

UNCONTESTED AGENDA

Wednesday, March 11, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. Consideration of an application by HOECHST CELANESE CORPORATION for a Class 2 Modification to hazardous waste Permit No. HW50199 in accordance with 31 TAC Section 305.69. Celanese operates a hazardous waste facility that stores and processes hazardous waste generated by laboratories and pilot plants from research and development operations. The facility is located at 1901 Clarkwood Road in the City of Corpus Christi, Nueces County, Texas.

Approve as recommended by staff, PR/JH

Item 2. Consideration of an application by E.I. DUPONT DE NEMOURS & CO., INC. for a Class 2 Modification to hazardous waste Permit No. HW50213 in accordance with 31 TAC Section 305.69. Dupont operates a hazardous waste facility that stores and processes hazardous waste produced during the manufacture of chemicals. The facility is located 10,000 feet east of the intersection of Miller Cut-off Road and State Highway 225 in Harris County, Texas.

Approve, PR/JH

Item 3. APPLICATION BY ENTECH RECOVERY, INC. for a hazardous solid waste storage and processing facility permit (Proposed Permit No. HW-50277) to authorize operation of one container storage area and eight storage and processing tanks. The storage area and tanks will be used for storage of hazardous wastes prior to recycling. The facility is located on a 2.5 acre tract of land at 1000 N. First Street, Garland, Dallas County, Texas.

Continued to March 25, 1992 at 10:00

Item 4. APPLICATION BY TEXAS INSTRUMENTS for a permit (Proposed Permit No. HW50309) to operate a Class I hazardous and non-hazardous industrial solid waste storage and processing facility. The facility is to be located on a 10.7-acre tract of company-owned land at 6410 Highway 75 South, on the south edge of the City of Sherman, Grayson County, Texas.

Continued to March 18, 1992 at 9:00 a.m.

Item 5. APPLICATION BY BRUCE HARDWOOD FLOORS, A DIVISION OF TRIANGLE PACIFIC CORP. for a permit (Proposed Permit No. 03434) to authorize an intermittent, flow variable discharge of log storage water. The applicant operates a hardwood processing plant which produces laminated flooring. The plant site is at 1100 Cottonford Road in the City of Center, Shelby County, Texas.

Approved, JH/PR

Item 6. APPLICATION BY TERRY KENNEDY dba Terry Kennedy Dairy for a permit (Proposed Permit No. 03427) to authorize disposal of waste and wastewater from a dairy which consists of a maximum

of 350 head. The dairy is on the west side of County Road 2907, approximately 2.5 miles south of the intersection of State Highway 294 and County Road 2907 in Cherokee County, Texas.

Approved, JH/PR

Item 7. APPLICATION BY ROLLINS TRUCK LEASING CORPORATION for a permit (Proposed Permit No. 03437) to authorize the disposal of wastewater from a truck maintenance facility by evaporation. The facility washes the exterior of trucks as part of routine maintenance. The disposal volume is estimated to be 18,000 gallons per week. The plant site is at 8296 Doniphan, State Highway 20, approximately one mile south of the City of Anthony, El Paso County, Texas.

Approved, JH/PR

Item 8. APPLICATION BY DENNIS SCHOUTEN dba D & L Dairy for a permit (Proposed Permit No. 03338) to authorize disposal of wastes and wastewater from a dairy. The dairy operation will consist of a maximum of 250 head in confinement. The dairy is located on the south side of an unnamed county road located west of State Highway 108, approximately one half mile south of the intersection of State Highway 108 and Farm-to-Market Road 219 in Erath County, Texas.

Approved, JH/PR

Item 9. APPLICATION BY HURSELL WHITEFIELD for a permit (Proposed Permit No. 03280) to authorize disposal of waste and wastewater from a dairy which will consist of a maximum of 500 head. The dairy is located on the north side of an unnamed county road, located north of Farm-To-Market-Road 108 and approximately one mile east of the intersection of Farm-to-Market Road 108 and Farm-to-Market Road 219 in Erath County, Texas.

