

HALL
REED
GARNER

UNCONTESTED AGENDA

Wednesday, May 26, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

UNCONTESTED (Hazardous Waste Class 2 Mod to HW50275-000)

- Item 1. Consideration of an application by ARCO CHEMICAL CORPORATION Bayport Plant for Class 2 Modification to Permit No. HW50275-000 in accordance with 31 TAC Section 305.69. Arco is authorized to store hazardous wastes generated on-site by its chemical manufacturing operations. The facility is on 2 tracts of land containing 123.630 acres at 10801 Choate Road, northwest of the intersection of Bay Area Boulevard and Choate Road, Harris County, Texas.

APPROVED, PG/PR

UNCONTESTED (New Water Quality Permits)

- Item 2. APPLICATION BY COASTAL STATES CRUDE GATHERING COMPANY for a permit (Proposed Permit No. 03547) to authorize an intermittent flow variable discharge of treated tank bottom water and stormwater runoff. The applicant operates a petroleum refined product storage and loading facility. The plant site is on the south side of U.S. Highway 87, 1.5 miles from Lander Road in Victoria County, Texas.

APPROVED, PR/PG

- Item 3. APPLICATION BY ENCANTO REAL UTILITY DISTRICT for a permit (Proposed Permit No. 13648-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 116,000 gallons per day. The wastewater treatment facilities are approximately 3 1/4 miles northwest of the intersection of Interstate Highway 45 and Spring-Stuebner Road, just south of Spring Creek and north of the City of Houston in Harris County, Texas.

APPROVED, PR/PG

- Item 4. APPLICATION BY JOE HUEREQUE for a permit (Proposed Permit No. 03576) to authorize disposal of waste and wastewater from a dairy operation. The dairy will consist of a maximum of 600 milking head and a maximum total of 985 head. Washdown water, flushwater and stormwater will be retained in one storage pond, where subsequently it will be used to irrigate agricultural land. Manure/solids will be disposed of as fertilizer on agricultural land. The dairy is on the southeast side of Farm-to-Market Road 1110 approximately one mile northeast of the intersection of Farm-to-Market Road 1110 and State Highway 76 in El Paso County, Texas.

APPROVED, PR/PG

Item 5. APPLICATION BY PINEYWOODS MARKETING AND PROMOTIONS, INC. for a permit (Proposed Permit No. 03528) to authorize disposal of waste and wastewater from a poultry operation. The poultry operation will consist of a maximum of 37,000 pullets and 250,000 layers. Wastewater will be retained in 6 concrete storage pits, where subsequently it will be used to irrigate agricultural land. Manure/solids will be disposed of as fertilizer on agriculture land. The poultry operation is located on the west side of an unnamed county road approximately 7 miles southwest of the intersection of Farm-to-Market Road 500 and State Highway 96 in Shelby County, Texas.

APPROVED, PR/PG

UNCONTESTED (Amendment to Water Quality Permits)

Item 6. APPLICATION BY CITY OF NEW LONDON for an amendment to Permit No. 12376-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 86,000 gallons per day to a volume not to exceed an average flow of 100,000 gallons per day from the New London South Wastewater Treatment Facilities. The plant site is approximately 7,500 feet northwest of the intersection of the State Highway 323 and Farm-to-Market Road 838 and approximately 5,000 feet east of Farm-to-Market Road 2089 in Rusk County, Texas.

APPROVED, PR/PG

Item 7. CONSIDERATION OF A STAFF INITIATED minor amendment to Permit No. 02229, issued to IGLoo PRODUCTS CORPORATION to add a whole effluent toxicity limit on lethality to *Daphnia pulex*. The permit authorizes an intermittent flow variable discharge of cooling tower blowdown, treated domestic wastewater, and stormwater runoff. The applicant operates a plastic container manufacturing facility. The plant site is at 30603 Katy-Brookshire Road adjacent to and south of U.S. Highway 90, approximately 750 feet west of the Willow Fork of Buffalo Bayou, Waller County, Texas.

APPROVED, PR/PG

UNCONTESTED (Renewal to Water Quality Permits)

Item 8. APPLICATION BY AMERICAN NORIT COMPANY, INC. for renewal of Permit No. 00703 which authorizes a discharge of treated domestic sewage, treated process wastewater and stormwater at a volume not to exceed an average flow of 2,000,000 gallons per day from a plant manufacturing activated carbon by extraction of lignite. The plant site is at the west end of University Avenue on the southwest edge of the City of Marshall, Harrison County, Texas.

