

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

UNCONTESTED AGENDA

Wednesday, November 4, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. Consideration of an application by KOCH REFINING COMPANY for a Class 2 Modification to hazardous waste Permit No. HW50097 in accordance with 31 TAC Section 305.69. Koch Refining Company operates a hazardous and industrial solid waste facility which is comprised of two land treatment units. The facility is located near the western extremity of the Corpus Christi Ship Channel and is bounded to the north by Nueces Bay and to the south by Upriver Road in Nueces County, Texas.

Approved, PR/PG

Item 2. Consideration of an application by TEXAS EASTMAN DIVISION for a Class 2 Modification to its hazardous waste Permit No. HW50043 in accordance with 31 TAC Section 305.69. The permittee operates an existing hazardous waste management facility off of Estes Parkway (State Highway 149) at the end of Kodak Boulevard, near Longview in Harrison County, Texas.

Approved, PR/PG

Item 3. APPLICATION BY SCIENTIFIC WASTE SOLUTIONS, INC. for a minor amendment to municipal solid waste Permit No. MSW1919 to authorize changes to the Site Development Plan. The proposed changes would improve the permitted method of waste disposal and would not affect the capacity of the landfill. The plant site is within the extraterritorial jurisdiction of Pearland, 0.1 mile east of the intersection of County Road 106 and FM Road 865 and abutting the south side of County Road 106 in Brazoria County, Texas.

Approved, PR/PG

Item 4. APPLICATION BY CHAPARRAL FEEDERS INC. for an amendment to Permit No. 02298 to authorize an increase in the number of cattle at the feedlot from 9,000 head to 10,000 head. The feedlot is on the north side of Farm-to-Market Road 140, approximately 10 miles southeast of the intersection of Farm-to-Market Road 140 and Farm-to-Market Road 117 south of the City of Uvalde in Uvalde County, Texas.

Approved, PG/PR

Item 5. APPLICATION BY CITY OF UVALDE for an amendment to Permit No. 10306-01 to authorize an additional outfall to regulate the discharge of treated domestic wastewater effluent at a volume not to exceed a maximum flow of 225,000 gallons per day. The permit currently authorizes the discharge of treated effluent at a volume not to exceed an average flow of 2,500,000 gallons per day via Outfall 001. The proposed amendment would

authorize a combined discharge volume not to exceed a maximum flow of 2,500,000 gallons per day via both outfalls. The wastewater treatment facilities are approximately 1.3 miles southwest of intersection of Farm-to-Market Road 117 and U.S. Highway 83 in Uvalde County, Texas.

Approved, PG/PR

- Item 6. APPLICATION BY MONTGOMERY COUNTY UTILITY DISTRICT NO. 2 for a minor amendment to Permit No. 11271-01 in order to change the method by which it is authorized to dispose of sludge from disposal at a registered landfill to disposal by by land application. The existing permit authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed a daily average flow of 250,000 gallons per day, which will remain the same. The plant site is on the east side of Lake Conroe, immediately south of Farm-to-Market Road 830 and approximately 500 feet east of Kingston Cove Lane in Montgomery County, Texas.

Continued December 2, 1992

- Item 7. APPLICATION BY AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1 for renewal of Permit No. 13318-01 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 800,000 gallons per day. The wastewater treatment facilities are located approximately 1 3/4 miles north of U.S. Highway 290 east and 1/4 mile west of the intersection of Giles Road and Boyce Lane in Travis County, Texas.

Continued December 2, 1992

- Item 8. APPLICATION BY CACTUS PIPE & SUPPLY COMPANY, INC. for renewal of Permit No. 12528-01 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 at 400 South Sheldon Road, approximately 3100 feet south of Interstate Highway 10 near the southwest side of Cactus property in Harris County, Texas.

Approved, PG/PR

- Item 9. APPLICATION BY CITY OF DALHART for renewal of Permit No. 10099-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,000,000 gallons per day. The wastewater treatment facilities are located approximately 1/2 mile west of U.S. Highway 87, approximately 2 1/2 miles southeast of the intersection of U.S. Highway 54 and U.S. Highway 87 in Hartley County, Texas.

