

UNCONTESTED AGENDA

Wednesday, April 29, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY BASF CORPORATION for an amendment to Permit No. HW-50128 to authorize the use of emission and dispersion air modeling to determine the need for actual air monitoring at the Polycaprolactam Pond. The amendment also deletes the requirement to conduct air monitoring at the closed Caprolactam I and Caprolactam II surface impoundments. This facility is located on a 401-acre tract of land at 602 Copper Road.

Approved, PR/PG

Item 2. 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. Entech Recovery manufactures chemicals for the electronics industry. The proposed waste management units are to be used for wastes generated off-site to be recycled for the electronic printed circuit board industry. The facility is located on a 2.5 acre tract of land at 1000 N. First Street, Garland, Dallas County, Texas.

Approved, JH/PR

Item 3. APPLICATION BY MOBIL OIL CORPORATION for a permit (Proposed Permit No. 03426) to authorize intermittent, flow variable discharges of stormwater containing relatively low levels of process wastewater from the secondary impounding basin. The applicant operates a petroleum refinery. The plant site is east of the intersection of Grove Street and Burt Street in the extraterritorial jurisdiction of the City of Beaumont, Jefferson County, Texas.

Approved, PG/PR

Item 4. APPLICATION BY CITY OF SEABROOK for a minor amendment to Permit No. 10671-01 in order to add dechlorination requirements in the interim phase. The current 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 from the Wastewater Treatment Plant No. 1., which will remain the same. The plant site is adjacent to the intersection of Second Street and Todville Street in Seabrook in Harris County, Texas.

Approved, PG/PR

Item 5. APPLICATION BY B & B SEWER COMPANY for renewal of Permit No. 11419-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 120,000 gallons per day. The wastewater treatment facilities are at a point approximately 1/3 mile west of the intersection of a county road and Longstreet Road, five miles

west of the City of Willis and approximately 300 feet south of Lake Conroe in Montgomery County, Texas.

Approved, PG/PR

Item 6. APPLICATION BY CITY OF DENISON for renewal of Permit No. 10079-01 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 from the Iron Ore Wastewater Treatment Facilities. The plant site is north of Iron Ore Creek; approximately 3.5 miles due east of the intersection of U.S. Highway 75 and Farm-to-Market Road 691 in Grayson County, Texas.

Continued to May 6, 1992 at 9:00 a.m.

Item 7. APPLICATION BY LAKEVIEW METHODIST ASSEMBLY dba Lakeview Methodist Conference Center for renewal of Permit No. 10578-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 90,000 gallons per day. The wastewater treatment facilities are approximately one mile north of State Highway 294 and approximately three miles east of the intersection of State Highway 294 and U.S. Highway 79 in Anderson County, Texas.

Approved, PG/PR

Item 8. APPLICATION BY M.N. MAURITZ, TRUSTEE FOR T. N. & S.E. MAURITZ TRUST ESTATE #1 for renewal of Permit No. 13235-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 25,000 gallons per day. The wastewater treatment facilities are located immediately east of the intersection of Canal Road and the Missouri Pacific Railroad, approximately 3000 feet in a southwesterly direction from Farm-to-Market Road 404 (U.S. Highway 185) and northwest of Bloomington in Victoria County, Texas.

Approved, PG/PR

Item 9. APPLICATION BY CHARLES C. MUNSON for renewal of Permit No. 13325-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 13,500 gallons per day. The Oak Creek Mobile Village Wastewater Treatment Facilities are approximately 1000 feet west and 1800 feet north of the intersection of Farm-to-Market Road 1417 and Farm-to-Market Road 691 in Grayson County, Texas.

Approved, PG/PR

Item 10. APPLICATION BY PORTER MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 12242-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 860,000 gallons per day. The wastewater treatment facilities are approximately 7000 feet south of the intersection of Farm-to-Market Road 1314 and U.S. Highway 59; approximately 4300 feet east of the intersection of Wallis Drive and U.S. Highway 59 in Montgomery County, Texas.

Approved, PG/PR

Item 11. APPLICATION BY SHIRLEY CREEK CORPORATION for renewal of Permit No. 10947-01 which authorizes a discharge of treated domestic

wastewater effluent at a volume not to exceed an average flow of 5,700 gallons per day. The wastewater treatment facilities are in Shirley Creek Park on the north shore of Sam Rayburn Reservoir and approximately 26 miles southeast of Nacogdoches in Nacogdoches County, Texas.

Approved, PG/PR

Item 12. APPLICATION BY SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 11001-01 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 located at 852 Rayford Road, approximately 4000 feet east of Interstate Highway 45 and approximately 3500 feet north of Spring Creek in Montgomery County, Texas.

