

HALL - ABSENT & EXCUSED FOR ITEMS 45, 46 AND 52
REED
GARNER

UNCONTESTED AGENDA

Wednesday, November 18, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY UNION CARBIDE CHEMICALS and PLASTICS COMPANY, INC., for post closure care permit (Proposed Permit No. HW50318) to manage post-closure care of a surface impoundment known as the Ball Mill Residue Basin at its Brownsville, Texas facility. The Ball Mill Residue Basin was used to manage Class I hazardous wastes generated during the manufacture of acetic acid, acetic anhydride, ethanol, ethyl acetate, formic acid, methyl ethyl ketone and propionic acid. The Brownsville facility does not currently store, process or dispose of hazardous waste. The proposed post-closure care permit would authorize Union Carbide to conduct post-closure care activities. The facility is located on Highway 48, 2.5 miles east of the intersection of Highway 48 and FM 511 in Brownsville, Cameron County, Texas.

APPROVED, PR/PG

Item 2. APPLICATION BY KENNETH CHRISTIE for a permit (Proposed Permit No. 03488) to authorize the disposal of wastes and wastewater from a beef cattle feedlot. The beef cattle feedlot will consist of a maximum of 4,000 head. The feedlot is approximately one half mile west of Farm-to-Market Road 1057, approximately 2.5 miles south of the intersection of Farm-to-Market Road 1057 and U.S. Highway 60, and approximately 8 miles southwest of the City of Hereford in Castro County, Texas.

APPROVED, PG/PR

Item 3. APPLICATION BY TEXAS PARKS AND WILDLIFE DEPARTMENT for a permit (Proposed Permit No. 13613-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 40,000 gallons per day. The wastewater treatment facilities will serve the Cooper Lake State Park. The plant site is approximately 500 feet east of Buggy Whip Creek from South Sulphur River and approximately 7,800 feet north northeast of Posey on State Highway 71 in Hopkins County, Texas.

APPROVED, PG/PR

Item 4. APPLICATION BY CITY OF GALENA PARK for an amendment to Permit No. 10831-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 700,000 gallons per day to an average flow of 950,000 gallons per day from Plant No. 1. The proposed amendment also requests a variance to the buffer zone requirements. The plant site is at 1107 Fifth Street in the City of Galena Park in Harris County, Texas.

APPROVED, PG/PR

Item 5. APPLICATION BY INTERSTATE FORGING INDUSTRIES, INC. for an amendment to Permit No. 02563 to authorize an emergency discharge of a portion of the facility's stormwater from a new Outfall 003 at a volume not to exceed a daily maximum flow of 500,000 gallons per day. Discharge will occur only in the event of electrical power outage to prevent the overflow and discharge of oil from an oil/water treatment tank. The current permit authorizes the discharge of treated domestic wastewater at a volume not to exceed an average flow of 8,000 gallons per day via Outfall 001; a discharge of treated combined steam hammer condensate, sodium softener regeneration wastewater, boiler blowdown and process area washdown waters and stormwater at an average dry weather flow of 500,000 gallons per day via Outfall 002. The applicant operates an iron and steel forge facility. The plant site is approximately 3 miles south of the City of Navasota, adjacent to and on the west side of the Texas and New Orleans Railroad right-of-way and with an entrance roadway off State Highway 508 approximately 1.0 mile south of the intersection of State Highway 508 and FM 379 in Grimes County, Texas.

APPROVED, PG/PR

Item 6. APPLICATION BY CITY OF MATHIS for an amendment to Permit No. 10015-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 600,000 gallons per day to a volume not to exceed an average flow of 947,000 gallons per day. The permit also authorizes the uses of treated effluent for irrigation on 120 acres of land, which will remain the same. The plant site is approximately 1.25 miles northwest of the intersection of State Highway Spur 198 and Farm-to-Market Road 1068, along the access road northwest extension of San Patricio Avenue in the City of Mathis in San Patricio County, Texas.

APPROVED, PG/PR

Item 7. APPLICATION BY OCCIDENTAL CHEMICAL CORPORATION for an amendment to Permit No. 00002 to authorize an increase in the discharge of process wastewater, sanitary wastewater, utility waters, demineralizer wastewater, and stormwater from a volume not to exceed an average flow of 3,000,000 gallons per day to a volume not to exceed an average flow of 4,000,000 gallons per day. The applicant operates a plant producing plastic materials and industrial organic chemicals. The plant site is at 4403 Pasadena Freeway, at the confluence of Texas Highway 225 and the Beltway 8 bridge over the Houston Ship Channel in Harris County, Texas.

