

Chairman Hall - Present
Commissioner Pam Reed - Present
Commissioner Peggy Garner - Absent

UNCONTESTED AGENDA

Wednesday, October 14, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY EMPAK, INC. for a permit (Proposed Permit No. HW50025-001) to authorize the continued operation of a commercial hazardous and non-hazardous industrial solid waste storage and processing facility which is currently authorized under interim status. Wastes managed at this facility are Class I hazardous and Class I and II non-hazardous industrial solid wastes from off-site sources, wastes generated on-site from the management of off-site wastes and wastes associated with on-site machinery maintenance. The hazardous wastes are classified as ignitable, toxic, corrosive, acute hazardous, toxicity characteristic and reactive. The facility is located on a 4.5 acre tract of land adjacent to State Highway 134 (Battleground Road) approximately 0.8 mile southwest of the San Jacinto Monument in Deer Park, Harris County, Texas.

Approved, JH/PR

Item 2. APPLICATION BY TEXACO REFINING AND MARKETING INC. for two underground injection control permits (Proposed Permits Nos. WDW-135 and WDW-136) to authorize continued use of existing waste disposal wells for groundwater remediation activities at Texaco's Amarillo Refinery. The injection wells are used solely to dispose of recovered groundwater generated from the shallow wellfield recovery system at the refinery. The combined volume of wastewater injected is not to exceed 13,392,000 gallons per month, nor 157,680,000 gallons per year. The maximum operating surface injection pressure for each of the wells is not to exceed 300 psig. The waste disposal wells are located in the Adams, Beatty, and Moulton Survey within the eastern limit of the City of Amarillo, Potter County, Texas.

Approved, PR/JH

Item 3. APPLICATION BY DOWELL WELL SERVICE INCORPORATED for a permit (Proposed Permit No. 03452) to authorize disposal of wastes and wastewater from a dairy. The dairy will consist of a maximum of 950 head. Wash-down water, flushwater and stormwater will be retained in two storage ponds, where it will subsequently be used to irrigate agricultural land. The dairy is on the southeast side of Lone Oak Road and approximately three miles north of the intersection of U.S. Highway 67 and Lone Oak Road in Erath County, Texas.

Approved, PR/JH

Item 4. APPLICATION BY HOECHST CELANESE CORPORATION for a permit (Proposed Permit No. 03450) to authorize a discharge of uncontaminated stormwater and condensate from cooling units at

a volume variable with rainfall. The plant site is at 1901 Clarkwood Road in the City of Corpus Christi, Nueces County, Texas.

Approved, PR/JH

Item 5. APPLICATION BY SEA LION CHEMICAL, INC. for a permit (Proposed Permit No. 03479) to authorize the discharge of utility wastewaters, treated potentially contaminated stormwater and washdown wastewaters at a volume not to exceed a dry weather flow of 60,000 gallons per day average via Outfall 001. The applicant proposes to operate a plant that manufactures specialty organic chemicals. The plant site is at 5700 Johnny Palmer Road in the City of Texas City in Galveston County, Texas.

Approved, PR/JH

Item 6. APPLICATION BY CITY OF HEARNE for an amendment to Permit No. 10046-02 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 750,000 gallons per day to a volume not to exceed an average flow of 1,900,000 gallons per day. The Wastewater Treatment Plant No. 2 is approximately one mile east of the intersection of U.S. Highways 190 and 79 and Farm-to-Market Road 50 in Robertson County, Texas.

Approved, PR/JH

Item 7. APPLICATION BY HOUSTON LIGHTING AND POWER COMPANY for an amendment to Permit No. 01910 in order to eliminate the permit limitations for phosphorus pursuant to TWC Rule 321 which was revised on April 11, 1986, to exclude phosphorus limits for discharges in the Clear Creek Watershed. The proposed amendment would also add oil and grease limits to the permit. The permit authorizes a discharge of treated industrial wastewater at a volume not to exceed an average flow of 50,000 gallons per day from the Energy Development Complex, which will remain the same. The plant is east of Interstate Highway 45 near the intersection of Fuqua Street with Interstate Highway 45 in the corporate limits of the City of Houston in Harris County, Texas.

