

CHAIRMAN HALL
COMMISSIONER REED
COMMISSIONER-GARNER

UNCONTESTED AGENDA

Wednesday, September 9, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ADMINISTRATIVE APPROVAL FOR THE TRANSFER OF MUNICIPAL SOLID WASTE DISPOSAL PERMIT NO. MSW2114 FROM OXIDYNE, INC. TO GENESYST INTERNATIONAL, INC..

Approved, PG/PR

Item 2. APPLICATION BY AMOCO PIPELINE COMPANY for a permit (Proposed Permit No. 03481) to authorize an intermittent, flow variable discharge of treated stormwater. The applicant operates a petroleum bulk storage terminal. The plant site is 2500 feet northwest of the intersection of U.S. Highway 69 and State Highway 347 and southeast of the City of Beaumont at 6275 State Highway 347, Jefferson County, Texas.

Approved, PG/JH

Item 3. APPLICATION BY LOUISIANA-PACIFIC CORPORATION for a permit (Proposed Permit No. 03363) to authorize an intermittent discharge of stormwater commingled with wet decking water at a rate variable with rainfall. The applicant operates its L-P Kountze Sawmill. The plant site is adjacent to the west side of the Southern Pacific Railroad and approximately four miles northwest of the intersection of U.S. Highways 69 and 287 and Farm-to-Market Road 418 in the Town of Kountze, Hardin County, Texas.

Approved, PG/JH

Item 4. APPLICATION BY CITY OF ROBINSON for a permit (Proposed Permit No. 03466) to authorize a discharge of reverse osmosis unit reject stream at a volume not to exceed an average flow of 1,500,000 gallons per day. The applicant proposes to operate a water treatment plant. The plant site is to be at the southeast corner of 12th Street and Newland Drive in the extraterritorial jurisdiction of the City of Robinson, McLennan County, Texas.

Approved, PG/JH

Item 5. APPLICATION BY CITY OF PRESIDIO for an amendment to Permit No. 12955-01 in order to change for a discharge permit to a permit authorizing disposal by evaporation and by irrigation and decrease the volume of treated domestic wastewater effluent. The permit currently authorizes a discharge of treated effluent at a volume not to exceed an average flow of 350,000 gallons per day. The proposed amendment would authorize the disposal of treated effluent at a volume not to exceed an average of 340,000 gallons per day. Application rates for the irrigated land shall not exceed 5.96 acre-feet/acre/year. The

wastewater treatment facility, evaporation and irrigation sites are approximately two miles northwest of the northern intersection of U.S. Highway 67 and Farm-to-Market Road 170 in Presidio County, Texas.

Approved, PG/JH

Item 6. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 46 for a minor amendment to Permit No. 12782-01 to add an Interim I phase with a discharge volume not to exceed an average flow of 50,000 gallons per day. The permit currently authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 520,000 gallons per day. The wastewater treatment plant is approximately five miles southeast of the intersection of U.S. Highway 59 and State Highway 6, on the east side of Thompson Ferry Road, 0.6 mile west of the intersection of State Highway 6 and Senior Road in Fort Bend County, Texas.

Approved, PG/JH

Item 7. APPLICATION BY GULF MARINE FABRICATORS, INC. for a minor amendment to Permit No. 12064-01 to increase the 2-hour peak flow from 9 gallons per minute (gpm) to 18 gallons per minute (gpm). The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,000 gallons per day. The Aker Gulf Marine Wastewater Treatment Facilities are on the east side of Farm-to-Market 2725, approximately 1/2 mile southeast of the intersection of State Highway 361 and Farm-to-Market Road 2725 in San Patricio County, Texas.

Approved, PG/JH

Item 8. CONSIDERATION OF a minor amendment to Permit No. 10111-01, issued to CITY OF MATADOR to correct the flow based on the approved plans and specifications. The permit currently authorizes the disposal of treated domestic wastewater effluent at a volume not to exceed 60,000 gallons per day average. The plans and specifications for this facility are for a daily average of 36,000 gallons per day. In order to correct this, the amendment would authorize a disposal volume of 36,000 gallons per day average. Treated domestic wastewater effluent is disposed of by evaporation on 2.9 acres of land. The wastewater treatment facility and evaporation site are north of the East Mound Cemetery, approximately 1500 feet north of U.S. Highway 62/70, approximately 0.5 mile west of the city limits of Matador in Motley County, Texas.

