

HALL  
REED - ABSENT & EXCUSED FOR ITEM 82  
GARNER

UNCONTESTED AGENDA

Wednesday, June 23, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (Municipal Solid Waste Permits)

Item 1. APPLICATION BY CITY OF ALPINE for a municipal solid waste permit (Proposed Permit No. MSW2197) to authorize a Type I municipal solid waste management facility for the disposal of municipal solid waste, special waste and nonhazardous industrial waste. Authorized wastes are to be received at a rate averaging 103 tons per day over the total life of the site. The site is to be on an eighty (80.0) acre site, approximately 1.5 miles northeast of the U.S. Highway 67 and U.S. Highway 90 intersection in Brewster County, Texas.

APPROVED, PG/JH

Item 2. APPLICATION BY CITY OF HALLETTSVILLE for a municipal solid waste permit (Proposed Permit No. MSW2220) to authorize a Type V municipal solid waste management facility (transfer station). Authorized wastes are to be processed at a rate not to exceed 30 tons per day. The permittee is authorized to store authorized wastes for a maximum of twenty-four (24) hours and shall not store more than ten (10) tons of waste on-site at any time. The site is to be on a 13.8 acre site approximately 2 miles northeast of Hallettsville, 0.4 mile north of U. S. Highway 90A, on the north side of Lavaca County Road in Lavaca County, Texas.

APPROVED, PR/PG

Item 3. APPLICATION BY YOAKUM COUNTY for a municipal solid waste permit (Proposed Permit No. MSW2217) to authorize a Type I (landfill) municipal solid waste management facility for the disposal of municipal solid waste and special waste. Authorized wastes are to be received at a rate not expected to exceed an average of 20 tons per day over the total life of the site. The site is to be on a 160-acre site, approximately six miles south of the City of Plains, eight miles north of the City of Denver City, equidistant between State Highway 214 and FM 1622 on Dixon Road at a point three miles northwest of the intersection of FM 214 and FM 213, and 0.6 mile north of Dixon Road in Yoakum County, Texas.

APPROVED, PR/PG

UNCONTESTED (Transfer of Municipal Solid Waste)

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ADMINISTRATIVE APPROVAL FOR THE TRANSFER OF MUNICIPAL SOLID WASTE PERMIT NO. MSW-1396 FROM FORT BEND COUNTY RECLAIMATION

COMPANY TO SPRINT FORT BEND COUNTY LANDFILL, L.P.

APPROVED, PR/PG

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ADMINISTRATIVE APPROVAL FOR THE TRANSFER OF MUNICIPAL SOLID WASTE PERMIT NO. MSW-1683 FROM SPRINT WASTE DISPOSAL COMPANY TO SPRINT FORT BEND COUNTY LANDFILL, L.P.

APPROVED, PR/PG

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ADMINISTRATIVE APPROVAL FOR THE TRANSFER OF MUNICIPAL SOLID WASTE PERMIT NO. MSW-1797 FROM FORT BEND COUNTY RECLAIMATION COMPANY TO SPRINT FORT BEND COUNTY LANDFILL, L.P.

APPROVED, PR/PG

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ADMINISTRATIVE APPROVAL FOR THE TRANSFER OF MUNICIPAL SOLID WASTE PERMIT NO. MSW-1898 FROM RED RIVER ARMY DEPOT TO LONE STAR ARMY AMMUNITION PLANT.

APPROVED, PR/PG

UNCONTESTED (Class 3 Modifications to Hazardous Waste Permit)

Item 8. Consideration of applications by OCCIDENTAL CHEMICAL CORPORATION for two Class 3 Modifications to Permit No. HW50275-000 in accordance with 31 TAC Section 305.69. The permit modifications revise the maximum allowable emission rates for the two authorized incinerators and add five existing hazardous waste storage units to the list of units authorized to store wastes under Permit No. HW50322. The hazardous waste management facility is approximately 2 miles west of the intersection of State Highway 361 with FM 1069 in the City of Ingleside, San Patricio County, Texas.

