

HALL
REED/ABSENT & EXCUSED FOR ITEMS OB1, 1-22
GARNER

UNCONTESTED AGENDA

Wednesday, April 14, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY U.S. AIR FORCE/LACKLAND TRAINING ANNEX for a permit (Proposed Permit No. HW50334) to authorize continued operation of an Class I industrial hazardous, storage and processing facility. The permit will authorize use of one open burn unit with a capacity of 150 pounds per event and require that a RCRA Facility Investigation be conducted on former solid waste management unit sites. The wastes managed at this facility are used military ordnance products which are classified as ignitable, toxic, corrosive, toxicity characteristic and reactive liquids, sludges and solids. The Lackland Training Annex Facility is on approximately 4,000 acres of mostly undeveloped land, on the south side of U.S. Highway 90, 1/2 mile west of Loop 410, 3/4-mile east of State Highway Loop 1604 and approximately two miles north of Pearsall Road (State Highway 2536) in southwestern Bexar County, Texas.

APPROVED, JH/PG

Item 2. APPLICATION BY JACOB WEIRSMA for a permit (Proposed Permit No. 03526) to authorize the disposal of waste and wastewater from a dairy operation. The dairy will consist of a maximum of 525 head. The dairy is on the west side of an unnamed county road, approximately 2 miles from the intersection of State Highway 219 and the unnamed County Road, and 5 miles south of the City of Dublin in Erath County, Texas.

CONTINUED TO MAY 5, 1993 AT 9:00 A.M.

Item 3. APPLICATION BY CITY OF CANTON for an amendment to Permit No. 10399-02 to authorize an increase in the discharge of treated domestic wastewater effluent 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 900,000 gallons per day from the Caney-Mill Creek Wastewater Treatment Facilities. The proposed amendment would

also authorize a variance to the buffer zone requirements. The plant site is approximately 4000 feet northeast of the intersection of Interstate Highway 20 and State Highway 19 and approximately 5000 feet northwest of the intersection of Interstate Highway 20 and Farm-to-Market 17 in Van Zandt County, Texas.

APPROVED, PG/JH

Item 4. APPLICATION BY CITY OF CORPUS CHRISTI for an amendment to Permit No. 10401-05 to authorize a discharge revision limit for Copper to be consistent with the receiving stream standards. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000,000 gallons per day from the Broadway Wastewater Treatment Facility, which will remain the same. The plant site is near the intersection of North Staples and Broadway Street in Corpus Christi in Nueces County, Texas.

CONTINUED TO MAY 5, 1993 AT 9:00 A.M.

Item 5. APPLICATION BY ELF ATOCHEM NORTH AMERICA, INC. for an amendment to Permit No. 01393 in order to add a new Outfall 002 to regulate the discharge of treated lake water at a volume not to exceed an average flow of 120,000 gallons per day. The permit currently authorizes an intermittent flow variable discharge of stormwater via Outfall 001. The applicant operates an agriculture chemicals manufacturing plant which includes a stormwater treatment plant; and a surface water (Finfeather Lake) recovery and treatment plant. The plant site is immediately southwest of the intersection of the Missouri-Pacific Railroad and Dodge Street in the City of Bryan in Brazos County, Texas.

REMANDED TO OFFICE OF HEARINGS EXAMINERS

Item 6. APPLICATION BY MC6 CATTLE FEEDERS, INC. for an amendment to Permit No. 03196 to authorize an increase in the capacity of a feedlot operation from 7,000 to 18,000 head and to incorporate improvements constructed after the permit was originally issued. Stormwater is to be retained in one storage pond. The feedlot is approximately 2 miles east of the intersection of U.S. Highway 385 and Farm-to-Market road 1412, approximately 18 miles north of the City of Hereford in Deaf Smith County, Texas.

APPROVED, PG/JH

Item 7. APPLICATION BY SC PIPE SERVICES, INC., SMI OIL FIELD SERVICES, INC. AND VALLOUREC INDUSTRIES, INC. DBA VAM-PTS

COMPANY for an amendment to Permit No. 03420 (formerly 12246-01) in order to reclassify the permit from municipal to industrial and renumber the permit to reflect the change. The permit currently authorizes a discharge of treated wastewater at a volume not to exceed an average flow of 20,000 gallons per day. The proposed amendment would authorize a discharge of treated process wastewater and treated domestic wastewater at a volume not to exceed an average flow of 20,000 gallons per day via Outfall 001. The proposed amendment would also authorize intermittent flow variable discharges of stormwater via Outfalls 002 and 003. The applicant operates a pipe and coupling threading and coating facility. The plant site is approximately 0.5 mile east of the intersection of Hardy Road and Richey Road and approximately 2 miles south of FM Road 1960, Harris County, Texas.

