

HALL
REED
GARNER

UNCONTESTED AGENDA

Wednesday, March 3, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY GENERAL AMERICAN TRANSPORTATION CORPORATION for a permit (Proposed Permit No. 03494) to authorize a discharge of treated groundwater at a volume not to exceed an average flow of 220,000 gallons per day from a railroad tank car maintenance and repair facility. The proposed permit will also authorize a flow variable discharge of maintenance wash water and stormwater to an existing Class II non-hazardous evaporation pond. The plant site is on the eastern side of U.S. Highway 79, approximately 1.25 miles southwest of the intersection of U.S. Highway 79 and 190 in the City of Hearne, Robertson County, Texas.

APPROVED, PG/PR

Item 2. APPLICATION BY PHILLIPS PIPE LINE COMPANY for a permit (Proposed Permit No. 03537) to authorize a discharge of treated wastewater from truck loading racks and storage tanks at a volume not to exceed an average flow of 18,000 gallons per day plus intermittent, flow variable discharges of stormwater. The applicant operates a refined petroleum products storage and distribution terminal. The plant site is approximately 1/4 mile west of North Reynolds Road and north of the intersection of Arroyo Boulevard and Bates Road in the City of Rio Hondo, Cameron County, Texas.

APPROVED, PG/PR

Item 3. APPLICATION BY USS-CHC TUBULAR PROCESSING DBA DELTA TUBULAR PROCESSING for a permit (Proposed Permit No. 03540) to authorize a discharge of once-through cooling water at a volume not to exceed an average flow of 208,200 gallons per day via Outfalls 002 and 003. The permit will also authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,000 gallons per day via Outfall 001 plus intermittent flow variable discharges of stormwater runoff via Outfalls 005, 006 and 014. The applicant operates a fabricating pipe products supply facility. The plant site is approximately 4 miles north of the City of Channelview in an area bounded by Sheldon Road and Highway 90, Harris County, Texas.

APPROVED, PG/PR

Item 4. APPLICATION BY ANDERSON MILL MUNICIPAL UTILITY DISTRICT for an amendment to Permit No. 11459-01 to authorize the relocation of the effluent discharge outfall. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,300,000 gallons per day from the wastewater treatment facilities. The plant site is approximately 5,800 feet northwest of the intersection of U.S. Highway 183 and Anderson Mill Road and 1,700 feet

southwest of the intersection of U.S. Highway 183 and Farm-to-Market 620 in Williamson County, Texas.

APPROVED, PG/PR

Item 5. APPLICATION BY CITY OF ANGLETON for an amendment to Permit No. 10548-01 to authorize an increase in the 2-hour peak flow from 7,500 gallons per minute (gpm) to 12,500 gpm in the final phase. The proposed amendment will also change the effective date of dechlorination from July 1, 1991 to July 1, 1993. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,600,000 gallons per day. The Oyster Creek Wastewater Treatment Facilities are adjacent to and south of County Road 609 (Old Highway 35), approximately 1 1/2 miles southwest of the intersection of State Highway 35 and State Highway 227 in Brazoria County, Texas.

CONTINUED TO MARCH 24, 1993 AT 9:00 A.M.

Item 6. APPLICATION BY ELF ATOCHEM NORTH AMERICA, INC. for an amendment to Permit No. 00445 to authorize an increase in the discharge of treated process, utility and stormwater from a volume not to exceed an average flow of 200,000 gallons per day to a volume not to exceed an average flow of 400,000 gallons per day. The proposed amendment will also add an outfall to authorize an intermittent flow variable discharge of stormwater. The plant site is at 2231 Haden Road in the City of Houston, Harris County, Texas.

APPROVED, PG/PR

Item 7. APPLICATION BY CITY OF GILMER for an amendment to Permit No. 10457-01 to authorize 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 1,200,000 gallons per day to a volume not to exceed an average flow of 2,000,000 gallons per day. The plant site is on the northern bank of Sugar Creek, approximately 1.4 miles east of U.S. Highway 271 in Upshur County, Texas.

APPROVED, PG/PR

Item 8. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 for an amendment to Permit No. 10104-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 1,600,000 gallons per day to a volume not to exceed an average flow of 2,350,000 gallons per day. The proposed amendment will also authorize a variance in the buffer zone requirements. The wastewater treatment facilities are at the west end of Avenue E in the incorporated Community of Highlands in Harris County, Texas.