Approved, PG/PR

Item 13. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPEAL OF NEW CONNECTION FEE CHARGED BY GONZALES COUNTY WATER SUPPLY CORPORATION IN GONZALES AND CALDWELL COUNTIES, TEXAS (DOCKET NO. 9303-X. RECOMMENDATION: Adoption of agreement of parties. (SULLIVAN)

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

Item 14. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF D-LUX UTILITY COMPANY TO INCREASE RETAIL WATER RATES IN TARRANT, PARKER, JOHNSON, and WISE COUNTIES, TEXAS (DOCKET NO. 9376-R). Applicant provides retail service to approximately 425 customers. RECOMMENDATION: Adoption of agreement of parties. (O'NEAL)

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

Item 15. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WINDY'S WATER WORKS TO INCREASE RETAIL WATER IN ATASCOSA AND BEXAR COUNTIES, TEXAS (DOCKET NO. 9160-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 715 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (Linda G. Sorrells).

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

Item 16. CONSIDERATION OF A PROPOSED AGREED ENFORCEMENT ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HOUSTON BELT & TERMINAL RAILWAY CO. (Ligarde)

Issue Agreed Order, JH/PR

Item 17. APPLICATION BY ANDERSON MILL MUNICIPAL UTILITY DISTRICT OF WILLIAMSON COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS AND THE USE OF SURPLUS FUNDS; \$4,545,000 BOND ISSUE APPROVED February 24, 1984. For Commission consideration and action. Applicant requests approval of the use of a total of \$198,000 of escrowed and surplus funds for expansion of the District's potable water pump station. (Nelson)

Approved, PG/PR

Item 18. APPLICATION BY MEMORIAL VILLAGES WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$6,000,000 BOND ISSUE APPROVED December 1, 1985. For Commission

consideration and action. The Authority requests approval to use \$606,000 in surplus funds to reimburse the District's operating account for 4 projects: installation of emergency generator set & standby submersible pump at the wastewater treatment plant; 1991 phase 1 of wastewater line cleaning & television inspection; replacement of 15-inch wastewater line on Memorial Drive; & repair of the Memorial Drive & Greenbay Drive wastewater line (Cook)

Approved, PG/PR

Item 19. APPLICATION FOR APPOINTMENT OF DIRECTORS FOR HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 304. For Commission consideration and action. Realty Advisory Group, Inc., a landowner within the District, has submitted a petition requesting that: (1) Dennis C. Bartholomew, (2) Robert C. Watson, (3) Teresa Kelly, (4) Karen B. Strong, and (5) Roy Martino be appointed as directors. (Nelson)

Approved, PG/PR

Item 20. APPLICATION OF CANYON SPRINGS WATER COMPANY, INC. for a Rate/Tariff Change; Certificate of Convenience and Necessity (CCN) No. 11394 in Comal County, TX (Application No. 9336-R, Carlson)

Approved, JH/PR

Item 21. APPLICATION OF COMMUNITY WATER GROUP SUPPLY CORPORATION (WSC) for a Water Certificate of Convenience and Necessity and to Cancel CCN No. 11951 of Rio Allegre Homeowners Association, Inc. in Kerr County, TX (Application No. 8928-C, Holck)

Approved, JH/PR

Item 22. APPLICATION OF WINDY HILL UTILITIES, INC. to Transfer Water CCN No. 11998 and Sewer CCN No. 20658 from Faust Properties, Inc. dba Faust Utilities (Faust); Amend Water CCN No. 12085; Cancel Water CCN No. 11998 in Harris County, TX (Application No. 9326-S, Horst)

Approved, JH/PR

Item 23. APPLICATION OF CHAMP'S WATER COMPANY to Transfer Water and Sewer CCN Nos. 12149 and 20704 from Lonzo J. Gale dba Lass Utility Company; Amend Water and Sewer CCN Nos. 10972 and 20385; Cancel Water and Sewer CCN Nos. 12149 and 20704 in Harris County, Texas (Application No. 9118-S, Erwin)

Approved, JH/PR

Item 24. APPLICATION OF WINDY HILL UTILITIES, INC. to Transfer Water CCN No. 12033 and Sewer CCN No. 20668 from Grayco Development, Inc. and Wallace Gray dba Woodland Acres; Amend Water CCN Nos. 12085 and 20658; Cancel Water CCN Nos. 12033 and Sewer CCN No. 20688 in Chambers and Liberty Counties, Texas (Application No. 9353-S, Horst)

Approved, JH/PR

Item 25. APPLICATION OF CEDAR BAYOU PARK WATER SUPPLY, INC. to Purchase the Facilities of Luco Water by Michael J. Wood, Receiver; Amend Water CCN No. 11019 in Harris County, TX