REMANDED TO OFFICE OF HEARINGS EXAMINER

Item 9. APPLICATION BY RALPH J. BERG for renewal of Permit No. 11038-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 32,000 gallons per day. The wastewater treatment facilities are on the southeast side of Leonard Road (Farm-to-Market Road 1688), approximately two miles southwest of the City of Bryan in

Brazos County, Texas.

RENEWED, PR/PG

Item 10. APPLICATION BY CITY OF CENTERVILLE for renewal of Permit No. 10147-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 124,000 gallons per day. The wastewater treatment facilities are immediately south of State Highway 7 and approximately 1700 feet east of U.S. Highway 75 in the City of Centerville in Leon County, Texas.

RENEWED, PR/PG

Item 11. APPLICATION BY CITY PUBLIC SERVICE OF SAN ANTONIO for renewal of Permit No. 01516 which authorizes a discharge of cooling tower blowdown at a volume not to exceed an average flow of 700,000 gallons per day. The plant site is at 9843 Perrin-Beitel, adjacent to and on the west side of FM Rd. 2252, approximately one (1) mile North of IH 410 on the North Side of the City of San Antonio in Bexar County, Texas.

RENEWED, PR/PG

Item 12. APPLICATION BY CITY OF FRISCO for renewal of Permit No. 10172-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,500,000 gallons per day from the Stewart Creek Wastewater Treatment Facilities. The plant site is on the Fourth Army Memorial Drive, east of the Fourth Army Memorial Drive crossing Stewart Creek, approximately three miles southeast of the intersection of Farm-to-Market Roads 423 and 720 in Denton County, Texas.

RENEWED, PR/PG

Item 13. APPLICATION BY HOUSTON CHRISTIAN BUSINESSMEN'S FOUNDATION for renewal of Permit No. 11844-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 40,000 gallons per day. The Forest Glen Wastewater Treatment Facilities are 15 miles southeast of the City of Huntsville off Forest Road 207 in Walker County, Texas.

RENEWED, PR/PG

Item 14. APPLICATION BY JOHANN HALTERMANN, LTD. for renewal of Permit No. 02458 which authorizes a discharge of treated process wastewater and domestic wastewater at a volume not to exceed an average flow of 220,000 gallons per day via Outfall 001 and an intermittent flow variable discharge of stormwater via Outfall 002. The applicant operates a plant recovering saleable products from off-specification petroleum products and solvents by fractional distillation. The plant site is at 16717 Jacintoport Blvd. on the north side of the Houston Ship Channel approximately 1.6 miles east of the intersection of Sheldon Road and Jacintoport Boulevard near the community of Channel view in Harris County, Texas.

RENEWED, PR/PG

Item 15. APPLICATION BY J.K.M. CATTLE TRAILER WASHOUT, INC. for renewal of Permit No. 02985 which authorizes disposal of wastewaters by evaporation and irrigation from a cattle trailer cleaning

facility. All wastewaters are contained on a concrete pad and processed via primary and secondary separation units, thence to an evaporation pond, where the majority of the wastewaters are evaporated. Waste solids are collected and used as fertilizer at the site. The site is approximately four miles north of the City of Dumas on U.S. Highway 287 and State Highway F.M. 119 in Moore County, Texas.

RENEWED, PR/PG

Item 16. APPLICATION BY KLEBERG COUNTY for renewal of Permit No. 13374-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 33,000 gallons per day. The Kaufer-Hubert Memorial Park Wastewater Treatment Facilities are approximately 1.5 miles southeast of Loyola Beach and 1750 feet southeast of the intersection of Farm to Market Road 628 and County Road 1150 in Kleberg County, Texas.

RENEWED, PR/PG

Item 17. APPLICATION BY NORTH TEXAS MUNICIPAL WATER DISTRICT for renewal of Permit No. 10384-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,000,000 gallons per day. The wastewater treatment facilities are approximately 0.4 of a mile southeast of State Highway 78 and 1.25 miles southwest of the City of Wylie central business district at the most northerly intersection of Farm-to-Market Road 544 and State Highway 78, in Collin County, Texas.

RENEWED, PR/PG

Item 18. APPLICATION BY ORANGE COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 for renewal of Permit No. 10875-02 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 Heritage Park Wastewater Treatment Facilities. The plant site is approximately 8300 feet southeast of the intersection of Farm-to-Market Road 105 and Interstate Highway 10 and approximately 500 feet northwest of the intersection of Heritage Drive and Orange Street in the City of Vidor, Orange County, Texas.