Approved, PR/JH

Item 8. APPLICATION BY INTERCONTINENTAL ENERGY CORPORATION for an amendment to Permit No. 02788 to clarify sampling limitations and revise monitoring requirements and frequencies for certain parameters at the Pawnee Uranium Mine Site. The existing permit authorizes the disposal of restoration waters not to exceed a maximum flow of 636,735 gallons per day. The treated wastewater is applied by sprinkler irrigation on a total area of 100 acres. The mine site is approximately 2.4 miles east northeast (via State Highway 798) of the Community of Pawnee in Bee County, Texas.

Approved, PR/JH

Item 9. APPLICATION BY CITY OF LUFKIN for an amendment to Permit No. 10214-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 7,130,000 gallons per day to a volume not to exceed an average flow of 9,300,000 gallons per day. The Hurricane Creek Wastewater Treatment Facilities are

approximately 1,600 feet northwest of the point where Hurricane Creek intersects Farm-to-Market Road 324 and south of the City of Lufkin in Angelina County, Texas.

Approved, PR/JH

Item 10. APPLICATION BY CITY OF MAUD for an amendment to Permit No. 10767-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 80,000 gallons per day to a volume not to exceed an average flow of 150,000 gallons per day. The wastewater treatment facilities are adjacent to and south of U.S. Highway 67 and the St. Louis and Southwestern Railroad, approximately one-fourth mile southeast of the City of Maud in Bowie County, Texas.

Approved, PR/JH

Item 11. APPLICATION BY TEXAS A & M UNIVERSITY for an amendment to Permit No. 10968-01 in order to change the expiration date for the interim effluent limits from December 31, 1993 to December 31, 1994 and change the start-up date for the final effluent limits date change to be effective from January 1, 1994 to January 1, 1995. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,000,000 gallons per day from the University Sewage Treatment Plant, which will remain the same. The plant site is approximately 6000 feet southeast of the intersection of Farm-to-Market Road 60 and Farm-to-Market Road 2818, 1000 feet west of Farm-to-Market Road 2818, southwest of the City of College Station in Brazos County, Texas.

Approved, PR/JH

Item 12. APPLICATION BY BAYFIELD PUBLIC UTILITY DISTRICT, GULFWAY UTILITY DISTRICT, CITY OF HOUSTON, AND HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 67 for renewal of Permit No. 11851-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000,000 gallons per day from the Metro Central Plant Wastewater Treatment Facilities. The plant site is approximately 1.6 miles east-northeast of the intersection of Farm-to-Market Road 1959 and Interstate Highway 45, adjacent to the southeast corner boundary of Ellington Air Field in Harris County, Texas.

Approved, PR/JH

Item 13. APPLICATION BY CITY OF BIG SPRING for renewal of Permit No. 10069-02 which authorizes a discharge of settled filtered backwash at a volume not to exceed an average flow of 125,000 gallons per day from a water treatment plant. The plant site is at 16th Street and Virginia Avenue in the City of Big Spring, Howard County, Texas.

Approved, PR/JH

Item 14. APPLICATION BY COOPER INDUSTRIES, INC. for renewal of Permit No. 02253 which authorizes the discharge of industrial process wastewater at a volume not to exceed an average flow of 20,000 gallons per day via Outfall 001 and the discharge of treated domestic wastewater at a volume not to exceed an average flow of 10,000 gallons per day via Outfall 002 from a oil tool

manufacturing plant. The plant site is approximately 10 miles north of the City of Marshall and just west of State Highway 59 approximately one quarter mile south of FM Road 1997 in Harrison County, Texas.

Approved, PR/JH

Item 15. APPLICATION BY DENNY'S, INC. for renewal of Permit No. 11055-001 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 at 15815 East Texas Freeway (U.S. Highway 59) and approximately 150 feet north of Bender Road in the City of Houston in Harris County, Texas.

Approved, PR/JH

Item 16. APPLICATION BY EXPLORER PIPELINE COMPANY for renewal of Permit No. 02396 which authorizes an intermittent flow variable discharge of washdown water from launcher/receiver slabs and stormwater runoff. The Houston pump and meter station for a petroleum products pipeline is located 2 miles south of U.S. Highway 90, 1/2 mile north of Wallisville Road and 1/2 mile west of Miller Road No. 2, Harris County, Texas.

