

HALL
REED
GARNER

UNCONTESTED AGENDA

Wednesday, December 2, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. Consideration of an application by AMERIPOL SYNPOL COMPANY for a Class 2 Modification to Permit No. SW39062 in accordance with 31 TAC Section 305.69. Ameripol operates a Class II and III industrial solid waste disposal facility. The facility is located immediately northeast of the intersection of FM 366 and Orchard Avenue in Port Neches, Jefferson County, Texas.

APPROVED, PG/PR

Item 2. Consideration of an application by GULF CHEMICAL & METALURGICAL CORPORATION for a Class 3 Modification to its hazardous waste Permit No. HW50204 in accordance with 31 TAC Section 305.69. Gulf Chemical operates a commercial Class I hazardous and Class I industrial solid waste storage, processing and recycling facility. The facility is located at 302 Midway Road in Freeport, Brazoria County, Texas.

APPROVED, PR/PG

Item 3. APPLICATION BY MURRAY CORPORATION for a post closure care permit (Proposed Permit No. HW50328-000) and compliance plan (Proposed No. CP50328) for a closed landfill. The landfill was used for crushed drums, other debris and contaminated soil. All wastes materials have been removed and the site backfilled with clean soil and capped in accordance with the approved interim closure plan. The permit authorizes post closure care for the closed landfill. The compliance plan requires a Corrective Action Program to contain and remediate contamination identified in the uppermost aquifer. No operating storage, processing or disposal functions are authorized by the permit. The facility is located on a 5.7 acre tract of land near the City of Palestine, Anderson County, Texas.

APPROVED, PR/PG

Item 4. APPLICATION BY GEARN INDUSTRIES, INC. for a permit (Proposed Permit No. 03489) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from a grease recovery and recycling facility. The plant site is at 9501 Lawndale Avenue about 0.03 mile southeast of the Intersection of Loop 610 and Lawndale in the City of Houston, Harris County, Texas.

APPROVED, PR/JH

Item 5. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 for a permit (Proposed Permit No. 11238-02) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 900,000 gallons per day. The

proposed wastewater treatment facilities will replace an existing plant to provide expanded treatment capacity to serve additional homes in an adjacent area proposed for annexation into the district. The plant site is at 11538 Trickey Road; on the east side of Trickey Road; approximately 0.3 mile north of Gears Road and 1.5 miles west of Interstate Highway 45; approximately 14.6 miles north-northwest of the downtown Houston central business district in Harris County, Texas.

APPROVED, PR/JH

Item 6. APPLICATION BY TEXAS A & M UNIVERSITY for a permit (Proposed Permit No. 10968-03) to authorize 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 Main Campus Wastewater Treatment Facilities. The plant site is approximately 14,000 feet south of the intersection of Farm-to-Market Road 60 and Farm-to-Market Road 2818, 11,000 feet southwest of Farm-to-Market Road 2818 and 9,000 feet southeast of Farm-to-Market Road 60 in Brazos County, Texas.

APPROVED, PR/JH

Item 7. APPLICATION BY DAL-TILE CORPORATION for an amendment to Permit No. 03058 in order to add Outfall 002 with a discharge of treated wastewater at a volume not to exceed an average flow of 7,000 gallons per day. The proposed amendment would also double the volume of their total daily average discharge from 7,000 gallons per day to 14,000 gallons per day via Outfalls 001 and 002. The existing permit authorizes a discharge of treated wastewater at a volume not to exceed an average flow of 7,000 gallons per day via Outfall 001. The applicant operates a ceramic floor tile manufacturing facility. The plant site is approximately three miles north of the City of Conroe, Texas and one mile east of U.S. Highway 75 on the north side of Silver Springs Road in Montgomery County, Texas.

APPROVED, PR/JH

Item 8. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 106 for an amendment to Permit No. 13355-01 to authorize a variance in the buffer zone requirements and an increase in the discharge of treated domestic wastewater effluent. The discharge is to be increased from a volume not to exceed an average flow of 500,000 gallons per day to a volume not to exceed an average flow of 1,500,000 gallons per day. The Fort Bend County Municipal Utility District No. 106 Regional Wastewater Treatment Facilities are approximately 3000 feet east of Crabb River Road, approximately one mile south-southeast of the intersection of U.S. Highway 59 and Crabb River Road and east of Tara Boulevard on the north bank of Rabbs Bayou in Fort Bend County, Texas.

APPROVED, PR/JH

Item 9. APPLICATION BY RAY JOHNSTON for an amendment to Permit No. 03314 to authorize an increase in the number of head from 990 to 1,500. Wash-down water, flushwater and stormwater will be retained in one storage pond in the existing Phase I facilities and in Phase II of the operation the facilities will include 2 storage ponds. Wastewater from the ponds is to be disposed of by irrigation on agricultural land. Manure/solids will be disposed of as fertilizer on

agricultural land. The dairy is approximately 2-1/2 miles northwest of Comanche, approximately 1-3/4 miles west of State Highway 36 on an unnamed county road in Comanche County, Texas.

APPROVED, PR/JH

Item 10. APPLICATION BY RAY KESEY FEEDERS, INC. for an amendment to Permit No. 01828 to authorize a conversion of an existing cattle feedlot with a maximum capacity of 20,000 head into a dairy operation with a maximum capacity of 750 milking cows. Wash-down water, flushwater and stormwater is retained in one storage pond. Wastewater from the pond is to be disposed of by irrigation. Manure/solids is disposed of as fertilizer on agricultural land. The dairy is approximately 15 miles southwest of the City of Pecos at a point approximately 4 miles northeast of the intersection of Farm-to-Market Road 869 and State Highway 17 in Reeves County, Texas.