APPROVED, PR/PG

UNCONTESTED (Class 2 Modifications to Hazardous Waste Permit)

Item 9. Consideration of an application by DISPOSAL SYSTEMS, INC. for a Class 2 Modification to Permit No. HW50058-000 in accordance with 31 TAC Section 305.69. The permit modifications authorize installation of one tank (Tank T-74) along with ancillary piping in Storage/Treatment Unit II. The hazardous waste management facility is on a 10.6 acre tract of land adjacent to State Highway 134 (Battleground Road) approximately 1.1 miles southwest of the San Jacinto Monument in Deer Park, Harris County, Texas.

APPROVED, PR/PG

Item 10. Consideration of an application by SANDOZ CROP PROTECTION for a Class 2 Modification to Permit No. HW50219-000 in accordance with 31 TAC Section 305.69. The permit modification makes changes in two types of wastes authorized to be managed at the facility. The hazardous waste management facility is approximately 2 miles northwest of Jefferson County Airport on the west side of West Port Arthur Road in Jefferson County, Texas.

APPROVED, PR/PG

UNCONTESTED (Amendments to Uranium Mines)

- Item 11. APPLICATION BY TOTAL MINERALS CORPORATION AND MALAPAI RESOURCES COMPANY for amendments to Production Area Authorizations (PAA) authorized under Permits Nos. UR02155-071 (El Mesquite mine site) and UR02156-071 (Holiday mine site). The Mesquite and Holiday mines are adjacent leases with adjoining production areas designated as No. 7 and No. 4 at each mine site. Uranium ore has been located between the two production areas at each mine site and the permittee proposes to open up and join the monitor well rings for the two areas at each mine. The proposed amendment to the Mesquite site will add the 75.73 acres currently authorized under PAA No. 4 to PAA No. 7. The proposed amendment to the Holiday site will add the 22.40 acres currently authorized under PAA No. 4 to PAA No. 7. El Mesquite Mine is approximately 6 miles east of Bruni, in Section Numbers, 1, 2, 3, 3A, 4, 5, 6 and 8 of the El Mesquite Grant and a part of the Santa Maria de los Angeles de Abajo Grant in Duval County, Texas. The Holiday Mine is approximately 4.5 miles east of Bruni, in Section Numbers, 13, 15, 20, 22, 23, 24, and 25 of the Cole Petroleum Subdivision and a part of the Santa Maria de los Angeles de Abajo Grant in Duval County, Texas.

APPROVED, PR/PG

UNCONTESTED (Proposed Hazardous Waste Permit)

- Item 12. APPLICATION BY UNITED STATES NAVAL AIR STATION for a permit (Proposed Permit No. HW50276-000) to authorize operation of an existing storage facility for hazardous waste. The waste managed at this facility are Class I industrial hazardous wastes from on-site base operations. The wastes are classified as ignitable, toxic, corrosive, and TC toxic liquids, sludges and solids. The proposed permit authorizes operation of one container storage area with a maximum capacity not to exceed 9,900 gallons (180-55 gallon drums). The facility is located on a 794.82-acre tract of land on the south side of Jefferson Avenue and north of Mountain Creek in the City of Dallas, Dallas County, Texas.

APPROVED, PR/PG

UNCONTESTED (Proposed Water Quality Permits)

- Item 13. APPLICATION BY COASTAL STATES CRUDE GATHERING COMPANY for a permit (Proposed Permit No. 03550) to authorize a discharge of treated tank bottom water and stormwater runoff at a volume variable with rainfall. The applicant operates a petroleum refined product storage and loading facility. The plant site is at 4719 Corner Parkway #2, one mile northwest of Interstate Highway 10 and Loop 410 in the City of San Antonio, Bexar County, Texas.

APPROVED, PG/PR

- Item 14. APPLICATION BY COASTAL STATES CRUDE GATHERING COMPANY for a permit (Proposed Permit No. 03555) to authorize intermittent flow variable discharges of treated tank bottom water and

stormwater. The applicant operates a petroleum storage and loading facility, and pipeline pumping station. The plant site is 1/2 a mile south of Highway 1765 on the west side of 14th Street in Texas City, Galveston County, Texas.