Approved, PR/JH

Item 17. APPLICATION BY EXPLORER PIPELINE COMPANY for renewal of Permit No. 02397 which authorizes an intermittent flow variable discharge of washdown water from launcher/receiver slabs and stormwater runoff. The Pasadena pump and meter station is located approximately 1/2 mile northeast of the intersection of State Highway 225 and Jefferson Road, Harris County, Texas.

Approved, PR/JH

Item 18. APPLICATION BY TOWN OF FLOWER MOUND for renewal of Permit No. 11321-01 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 2,000,000 gallons per day. The wastewater treatment facilities are located approximately two miles east and one mile south of the intersection of Farm-to-Market Road 2499 and Farm-to-Market Road 3040 in Denton County, Texas.

Approved, PR/JH

Item 19. APPLICATION BY CITY OF GRANBURY for renewal of Permit No. 02625 which authorizes the discharge of wastewater from their water treatment plant which uses an electro dialysis process for salination at a volume not to exceed an average flow of 125,000 gallons per day. The water treatment plant is located at East Pearl Street and State Highway 377 in the City of Granbury, Hood County, Texas.

Approved, PR/JH

Item 20. APPLICATION BY CITY OF HOUSTON for renewal of Permit No. 10495-09 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 7,000,000 gallons per day. The wastewater treatment facilities are located at 9600 Martin Luther King Boulevard adjacent to Sims Bayou in Harris County, Texas.

Approved, PR/JH

Item 21. APPLICATION BY CITY OF HOUSTON for renewal of Permit No. 10495-037 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 90,000,000 gallons per day. The Southwest Wastewater Treatment Facilities are located at the intersection of Beechnut Street and Newcastle Street, approximately 0.5 mile northeast of the intersection of Interstate Highway 610 and Post Oak Road in Harris County, Texas.

Approved, PR/JH

Item 22. APPLICATION BY CITY OF HOUSTON for renewal of Permit No. 10495-90 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000,000 gallons per day. The wastewater treatment facilities are located on the north bank of Buffalo Bayou at 2525 S. Sgt. Macario Garcia in the City of Houston in Harris County, Texas.

Approved, PR/JH

Item 23. APPLICATION BY CITY OF LAKEPORT for renewal of Permit No. 10939-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 140,000 gallons per day. The wastewater treatment facilities are located approximately 1550 feet northeast of the intersection of State Highway 149 and State Highway 322 and adjacent to the east bank of the Sabine River in the northern part of the City of Lakeport in Gregg County, Texas.

Approved, PR/JH

Item 24. APPLICATION BY CITY OF LAREDO for renewal of Permit No. 10681-01 which authorizes a discharge of backwash water effluent at a volume not to exceed an average flow of 4,100,000 gallons per day. The water treatment facilities is at the west end of Jefferson Street adjacent to the Rio Grande in Webb County, Texas.

Approved, PR/JH

Item 25. APPLICATION BY LEE COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 for renewal of Permit No. 12007-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 42,000 gallons per day. The wastewater treatment facilities is approximately 0.5 of a mile northeast of Dime Box and 3000 feet east-northeast of the intersection of Farm-to-Market Road 141 and the Southern Pacific Railroad in Lee County, Texas.

Approved, PR/JH

Item 26. APPLICATION BY CITY OF PORT LAVACA for renewal of Permit No. 10251-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,500,000 gallons per day. The Lynn's Bayou Wastewater Treatment Facilities are located along the south bank of Lynn's Bayou and on the southeast corner of the intersection of Newlin Street and Houston Street in the City of Port Lavaca in Calhoun County, Texas.

Approved, PR/JH

Item 27. APPLICATION BY FRANCES REID for renewal of Permit No. 13279-01 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 Woodcrest MHP Wastewater Treatment Facilities are approximately 0.75 mile east of the intersection of State Highway 64 and State Spur 124, approximately 1.75 miles northwest of the intersection of State Highway 64 and Farm-to-Market Road 848 in Smith County, Texas.

Approved, PR/JH

Item 28. APPLICATION BY SPRING INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 02483 which authorizes a discharge of domestic sewage, washdown waters, and stormwater runoff at a volume not to exceed an average flow of 10,000 gallons per day. The transportation center for bus maintenance and washing is located approximately two (2) miles north of F.M. 1960 on Hardy Road at Lemm Road #1 south of the Community of Spring, Harris County, Texas.