APPROVED, PG/PR

Item 9. APPLICATION BY CITY OF MURCHISON for an amendment to Permit No. 11816-01 to authorize the disposal of sludge on two (2) acres of land located adjacent to the treatment facility. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 80,000 gallons per day which will remain the same. The plant site is approximately 2,000 feet north of State Highway

31 and approximately 2,200 feet east of Farm-to-Market Road 773 in Henderson County, Texas.

APPROVED, PG/PR

Item 10. APPLICATION BY CITY OF ODESSA for an amendment to Permit No. 10238-01 in order to: (1) delay the final phase of the existing permit (10238-01) and extend the limitations of the interim phase to June 1, 1995; (2) after modifications are completed to the East Plant, the City's influent will then be diverted from the South Dixie Plant (10238-01) to the East Water Reclamation Plant (10238-02); (3) the closing of the South Dixie plant. The permit currently authorizes the discharge of 9,400,000 gallons per day, which will remain the same. The South Dixie Water Reclamation Plant is approximately 1.5 miles south of the intersection of Interstate Highway 20 and Grandview Avenue and 1.7 miles southeast of the intersection of U.S. Highway 385 and Interstate Highway 20 in Ector County, Texas.

APPROVED, PG/PR

Item 11. APPLICATION BY CITY OF ODESSA for an amendment to Permit No. 10238-02 to authorize the diversion of the South Dixie Plants' influent (Permit No. 10238-01) over to the East Water Reclamation Plant (Permit No. 10238-02). The permittee shall cancel Permit No. 10238-01 within 90 days of the diversion of the influent from the South Dixie Plant to the East Water Reclamation Plant. The proposed amendment will authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 4,900,000 gallons per day to a volume not to exceed an average flow of 12,700,000 gallons per day from the East plant. The plant site is southeast of the City of Odessa; approximately four miles southeast of the intersection of Interstate Highway 20 and Loop Highway 338 and approximately six miles east/southeast of the intersection of Interstate Highway 20 and U.S. Highway 385 in Midland County, Texas.

APPROVED, PG/PR

Item 12. APPLICATION BY STRUCTURAL METALS, INC. for an amendment to Permit No. 01712 in order to add one outfall (Outfall 004) to regulate a discharge of stormwater runoff. The permit currently authorizes a discharge of treated process and other wastewaters at a volume not to exceed an average flow of 120,000 gallons per day via Outfall 001. The permit also currently authorizes discharges of stormwater runoff at volumes variable with rainfall via Outfalls 002 and 003. All of these outfalls will remain as currently permitted. The plant site is approximately one mile west of the intersection of IH-10 and FM 464, west of the City of Seguin, Guadalupe County, Texas.

CONTINUED TO MARCH 10, 1993 AT 9:00 A.M.

Item 13. APPLICATION BY WALNUT CREEK MINING COMPANY for an amendment to Permit No. 02881 to authorize five additional outfalls (Outfalls 008 - 012). The additional outfalls will authorize: (1) intermittent, flow variable discharges from the active mine area via Outfalls 008 and 010; (2) intermittent, flow variable discharges of from a treatment pond via Outfall 009; (3) a discharge of groundwater at a volume not to exceed 14,400,000 gallons during any 24-hour

period via Outfall 011; and (4) a discharge of groundwater at a volume not to exceed 4,320,000 gallons during any 24-hour period via Outfall 012. The permit currently authorizes: (1) intermittent, flow variable discharges from the active mining area via Outfalls 001, 002, 003, 004 and 005; (2) a discharge of groundwater at a volume not to exceed 1,080,000 gallons during any 24-hour period via Outfall 006; and (3) a discharge of groundwater at a volume not to exceed 1,150,000 gallons during any 24-hour period via Outfall 007, which will remain the same. The applicant operates the Calvert lignite mine. The plant site is between State Highways 6 and 46, on Tidwell Prairie Road approximately 4.5 miles southeast of the City of Bremond in Robertson County, Texas.