APPROVED, PG/PR

Item 15. APPLICATION BY RAVAGO AMERICA CORPORATION for a permit (Proposed Permit No. 03567) to authorize an intermittent flow variable discharge of treated process, stormwater and utility wastewaters. The applicant operates a facility which reprocesses sub-standard grades of polyethylene, polypropylene and polystyrene. The plant site is at 18121 Cochran Road, approximately 2.8 miles south of U.S. Highway 290, Waller County, Texas.

APPROVED, PG/PR

Item 16. APPLICATION BY SOUTHERN CLAY PRODUCTS, INC. for a permit (Proposed Permit No. 03573) to authorize intermittent discharges of process wastewater, groundwater and stormwater from the Byler Clay Mine. The plant site is on one half mile east of FM 154, 4.8 miles south of the intersection of FM 154 and SH 71 in the City of Muldoon in Fayette County, Texas.

APPROVED, PG/PR

UNCONTESTED (Amendment to Water Quality Permits)

Item 17. APPLICATION BY CITY OF BAYTOWN for an amendment to Permit No. 10395-07 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 3,000,000 gallons per day to a volume not to exceed an average flow of 4,500,000 gallons per day. The wastewater treatment facilities are approximately 2,250 feet south of the intersection of Ferry Road and Massey Thompkins Road in Harris County, Texas.

APPROVED, PG/PR

Item 18. APPLICATION BY PAT G. CHAPMAN, SR. for an amendment to Permit No. 13184-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 15,000 gallons per day to a volume not to exceed an average flow of 100,000 gallons per day. The wastewater treatment is approximately 450 feet west of U.S. Highway 90 (Lot 5 on Crosby Drive), 3 miles north-northeast of the intersection of U.S. Highway 90 and Farm-to-Market Road 2100 in the City of Crosby in Harris County, Texas.

APPROVED, PG/PR

Item 19. APPLICATION BY CHEMICAL WASTE MANAGEMENT, INC. for an amendment to Permit No. 02417 in order make changes to the stormwater management system because the Above Grade Landfill Site 02 is to be constructed where the current stormwater ponds are located. The permit is amended to authorize stormwater discharge from the Below Grade Landfill Site 02 and the Above Grade Landfill Site 02 through Outfall 001. Sampling and monitoring requirements have been revised to correspond with the proposed changes and to meet existing applicable rules and regulations. The applicant operates a hazardous waste landfill, disposal, and incinerator facility.

The plant is south of State Highway 73 and approximately 3.5 miles southwest of State Highway 73 - Taylor Bayou Crossing in Jefferson County, Texas.

APPROVED, PG/PR

Item 20. APPLICATION BY THE CITY OF DE LEON for an amendment to Permit No. 10078-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 166,000 gallons per day to a volume not to exceed an average flow of 295,000 gallons per day. The wastewater treatment facilities are approximately 1000 feet south of State Highway 6 and 4000 feet east of State Highway 16, east of the City of De Leon in Comanche County, Texas.

APPROVED, PG/PR

Item 21. APPLICATION BY CITY OF DENISON for an amendment to Permit No. 10079-03 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 4,000,000 gallons per day to a volume not to exceed an average flow of 6,000,000 gallons per day. The wastewater treatment facilities are east of the City of Denison and approximately 2,200 feet north and 1,600 feet east of the intersection of Center Street and Farm-to-Market Road 120 in Grayson County, Texas.

APPROVED, PG/PR

Item 22. APPLICATION BY INTERNATIONAL PAPER COMPANY for an amendment to Permit No. 03252 to authorize an increase in the effluent limitation for total organic carbon from 90 mg/l to 150 mg/l. The permit authorizes intermittent flow variable discharges of stormwater runoff via Outfalls 001-003 from the Henderson lumber mill. The plant site is at a 27-acre site at 609 Industrial Drive in the City of Henderson, Rusk County, Texas.