APPROVED, PG/PR

Item 8. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 167 for a minor amendment to Permit No. 12834-01 in order to add an interim phase which would authorize a discharge of treated domestic wastewater effluent at a volume not to exceed 63,000 gallons per day average. The proposed amendment would also decrease the discharge volume in the final phase from 1,200,000 gallons per day average to 600,000 gallons per day average. The wastewater treatment facilities are approximately 1-1/4 miles north of the intersection of Barker-Cypress Road and Clay Road; approximately 1 mile southwest of the intersection of Gummert Road and Barker-Cypress Road in Harris County, Texas.

APPROVED, PG/PR

Item 9. CONSIDERATION OF a staff initiated minor amendment to Permit No. 11514-01, issued to RIVER PLACE MUNICIPAL UTILITY DISTRICT to update the permit terms and format and to include a term of five years. The permit authorizes the disposal of treated domestic sewage effluent by irrigation on an 178-acre golf course. The disposal volume is not to exceed 400,000 gallons per day average. The plant site and irrigation site are approximately 4 miles northwest of the intersection of Farm-to-Market Road 2222 and State Highway - Loop 360, and 5/8 mile north of Lake Austin in Travis County, Texas.

APPROVED, PG/PR

Item 10. APPLICATION BY CITY OF RIO HONDO for a minor amendment to Permit No. 10475-02 to allow the disposal of sludge at the City of Harlingen's wastewater treatment plants. The current permit authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 400,000 gallons per day average from the wastewater treatment facilities, which will remain the same. The plant site is approximately 500 feet east of the Arroyo Colorado and approximately 1 1/2 miles north of the intersection of Farm-to-Market Road 106 and Farm-to-Market Road 1846 in Cameron County, Texas.

APPROVED, PG/PR

Item 11. APPLICATION BY BELL COUNTY WCID NO. 1 for renewal of Permit No. 10351-01 which authorizes a discharge of settled filtered backwash water at a volume not to exceed an average flow of 900,000 gallons per day from a water treatment plant. The plant site is three miles west northwest of Lake Belton Dam, north of FM 439 and approximately one mile southeast of Westcliff Park, Bell County, Texas.

RENEWED, PG/PR

Item 12. APPLICATION BY CARRIER CORPORATION for renewal of Permit No. 01509 which authorizes a discharge of coil test tank overflow and stormwater runoff at a volume not to exceed an average flow of 6,000 gallons per day from a manufacturer of commercial air conditioning units. The plant site is at 1700 Duncan Street in the City of Tyler, Smith County, Texas.

RENEWED, PG/PR

Item 13. APPLICATION BY CITY OF COLLEGE STATION for renewal of Permit No. 10024-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,900,000 gallons per day. The Carters Creek WWTP-1 Wastewater Treatment Facilities are adjacent to the west side of Carters Creek approximately 0.75 mile east of the State Highway 6 Bypass, and approximately 4000 feet north and 1800 feet east of the intersection of State Highway No. 6 East Bypass and Texas Avenue in Brazos County, Texas.

RENEWED, PG/PR

Item 14. APPLICATION BY EXXON PIPELINE COMPANY for renewal of Permit No. 02058 which authorizes a discharge of stormwater at a volume variable with rainfall from a petroleum products storage and transportation facility. The plant site is at 3403 Pasadena Freeway in the City of Pasadena in Harris

County, Texas.

RENEWED, PG/PR

Item 15. APPLICATION BY FOREST HILLS MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 11807-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 500,000 gallons per day. The renewed permit has decreased the flow to 100,000 gallons per day average. The wastewater treatment facilities are located south of Frick Road, approximately 2.5 miles northwest of the intersection of Mt. Houston Road and Veterans Memorial Drive (formerly Stuebner Airline Road) in Harris County, Texas.

RENEWED, PG/PR

Item 16. APPLICATION BY FRITO-LAY, INC. for renewal of Permit No. 02443 which authorizes a discharge of process wastewater, truck wash water, air scrubber water and stormwater via Outfall 001 at a volume not to exceed a dry weather flow of 1,100,000 gallons per day average. The permit also authorizes a discharge of treated domestic wastewater via Outfall 002 at a volume not to exceed an average flow of 14,000 gallons per day. The permittee is also authorized to maintain a perennial crop of Bermuda grass or a similar vegetation cover over an irrigated area. The snack food production facility is located on the northeast side of State Highway 36, approximately three miles northwest of the City of Rosenberg, Fort Bend County, Texas.