APPROVED, PR/JH

Item 11. APPLICATION BY SOUTHERN CLAY PRODUCTS, INC. for an amendment to Permit No. 01925 to authorize an increase in the discharge of stormwater and mine groundwater from a volume not to exceed 50,000 gallons per day to a volume not to exceed 300,000 gallons per day via Outfall 001. The proposed amendment will also add Outfall 002 for stormwater and treated groundwater with a daily maximum flow not to exceed 300,000 gallons during any 24-hour period. The plant site is six miles south-southeast of the City of Gonzales and 1/4 mile west of U.S. Highway 90A in Gonzales County, Texas.

APPROVED, PR/JH

Item 12. APPLICATION BY U.S. DEPARTMENT OF JUSTICE for an amendment to Permit No. 12321-01 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 160,000 gallons per day. The wastewater effluent is discharged from the Port Isabel Detention Center Wastewater Treatment Facilities which are 1,500 feet south of the southeast end of Cameron County Airport Runway, approximately 1.5 miles north and 4 miles east of the intersection of Farm-to-Market Roads 510 and 2480 in Cameron County, Texas.

APPROVED, PR/JH

Item 13. APPLICATION BY COASTAL REFINING & MARKETING, INC. for a minor amendment to Permit No. 00465 to address the effluent limitation for copper via Outfall 001 according to the current Texas Surface Water Quality Standards, which were approved July 10, 1991. The permit authorizes the discharge of treated wastewaters at a volume flow not to exceed an average flow of 3,000,000 gallons per day via Outfall 001 and a variable volume of stormwater via Outfalls 002, 003 and 004 from a petroleum refinery. The plant site is east of Navigation Boulevard and approximately 0.5 mile north of Interstate Highway 37 in Nueces County, Texas.

REMANDED TO EXECUTIVE DIRECTOR, PR/JH

Item 14. APPLICATION BY SHELL OFFSHORE, INC. for a minor amendment to Permit No. 02806 to reflect changes in the operations at the

facility. The wastewater from the wet sandblasting operation is no longer discharged, and the treated domestic wastewater is discharged into a septic tank system. The proposed amendment would modify the wastestreams to include only stormwater runoff at volumes variable with rainfall. The plant site is at the intersection of FM 565 and the Southern Pacific Railroad in the City of Baytown in Chambers County, Texas.

WITHDREW APPLICATION, PR/JH

Item 15. APPLICATION BY ALDINE INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 12070-04 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 Orange Grove Wastewater Treatment Facilities are in the southwest corner of the Orange Grove Elementary School campus at 4514 Mount Houston Road in Houston in Harris County, Texas.

RENEWED, PR/JH

Item 16. APPLICATION BY ALLIED-SIGNAL, INC. for renewal of Permit No. 00670 which authorizes a discharge of treated wastewater and stormwater at a volume not to exceed an average flow of 1,400,000 gallons per day via Outfall 001. The permit also authorizes a discharge of stormwater at a volume variable with rainfall via Outfall 002. The applicant operates a plant that manufactures polyethylene and other polymers. The plant site is on the south side of FM 1006, approximately one mile west of the intersection of FM 2177 in the City of Orange, Orange County, Texas.

RENEWED, PR/JH

Item 17. APPLICATION BY AMBER REFINING, INC. for renewal of Permit No. 00570 which authorizes an intermittent flow variable discharge of stormwater runoff from a petroleum product storage and shipping terminal. The plant site is at the northwest corner of intersection of State Highway 183 and N. Sylvania Avenue in the City of Fort Worth, Tarrant County, Texas.

RENEWED, PR/JH

Item 18. APPLICATION BY THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY for renewal of Permit No. 02545 which authorizes intermittent, flow variable discharges of track pan drainoff, wash water and stormwater via Outfall 001 and 002 from a railroad main line fueling facility. The plant site is about 800 feet north of the Hawkins Road Crossing and 3400 feet north of Farm to Market Road 3117 Crossing, south of the City of Temple in Bell County, Texas.

RENEWED, PR/JH

Item 19. APPLICATION BY AZROCK INDUSTRIES, INC. for renewal of Permit No. 00785 which authorizes flow variable discharges of utility wastewater commingled with stormwater runoff via Outfall 001. The permit also authorizes a discharge of cooling tower blowdown and stormwater runoff at a volume not to exceed an average flow of 12,000 gallons per day via Outfall 002. The applicant operates a vinyl composition floor tile manufacturing plant. The plant site is at 1705 North Oliver Street in the City of Houston, Harris County, Texas.

RENEWED, PR/JH

Item 20. APPLICATION BY BEECHNUT MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 12258-01 which authorizes a discharge of treated domestic wastewater effluent at a final volume not to exceed an average flow of 3,000,000 gallons per day. The renewed permit has decreased the final volume to 1,380,000 gallons per day average. The wastewater treatment facilities are located approximately 1,250 feet northwest of the intersection of Eldridge Road and Beechnut Road and 3.4 miles southeast of the intersection of Farm-to-Market Road 1093 (Westheimer) and State Highway 6 in Harris County, Texas.

RENEWED, PR/JH

Item 21. APPLICATION BY CIBOLO CREEK MUNICIPAL AUTHORITY for renewal of Permit No. 11269-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,200,000 gallons per day from the Odo J. Riedl Wastewater Treatment Facilities. The plant site is on the south side of Cibolo Creek, approximately 1.5 miles east of downtown Schertz and 3600 feet south of Farm-to-Market Road 78 in Bexar County, Texas.

