

Chairman Hall-Present  
Commissioner Reed-Present  
Commissioner Garner-Present

UNCONTESTED AGENDA

Wednesday, September 23, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. APPLICATION BY CITY OF BOWIE for a permit (Proposed Permit No. 10071-003) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,250,000 gallons per day. The plant site is approximately 3/4 miles southwest of the intersection of State Highway 287 and Farm-to-Market Road 1125, approximately 1.8 miles south of the City of Bowie in Montague County, Texas.

Approve, PG/PR

Item 2. APPLICATION BY SOUTHERN PACIFIC TRANSPORTATION COMPANY for a permit (Proposed Permit No. 03429) to authorize the discharge of treated commingled stormwater runoff and process water wastes at a volume not to exceed 216,000 gallons during any 24-hour period. The applicant operates a railroad locomotive service and repair facility. The plant site is between Hardy Street and Main Street on south side of Burnett Street in the City of Houston in Harris County, Texas.

Approve, PG/PR

Item 3. APPLICATION BY TEXAS INDUSTRIES, INC., TXI - Hwy 157 Pit for a permit (Proposed Permit No. 03493) to authorize a discharge of groundwater and stormwater at a volume not to exceed an average flow of 1,500,000 gallons per day. The applicant proposes to operate a sand and gravel mining operation. The plant site is approximately 1.3 miles west of Farm-to-Market Road 157 on the north side of the Trinity River in Tarrant County, Texas.

Approve, PG/PR

Item 4. APPLICATION BY ROHM & HAAS TEXAS INCORPORATED for an amendment to Permit No. 01962 to authorize an increase in the discharge of treated effluent from a volume not to exceed an average flow of 1,120,000 gallons per day to a volume not to exceed an average flow of 1,500,000 gallons per day. The applicant is expanding the acrylic acid production at their facility which produces acrylic acid and acrylates. The plant site is north of State Highway 225 and adjacent to Old Battleground Road in the City of Deer Park in Harris County, Texas.

Approve, PG/PR

Item 5. APPLICATION BY JOSEPH S. BRACEWELL, TRUSTEE for renewal of Permit No. 13251-001 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 650,000 gallons per day from the Greengate South Wastewater Treatment Plant. The plant site is

approximately 8000 feet southeast of the intersection of Treaschwig Road and Cypresswood Drive, approximately 6.6 miles east-northeast of the intersection of Interstate Highway 45 and Farm-to-Market Road 1960, and 4.2 miles northwest of the intersection of U.S. Highway 59 and Farm-to-Market Road 1960, in Harris County, Texas.

Approve, PG/PR

- Item 6. APPLICATION BY EXPLORER PIPELINE COMPANY for renewal of Permit No. 02395 which authorizes intermittent, flow variable discharges of treated tank drainoff, wash water, water slurry from tank cleaning and stormwater via Outfall 001. The permittee operates a petroleum products storage and transfer facility. The plant site is approximately one mile north of Interstate Highway 30, and 1/4 mile east of Farm to Market 36 near the City of Caddo Mills in Hunt County, Texas.

Approve, PG/PR

- Item 7. APPLICATION BY FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 for renewal of Permit No. 10086-02 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 Wastewater Treatment Plant No. 2. The plant site is approximately 3300 feet southeast of the intersection of Craven Road and U.S. Highway 90 in Fort Bend County, Texas.

Approve, PG/PR

- Item 8. APPLICATION BY REMINGTON MUNICIPAL UTILITY DISTRICT NO. 1 for renewal of Permit No. 13327-001 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 450,000 gallons per day. The renewed permit would decrease the flow to 300,000 gallons per day average. The wastewater treatment facilities are located approximately 7300 feet southeast of the intersection of U.S. Highway 290 and Barker Cypress Road; 3000 feet southwest of Cypress Fairbanks High School in Harris County, Texas.

Approve, PG/PR

- Item 9. APPLICATION BY STOWAWAY BAY PROPERTY OWNERS ASSOCIATION for renewal of Permit No. 11779-001 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day. The wastewater treatment facilities are located approximately 2 miles south of the intersection of State Highway 190 and Farm-to-Market Road 3186, on the west side of Farm-to-Market Road 3186 in Polk County, Texas.