Remand to Executive Director

Item 9. APPLICATION BY PHILLIPS PETROLEUM COMPANY for a minor amendment to Permit No. 00721 to delete Outfall 004 and the required monitoring. The existing permit authorizes the discharge of treated process wastewater effluent at a volume not to exceed an average flow of 7,400,000 gallons per day via Outfall 001, and flow variable discharges of boiler blowdown and stormwater runoff via Outfalls 002, 003 and 005. The applicant currently operates the Sweeny Oil Refinery and Petrochemicals Complex and the San Bernard Terminal. The plant site is approximately 3.5 miles northwest of the City of Sweeny and southwest of the intersection of State Highway 35 and Farm to Market Road 524. The San Bernard Terminal is located on an extension of Avenue A about 1.5 miles northeast

of the City of Sweeny in Brazoria County, Texas.

Approved, PG/JH

Item 10. APPLICATION BY CITY OF COMO for renewal of Permit No. 11313-01 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 on the west side of Carroll Creek, approximately 2400 feet west of the intersection of Farm-to-Market Road 69 and State Highway 11 in Hopkins County, Texas.

Approved, PG/JH

Item 11. APPLICATION BY HOUSTON LIGHTING AND POWER COMPANY LIMESTONE S.E.S. for renewal of Permit No. 02430 which authorizes discharges for the following outfalls: Outfall 001 discharges low volume wastewater, cooling tower blowdown, lignite pile runoff, and bottom ash transport water at a volume not to exceed 2,304,000 gallons during any 24-hour period; Outfall 002 authorizes intermittent discharges of handling area runoff, washdown, and bottom ash transport water; Outfall 003 discharges low volume wastewater at a volume not to exceed 510,000 gallons during any 24-hour period; Outfalls 004 and 008 discharge low volume wastewater and bottom ash transport water at a volume not to exceed 504,000 gallons during any 24-hour period; Outfall 005 discharges low volume wastewater, metal cleaning waste, and bottom ash transport water at a volume not to exceed 216,000 gallons during any 24-hour period; and Outfalls 006 and 007 discharge treated domestic wastewater at a volume not to exceed 63,000 gallons per day average. The plant site is adjacent to and on the west side of FM Road 39 at a point approximately 2.5 miles southeast of the City of Ferrar in Limestone County, Texas.

Approved, PG/JH

Item 12. APPLICATION BY HUNTER'S GLEN MUNICIPAL UTILITY DISTRICT, for renewal of Permit No. 11618-02 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 Fox Trial Wastewater Treatment Facilities. The renewed permit would decrease the flow to a volume not to exceed 950,000 gallons per day average. The plant site is approximately 2 miles northwest of the intersection of Farm-to-Market Road 1960 and Lee Road, approximately 1-3/4 miles northeast of the intersection of Farm-to-Market Road 1960 (Humble-Westfield Road) and Tettar Road in Harris County, Texas.

Approved, PG/JH

Item 13. APPLICATION BY CITY OF KOSSE for renewal of Permit No. 11405-01 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 permittee is also authorized to use treated effluent to irrigate two acres of grass on the plant site at an application rate not to exceed 2.1 acre-feet acre/year. The wastewater treatment facilities are approximately 150 feet southeast of the intersection of Jackson and Tulip Streets in the City of Kosse in Limestone County, Texas.

Approved, PG/JH

Item 14. APPLICATION BY CITY OF LEXINGTON for renewal of Permit No. 10016-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day. The wastewater treatment facilities is west of Lexington, approximately one mile south and one-half mile west of the intersection of Farm-to-Market Road 112 and State Highway Spur 123 in Lee County, Texas.

Approved, PG/JH

Item 15. APPLICATION BY CITY OF OVERTON for renewal of Permit No. 10242-01 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 is approximately 2,900 feet east of the intersection of Henderson Street and Linda Lane in Rusk County, Texas.