Approved, PR/JH

Item 29. APPLICATION BY TEXAS UTILITIES ELECTRIC COMPANY for renewal of Permit No. 01250 which authorizes a discharge of condenser cooling water at a volume not to exceed an average flow of 927,000,000 gallons per day via Outfall 001. The permit also authorizes an intermittent flow variable discharge of low volume waste, stormwater, and previously monitored metal cleaning waste via Outfall 002. Finally, the permit also authorizes an intermittent flow variable discharge of stormwater runoff via Outfall 003. The steam electric station is located at 2233-A Mountain Creek Parkway in the City of Dallas, Dallas County, Texas.

Approved, PR/JH

Item 30. APPLICATION BY VARCO SHAFFER, INC. for renewal of Permit No. 11758-01 which authorizes a discharge of treated domestic wastewater effluent and utility washwater at a volume not to exceed an average flow of 50,000 gallons per day. The wastewater treatment facilities is approximately one-fourth mile northeast of the intersection of Addicks Fairbanks Road and West Little York at 12950 West Little York in Harris County, Texas.

Approved, PR/JH

Item 31. APPLICATION BY FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7 FOR APPROVAL OF THE ISSUANCE OF \$2,500,000 IN UNLIMITED TAX BONDS, 8.20% NET EFFECTIVE INTEREST RATE, SERIES 1992, THIRD ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,500,000 in tax bonds to finance levee & ditch construction costs and land costs for the levee. (Nelson)

Approved, PR/JH

Item 32. APPLICATION BY TRAIL OF THE LAKES MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$800,000 UNLIMITED TAX BONDS, 8.24336% NET EFFECTIVE INTEREST RATE, SERIES 1992, FOURTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$800,000 in unlimited tax bonds to finance a District water plant expansion project.

(Herbert)

Approved, PR/JH

Item 33. APPLICATION BY CINCO MUNICIPAL UTILITY DISTRICT NO. 2 OF FORT BEND COUNTY FOR APPROVAL OF \$4,320,000 UNLIMITED TAX BONDS, 8.18802% NET EFFECTIVE INTEREST RATE, SERIES 1992, FIRST ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$4,320,000 in unlimited tax bonds to finance the purchase and construction of District infrastructure facilities.

Approved, PR/JH

Item 34. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 36 FOR APPROVAL OF \$800,000 UNLIMITED TAX AND REVENUE BONDS, 7.73735% NET EFFECTIVE INTEREST RATE, SERIES 1992, FOURTH BOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$800,000 in unlimited tax and revenue bonds to finance District infrastructure facilities. (Herbert)

Approved, PR/JH

Item 35. APPLICATION BY NORTHWEST FREEWAY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$2,800,000 BOND ISSUE APPROVED OCTOBER 26, 1979. For Commission consideration and action. Applicant requests Commission approval of the use of \$139,100 in surplus funds to finance the replacement of a 10,000 gallon hydropneumatic tank & the closure of four sludge ponds located at the District's wastewater treatment plant. (Toliver)

Approved, PR/JH

Item 36. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 186 FOR APPROVAL TO USE SURPLUS FUNDS; \$3,920,000 BOND ISSUE APPROVED JANUARY 1, 1990. For Commission consideration and action. Applicant requests approval to use \$128,837 in surplus funds to finance infrastructure costs for Copperfield Place Village, Section 1. (Herbert)

Approved, PR/JH

Item 37. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 188 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$3,0250,000 BOND ISSUE APPROVED MAY 22, 1984. For Commission consideration and action. Applicant requests the use of \$158,118 in surplus funds to finance the cost of painting the District's water plant & lift station, inspection of the ground storage tank & removal of sand, inspection & television survey of the water well, and emergency water well repairs. (Romo)

Approved, PR/JH

Item 38. APPLICATION BY PECAN GROVE MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$6,230,000 BOND ISSUE APPROVED JULY 16, 1991. For Commission consideration and action. Applicant requests approval of the release of \$2,122,900 of escrowed funds for the expansion of the District's wastewater treatment plant. (Heroy)

Approved, PR/JH

Item 39. APPLICATION BY GALVESTON COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, USE OF SURPLUS FUNDS & A CHANGE IN PLANS; \$8,000,000 BOND ISSUE APPROVED APRIL 10, 1986. For Commission consideration and action. Applicant requests approval of the release of \$217,780 of escrowed funds, use of \$1,515,080 of surplus funds & a change in plans to finance wastewater plant, wastewater collection systems, water pump station & elevated tank painting projects. (Nelson)