APPROVED, PG/PR

Item 14. APPLICATION BY AMERADA HESS CORPORATION for renewal of Permit No. 02568 which authorizes flow variable discharges of stormwater from a petroleum products storage terminal. The plant site is at 15001 Moore Road in the Community of Channelview in Harris County, Texas.

RENEWED, PG/PR

Item 15. APPLICATION BY CEDAR POINT UTILITY MANAGEMENT COMPANY, INC. for renewal of Permit No. 12454-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 80,000 gallons per day from the Cedar Point Subdivision Wastewater Treatment Facilities. The plant site is on the east side of the Kickapoo Creek Arm of Lake Livingston approximately 2000 feet south of U.S. Highway 190 within the Cedar Point Subdivision in Polk County, Texas.

CONTINUED TO MARCH 24, 1993 AT 9:00 A.M.

Item 16. APPLICATION BY CHELFORD CITY MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 11599-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 15,500,000 gallons per day from the Brays Bayou Wastewater Treatment Plant. The plant site is on the south side of Alief-Clodine Road, approximately 2,000 feet due west of the intersection of Alief-Clodine Road and State Highway 6 in Harris County, Texas.

CONTINUED TO MARCH 24, 1993 AT 9:00 A.M.

Item 17. APPLICATION BY CONROE INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 12204-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000 gallons per day from the Stephen F. Austin Elementary School Wastewater Treatment Facilities. The plant site is on the grounds of the Stephen F. Austin Elementary School which is located approximately 1250 feet west of the intersection of State Highway 105 and Waukegan Road in the Town of Cut N' Shoot in Montgomery County, Texas.

RENEWED, PG/PR

Item 18. APPLICATION BY D L UTILITY, INC. for renewal of Permit No. 12493-01 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 wastewater treatment facilities are approximately 3.5 miles east of the

intersection of Farm to Market Road 149 and 1097 in Montgomery County, Texas.

RENEWED, PG/PR

Item 19. APPLICATION BY CITY OF HUNTSVILLE for renewal of Permit No. 10781-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,150,000 gallons per day from the Parker Branch Wastewater Treatment Facilities. The plant site is approximately 3.5 miles northeast of the intersection of U.S. Highways 30 and 190, 0.8 mile north of the intersection of State Highway 19 and Ellisor Road, at the north end of Ellisor Road near the City of Huntsville in Walker County, Texas.

RENEWED, PG/PR

Item 20. APPLICATION BY KINGSLAND MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 11549-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 750,000 gallons per day. The wastewater treatment facilities are north of the Southern Pacific Railroad, approximately 2000 feet west of the confluence of the Colorado River and Llano River arms of Lake Lyndon B. Johnson, at the intersection of Rock Street and Reynolds Street in the City of Kingsland in Llano County, Texas.

RENEWED, PG/PR

Item 21. APPLICATION BY LANCO-CONTINENTAL PLAZA, INCORPORATED for renewal of Permit No. 12591-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from the Continental Plaza Wastewater Treatment Facilities. The plant site is approximately 250 feet north of Atascocita Road and 300 feet northeast of the crossing of Williams Gully by Atascocita Road in Harris County, Texas.

RENEWED, PG/PR

Item 22. APPLICATION BY CITY OF LONE STAR for renewal of Permit No. 12411-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 440,000 gallons per day from the Lone Star Wastewater

Treatment Facilities. The plant site is approximately 1500 feet east of United States Highway 259 and approximately 4000 feet south of the intersection of United States Highway 259 and Farm-to-Market Road 729 in Morris County, Texas.

RENEWED, PG/PR

Item 23. APPLICATION BY CITY OF MIDWAY for renewal of Permit No. 13378-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 70,000 gallons per day. The wastewater treatment facilities are 3,000 feet southeast of the intersection of State Highway 21 and Farm-to-Market Road 2548 and 2,200 feet east of the intersection of Gin Creek and Farm-to-Market Road 247 and east of the City of Midway in Madison County, Texas.

RENEWED, PG/PR

Item 24. APPLICATION BY THERON L. MOORE, SR. for renewal of Permit No. 11465-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 15,000 gallons per day from the Kalita Point Wastewater Treatment Facilities. The plant site is approximately 1250 feet north of Farm-to-Market Road 2457, at a point approximately 3 miles west of the intersection of Farm-to-Market Road 2457 and U.S. Highway 190, near the east shore of Lake Livingston in Polk County, Texas.