RENEWED, PR/JH

Item 22. APPLICATION BY CYPRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1 for renewal of Permit No. 12327-01 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 renewed permit has decreased the flow to 140,000 gallons per day average. The plant site is approximately 400 feet west of Cypress Rose Hill Road and 3/4 mile north of the intersection of Cypress Rose Hill Road with U.S. Highway 290 in northwest Harris County, Texas.

RENEWED, PR/JH

Item 23. APPLICATION BY EXXON CORPORATION for renewal of Permit No. 01198 which authorizes intermittent flow variable discharges of stormwater via Outfall 001. The permit also authorizes a discharge of treated domestic wastewater at a volume not to exceed an average flow of 10,000 gallons per day via Outfall 002. The applicant operates a warehouse facility which stores chemicals for use in oil and gas exploration and development operations. The plant site is at 17402 Wallisville Road in the City of Houston, Harris County, Texas.

RENEWED, PR/JH

Item 24. APPLICATION BY CITY OF HARLINGEN WATERWORKS SYSTEM for renewal of Permit No. 10490-04 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,250,000 gallons per day. The plant site is to be approximately 3600 feet west of U.S. Highway 77 and 2000 feet south of Farm-to-Market Road 2994 (Wilson Road) in Cameron County, Texas.

RENEWED, PR/JH

Item 25. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 196 for renewal of Permit No. 12447-01 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

from the Harris County MUD No. 196 Wastewater Treatment Facilities. The renewed permit has decreased the flow to 500,000 gallons per day average. The plant site is approximately 1.7 miles south of the intersection of U.S. Highway 290 and Barker-Cypress Road, at a point approximately 3,000 feet east of Barker-Cypress Road in Harris County, Texas.

RENEWED, PR/JH

Item 26. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 203 for renewal of Permit No. 12301-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000,000 gallons per day. The wastewater treatment facility is approximately 400 feet south of the intersection of Gears Road and Spears Road on the south side of Greens Bayou in Harris County, Texas.

RENEWED, PR/JH

Item 27. APPLICATION BY HARRIS COUNTY UTILITY DISTRICT NO. 5 for renewal of Permit No. 11872-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 9,400,000 gallons per day. The permittee is also authorized to use the treated effluent to irrigate a golf course at an application rate not to exceed 1.85 acre-feet/acre/year. The Kingwood Central Wastewater Treatment Facilities are located north of the West Fork Arm of Lake Houston, approximately 4 1/2 miles east of U.S. Highway 59 between Bear Branch and Bens Branch, approximately 7 3/4 miles northeast of the intersection of U.S. Highway 59 and Farm-to-Market Road 1960 in Harris County, Texas.

RENEWED, PR/JH

Item 28. APPLICATION BY HASTINGS DEVELOPMENT COMPANY, INC. for renewal of Permit No. 12199-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 50,000 gallons per day. The wastewater

treatment facilities are on the east side of Detering Street, at a point approximately 300 feet south of Memorial Drive, approximately 500 feet southeast of the intersection of Detering Street and Memorial Drive in Harris County, Texas.

RENEWED, PR/JH

Item 29. APPLICATION BY INGLESIDE PROPERTIES, INC., ENPROTECH PLANT for renewal of Permit No. 02717 which authorizes a discharge of process area washwater, cooling water and stormwater runoff at a volume not to exceed an average flow of 3,600 gallons per day via Outfall 001. The permit also authorizes a discharge of stormwater at a volume variable with rainfall via Outfall 002. The applicant operates a blending terminal for drilling fluid chemicals and a treatment plant which will incinerate oil based cuttings and waste drilling fluid. The plant site is on Bishop Road east of the City of Ingleside, San Patricio County, Texas.

RENEWED, PR/JH

Item 30. APPLICATION BY CITY OF MERIDIAN for renewal of Permit No. 10113-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 214,000 gallons per day from the wastewater treatment facilities. The plant site is north of the North Bosque River, approximately 2900 feet east-northeast of the intersection of State Highway 6 and State Highway 22, and approximately 1800 feet south of the intersection of State Highway 22 and State Highway 144 in Bosque County, Texas.

RENEWED, PR/JH

Item 31. APPLICATION POST OAK WATER SUPPLY CORPORATION for renewal of Permit No. 11390-01 which authorizes a discharge of settled backwash water at a volume not to exceed an average flow of 12,000 gallons per day from a surface water treatment plant. The plant site is on the south side of Navarro Mills Reservoir, 600 feet north of FM 709 and east of Lawrence Cemetery, Navarro County, Texas.

RENEWED, PR/JH

Item 32. APPLICATION BY ROCKWOOL INDUSTRIES, INC. for renewal of Permit No. 02843 which authorizes intermittent flow variable discharges of commingled stormwater runoff, process wastewater and recovered groundwater from an evaporation pond. The applicant operates a mineral wool insulation manufacturing plant. The plant site is approximately 1/2 mile east of IH-35 and adjacent to FM 93 in the City of Belton, Bell County, Texas.

RENEWED, PR/JH

Item 33. APPLICATION BY TEXAS UTILITIES ELECTRIC COMPANY, LAKE CREEK STEAM ELECTRIC STATION for renewal of Permit No. 00954 which authorizes a discharge of once through cooling water at a volume not to exceed an average flow of 294,000,000 gallons per day via Outfall 001. The permit also authorizes flow variable discharges of low volume wastes and stormwater runoff from yard drains and diked oil storage areas via Outfall 002. Plus, Outfall 003 authorizes a discharge of flow variable discharges of low volume waste from water treatment and metal cleaning wastes. The plant site is adjacent to Lake Creek

Reservoir which is approximately 4.3 miles via FM 1860 southwest of the City of Riesel, McLennan County, Texas.

