

Hall
Reed
Garner

UNCONTESTED AGENDA

Wednesday, June 10, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF AN APPLICATION BY TEXAS ECOLOGISTS, INC., for a class 2 modification to hazardous waste permit no. HW 50052 in accordance with 31 TAC SECTION 305.69. Texas Ecologists operates a hazardous waste land disposal facility that consists of secure landfill cells with associated storage and processing units. The TECO facility is located on Petronila Road approximately 0.5 miles southeast of the intersection of Farm Road 2826 and Petronila Road, and approximately 3.5 miles south of Robstown, Nueces County, Texas.

Approved, PR/JH

Item 2. APPLICATION BY JOHN HEAVYSIDE DBA HEAVYSIDE LINGLEVILLE DAIRY for a permit (Proposed Permit No. 03471) to authorize disposal of wastes and wastewater from a dairy. The dairy will consist of a maximum of 990 head. The dairy is located approximately 3 miles south of the intersection of Farm-to-Market Road 8 and Farm-to-Market Road 219 in Erath County, Texas.

Approved, PR/JH

Item 3. APPLICATION BY WESTPHALIA WASTEWATER WORKS ASSOCIATION for a permit (Proposed Permit No. 13571-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day. The plant site is to be adjacent to the east side of State Highway 320, approximately 1500 feet south of the intersection of Farm-to-Market 431 and State Highway 320 near the Community of Westphalia in Falls County, Texas.

Approved, PR/JH

Item 4. APPLICATION BY CITY OF BEAUMONT for an amendment to Permit No. 10501-20 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 30,000,000 gallons per day to a volume not to exceed an average flow of 46,000,000 gallons per day. The plant site is at 5900 Lafin Road, approximately 3,000 feet south of the intersection of U.S. Highway 69 and State Highway 124 in Jefferson County, Texas.

Approved, PR/JH

Item 5. APPLICATION BY DIANA WATER SUPPLY CORPORATION for an amendment to Permit No. 11199-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 60,000 gallons per day to a volume not to exceed an average flow of 120,000 gallons per day. The wastewater treatment facilities are approximately 1/4 mile east of the intersection of U.S. Highway 259 and Farm-to-Market Road 3245 on the north side of

Farm-to-Market Road 3245 in Upshur County, Texas.

Approved, PR/JH

Item 6. APPLICATION BY CITY OF GLEN ROSE for an amendment to Permit No. 10177-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 350,000 gallons per day to a volume not to exceed an average flow of 600,000 gallons per day. The plant site is at the crossing of Van Zandt Branch and U.S. Highway 67 on the north side of U.S. Highway 67 (Big Bend Trail N.E.) and approximately 2000 feet northeast of the intersection of U.S. Highway 67 and State Highway 144 (Barnard Street) in Somervell County, Texas.

Approved, PR/JH

Item 7. APPLICATION BY OCCIDENTAL CHEMICAL CORPORATION for an amendment to Permit No. 02481 in order to authorize an increase in the discharge of treated sanitary, process wastewaters and utility wastewater effluent from a volume not to exceed an average daily flow of 325,000 gallons to a volume not to exceed an average daily flow of 500,000 gallons via Outfall 001; and a variable volume discharge of stormwater via Outfall 002. The plant site is approximately three miles south of the town of Wadsworth on the west side of State Highway 60, Matagorda County, Texas.

Approved, PR/JH

Item 8. APPLICATION BY PECAN GROVE MUNICIPAL UTILITY DISTRICT for an amendment to Permit No. 11655-01 to authorize a variance in 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 1,900,000 gallons per day, which will remain the same. The wastewater treatment facilities are at 1504 Skinner Lane (Farm-to-Market Road 359), approximately 1.5 miles north of U.S. Highway 90A and approximately 500 feet east of Farm-to-Market Road 359 in Fort Bend County, Texas.

Approved, PR/JH

Item 9. APPLICATION BY SABINE RIVER AUTHORITY OF TEXAS for an amendment to Permit No. 10907-01 to authorize an increase in the disposal of treated domestic wastewater effluent from a volume of 2,000 gallons per day average to 5,000 gallons per day average during the months of November thru February and 20,000 gallons per day average during the months of March thru October. The Wind Point Park wastewater treatment facility and irrigation site are at Wind Point Park (via State Highway-Park Road 55) near Wichita Bay of Lake Tawakoni, approximately 4 and 1/2 miles southwest of the intersection (within the City of Lone Oak) of U.S. Highway 69 and Farm-to-Market Road 1571 in Hunt County, Texas.