RENEWED, PG/PR

Item 25. APPLICATION BY NOTTINGHAM COUNTRY MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 12479-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 2,600,000 gallons per day. The renewed permit has decreased the flow to 1,300,000 gallons per day average. The wastewater treatment facilities are at 19630 Stone Lodge, off of Fry Road and adjacent to Mason Creek in Harris County, Texas.

RENEWED, PG/PR

Item 26. APPLICATION BY CITY OF PRINCETON for renewal of Permit No. 10683-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day. The wastewater treatment facilities are southwest of the City of Princeton and east of Ticky Creek, approximately 0.5 mile southwest of the intersection of U.S. Highway 380 and Farm-to-Market Road 982 in Collin County, Texas.

RENEWED, PG/PR

Item 27. APPLICATION BY RIVER PLANTATION MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 10978-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 600,000 gallons per day. The permittee is authorized to use the treated effluent to irrigate an 135-acre golf course at an application rate not to exceed 2.0 acre-feet/acre/year. The wastewater treatment facilities are approximately 1.5 miles downstream from the Interstate Highway 45 bridge, on the north bank of the West Fork of the San Jacinto River in Montgomery County, Texas.

RENEWED, PG/PR

Item 28. APPLICATION BY ROBERT J. TATE for renewal of Permit No. 13309-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from the Preston Club, Ltd. Wastewater Treatment Facilities. The renewed permit decreased the flow to a volume not to exceed an average of 12,000 gallons per day. The permittee is also authorized to use treated effluent to irrigate an 120-acre golf course located within the property boundary. Application rates for the irrigated land shall not exceed 2.2 acre-feet/acre/year. The plant site is approximately 4 miles west of the intersection of United States Highway 82 and Farm-to-Market Road 1417 and 1/2 mile south of United States Highway 82 in Grayson County, Texas.

RENEWED, PG/PR

Item 29. APPLICATION BY SPLENDORA INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 11143-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 42,000 gallons per day. The wastewater treatment facilities are located east of State Highway Spur 512, approximately 0.4 mile northeast of the intersection of State Highway Spur 512 and Farm-to-Market Road 2090 in Montgomery County, Texas.

RENEWED, PG/PR

Item 30. APPLICATION BY TEXAS DEPARTMENT OF TRANSPORTATION for renewal of Permit No. 13412-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 380 gallons per day from the Sinton Maintenance Yard Wastewater Treatment Facilities. The plant site is 3000 feet northwest of the intersection of United States Highway 181 and Farm to Market Road 1074 and approximately 1.5 miles southeast of the intersection of United States Highway 181 and Farm to Market Road 881 at the Texas Department of Transportation Area Engineering and Maintenance Office Site in San Patricio County, Texas.

RENEWED, PG/PR

Item 31. APPLICATION BY TEXAS UTILITIES FUEL COMPANY for renewal of Permit No. 02871 which authorizes flow variable discharges of stormwater from a fuel oil storage and transfer terminal. The plant site is two miles northeast of the intersection of Interstate Highway 30 and FM 36 and approximately 9 miles west of the City of Greenville in Hunt County, Texas.

RENEWED, PG/PR

Item 32. APPLICATION BY CITY OF WAELDER for renewal of Permit No. 10327-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 120,000 gallons per day. The wastewater treatment facilities are southeast of Waelder on the north bank of Baldridge Creek, approximately 1/2 mile south of U.S. Highway 90 and 1/2 mile east of State Highway 97 in Gonzales County, Texas.

RENEWED, PG/PR

Item 33. APPLICATION BY WHARTON COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 for renewal of Permit No. 10849-01 which authorizes a discharge of treated domestic wastewater effluent

at a volume not to exceed an average flow of 150,000 gallons per day. The wastewater treatment facilities are approximately 850 feet north of the intersection of Farm-to-Market Road 1160 and Loop 525, between Farm-to-Market Road 1160 and East Mustang Creek in Wharton County, Texas.

