

HALL
REED
GARNER

UNCONTESTED AGENDA

Wednesday, April 15, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY INTERCONTINENTAL ENERGY CORPORATION, DBA IEC CORPORATION an amendment to Permit No. WDW-156 which authorizes disposal of wastes generated by the Lamprecht and Zamzow Mining Project and an amendment to Permit No. WDW-159 which authorizes disposal of wastes generated at the Zamzow and Pawnee Mining Projects. The amendment to Permit No. WDW-156 would increase the permitted injection rate from a maximum of 250 gallons per minute (gpm) to 450 gpm and the permitted volume from a maximum of 10,950,000 gallons per month to 19,710,000 gallons per month. The amendment to Permit No. WDW-159 would increase the permitted injection rate from a maximum of 250 gpm to 400 gpm and the permitted volume from a maximum of 10,950,000 gallons per month to 17,520,000 gallons per month. The purpose of the proposed amendments is to accelerate restoration of the mined aquifer to pre-mining levels. WDW-156 is located approximately 2,500 feet from the north line and approximately 2,600 feet from the east line of Section 150, R. Tripplett Survey, A-458, Live Oak County, Texas. WDW-159 is located approximately 200 feet from the east line and approximately 5,250 feet from the north line of the Louis Romero Survey, A-395, Live Oak County, Texas.

APPROVED, JH/PG

Item 2. APPLICATION BY WESTERN WASTE INDUSTRIES OF TEXAS, INC. for a non-hazardous industrial solid waste permit (Proposed Permit No. SW39001) to authorize placement, start up and operation of an industrial solid waste landfill and support units. The wastes to be managed include Class I, II and III non-hazardous industrial solid wastes in the form of liquids, sludges or solids. The facility is located on a 237-acre tract of land at 1750 Loop 336 East, immediately south of the Montgomery County Airport. The facility is accessed by private driveway and is further described as being on the north side of Loop 336, approximately 3.9 miles east of IH 45 in Montgomery County, Texas.

APPROVED, JH/PG

Item 3. APPLICATION BY SOUTHERN CLAY PRODUCTS, INC. for a permit (Proposed Permit No. 03405) to authorize intermittent, flow variable discharges of stormwater and groundwater from a bentonite clay mine. The plant site is approximately 2-1/4 miles east of Elm Grove and 3/4 mile south of the road from Elm Grove to Colony, Fayette County, Texas.

APPROVED, PR/PG

Item 4. APPLICATION BY ULTRA-FISH, INC. for a permit (Proposed Permit No. 03453) to authorize an intermittent, flow variable

discharge of aquaculture wastewater, fish processing wastewater, domestic wastewater and sludge lagoon decant from an aquaculture and fish processing operation. The plant site is adjacent to Longstreet Road and Gulf States Utilities Company's Lewis Creek Steam Electric Station and approximately 2.6 miles west-northwest of the City of Willis, Montgomery County, Texas.

APPROVED, PR/PG

Item 5. APPLICATION BY VISTA EQUIPMENT LEASING CORPORATION for a permit (Proposed Permit No. 03317) to authorize a discharge of treated wastewaters at a volume not to exceed an average flow of 2,100 gallons per day. The applicant proposes to operate a waste treatment facility which processes liquid wastes removed from tanker trucks. The plant site is to be at 2727 Vista Road in the City of Deer Park, Harris County, Texas.

APPROVED, PR/PG

Item 6. APPLICATION BY GULF COAST WASTE DISPOSAL AUTHORITY for an amendment to Permit No. 01054 in order to incorporate the revisions of the Texas Surface Water Quality Standards, adopted July 1991, for the effluent limitations of mercury, copper and silver. The permit authorizes a discharge of treated industrial wastewater, contaminated groundwater, utility wastewater and domestic wastewater effluent at a volume not to exceed an average flow of 15,800,000 gallons per day. The plant site is at 10800 Bay Area Boulevard in the City of Pasadena, Harris County, Texas.

APPROVED, PR/PG

Item 7. APPLICATION BY CITY OF MCKINNEY for an amendment to Permit No. 10432-02 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 200,000 gallons per day to a volume not to exceed an average flow of 300,000 gallons per day. The plant site is west of the Southern Pacific right-of-way and approximately one mile north of U.S. Highway 380 in Collin County, Texas.

APPROVED, PR/PG

Item 8. APPLICATION BY Bammel Utility District for renewal of Permit No. 11105-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,600,000 gallons per day. The wastewater treatment facilities are on the south bank of Cypress Creek, approximately 6,400 feet downstream of the crossing of Cypress Creek by Stuebner-Airline Road in Harris County, Texas.