Approved, PR/JH

Item 10. APPLICATION BY WOODCREEK MUNICIPAL UTILITY DISTRICT for a minor amendment to Permit No. 11933-01 to authorize a decrease in the discharge of treated domestic wastewater effluent from a final volume not to exceed an average flow of 1,000,000 gallons per day to a final volume not to exceed an average flow of 850,000 gallons per day from the wastewater treatment

facilities. The plant site is approximately 3400 feet southeast of the intersection of Aldine-Westfield Road and Farm-to-Market Road 1960, on the south side of Turkey Creek in Harris County, Texas.

Approved, PR/JH

Item 11. APPLICATION BY CITY OF AUSTIN for renewal of Permit No. 10543-12 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 40,000,000 gallons per day. The South Austin Regional Wastewater Treatment Facilities are between Onion Creek and the Colorado River, approximately 2 miles west of their confluence, approximately 2 miles east of the Farm-to-Market Road 973 crossing of the Colorado River and 2 miles north of State Highway 71 in Travis County, Texas.

Approved, PR/JH

Item 12. APPLICATION BY CITY OF BRACKETTVILLE for renewal of Permit No. 10194-01 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 permittee is also authorized to use the treated effluent to irrigate a golf course with an application rate not to exceed 4.2 acre-feet/acre/year. The wastewater treatment facilities are approximately 1.2 miles south-southeast of the intersection of U.S. Highway 90 and Farm-to-Market Road 3348, approximately 0.2 mile east of the intersection of Anderson Road and Spofford Road in Kinney County, Texas.

Approved, PR/JH

Item 13. APPLICATION BY HAROLD A. CLARK for renewal of Permit No. 11161-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 50,000 gallons per day. The Atascocita Village Wastewater Treatment Facilities are on Atascocita Road approximately 1000 feet east of the intersection of Atascocita Road and Old Humble Road in Harris County, Texas.

Approved, PR/JH

Item 14. APPLICATION BY CITY OF EAST TAWAKONI for renewal of Permit No. 11428-01 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 is approximately one mile due east of the intersection of State Highway 276 and Farm-to-Market Road 513 on the northeast side of Lake Tawakoni in Rains County, Texas.

Approved, PR/JH

Item 15. APPLICATION BY B.L. HELM for renewal of Permit No. 13264-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day. The wastewater treatment facilities are approximately 1000 feet south of Farm-to-Market Road 1960, approximately 4500 feet east-southeast of the intersection of Farm-to-Market Road 1960 and Wilson Road in Harris County, Texas.

Approved, PR/JH

Item 16. APPLICATION BY CITY OF JACKSBORO for renewal of Permit No. 10994-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 430,000 gallons per day. The wastewater treatment facilities are approximately 1500 feet north of U.S. Highway 281 and approximately 4600 feet west of State Highway 148 in the City of Jacksboro in Jack County, Texas.

Approved, PR/JH

Item 17. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 18 for renewal of Permit No. 13273-01 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 renewed permit has also decreased the final discharge volume to 400,000 gallons per day average. The wastewater treatment facilities are adjacent to Lake Conroe and Rusty Creek, approximately 1.5 miles southeast of the intersection of Farm-to-Market Road 1097 and Peel Road in Montgomery County, Texas.

Approved, PR/JH

Item 18. APPLICATION BY RIO GRANDE VALLEY SUGAR GROWERS, INCORPORATED for renewal of Permit No. 01752 which authorizes the discharge of treated process water and domestic wastewater at a volume not to exceed an average flow of 289,000 gallons per day from a raw sugar and molasses production facility. The permit also authorizes the company to dispose of partially treated wastewater by irrigation of 2000 acres of land from both pond number 2 and pond number 3. Application rates are not to exceed 4.0 acre-feet/acre/year. The facility is located three miles west of the community of Santa Rosa on State Highway 107 in Hidalgo County, Texas.