Approved, PG/PR

- Item 10. APPLICATION BY NORTH TEXAS MUNICIPAL WATER DISTRICT for renewal of Permit No. 10481-01 which authorizes a discharge of filtered backwash water at a volume not to exceed an average flow of 200,000 gallons per day from a water treatment plant. The renewed permit would change the authorized discharge to intermittent flow variable discharges during emergency conditions. The plant site is at 505 E. Brown Street, at the corner of U.S. Highway 78 and Brown Street in the City of Wylie, Collin County, Texas.

Approved, PG/PR

Item 11. APPLICATION BY RHONE-POULENC INC. for renewal of Permit No. 01822 which authorizes a discharge of treated wastewater consisting of process and utility water, stormwater and domestic sewage at a volume not to exceed an average flow of 175,000 gallons per day. The permit also authorizes a discharge of stormwater at a volume variable with rainfall. The plant manufacturing fine inorganic and organic chemicals is located at 6213 Highway 332 East, in the extraterritorial jurisdiction of the City of Freeport, Brazoria County, Texas.

Item 12. APPLICATION BY TEMPLE-INLAND FOREST PRODUCTS CORPORATION for renewal of Permit No. 02832 which authorizes a discharge of cooling tower blowdown and low volume wastewater from previously monitored effluent at a volume not to exceed an average flow of 504,000 gallons per day from a Temple-Inland cogeneration plant. The plant site is west of the fiberboard plant and east of Neal Pickett Drive in the City of Diboll, Angelina County, Texas.

Approved, PG/PR

Item 13. APPLICATION BY TEXAS UTILITIES ELECTRIC COMPANY for renewal of Permit No. 01249 which authorizes the discharge of once through cooling water and previously monitored effluents at a volume not to exceed an average flow of 594,000,000 gallons per day. The permit also authorizes an intermittent flow variable discharge of low volume wastewater and/or stormwater runoff. The North Lake Steam Electric Station is located on the north shore of North Lake, immediately southeast of the Moore Road and Belt Line Road intersection approximately one (1) mile east of the City of Coppell, Dallas County, Texas.

Approved, PG/PR

Item 14. APPLICATION BY HARRIS COUNTY UTILITY DISTRICT NO. 3 FOR APPROVAL OF THE ISSUANCE OF \$2,480,000 IN UNLIMITED TAX AND REVENUE BONDS, 7.724% NET EFFECTIVE INTEREST RATE, SERIES 1992, THIRD ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,480,000 in tax & revenue bonds to finance drainage ditch improvements, lift station improvements, replacement of sections of wastewater lines, and water, wastewater and drainage improvements for Woodland Hills, Section 13. (Nelson)

Approved, PR/PG

Item 15. APPLICATION BY FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 FOR APPROVAL OF \$2,075,000 UNLIMITED TAX BONDS, 7.737% NET EFFECTIVE INTEREST RATE, SERIES 1992, ELEVENTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,075,000 in unlimited tax bonds to finance water and wastewater repairs and facilities. (Herbert)

Approved, PR/PG

Item 16. PETITION BY FIRST GIBRALTAR BANK, FSB, FOR APPOINTMENT OF ROLLING CREEK UTILITY DISTRICT OF HARRIS COUNTY DIRECTORS. For Commission consideration and action. Applicant requests appointment of Charles R. Ackerman, John H. Freeman, III,

William J. Gold, Roger K. Hill and Teresa Peel as directors.
(Freguson)

Approved, PR/PG

Item 17. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR COMMISSION APPROVAL TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT TO PROVIDE ON-SITE MANAGERIAL AND TECHNICAL ASSISTANCE TO APPROXIMATELY 50 SMALL AND LOW INCOME COMMUNITIES REGARDING WATER AND SEWER UTILITY PROBLEMS AS REQUIRED UNDER SECTION 5.235 (n) (6) OF THE TEXAS WATER CODE. Contract amount not to exceed \$150,000. (Freitag)