RENEWED, PG/PR

Item 17. APPLICATION BY CITY OF GREENVILLE for renewal of Permit No. 10485-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,230,000 gallons per day. The wastewater treatment facilities are approximately 1.3 miles east of the intersection of Interstate Highway 30 and U.S. Highway 69 in Hunt County, Texas.

CONTINUED TO DECEMBER 2, 1992 AT 9:00 A.M.

Item 18. APPLICATION BY CITY OF GLADEWATER for renewal of Permit No. 10433-01 which authorizes a discharge of settled filter backwash at a volume not to exceed an average flow of 17,000 gallons per day from a water treatment plant. The plant site is at 1509 East Lake Drive, 3/4 mile north of Gladewater, Upshur County, Texas.

RENEWED, PG/PR

Item 19. APPLICATION BY GUADALUPE-BLANCO RIVER AUTHORITY for renewal of Permit No. 11751-002 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 700,000 gallons per day. The permittee is authorized to use the effluent, when possible, to irrigate a golf course at an application rate not to exceed 2.8 acre-feet/acre/year. The wastewater treatment facilities are located approximately 800 feet east of the intersection of Farm-to-Market Road 1103 and Interstate Highway 35 in Comal County, Texas.

RENEWED, PG/PR

Item 20. APPLICATION BY CITY OF KENDLETON for renewal of Permit No.

10996-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 80,000 gallons per day. The wastewater treatment facilities are approximately 1500 feet east of the intersection of Farm-to-Market 2219 and US Highway 59; and 1000 feet south of US Highway 59 in Fort Bend County, Texas.

RENEWED, PG/PR

Item 21. APPLICATION BY LAFARGE CORPORATION for renewal of Permit No. 01389 which authorizes a discharge of settling pond seepage at a volume not to exceed an average flow of 756,000 gallons per day from the Cleburne sand and gravel washing facility. The plant site is on the east bank of the Brazos River, west of Park Road 21, approximately four (4) miles southwest of Cleburne State Park in Johnson County, Texas.

RENEWED, PG/PR

Item 22. APPLICATION BY LOUISIANA-PACIFIC CORPORATION for renewal of Permit No. 01611 which authorizes a discharge of stormwater and boiler blowdown at a volume not to exceed an average flow of 1,440,000 gallons per day from a sawmill. The renewed permit has decreased the flow to 850,000 gallons per day average. The plant site is immediately west of the AT & SF Railroad and one mile east of U.S. 69 and 1.5 miles north of FM 776, at the end of McQueen Street and north of the City of Jasper, Jasper County, Texas.

RENEWED, PG/PR

Item 23. APPLICATION BY MARATHON LETOURNEAU COMPANY for renewal of Permit No. 01603 which authorizes an intermittent, flow variable discharge of contact and non-contact cooling water and stormwater from an integrated heavy equipment manufacturing plant. The plant site is approximately 0.5 mile west-southwest of the intersection of Farm-to-Market Road 1845 and State Highway 149 (Estes Parkway), southwest of the City of Longview, Gregg County, Texas.

RENEWED, PG/PR

Item 24. APPLICATION BY CITY OF MINERAL WELLS for renewal of Permit No. 10585-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,260,000 gallons per day. The wastewater treatment facilities are located approximately 1,700 feet northwest from the intersection of the U.S. Highway 180 and Rock Creek in Parker County, Texas.

RENEWED, PG/PR

Item 25. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6 for renewal of Permit No. 11884-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 475,000 gallons per day. The Cutten Green Subdivision Wastewater Treatment Facilities are approximately 1000 feet north of Greens Bayou and approximately one mile west of Bammel North Houston Road in Harris County, Texas.

RENEWED, PG/PR

Item 26. APPLICATION BY CITY OF QUEEN CITY for renewal of Permit No.

11225-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day. The wastewater treatment facilities are approximately one mile east of U.S. Highway 59 at a point 0.5 mile north of Farm-to-Market Road 74, northeast of the City of Queen City in Cass County, Texas.

RENEWED, PG/PR

Item 27. APPLICATION BY CITY OF SAN ANTONIO for renewal of Permit No. 10137-39 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 60,000 gallons per day from the Southside ISD Campus Wastewater Treatment Facilities. The plant site is approximately one quarter of a mile east of the intersection of U.S. Highway 281 and Farm-to-Market Road 2537 in Bexar County, Texas.