APPROVED, PG/PR

Item 23. APPLICATION BY ROLLINS ENVIRONMENTAL SERVICES (TX), INC. for an amendment to Permit No. 01429 to authorize an increase in the discharge of treated industrial wastes, incinerator scrubber water, treated domestic wastewater and treated stormwater runoff from a volume not to exceed an average flow

of 1,440,000 gallons per day to a volume not to exceed an average flow of 2,880,000 gallons per day via Outfall 001 and to add an additional stormwater outfall 003. The permit currently authorizes an intermittent discharge of stormwater runoff via Outfall 002, which will remain the same. The applicant operates an industrial and hazardous waste disposal facility. The plant site is at 2027 Battleground Road, south of Tidal Road, west of State Highway 134 and east of and adjacent to Tucker Bayou in the City of Deer Park in Harris County, Texas.

REMANDED TO EXECUTIVE DIRECTOR

Item 24. APPLICATION BY STAR DAIRIES, INC. for an amendment to Permit No. 03346 to authorize an increase in the capacity of the dairy from 400 milking head to 500 milking head and a total maximum of 750 head in confinement. The amendment will also incorporate improvements constructed after the permit was originally issued. The permit authorizes disposal of wastewater by irrigation on agricultural land. Manure/solids will be disposed of as fertilizer on agricultural land. The dairy is on the south side of Farm-to-Market Road 3426 approximately one mile east of the intersection of Farm-to-Market Road 1497 and Farm-to-Market Road 3426 in Lamar County, Texas.

APPROVED, PG/PR

UNCONTESTED (Renewal of Water Quality Permits)

Item 25. APPLICATION BY AMOCO CHEMICAL COMPANY for renewal of Permit No. 02766 which authorizes the discharge of process wastewater and stormwater at a volume not to exceed an average flow of 900,000 gallons via Outfall 001 and an intermittent discharge of uncontaminated stormwater via Outfall 002. The applicant operates a polypropylene plant. The plant site is on the north side of Interstate 10, approximately one-half mile west of Cedar Bayou, north of the City of Baytown in Harris County, Texas.

RENEWED, PG/PR

Item 26. APPLICATION BY ANDERSON INDUSTRIES, INC. for renewal of Permit No. 11487-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000 gallons per day. The wastewater treatment facilities are in the northwest corner of the intersection of State Highway 114 and North Kimball Drive in Southlake in Tarrant County, Texas.

RENEWED, PG/PR

Item 27. APPLICATION BY ANHEUSER-BUSCH, INC. for renewal of Permit No. 02033 which authorizes flow variable discharges of stormwater runoff from its Houston Brewery. The plant site is at 775 Gellhorn Drive in the City of Houston in Harris County, Texas.

RENEWED, PG/PR

Item 28. APPLICATION BY ASSOCIATED MILK PRODUCERS, INC. for renewal of Permit No. 01982 which authorizes to discharge treated wastewater at a volume not to exceed an average flow of

110,000 gallons per day. The Muenster Plant which produces dairy products is approximately 850 feet east of FM Road 373 and south of and adjacent to the city limits of the City of Muenster in Cooke County, Texas.

RENEWED, PG/PR

Item 29. APPLICATION BY BOOKER CUSTOM PACKING COMPANY, INC. for renewal of Permit No. 02757 which authorizes the disposal of process washwater, kill floor washdown water, and holding pen water from a slaughter house/meat packing plant by irrigation of 17 acres of company-owned land. The disposal volume is not to exceed a daily maximum of 120,000 gallons per day. Application rates for the irrigated land shall not exceed 4.2 acre-feet/acre/year. No discharge of pollutants into the waters of the State is authorized by this permit. The plant site is at 910 East Industrial, adjacent to the south side of State Highway 15 and approximately 0.3 mile east of the intersection of State Highway 15 and Farm- to-Market Road 1265 in the City of Booker, Lipscomb County, Texas.