Approved, PG/JH

Item 16. APPLICATION BY CITY OF PAMPA for renewal of Permit No. 10358-02 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 is on the north bank of Red Deer Creek, at a point 3400 feet northeast of State Highway Loop 171, approximately 3.5 miles northeast of the intersection of U.S. Highway 60 and State Highway 273 in Gray County, Texas.

Approved, PG/JH

Item 17. APPLICATION BY RENN ROAD MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 12078-01 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 3,500,000 gallons per day. The wastewater treatment facilities are at 9535 Sugarland-Howell Road; located immediately northeast of the crossing of Sugarland-Howell Road over Keegans Bayou in Fort Bend County, Texas.

Approved, PG/JH

Item 18. APPLICATION BY CITY OF WINNSBORO for renewal of Permit No. 10319-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,120,000 gallons per day. The wastewater treatment facilities is approximately 1.0 mile south of Winnsboro, approximately 1900 feet east of Old State Highway 37 and 1400 feet west of Farm-to-Market 312 in Wood County, Texas.

Approved, PG/JH

Item 19. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 255 FOR APPROVAL OF A \$2,050,000 UNLIMITED TAX THIRD BOND ISSUE, 7.7% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests approval of a bond issue to finance water, wastewater and drainage improvements to serve Twin Lakes, Sections 3 and 4, Phase I, land acquisition for a detention pond, engineering, and related developer interest. (Toliver)

Approved, PR/JH

Item 20. APPLICATION BY MONTGOMERY COUNTY UTILITY DISTRICT NO. 3 FOR

APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,595,000 BOND ISSUE APPROVED FEBRUARY 22, 1977. For Commission consideration and action. The District is requesting the use of \$285,258 in surplus funds to finance the improvements to the wastewater treatment plant, lift stations, and the infiltration and inflow studies. (Romo)

Approved, PR/JH

Item 21. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 221 FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant seeks approval for the levy of a nonuniform annual standby fee of \$2,067 per acre per property with water plant, wastewater treatment plant, & utility infrastructure available and \$1,288 per acre per year for property with water plant & wastewater treatment plant capacity available to supplement the debt service account. (Toliver)

Continued to September 23, 1992

Item 22. APPLICATION OF BUENA-VISTA WATER SUPPLY CORPORATION (WSC) for a Water CCN, to Cancel CCN Number 11750 of British American Developments dba Land's End WSP Homeowners Association (Land's End) and to Decertify Portions of CCN No. 11711 of Flat Fork WSC in Shelby County, TX (Application No. 9501-C, Holck)

Approved, PG/PR

Item 23. APPLICATION OF CEDAR POINT UTILITY MANAGEMENT, INC. for a Water and Sewer Certificate of Convenience and Necessity and to decertify Dean Couch dba Cedar Point Utility Company, Inc. (CPUC), CCN Numbers 11787 and 20598 in Polk County, TX (Application Nos. 9200-C and 9201-C, Gonzalez)

Approved, PG/PR

Item 24. APPLICATION OF BARRY SANDERSON DBA RIVER CLUB/RIVER RIDGE WATER to Purchase Hillgreen, Inc. and to Amend Water CCN No. 11474 in Montgomery County, TX (Application No. 9473-S, Holck)

Approved, PG/PR

Item 25. APPLICATION OF VISTA DEL RIO PROPERTY OWNER'S ASSOCIATION, INC. for a Water Certificate of Convenience and Necessity in Burnet County, TX (Application No. 9523-C, Holck)

Approved, PG/PR

Item 26. APPLICATION OF CHILDRESS CREEK WATER SUPPLY CORPORATION to Transfer Water CCN No. 11882 from Prairie Oaks Water Supply; Amend Water CCN No. 11000; Cancel Water CCN No. 11882 in Bosque County, TX (Application No. 9403-S, Erwin)

Approved, PG/PR

Item 27. APPLICATION OF CITY OF KILLEEN to Transfer a Portion of Water CCN No. 10045 from West Bell County Water Supply Corporation; Amend Water CCN Nos. 10041 and 10045 and to Cancel No. 10962 of Stillhouse Hollow Estates Water System in Bell County, TX (Application No. 9437-S, Erwin)