APPROVED, PG/JH

Item 8. APPLICATION BY BRAZOS RIVER AUTHORITY for a minor amendment to Permit No. 11317-01 to authorize a decrease in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 6,500,000 gallons per day to a volume not to exceed an average flow of 6,000,000 gallons per day. The amendment also authorizes decreases in the 2-hour peak flow from 15,408 gallons per minute to 12,080 gallons per minute from the Sugar Land Regional Wastewater Treatment Facilities. The plant site is approximately 2 miles south of Sugar Land at the intersection of Beltz Road and U.S. Highway 59 in Fort Bend County, Texas.

APPROVED, PG/JH

Item 9. APPLICATION BY CITY OF MARBLE FALLS for a minor amendment to Permit No. 10654-03 to add an Interim I phase with a disposal volume not to exceed 850,000 gallons per day. The current permit authorizes a disposal of treated domestic wastewater effluent at a volume not to exceed an average of 980,000 gallons per day from the wastewater treatment plant, which will remain the same. The applicant disposes of treated effluent by evaporation and by irrigation on 204 acres of coastal bermuda grass in the interim I phase and 234 acres of coastal bermuda grass in the final phase. The wastewater treatment facility is on the southeast corner of the intersection of South 1st Street and Avenue L, in the City of Marble Falls in Burnet County, Texas.

APPROVED, PG/JH

Item 10. APPLICATION BY DON P. (RIP) MILLER & WILLIAM T. MILLER

for a minor amendment to Permit No. 13238-01 to authorize a decrease in the disposal volume from 190,000 gallons per day average to 170,000 gallons per day average. The proposed amendment would also decrease the irrigation site from 100.5 acres to 70.3 acres and revise the proposed location of the effluent holding pond and wastewater treatment facility. The plant site and irrigation site are approximately 700 feet north of Farm-to-Market Road 2244, approximately two miles east of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas.

CONTINUED TO MAY 5, 1993 AT 9:00 A.M.

Item 11. APPLICATION BY JOHN ROOF for a minor amendment to Permit No. 03277 to authorize removal of three (3) pieces of land that are not being used for manure and sludge disposal from the land used as off-site disposal for the dairy. The dairy consists of a maximum of 650 head. The dairy is on the west side of County Road 1226, approximately four miles north of the intersection of County Road 1226 and State Highway 67 in Johnson County, Texas.

REMANDED TO EXECUTIVE DIRECTOR

Item 12. APPLICATION BY SOUTH COAST TERMINALS, INC. for a minor amendment to Permit No. 03150 to authorize the relocation of Outfall 002. The permit currently authorizes intermittent flow variable discharges of treated stormwater and boiler blowdown, which will remain the same. The applicant operates a bulk storage and packaging facility for lubricating oils and commercial chemicals. The plant site is at 7201 Wallisville Road in the City of Houston in Harris County, Texas.

APPROVED, PG/JH

Item 13. APPLICATION BY BRAZOS RIVER AUTHORITY for renewal of Permit No. 11071-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 37,800,000 gallons per day. The wastewater treatment facilities are on the southwest bank of the Brazos River approximately 4.5 miles downstream from the crossing Interstate Highway 35 and the Brazos River in McLennan County, Texas.

RENEWED, PG/JH

Item 14. APPLICATION BY CENTER FOR THE RETARDED, INC. for renewal of Permit No. 13466-01 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 Willow River Farms Wastewater Treatment Facilities. The plant site is four miles north of the intersection of Interstate Highway 10 and Farm to Market Road 1458 on Farm to Market Road 3318 in Waller County, Texas.

RENEWED, PG/JH

Item 15. APPLICATION BY CITY OF CHARLOTTE for renewal of Permit No. 10142-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 220,000 gallons per day from the wastewater treatment facility. The plant site is approximately 1,500 feet south and 3,100 feet west of the intersection of State Highway 140 and State Highway 97 in Atascosa County, Texas.