APPROVED, PR/PG

Item 9. APPLICATION BY GALVESTON TERMINALS, INC. for renewal of Permit No. 02466 which authorizes an intermittent, flow variable discharge of stormwater from a petroleum bulk storage terminal. The plant site is southwest of the intersection of Pelican Island Blvd. and Bradner Street on Pelican Island in the City of Galveston, Galveston County, Texas.

APPROVED, PR/PG

Item 10. APPLICATION BY GEORGIA-PACIFIC RESINS, INC. for renewal of

Permit No. 01737 which authorizes intermittent discharges of uncontaminated stormwater as well as once-through noncontact cooling water on an emergency basis during power outages. The applicant operates a plant that manufactures formaldehyde, and phenol/formaldehyde; amino resins. The plant site is approximately 1/4 mile east of U.S. Highway 59 on the north side of E. Lufkin Avenue in the City of Lufkin, Angelina County, Texas.

APPROVED, PR/PG

Item 11. APPLICATION BY CITY OF GREGORY for renewal of Permit No. 10092-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 320,000 gallons per day. The wastewater treatment facilities are located at the intersection of Sunset Road and Blackwelder Street, approximately 1/2 mile northwest of the convergence of U.S. Highway 181 and State Highway 35 and southwest of the City of Gregory in San Patricio County, Texas.

APPROVED, PR/PG

Item 12. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 182 for renewal of Permit No. 12273-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 260,000 gallons per day. The existing permit was suspended on March 11, 1987 at the permittee's request. The renewed permit will continue to be suspended until notification by the permittee. The wastewater treatment facilities are on the east bank of Greens Bayou and approximately 0.5 mile south of Farm-to-Market Road 525 in Harris County, Texas.

APPROVED, PR/PG

Item 13. APPLICATION BY CITY OF HOUSTON for renewal of Permit No. 10495-77 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 11,000,000 gallons per day from the Northeast Wastewater Treatment Facilities. The renewed permit has decreased the flow to a volume not to exceed an average of 6,300,000 gallons per day. The plant site is at 625 Maxey Road in the City of Houston in Harris County, Texas.

APPROVED, PR/PG

Item 14. APPLICATION BY CITY OF LA VERNIA for renewal of Permit No. 11258-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 110,000 gallons per day. The wastewater treatment facilities are located in the City of La Vernia, approximately 2000 feet east of the Farm-to-Market Road 775 on River Street in Wilson County, Texas.

APPROVED, PR/PG

Item 15. APPLICATION BY MOSCOW WATER SUPPLY CORPORATION for renewal of Permit No. 11139-01 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 approximately 600 feet southeast of the intersection of U.S. Highway 59 and Loop 177 in the City of Moscow in Polk County, Texas.

APPROVED, PR/PG

Item 16. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF C.K. LEE FOR PERMIT NO. 13560-01 TO AUTHORIZE THE DISCHARGE OF 12,500 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN HARRIS COUNTY, TEXAS, and SEGMENT NO. 1006 OF THE SAN JACINTO RIVER BASIN. RECOMMENDATION: Issuance of permit. (WOOD)

APPROVED, PR/PG

Item 17. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF CONDUCTOR PRODUCTS, INC. . (PERMIT NO. 01270-01) (RASBERRY)

NO ACTION TAKEN

Item 18. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$3,810,000 BOND ISSUE APPROVED June 27, 1984. For Commission consideration and action. District requests approval to use \$228,206 in surplus funds with a matching grant from the Harris County Community Development Agency to rehabilitate a portion of the District's wastewater collection system. This is phase four of planned six phase project for wastewater system in the Barbara Mae Boulevard service area. (Cook)

APPROVED, PR/PG

Item 19. APPLICATION BY NORTH MISSION GLEN MUNICIPAL UTILITY DISTRICT OF FORT BEND COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$3,240,000 BOND ISSUE APPROVED February 12, 1985. For Commission consideration and action. Applicant requests approval of the transfer of \$50,000 in surplus construction funds to debt service. (Lutringer)

APPROVED, PR/PG

Item 20. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 105 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$3,325,000 BOND ISSUE APPROVED February 3, 1981. For Commission consideration and action. Applicant requests approval of the transfer of \$70,751 in surplus construction funds to debt service and to repair and rehabilitate District facilities. (Lutringer)

APPROVED, PR/PG

Item 21. APPLICATION OF BLUEBERRY HILL HOME OWNERS ASSOCIATION , INC. for a Water Certificate of Convenience and Necessity in Parker County, TX (Application No. 8691-C, Shires)

APPROVED, PG/PR

Item 22. APPLICATION OF WESTERN HILLS WATER SYSTEMS, INC. to transfer and cancel Water CCN No. 11636 from Westlake Water System, Inc. in McLennan County, TX (Application No. 9119-S, Carlson)