Approved, PG/PR

Item 28. APPLICATION OF T P INVESTMENTS, A JOINT VENTURE to Transfer Water CCN No. 12064 from Resolution Trust Corporation, as Conservator for Sunbelt Federal Savings which foreclosed on Orion Water Company, in Travis and Williamson Counties, TX (Application No. 9470-S, Gonzalez)

Approved, PG/PR

Item 29. APPLICATION OF WINDSOR WATER COMPANY to Transfer Facilities from Mitchell Jantz, to Amend Water CCN No. 11281 held by Windsor, and to Amend CCN No. 11396 held by East Crawford Water Supply Corporation (ECWSC) in McLennan County, TX (Application Nos. 9087-S and 9301-C, Carlson)

Approved, PG/PR

Item 30. APPLICATION OF CITY OF LEWISVILLE, Registration No. P0041, to amend the City of Carrollton's Water Certificate of Convenience and Necessity No. 11044 in Denton County, TX (Application No. 9500-C, Holck)

Approved, PG/PR

Item 31. APPLICATION OF LIBERTY CITY WATER SUPPLY CORPORATION to amend Water Certificate of Convenience and Necessity No. 10408 and to Decertify a Portion of CCN No. 10411 of the City of Kilgore in Gregg County, TX (Application No. 9513-C, Holck)

Approved, PG/PR

Item 32. APPLICATION OF LIBERTY CITY WATER SUPPLY CORPORATION to amend Sewer Certificate of Convenience and Necessity No. 20151 in Gregg County, TX (Application No. 9514-C, Holck)

Approved, PG/PR

Item 33. APPLICATION OF MELROSE WATER SUPPLY to Amend Water Certificate of Convenience and Necessity No. 10377 and to Cancel CCN No. 11316 of Chireno WSC in Nacogdoches County, TX (Application No. 9484-C, Holck)

Approved, PG/PR

Item 34. APPLICATION NO. 14-1684A BY DOROTHY ODOM TO AMEND CERTIFICATE OF ADJUDICATION NO. 14-1684. For Commission action. Applicant seeks to amend Certificate No. 14-1684, which includes authorization for Ms. Odom to divert and use not to exceed 1.716 acre-feet of water per annum from Turkey Creek, Colorado River Basin, to irrigate 3.432 acres of land in Callahan County, to allow this water to be diverted from a point on Turkey Creek approximately one mile downstream and used for irrigation on land owned by a neighbor in Callahan County. SMITH/tls

Approved, PR/PG

Item 35. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN AGREED ENFORCEMENT ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE JAVELINA CORPORATION, PERMIT NO 03137. (SHARON J. SMITH)

Issue Agreed Order, PR/JH

Item 36. CONSIDERATION OF AUTHORIZATION FOR THE EXECUTIVE DIRECTOR OR HIS DESIGNEE TO ENTER INTO CONTRACTS WITH THE UNITED STATES OR ANY OF ITS AGENCIES WITH STATES, WITH POLITICAL SUBDIVISIONS OF THIS STATE OR ANY OTHER ENTITY WITHOUT INDIVIDUAL FORMAL AUTHORIZATION OR ADMINISTRATIVE ORDER WHEN THERE EXISTS A RELEASE OR THREATENED CAUSING OR WILL CAUSE IRREVERSIBLE OR IRREPARABLE HARM TO THE PUBLIC HEALTH AND SAFETY OR THE ENVIRONMENT. (RAYMOND DASCH)

Remand to Executive Director, PR/JH

Item 37. THE COMMISSION WILL DETERMINE WHETHER EMERGENCY ORDER NO. 92-11E, ISSUED TO CHEMICAL WASTE MANAGEMENT SHOULD BE AFFIRMED, MODIFIED OR SET ASIDE

Modified as of September 9, 1992, PR/JH

Item 38. THE COMMISSION WILL DETERMINE WHETHER EMERGENCY ORDER NO. 92-12E, ISSUED TO DOW CHEMICAL COMPANY SHOULD BE AFFIRMED, MODIFIED OR SET ASIDE.