RENEWED, PG/JH

Item 16. APPLICATION BY FIRST TEXAS EQUITIES, INC. for renewal of Permit No. 13147-01 which authorizes a discharge of treated domestic wastewater effluent at an interim volume not to exceed an average flow of 30,000 gallons per day and a final volume not to exceed an average flow of 50,000 gallons per day. The final phase (0.05 mgd) of the original permit has been deleted from the draft permit because this phase will not be operational during the life of the permit. The wastewater treatment facilities is approximately 1.2 miles north of the intersection of Farm-to-Market Road 350 and Farm-to-Market Road 3126, approximately 5 miles west of the City of Livingston and on the east shoreline of Lake Livingston in Polk County, Texas.

CONTINUED TO MAY 5, 1993 AT 9:00 A.M.

Item 17. APPLICATION BY HOECHST CELANESE CORPORATION for renewal of Permit No. 02083 which authorizes the disposal of industrial wastewater and septic tank overflow from a Sodium Formate Reclamation Plant by evaporation. The disposal volume is not to exceed an average of 30,000 gallons per day average. The renewed permit has increased the flow to 32,500 gallons per day average. The plant site borders the northeast corner of the Celanese Plant at the intersection of the Missouri Pacific Railroad and County Road 4, on the north side of Business Highway 77 (State Highway 428), approximately one mile southwest of the Town of Bishop Texas, Nueces County, Texas.

RENEWED, PG/JH

Item 18. APPLICATION BY ROBERT W. AND BETTY R. MERCER for renewal of Permit No. 13085-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 23,000 gallons per day. The wastewater treatment facilities are approximately 1.8 miles south of the intersection of Interstate Highway 20 and State Highway 43 and approximately 5,800 feet east of State Highway 43 in Harrison County, Texas.

RENEWED, PG/JH

Item 19. APPLICATION BY PCS DEVELOPMENT COMPANY for renewal of Permit No. 11916-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 90,000 gallons per day. The wastewater treatment facilities are approximately 1000 feet north of Interstate Highway 10 and 1.7 miles east of the intersection of Interstate Highway 10 and Farm-to-Market Road 1132 in Orange County, Texas.

RENEWED, PG/JH

Item 20. APPLICATION BY MARVIN POPE AND JANOICE COBB for renewal of Permit No. 13366-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,500 gallons per day. The wastewater treatment facilities are approximately 1,000 feet east of Farm-to-Market Road 17, 4.5 miles north of the intersection of State Highway 182 and Farm-to-Market Road 17 (City of Alba), between Mustang Bay and Little Mustang Bay of Lake Fork Reservoir in Wood County, Texas.

RENEWED, PG/JH

Item 21. APPLICATION BY STOCKHAM VALVES & FITTINGS, INC. for renewal of Permit No. 12456-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000 gallons per day. The wastewater treatment facilities are approximately 9.8 miles west of the City of Conroe central business district on the south side of Farm-to-Market Road 2854, immediately west of Johnson Road in Montgomery County, Texas.

RENEWED, PG/JH

Item 22. APPLICATION BY CITY OF VERNON for renewal of Permit No. 10377-001 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,640,000 gallons per day. The wastewater treatment facilities are

approximately 0.8 mile northeast of the intersection of U.S. Highway 283 and Fort Worth and Denver Railroad in the City of Vernon in Wilbarger County, Texas.

RENEWED, PG/JH

Item 23. APPLICATION NO. 5452 BY BASKIN FAMILY CAMPS, INC. FOR A WATER USE PERMIT PURSUANT TO TWC SECTION NO. 11.143. FOR COMMISSION ACTION. Applicant seeks authorization to use a reservoir created by a dam constructed pursuant to Section 11.142 of the Texas Water Code on an unnamed tributary of Hickory Creek, Colorado River Basin, in Burnet County for in-place recreational purposes at a camp. (SMITH;tls)

APPROVED, PR/PG

Item 24. APPLICATION NO. 5447 BY PALO PINTO MUNICIPAL WATER DISTRICT NO. ONE FOR A SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks authorization to construct and maintain a dam creating a reservoir on an unnamed tributary of the Brazos River, Brazos River Basin, in Palo Pinto County for in-place recreational use and to impound in and divert from the reservoir, water currently authorized for diversion in the applicant's Certificate of Adjudication No. 12-4031. (SMITH;tls)

APPROVED, PR/PG

Item 25. APPLICATION NO. 5450 BY FRED JOYCE-MARY MYERS ENTERPRISES, INC. FOR A TWC SECTION 11.121 WATER USE PERMIT FOR COMMISSION ACTION Applicant seeks authorization to use a 6.9 acre-foot reservoir on an unnamed tributary of Big Bear Creek, tributary of the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin in Tarrant County, Texas, for in-place recreational purposes.