Approved, PR/JH

Item 19. APPLICATION BY RIVERSIDE COUNTRY CLUB for renewal of Permit No. 11602-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,000 gallons per day. The wastewater treatment facilities are approximately 1200 feet south of State Highway 332 and 1.5 miles east of the intersection of State Highway 332 and Farm-to-Market Road 521 in Brazoria County, Texas.

Approved, PR/JH

Item 20. APPLICATION BY WEST TEXAS UTILITIES COMPANY for renewal of Permit No. 00962 which authorizes the discharge of condenser cooling water at a volume not to exceed an average flow of 133,000,000 gallons per day via Outfall 001; and the discharge of stormwater at a volume variable with rainfall via Outfall 002. The applicant operates a steam electric generating power plant. The plant site is on the north shore of Lake Pauline, approximately four and one half (4 1/2) miles southeast of the City of Quanah in Hardeman County, Texas.

Approved, PR/JH

Item 21. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 133 FOR APPROVAL OF A CHANGE IN PLANS; \$2,550,000 BOND ISSUE APPROVED August 8, 1989. For Commission consideration and action. Applicant requests the approval for a change in plans for the acquisition of a site for a water

plant. (Hagen)

Approved, PR/JH

Item 22. APPLICATION BY NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1 OF TRAVIS COUNTY FOR APPROVAL OF A \$2,700,000 UNLIMITED TAX FIRST BOND ISSUE, 8.177% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant requests Commission approval of a bond issue to finance construction of water mains & wastewater trunk lines both within and outside the District, a portion of the cost for water improvements to serve Canyon Creek Section 1, & to finance wastewater transmission main capacity from another district to serve projected development within the District. (Toliver)

Approved, PR/JH

Item 23. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 264 FOR APPROVAL OF \$2,535,000 OF UNLIMITED TAX BONDS, FOURTH BOND ISSUE. For Commission consideration and action. The District is requesting the approval to issue \$2,535,000 in unlimited tax bonds to finance water, wastewater and drainage facilities for Westcreek Village Sections 3, 4 & 6. (Cook)

Approved, PR/JH

Item 24. APPLICATION BY EL PASO COUNTY LOWER VALLEY WATER DISTRICT AUTHORITY FOR APPROVAL OF \$400,000 REVENUE BOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$400,000 revenue bonds to finance water system improvements for the City of Socorro. (Herbert)

Approved, PR/JH

Item 25. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 208 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$3,500,000 BOND ISSUE APPROVED December 1, 1989. For Commission consideration and action. Applicant requests approval to use \$56,102.18 in surplus funds to fund construction and engineering for a second main water supply line (loop) to water plant No. 4. (Herbert)

Approved, PR/JH

Item 26. APPLICATION BY WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 FOR APPROVAL TO USE SURPLUS FUNDS; \$5,000,000 BOND ISSUE APPROVED October 10, 1984. For Commission consideration and action. Applicant requests use of \$125,767 in surplus construction funds to finance; portion of the replacement of the access road to Philippine Lift Station, water line improvements along U. S. Highway 290, water plant ground storage tank feed line, a booster pump at the water plant, and the District's pro rata share of a dechlorination facility at the White Oak Bayou WWTP. (Hagen)

Approved, PR/JH

Item 27. APPLICATION FOR APPOINTMENT OF DIRECTORS FOR SENNA HILLS MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY. For Commission consideration and action. An attorney representing a landowner within the District has submitted a petition requesting that: 1) Bill Sullivan, 2) Brian Dabbs, 3) Charles Andrew Brown, 4) Larry Richardson and 5) Tom Ball be appointed as directors. (Toliver)

Remand to Staff, PR/JH

Item 28. APPLICATION OF GUN AND ROD WATER ESTATES for a Rate/Tariff Change; Certificate of Convenience and Necessity (CCN) No. 11211 in Brenham and Washington Counties, TX (Application No. 9355-G, Arroyo)

Approved, PR/JH

Item 29. APPLICATION OF MANVELTEX, INC. for a Sewer Certificate of Convenience and Necessity in Brazoria County, TX (Application No. 9342-C, Fenner)

Approved, PR/JH

Item 30. APPLICATION OF B & B SEWER COMPANY to Transfer a Portion of Sewer CCN No. 20675 from Johnson General Contractors, Inc.; Amend Sewer CCN No. 20696; Decertify the remaining portion of Sewer CCN No. 20675 in Harris County, TX (Application No. 9155-S, Erwin)