Modified as of September 9, 1992, PR/JH

Item 39. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF CITY OF CARBON REQUESTING REVIEW OF CITY OF EASTLAND'S WHOLESALE WATER RATES IN EASTLAND COUNTY, TEXAS (DOCKET No. 9341-M). RECOMMENDATION: DISMISS PETITION (JACKSON).

Dismiss Petition, PR/PG

Item 40. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPEAL BY OUTSIDE CITY CUSTOMERS CONCERNING A WATER RATE INCREASE BY THE TOWN OF HACKBERRY IN DENTON COUNTY, TEXAS (DOCKET NOS. 9396-W & 9468-W). RECOMMENDATION: Adoption of agreement of parties. (O'NEAL).

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

Item 41. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CITY OF CELINA FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER AND SEWER SERVICE IN COLLIN COUNTY, TEXAS. (DOCKET NOS. 8650-C/8651-C. RECOMMENDATION ISSUE CCN FOR WATER AND SEWER SERVICE. (HARRIS)

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

Item 42. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WALTER J. CARROLL WATER COMPANY, INC. DBA CARROLL WATER COMPANY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN ELLIS COUNTY, TEXAS. (DOCKET NO. 7597-C). RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES.

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

Item 43. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF RANGER DEVELOPMENT CO. TO INCREASE RETAIL WATER RATES IN BOWIE, HARRIS, & WALLER COUNTIES, TEXAS (DOCKET NO. 9434-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 59 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (JACKSON)

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

Item 44. CONCERNING THE REQUEST OF LOYD MITCHELL FOR DISMISSAL OF APPLICATION FOR PERMIT NO. 03418 CONCERNING A SHEEP/GOAT FACILITY IN EDWARDS COUNTY, TX. RECOMMENDATION: DISMISSAL OF APPLICATION. (O'NEAL)

Dismiss Application, PR/PG

UNCONTESTED OLD BUSINESS

Wednesday, September 9, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of June 24, 1992 and July 22, 1992.

- Item 1. APPLICATION NO. 4127A BY CITY OF FORT WORTH TO AMEND PERMIT NO. 3835. For Commission action. Applicant seeks to extend the term of the permit beyond the current expiration date of December 31, 1991, for the recreation and irrigation rights authorized on West Fork Trinity River, Trinity River Basin, approximately 2 miles northwest of the Tarrant County Courthouse, Fort Worth, Texas. (SMITH:rma)

Approved, PR/PG

Item carried forward from Agenda of June 24, 1992 and July 22, 1992.

- Item 2. APPLICATION NO. 4124A BY CITY OF FORT WORTH TO AMEND PERMIT NO. 3831. For Commission action. Applicant seeks to extend the term of the permit beyond the current expiration date of December 31, 1991, for the recreation and irrigation rights authorized on Clear Fork Trinity River and unnamed tributaries of Clear Fork Trinity River, Trinity River Basin, approximately 10 miles southwest of the Tarrant County Courthouse, Fort Worth, Texas. (SMITH:rma)

Approved, PR/PG

Item carried forward from Agenda of June 24, 1992 and July 22, 1992.

- Item 3. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT CONCERNING APPLIED COATING SERVICES, INC. ALLEGING VIOLATIONS OF THE TEXAS SOLID WASTE DISPOSAL ACT, CHAPTER 26 OF THE TEXAS WATER CODE AND THE TWC RULES IN HARRIS COUNTY, TEXAS. RECOMMENDATION: APPROVAL OF SETTLEMENT. (THOMAS)

Issue Order as Revised by Staff, PR/PG

Item carried forward from Agenda of June 10, 1992 and July 22, 1992.

- Item 4. 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)

Remand to Office Hearing's Examiner, PG/PR

Item carried forward from Agenda of July 22, 1992.

Item 5. APPLICATION BY PRAIRIE VIEW A&M UNIVERSITY for renewal of Permit No. 11275-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 976,000 gallons per day. The wastewater treatment facilities are in the northwest section of the Prairie View A&M campus at a point approximately 1.0 mile north of U.S. Highway 290 in Waller County, Texas.