RENEWED, PR/JH

Item 34. APPLICATION BY CITY OF TOM BEAN for renewal of Permit No. 10057-01 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 plant site is approximately 0.5 mile southeast of the intersection of State Highway 11 and Farm-to-Market Road 2729 in Grayson County, Texas.

RENEWED, PR/JH

Item 35. APPLICATION BY UNION STOCK YARDS SAN ANTONIO for renewal of Permit No. 00968 which authorizes a discharge of cattle watering trough overflow at a volume not to exceed an average flow of 680,000 gallons per day from a livestock auction facility. The plant site is at the intersection of San Marcos and Pendleton Streets in the City of San Antonio, Bexar County, Texas.

RENEWED, PR/JH

Item 36. APPLICATION BY IBP, INC. for a Temporary Order to authorize an increase in the: (1) discharge of treated wastewater; (2) disposal by deep well injection of process waste brine; and (3) maximum surface injection pressure for the waste disposal well. The Order authorizes an increase in the discharge of treated wastewater effluent from a volume not to exceed 3,550,000 gallons per day average to a volume not to exceed 4,000,000 gallons per day average. Treated effluent may also be used for irrigation. The Order also authorizes an increase in the volume of process waste brine disposed of by deep well injection from 75 gallons per minute to 200 gallons per minute, from 892,800 gallons per month to 8,760,000 gallons per month and from 10,512,000 gallons per year to 105,120,000 gallons per year. The maximum surface injection pressure will also increase from 100 psig to 300 psig. The facility is located 2 miles northwest of the junction of U.S. Highway 66 East and F.M. 1912 and 5 miles northwest of Amarillo Municipal Airport, Potter County, Texas.

APPROVED, JH/PR

Item 37. APPLICATION BY CANYON REGIONAL WATER AUTHORITY OF GUADALUPE, COMAL, HAYS, BEXAR & WILSON COUNTIES FOR APPROVAL OF A \$5,090,000 FARMERS HOME ADMINISTRATION LOAN, 7.0% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant requests Commission approval of a loan to finance a water treatment plant, standpipe and transmission mains. (Lutringer)

APPROVED AND FEE OF \$12,000 WAIVED, JH/PG

Item 38. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110 FOR APPROVAL OF THE ISSUANCE OF \$1,050,000 IN UNLIMITED TAX BONDS, 7.68% NET EFFECTIVE INTEREST RATE, SERIES 1992, SEVENTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$1,050,000 in tax bonds to finance water, wastewater & drainage facilities for Cypress Forest Sec. 1 and 2, Cypress Forest Estates and Kotar Court. (Heroy)

APPROVED, JH/PG

Item 39. APPLICATION BY PALO PINTO COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 FOR APPROVAL OF A \$4,860,000 REVENUE BONDS, SERIES 1992; FOURTH ISSUE; 7.0% NET EFFECTIVE INTEREST RATE; For Commission consideration and action. Applicant requests Commission approval for a bond issue to finance improvements to the District's water supply system. (Water Development Board)

APPROVED, JH/PG

Item 40. APPLICATION BY FERN BLUFF MUNICIPAL UTILITY DISTRICT OF WILLIAMSON COUNTY; APPLICATION FOR APPROVAL OF AN EXTENSION OF TIME & A CHANGE IN PLANS; \$3,710,000 BOND ISSUE APPROVED JULY 3, 1987 & EXTENDED BY ORDERS DATED AUGUST 25, 1989 & JUNE 1, 1990. For Commission consideration and action. Applicant requests an extension of the Commission's approval of a \$3,710,000 bond issue to finance water, wastewater & drainage improvements to serve acreage within the District & a change in plans to finance a section not included in the first bond installment. (Ferguson)

APPROVED, JH/PG

Item 41. APPLICATION BY GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 13 FOR APPROVAL TO USE SURPLUS FUNDS; \$5,425,000 BOND ISSUE APPROVED SEPTEMBER 17, 1991. For Commission consideration and action. Applicant requests approval to use \$72,957 in surplus funds to finance purchase of constructed infrastructure and developer interest. (Herbert)

APPROVED, JH/PG

Item 42. APPLICATION BY WHITE OAK BEND MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$1,300,000 BOND ISSUE APPROVED SEPTEMBER 14, 1980. For Commission consideration and action. Applicant requests approval to use \$65,000 in surplus funds plus accrued interest for replacement of ground storage tank and repairs to interconnect line projects. (Wheeler)

APPROVED, JH/PG

Item 43. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 48 FOR APPROVAL TO USE SURPLUS FUNDS; \$5,250,000 BOND ISSUE APPROVED OCTOBER 30, 1984. For Commission consideration and action. Applicant requests approval to use \$80,500 in surplus funds to finance costs of improvements and modifications to wastewater treatment plant and water plant repair and modifications projects. (Wheeler)

APPROVED, JH/PG

Item 44. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 180 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$6,500,000 BOND ISSUE APPROVED SEPTEMBER 14, 1984. For Commission consideration and action. Applicant requests approval of the transfer of approximately \$136,320 in surplus interest earnings from the construction fund to the debt service fund. (DeRusse)

APPROVED, JH/PG

Item 45. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120 FOR APPROVAL TO USE SURPLUS FUNDS; \$7,245,000 BOND ISSUE APPROVED FEBRUARY 20, 1985. For Commission consideration and action. Applicant requests approval to use \$237,510 in surplus funds to finance HCFCD drainage impact fees for Oak Park Place development. (Herbert)