Approved, PR/JH

Item 31. APPLICATION OF BLUE MEDINA WATER SUPPLY CORPORATION to Transfer Water CCN No. 12585 from Calvin Vick dba Rio Vista Water Co. in Bandera County, TX (Application No. 9184-S, Carlson)

Approved, PR/JH

Item 32. APPLICATION OF U & F WATER SUPPLY CORPORATION to Amend Water Certificate of Convenience and Necessity No. 10597 in Scurry and Borden Counties, TX (Application No. 9429-C, Holck)

Approved, PR/JH

Item 33. APPLICATION OF GERARDO OZUNA DBA OZUNA'S WATER SYSTEM to Amend Water Certificate of Convenience and Necessity No. 12332 in Hidalgo County, TX (Application No. 9431-C, Gonzalez)

Approved, PR/JH

Item 34. APPLICATION NO. 5409 BY BURGER'S LAKE INC., FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. FOR COMMISSION ACTION. Applicant seeks authorization to maintain an existing off-channel reservoir known as Bureger's Lake with 5 acre-feet of water per annum from a spring on an unnamed tributary of West Fork Trinity River, Trinity River Basin, Tarrant County. Water will be used for recreation purposes in a park area 5.5 miles west of FT Worth, Tx. Lake is filled once each year and thereafter kept full using groundwater. Lake is drained each fall. (SMITH/lb)

Approved, PR/JH

Item 35. APPLICATION NO. 5404 BY CITY OF ALLEN FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. FOR COMMISSION ACTION. Applicant seeks authorization to maintain and modify two existing dams and reservoirs on unnamed tributary Cottonwood Creek, Trinity River Basin, Collin County, for in-place recreational purposes in Allen's Special Use Park in the City of Allen. Reservoirs will be maintained with groundwater or other sources, Lake A 6.2 & Lake B 13.9 acre-feet capacities. 1 & 2 have respective capacities of 133.15 & 130.9

ac/ft, No. 3 impounds 460.371 ac/ft. (SMITH/lb)

Approved, PR/JH

Item 36. APPLICATION NO. 5405 BY HORNE & OWEN, A JOINT VENTURE OF SCOTT HORNE & GENE OWEN FOR A TWC SECTION 11.121 WATER USE PERMIT APPLICATION. FOR COMMISSION CONSIDERATION. Applicants seek authorization to divert 8 acre-feet of water per annum from Running Water Draw, Brazos River Basin as supplemental water to a groundwater recovery (tailwater) operation for the irrigation of land in Hale County, 6 miles southeast of Plainview, Texas. (JORDAN/lb)

Approved, PR/JH

Item 37. APPLICATION NO. 5403 BY CITY OF LEANDER FOR A WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.143 For Commission action. Applicant seeks to maintain as existing, exempt dam and 5.5 acre-foot reservoir (Lower Lake) on Bee Cave Hollow, and to divert 125 acre-feet of water per annum from the reservoir to irrigate 62 acres of land (golf course), approximately 4 miles southwest of Leander, Colorado River Basin, Travis County, Texas. (SMITH:rma)

Continued to July 22, 1992 at 9:00 a.m.

Item 38. APPLICATION NO. 5407 BY MARVIN L. PAHL FOR A WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.121. For Commission action. Applicant seeks to divert and use 60 acre-feet of water per annum from South Grape Creek, Colorado River Basin, to irrigate 60 acres of land, approximately 10 miles southeast of Fredericksburg, Gillespie County, Texas. (JORDAN:rma)

Remand to Office Hearing Examiner's, PR/JH

Item 39. APPLICATION NO. 5406 BY THE HUDSPETH COUNTY COMMISSIONERS COURT FOR A SECTION 11.121 WATER USE PERMIT. For Commission consideration. Applicant seeks authorization to divert a total of not to exceed 1002 acre-feet of floodwater per annum from four existing Soil Conservation Service Reservoirs in the Closed Basin in Hudspeth County, for recharge of an underground aquifer which is used for irrigation, livestock and untreated domestic purposes by ranchers in the area and treated and used for municipal purposes by the City of Dell City. (JORDAN; tls)

Approved, PR/JH

Item 40. APPLICATION NO. 5314A BY C.D. (JOSH) HAM TO AMEND WATER USE PERMIT NO. 5314. For Commission consideration and action. Applicant seek to amend Permit No. 5314, which authorizes the diversion of not to exceed 300 acre-feet of water per annum from the East Fork Angelina River, Neches River Basin, to an off-channel reservoir complex for industrial (fish farming) purposes in Rusk County, to indicate that the reservoir complex will actually be on Dill Creek, tributary of the East Fork Angelina River in lieu of being off-channel. (JORDAN;tls)

Continued to July 8, 1992 at 9:00 a.m.