RENEWED, PG/PR

Item 28. APPLICATION BY SAN PATRICIO MUNICIPAL WATER DISTRICT for renewal of Permit No. 02473 which authorizes a discharge of groundwater at a volume not to exceed an average flow of 22,000 gallons per day from a water treatment plant. The plant site is on the southeast side of State Highway 361, approximately two miles northwest of the City of Ingleside, San Patricio County, Texas.

RENEWED, PG/PR

Item 29. APPLICATION BY SOUTHWESTERN ELECTRIC POWER COMPANY for renewal of Permit No. 01307 which authorizes a discharge of once through cooling water and previously monitored effluents at a volume not to exceed an average flow of 740,000,000 gallons per day from a steam electric power station known as the Knox Lee Plant. The plant site is on the north side of Lake Cherokee, 1200 feet south of State Highway 149, approximately 12 miles southeast of Longview toward Tatum and 3 miles west of the City of Easton, Gregg County, Texas.

RENEWED, PG/PR

Item 30. APPLICATION BY TEJAS FINANCIAL CORPORATION for renewal of Permit No. 13209-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 90,000 gallons per day. The wastewater treatment facilities are approximately 4000 feet southeast of the intersection of U.S. Highway 190 and Farm-to-Market Road 3126 in Polk County, Texas.

RENEWED, PG/PR

Item 31. APPLICATION BY TEXAS INTERNATIONAL TERMINALS, INC. for renewal of Permit No. 02805 which authorizes a discharge of stormwater at a volume variable with rainfall from a sulfur slating plant and storage terminal. The plant site is at 4800 Port Industrial Blvd. on the west side of the Galveston Port (north end) adjacent to Slip "B" and the Pelican Island Bridge in the City of Galveston, Galveston County, Texas.

RENEWED, PG/PR

Item 32. APPLICATION BY CITY OF WESLACO for renewal of Permit No. 10619-01 which authorizes a discharge of settled filter

backwash wastewater at a volume not to exceed an average flow of 250,000 gallons per day from a water treatment plant. The plant site is at the southeast intersection of Farm-to-Market Road 88 and Mile 9 North Road, Hidalgo County, Texas.

RENEWED, PG/PR

Item 33. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY OF HARRIS COUNTY FOR APPROVAL OF A \$8,700,000 UNLIMITED TAX AND REVENUE BOND ISSUE, TWENTIETH ISSUE, 7.71% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The Authority's application request Commission approval for a bond issue to finance water, wastewater and drainage improvements to serve 1068 ESFCs within the Authority. (Jones)

APPROVED, PR/JH

Item 34. APPLICATION BY WILLOW FORK DRAINAGE DISTRICT OF FORT BEND & HARRIS COUNTIES FOR APPROVAL OF \$9,140,000 UNLIMITED TAX BONDS, 7.424% NET EFFECTIVE INTEREST RATE, SERIES 1992, SECOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$9,140,000 in unlimited tax bonds to finance District's share of major stormwater drainage outfall projects. (Herbert)

APPROVED, PR/JH

Item 35. APPLICATION BY NORTHWEST PARK MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$3,845,000 BOND ISSUE APPROVED August 24, 1983. For Commission consideration and action. Applicant requests approval of the use of \$158,582 of surplus funds for Deer Park Water Plant Operations Building, Antoine Water Well Site Improvements, and Miscellaneous Maintenance and Repair Expenses for Wastewater Treatment Plant.

APPROVED, PR/JH

Item 36. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY NO. 175 APPROVAL OF THE USE OF SURPLUS FUNDS, \$12,500,000 BOND ISSUE APPROVED AUGUST 6, 1986. For Commission consideration and action. Applicant requests approval of the transfer of approximately \$300,000 in surplus interest earnings from the construction funds to debt service. (Jones)

APPROVED, PR/JH

Item 37. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 145 FOR APPROVAL TO USE SURPLUS FUNDS; \$3,700,000 BOND ISSUE APPROVED OCTOBER 28, 1982. For Commission consideration and action. Applicant requests approval to use \$175,00 in surplus funds to finance wastewater line point repairs in Greentree Village, Section One. (Herbert)

APPROVED, PR/JH

Item 38. APPLICATION OF NORTH BELT UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$3,585,000 BOND ISSUE APPROVED FEBRUARY 2, 1984. For Commission consideration and action. Applicant requests approval to use \$219,774 in surplus funds for improvements and extensions of land and payment of engineering fees incurred in preparation of maps and models for the District's benefit and use. (Wheeler)

