

HALL
REED
GARNER

UNCONTESTED AGENDA

Wednesday, February 24, 1993

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

Item 1. APPLICATION BY HOLCOMB BROTHERS SAND PITS, INC. for a permit (Proposed Permit No. 03521) to authorize a discharge of treated groundwater and stormwater at a volume not to exceed an average flow of 720,000 gallons per day. The applicant operates a sand and gravel mining operation. The plant site is approximately 2800 feet east of State Highway 249, just north of the intersection of Huffsmith and Kohrville Road, Harris County, Texas.

APPROVED, PG/PR

Item 2. APPLICATION BY KMCO, INC. for a permit (Proposed Permit No. 03544) to authorize the discharge of non-contact cooling wastewater, boiler blowdown condensate and stormwater at a volume not to exceed an average flow of 20,000 gallons per day. The applicant proposes to operate an industrial organic chemical manufacturing facility. The plant site is at 2425 South Gulfway Drive, approximately 5 miles southwest of the Port Arthur City Hall in Jefferson County, Texas.

APPROVED, PG/PR

Item 3. APPLICATION BY CITY OF LIPAN for a permit (Proposed Permit No. 13590-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day. The wastewater treatment facilities will serve the City of Lipan. The plant site is north of the City of Lipan, approximately 1.5 miles northeast of the intersection of Farm-to-Market Road 4 and Farm-to-Market Road 1189 in Hood County, Texas.

APPROVED, PG/PR

Item 4. APPLICATION BY NEW BEACON BAY, INC. for a permit (Proposed Permit No. 13637-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 7,500 gallons per day. The wastewater treatment facility serves a marina and campground development. The plant site is approximately 500 feet southwest of the intersection of Farm-to-Market Road 350 and

Farm-to-Market Road 3126 on the shoreline of Lake Livingston in Polk County, Texas.

APPROVED, PG/PR

Item 5. APPLICATION BY DANNY SCHENK for a permit (Proposed Permit No. 03507) to authorize disposal of waste and wastewater from a dairy. The dairy will consist of a maximum of 350 head. The dairy is on the south side of Farm-to-Market Road 172, approximately 1 mile east of the intersection of U.S. Highway 281 and Farm-to-Market Road 172 in Archer County, Texas.

APPROVED, PG/PR

Item 6. APPLICATION BY CITY OF BAYTOWN for an amendment to Permit No. 10395-08 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 1,320,000 gallons per day to a volume not to exceed an average flow of 4,000,000 gallons per day. The plant site is at the crossing of Interstate Highway 10 and Spring Gully, due south of Interstate Highway 10 and on the east side of Spring Gully within the City of Baytown in Harris County, Texas.

APPROVED, PG/PR

Item 7. APPLICATION BY CLEAR LAKE CITY WATER AUTHORITY for an amendment to Permit No. 10539-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 6,750,000 gallons per day to a volume not to exceed an average flow of 9,000,000 gallons per day. The wastewater treatment facilities are approximately one mile northeast of the intersection of Bay Boulevard, southeast of Horsepen Bayou and adjacent to the northernmost part of the Lyndon B. Johnson Space Center in Harris County, Texas.

APPROVED, PG/PR

Item 8. APPLICATION BY CITY OF REDWATER for an amendment to Permit No. 10926-01 in order to request a variance to the buffer zone requirements. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 140,000 gallons per day, which will remain the same. The wastewater treatment facilities is approximately 800 feet east of Farm-to-Market Road 991 from a point located approximately 3100 feet south of the intersection of Farm-to-Market Road 991 with the St. Louis Southwestern Railway, south of the City of Redwater in Bowie County, Texas.

APPROVED, PG/PR

Item 9. APPLICATION BY SAN ANTONIO WATER SYSTEM for an amendment to Permit No. 10137-03 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 35,000,000 gallons per day to 46,000,000 gallons per day. The Leon Creek Wastewater

Treatment Facilities are approximately one mile west of the intersection of Mauermann Road and Pleasanton Road in Bexar County, Texas.

APPROVED, PG/PR

Item 10. APPLICATION BY SAN ANTONIO WATER SYSTEM for an amendment to Permit No. 10137-08 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 36,000,000 gallons per day to a volume not to exceed an average flow of 46,000,000 gallons per day from the Salado Creek Wastewater Treatment Facilities. The plant site is on Blue Wing Road, approximately 1.5 miles south of the intersection of Southton Road and Blue Wing Road in Bexar County, Texas.