RENEWED, PR/PG

Item 19. APPLICATION BY CITY OF PFLUGERVILLE for renewal of Permit No. 11845-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an interim flow of 255,000 gallons per day and a final flow of 570,000 gallons per day. The renewed permit would decrease the final volume to 480,000 gallons per day average. The plant site is approximately 3,200 feet southeast of the intersection of Farm-to-Market Roads 685 and 1825 and approximately 6,000 feet northeast of the intersection of Dessau Road and Killingsworth Road in Travis County, Texas.

RENEWED, PR/PG

Item 20. APPLICATION BY THE KELLY-SPRINGFIELD TIRE COMPANY for renewal of Permit No. 01589 which authorizes a discharge of process wastewater and stormwater runoff at a volume not to exceed an average flow of 175,000 gallons per day via Outfall 001. The permit also authorizes a discharge of utility wastewaters and

stormwater runoff at a volume not to exceed an average flow of 850,000 gallons per day via Outfall 002. The applicant currently operates an automobile tire manufacturing plant. The plant site is on the south side of State Highway 31, three (3) miles west of the intersection of State Highway 31 and Loop 323 in the City of Tyler, Smith County, Texas.

RENEWED, PR/PG

Item 21. APPLICATION BY TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2 for renewal of Permit No. 12900-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 840,000 gallons per day. The wastewater treatment facilities are immediately west of New Sweden Road and approximately 0.25 mile south of U.S. Highway 290 in Travis County, Texas.

RENEWED, PR/PG

Item 22. APPLICATION BY U.S. DEPARTMENT OF THE AIR FORCE for renewal of Permit No. 02768 which authorizes the on-site disposal of treated domestic and industrial wastewater, commingled with stormwater runoff by evaporation or by irrigation on a 91 acre golf course. The disposal volume is not to exceed an average of 360,000 gallons per day. The applicant currently operates Reese Air Force Base. Application rates for the irrigated land shall not exceed 4.2 acre-feet/acre/year. The plant site is on FM Road 2255 west of and adjacent to the City of Lubbock, Lubbock County, Texas.

RENEWED, PR/PG

Item 23. APPLICATION BY UNIVERSAL TUBULAR SERVICES, INC. DBA NORTH STEEL HOUSTON for renewal of Permit No. 12436-01 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 off Sheldon Road, approximately 1.5 miles south of U.S. Highway 90 and approximately 0.75 mile north of Miller Road No. 1 in Harris County, Texas.

RENEWED, PR/PG

Item 24. APPLICATION BY WEST PARK MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 12346-01 which authorizes a discharge of treated domestic wastewater effluent at an interim volume not to exceed an average flow of 500,000 gallons per day and a final volume not to exceed an average flow of 2,500,000 gallons per day. The renewed permit would decrease the final volume to 500,000 gallons per day. The wastewater treatment facilities is approximately 800 feet north of Interstate Highway 10 and approximately 3,200 feet east of Fry Road at the south termination of Harris County Flood Control District Ditch in Harris County, Texas.

RENEWED, PR/PG

UNCONTESTED (Water Right Permits)

Item 25. APPLICATION NO. TA-7045 BY THE EXXON CORPORATION FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TWC SECTION 11.138. FOR COMMISSION ACTION. Applicant seeks to divert and use 44 acre-feet of water within a 5-month period from Sabine Lake,

Neches-Trinity Coastal Basin, for mining purposes (drill Sabine Lake Gas Unit 3-3 Well), from a point approximately .75 miles north of the most southern tip of Orange County in Sabine Lake and approximately 11 miles southwest of Orange, Orange County, Texas. (SMITH/arc)

APPROVED, PR/PG

Item 26. APPLICATION NO. 5449 BY THE TEXAS PARKS & WILDLIFE DEPARTMENT FOR A WATER USE PERMIT PURSUANT TO TWC SECTION 11.121. FOR COMMISSION ACTION. Applicant seeks to impound 504 acre-feet of water in an on-channel reservoir on Caney Creek, Sulphur River Basin, and divert 863 acre-feet of water per annum to three off-channel impoundments (cells) for wetland/waterfowl management. This project is part of the White Oak Mitigation Area for Cooper Lake owned by the United States Army Corps of Engineers and is within the flood pool of Lake Wright Patman, Cass County, Texas. (SMITH/jme)