Approve Staff Recommendation, PR/JH

Item 18. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR COMMISSION APPROVAL TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT TO PROVIDE ON-SITE MANAGERIAL AND TECHNICAL ASSISTANCE TO APPROXIMATELY 350 INVESTOR OWNED UTILITIES AND NON-PROFIT WATER SUPPLY CORPORATIONS AS REQUIRED UNDER SECTION 5.235 (n) (6) OF THE TEXAS WATER CODE. Contract amount not to exceed \$210,000. (Freitag)

Approve Staff Recommendation, PR/JH

Item 19. CONSIDERATION OF THE ADOPTION OF THE REVISED "ANNUAL AUDIT REPORTS REQUIREMENTS FOR TEXAS WATER DISTRICTS AND AUTHORITIES" AND THE "WATER DISTRICT ACCOUNTING MANUAL," as provided by Section 50.372, Water Code. These revised manuals are proposed in order to provide more current guidelines to water districts and authorities. (cavazos)

Approve Staff Recommendation, PG/PR

Item 20. APPLICATION OF SOUTHWOOD ESTATES, INC. to Transfer Water and Sewer CCN No. 12904 and CCN No. 20688 from Iowa Colony Utilities, Inc. in Brazoria County, TX (Application No. 9607-T, Holcomb)

Approve, PG/PR

Item 21. APPLICATION OF COMMUNITY UTILITIES, INC. to Report Acquisition of the Orchard Crossing Estates, Inc. Water and Sewer Utilities and to Apply for Water and Sewer CCNs in Harris County, TX

Approve, PG/PR

Item 22. APPLICATION OF LARRY BREWER to Transfer a Portion of Water CCN No. 11438 from Block & Block Water System, Inc., B & B Water Systems, Inc. and M. R. Block and to Amend Water CCN Nos. 12243 and 11438 in Orange County, TX (Application No. 9359-S, Horst) APPLICATION OF LARRY BREWER to Amend Water CCN No. 12243; to Decertify Sam Gore dba Dairyland Heights Water System and to Cancel Water CCN No. 12333; to Decertify a portion of North Hardin Water Supply Corporation, CCN No. 11267, in Hardin County, and to Decertify portions of B & B Water Systems, Inc. in Orange County, TX (App. No. 9360-C, Horst)

Approve, PG/PR

Item 23. APPLICATION NO. 5427 BY CITY OF FREDERICKSBURG FOR A WATER USE PERMIT PURSUANT TO TWC SECTION NO. 11.121. FOR COMMISSION

ACTION. Applicant seeks authorization to construct and maintain a dam and 0.04 acre-foot reservoir on Town Creek, tributary of Barons Creek, tributary of the Pedernales River, tributary of the Colorado River, Colorado River Basin, for in-place recreational use within the City of Fredericksburg, Gillespie County, Texas. (Sharon Smith/arc)

Approve, PG/PR

Item 24. CONSIDERATION OF AN AGREED ORDER RESOLVING AN ENFORCEMENT ACTION ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ENCYCLE/TEXAS, INC., SWR NO. 30003. (Celestino)

Issue Agreed Order, PG/PR

CONTESTED AGENDA

Wednesday, November 4, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PHILLIPS 66 COMPANY, SWEENEY REFINERY AND PETROCHEMICAL COMPLEX, SWR NO. 30048. (Alvarado)

Continued to January 6, 1993

Item 2. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CAR WASH COMPANY, TWC FACILITY ID. NO. 12266. (MARYAM BANI-JAMALI)

Continued to November 18, 1992

Item 3. CONSIDERATION OF EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CAPITOL AGGREGATES FOR VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE AND RULES OF THE TEXAS WATER COMMISSION. NO PERMIT (ROBERT MARTINEZ)

Remand to Office Hearing's Examiner, PG/PR

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF BRIDGE CITY. PERMIT NO. 10051-01 (JOHN CARLTON)

Remand to Office Hearing's Examiner, PR/PG

Item 5. COMMISSION CERTIFY QUESTION REGARDING THE APPLICATION OF RECONTEK OF TEXAS, INC. FOR PERMIT NO. HW-50324, WHETHER THE EXECUTIVE DIRECTOR CAN REVOKE HIS DETERMINATION OF APPLICATION COMPLETENESS AFTER AN APPLICATION HAS BECOME A CONTESTED CASE.

