPLEMENT PROVISIONS OF H.B. 1986 AND RESTRUCTURE THE EXISTING HAZARDOUS WASTE FEE PROGRAM.
(Minick)

Approve Staff Recommendation and adopt rules with exception to Brine, which will be acted on at a later date, JH/PR