APPROVED, PG/PR

Item 23. APPLICATION OF KEMPNER WATER SUPPLY CORPORATION to Transfer Water CCN No. 11481 from Jack W. Munson dba Willow Springs Water Supply; Amend Water CCN No. 10456; and Cancel Water CCN

No. 11481 in Coryell County, TX (Application No. 9372-S, Carlson)

APPROVED, PG/PR

Item 24. APPLICATION OF O. J. ERLUND DBA HILL COUNTRY UTILITY COMPANY to Transfer Water CCN No. 11899 from Big Valley Home Owners Water Supply Corporation; Amend Water CCN No. 11710; and to Cancel Water CCN No. 11899 in Medina County, TX (Application No. 9235-S, Carlson)

APPROVED, PG/PR

Item 25. APPLICATION NO. 23-865D BY THE PUBLIC UTILITIES BOARD OF CITY OF BROWNSVILLE TO AMEND CERTIFICATE NO. 23865, AS AMENDED. TWC SECTION 11.122. FOR COMMISSION ACTION. Applicant seeks to combine 244 acre-feet of "Class B" irrigation water purchased under Cert. No. 23-38 with water rights owned under Cert. No. 23-865, as amended, and to convert this irrigation water to municipal use, change the diversion point and the service area to Cameron Co., Texas. (JORDAN/lb)

APPROVED, PR/PG

Item 26. APPLICATION NO. TA-6755 BY JACK MIMS dba SUNSET GOLF COURSE, INC. FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TWC SECTION NO. 11.138. FOR COMMISSION ACTION. Applicant seeks to divert 25 acre-feet of water within a 9-month period from an unnamed tributary of Mountain Creek, Trinity River Basin, for irrigation purposes (golf course) from the unnamed tributary at the confluence with Mountain Creek, approximately 8 miles southwest of Dallas, Dallas County, Texas. (JORDAN/jme)

APPROVED, PR/PG

Item 27. APPLICATION NO. 18-3865B BY AQUARENA SPRINGS CORPORATION TO AMEND CERTIFICATE OF ADJUDICATION NO. 18-3865, AS AMENDED. FOR COMMISSION ACTION. Applicant seeks to amend the certificate by converting 20 acre-feet of water currently authorized for industrial use to irrigation use to irrigate 10 acres of land in Hays County, Texas. (JORDAN/jme)

APPROVED, PR/PG

Item 28. APPLICATION NO. 5394 BY THE UPPER GUADALUPE RIVER AUTHORITY FOR A SECTION 11.121 WATER USE PERMIT. For Commission consideration. Applicant seeks authorization to divert not to exceed 4760 acre-feet of water per annum from an existing reservoir on the Guadalupe River in Kerr County, for municipal purposes and/or injection into an underground aquifer reservoir for subsequent municipal use. The existing reservoir on the Guadalupe River is included in a permit owned by the authority. (JORDAN;tls)

CONTINUED TO MAY 20, 1992 AT 9:00 A.M.

Item 29. APPLICATION NO. 08-3810A BY TARRANT COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 TO AMEND CERTIFICATE NO. 08-3810. For Commission action. Applicant seeks to amend Certificate No. 08-3810 to change the location of Dam No. 4 to a location approximately 300 feet downstream and to increase the authorized capacity of the reservoir from 13 acre-feet to 17.6 acre-feet, Clear Fork Trinity River, Trinity River Basin,

Tarrant County, Texas. (JORDAN:rma)

APPROVED, PR/PG

Item 30. APPLICATION NO. 5396 BY HANNIS T. AND WIFE, LOTTIE TURBERVILLE AND WILLIAM C. AND WIFE, MARJORIE L. TURBERVILLE FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. For Commission action. Applicant seeks to divert and use 2385.39 acre-feet of water per annum from Donna Drain to irrigate 954.157 acres of land, Nueces-Rio Grande Coastal Basin, Hidalgo County, 3.5 miles north of Elsa, Texas. (JORDAN:rma)

CONTINUED TO JUNE 10, 1992 AT 9:00 A.M.

Item 31. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AUTHORIZATION TO EXECUTE AN AMENDMENT TO THE TWC'S CONTRACT WITH TRACOR FOR THE TRACS PROJECT.

APPROVED, JH/PR

Item 32. COMMISSION WILL CONSIDER WHETHER TO AFFIRM, MODIFY, OR SET ASIDE EMERGENCY ORDER NO. 92-4E, ISSUED TO DOW CHEMICAL COMPANY.

AFFIRMED, PR/PG

Item 33. COMMISSION WILL CONSIDER WHETHER TO AFFIRM, MODIFY, OR SET ASIDE EMERGENCY ORDER NO. 92-5E, ISSUED TO CHEMICAL WASTE MANAGEMENT, INC.