APPROVED, PR/PG

Item 26. APPLICATION NO. TA-7012 BY S & S FARMS JOINT VENTURE FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TWC SECTION NO. 11.138. FOR COMMISSION ACTION. Applicants seek to divert and use 378 acre-feet of water within a 1-year period from West Bernard Creek, Brazos-Colorado Coastal Basin, for irrigation use (rice & cotton) from the creek southwest of FM 1164, approximately 5 miles southwest of East Bernard and 12 miles north of Wharton, Wharton County, Texas. (SMITH/jme)

APPROVED, PR/PG

Item 27. APPLICATION NO. 14-1330A BY ERIC LINDER, BARBARA LINDER, NORMOND LINDER, AND JO ANN LINDER FOR AN AMENDMENT TO CERTIFICATE OF ADJUDICATION NO. 14-1330 PURSUANT TO TWC SECTION # 11.122. FOR COMMISSION ACTION. Applicants seek to amend their portion of Certificate No. 14-1330 (443 acre-feet out of 738 acre-feet) to authorize irrigation on approx. 1573 acres of land and 7 acres of leased land, to include 1192 acre-feet of off-channel storage, and to authorize the use of the water for industrial, mining, recreation, hydroelectric, navigation, municipal, & recharge purposes. The subject land to be irrigated is located directly east of the Tom Green County Courthouse on both sides of SH Loop 306 in San Angelo, Texas. (SMITH/jme)

APPROVED, PR/PG

Item 28. APPLICATION BY HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 133 FOR APPROVAL TO RELEASE \$1,106,050 OF FUNDS FROM ESCROW & TO USE \$115,800 OF SURPLUS FUNDS; \$2,550,000 BOND ISSUE APPROVED AUGUST 8, 1989. For Commission consideration and action. Applicant requests approval for the release of \$1,106,050 from escrow & use of \$115,800 in surplus funds to finance the construction of water distribution & wastewater collection system improvements, lift station and 12-inch main and elevated storage tank, & a change in plans for part of the funds allocated to water system improvements. (Ferguson)

APPROVED, PG/PR

Item 29. APPLICATION BY PORTER MUNICIPAL UTILITY DISTRICT OF MONTGOMERY COUNTY FOR APPROVAL OF \$1,380,000 UNLIMITED TAX & REVENUE BONDS, FIFTH ISSUE, 7.721% 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)

APPROVED, PG/PR

Item 30. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 189 FOR APPROVAL OF A CHANGE IN PLANS, ESCROW RELEASE AND USE OF SURPLUS FUNDS; \$3,785,000 BOND ISSUE APPROVED APRIL 4, 1984. For Commission consideration and action. Applicant requests approval of a change in plans to release and use \$632,039 in escrowed funds and \$735,195 in surplus funds to be applied toward payment and refinancing of the District's outstanding bond debt. (Ferguson)

APPROVED, PG/PR

Item 31. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$1,150,000 BOND ISSUE APPROVED FEBRUARY 3, 1981. For Commission consideration and action. Applicant requests approval of the use of \$82,000 of surplus funds for construction of dechlorination facilities for the District's wastewater treatment plant. (Ferguson)

APPROVED, PG/PR

Item 32. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 202 FOR APPROVAL TO LEVY A STANDBY FEE; \$3,700,000 BOND ISSUE APPROVED NOVEMBER 13, 1985. For Commission consideration and action. Applicant requests approval to levy a uniform standby fee to supplement the debt service and general fund accounts. (Ferguson)

APPROVED, PG/PR

Item 33. APPLICATION OF CITY OF MEXIA, Certificate of Convenience and Necessity No. 10770, to discontinue retail water utility service to the Forest Glade area (Application No. 9910-Q, Poe)