APPROVED, JH/PG

Item 46. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36 FOR APPROVAL TO USE SURPLUS FUNDS; \$7,900,000 BOND ISSUE APPROVED FEBRUARY 16, 1982. For Commission consideration and action. Applicant requests approval to use \$61,000 in surplus funds for investigations and point repairs to 15-inch wastewater line. (Herbert)

APPROVED, JH/PG

Item 47. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 30 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,500,000 BOND ISSUE APPROVED JULY 19, 1982. For Commission consideration and action. The District is requesting the use of \$75,000 in surplus funds to finance its pro rata share of the modification and expansion of its water plant. (Romo)

APPROVED, JH/PG

Item 48. APPLICATION BY KINGSBRIDGE MUNICIPAL UTILITY DISTRICT OF FORT BEND COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$5,910,000 BOND ISSUE APPROVED JULY 12, 1985. For Commission consideration and action. Applicant requests approval of the use of \$150,000 in surplus funds to finance the repairs and testing of Waterford, Section One wastewater line. (Romo)

APPROVED, JH/PG

Item 49. APPLICATION BY RANKIN ROAD WEST MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE LEVY OF A STANDBY FEE. For Commission consideration and action. Applicant seeks approval for the levy of a nonuniform standby fee totaling \$214,821 in year 1 and \$195,016 in years 2 & 3 to supplement the debt service and operation & maintenance accounts. (Nelson)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, JH/PG

Item 50. APPLICATION BY ROLLING CREEK UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF STANDBY FEE. For Commission consideration and action. Applicant requests approval to adopt and impose an annual total non-uniform standby fee of \$490,485 for the initial year and \$456,433 for subsequent years to supplement the debt service and operations & maintenance accounts. (Herbert)

APPROVED, JH/PG

Item 51. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 29 FOR APPROVAL OF CHANGE IN PLANS & REDUCTION OF DEVELOPERS LETTER OF CREDIT; \$6,660,000 BOND ISSUE APPROVED AUGUST 16, 1985. For Commission consideration and action. Applicant requests approval of a change in plans and a \$500,000 reduction in the developers letter of credit. (Herbert)

APPROVED, JH/PG

Item 52. PETITION BY CIRCLE C LAND CORP., FOR APPOINTMENT OF CIRCLE C MUNICIPAL UTILITY DISTRICT NO. 2 OF TRAVIS COUNTY DIRECTORS. For Commission consideration and action. Applicant requests appointment of Daniel Brustkern and John McKinnerney as directors. (Ferguson)

APPROVED, JH/PG

Item 53. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY OF HARRIS COUNTY TO AMEND THE ORDER DATED OCTOBER 28, 1992 FOR THE USE OF SURPLUS FUNDS; \$14,265,000 BOND ISSUE APPROVED NOVEMBER 21, 1991. For Commission consideration and action. Applicant requests to amend the Order dated 10/28/92 to cite "\$3,350,000 Approved December 21, 1989" in place of "\$14,265,000 Bond Issue Approved November 21, 1991" for the use of \$267,000 in surplus funds to finance the emergency repair & reconstruction of the 30" sanitary sewer at Space Center Blvd. & Gunwale Rd. and the rehab of Space Ctr. Blvd. Trunk Sewer, Phase 1.(Romo)

APPROVED, JH/PG

Item 54. APPLICATION OF FRIENDSHIP ACRES WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Grayson County, TX (Application No. 9585-C, Holck)

APPROVED, PR/PG

Item 55. APPLICATION OF LIBORIO T. CADENA DBA CADENA SUBDIVISION for a Water Certificate of Convenience and Necessity in Duval County, TX (Application No. 9559-C, Poe)

APPROVED, PR/PG

Item 56. APPLICATION OF JAMES T. DAVIS DBA HACKBERRY CREEK WATER for a Water Certificate of Convenience and Necessity in Chambers County, TX (Application No. 9534-C, Gonzalez)

APPROVED, PR/PG

Item 57. APPLICATION OF LARRY W. DAVIS DBA CUT-N-SHOOT ESTATES UTILITY COMPANY to Transfer Water CCN No. 11615 from Ronald H. Davis dba Cut-N-Shoot Utility Company in Montgomery County, TX (Application No. 9393-S, Erwin)

APPROVED, PR/PG

Item 58. APPLICATION OF TALL TIMBERS WATER SUPPLY CORPORATION to Transfer Water CCN No. 12519 from Tall Timbers Water Association, Inc. in Newton County, TX (Application No. 9766-S, Holck)

APPROVED, PR/PG

Item 59. APPLICATION OF STANLEY MCCURLEY to Transfer and Cancel Water CCN No. 11516 from Truman Lee dba Enchanted Lakes Water Company, CCN No. 11204 and CCN No. 11988; and to Transfer and Amend CCN No. 10878 in Henderson and Smith Counties, TX (Application No. 9526-S, Holck)

APPROVED, PR/PG

Item 60. APPLICATION OF TCW SUPPLY, INC. to Acquire Comanche Water Company; Amend Water CCN No. 11957; in Hutchinson County, TX (Application No. 9768-S, Poe)

APPROVED, PR/PG

Item 61. APPLICATION OF MANVILLE WATER SUPPLY CORPORATION to Amend Certificate of Convenience and Necessity No. 11144 in Lee, Williamson and Travis Counties, TX (Application No. 9390-C, Holcomb)

APPROVED, PR/PG

Item 62. APPLICATION OF FIRST RIVER PLACE RESERVE, LTD. to Cancel Water CCN No. 11799 issued to Topletz Development Corporation dba River Place Venture in Travis County, TX (Application No. 9583-Q, Holck)