Approved, JH/PR

Item 26. APPLICATION NO. 23-421C BY THE CITY OF LAREDO TO AMEND CERTIFICATE OF ADJUDICATION NO. 23-421, AS AMENDED. FOR COMMISSION ACTION. Applicant seeks to amend the certificate by changing the purpose of use from irrigation to mining, change the place of use to the city's service area, change the point of diversion to the city's authorized diversion point, and to specify a rate of diversion as that which is currently authorized to the city, of 7.5 acre-feet of Class "B" irrigation water rights in Webb county, Texas. (JORDAN/jme)

Approved, PR/JH

Item 27. CONSIDERATION OF THE REQUEST OF THE EXECUTIVE DIRECTOR FOR APPROVAL OF THE SB 818 CONTRACTS BETWEEN THE TEXAS WATER COMMISSION AND RIVER AUTHORITIES REGARDING REGIONAL WATER QUALITY ASSESSMENTS OF THE WATER QUALITY PROGRAM. (BROOKINS)

Approve Staff Recommendations, PG/JH

Item 28. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH ENGINEERING-SCIENCE, INC. FOR THE PERFORMANCE OF FIFTEEN (15) SCREENING SITE INSPECTIONS TO FACILITATE THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S AND TEXAS WATER COMMISSION'S ASSIGNMENT OF SITE CLEANUP ACTIVITIES.

Approve Staff Recommendations, JH/PR

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, April 29, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 29. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR A
RESOLUTION AUTHORIZING HIM TO ENTER INTO SPECIFIED CONTRACTS
AND RATIFYING CONTRACTS ENTERED INTO AFTER AUGUST 31, 1991.
(LAURA RAY)

Adopt Resolution as Recommended by Staff, JH/PR

UNCONTESTED OLD BUSINESS

Wednesday, April 29, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of February 26, 1992.

- Item 1. 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).

Approve with changes to Permit as Recommended by Staff, PR/PG

CONTESTED AGENDA

Wednesday, April 29, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF PHILLIPS PETROLEUM COMPANY FOR PERMIT NO. HW-50256 TO AUTHORIZE THE OPERATION OF A HAZARDOUS WASTE INCINERATOR IN BRAZORIA COUNTY, TEXAS. APPLICANT SEEKS AUTHORIZATION TO DISPOSE OF CLASS I HAZARDOUS & NONHAZARDOUS MATERIALS AT FACILITIES LOCATED IN SEGMENT No. 1305 OF THE BRAZOS-COLORADO COASTAL BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (ARENSEN)

Approve 6 year permit after construction, and recommendations as made by Executive Director, JH/PR

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF SECURITY LANDFILL, INC. FOR AMENDED PERMIT NO. 1752-A TO AUTHORIZE THE OPERATION OF A SOLID WASTE LANDFILL (MUNICIPAL) IN MONTGOMERY COUNTY, TEXAS. Applicant seeks authorization to dispose of Class I asbestos and Class II and Class III nonhazardous industrial waste at facilities located in the San Jacinto River Basin. RECOMMENDATION: Issuance of Permit. (GARRETT - TDH)

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

Item 3. CONSIDERATION OF THE PETITION OF CULLEOKA WATER SUPPLY CORPORATION FOR THE REVIEW OF THE WHOLESALE WATER RATES OF THE CITY OF PRINCETON, DOCKET NO. 9381-M. (Smith, S.)

Remand to Office Hearing Examiner's, PR/PG

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CENTERLINE INDUSTRIES FOR VIOLATIONS OF THE TEXAS SOLID WASTE DISPOSAL ACT, THE TEXAS WATER CODE AND RULES OF THE TEXAS WATER COMMISSION; SWR NO. 32306. (Warneke)

Remand to Office Hearing Examiner's, PG/JH

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.

No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, April 29, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION REQUESTING
THE SETTING OF INTERIM RATES FOR SAM MOSES DBA MOSES WATER
COMPANY; DOCKET NO. 9415-G. (CARLTON)

Continued to May 6, 1992 at 10:00 a.m.

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, April 29, 1992

TEXAS WATER COMMISSION

10:00 a.m.

Room 118

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AN EMERGENCY ORDER TO ADDRESS LEAD CONTAMINATION AT CERTAIN SITES LOCATED IN DALLAS, TEXAS. (ALVARADO)

Issue Emergency Order as recommended by staff, PR/JH

CONTESTED OLD BUSINESS

Wednesday, April 29, 1992

TEXAS WATER COMMISSION

10:00 a.m.
Room 118

Item carried forward from Agenda of March 25, 1992.

- Item 1. CONSIDERATION OF PETITION OF NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION FOR RULEMAKING REGARDING DISPOSAL OF NON-HAZARDOUS INDUSTRIAL SOLID WASTE IN INTERIM STATUS FACILITIES. (SALLY JO HAHN/MARGI LIGARDE)

Continued to May 27, 1992 at 10:00 a.m.