APPROVED, PG/PR

Item 11. APPLICATION BY CITY OF STEPHENVILLE for an amendment to Permit No. 10290-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 1,850,000 gallons per day to a volume not to exceed an average flow of 3,000,000 gallons per day via Outfall 001. The proposed amendment will also authorize the permittee to divert 500,000 gallons per day via Outfall 002 to maintain the stream flow through the City Park. The combined discharge via Outfalls 001 and 002 shall not exceed an average flow of 3,000,000 gallons per day. The plant site is approximately 1,500 feet southwest of the intersection of U.S. Highway 281 and State Highway 108 in Erath County, Texas.

APPROVED, PG/PR

Item 12. APPLICATION BY ASCENSION RESORTS, LTD. for renewal of Permit No. 12482-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day from the Holly Lake Ranch Wastewater Treatment Facilities. The renewed permit will decrease the flow to a volume not to exceed 47,000 gallons per day average. The plant site is approximately 7600 feet south and 2400 feet east of the intersection of Farm-to-Market Road 49 and Farm-to-Market Road 2869 and 9.0 miles north of the Town of Hawkins in Wood County, Texas.

CONTINUED TO MARCH 17, 1993 AT 9:00 A.M.

Item 13. APPLICATION BY BAKER HUGHES INCORPORATED for renewal of Permit No. 12118-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 65,000 gallons per day. The renewed permit will decrease the final flow to a volume not to exceed 16,000 gallons per day average. The wastewater treatment facilities are at 10015 Aldine-Westfield Road, at a point approximately 500 feet North of Rankin Road in Harris County, Texas.

RENEWED, PG/PR

Item 14. APPLICATION BY CITY OF BASTROP for renewal of Permit No. 11076-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,400,000 gallons per day from the Jasper Street Wastewater Treatment Facilities. The plant site is approximately 0.2 mile south of State Highway 71 and immediately east of the Colorado River in the City of Bastrop in Bastrop County, Texas.

RENEWED, PG/PR

Item 15. APPLICATION BY BIG THREE INDUSTRIAL GAS, INC., BAYPORT AIR SEPARATION PLANT for renewal of Permit No. 02916 which authorizes a discharge of treated stormwater at a volume variable with rainfall from an air separation plant which manufactures oxygen, nitrogen and argon. The plant site is at the northwest corner of Bay Area Blvd. and Choate Road in the City of Pasadena, Harris County, Texas.

RENEWED, PR/PG

Item 16. APPLICATION BY BLUE BELL MANOR UTILITY COMPANY, INC. for renewal of Permit No. 11473-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an interim flow of 600,000 gallons per day average and a final flow of 1,000,000 gallons per day average from the wastewater treatment facilities. The renewed permit will decrease the final flow to a volume not to exceed 600,000 gallons per day average. The plant site is on the north bank of Halls Bayou, approximately 1200 feet north-northeast of the intersection of Farm-to-Market Road 149 with Stuebner Airline Road in Harris County, Texas.

CONTINUED TO MARCH 17, 1993 AT 9:00 A.M.

Item 17. APPLICATION BY BOYS COUNTRY OF HOUSTON, INCORPORATED for renewal of Permit No. 11814-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day. The wastewater treatment facilities are at a point approximately 1.7 miles north of the intersection of U.S. Highway 290 and Roberts Road, approximately 2.0 miles northeast of the City of Hockley in Harris County, Texas.

RENEWED, PG/PR

Item 18. APPLICATION BY BROWNING-FERRIS INDUSTRIES, INC. for renewal of Permit No. 02517 which authorizes an intermittent flow variable discharge of stormwater runoff from a class II/III solid waste disposal facility. The plant site is on West Port Arthur Road at the intersection of Beauxart Garden Road, between Live Oak Cemetery and Rhodair Gully in the extraterritorial jurisdiction of Port Arthur, Jefferson County, Texas.

RENEWED, PG/PR

Item 19. APPLICATION BY HARRY E. FLETCHER for renewal of Permit No.

12563-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the Crestwood Wastewater Treatment Plant. The plant site is approximately 1.3 miles west of the intersection of Farm-to-Market Road 729 and Farm-to-Market Road 1969 and approximately 4 miles southwest of the intersection of State Highway 49 and Farm-to-Market Road 1969 in Marion County, Texas.

RENEWED, PG/PR

Item 20. APPLICATION BY KOCIDE CHEMICAL CORPORATION for renewal of Permit No. 01260 which authorizes a discharge of treated process wastewater, cooling water system and boiler blowdowns at a volume not to exceed an average flow of 500,000 gallons per day from a plant manufacturing cupric hydroxide for use as an agricultural fungicide. The renewed permit will authorize a discharge of process wastewater, utility waters, and stormwater at a volume not to exceed a dry weather flow of 100,000 gallons per day average. The plant site is at 12701 Almeda Road, State Highway 521 in the City of Houston, Harris County, Texas.