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

Item 27. APPLICATION NO TA-7028 BY B & S GATOR FARM. INC. FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TWC SECTION 11.138. FOR COMMISSION ACTION. Applicant seeks to divert and use 160 acre-feet of water within a 1-year period from Elm Bayou, Neches-Trinity Coastal Basin, for irrigation (rice farming) and industrial (shrimp raising) purposes, approximately 15 miles east of Anahuac, Chambers County, Texas. (SMITH/jme)

APPROVED, PR/PG

UNCONTESTED (Water Rate Matters)

Item 28. APPLICATION NO. RIO BRAVO, INC. to Report the Acquisition by the City of Del Rio and the Request to Cancel Water CCN No. 12219 in Val Verde County, TX (Application No. 9968-S, Holck)

APPROVED, PG/PR

Item 29. APPLICATION OF SUBURBAN UTILITIES COMPANY, INC. to Transfer Water CCN No. 12489 from S. A. Duffin dba West Park Water System; Amend Water CCN No. 11943; Cancel Water CCN No. 12489 in Johnson County, TX (Application No. 9955-S, Poe)

APPROVED, PG/PR

UNCONTESTED (Hearing Examiner's Settled Cases)

Item 30. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF OAK VALLEY WATER COMPANY TO INCREASE RETAIL WATER RATES IN BEXAR COUNTY, TEXAS (DOCKET NO. 9880-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 40 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (SULLIVAN)

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

Item 31. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF FRIENDSWOOD DEVELOPMENT COMPANY FOR CREATION OF HARRIS COUNTY MUD NO. 358. RECOMMENDATION: DISMISSAL OF

APPLICATION NO. 052390-D03 BECAUSE MUD ALREADY CREATED UNDER
APPLICATION NO. 052390-D02. (BATEMAN)

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

Item 32. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING
THE APPLICATION OF WILLIAM A. ROBOTHAM dba BLUEBERRY HILL
WATER SUPPLY TO INCREASE RETAIL WATER RATES IN MONTGOMERY
COUNTY, TEXAS (DOCKET NO. 9554-G). APPLICANT PROVIDES RETAIL
WATER SERVICE TO APPROXIMATELY 37 CUSTOMERS. RECOMMENDATION:
ADOPTION OF AGREEMENT OF PARTIES. (ZUKAUCKAS)

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

Item 33. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING
THE APPLICATION OF LOLLIPOP WATER WORKS, INC. TO INCREASE
RETAIL WATER RATES IN HENDERSON COUNTY, TEXAS (DOCKET NO.
9865-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO
APPROXIMATELY 75 CUSTOMERS. RECOMMENDATION: Adoption of
agreement of parties. (THOMAS)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE 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, May 26, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of May 12, 1993.

- Item 1. APPLICATION OF WEST LEONARD WATER SUPPLY CORPORATION to amend Water Certificate of Convenience and Necessity No. 10157 and to Decertify Portions of CCN No. 10158 issued to Desert WSC, CCN No. 10164 issued to Frognot WSC, and CCN No. 10809 issued to Hickory Creek WSC in Collin, Hunt and Fannin Counties, TX (Application No. 9917-C, Holck)

APPROVED, PR/PG

HALL
REED
GARNER

CONTESTED AGENDA

Wednesday, May 26, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

CONTESTED (SOLID WASTE ENFORCEMENT)

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF INTERCOASTAL TERMINAL, INC.; TEXAS SOLID WASTE REGISTRATION NO. 30773. (Hall)

ISSUE AGREED ORDER, PG/JH

- Item 2. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION INSTITUTED AGAINST CENTERLINE INDUSTRIES UNDER THE TEXAS SOLID WASTE DISPOSAL ACT, TEX. HEALTH AND SAFETY CODE ANN. CHAPTER 361 (VERNON PAMP 1992); ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CENTERLINE INDUSTRIES, INC., SWR NO. 32306. (Ballard)

ISSUE PROPOSED AGREED ORDER, PR/PG

CONTESTED (WATER QUALITY ENFORCEMENT)

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HUCKABEE & SONS DAIRY, INC. PERMIT NO. 03220. (KEILS)

ISSUE AGREED ORDER, PG/JH

- Item 4. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST PLAY BALL, INC., FOR VIOLATIONS OF THE TEXAS WATER CODE, TEX. WATER CODE ANN. CHAPTER 26 (VERNON SUPP. 1993) AND THE RULES OF THE TEXAS WATER COMMISSION; ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PLAY BALL, INC. (Ramirez)