Approve, PG/PR

- Item 10. APPLICATION BY TEXAS DEPARTMENT OF TRANSPORTATION for renewal of Permit No. 11672-001 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 Bolivar Ferry Comfort Station Wastewater Treatment Facilities are located adjacent to State Highway 87 at the south end of the Bolivar Peninsula at the embarking point of the Bolivar-Galveston Ferry in Galveston County, Texas.

Approve, PG/PR

Item 11. CONSIDERATION OF APPLICATION BY FEDERAL DEPOSIT INSURANCE CORPORATION for a Temporary Order (Temporary Order No. 92-15T) to authorize the disposal of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000 gallons per day to two holding ponds for disposal by evaporation. The wastewater treatment facility was previously regulated by Texas Water Commission Permit No. 13001-01 which expired while procedures were underway to transfer the permit from the original permittee to FDIC due to a foreclosure on the property. The facility currently serves approximately 10 to 15 homes in the Ridge Harbor Subdivision, Burnet County, Texas.

Issue Temporary Order, PR/PG

Item 12. APPLICATION BY EAST CEDAR CREEK FRESH WATER SUPPLY DISTRICT OF HENDERSON COUNTY FOR APPROVAL OF THE ISSUANCE OF \$3,200,000 IN REVENUE BONDS (\$2,270,000 AT 7% NET EFFECTIVE INTEREST RATE & \$930,000 AT 6% NET EFFECTIVE INTEREST RATE), SERIES 1992, FOURTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$3,200,000 in revenue bonds to finance water treatment plant improvements, wastewater treatment plant improvements, relocation of utility lines, lift station improvements, and water distribution lines. (Nelson)

Approve, PG/PR

Item 13. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 FOR APPROVAL OF A BOND AMENDMENT TO INCREASE THE AUTHORIZED BOND AMOUNT FROM \$2,100,000 TO \$2,375,000, APPROVED NOVEMBER 25, 1991. For Commission consideration and action. Applicant requests approval of a bond amendment to sell \$2,375,000 in bonds to replace its existing 600,000 gpd wastewater treatment plant with a 900,000 gpd plant. (Nelson)

Approve with changes as recommended by staff, PG/PR

Item 14. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$460,000 BOND ISSUE APPROVED JUNE 6, 1984. For Commission consideration and action. The District is requesting the use of \$60,979 in surplus funds to finance emergency repair work to the District's wastewater collection system located along Prince George Street and related engineering costs. (Toliver)

Approve, PG/PR

Item 15. APPLICATION OF CANDLEWOOD MUNICIPAL UTILITY DISTRICT for Cancellation of Sewer CCN No. 20604 in Harris County, TX (Application No. 9613-Q, Holck)

Approve, PG/PR

Item 16. APPLICATION OF CITY OF LEON VALLEY to Amend Sewer Certificate of Convenience and Necessity No. 20281 in Bexar County, TX (Application No. 9547-C, Poe)

Approve, PG/PR

Item 17. APPLICATION OF WATER SERVICES III, INC. to Amend CCN No. 10650 to include area transferred from CCN No. 10641, and area currently uncertified, in Atascosa and Bexar County, TX (Application No. 9402-C, Carlson)

Approve, PG/PR

Item 18. APPLICATION OF CITY OF LORENA to Transfer and Cancel Water CCN No. 11185 from Twin Bayou Water Supply Corporation and to Amend Water CCN No. 10030 in Falls and McLennan Counties, TX (Application No. 9548-c, Holck)

Approve, PG/PR

Item 19. APPLICATION OF NORTHGATE UTILITY DISTRICT For Cancellation of Water CCN NO. 11103 and Sewer CCN No. 20441 in Harris County, TX (Application Nos. 9611-Q and 9612-Q, Holck)

Approve, PG/PR

Item 20. APPLICATION OF ROSEWOOD MUNICIPAL UTILITY DISTRICT for Cancellation of Sewer CCN No. 20600 in Harris County, TX (Application No. 9610-Q, Holck)

Approve, PG/PR

Item 21. APPLICATION OF BRITMORE UTILITY, INC. to amend Certificate of Convenience and Necessity Numbers 11429 and 20538 in Harris County, Tx (Application Nos. 9497-C and 9498-C, Gonzalez)