Approved, PR/JH

Item 40. APPLICATION OF JIMMY LENAMOND to Acquire the Big Creek West Subdivision Water System and Apply for a CCN in Limestone County, TX (Application No. 9516-S, Holck)

Approved, PR/JH

Item 41. APPLICATION OF SAMUEL R. LYLE DBA CATTLEMANS CROSSING WATER SYSTEM for a Water Certificate of Convenience and Necessity and to cancel CCN No. 11803 of Colony Estates Water Supply Corporation in Medina County, TX (Application No. 9571-C, Poe)

Approved, PR/JH

Item 42. APPLICATION OF 350 WATER COMPANY, INC. for a Water Certificate of Convenience and Necessity in Polk County, TX (Application No. 9475-C, Holck)

Approved, PR/JH

Item 43. APPLICATION OF TIMOTHY J. PHELAN DBA PINE GROVE WATER SYSTEM for a CCN and to Transfer a Portion of Water CCN No. 11864 from FCM Corporation in Waller County, TX (Application No. 9540-S, Holck)

Approved, PR/JH

Item 44. APPLICATION OF BANK OF ALMEDA DBA PINE COLONY UTILITY to Transfer Water CCN No. 12108 and Sewer CCN No. 20693 of Pine Colony Utility Co., Inc. in Brazoria County, TX (Application No. 9562-S, Poe)

Approved, PR/JH

Item 45. APPLICATION OF VERN NORMAN DBA SOMERSETSHIRE ESTATES UTILITY to Transfer Sewer CCN No. 20712 from Texas Municipal Utility Services, Inc. (TMUS) dba Somersetshire Estates Sewage Treatment Plant, in Brazoria County, TX (Application No. 9527-S, Gonzalez)

Approved, PR/JH

Item 46. APPLICATION OF MARWOOD WATER SUPPLY CORPORATION (MARWOOD) to Transfer Water and Sewer CCN Nos. 12188 and 20724 from Michael J. Wood, Receiver dba Standley Utility Service Corporation in Harris County, TX

Approved, PR/JH

Item 47. APPLICATION OF DAROLD E. WINGERT DBA WINGERT WATER SYSTEMS to Transfer and Amend Water CCN No. 10663 from Stephen G. Grove dba Steve Grove Water Systems and Transfer and Cancel CCN No.

10653 from Canyon Lake Forest Utilities, Inc. in Comal County, TX (Application No. 9573-S, Poe)

Approved, PR/JH

Item 48. APPLICATION OF LAKE FORK WATER SUPPLY CORPORATION to amend Water Certificate of Convenience and Necessity No. 11575 and to decertify a portion of CCN No. 12302 of Martin Springs Water Supply Corporation in Wood and Hopkins Counties, TX (Application No. 9512-C, Gonzalez)

Approved, PR/JH

Item 49. APPLICATION OF THE TOWN OF MILLER'S COVE to Cancel Water Certificate of Convenience and Necessity No. 11190 in Titus County, TX (Application No. 9253-Q, Mayhew)

Approved, PR/JH

Item 50. APPLICATION BY 5428 BY SUMMA LIMITED PARTNERSHIP FOR A WATER USE PERMIT PURSUANT TO SECTION 11.143. For Commission action. Applicant seeks authorization to maintain two existing dams and reservoirs (Nos. 1 and 2) on Farmers Branch Creek, with capacities of 8.0 acre-feet and 23.8 acre-feet, respectively, for in-place recreational purposes, Trinity River Basin, Dallas County, Texas. (SHARON SMITH:rma)

Approved, JH/PR

Item 51. APPLICATION NO. 23-850 D BY CAMERON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 FOR AN AMENDMENT PURSUANT TO TWC SECTION NO. 11.122. FOR COMMISSION ACTION. Application seeks to convert 1450 acre-feet of irrigation rights authorized under certificate No. 23-839 to municipal rights and to combine those water rights under cert no. 23-580, Rio Grande, Rio Grande Basin, Cameron County, Texas. (Sharon Smith:arc)