APPROVED, PG/PR

Item 34. APPLICATION OF HALL & BOUSTEAD, INC. DBA FRONTIER PARK RESORT WATER SYSTEM for a Water Certificate of Convenience and Necessity in Sabine County, TX (Application No. 9797-C, Gonzalez)

APPROVED, PG/PR

Item 35. APPLICATION OF SOUTH FREESTONE WATER SUPPLY CORPORATION to amend Water Certificate of Convenience and Necessity No. 10791 in Freestone County, TX (Application No. 9907-C, Poe)

APPROVED, PG/PR

Item 36. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION TO CORRECT CERTIFICATE OF ADJUDICATION NO. 18-2002 FOR SHELTON RANCH CORPORATION. (Rubey)

APPROVED, PR/PG

Item 37. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ADMINISTRATIVE APPROVAL FOR THE TRANSFER OF MUNICIPAL SOLID WASTE DISPOSAL PERMIT NO. MSW 1849 FROM

NORTH COUNTY, INC. TO SUNRAY SERVICES, INC.

APPROVED, PR/PG

Item 38. CONSIDERATION OF EXECUTIVE DIRECTOR'S MOTION TO CANCEL THE PORTION OF CERTIFICATE OF ADJUDICATION NO. 23-421 ABC HELD BY JUAN SAUCEDA AND LIBRADA S. SAUCEDA.

APPROVED, PR/PG

Item 39. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF THE CITY OF HUNTINGTON FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY AND PETITION OF FOUR WAY SUPPLY CORPORATION FOR A CEASE AND DESIST ORDER AGAINST THE CITY OF HUNTINGTON; DOCKET NO. 9537-A TO PROVIDE WATER AND SEWER SERVICE IN ANGELINA COUNTY, TEXAS. (DOCKET No. 9620-C and 9621-C. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (ZUKAUCKAS)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PR/PG

Item 40. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF ERIC AND NORMOND LINDER AND THE WILLIAM CHARLES CO. FOR TEMPORARY WATER USE PERMIT NO. TA-6610; TOM GREEN COUNTY, TEXAS, NOT TO EXCEED 392 ACRE-FEET OF WATER OVER A 2-YEAR PERIOD FROM THE CONCHO RIVER, IN COLORADO RIVER BASIN, FOR IRRIGATION PURPOSES. RECOMMENDATION: ISSUANCE OF AUTHORIZATION. (BOURBON)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PR/PG

Item 41. CONSIDERATION OF EXAMINER'S MEMORANDUM IN THE MATTER OF TIMCO INDUSTRIES, INC. S.W. REG.NO. 38490; CLETUS P. ERNSTER S.W. REG. NO. 39996; AND MARVIN SCHUMACHER S.W. REG. NO. 39997 (ENFORCEMENT). RECOMMENDATION: ISSUANCE OF ORDER. (SORRELLS)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PR/PG

Item 42. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF RUBEN GARANSUAY DBA LAKESIDE MOBILE HOME PARK FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11710 TO DECERTIFY A PORTION OF HILL COUNTRY UTILITY COMPANY'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11710 IN KERR COUNTY, TEXAS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (BATEMAN)

ADOPT EXAMINERS MEMORANDUM AND ISSUE ORDER, PR/PG

Item 43. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CLEAR LAKES WATER

SYSTEMS TO INCREASE RETAIL WATER RATES IN WOOD COUNTY,
TEXAS (DOCKET NO. 9625-R). APPLICANT PROVIDES RETAIL
WATER SERVICE TO APPROXIMATELY 278 CUSTOMERS.
RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES.
(JACKSON).

CONTINUED TO APRIL 28, 1993 AT 9:00 A.M.

(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 UNCONTESTED AGENDA

Wednesday, April 14, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 44. THE COMMISSIONERS WILL CONSIDER A RESOLUTION EXPRESSING THEIR APPRECIATION OF JESUS GARZA, OUTGOING EXECUTIVE DIRECTOR OF THE TEXAS WATER COMMISSION, AND HIS CONTRIBUTION TO THIS AGENCY AS EXECUTIVE DIRECTOR FOR THE PAST YEAR.