Approve, PG/PR

Item 22. APPLICATION NO. 5424 BY SAN ANTONIO FEDERAL CREDIT UNION AND VISTA MANAGEMENT CO., AGENT FOR FIRST SOUTH SAVINGS, FOR A WATER USE PERMIT. For Commission consideration. Applicants seek authorization to maintain a dam and reservoir on an unnamed tributary of Spring Creek, Guadalupe River Basin, for in-place recreation use in Victoria County, approximately four miles north of the Victoria County Courthouse. (SMITH/tls)

Approve, PR/PG

Item 23. APPLICATION NO. 5061A BY JOHN W. KLEIN TO AMEND WATER USE PERMIT NO. 5061. For Commission action. Applicant seeks to amend Permit No. 5061, which authorizes, until December 31, 1996, the diversion and use of 1500 acre-feet of water per annum from Little and Big Elkhart Creeks, Trinity River Basin, for irrigation of 900 acres of land in Houston County, by adding off-channel reservoirs to his irrigation system, increasing the amount of land authorized for irrigation per annum to 1300 acres and by deleting the term included in the permit. (Smith;tls)

Approve, PR/PG

Item 24. APPLICATION NO. 5422 BY ELF-ATOCHEM NORTH AMERICA, INC. FOR A WATER USE PERMIT PURSUANT TO TWC SECTION NO. 11.121. FOR COMMISSION ACTION. Applicant seeks to divert and treat 119 acre-feet of water per annum from Finfeather Lake on an unnamed tributary of Burton Creek, Brazos River Basin 1.7 miles south of the Brazos County Courthouse in Bryan. Applicant will return all of the water diverted back to the unnamed tributary of Burton Creek after the water is treated for excess levels of arsenic pursuant to the Modified Emergency Order No. 91-17E issued by the Commission February 3, 1992. (SMITH/jme)

Approve, PR/PG



ADDENDUM TO UNCONTESTED AGENDA

Wednesday, September 23, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 25. CONSIDERATION OF THE MUNICIPAL SOLID WASTE GRANTS AND  
CONTRACTS BUDGET FOR FY 93. (JIM HALEY/DAN EDEN)

Approve as recommended by staff, JH/PG

UNCONTESTED OLD BUSINESS

Wednesday, September 23, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of September 9, 1992.

- Item 1. 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)

Remand to Office Hearing's Examiner, PR/PG

Item carried forward from Agenda of July 22, 1992 and August 26, 1992, September 9, 1992.

- Item 2. 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.

Approve, PR/PG

CONTESTED AGENDA

Wednesday, September 23, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. CONSIDERATION OF THE ADOPTION OF AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 307, CONCERNING SURFACE WATER QUALITY STANDARDS. Amendments to Section 307.10, Appendices A-C, concerning the north Bosque River Segment 1226 and the Upper Oyster Creek Segment 1245. (Carlton)

Adopt Amendments as recommended by staff, JH/PR

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TWC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ALLWASTE RECOVERY SYSTEMS, INC. SWR NO. 40759 (GLENN HALL)

Remand to Office Hearing's Examiner, PR/PG

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF OXI-TECH METAL FINISHING, NO SOLID WASTE REGISTRATION NUMBER. (Alvarado)

Continued to October 14, 1992 at 9:00 a.m.

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF RELIABLE MACHINE AND SUPPLY COMPANY, INC., SWR NO. 30775. (Celestino)

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

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S ENFORCEMENT REPORT CONCERNING BOUMA DAIRY NO. 2 FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, NO PERMIT. (Martinez)

Remand to Office Hearing's Examiner, PR/PG

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PETROLEUM WHOLESALE, INC., PERMIT 11053-01. (Ligarde)

Remand to Office Hearing's Examiner, PR/PG

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS BY OSAGE CATTLE COMPANY FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE; PERMIT NO. 03451. (Martinez)

Continued to October 14, 1992 at 9:00 a.m.