RENEWED, PG/PR

Item 30. APPLICATION BY CITY OF BURKBURNETT for renewal of Permit No. 10002-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,200,000 gallons per day. The wastewater treatment facilities are on the east side of Kelly Street, just north of Third Street (State Highway 240) in the City of Burkburnett in Wichita County, Texas.

REMANDED TO EXECUTIVE DIRECTOR

Item 31. APPLICATION BY CITY OF DEVERS for renewal of Permit No. 11540-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 80,000 gallons per day. The wastewater treatment facilities are south of the City of Devers, on the south side of U.S. Highway 90, adjacent to Chism Street in Liberty County, Texas.

RENEWED, PG/PR

Item 32. APPLICATION BY FOUR-K HOUSTON PROPERTY COMPANY for renewal of Permit No. 02416 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000 gallons per day from its formulation plant for solvents, photoprocessing and water treatment chemicals, and other chemical products. The plant site is at 3001 Katy-Brookshire Road, about four miles west of Katy, one-fourth (1/4) mile south of intersection of U.S. Highway 90 and FM 2855 in Waller County, Texas.

RENEWED, PG/PR

Item 33. APPLICATION BY GULF COAST WASTE DISPOSAL AUTHORITY for renewal of Permit No. 01485 which authorizes a discharge of treated industrial wastewater (including wastewater from the sodium cyanide production facilities at a volume not to exceed an average flow of 15,700,000 gallons per day from an industrial wastewater treatment plant. The plant site is adjacent to State Highway Loop 197 on the south side of the Hurricane Levee Pump Discharge Canal in the City of Texas City, Galveston County, Texas.

RENEWED, PG/PR

Item 34. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191 for renewal of Permit No. 12556-01 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. The renewed permit has decreased the flow to 600,000 gallons per day average. The wastewater treatment facilities are approximately 2,000 feet south of Farm-to-Market Road 1960 and 2,000 feet west of Cutten Road in Harris County, Texas.

RENEWED, PG/PR

Item 35. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 200 for renewal of Permit No. 12294-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000,000 gallons per day. The renewed permit has decreased the flow to 2,500,000 gallons per day average. The wastewater treatment facilities are at 13035 Kuykendahl Road, approximately 4000 feet northwest of the intersection of Interstate Highway 45 and Rankin Road in Harris County, Texas.

CONTINUED TO JULY 14, 1993 AT 9:00 A.M.

Item 36. APPLICATION BY KOSWOOD, INC., DBA HARBORLIGHT CAMPGROUND for renewal of Permit No. 11432-01 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 wastewater treatment facilities. The plant site is on the east side of Farm-to-Market Road 3121 at a point approximately 2.5 miles north of the intersection of Farm-to-Market Roads 3121 and 83 in Sabine County, Texas.

RENEWED, PG/PR

Item 37. APPLICATION BY MCLENNAN COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 2 for renewal of Permit No. 10344-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day. The wastewater treatment facilities are approximately 4,000 feet east-northeast of the intersection of Interstate Highway 35 and Farm-to-Market Road 308 and approximately 1,500 feet southeast of Farm-to-Market Road 308 in McLennan County, Texas.

RENEWED, PG/PR

Item 38. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 48 for renewal of Permit No. 12434-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 3,000,000 gallons per day from the Kingwood Place Wastewater Treatment Facilities. The renewed permit has decreased the flow to 378,000 gallons per day average. The plant site is approximately 250 feet south of River Ridge Drive and 3/4 mile west of U.S. Highway 59 in Montgomery County, Texas.

RENEWED, PG/PR

Item 39. APPLICATION BY LEROY MOODY for renewal of Permit No. 11795-01 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 Leroy's Mobile Home Park Wastewater

Treatment Facilities. The plant site is approximately 3100 feet southwest of the intersection of U.S. Highway 59 and Farm-to-Market Road 989 and 1.8 miles southwest of the City of Texarkana in Bowie County, Texas.

CONTINUED TO JULY 14, 1993 AT 9:00 A.M.