RESOLUTION PRESENTED TO JESUS GARZA

UNCONTESTED OLD BUSINESS

Wednesday, April 14, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 31, 1993 and April 7, 1993.

- Item 1. APPLICATION BY BACLIFF MUNICIPAL UTILITY DISTRICT OF GALVESTON COUNTY FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration and action. Applicant requests approval of a proposed fire plan to contract for fire protection services with the Bacliff Volunteer Fire Department. (Ferguson)

APPROVED WITH INSTRUCTIONS TO STAFF, JH/PG

HALL
REED
GARNER

CONTESTED AGENDA

Wednesday, April 14, 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 PROFESSIONAL SERVICES INDUSTRIES, INC.; TEXAS SOLID WASTE REGISTRATION NO. 78766. (Castanuela)

CONTINUED TO JUNE 23, 1993 AT 9:00 A.M.

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CAPITOL AGGREGATES; NO PERMIT. (Martinez)

APPROVED AGREED ORDER, PG/PR

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S RECOMMENDATIONS CONCERNING A REQUEST BY TEXAS INDUSTRIES, INC., FOR A CHANGE IN INTERIM STATUS; SWR NO. 33918. (Carlton)

APPROVED, JH/PR

Item 4. CONSIDERATION OF THE ADOPTION OF PROPOSED TITLE 31 TEXAS ADMINISTRATIVE CODE, CHAPTER 334, SUBCHAPTER J (RELATING TO REGISTRATION OF CORRECTIVE ACTION SPECIALISTS AND PROJECT MANAGERS). (Winter)

CONTINUED TO APRIL 28, 1993 AT 9:00 A.M.

Item 5. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO 31 TAC SECTIONS 335.2 AND 335.6 WHICH WOULD ALLOW AN INTERIM STATUS HAZARDOUS WASTE LANDFILL FACILITY TO OBTAIN AUTHORIZATION FOR MANAGEMENT OF NONHAZARDOUS INDUSTRIAL SOLID WASTE IN AN INTERIM STATUS LANDFILL. (HAHN)

CONTINUED TO APRIL 19, 1993 AT 2:00 P.M. IN ROOM 123

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR PERMANENT ADOPTION OF AN AMENDMENT TO TITLE 31 TEXAS ADMINISTRATIVE CODE, CHAPTER 297 SUBCHAPTER C, RELATING TO TYPES OF WATER RIGHT USES. (PERSKY)

APPROVED, PR/JH

Item 7. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDERS CONCERNING THE PETITIONS OF THE EXECUTIVE DIRECTOR FOR ADMINISTRATIVE PENALTY AND/OR CORRECTIVE ACTION ON WATER WELL DRILLER ENFORCEMENT ORDERS. RECOMMENDATION: ADOPTION OF ORDERS. (JACKSON)

ADOPT EXAMINERS PROPOSAL FOR DECISION AND ISSUE ORDERS WITH CLARIFYING LANGUAGE ADDED TO THE FAUGHT ORDER, PR/JH

Item 8. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION & ORDER CONCERNING THE APPLICATION OF FORMOSA PLASTICS CORP., TEXAS FOR AN AMENDMENT TO PERMIT NO. 02436 TO AUTHORIZE THE DISCHARGE OF AN AVERAGE OF 9.7 MGD OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN CALHOUN COUNTY, TEXAS, AND SEGMENTS NOS. 2453 AND 2454 OF THE BAYS AND ESTUARIES. RECOMMENDATION: ISSUANCE OF PERMIT. (ROGAN)

ADOPT EXAMINER'S PROPOSAL FOR DECISION WITH INSTRUCTIONS TO STAFF; OVERRULE ALL EXCEPTIONS, JH/PR

Item 9. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF WHOLESALERS, INC. FOR REIMBURSEMENT FROM THE PETROLEUM STORAGE TANK REMEDIATION FUND. THE PETITIONER SEEKS REIMBURSEMENT IN THE AMOUNT OF \$19,619.69 FOR EXPENSES INCURRED IN CONNECTION WITH A RELEASE FROM A PETROLEUM STORAGE TANK IN SAN PATRICIO COUNTY, TEXAS. RECOMMENDATION: DENIAL OF PETITION. (BOURBON)

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

NO ACTION TAKEN

Item 11. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING PENDING LITIGATION AND OTHER LITIGATION