RENEWED, PR/PG

Item 21. APPLICATION BY KWOOD, INC for renewal of Permit No. 12495-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the Arroyo Colorado Estates Wastewater Treatment Facilities. The plant site is approximately 2 miles west of the intersection of State Highway 345 and Farm-to-Market Road 1561 in Cameron County, Texas.

RENEWED, PG/PR

Item 22. APPLICATION BY CITY OF MAGNOLIA for renewal of Permit No. 11871-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 177,000 gallons per day. The wastewater treatment facilities are on the northeast corner of the intersection of Arnold Branch and Nichols Sawmill Road, approximately 1.5 miles south of the intersection of Farm-to-Market Roads 1774 and 1488 in Montgomery County, Texas.

RENEWED, PG/PR

Item 23. APPLICATION BY CITY OF NAVASOTA for renewal of Permit No. 10231-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 850,000 gallons per day. The wastewater treatment facilities are on the southern bank of Cedar Creek one block north of State Highway 105 at the intersection of Chase Street and Peeples Street in the City of Navasota in Grimes County, Texas.

RENEWED, PG/PR

Item 24. APPLICATION BY HOWARD E. AND ROSA RATHBUN for renewal of

Permit No. 13540-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 25,000 gallons per day from the Country Meadows Wastewater Treatment Facilities. The plant site is at 14206 Hatfield Road, approximately 1.5 miles west of State Highway 35 and approximately 3000 feet north of Farm-to-Market Road 518 in Brazoria County, Texas.

RENEWED, PG/PR

Item 25. APPLICATION BY SAN ANTONIO WATER SYSTEM for renewal of Permit No. 10137-04 which regulates discharges and quality of water from Mitchell Lake to the Medina River. Mitchell Lake has been removed from the City's wastewater treatment system, but because it was once used as a wastewater treatment pond, discharges from Mitchell Lake are regulated by permit. Mitchell Lake is approximately one mile south of Loop 410 and east of Pleasanton Road, south of the City of San Antonio in Bexar County, Texas.

RENEWED, PG/PR

Item 26. APPLICATION BY TEXAS AIRSTREAM HARBOR, INC. for renewal of Permit No. 11895-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000 gallons per day. The wastewater treatment facilities are approximately 5 miles northeast of the City of Zavalla and 0.5 mile northwest of State Highway 147, at a point approximately 300 feet south of the shoreline of Sam Rayburn Reservoir in Angelina County, Texas.

RENEWED, PG/PR

Item 27. APPLICATION BY BISSONNET MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$1,250,000 UNLIMITED TAX BONDS, FIFTH ISSUE, 8.288% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. Applicant requests Commission approval of a bond issue to finance the rehabilitation of the existing water and wastewater collection facilities. (Ferguson)

APPROVED, PR/PG

Item 28. APPLICATION BY MISSION BEND MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL FOR USE OF \$71,941 SURPLUS FUNDS; \$6,450,000 BOND ISSUE APPROVED MAY 21, 1984. For Commission consideration and action. Applicant requests Commission approval for use of surplus funds to finance repairs of wastewater lines on Addicks-Clodine Road and Winkleman Road. (Cooper)

APPROVED, PR/PG

Item 29. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 222 FOR APPROVAL OF \$4,400,000 UNLIMITED TAX BONDS, THIRD ISSUE, 8.20% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. Applicant requests

Commission approval of a bond issue to finance a water plant, a detention pond, land costs, and water, wastewater & drainage facilities for two subdivisions within the District.
(Ferguson)

APPROVED, PR/PG

Item 30. APPLICATION BY PORTER MUNICIPAL UTILITY DISTRICT OF MONTGOMERY COUNTY FOR APPROVAL OF \$1,500,000 UNLIMITED TAX & REVENUE BONDS, FIFTH ISSUE, 7.717% NET EFFECTIVE INTEREST RATE, SERIES 1993. For Commission consideration and action. Applicant requests approval to issue bonds to finance wastewater system improvements and relocation projects. (Ferguson)

REMANDED TO STAFF

Item 31. APPLICATION BY PALMER PLANTATION MUNICIPAL UTILITY DISTRICT NO. 1 OF FORT BEND COUNTY FOR APPROVAL TO RELEASE ESCROWED FUNDS; \$3,000,000 BOND ISSUE APPROVED MARCH 28, 1991. For Commission consideration and action. Applicant requests release of \$25,516 to fund water plant expansion project.
(Ferguson)