RENEWED, PG/PR

Item 34. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 7 FOR APPROVAL OF THE ISSUANCE OF \$4,865,000 IN UNLIMITED TAX BONDS, 7.67% NET EFFECTIVE INTEREST RATE, SERIES 1993, SEVENTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$4,865,000 in tax bonds to finance water supply & wastewater treatment plant capacity charges; wastewater conveyance capacity charges; stormwater detention capacity charges; pro rata share of water mains and drainage ditches; & water, wastewater & drainage facilities for Village of Cochran Crossing Sections 23, 25, 28, 29 & 34.

APPROVED, PR/PG

Item 35. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 24 FOR APPROVAL OF STANDBY FEE. For Commission consideration and action. Applicant requests approval to adopt and impose a \$1,104/lot/year standby fee (\$678 for debt service and \$426 for operation and maintenance.) (Herbert)

APPROVED, PR/PG

Item 36. APPLICATION BY PARK TEN MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, USE OF SURPLUS FUNDS & A CHANGE IN PLANS; \$12,350,000 BOND ISSUE APPROVED APRIL 23, 1985. For Commission consideration and action. Applicant requests approval of the release of \$1,761,917 of escrowed funds, use of \$1,108,276 of surplus funds, and a change in plans for the construction of East Water Plant, East End Regional Detention, Section 9 utilities, Lake Harbor utilities, & Emergency Power Back-up for the District's wastewater treatment plant. (Ferguson)

APPROVED, PR/PG

Item 37. APPLICATION BY HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61 FOR APPROVAL TO USE SURPLUS FUNDS; \$3,175,000 BOND ISSUE APPROVED DECEMBER 5, 1985. For Commission consideration and action. Applicant requests approval to use \$271,275 in surplus funds to finance wastewater trunk line repairs and associated wastewater plant driveway repairs. (Ferguson)

APPROVED, PR/PG

Item 38. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 236 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$4,310,000 BOND ISSUE APPROVED OCTOBER 20, 1988. For Commission consideration and action. Applicant requests approval of the use of \$210,000 of surplus funds for construction of water, wastewater and drainage facilities to serve Sand Creek Village Section 6, construction of drainage improvements for Sand Creek Village Sec. 3, and construction of a wastewater line extension in Kings Point Village, Sec. 3 (Ferguson)

APPROVED, PR/PG

Item 39. APPLICATION OF HAZEL AYLOR BURWICK AND CARL C. YOUNG DBA BEACH HAVEN SUBDIVISION WATER COMPANY for a Water Certificate of Convenience and Necessity in Chambers County, TX (Application No. 9811-C, Gonzalez)

APPROVED, PG/PR

Item 40. APPLICATION OF CITY OF LA COSTE to Transfer and Amend Water and Sewer CCNs No. 11004 and No. 20401 of Medina County Water Control and Improvement District in Bexar and Medina Counties, TX (Application No. 9622-T, Holck)

APPROVED, PG/PR

Item 41. APPLICATION NO. 4057B BY BN LEASING CORPORATION TO AMEND PERMIT NO. 3757 (A-4057), AS AMENDED. FOR COMMISSION CONSIDERATION. Applicant seeks to add recreation use authorization to the permit which authorizes a dam on an unnamed tributary of Big Fossil Creek impounding 69 acre-feet of water. The reservoir is existing and is currently used for irrigation purposes under the permit. (Smith/lb)

APPROVED, PR/PG

Item 42. APPLICATION NO. 5442 BY THE U.S. DEPARTMENT OF ENERGY FOR A TWC SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks a permit to construct and maintain a dam creating a reservoir on an unnamed tributary of Chambers Creek, Trinity River Basin in Ellis County and to store contract water in the reservoir for subsequent diversion and use for cooling purposes (rejection of heat to the atmosphere generated during operation of the proposed Superconducting Super Collider Project. (Smith;tls)

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

Item 43. CONSIDERATION OF A PROPOSED REGIONAL SOLID WASTE MANAGEMENT PLAN SUBMITTED BY THE HEART OF TEXAS COUNCIL OF GOVERNMENTS.

ADOPTION OF PLAN AS RECOMMENDED BY STAFF, PG/PR

Item 44. CONSIDERATION OF A PROPOSED REGIONAL SOLID WASTE MANAGEMENT PLAN SUBMITTED BY THE CAPITAL AREA PLANNING COUNCIL.