APPROVED, PR/PG

Item 63. APPLICATION OF JUSRYN CO., INC. DBA SHADY SEWER SYSTEM for a Sewer Certificate of Convenience and Necessity in Hood County, TX (Application No. 9755-C, Poe)

APPROVED, PR/PG

Item 64. APPLICATION NO. 23-865F BY PUBLIC UTILITIES BOARD OF THE CITY OF BROWNSVILLE TO AMEND CERTIFICATE NO 23-865, AS AMENDED. WATER CODE SECTION 11.122 WATER USE AMENDMENT APPLICATION. FOR COMMISSION ACTION. Applicant seeks to combine 1967.30 acre-feet of Class B irrigation water rights with 825 acre-feet of Class A irrigation water rights owned under various certificates with water rights held under the city's main water right cert. No. 23-865, as amended. These rights will be converted to municipal use and the place of use and point of diversion will be changed to that of the city. (lb/SMITH)

APPROVED, PG/PR

Item 65. APPLICATION 23-2422E BY RICHARD E. HAYNES, RICARDO DEANDA, AND ARNULFO GONZALES, JR. TO AMEND CERTIFICATE OF ADJUDICATION NO. 23-2422, AS AMENDED. FOR COMMISSION ACTION. Applicant seeks to amend the certificate by specifying a place of use, a point of diversion, and a rate of diversion of 5 acre-feet of water authorized by the certificate in Webb County, Texas. (SMITH/jme)

APPROVED, PG/PR

Item 66. CONSIDERATION OF AN INTERLOCAL AGREEMENT BETWEEN THE TEXAS WATER COMMISSION AND THE CITY OF ROUND ROCK FOR ADMINISTRATION OF THE TEXAS WATER COMMISSION'S WATER POLLUTION ABATEMENT PROGRAM FOR THE EDWARD'S AQUIFER WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ROUND ROCK AND ITS EXTRATERRITORIAL JURISDICTION. (Qualtrough)

APPROVED, PR/JH

Item 67. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ADMINISTRATIVE APPROVAL TO: 1) NEGOTIATE WITH SELECTED LOCAL GOVERNMENT AND PUBLIC AGENCIES THAT HAVE SATISFIED REQUIREMENTS TO CONDUCT MUNICIPAL SOLID WASTE LOCAL PLANNING OR SELECTED SOLID WASTE FEASIBILITY STUDIES; AND 2) TO EXECUTE CONTRACTS WITH SAME LOCAL GOVERNMENTS AND PUBLIC AGENCIES IN AMOUNTS THAT EXCEED \$100,000.

APPROVED, PG/PR

Item 68. APPLICATION BY THE COLORADO RIVER MUNICIPAL WATER DISTRICT OF BIG SPRING, TEXAS FOR THE RENEWAL OF TEXAS WEATHER MODIFICATION LICENSE FOR FISCAL YEAR 1993. (LESLIE BROWN/GEORGE BOMAR)

APPROVED, PG/PR

Item 69. APPLICATION BY NORTH AMERICAN WEATHER CONSULTANTS OF SALT LAKE CITY, UTAH FOR THE RENEWAL OF A TEXAS WEATHER MODIFICATION LICENSE FOR FISCAL YEAR 1993. (LESLIE BROWN/GEORGE BOMAR)

APPROVED, PG/PR

Item 70. APPLICATION BY ATMOSPHERICS INCORPORATED BY FRESNO, CALIFORNIA FOR THE RENEWAL OF A TEXAS WEATHER MODIFICATION LICENSE FOR FISCAL YEAR 1993. (LESLIE BROWN/GEORGE BOMAR)

APPROVED, PG/PR

Item 71. CONSIDERATION OF APPROVAL OF 1ST QUARTER BUDGET AMENDMENTS.

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

Item 72. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LEISUREWOODS WATER COMPANY TO INCREASE RETAIL WATER RATES IN HAYS COUNTY, TEXAS (DOCKET NO. 9553-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 400 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (O'NEAL).

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PG/PR

Item 73. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF RICHLAND WATER SUPPLY CORPORATION FOR

CONVERSION OF RICHLAND WSC AND CREATION OF RICHLAND SUD TO PROVIDE RETAIL WATER SERVICE IN MCCULLOUGH AND SAN SABA COUNTIES AND APPROVAL OF TRANSFER OF CCN NO. 11614 FROM RICHLAND WSC TO RICHLAND SUD. RECOMMENDATION: ADOPTION OF AGREEMENT PARTIES. (CRAVEN)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PG/PR

Item 74. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF ELM VALLEY WATER COMPANY TO INCREASE RETAIL WATER RATES IN BEXAR COUNTY, TEXAS (DOCKET NO. 9477-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 146 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (CRAVEN)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PG/PR

Item 75. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF DESSAU SUPPLY COMPANY, INC. TO INCREASE RETAIL WATER RATES IN TRAVIS COUNTY, TEXAS (DOCKET NO. 9570-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 74 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (SORRELLS)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PG/PR

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 2, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 76. CONSIDERATION OF THE ISSUANCE OF RADIOACTIVE MATERIAL LICENSE NO. RW1270 TO TEX TIN CORPORATION. As a result of the transfer of regulatory authority for the disposal of radioactive substances to the Texas Water Commission (TWC) from the Texas Department of Health (TDH) by the 72nd Legislature, the TWC is now responsible for issuing pertinent radioactive material licenses. Proposed TWC Radioactive Material License No. RW1270 contains all of the provisions from the existing TDH License No. L01270. The TDH will terminate License No. L01270 upon issuance of the TWC license. Tex Tin Corporation owns a site near the intersection of State Highway 146 and FM 519 at Texas City in Galveston County, Texas, that contains buried radioactive materials. (McLeod)