Item 41. APPLICATION NO. 23-712A BY BOONE LA GRANGE TO AMEND CERTIFICATE NO. 23-712. FOR COMMISSION ACTION. Applicant seeks to amend Certificate No. 23-712 to increase the number of acres to be irrigated to include 178.46 acres of leased land and to include an additional diversion point on the Rio Grande, Rio Grande Basin, Starr County, Texas. (SMITH:rma)

Approved, PR/JH

Item 42. APPLICATION NO. 23-2747C BY ALICE SOUTHERN EQUIPMENT, INC. TO AMEND CERTIFICATE OF ADJUDICATION NO. 23-2747, AS AMENDED. FOR COMMISSION ACTION. Applicant seeks to amend Cert. No. 23-2747, as amended, by changing the purpose of use, changing the rate of diversion, and changing the point of diversion to a point approximately 6 miles northwest of Zapata, Zapata County, Texas. (SMITH/jme)

Approved, PR/JH

Item 43. RATIFICATION OF AWARD OF CONTRACT TO SELECTED BIDDER FOR THERMAL DESORPTION TREATMENT OF CONTAMINATED SOILS AT SEVEN STATE-LEAD LPST SITES IN SOUTH TEXAS (PSTR FUND REGION IV).

Approve Staff Recommendations, JH/PR

Item 44. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF THE CITY OF ARLINGTON, TEXAS, PROTESTING RATES BEING CHARGED THE CITY OF FORT WORTH, TEXAS, WHOLESALE WATER/SEWER RATES IN TARRANT COUNTY, TEXAS (DOCKET NO. 8748-A & 9261-A). RECOMMENDATION ADOPTION OF AGREEMENT OF PARTIES. (ZUKAUCKAS)

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

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, June 10, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 45. CONSIDERATION OF BUDGET AMENDMENT FOR FY92 OPERATING BUDGET.

Approve Staff Recommendations, JH/PR

UNCONTESTED OLD BUSINESS

WEDNESDAY, JUNE 10, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from the Agenda of April 15, 1992.

- Item 1. 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)

Approved, PR/JH

Item carried forward from the Agenda of April 22, 1992.

- Item 2. APPLICATION BY PAT G. CHAPMAN, SR. for renewal of Permit No. 13184-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 15,000 gallons per day. The wastewater treatment facilities are approximately three miles north of the intersection of U.S. Highway 90 and Farm-to-Market Road 2100 in Harris County, Texas.

Approved, PR/JH

Item carried forward from the Agenda of May 6, 1992.

- Item 3. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 250 FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. The District is requesting Commission approval to levy a standby fee for Debt Service requirements as a result of a reduction in the Districts assessed valuation. The District is also requesting approval of a standby fee for operation and maintenance.

Approved, PR/JH

Item carried forward from the Agenda of May 20, 1992.

- Item 4. APPLICATION NO. 5401 BY H. E. BUTT GROCERY COMPANY FOR A WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.121. For Commission action. Applicant seeks to maintain two existing dams and reservoirs on Turtle Creek, with a combined reservoir capacity of 15.7 acre-feet, for in-place recreation use, Guadalupe River Basin, approximately 6.6 miles southwest of Kerrville, Kerr County, Texas. (JORDAN:rma)

Approved, PR/JH

Item carried forward from Agenda of April 15, and May 20, 1992.

Item 5. 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)

Remand to Office Hearings Examiner, PR/JH

CONTESTED AGENDA

Wednesday, June 10, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BURLINGTON NORTHERN RAILROAD CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 02839-01. (Smith, J)

Remand to Office Hearings Examiner, PR/PG

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING NO FURTHER ACTION IS NECESSARY OF CLEGG SHRIMP COMPANY, INC., PERMIT NO. 02203-001. (Rayos)

Approved, PR/JH

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ROY HUNT, INC. (Gonzalez, Lydia)

Remand to Office Hearings Examiner, PR/PG

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF SAN ANGELO, PERMIT NO. 10641-03. (Ligarde)

Continued to June 24, 1992 at 9:00 a.m.