ADOPTION OF PLAN AS RECOMMENDED BY STAFF, PG/PR

Item 45. CONSIDERATION OF EXECUTIVE DIRECTOR'S REQUEST TO ENTER INTO A CONTRACT WITH A HAZARDOUS WASTE MANAGEMENT FIRM FOR THE COLLECTION AND DISPOSAL OF AGRICULTURAL WASTES COLLECTED DURING THE 1993 AGRICULTURAL CHEMICAL WASTE COLLECTION PROGRAM. (V. RAMIREZ)

APPROVED AS RECOMMENDED BY STAFF, PR/PG

Item 46. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CITY OF LEANDER FOR A RENEWAL OF PERMIT NO. 12644-01 TO AUTHORIZE THE DISCHARGE OF 3,750,000 gpd OF TREATED DOMESTIC WASTEWATER EFFLUENT IN WILLIAMSON COUNTY, TEXAS AND SEGMENT NO. 1244 OF THE BRAZOS RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (THOMAS)

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

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TEXAS WATER COMMISSION AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES (SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE) ARE REQUESTED TO CONTACT DOUG KITTS IN THE THE OFFICE OF THE CHIEF CLERK AT (512) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

UNCONTESTED OLD BUSINESS

Wednesday, March 3, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from the Agenda of February 10, 1993.

- Item 1. APPLICATION NO. 5436 BY KINGWOOD COUNTRY CLUB, INC. FOR A WATER USE PERMIT PURSUANT TO TWC SECTION 11.121. FOR COMMISSION ACTION. Applicant seeks to maintain 4 existing reservoirs (Lakes A-1, C, D, & D-1) on Bear Branch, San Jacinto River Basin, and to divert 276 acre-feet of water per annum from Lake D into Lake D-1 for subsequent diversion to irrigate 210 acres of land (golf courses), approximately 22 miles northeast of Houston, Harris County, Texas. (SMITH/jme)

APPROVED, PR/PG

Item carried forward from the Agenda of February 10, 1993.

- Item 2. APPLICATION NO. 5437 BY KINGWOOD LAKES COMMUNITY ASSOCIATION, INC. FOR AN 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to maintain an existing dam and 161 acre-foot reservoir on Bear Branch, San Jacinto River Basin, for recreation use (golf course amenity lake) approximately 22 miles northeast of Houston, Harris County, Texas. (SMITH/jme)

APPROVED, PR/PG

Item carried forward from the Agenda of February 17, 1993.

- Item 3. APPLICATION OF BRANCH CREEK PROPERTIES, INC. to Transfer Water CCN No. 11905 from A.T.F., Inc. dba Branch Creek Estates; in Travis County (Application No. 9780-S, Poe)

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

HALL
REED - ABSENT & EXCUSED ON ITEMS OB4 AND OB5
GARNER

CONTESTED AGENDA

Wednesday, March 3, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF JAMES C. WHELAN, DBA W-W SERVICES UTILITIES; CCN NO. 11494; DOCKET NO. 9543-E. (Montelongo)

APPROVED AND ISSUE ORDER, PR/PG

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MR. ANDY PICOS, MR. SYED MOHUIDDIN, MR. JACK JONES, CAMTRACO ENTERPRISES, INC., SOUTHEASTERN OIL COMPANY, AND OKEMAH HYDROCARBONS; SW NO. 31896. (Ballard)

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

Item 3. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF BANDAG, INC. FOR REIMBURSEMENT FROM THE COMMISSION'S PST FUND IN TAYLOR COUNTY, TEXAS. RECOMMENDATION: ISSUANCE OF ORDER DENYING PETITION. (HAYES)

ADOPT EXAMINER'S PROPOSAL FOR DECISION AND ISSUE ORDER AS RECOMMENDED, PR/PG

Item 4. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF MCGINNES INDUSTRIAL MAINTENANCE CORP. & BMcD, Inc. FOR A RENEWAL OF PERMIT NO. 01221 TO AUTHORIZE THE DISCHARGE OF 1,000,000 GALLONS DURING ANY 24-HOUR PERIOD OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN GALVESTON COUNTY, TEXAS, AND SEGMENT NO. 2424 OF THE BAYS AND ESTUARIES OF THE STATE. RECOMMENDATION: ISSUANCE OF PERMIT. (SORRELLS)