Approved, PR/PG

Item carried forward from Agenda of July 22, 1992.

Item 6. APPLICATION BY CITY OF ROBINSON for renewal of Permit No. 10780-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 80,000 gallons per day from the South Plant Wastewater Treatment Facilities. The plant site is adjacent to Crow Creek, approximately 2000 feet southwest of the intersection of Old Robinson Road and U.S. Highway 77 in the City of Robinson in McLennan County, Texas.

Approved, PR/PG

Item carried forward from Agenda of July 22, 1992.

Item 7. APPLICATION BY MEMORIAL MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$2,115,000 OF UNLIMITED TAX BONDS, THIRD BOND ISSUE. For Commission consideration and action. The District is requesting the approval to issue \$2,115,000 in unlimited tax bonds to provide water, wastewater and drainage facilities for the District to pay operating advances and to purchase 500,000 gallons per day of wastewater treatment capacity for the District. (Ferguson)

Continued to November 18, 1992

Item carried forward from Agenda of July 22, 1992 and August 26, 1992.

Item 8. APPLICATION BY CITY OF ABILENE for renewal of Permit No. 10334-04 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 18,000,000 gallons per day from the Hamby Wastewater Treatment Facilities. The plant site is approximately 6.5 miles northeast of the intersection of Interstate Highway 20 and State Highway 351, three miles west of the intersection of State Highway 351 and Farm-to-Market Road 604 in Jones County, Texas.

Continued to September 23, 1992

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, September 9, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 2, 1992.

- Item 9. APPLICATION BY BROWNING-FERRIS, INC., 11013 Old Beaumont Hwy., Houston, Texas 77078 has applied to the Texas Water Commission for a minor amendment to Permit No. MSW1149-A in order to locate a facility for the bioremediation of petroleum contaminated soils on a section of the site that is not scheduled for landfilling for several years. The plant site is south of FM 2004, near the City of Hitchcock, Galveston County, Texas.

Approved, PR/JH

CONTESTED AGENDA

Wednesday, September 9, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF PORTLAND, PERMIT NO. 10478-001. (Ray)

Issue Agreed Order, PG/PR

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DALLAS/FORT WORTH INTERNATIONAL AIRPORT FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, NO PERMIT. (Ray)

Issue Agreed Order, PR/PG

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF MIDLAND FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 10223-01. (Ray)

Issue Agreed Order, PR/JH

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GEORGE DEVRIES DAIRY, PERMIT NO. 03061. (Ray)

Issue Proposed Order With Minor Changes As Recommended by Staff, PG/PR

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BUFORD G. MOONEY, DBA LONGFORD PLACE SUBDIVISION FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 11155-001. (Carlton)

Issue Agreed Order, PR/PG

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF SNYDER FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 10056-001. (McLeod)

Continued to September 23, 1992

Item 7. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF HOMESTEAD MUNICIPAL UTILITY DISTRICT FOR AUTHORITY TO LEVY STANDBY FEES IN EL PASO COUNTY, TX. (TWC IC 040991-DO-1). APPLICANT PROVIDES WATER SERVICE TO APPROXIMATELY 700 CUSTOMERS. RECOMMENDATION: APPROVAL OF AUTHORITY TO LEVY AND COLLECT STANDBY FEES OF \$4.51. (COLBERT)

Issue Proposal For Decision and Order, With Additions As Recommended By Office Hearing's Examiner and Executive Director, Overrule all

Exceptions, Deny Motion to Reopen, PG/PR

Item 8. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF CITY OF LACY-LAKEVIEW FOR PERMIT AMENDMENT NO. 1646-A TO AUTHORIZE THE OPERATION OF A MUNICIPAL SOLID WASTE TYPE I LANDFILL SITE IN MCLENNAN COUNTY, TX. APPLICANT SEEKS AUTHORIZATION TO OBTAIN A TYPE I MUNICIPAL SOLID WASTE LANDFILL SITE PERMIT. THE SITE INITIALLY RECEIVED APPROXIMATELY 65 TONS OF MUNICIPAL SOLID WASTE PER DAY WHICH HAS CURRENTLY INCREASED TO A RATE OF APPROXIMATELY 400 TONS PER DAY AND WILL ULTIMATELY REACH A MAXIMUM OF 1200 TONS PER DAY. THE SITE IS LOCATED 3 MILES EAST OF I.H. 35 AND 0.7 MILES SOUTHEAST OF THE INTERSECTION OF U.S. HIGHWAY 84 AND SELBY LANE WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WACO IN THE EASTERN PART OF MCLENNAN COUNTY. RECOMMENDATION: Issuance of Permit. (BRIAN CLAPP)