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PROPOSED ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF PETRO, INC., PERMIT NO. 03026. (McCalla)



Issue No Action Order, PG/PR

Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT AND PROPOSED ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF B-P SANITARY, ROBERT L. BERNSTEIN AND EDMIND A. PERWIEN DBA, PERMIT NO. 12657-01. (McCalla)

Issue No Action Order, PG/PR

Item 10. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ALAMO PETROLEUM EXCHANGE; SWR NO. 41654. (Ligarde)

Continued to October 14, 1992 at 9:00 a.m.

Item 11. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF U.S. POSTAL SERVICE; SWR NO. 61311. (Ligarde)

Issue Order as Proposed, PG/PR

Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF IAN EVANS, LP NO. 000341. (Bani-Jamali)

Remand to Office Hearing's Examiner, PG/PR

Item 13. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MR. AND MRS. FIDENCIO RAMIREZ, OWNERS AND OPERATORS OF RAM'S DRIVE THRU, FACILITY ID NO. 54818. (Bani-Jamali)

Issue Agreed Order, PR/PG

Item 14. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AN ORDER SETTING INTERIM RATES FOR WATER SERVICE PROVIDED BY LARRY BREWER, IN HARDIN, JASPER AND ORANGE COUNTIES, TEXAS, DOCKET NO. 9602-R. (Keils)

Issue Order setting Interim Rates, PR/PG

Item 15. CONSIDERATION OF THE EXECUTIVE DIRECTOR ADOPT NEW SECTIONS 331.141-331.146 CONCERNING UNDERGROUND INJECTION CONTROL, FINANCIAL RESPONSIBILITY TO INCORPORATE RULES PROMULGATED BY THE ENVIRONMENTAL PROTECTION AGENCY.

Approve Staff Recommendation and Adopt Rules, PG/PR

Item 16. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF D & J WATER SUPPLY, INC. FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11974 TO PROVIDE WATER SERVICE IN BRAZORIA COUNTY, TEXAS. (Docket No. 9171-C) AND THE APPLICATION OF JOHN FURNACE FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN BRAZORIA COUNTY, TEXAS. (DOCKET NO. 9178-C).  
RECOMMENDATION: ISSUANCE OF CCN AMENDMENT TO D & J WATER SUPPLY, INC. (DOCKET NO. 9171-C) AND DENIAL OF CCN TO JOHN FURNACE (Docket No. 9178-C) Wood

Adopt Examiner's Proposal For Decision and Issue Order, Overrule all exceptions, JH/PG

Item 17. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF MORRISON-KNUDSEN CORPORATION AND TEXAS DEPARTMENT OF HEALTH FOR WASTEWATER RETENTION AND DISCHARGE PERMIT NO. 03382 TO AUTHORIZE THE DISCHARGES OCCURRING DURING CONSTRUCTION OF THE FACILITY AND TO CLEAN UP PILES OF URANIUM MILL TAILINGS IN KARNES COUNTY, TEXAS, AND SEGMENT NO. 2107 OF THE NUECES RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (ARENSEN)

Continued to September 30, 1992 at 9:00 a.m.

Item 18. 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 19. 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. L.B.TURLOVE, JR. AND JO HELEN BATOT VS. THE STATE OF TEXAS, TEXAS WATER COMMISSION, CAUSE NO. 92-08-18, 127-CV OF UVALDE COUNTY, 38TH JUDICIAL DISTRICT. 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 23, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 20. CONSIDERATION OF THE EMERGENCY ADOPTION OF AMENDMENTS TO 31 TAC CHAPTER 334, SECTIONS 301-322, SUBCHAPTER H, RELATING TO THE REIMBURSEMENT PROGRAM INCLUDING LIMITATIONS AND REQUIREMENTS FOR ELIGIBILITY, FORM AND CONTENTS OF APPLICATIONS, AND ALLOWABLE COSTS (MARYAM BANI-JAMALI)

Approve Emergency adoption, PR/PG

Item 21. CONSIDERATION OF EMERGENCY ADOPTION OF AMENDMENTS TO SUBCHAPTER K, TITLE 31 TAC CHAPTER 334, TWC RULES RELATING TO SOIL TREATMENT, STORAGE, AND REUSE FACILITIES. (RAYMOND WINTER)

Approve Emergency Adotpion, PG/PR

CONTESTED OLD BUSINESS

Wednesday, September 23, 1992

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of September 9, 1992.

- Item 1. 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)

Issue Agreed Order, PR/PG