APPROVED, PR/PG

Item 32. APPLICATION BY NORTHHAMPTON MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO RELEASE \$278,700 FROM ESCROW AND TO USE \$179,227 IN SURPLUS FUNDS; \$2,135,000 BOND ISSUE APPROVED MARCH 19, 1991. For Commission consideration and action. Applicant requests the release of \$278,700 in escrowed funds and approval to use \$179,227 in surplus funds to finance the District Meeting Facility Project. (Ferguson)

APPROVED, PR/PG

Item 33. PETITION BY AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1 OF TRAVIS COUNTY FOR APPOINTMENT OF DIRECTOR. For Commission consideration and action. Applicant requests appointment of Louis R. Williams as a director. (Ferguson)

APPROVED, PR/PG

Item 34. APPLICATION OF EDWARD L. WOOD DBA ENCHANTED HARBOR UTILITY for a Water Certificate of Convenience and Necessity in Calhoun County, TX (Application No. 9846-C, Poe)

APPROVED, PR/PG

Item 35. APPLICATION OF SPRING CREEK WATER SUPPLY CORPORATION for Cancellation of Water CCN No. 12260 in Coryell and Lampasas Counties, TX (Application No. 9915-Q, Holck)

APPROVED, PR/PG

Item 36. APPLICATION OF CHARLIE JOHNSON DBA CHARLIE JOHNSON WATER SYSTEM to Transfer service area for Water CCN No. 12101 from Charlie Johnson dba Charlie Johnson Water System, to Orbit Systems, Inc., CCN No. 11982, and to cancel CCN No. 12102 of

Charlie Johnson Water System in Brazoria County, TX
(Application No. 9765-S, Gonzalez)

APPROVED, PR/PG

Item 37. APPLICATION OF CASTLE WATER, INC. (formerly Donald L. Dickens dba Horseshoe Bend Water Works), for a Rate/Tariff Change in Parker County, TX (Application No. 9515-R, Mayhew)

APPROVED, PR/PG

Item 38. CONSIDERATION OF APPOINTMENT OF INDIVIDUALS TO FILL A VACANCY TO EXPAND THE SCOPE OF THE ADVISORY COMMITTEE FOR WASTEWATER OPERATOR CERTIFICATION TO INCLUDE REPRESENTATION FOR THE POTABLE WATER INDUSTRY. CREATED BY COMMISSION ACTION IN 1987, THE COMMITTEE WOULD BECOME THE ADVISORY COMMITTEE FOR WATER UTILITY OPERATOR CERTIFICATION. (TINSTMAN)

APPROVED STAFF RECOMMENDATION, PG/PR

Item 39. CONSIDERATION OF 90-DAY EXTENSION OF SIX PSTR FUND AND TWO LUST TRUST FUND MULTI-SITE AGREEMENTS FOR WORK AT STATE-LEAD LPST SITES. (CATHY RASHIN\DANNY LIEN)

APPROVED 90-DAY EXTENSION, PR/JH

Item 40. PRESENTATION OF THE EPA REGION VI RCRA STATE AWARDS FOR EXCELLENCE.

EPA PRESENTED AWARDS TO TWC INSPECTORS

HALL
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GARNER

CONTESTED AGENDA

Wednesday, February 24, 1993

TEXAS WATER COMMISSION

9:00 a.m.

Room 118

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE BY PLAY BALL, INC., (NO PERMIT). The Executive Director requests the Commission to assess administrative penalties and to issue an order requiring Play Ball, Inc., to undertake certain actions as set out in the report and petition. (Carlton)

REMANDED TO OFFICE OF HEARINGS EXAMINERS WITH INSTRUCTIONS TO BEGIN HEARING WITHIN 60 DAYS, PG/PR

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PURE SOLVE, INC.; SWR. NO. 41112 (CASTANUELA)

CONTINUED TO MAY 26, 1993 AT 9:00 A.M.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF UNION OIL COMPANY OF CALIFORNIA; BEAUMONT TERMINAL; SWR. NO. 30001 (GRUENBERGER)

CONTINUED TO MAY 26, 1993 AT 9:00 A.M.

- Item 4. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF LIVING WATERS ARTESIAN SPRINGS, LTD. FOR PERMIT NO. 03462-01 TO AUTHORIZE THE DISCHARGE OF 55.3 MGD OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN BEXAR COUNTY, TEXAS AND SEGMENT NO. 1903 OF THE SAN ANTONIO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (ARENSEN/ROGAN)

CONTINUED TO JUNE 2, 1993 AT 9:00 A.M.

- Item 5. 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 6. 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