ISSUE AGREED ORDER, PG/PR

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF HARKER HEIGHTS, PERMIT NO. 10155-01. (Qualtrough)

ISSUE AGREED ORDER, PR/PG

- Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PROPOSED AGREED ENFORCEMENT ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST THE CITY OF BRIDGE CITY FOR VIOLATIONS OF THE TEXAS WATER CODE, TEX. WATER CODE ANN., CHAPTER 26 (VERNON SUPP. 1993) AND THE RULES OF THE TEXAS WATER COMMISSION; ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF BRIDGE CITY; PERMIT NO. 10051-001. (Rubey)

ISSUE AGREED ORDER, PG/PR

- Item 7. CONSIDERATION OF THE NOTICE OF THE PETITION OF THE EXECUTIVE DIRECTOR FOR REVOCATION OF PERMIT NO. 02225, GOLIAD CUSTOM FEEDERS. (WINTER)

REMANDED TO EXECUTIVE DIRECTOR

- Item 8. CONSIDERATION OF CITY OF HOUSTON TO AMENDED THE CITY OF HOUSTON ENFORCEMENT ORDER, ISSUED MARCH 5, 1987, AS AMENDED, PERMIT NOS 10495-001 TO 10495-121. (V. RAMIREZ)

APPROVED STAFF RECOMMENDATION, PG/PR

- Item 9. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY ASSESSMENT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCES AND FINDING OF NO FURTHER NECESSARY ACTION PURSUANT TO THE TEXAS WATER CODE SECTION 5.117 FOR VARIOUS PERMITTEES. (WINTER)

APPROVED STAFF RECOMMENDATION, PR/PG

- Item 10. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MILLER-BOWIE COUNTY FARMERS ASSOCIATION, NO TEXAS WATER COMMISSION PERMIT. (RAMIREZ)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

CONTESTED (RESOLUTION)

- Item 11. CONSIDERATION OF A RESOLUTION ADOPTING AN INTERIM ENFORCEMENT POLICY FOR COMPOSTING CONCERNING THE BENEFICIAL RE-USE AND RECYCLING OF ORGANIC WASTE. (Mears)

ADOPT RESOLUTION, PG/PR

CONTESTED (RULES)

- Item 12. CONSIDERATION OF THE ADOPTION OF PROPOSED AMENDMENTS TO TITLE 31 TEXAS ADMINISTRATIVE CODE, SECTIONS 335.1, 335.6, AND 335.8 AND NEW SECTIONS 335.551-335.569, WHICH WOULD MODIFY THIS NOTIFICATION AND RESPONSE PROCEDURES FOR INDUSTRIAL SOLID AND MUNICIPAL HAZARDOUS WASTE FACILITIES UNDERGOING CLOSURE AND SPECIFY THREE RISK REDUCTION STANDARDS FOR CLOSURE AND CLEANUP OF SUCH FACILITIES AND ASSOCIATED RELEASES OF CONTAMINANTS. (Lewis/Hall)

ADOPT PROPOSED AMENDMENTS AS RECOMMENDED BY STAFF, PR/PG

- Item 13. CONSIDERATION OF THE REPEAL OF 31 TEXAS ADMINISTRATIVE CODE 330, SUBCHAPTERS A, B, C, D, E, F, G, I, J, L, AND X TO BE REPLACED BY THE ADOPTION OF NEW SUBCHAPTERS A, B, C, D, E, F, G, H, I, J, K, AND L, ALL OF WHICH PERTAIN TO THE MANAGEMENT OF MUNICIPAL SOLID WASTE. (Overesch)

ADOPT STAFF RECOMMENDATION, PG/PR

- Item 14. CONSIDERATION OF A REQUEST BY THE EXECUTIVE DIRECTOR TO ADOPT PROPOSED AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 293 RELATING TO WATER DISTRICTS AS PUBLISHED IN THE MARCH 26TH

AND MARCH 30TH, 1993, ISSUES OF THE TEXAS REGISTER.
(Jones/Montelongo)

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

CONTESTED (HEARING EXAMINER'S PROPOSAL FOR DECISION)

Item 15. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF AMERICAN ENVIROTECH, INC. FOR PERMIT NO. 03319 TO AUTHORIZE THE DISCHARGE OF 20,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN HARRIS COUNTY, TEXAS, AND SEGMENT NO. 1006 OF THE SAN JACINTO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (WOOD)