Send Application to Office Hearing's Examiner, the Hearing's Examiner is to determine whether application is complete and address other recommendations as made by Chairman Hall, Commissioner Reed and Ken Ramirez, JH/PR

Item 6. COMMISSION CERTIFY QUESTION REGARDING THE APPLICATION OF AMERICAN ENVIROTECH, INC. FOR PERMIT NO. HW-50299, WHETHER THE HEARING RECORD IN THE CASE REGARDING THE APPLICATION BY AMERICAN ENVIROTECH, INC. FOR PERMIT NO. HW-50299 SHOULD BE REOPENED TO RECEIVE ADDITIONAL REBUTTAL EVIDENCE IN LIGHT OF COMMISSION POLICY REGARDING EXPEDITIOUS HEARING MANAGEMENT.

Reopen record and allow report to be accepted into record and Office Hearing's Examiner convene hearing with parties and bring final Proposal For Decision before the Commission within 90 days. JH/PG, Pam Reed Opposed

Item 7. Consideration of the adoption of amendments to 31 TAC Chapter 335, concerning waste classification standards. Amendments to Subchapters A and C and new Subchapter R. (Birch)

Adopt Amendments as recommended by Staff, PR/PG

Item 8. Consideration of the Request of Explorer Pipeline Co. for an Emergency Order pursuant to 31 TAC 305.26 to process hazardous and industrial solid waste in Montgomery County, Texas. Imminent and substantial endangerment to human health, safety and the environment due to the fact the spill site adjacent to Spring Creek.

Issue Emergency Order, PR/JH

Item 9. Consideration of Petition for Rulemaking (styled as Motion for Rehearing or Reconsideration) filed by DeMarco Energy Systems of America, Inc. regarding the use of heat exchanger units in public water systems.

Continued to November 18, 1992

Item 10. CONSIDERATION OF A MOTION FOR REHEARING OF HOMESTEAD MUNICIPAL UTILITY DISTRICT FOR STANDBY FEES. (This item was considered on September 9, 1992 at which time the commission adopted Proposal for Decision and Issued Order with additions as recommended by Hearing's Examiner and Executive Director, overruled all exceptions, denied motion to reopen.)

Overrule Motion for Rehearing, JH/PR

Item 11. 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 12. 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, November 4, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 13. CONSIDERATION OF AN ORDER FORMALIZING THE DECISION OF SEPTEMBER 30, 1992, REGARDING THE APPLICATION OF LAIDLAW WASTE SYSTEMS FOR PERMIT NO. 2101 TO AUTHORIZE THE OPERATION OF A MUNICIPAL SOLID WASTE TYPE I DISPOSAL SITE IN DALLAS COUNTY, TEXAS. THIS MATTER IS ON REMAND FROM THE TRAVIS COUNTY DISTRICT COURT PURSUANT TO SEC. 19(d) (2) OF THE ADMINISTRATIVE PROCEDURE AND TEXAS REGISTER ACT.

Issue Order as Proposed by General Counsel, along with additional conclusions, deny Motion for Continuance, JH/PG

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, November 4, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 14. COMMISSION WILL CONSIDER MOTION FOR REHEARING ON THE MATTER OF REMINGTON MUNICIPAL UTILITY DISTRICT NO. 1. (This matter was considered and approved on September 23, 1992 agenda.)

Grant Motion for Rehearing, PR/JH

CONTESTED OLD BUSINESS

Wednesday, November 4, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of October 14, 1992.

- Item 1. 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 18, 1992