Approved, JH/PR

Item 52. APPLICATION NO. 23-2804C BY ZAPATA COUNTY WATERWORKS TO AMEND CERTIFICATE NO. 23-2804, AS AMENDED. FOR COMMISSION ACTION. Applicant seeks to amend the certificate to increase the diversion rate from 2.11 cfs to 3.8 cfs for diversions of water from Falcon Reservoir located on the Rio Grande in Zapata County, Texas. (SMITH/lb)

Approved, JH/PR

Item 53. APPLICATION TO AMEND THE LOWER COLORADO RIVER AUTHORITY'S WATER MANAGEMENT AND DROUGHT MANAGEMENT PLANS. For Commission action. Proposed amendments of the Lower Colorado River Authority's Water Management and Drought Management Plans, Colorado River Basin. (SHARON SMITH:jgb)

Continued to October 28, 1992, the priority issues are remanded to Office Of Hearing's Examiner, JH/PR

Item 54. CONSIDERATION OF THE REQUEST BY BELVIEU ENVIRONMENTAL FUELS FOR AN ORDER AUTHORIZING COMMENCEMENT OF CONSTRUCTION PURSUANT TO SECTION 26.027(c) OF THE TEXAS WATER CODE, PROPOSED PERMIT NO. 03499. (Qualtrough)

Issue Authorization to Construct, JH/PR

Item 55. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ADMINISTRATIVE APPROVAL TO: (1) NEGOTIATE WITH SELECTED LOCAL GOVERNMENTS AND PUBLIC AGENCIES THAT HAVE SATISFIED THE REQUIREMENTS OF A REQUEST FOR PROPOSAL FOR LOCAL SOLID WASTE ENFORCEMENT SUPPORT GRANTS; AND (2) TO EXECUTE CONTRACTS WITH SAME LOCAL GOVERNMENTS AND PUBLIC AGENCIES IN AMOUNTS THAT EXCEED \$100,000. (MCARTHUR, DOUG)

Approved, PR/JH

Item 56. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ADMINISTRATIVE APPROVAL TO: (1) NEGOTIATE WITH SELECTED LOCAL GOVERNMENTS AND PUBLIC AGENCIES THAT HAVE SATISFIED THE REQUIREMENTS OF A REQUEST FOR PROPOSAL FOR LOCAL HOUSEHOLD HAZARDOUS WASTE COLLECTION GRANTS; AND (2) TO EXECUTE CONTRACTS WITH SAME LOCAL GOVERNMENTS AND PUBLIC AGENCIES IN AMOUNTS THAT EXCEED \$100,000. (MCARTHUR, DOUG)

Approved, PR/JH

Item 57. Briefing and consideration of approval of the 1994-1995 LAR.

Approved, JH/PR

Item 58. AUTHORIZE THE PURCHASE OF APPROPRIATE HARDWARE AND SOFTWARE COMPONENTS OF THE PRODUCTION DATABASE SERVER SYSTEM NECESSARY FOR THE IMPLEMENTATION OF TRACS, GIS, AND EIS. (Nancy Vaughan)

Approved, JH/PR

Item 59. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF BAYLOR UNIVERSITY TO TRANSFER PERMIT NO. 11397-01 TO JOHN FURNACE. RECOMMENDATION: DISMISS APPLICATION. (WOOD)

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

Item 60. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF JACK CANNATA DBA KINGSLAND HILLS WATER SYSTEM TO DISCONTINUE WATER UTILITY SERVICE IN BURNET COUNTY, TEXAS (DOCKET NO.9136-Q). RECOMMENDATION: DISMISSAL OF PETITION IN ACCORDANCE WITH PETITIONERS REQUEST. (O'NEAL)

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

Item 61. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE PETITION OF EXECUTIVE DIRECTOR AGAINST CEDAR POINT UTILITY COMPANY, PERMIT NO. 12454-01 REGARDING NONCOMPLIANT TREATED DOMESTIC WASTEWATER EFFLUENT IN POLK COUNTY, TEXAS, SEGMENT NO. 0803 OF THE TRINITY RIVER BASIN. RECOMMENDATION: Issuance of Agreed Enforcement Order. (Arenson)

Continued to October 21, 1992

Item 62. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF BRAZORIA COUNTY MUD NO. 5 REQUESTING APPROVAL TO LEVY STANDBY FEES IN BRAZORIA COUNTY, TEXAS (DOCKET NO. TWC Internal Control No. 061491-001). RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (SORRELLS).