AFFIRMED, PR/PG

HALL
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CONTESTED AGENDA

Wednesday, April 15, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE PETITION OF SAVE BARTON CREEK ASSOCIATION, ET AL., PURSUANT TO TEXAS WATER CODE SECTION 26.177(d) AND 31 TEXAS ADMINISTRATIVE CODE SECTIONS 275.51 - 275.59; APPEAL OF CITY OF AUSTIN ORDINANCE NO. 9111017-B. (Smith, S.)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

Item 2. CONSIDERATION OF A PETITION FROM CITIZENS FOR RESPONSIBLE GOVERNMENT, ET AL., PURSUANT TO TEXAS WATER CODE SECTION 26.177(d) AND 31 TEXAS ADMINISTRATIVE CODE SECTIONS 275.51 - 275.59; APPEAL OF CITY OF AUSTIN ORDINANCE NO. 9111017-B. (Smith, S.)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

Item 3. CONSIDERATION OF PETITION OF HIDDEN VALLEY HOMEOWNERS ASSOCIATION FOR AMENDMENT OR REVOCATION OF CITY OF CEDAR PARK WATER QUALITY PERMIT NO. 12308-01.

REMANDED TO OFFICE OF HEARINGS EXAMINERS PER STAFF RECOMMENDATIONS, PR/PG

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF NCNB-TEXAS; TWC FACILITY ID NO. 16348. (BOB WARNEKE)

APPROVED, PR/PG

Item 5. 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

Item 6. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS LITIGATIONS AND RELATED AGENCY ACTIONS CONCERNING EDWARDS AQUIFER.

WILL BE HEARD IN EXECUTIVE SESSION IN ROOM 123 AT 1:30 -- AT THE END OF AGENDA, GENERAL COUNSEL STATED EXECUTIVE SESSION FOR THIS ITEM WAS IMMEDIATELY FOLLOWING AGENDA.

ADDENDUM TO CONTESTED AGENDA

Wednesday, April 15, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item 7. CONSIDERATION OF A TEMPORARY AUTHORIZATION REQUEST BY THE CITY OF LACY-LAKEVIEW PURSUANT TO 31 TAC SECTION 305.69(e) TO AUTHORIZE THE OPERATION OF ITS PERMITTED MUNICIPAL SOLID WASTE FACILITY (PERMIT NO. 1646) AT AN INCREASED EXCAVATION DEPTH TO PREVENT DISRUPTION OF ONGOING SOLID WASTE MANAGEMENT. (Mehta)

NO ACTION TAKEN

CONTESTED OLD BUSINESS

Wednesday, April 15, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item carried forward from Agenda of January 29, 1992.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CHROMIUM CORPORATION - LUFKIN PLANT; SWR NO. 30048. (Warneke)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

Item carried forward from Agenda of February 19, 1992.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CROWN CENTRAL PETROLEUM CORPORATION, HARRIS COUNTY, SWR NO. 30311. (Warneke)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

HALL
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EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, April 15, 1992

TEXAS WATER COMMISSION

11:00 a.m.
Room 118

- Item 1. CONSIDERATION OF EMERGENCY ADOPTION OF NEW RULES TO BE FOUND AT 31 TEXAS ADMINISTRATIVE CODE, CHAPTER 298. THE COMMISSION WILL CONSIDER EMERGENCY ADOPTION OF RULES TO MANAGE, REGULATE, PROTECT, PRESERVE, AND DISTRIBUTE WATER WITHDRAWALS FROM THE EDWARDS (BALCONES FAULT ZONE) AQUIFER IN THE SAN ANTONIO REGION (INCLUDING ALL OR PART OF THE COUNTIES OF KINNEY, UVALDE, MEDINA, ATASCOSA, BEXAR, COMAL, AND HAYS), UNDER CHAPTERS 11 AND 26 OF THE TEXAS WATER CODE. THE COMMISSION WILL ALSO CONSIDER THE ADOPTION OF TWO EDWARDS-RELATED RESOLUTIONS SEEKING COOPERATION FROM THE U.S. FISH AND WILDLIFE SERVICE REGARDING PROTECTION OF ENDANGERED SPECIES AND THE TEXAS WATER DEVELOPMENT BOARD REGARDING DEVELOPMENT OF A LONG-TERM WATER SUPPLY PLAN FOR THE SOUTH-CENTRAL TEXAS REGION.

(Emergency action is necessary to protect the public's health, safety, and welfare due to the parties inability to reach an agreement and to forestall federal pre-emption of state control of water resources.)

APPROVED WITH CHANGES, JH/PR