APPROVED, PR/JH

Item 39. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 254 FOR APPROVAL TO USE \$70,000 IN SURPLUS FUNDS; \$3,400,000 BOND ISSUE APPROVED JULY 16, 1986. For Commission consideration and action. Applicant requests approval to use \$70,000 in surplus funds to finance the cost of rehabilitation/repair of the District's water well no. 1. (Wheeler)

APPROVED, PR/JH

Item 40. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 175 FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant seeks approval for the levy of a nonuniform annual debt service standby fee of \$590.81 per acre in the Eastern Sector, \$761.22 per acre in the Western Sector, \$3,921.28 per acre in Parkway Plaza, and \$6,196.22 per acre in the Northwest Sector and an annual operation and maintenance standby fee of \$442 per acre. (Toliver)

CONTINUED TO DECEMBER 2, 1992 AT 9:00 A.M.

Item 41. APPLICATION FOR APPOINTMENT OF NORTHWAY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPOINTMENT OF DIRECTORS. For Commission consideration and action. Applicant requests appointment of Chris Larson, Gregory Vaughn, Jackie Campbell and Charles Parkin as directors. (Lutringer)

APPROVED, PR/JH

Item 42. APPLICATION BY RAYBURN COUNTY MUNICIPAL UTILITY DISTRICT OF JASPER COUNTY FOR APPROVAL OF CHANGE ORDER; \$2,100,000 BOND ISSUE APPROVED FEBRUARY 12, 1988. For Commission consideration and action. Applicant requests approval of change order No. 2 to the District's contract with Blacksher & Son, Inc., for the wastewater treatment plant improvements project. (Herbert)

APPROVED, PR/JH

Item 43. APPLICATION OF WEST BELL COUNTY WATER SUPPLY CORPORATION to Amend Water CCN No. 10045; in Bell County, TX (Application No. 9438-C, Erwin)

APPROVED, PR/PG

Item 44. APPLICATION OF LAGUNA VISTA, LTD. for a Sewer Certificate of Convenience and Necessity in Hood County, TX (Application No. 9555-C, Gonzalez)

APPROVED, PR/PG

Item 45. APPLICATION NO. 14-5477A BY THE TESTAMENTARY TRUSTS CREATED UNDER THE WILL AND CODICILS OF LACY WITHERS ARMOUR, DECEASED, AND THE LAURENCE H. ARMOUR, JR., 1989 REVOCABLE TRUST DBA PIERCE RANCH TO AMEND CERTIFICATE NO. 14-5477. FOR COMMISSION ACTION. Applicant seeks to identify ownership of the remaining portion of the certificate, to update the name, to change 20000 acre-feet of water from irrigation to municipal, industrial and recreation use (10000, 5000 & 5000 respectively) in Wharton County. (SMITH/jgb)

CONTINUED TO DECEMBER 2, 1992 AT 9:00 A.M. CONTESTED AGENDA

Item 46. APPLICATION NO. 14-5477B BY THE LOWER COLORADO RIVER AUTHORITY TO AMEND CERTIFICATE NO 14-5477. TWC SECTION 11.122. FOR COMMISSION ACTION. Applicant acquired 55,000 acre-feet of water under the certificate from Pierce Ranch and seeks to identify ownership of this portion and will use a period of time of not to exceed five years to determine a diversion point and place of use for their portion of the water right. (SMITH/jgb).

CONTINUED TO DECEMBER 2, 1992 AT 9:00 A.M. CONTESTED AGENDA

Item 47. APPLICATION OF NORTH ARLINGTON LEVEE IMPROVEMENT DISTRICT OF TARRANT COUNTY FOR AN EXTENSION OF TIME TO COMPLETE CONSTRUCTION OF A RECLAMATION ENGINEER PROJECT IN TARRANT COUNTY, TEXAS (DOCKET NO. RE-0291) FOR COMMISSION CONSIDERATION AND ACTION. Applicant has requested that the date for completion of levee project be extended to August 1, 1995. The applicant was unable to complete the project by August 1, 1992, due to the economic conditions in the area being such that funding has not been made available for further construction activity. (Mirabal)

APPROVED, PR/PG

Item 48. APPLICATION NO. 5426 BY JOHN G. CURRIE FOR A WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.121. FOR COMMISSION ACTION. Applicant seeks to divert 165 acre-feet of water per annum from the Little Blanco River, Guadalupe River Basin for irrigation of 110 acres of land in Hays and Comal Counties, approximately 25 miles northwest of San Marcos, Texas. (SMITH/lb)