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HEALTH IMAGES, INC., FOR VIOLATIONS OF THE TEXAS WATER CODE. (NO PERMIT). (Martinez)

Issue Agreed Order, PR/JH

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF NATIONAL CONVENIENCE STORES DBA STOP-N-GO (TRUCKSTOP). Violations of Chapter 26 of the Texas Water Code have been documented. (No discharge permit). (Ligarde/Hooper)

Remand to Office Hearing's Examiner, PG/PR

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF J. C. MULLENIX DBA GOLIAD CUSTOM FEEDERS, PERMIT NO. 02225. (Smith, S.)

Issue Proposed Order, PR/PG

Item 8. CONSIDERATION OF THE ADOPTION OF AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE SECTIONS 305.50-305.51, 305.69, 335.1, 335.6, 335.45, 335.112, 335.151-.152, 335.205 AND 335.221; THE

REPEAL OF SECTIONS 335.222-.226; AND NEW SECTIONS 335.222-.229, AND 305.571-.573, GENERALLY RELATING TO PERMIT APPLICATION REQUIREMENTS AND INTERIM STATUS AND PERMITTING STANDARDS FOR HAZARDOUS WASTE BOILERS AND INDUSTRIAL FURNACE FACILITIES. (Austin/Ligarde)

Continued to June 24, 1992 at 9:00 a.m.

Item 9. APPLICATION BY WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 7 FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration and action. Applicant requests authorization to proceed in federal bankruptcy to implement a plan to restructure bonded debt so that conditions will be more favorable for development within the District.

Approve Staff Recommendation, PR/JH

Item 10. 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 11. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS LITIGATIONS AND RELATED AGENCY ACTIONS CONCERNING EDWARDS AQUIFER.

General Counsel will do a certified agenda

ADDENDUM TO CONTESTED AGENDA

Wednesday, June 10, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION TO CERTIFY QUESTIONS TO THE TEXAS WATER COMMISSION REGARDING AN APPLICATION BY THE NORTH TEXAS MUNICIPAL WATER DISTRICT TO AMEND THE CITY OF MCKINNEY'S MUNICIPAL SOLID WASTE LANDFILL PERMIT; PERMIT NO. 568-A.

Dismiss Without Prejudice, JH/PR

Item 13. BRIEFING OF TEXAS WATER COMMISSIONERS BY EXECUTIVE DIRECTOR REGARDING PROPOSED CHANGES TO 31 TAC CHAPTER 337 PROVIDING FOR THE ISSUANCE OF FIELD CITATIONS FOR VIOLATIONS OF COMMISSION RULES, ORDERS, PERMITS, AND APPLICABLE LAW. (Batterton)

Remand to Staff and To Be Considered At A Later Date

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, June 10, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 14. APPLICATION BY COLORADO RIVER MUNICIPAL WATER DISTRICT FOR EMERGENCY AUTHORIZATION TO COMMENCE CONSTRUCTION OF FACILITIES TO IMPOUND NOT MORE THAN 18,121 AF OF NATURALLY OCCURRING HIGHLY MINERALIZED WATER ON SULPHUR DRAW, COLORADO RIVER BASIN, MARTIN AND HOWARD COUNTIES TO PROTECT THE WATER QUALITY OF THE COLORADO RIVER PURSUANT TO CHAPTERS 5, 11, AND 26, TEXAS WATER CODE. (KOWIS)

Approve Staff Recommendation, PG/PR

CONTESTED OLD BUSINESS

Wednesday, June 10, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of May 27, 1992.

- Item 1. CONSIDERATION OF EXAMINER'S CERTIFIED QUESTIONS CONCERNING THE APPEAL OF CITY OF ARLINGTON OF WHOLESALE SEWER RATES SET BY THE CITY OF FORT WORTH IN TARRANT COUNTY, TEXAS; DOCKET NO. 8748-A. NO RECOMMENDATION. (Sullivan)

Motion to Continue to Handle Questions on a Case by Case Basis, JH/PR