APPROVED PER STAFF RECOMMENDATION, PR/JH

Item 77. CONSIDERATION OF THE ISSUANCE OF RADIOACTIVE MATERIAL LICENSE NO. RW0219 TO MONSANTO COMPANY. As a result of the transfer of regulatory authority for the disposal of radioactive substances to the Texas Water Commission (TWC) from the Texas Department of Health (TDH) by the 72nd Legislature, the TWC is now responsible for issuing pertinent radioactive material licenses. Proposed TWC Radioactive Material License No. RW0219 contains provisions from the existing TDH License No. L00219 that are now under TWC regulatory authority. The TDH will issue an amendment to License No. L00219 to cover the activities remaining under TDH authority. Monsanto Company owns a site located on FM 2917 near Alvin in Brazoria County, Texas, that contains buried radioactive materials. (McLeod)

APPROVED PER STAFF RECOMMENDATION, PR/JH

Item 78. CONSIDERATION OF THE ISSUANCE OF RADIOACTIVE MATERIAL LICENSE NO. RW1937 TO ISO-TEX, INC. As a result of the transfer of regulatory authority for the disposal of radioactive substances to the Texas Water Commission (TWC) from the Texas Department of Health (TDH) by the 72nd Legislature, the TWC is now responsible for issuing pertinent radioactive material licenses. Proposed TWC Radioactive Material License No. RW1937 contains provisions from the existing TDH License No. L01937 that are now under TWC regulatory authority. The TDH will issue an amendment to License No. L01937 to cover the activities remaining under TDH authority. Iso-Tex, Inc., owns a site that contains buried radioactive materials. The site is located on County Road 129 near Friendswood in Brazoria County, Texas. (McLeod)

APPROVED PER STAFF RECOMMENDATION, PR/JH

Item 79. CONSIDERATION OF THE ISSUANCE OF RADIOACTIVE MATERIAL LICENSE NO. RW0448 TO TEXAS A&M UNIVERSITY. As a result of the transfer of regulatory authority for the disposal of

radioactive substances to the Texas Water Commission (TWC) from the Texas Department of Health (TDH) by the 72nd Legislature, the TWC is now responsible for issuing pertinent radioactive material licenses. Proposed TWC Radioactive Material License No. RW0448 contains provisions from the existing TDH License No. L00448 that are now under TWC regulatory authority. The TDH will issue an amendment to License No. L00448 to cover the activities remaining under TDH authority. Texas A&M University owns a site that contains buried radioactive materials at College Station, Brazos County, Texas. (McLeod)

APPROVED PER STAFF RECOMMENDATION, PR/JH

SECOND ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 2, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 80. CONSIDERATION OF THE ISSUANCE OF RADIOACTIVE MATERIAL LICENSE NO. RW1431 TO EXXON CORPORATION. As a result of the transfer of regulatory authority for the disposal of radioactive substances to the Texas Water Commission (TWC) from the Texas Department of Health (TDH) by the 72nd Legislature, the TWC is now responsible for issuing pertinent radioactive material licenses. Proposed TWC Radioactive Material License No. RW1431 contains all of the provisions from the existing TDH License No. L01431. The TDH will terminate License No. L01431 upon issuance of the TWC license. Exxon Corporation owns a uranium mill tailings disposal site located 6 miles northeast of Three Rivers in Live Oak County, Texas. (McLeod)

APPROVED PER STAFF RECOMMENDATION, PR/JH

Item 81. CONSIDERATION OF THE ISSUANCE OF RADIOACTIVE MATERIAL LICENSE NO. RW1634 TO CONOCO, INC. As a result of the transfer of regulatory authority for the disposal of radioactive substances to the Texas Water Commission (TWC) from the Texas Department of Health (TDH) by the 72nd Legislature, the TWC is now responsible for issuing pertinent radioactive material licenses. Proposed TWC Radioactive Material License No. RW1634 contains provisions from the existing TDH License No. L01634 that are now under TWC regulatory authority. The TDH will issue an amendment to License No. L01634 to cover the activities remaining under TDH authority. Conoco, Inc., owns a uranium mill tailings disposal site located 8 miles west of Falls City in Karnes County, Texas. (McLeod)

APPROVED PER STAFF RECOMMENDATION, PR/JH

Item 82. CONSIDERATION OF THE ISSUANCE OF RADIOACTIVE MATERIAL LICENSE NO. RW2402 TO CHEVRON RESOURCES COMPANY. As a result of the transfer of regulatory authority for the disposal of radioactive substances to the Texas Water Commission (TWC) from the Texas Department of Health (TDH) by the 72nd Legislature, the TWC is now responsible for issuing pertinent radioactive material licenses. Proposed TWC Radioactive Material License No. RW2402 contains provisions from the existing TDH License No. L02402 that are now under TWC regulatory authority. The TDH will issue an amendment to License No. L02402 to cover the activities remaining under TDH authority. Chevron Resources Company operates a uranium mill tailings disposal facility located about 3 miles northwest of Panna Maria In Karnes County, Texas. (McLeod)

APPROVED PER STAFF RECOMMENDATION, PR/JH

THIRD ADDENDUM TO UNCONTESTED AGENDA

Wednesday, December 2, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 83. CONSIDERATION OF EXAMINER'S MEMORANDUM & ORDER CONCERNING THE APPLICATION OF CITY OF SAN ANGELO FOR AN AMENDMENT TO PERMIT NO. 10641-03 TO AUTHORIZE THE DISPOSAL BY IRRIGATION OF 11,300,000 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)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER, PR/JH

UNCONTESTED OLD BUSINESS

Wednesday, December 2, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of October 28, 1992.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF THE CITY OF MALONE, PERMIT NO. 10504-01. (Meyer, M.)