THAT MAY ARISE CHALLENGING OR SUPPORTING COMMISSION ACTION RELATED TO THE EDWARDS AQUIFER: DANNY MCFADEN AND TEXAS FARM BUREAU VS. TEXAS WATER COMMISSION, NO. 92-05214, 331ST DISTRICT COURT OF TRAVIS COUNTY; EDWARDS UNDERGROUND WATER DIST. ET AL. VS. LIVING WATERS ARTESIAN SPS. LTD., ET AL., NO. 91-CI-14862, 57TH DISTRICT COURT OF BEXAR COUNTY; SIERRA CLUB, ET AL. VS. LUJAN, ET AL., NO. 91-CA-069, U.S. DISTRICT COURT, WESTERN DIST. OF TEXAS, MIDLAND ODESSA DIV.; GBRA VS. TEXAS FARM BUREAU, ET AL., NO. 92-05226, 299TH DISTRICT COURT OF TRAVIS COUNTY. L.B.TURLOVE, JR. AND JO HELEN BATOT VS. THE STATE OF TEXAS, TEXAS WATER COMMISSION, CAUSE NO. 92-08-18, 127-CV OF UVALDE COUNTY, 38TH JUDICIAL DISTRICT. THE AUTHORITY FOR THIS MEETING IS TEX. REV. CIV. STAT. ANN. ART. 6252-17, SEC. 2 (e).

NO ACTION TAKEN

Item 12. COMMISSIONERS WILL MEET IN EXECUTIVE SESSION TO DISCUSS THEIR DUTIES, ROLES, AND RESPONSIBILITIES AS COMMISSIONERS OF THE TEXAS WATER COMMISSION UNDER SECTION 2(g) OF THE OPEN MEETINGS ACT. TEX. REV. CIV. STAT. ANN. Art 6252-17, AND 2(g).

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, April 14, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 13. THE COMMISSIONERS WILL MEET IN EXECUTIVE SESSION UNDER SECTION 2(g) OF THE OPEN MEETINGS ACT TO DISCUSS THE APPOINTMENT OF AN EXECUTIVE DIRECTOR.

GENERAL COUNSEL WILL DO A CERTIFIED AGENDA

CONTESTED OLD BUSINESS

Wednesday, April 14, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from agenda of January 13, 1993.

- 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 SUMMIT FURNITURE INDUSTRIES, INC., AND MR. JAMES MOODY, HUNT COUNTY, SWR NO. 52107. (McLeod)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

Item carried forward from agenda of 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 LUBBOCK ELECTROCOATING, INC., TEXAS SOLID WASTE REGISTRATION NO. 52129; MR. VON KIMBALL, MR. ROBERT PALMER, AND MR. DAVID WILKERSON. (Ballard) (Issued Agreed Order on David Wilkerson, and continued other matters to April 14, 1993 agenda.)

CONTINUED TO JUNE 23, 1993 AT 9:00 A.M.

Item carried forward from Agenda of September 16, and December 9, 1992, February 10, 1993.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MOBIL OIL CORPORATION; SWR NO. 30587. (Alvarado)

REMANDED TO EXECUTIVE DIRECTOR

Item carried forward from Agenda of November 18, 1992 and December 16, 1992, February 3, 1993 and April 7, 1993.

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ATLAS ENERGY PRODUCTS, SWR NO. 20082. (HAHN)

APPROVED AGREED ORDER, PR/PG

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, April 14, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

- Item 14. CONSIDERATION OF THE REQUEST OF PHILLIPS PETROLEUM COMPANY FOR AN EMERGENCY ORDER PURSUANT TO 31 TAC, SECTION 305.30 AUTHORIZING MANAGEMENT OF HAZARDOUS WASTE IN A BOILER UNIT AT THE HOUSTON CHEMICAL COMPLEX IN PASADENA, TEXAS. The emergency order would authorize, to the extent of Commission authority and not as regards federal regulation of the boiler unit (separate EPA authorization must be obtained), continued destruction of an atactic polypropylene waste stream in a boiler at the facility, even when the boiler is not generating steam, for the period when the boiler's steam-generating capabilities are being restored. (Sweeney)

(An emergency authorization is necessary to alleviate an imminent and substantial endangerment to human health or safety of the environment.)

APPROVED, JH/PR