Approved, JH/PR

Item 10. APPLICATION BY CITY OF BRYAN for an amendment to Permit No. 10426-02 in order to authorize a variance to the buffer zone. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,000,000 gallons per day from the Still Creek Wastewater Treatment Facilities, which will remain the same. The plant site is northwest of State Highway 21 and approximately 2300 feet west-southwest of the intersection of State Highway 21 and Farm-to-Market Road 2818 in Brazos County, Texas.

Approved, JH/PR

Item 11. APPLICATION BY CITY OF SANTA ANNA for an amendment to Permit No. 10274-01 to authorize a decrease in the volume of treated domestic wastewater effluent to be disposed of by irrigation and to authorize additional land for irrigation. The disposal volume is to decrease from a volume not to exceed 150,000 gallons per day average to a volume not to exceed 141,000 gallons per day average. The wastewater treatment facility and irrigation site are approximately 1.6 miles south of the City of Santa Anna and approximately 4000 feet west of U.S Highway 283, on the west bank of Horse Creek in Coleman County, Texas.

Continued to March 25, 1992 at 9:00 a.m.

Item 12. APPLICATION BY CITY OF WAXAHACHIE for an amendment to Permit No. 10379-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 4,400,000 gallons per day to a volume not to exceed an average flow of 4,950,000 gallons per day. The plant site is south of MKT Railroad and west of Waxahachie Creek in the southern portion of the City of Waxahachie in Ellis County, Texas.

Approved, JH/PR

Item 13. APPLICATION BY ZAVALA FEEDERS, INC. for an amendment to Permit No. 01791 to authorize an increase in the number of cattle at the feedlot from 3,200 head to a maximum of 7,500 head. The feedlot is on the north side of Farm-to-Market Road 393, approximately two miles west of the intersection of Farm-to-Market 393 and Farm-to-Market Road 1668 in Zavala County, Texas.

Approved, JH/PR

Item 14. APPLICATION BY KELLY LANE UTILITY COMPANY for renewal of Permit No. 13219-01 which authorizes a discharge of treated domestic wastewater effluent in phases at a volume not to exceed an average flow of 2,000,000 gallons per day. The first phase authorizes the disposal of effluent by irrigation with a application rate not to exceed 0.86 acre-foot/acre/year. The wastewater treatment facilities are located approximately 2,500 feet east of Farm-to-Market Road 685, and approximately 1,600 feet north of Kelly Lane in Travis County, Texas.

Continued to March 18, 1992 at 9:00 a.m.

Item 15. APPLICATION BY PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION for renewal of Permit No. 12305-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day. The wastewater treatment facilities are approximately 0.4 mile southwest of the intersection of Farm-to-Market Road 137 and Farm-to-Market 1509 in Lamar County, Texas.

Approved, JH/PR

Item 16. APPLICATION BY CITY OF SHENANDOAH for renewal of Permit No. 12212-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000,000 gallons per day. The wastewater treatment facilities are approximately 800 feet east of Interstate Highway 45 and 4000 feet north of Tamina Road in the City of Shenandoah in Montgomery County, Texas.

Approved, JH/PR

Item 17. APPLICATION BY CITY OF SOUTHSIDE PLACE for renewal of Permit No. 10712-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 180,000 gallons per day. The wastewater treatment facilities are at 3701 Bellaire Boulevard, approximately 1.5 miles east of the intersection of Interstate Highway 610 and Bellaire Boulevard in Harris County, Texas.

Approved, JH/PR

Item 18. APPLICATION BY TRINITY INDUSTRIES, INC. for renewal of Permit No. 12314-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 7,500 gallons per day. The wastewater treatment facilities are in the southwest corner of a company-owned tract in the eastern part of the Jacintoport Industrial District and approximately 7500 feet east of the intersection of Sheldon Road and Jacintoport Boulevard; east of the City of Houston in Harris County, Texas.

Approved, JH/PR

Item 19. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF BUTTERFIELD WATER SYSTEMS, INC. TO INCREASE RETAIL WATER RATES IN EL PASO COUNTY, TEXAS (DOCKET NO. 9305-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 36 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (O'NEAL).