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

Item 63. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PROPOSED ORDER CONCERNING THE APPLICATION OF THE CITY OF GRANBURY FOR AN AMENDMENT TO PERMIT NO. 10178-002 TO AUTHORIZE THE DISCHARGE OF 2,000,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN HOOD COUNTY, TEXAS, AND SEGMENT NO. 1205 OF THE BRAZOS RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (THOMAS)

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

UNCONTESTED OLD BUSINESS

Wednesday, October 14, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 2, 1992.

- Item 1. APPLICATION BY BISHOP CONSOLIDATED INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 11754-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000 gallons per day. The Petronila Elementary Wastewater Treatment Facilities are northeast of the intersection of County Road 23 and Farm-to-Market 665 in the Town of Petronila in Nueces County, Texas.

Approved, PR/JH

Item carried forward from Agenda of September 2, 1992.

- Item 2. APPLICATION BY CITY OF BLOSSOM for renewal of Permit No. 10715-02 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 are approximately 3,000 feet southwest of the intersection of U.S. Highway 82 and Farm-to-Market Road 1502, approximately 4,000 feet east of the intersection of Farm-to-Market Roads 194 and 196 in Lamar County, Texas.

Approved, PR/JH

Item carried forward from Agenda of September 2, 1992.

- Item 3. APPLICATION BY DESSAU UTILITIES for renewal of Permit No. 12971-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,540,000 gallons per day. The renewed permit has also decreased the volume to 500,000 gallons per day average. The wastewater treatment facilities are approximately 1.4 miles north of the intersection of Dessau Road and Yager Lane, approximately 2.5 miles southeast of the intersection of Interstate Highway 35 and Dessau Road in Travis County, Texas.

Approved, PR/JH

Item carried forward from Agenda of September 2, 1992.

- Item 4. APPLICATION BY DIAMONDHEAD WATER SUPPLY CORPORATION for renewal of Permit No. 11478-01 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 approximately 8 miles west of the City of Conroe along State Highway 105 and approximately 0.5 mile north of State Highway 105 near the west shore of Lake Conroe in Montgomery County, Texas.

Approved, PR/JH

Item carried forward from Agenda of September 2, 1992.

Item 5. APPLICATION BY LE ROY J. EVERETT for renewal of Permit No. 10990-01 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 is 1800 feet east of State Highway 146 and approximately 500 feet north of Horsepen Bayou in Chambers County, Texas.

Approved, PR/JH

Item carried forward from Agenda of September 2, 1992.

Item 6. APPLICATION BY NORTH TEXAS MUNICIPAL WATER DISTRICT for renewal of Permit No. 10262-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,200,000 gallons per day. The wastewater treatment facilities are approximately 1.2 miles south-southwest of the intersection of State Highway 205 and Farm-to-Market Road 552 in Rockwall County, Texas.

Approved, PR/JH

Item carried forward from Agenda of September 2, 1992.

Item 7. APPLICATION BY SWILLEY INTERESTS, INC. for renewal of Permit No. 11350-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000 gallons per day. The wastewater treatment facilities are on the south side of Farm-to-Market Road 356, at the west end of Farm-to-Market Road 356 Bridge over the White Rock Creek Arm of Lake Livingston in Trinity County, Texas.

Continued to November 18, 1992

Item carried forward from Agenda of July 8, and October 7, 1992.

Item 8. APPLICATION BY ALEDO INDEPENDENT SCHOOL DISTRICT has applied to the Texas Water Commission for renewal of Permit No. 13438-01 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 one mile southwest of the intersection of Interstate Highway 20 and Farm to Market Road 1187; 4500 feet west-northwest of the intersection of Farm-to-Market Road 1187 and County Road 4001 (Old Bankhead Highway) in Parker County, Texas.

Remand to Office Hearing's Examiner

CONTESTED AGENDA

Wednesday, October 14, 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 HOLCOMB BROTHERS SAND PITS, INC., NO PERMIT. (Martinez)

Issue Agreed Order, PR/JH

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE, PERMIT NOS. 02952 AND 12353-01. (Martinez)

Ctoninued to November 18, 1992

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF U. S. DEPARTMENT OF DEFENSE, DEPARTMENT OF THE ARMY, ARMY ARMAMENT, MUNITIONS AND CHEMICAL COMMAND - LONGHORN ARMY AMMUNITION PLANT; SWR NO. 30990. (Hall)

Remand to Office Hearing's Examiner, PR/JH

Item 4. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF E-Z MART STORES, INC.; PST FACILITY I.D. NO. 22479. (R. WINTER)

Remand to Office Hearing's Examiner, PR/JH

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WYLIE, INC.; OWNER ID NO. 08877. (Winter)

Remand to Office Hearing's Examiner, 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 RALPH BERG, DBA RAMBLEWOOD MOBILE HOME PARK, PERMIT NO. 11038-001. (Smith, J.)