Continued to September 30, 1992

Item 9. 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 10. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING PENDING LITIGATION AND OTHER LITIGATION THAT MAY ARISE CHALLENGING OR SUPPORTING COMMISSION ACTION RELATED TO THE EDWARDS AQUIFER: DANNY MCFADEN AND TEXAS FARM BUREAU VS. TEXAS WATER COMMISSION, NO. 92-05214, 331ST DISTRICT COURT OF TRAVIS COUNTY; EDWARDS UNDERGROUND WATER DIST. ET AL. VS. LIVING WATERS ARTESIAN SPS. LTD., ET AL., NO. 91-CI-14862, 57TH DISTRICT COURT OF BEXAR COUNTY; SIERRA CLUB, ET AL. VS. LUJAN, ET AL., NO. 91-CA-069, U.S. DISTRICT COURT, WESTERN DIST. OF TEXAS, MIDLAND ODESSA DIV.; GBRA VS. TEXAS FARM BUREAU, ET AL., NO. 92-05226, 299TH DISTRICT COURT OF TRAVIS COUNTY. THE AUTHORITY FOR THIS MEETING IS TEX. REV. CIV. STAT. ANN. ART. 6252-17, SEC. 2 (e).

No Action Taken

ADDENDUM TO CONTESTED AGENDA

Wednesday, September 9, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 11. CONSIDERATION OF THE ADOPTION OF PERMANENT RULES, 31 TEXAS ADMINISTRATIVE CODE (TAC) SECTIONS 290.38-290.49, CONCERNING RULES AND REGULATIONS FOR PUBLIC WATER SYSTEMS. These sections, if adopted, would replace emergency 31 TAC Sections 290.38 - 290.49, which were published on an emergency basis in the April 10, 1992 edition of the Texas Register. (Ryland)

Adopt Rules with exceptions to 290.44 H 2 last 6 sentences, PR/PG

Item 12. ADOPTION OF PROPOSED RULES TO 31 TAC CHAPTER 298, 298.1-7, 298.11-298.20, 298.31-298.32, 298.41-298.42, 298.51, 298.61 AND 298.71, RELATING TO THE TEXAS WATER COMMISSION REGULATIONS OF THE SOUTHERN, OR BALCONIES FAULT ZONE PORTION OF THE EDWARDS AQUIFER (EDWARDS UNDERGROUND RIVER). (KOWIS, JORDAN)

Adopt rules as Proposed with effective date of June 1993. All three Commissioner's vote in favor, JH/PR

2ND ADDENDUM TO CONTESTED AGENDA

Wednesday, September 9, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 13. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON APPLICATION BY AMTOPP (PERMIT NO. 03477). (This item was considered and approved by the Commission on July 22, 1992.)

Approve Agreed Order for Motions for Rehearing, PG/JH

CONTESTED OLD BUSINESS AGENDA

Wednesday, September 9, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of July 8, 1992.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DON MOYER DBA SHADY LANE DAIRY, NO PERMIT. (Martinez)

Continued to October 21, 1992

Item carried forward from Agenda of July 22, 1992.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION AND ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DOWELL SCHLUMBERGER, INC., MONAHANS FACILITY; SWR NO. 33584 - VIOLATIONS OF THE TEXAS SOLID WASTE DISPOSAL ACT AND RULES OF THE TEXAS WATER COMMISSION. (Celestino)

Continued to October 14, 1992

Item carried forward from Agenda of July 22, 1992.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DOWELL SCHLUMBERGER: SWR NO. 33591. (MONTELONGO)

Remand to Office Hearing's Examiner