APPROVED, PR/PG

Item 49. APPLICATION NO. 5185 BY HENRY CONSTABLE BECK, III FOR AN EXTENSION OF TIME TO COMMENCE AND COMPLETE CONSTRUCTION OF THE DAM FOR THE RESERVOIR AUTHORIZED BY PERMIT NO. 5185 (A-5185). FOR COMMISSION ACTION. Applicant seeks an extension of time for commencement of construction of the dam on Walnut Creek, Neches River Basin in Anderson County, Texas from September 27, 1992 to September 27, 1993 and the completion date from September 27, 1993 to September 27, 1994. (Sharon Smith/arc)

APPROVED, PR/PG

Item 50. APPLICATION NO. 5309 BY PALESTINE, CITY OF FOR AN EXTENSION OF TIME TO MODIFY AND COMPLETE CONSTRUCTION OF FOUR DAMS AUTHORIZED UNDER PERMIT NO. 5309 (A-5309). FOR COMMISSION ACTION. Applicant seeks an extension of time for modification of the dams authorized by Permit No. 5309 from January 3, 1993 to January 3, 1995 and to complete from January 3, 1994 to January 3, 1997, Trinity River Basin, Anderson County, Texas. (Sharon Smith/arc)

APPROVED, PR/PG

Item 51. APPLICATION NO. 23-2700B BY DOUGLAS M. BRICE TO AMEND CERTIFICATE NO. 23-2700, AS AMENDED, PURSUANT TO TWC SECTION NO. 11.122. FOR COMMISSION ACTION. Applicant seeks to amend the Certificate No. 23-2700 by changing 2 ac-ft of irrigation water to 25 ac-ft of mining use water, Rio Grande, Webb

County, Texas (Sharon Smith/arc)

APPROVED, PR/PG

Item 52. APPLICATION NO. 14-5434A BY GARWOOD IRRIGATION COMPANY FOR A TWC SECTION 11.122 AMENDMENT TO CERTIFICATE NO. 14-5434. FOR COMMISSION ACTION. Applicant seeks to amend the certificate to authorize additional purposes of use for 35,000 acre-feet of the 168,000 acre-feet of irrigation use authorization under the certificate for municipal and industrial purposes. (SMITH/jgb)

CONTINUED TO DECEMBER 2, AT 9:00 A.M. CONTESTED AGENDA

Item 53. APPLICATION NO. 14-5476A BY LOWER COLORADO RIVER AUTHORITY TO AMEND CERTIFICATE NO 14-5476 PURSUANT TO TWC SECTION 11.122. FOR COMMISSION ACTION. Applicant seeks to modify the existing Bay City Dam by increasing the current pool elevation increasing the capacity from 78 to 1580 acre-feet and to add a hydroelectric power generation facility with appurtenances will be included in these modifications. The diversion rate for the hydroelec. facility will be 3000 gpm. Description of the dam will also be modified which is 3 miles SW of Bay City, Matagorda County, TX. (lb/SMITH)

APPROVED, PR/PG

Item 54. CONSIDERATION OF A MOTION TO RECONSIDER THE CERTIFICATE AMENDMENT APPROVALS GRANTED BY THE COMMISSION ON JULY 22, 1992, TO: (1) SABINE RIVER AUTHORITY OF TEXAS, APPLICATION NO. 05-4669A OF WOOD, RAINS, AND GREGG COUNTIES, TEXAS; AND (2) SULPHUR RIVER MUNICIPAL WATER DISTRICT, APPLICATION NO. 03-4797A OF DELTA, HOPKINS, DENTON, COLLIN, GRAYSON, COOKE, WISE, DALLAS, AND TARRANT COUNTIES, TEXAS. (Macomb/Keils)

APPROVED STAFF RECOMMENDATION, PR/PG

Item 55. THE COMMISSION WILL CONSIDER WHETHER EMERGENCY ORDER NO. 92-17E, ISSUED TO DOW CHEMICAL COMPANY, ON SEPTEMBER 16, 1992 SHOULD BE AFFIRMED, MODIFIED OR SET ASIDE.

APPROVED STAFF RECOMMENDATION TO SET ASIDE, PR/PG

Item 56. THE COMMISSION WILL CONSIDER WHETHER EMERGENCY ORDER NO. 92-19E, ISSUED TO SANIFILL OF TEXAS, INC., ON OCTOBER 14, 1992 SHOULD BE AFFIRMED, MODIFIED OR SET ASIDE.