Issue Proposed Order, PR/JH

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF HOUSTON, PERMIT NO. 10495-090. (Ray)

Remand to Executive Director, PR/JH

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND REQUIRING CERTAIN ACTIONS OF THE CITY OF NAVASOTA, PERMIT NO. 10231-01. (Smith, J.)

Issue Agreed Order, PR/JH

Item 9. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PRIDE OF TEXAS, TWC FACILITY I.D. NO. 41913. (Smith, Jennifer)

Remand to Office Hearing's Examiner, PR/JH

Item 10. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF EL PASO-SUN METRO PUBLIC TRANSIT ADMINISTRATION, TWC FACILITY I.D. NO. 11418. (Mark Alvarado)

Continued to November 4, 1992

Item 11. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AYRES DISTRIBUTING COMPANY, TWC FACILITY I.D. NO. 04851. (Jennifer Smith)

Issue Proposed Order, PR/JH

Item 12. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF G.P. LEASING OF WHARTON, OWNER I.D. NO. 15538. (SMITH, JENNIFER)

Remand to Office Hearing's Examiner, PR/JH

Item 13. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF COLLECTING BANK, N.A., TWC FACILITY I.D. NO. 48472. (Alvarado, Mark)

Issue Agreed Order, PR/JH

Item 14. CONSIDERATION OF THE ADOPTION OF PERMANENT RULES, 31 TEXAS ADMINISTRATIVE CODE SECTIONS 336.1 - 336.4 CONCERNING THE DISPOSAL OF RADIOACTIVE SUBSTANCES. (McLeod)

Adopt Rules as Proposed, JH/PR

Item 15. 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 16. 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, October 14, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 17. REQUEST BE SANIFILL OF TEXAS, INC. THAT THE COMMISSION ENTER AN EMERGENCY ORDER WHICH WOULD SPECIFY THE TECHNICAL REQUIREMENTS NEEDED TO ALLOW SANIFILL TO DISCHARGE ACCUMULATED STORMWATER FROM ITS CLASS IV FACILITY LOCATED IN HARRIS COUNTY. (Qualtrough)

Issue Emergency Order as requested with changes and additions added as recommended by Chairman Hall. JH/PR

Item 18. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AUTHORIZATION TO SPEND FUNDS AT THE AGENCY'S DISPOSAL TO UNDERTAKE ANY ACTIONS NECESSARY TO INVESTIGATE, SAMPLE AND REMEDIATE THE PUBLIC HEALTH THREAT POSED BY EXISTING LEAD CONTAMINATION IN THE WESTERN PORTION OF THE CITY OF DALLAS. (Alvarado)

Approve Staff Recommendations, JH/PR

CONTESTED OLD BUSINESS

Wednesday, October 14, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

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

- Item 1. 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)

Issue Proposed Order, PR/JH

Item carried forward from Agenda of September 23, 1992.

- Item 2. 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 November 18, 1992.

Item carried forward from Agenda of September 23, 1992.

- Item 3. 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)

Issue Agreed Order, JH/PR

Item carried forward from Agenda of September 23, 1992.

- Item 4. 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)

Issue Agreed Order, PR/JH

Item carried forward from Agenda of July 8, and October 7, 1992.

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF E.I. DU PONT DE NEMOURS AND COMPANY, SWR NO. 30018, SAN PATRICIO COUNTY. (Alvarado)

Remand to Office Hearing's Examiner, PR/JH

Item carried forward from Agenda of September 23, and September 30, 1992.

- Item 6. 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)

Adopt Examiner's Proposal for Decision and Issue Order, Overrule all exceptions, JH/PR

Item carried forward from Agenda of September 30, 1992.

- Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SAN ANGELO ELECTRIC SERVICE COMPANY; SWR NO. 30188. (Alvarado)

Remand to Office Hearing's Examiner, PR/JH