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

Item 20. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF PERRY FEEDERS, INC. FOR AN AMENDMENT TO PERMIT NO. 02715 TO AUTHORIZE THE DISPOSAL BY IRRIGATION AND LAND APPLICATION OF LIQUIDS AND SOLIDS FROM A CONFINED CATTLE FEEDING OPERATION OF 6,000 HEAD IN ATASCOSA COUNTY, TEXAS, AND SEGMENT NO. 2107 OF THE NUECES RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (BILL ZUKAUCKAS)

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

Item 21. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LAKE WHITNEY WATER CO., INC. TO INCREASE RETAIL WATER RATES IN HILL AND BOSQUE COUNTIES, TEXAS (DOCKET NO. 9256-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 3,017 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (LIMES)

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

Item 22. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF GLENWOOD HOME CORPORATION TO INCREASE RETAIL WATER AND SEWER RATES IN MONTGOMERY COUNTY, TEXAS (DOCKET NO. 9188-G). APPLICANT PROVIDES RETAIL WATER AND SEWER SERVICE TO APPROXIMATELY 15 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (O'NEAL)

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

Item 23. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF E & L LUMBER COMPANY, PERMIT NO. 03285. (Smith, S.)

Issue Agreed Order, JH/PR

Item 24. CONSIDERATION OF A MOTION TO DISMISS WITHOUT PREJUDICE THE APPLICATION OF GENERAL AMERICAN TRANSPORTATION CORPORATION FOR HAZARDOUS WASTE PERMIT NO. 50278-000. (Celestino)

Dismiss Application w/o Prejudice, JH/PR

Item 25. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 356 FOR APPROVAL OF FIRE PROTECTION PLAN. For Commission consideration and action. The District requests approval of a proposed fire protection plan and service contract with the Kingwood Volunteer Fire Department.

Approved, JH/PR

Item 26. APPLICATION OF B F UTILITIES, INC. for a Water Certificate of Convenience and Necessity in Cooke County, Tx (Application No. 9307-C, Holck)

Approved, PR/JH

Item 27. APPLICATION OF RICE WATER SUPPLY AND SEWER SERVICE CORPORATION to amend Water Certificate of Convenience and Necessity No. 10808 in Navarro and Ellis Counties, TX (Application No. 9317-C, Holck)

Approved, PR/JH

Item 28. APPLICATION OF ANGELINA WATER SUPPLY CORPORATION to amend Water Certificate of Convenience and Necessity No. 10359 and to decertificate a portion of Four-Way Water Supply Corporation's CCN No. 11032, and the cancelling of Fuller Springs Water Supply District's CCN No. 10357, all located in Angelina County, TX (Application No. 9231-C, Arroyo)

Approved, PR/JH

Item 29. APPLICATION OF SOUTHEAST WATER SUPPLY CORPORATION to amend Water Certificate of Convenience and Necessity No. 12180 in Leon County, TX (Application No. 9302-C, Holck)

Approved, PR/JH

Item 30. APPLICATION BY LAKE PROCTOR IRRIGATION AUTHORITY. For Commission consideration and action. Applicant requests appointment of two directors.

Approve, staff recommendation, JH/PR

Item 31. APPLICATION NO. 5392 BY PAUL A. PIEFER AND WIFE, JEAN PIEFER FOR A WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION NO. 11.121. For Commission action. Applicant seeks to divert and use 560 acre-feet of water per annum from Town Branch, Sulphur River Basin, to irrigate 207 acres of land, approximately 0.5 miles northeast of Mount Vernon, Franklin, Texas. (JORDAN:rma)

Continued to April 1, 1992 at 9:00 a.m.

Item 32. Petroleum Storage Tank Remediation (PSTR) Fund Contract (Contract No. 0700030000) Amendment for Additional Funding For Groundwater Technology, Inc. (Wentworth/Cokinos)

Approve Staff Recommendation, PR/JH

Item 33. CONSIDERATION OF THE BUDGET AMENDMENT FOR 1992 OPERATING BUDGET.