APPROVED STAFF RECOMMENDATION TO AFFIRM, PR/JH

Item 57. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF DARBY OIL COMPANY FOR AN ADMINISTRATIVE HEARING TO DETERMINE THE ELIGIBILITY OF DARBY OIL CO. FOR REIMBURSEMENT FROM THE PETROLEUM STORAGE TANK REMEDIATION FUND IN JEFFERSON COUNTY, TEXAS. RECOMMENDATION: PETITION REQUESTING HEARING BE DISMISSED. (LIMES)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PR/PG

Item 58. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF TEXAS MUNICIPAL UTILITY SERVICES, INC. DBA SOMERSETSHIRE ESTATES SEWAGE TREATMENT PLANT TO DISCONTINUE SEWER UTILITY SERVICE AND CANCELLATION OF CCN NO. 20712 TO PROVIDE SEWER SERVICE IN BRAZORIA COUNTY, TEXAS. (DOCKET NO. 9423-Q) RECOMMENDATION: DISMISSAL OF PETITION. (SORRELLS)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PR/PG

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, November 18, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 59. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF CITY OF SAN ANGELO FOR AN AMENDMENT TO PERMIT NO. 10641-03 TO AUTHORIZE THE DISPOSAL BY IRRIGATION OF 16,300,000 GPD AVERAGE TREATED DOMESTIC WASTEWATER EFFLUENT IN TOM GREEN COUNTY, TEXAS, AND SEGMENT NO. 1421 OF THE COLORADO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (HAYES)

SUBMITTED IN ERROR

SECOND ADDENDUM TO UNCONTESTED AGENDA

Wednesday, November 18, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 60. CONSIDERATION OF 90-DAY EXTENSION OF SIX PSTR FUND AND TWO
LUST TRUST FUND MULTI-SITE AGREEMENTS FOR WORK AT STATE-LEAD
LPST SITES.

APPROVED PER STAFF RECOMMENDATION, PR/PG

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, November 18, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 61. APPLICATION BY MEMORIAL POINT UTILITY DISTRICT OF POLK COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval for the levy of a standby fee of \$96 per connection per year for single family uses on undeveloped properties to supplement District's operation and maintenance account. (Ferguson)

(Due to administrative error this item must be placed on this agenda.)

REMANDED TO OFFICE OF HEARINGS EXAMINER, PR/JH

UNCONTESTED OLD BUSINESS

Wednesday, November 18, 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. 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)

REMANDED TO EXECUTIVE DIRECTOR, PR/PG

Item carried forward from agenda of October 14, 1992.

- Item 2. 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.

APPROVED, PG/PR

Item carried forward from Agenda of October 28, 1992.

- Item 3. APPLICATION BY CITY OF BEEVILLE for renewal of Permit No. 10124-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,500,000 gallons per day from the Moore Street Wastewater Treatment Facilities. The wastewater treatment facilities are located adjacent to Poesta Creek, east of the U.S. 181 Bypass, north of State Highway 202, south-southeast of the City of Beeville in Bee County, Texas.

APPROVED, JH/PG

Item carried forward from Agenda of October 28, 1992.

- Item 4. APPLICATION NO. 18-1975A BY TEXAS PARKS AND WILDLIFE DEPARTMENT DESIGN AND CONSTRUCTION DIVISION TO AMEND CERTIFICATE NO. 18-1975. FOR COMMISSION ACTION. Applicant seeks authorization to maintain existing impoundments below the spring head at Stockman Springs. Also to document the diversion of 5780 acre-feet of water per annum through the aqueduct of which only 400 acre-feet of water is consumed in the operation of the Heart of the Hills Fisheries Research

Station. To reduce the diversion rate from 25 to 15 cfs and to limit diversions into the aqueduct to times when flows are at least 1 cfs in Fessenden Branch Creek

CONTINUED TO JANUARY 6, 1993 AT 9:00 A.M.

Item carried forward from Agenda of November 4, 1992.

Item 5. 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.