CONTINUED TO MAY 26, 1993 AT 11:00 A.M. AT DOUBLE TREE HOTEL

Item 16. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF AMERICAN ENVIROTECH, INC. FOR PERMIT NO. HW-50299 TO AUTHORIZE THE OPERATION OF A COMMERCIAL HAZARDOUS WASTE INCINERATOR IN HARRIS COUNTY, TEXAS. APPLICANT SEEKS AUTHORIZATION TO STORE AND PROCESS CLASS I INDUSTRIAL HAZARDOUS WASTES AND CLASS I, II, & III NONHAZARDOUS WASTES. RECOMMENDATION ISSUANCE OF PERMIT. (WOOD)

CONTINUED TO MAY 26, 1993 AT 11:00 A.M. AT DOUBLE TREE HOTEL

CONTESTED (EXECUTIVE SESSION)

Item 17. 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 18. 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 19. 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.)

CONTESTED OLD BUSINESS

Wednesday, May 26, 1993

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of February 24, 1993.

- Item 1. 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)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, JH/PG

Item carried forward from Agenda of February 24, 1993.

- 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 UNION OIL COMPANY OF CALIFORNIA; BEAUMONT TERMINAL; SWR. NO. 30001 (GRUENBERGER)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, PR/PG

Item carried forward from Agenda of February 3, 1993.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SERVICE PAINTING COMPANY; TEXAS SOLID WASTE REGISTRATION NO. 35671. (McLeod)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

Item carried forward from Agenda of April 28, 1993.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF CORPUS CHRISTI; PERMIT NO. 10401-04. (Smith, J.)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, PR/PG

Item carried forward from Agenda of April 28, 1993.

- Item 5. CONSIDERATION OF THE ADOPTION OF 31 TEXAS ADMINISTRATIVE CODE SECTION 334.560 (SUBCHAPTER M) CONCERNING REIMBURSABLE COST GUIDELINES FOR THE PETROLEUM STORAGE TANK REIMBURSEMENT PROGRAM. (Ligarde/Bame)

ADOPT RULES AS RECOMMENDED BY STAFF, PR/PG

Item carried forward from Agenda of May 12, 1993.

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE TOWN OF WOODLOCH, PERMIT NO. 11580-02. (Ramirez)

ISSUE AGREED ORDER, PR/PG

Item carried forward from Agenda of May 19, 1993.

Item 7. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF RANKIN ROAD WEST MUNICIPAL UTILITY DISTRICT FOR APPROVAL TO IMPOSE AND COLLECT STANDBY FEES AGAINST UNDEVELOPED PROPERTY IN ITS DISTRICT IN HARRIS COUNTY, TEXAS. (TWC IC NO. 012792-D02) RECOMMENDATION: Approve an annual nonuniform debt service standby fee ranging from \$73 to \$366 per equivalent single-family connection (ESFC), and a nonuniform operation and maintenance standby fee of \$46 or \$225 per ESFC in year one, of \$133 or \$21 per ESFC in year two, and of \$106 or \$17 in year three. (Bourbon)

ADOPT PROPOSAL FOR DECISION AND ISSUE ORDER, OVERRULE ALL EXCEPTIONS, PR/JH

ADDENDUM TO CONTESTED AGENDA

Wednesday, May 26, 1993

TEXAS WATER COMMISSION

11:00 a.m.
Ballroom
Double-Tree Hotel
6505 North IH35
Austin, Texas 78752

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF AMERICAN ENVIROTECH, INC. FOR PERMIT NO. 03319 TO AUTHORIZE THE DISCHARGE OF 20,000 GPD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN HARRIS COUNTY, TEXAS, AND SEGMENT NO. 1006 OF THE SAN JACINTO RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (WOOD)

Adopt Examiner's Proposal for Decision and Issue Order, JH/PR

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF AMERICAN ENVIROTECH, INC. FOR PERMIT NO. HW-50299 TO AUTHORIZE THE OPERATION OF A COMMERCIAL HAZARDOUS WASTE INCINERATOR IN HARRIS COUNTY, TEXAS. APPLICANT SEEKS AUTHORIZATION TO STORE AND PROCESS CLASS I INDUSTRIAL HAZARDOUS WASTES AND CLASS I, II, & III NONHAZARDOUS WASTES. RECOMMENDATION ISSUANCE OF PERMIT. (WOOD)

Adopt Examiner's Proposal for Decision and Issue Order, Continuance Request Denied, Overrule all exceptions and include in permits recommendations made by Chairman Hall JH/PR