CONTINUED TO MARCH 17, 1993 AT 8:30 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

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TEXAS WATER COMMISSION AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT DOUG KITTS IN THE THE OFFICE OF THE CHIEF CLERK AT (512) 463-7905 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

ADDENDUM TO CONTESTED AGENDA

Wednesday, March 3, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 7. CONSIDERATION OF EMERGENCY ORDER NO. 93-2E AUTHORIZING A CHANGE IN THE METHOD OF DISPOSAL FOR EAST CEDAR CREEK WATER SUPPLY DISTRICT. The District operates under Permit No. 11890-001 which authorizes disposal by irrigation. The District requests the Commission to approve an emergency order authorizing disposal by discharge to prevent possible berm breach and flooding. (Ramirez)

APPROVED STAFF RECOMMENDATION AND ISSUE EMERGENCY ORDER, PR/PG

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AGREED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BURLINGTON NORTHERN RAILROAD, NO PERMIT. (McLeod)

APPROVED AS RECOMMENDED AND ISSUE AGREED ORDER, PR/PG

Item 9. CONSIDERATION OF PROPOSED AMENDMENT TO TITLE 31 TEXAS ADMINISTRATIVE CODE, CHAPTER 334, SUBCHAPTER H (RELATING TO THE INTERIM REIMBURSEMENT PROGRAM). (Holmes)

ADOPTION OF AMENDMENT TO RULES AS RECOMMENDED BY STAFF, PR/JH

Item 10. CONSIDERATION OF PROPOSED AMENDMENTS TO TITLE 31 TEXAS ADMINISTRATIVE CODE, CHAPTER 334, SUBCHAPTER K (RELATING TO STORAGE, TREATMENT, AND REUSE PROCEDURES FOR PETROLEUM SUBSTANCE CONTAMINATED MEDIA. (Winter)

ADOPTION OF AMENDMENT TO RULES AS RECOMMENDED BY STAFF, PR/PG

SECOND ADDENDUM TO CONTESTED AGENDA

Wednesday, March 3, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 11. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS CONTEMPLATED OR PENDING LITIGATION RELATED TO THE HONORABLE PETE P. GALLEGO v. TEXAS WATER COMMISSION, 98TH JUDICIAL DISTRICT, TRAVIS COUNTY, CAUSE NO. 9302025.

NO ACTION WAS TAKEN

CONTESTED OLD BUSINESS

Wednesday, March 3, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from the Agenda of November 18, 1992 and December 2, 1992, December 16, 1992, and January 13, 1993.

- Item 1. 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)

APPROVED, PG/PR

Item carried forward from the Agenda of November 18, 1992 and December 2, 1992, December 16, 1992, and January 13, 1993.

- Item 2. 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).

APPROVED, PG/PR

Item carried forward from the Agenda of November 18, 1992 and December 2, 1992, December 16, 1992, and January 13, 1993.

- Item 3. 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)

APPROVED, PG/PR

Item carried forward from the agenda of February 3, 1993.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN ENFORCEMENT ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LAIDLAW WASTE SYSTEMS/TIGER CORPORATION; TEXAS SOLID WASTE REGISTRATION NO. 01327. (Ramirez)

APPROVED AND ISSUED AGREED ORDER, PG/JH

Item carried forward from Agenda of January 27, and February 10, 1993.

- Item 5. CONSIDERATION OF THE ADOPTION OF PERMANENT RULES 31 TEXAS ADMINISTRATIVE CODE (TAC) SECTIONS 330.1180-330.1191, CONCERNING OIL FILTER MANAGEMENT STANDARDS.

REMANDED TO EXECUTIVE DIRECTOR

Item carried forward from Agenda of February 17, 1993.

- Item 6. APPLICATION BY DENTON COUNTY RECLAMATION AND ROAD DISTRICT FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration and action. Applicant requests authorization to proceed in federal bankruptcy to implement a plan to restructure bonded debt involving the exchange of existing District bonds for new bonds such that conditions will be more favorable for development within the District. (Cavazos)

APPROVED STAFF'S RECOMMENDATION TO GRANT BANKRUPTCY REQUEST, JH/PR