REMANDED TO OFFICE OF HEARINGS EXAMINERS, JH/PR

HALL - ABSENT & EXCUSED FOR ITEMS CONTESTED OB2, OB3, OB4, OB5, OB7, 7,
8 AND 12 UNCONTESTED AGENDA ITEMS 45, 46, 52
REED
GARNER

CONTESTED AGENDA

Wednesday, November 18, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TWC ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PETROLEUM DISTRIBUTORS, INC., SWR. 38270 (KEVIN MCLEOD)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, PR/PG

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AQUA SOLUTIONS, INC. SWR. 52127 (M. LIGARDE)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, PR/PG

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SOUTHERN PETROLEUM LABORATORIES. (M. LIGARDE)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, PR/PG

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ON-SITE ANALYTICAL. SWR. 52132 (M. LIGARDE)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, PR/PG

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TECH SPRAY, SWR NO. 35803. (Hall)

CONTINUED TO DECEMBER 16, 1992 AT 9:00 A.M.

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ATLAS ENERGY PRODUCTS, SWR NO. 20082. (HAHN)

CONTINUED TO DECEMBER 16, 1992 AT 9:00 A.M.

Item 7. CONSIDERATION OF THE ADOPTION OF PERMANENT TEXAS WATER COMMISSION RULES CONCERNING THE MANAGEMENT OF WHOLE USED OR SCRAP TIRES, 31 TEXAS ADMINISTRATIVE CODE CHAPTER 330, SUBCHAPTER A, SECTION 330.5 AND SUBCHAPTER R, SECTIONS 330.801-330.889 OF THE MUNICIPAL SOLID WASTE REGULATIONS. (Celestino)

Adopt Rules, PR/PG

Item 8. CONSIDERATION OF MOTION FOR REHEARING IN THE MATTER OF HARRIS COUNTY FLOOD CONTROL DISTRICT. (This matter was considered on September 16, 1992 at which time the Commission recommended proposal for Decision be granted as recommended by Hearing's Examiner, with inclusion of stipulation by Harris County Flood Control District.)

MOTION FOR REHEARING DENIED, PG/PR

Item 9. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF BEST PAK DISPOSAL, INC. TO AUTHORIZE THE OPERATION OF A TYPE V MUNICIPAL SOLID WASTE PROCESSING SITE (TRANSFER STATION/RECYCLING) IN HARRIS COUNTY, TEXAS. APPLICANT SEEKS AUTHORIZATION TO OPERATE A PROPOSED TYPE V MUNICIPAL SOLID WASTE PROCESSING SITE (TRANSFER STATION/RECYCLING) ON A 7.733 ACRE TRACT OF LAND IN HOUSTON, HARRIS COUNTY, TEXAS. RECOMMENDATION: ISSUANCE OF PERMIT. (JOHN GARRETT, TDH)

CONTINUED TO DECEMBER 2, 1992 AT 9:00 A.M.

Item 10. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF SPECIFIC COMMISSION EMPLOYEES, as permitted by TEX.REV.CIV.STAT.ANN. art 6252-17 Sections 2(e) and 2(g). No final action, decision or vote with regard to any matter considered in closed session shall be made in the absence of further notice issued in accordance with TEX.REV.CIV.STAT.ANN. art. 6252-17.

NO ACTION TAKEN

Item 11. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS 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 18, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 12. CONSIDERATION OF MOTION FOR REHEARNG IN THE MATTER OF D & J WATER SUPPLY INC/JOHN E. FURNACE. (This matter was considered on September 23, 1992 at which time the Commission approved the Examiner's Proposal for Decision and Issue Order, and Overruled all Exceptions.)

MOTION FOR REHEARING DENIED, PR/PG

CONTESTED OLD BUSINESS

Wednesday, November 18, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 23, 1992.

- Item 1. 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)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, PR/PG

Item carried forward from Agenda of October 14, 1992.

- 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)

ISSUED AGREED ORDER, PG/PR

Item carried forward from Agenda of September 23, 1992 and October 14, 1992.

- 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)

ISSUED AGREED ORDER, PG/PR

Item carried forward from agenda of October 14, 1992 and October 28, 1992.

- Item 4. 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 DECEMBER 2, 1992 AT 9:00 A.M.

Item carried forward from agenda of November 4, 1992.

- Item 5. 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)

ISSUE AGREED ORDER, PR/PG

Item carried forward from agenda of November 4, 1992.

Item 6. 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.

DENIED PETITION HOWEVER, CHAIRMAN HALL AND COMMISSIONER REED MADE SOME ADDITIONAL RECOMMENDATIONS TO TEXAS WATER COMMISSION STAFF, DEMARCO, AND WATER UTILITY DIRECTORS, JH/PR

Item carried forward from Agenda of October 14, 1992 and November 4, 1992.

Item 7. 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)

ISSUE AGREED ORDER, PG/PR