ISSUE NO ACTION ORDER, PR/PG

Item carried forward from Agenda of November 4, 1992.

- Item 2. 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.

APPROVED, PG/PR

Item carried forward from Agenda of November 4, 1992.

- Item 3. 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.

APPROVED AS RECOMMENDED BY STAFF, PR/PG

Item carried forward from Agenda of November 18, 1992.

- Item 4. 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 16, 1992 AT 9:00 A.M.

Item carried forward from Agenda of November 18, 1992.

- Item 5. 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)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, PG/PR

CONTESTED AGENDA

Wednesday, December 2, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN AGREED ENFORCEMENT ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TEXAS HYDRAULICS, INC., DBA PRECISE HARD CHROME; TEXAS SOLID WASTE REGISTRATION NO. 38542. (Hahn)

Continued to January 13, 1993

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ELF ATOCHEM NORTH AMERICA, INC., IN BRAZOS COUNTY, SWR NO. 31695. (Hahn)

Issue Agreed Order, with Public Interest Councils recommendation to bring item on the agenda to allow public an opportunity to comment, JH/PG

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN AGREED ENFORCEMENT ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF QUALITY MACHINE AND EQUIPMENT COMPANY, NUECES COUNTY, SWR NO. 52134. (Ballard)

Continued to January 13, 1993

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN AGREED ENFORCEMENT ORDER REQUIRING CERTAIN ACTIONS OF HART CREOSOTING COMPANY; TEXAS SOLID WASTE REGISTRATION NO. 70080. (Hall)

Remanded to Executive Director, JH/PR

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF INDUSTRIAL CHROME PLATE, INC., TEXAS SOLID WASTE REGISTRATION NO. 32312; AND THE TEXAS DEPARTMENT OF TRANSPORTATION. (Alvarado)

Continued to December 16, 1992

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PROPOSED AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF NEWELL COOPER, DBA COOPER MILKY WAY DAIRY; PERMIT NO. 03094. (Qualtrough)

Approve Staff Recommendations, JH/PR

Item 7. CONSIDERATION OF THE PROPOSED AMENDMENT TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 305, SUBCHAPTER N, SECTION 305.521, TO ADOPT THE AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN THE TEXAS WATER COMMISSION AND THE TEXAS DEPARTMENT OF TRANSPORTATION. (Winter)

Approve Proposed Amendment, PR/PG

Item 8. CONSIDERATION OF THE ADOPTION OF NEW 31 TEXAS ADMINISTRATIVE

CODE, SECTION 290.51 concerning fees for service for public water systems. These rules are proposed in order to provide regulatory funding for implementation of the Federal Safe Drinking Water Act. (Walden)

Adopt Rules as Recommended, PG/PR

Item 9. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF SPECIFIC COMMISSION EMPLOYEES, as permitted by TEX.REV.CIV.STAT.ANN. art 6252-17 Sections 2(e) and 2(g). No final action, decision or vote with regard to any matter considered in closed session shall be made in the absence of further notice issued in accordance with TEX.REV.CIV.STAT.ANN. art. 6252-17.

No Action Taken

Item 10. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING PENDING LITIGATION AND OTHER LITIGATION THAT MAY ARISE CHALLENGING OR SUPPORTING COMMISSION ACTION RELATED TO THE EDWARDS AQUIFER: DANNY MCFADEN AND TEXAS FARM BUREAU VS. TEXAS WATER COMMISSION, NO. 92-05214, 331ST DISTRICT COURT OF TRAVIS COUNTY; EDWARDS UNDERGROUND WATER DIST. ET AL. VS. LIVING WATERS ARTESIAN SPS. LTD., ET AL., NO. 91-CI-14862, 57TH DISTRICT COURT OF BEXAR COUNTY; SIERRA CLUB, ET AL. VS. LUJAN, ET AL., NO. 91-CA-069, U.S. DISTRICT COURT, WESTERN DIST. OF TEXAS, MIDLAND ODESSA DIV.; GBRA VS. TEXAS FARM BUREAU, ET AL., NO. 92-05226, 299TH DISTRICT COURT OF TRAVIS COUNTY. 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, December 2, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 11. REQUEST FOR COMMISSION DETERMINATION IN RESPONSE TO SENATE BILL (SB) 1099, OF SUFFICIENCY OF RULES FOR SALT CAVERN DISPOSAL OF HAZARDOUS WASTE.

Commission has determined Rules for Salt Cavern is sufficient. JH/PR

CONTESTED OLD BUSINESS

Wednesday, December 2, 1992

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of November 18, 1992.

- Item 1. 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)

Adopt Proposal For Decision and Issue Order, overrule exceptions as recommended by Hearings Examiner JH/PR (Commissioner Reed votes No.)

Item carried forward from the Agenda of November 18, 1992.

- Item 2. 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 16, 1992 Uncontested

Item carried forward from the Agenda of November 18, 1992.

- Item 3. 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 16, 1992 Uncontested

Item carried forward from the Agenda of November 18, 1992.

- Item 4. 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 16, 1992 Uncontested

Item carried forward from agenda of October 14, 1992 ,October 28, 1992 and November 18, 1992.

- Item 5. 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)

Approve, PR/PG