Approve Staff Recommendation, JH/PR

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, March 11, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 34. APPLICATION BY NORTH TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 FOR APPOINTMENT OF DIRECTORS. For Commission consideration and action. Applicant requests appointment of Jack H. Brundrett, Paul Leonard Duke, Jack G. Fritts, Alexandra Hellmund and Randal L. Roberts as temporary directors. (Lutringer)

Approve Staff Recommendation, PR/JH

UNCONTESTED OLD BUSINESS

Wednesday, March 11, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of November 13, 1991 and January 8, 1992.

- Item 1. 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)

Approved, JH/PR

Item carried forward from Agenda of February 5, 1992.

- Item 2. 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.

Approved, JH/PR

Item carried forward from Agenda of February 5, 1992.

- Item 3. 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)

Approved, JH/PR

CONTESTED AGENDA

Wednesday, March 11, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT FOR APPROVAL OF IMPACT FEES TO PROVIDE WATER SERVICE IN TRAVIS COUNTY, TEXAS. RECOMMENDATION: ISSUANCE. (JACKSON)

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

Item 2. CONSIDERATION OF EXAMINERS PROPOSAL FOR DECISION CONCERNING THE PETITION OF OUT-OF-DISTRICT RATEPAYERS OF TARRANT COUNTY FRESH WATER SUPPLY DIST. No. 1 APPEALING AN INCREASE IN RETAIL WATER RATES IN TARRANT COUNTY, TEXAS. (DOCKET NO. 9024-W). RECOMMENDATION: GRANT THE PETITION. (WOOD)

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

Item 3. CONSIDERATION OF THE COMMISSION AUTHORIZING THE EXECUTIVE DIRECTOR TO ISSUE AN ORDER NUNC PRO TUNC TO CORRECT AN ORDER ISSUED TO SONIC DRIVE-IN. (NO PERMIT) (SMITH, SHARON)

Issue Nunc Pro-Tunc Order, JH/PR

Item 4. CONSIDERATION OF THE PETITION OF SHACKELFORD WATER SUPPLY CORPORATION FOR THE REVIEW OF THE WHOLESALE WATER RATES OF THE CITY OF ALBANY IN SHACKELFORD COUNTY, DOCKET NO. 9315-M. (Smith, D.)

Dismiss Application, PR/JH

Item 5. CONSIDERATION OF THE PETITION OF THE CITY OF CARBON FOR THE REVIEW OF THE WHOLESALE RATES OF THE CITY OF EASTLAND IN EASTLAND COUNTY, DOCKET NO. 9341-M. (Smith, D.)

Remand to Office Hearings Examiner's PR/JH

Item 6. CONSIDERATION OF THE PETITION OF CHARLES H. MORRISON, GARY MORRISON AND PATRICIA MORRISON FLEMING FOR THE ADOPTION OF A RULE ELIMINATING SUBSECTION (c) FROM 31 TEXAS ADMINISTRATIVE CODE SECTION 311.43, WHICH EXEMPTS THE CITY OF AUSTIN'S WALNUT CREEK WASTEWATER TREATMENT FACILITY FROM THE EFFLUENT REQUIREMENTS OF 31 TEXAS ADMINISTRATIVE CODE SECTION 311.43(a). (Smith, J.)

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

Item 7. 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.

Marked agenda to be done by General Counsel

Item 8. LITIGATIONS AND RELATED AGENCY ACTIONS OF THE COMMISSION
CONCERNING EDWARDS AQUIFER.

No Action Taken

CONTESTED OLD BUSINESS

Wednesday, March 11, 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 ON THE APPLICATION OF JACK MAULDIN, JR. FOR AN APPLICATION OF CESSATION FOR WATER UTILITY SERVICE IN LIMESTON COUNTY, TEXAS. (Docket No. 9159-Q). (This item is before the commission by direction of Chairman Hall. Staff was directed to work with applicant and customers of system, and within 60 days Executive Director bring a report on status of system before the commission. No Action is Required.)

No Action is Required

Item carried forward from Agenda of February 26, 1992.

- Item 2. 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 April 1, 1992 at 10:00 a.m.