Item 40. APPLICATION BY NORTH BELT UTILITY DISTRICT for renewal of Permit No. 11597-01 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. The wastewater treatment facilities are at 15353 Weldon Drive, approximately 1600 feet northwest of the intersection of Aldine-Westfield Road and North Belt Drive in Harris County, Texas.

RENEWED, PG/PR

Item 41. APPLICATION BY TOWN OF PONDER for renewal of Permit No. 11287-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 45,000 gallons per day from the Ponder Wastewater Treatment Plant. The plant site is approximately 9.5 miles southwest of the City of Denton central business district and 1,000 feet southeast of the intersection of Farm-to-Market Road 2449 and Farm-to-Market Road 156 and 1,200 feet east of Farm-to-Market Road 156, approximately 0.3 of a mile south of the Town of Ponder in Denton County, Texas.

RENEWED, PG/PR

Item 42. APPLICATION BY SCHLUMBERGER TECHNOLOGY CORPORATION for renewal of Permit No. 12062-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 8,000 gallons per day from the Sandy Point Wastewater Treatment Plant. The plant site is approximately 13.2 miles west-southwest of the City of Alvin, approximately 1.3 miles north of Farm-to-Market Road 1462 and 1.6 miles northeast of the intersection of Farm-to-Market Road 1462 and Farm-to-Market Road 521, near the intersection of Brazoria County Roads No. 48 and 52, in Brazoria County, Texas.

CONTINUED TO JULY 14, 1993 AT 9:00 A.M.

Item 43. APPLICATION BY TEXAS A&M UNIVERSITY for renewal of Permit No. 02969 which authorizes a discharge of cooling tower blowdown at a volume not to exceed an average flow of 125,000 gallons per day from the West Campus Utilities Plant No. 2 which produces 4000 tons of chilled water used for air conditioning. The plant site is within the West Campus area west of Wellborn Road and north of Highway 60, just north of the Veterinary Medicine Complex in the City of College Station, Brazos County, Texas.

RENEWED, PG/PR

Item 44. APPLICATION BY TEXAS DEPARTMENT OF CRIMINAL JUSTICE for renewal of Permit No. 11475-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 320,000 gallons per day from Jester Unit No. 3 Wastewater Treatment Facilities. The plant site is within the Beauford H. Jester State Prison Farm property, approximately 8000 feet north of the intersection of U.S. Highway 90 A and Harlem Road, approximately 5.0 miles west of Sugar Land in Fort Bend County, Texas.

RENEWED, PG/PR

Item 45. APPLICATION BY TEXAS ELECTRIC COOPERATIVES, INC. for renewal of Permit No. 01766 which authorizes an intermittent flow variable discharge of stormwater runoff and overflow from Pond B from a wood preserving plant. The plant site is southeast of the City of Jasper, approximately 0.6 mile south of U.S. Highway 190 adjacent to Bevil Loop Road, Jasper County, Texas.

RENEWED, PG/PR

Item 46. APPLICATION BY TEXAS TERMINALING CORPORATION for renewal of Permit No. 02837 which authorizes an intermittent flow variable discharge of stormwater runoff from the Caddo Mills Fuel Storage and Terminal Facility. The plant site is approximately one (1) mile northeast of the junction of Interstate Highway 30 and State Road 36 and approximately three (3) miles southeast of the City of Caddo Mills, Hunt County, Texas.

RENEWED, PG/PR

Item 47. APPLICATION BY VETCO PIPELINE SERVICES, INC. for renewal of Permit No. 12355-01 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 1.0 mile north of Interstate Highway 10 and 790 feet east of Brittmore Road in Harris County, Texas.

RENEWED, PG/PR

Item 48. APPLICATION BY WEATHERFORD-PETCO, INC. for renewal of Permit No. 12522-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,800 gallons per day from the American Aero Wastewater Treatment Facilities. The plant site is at 11909 Spencer Road (Farm-to-Market Road 529), between State Highway 6 and U.S. Highway 290 in Harris County, Texas.

RENEWED, PG/PR

Item 49. APPLICATION BY WINDERMERE UTILITY CO., INC. for renewal of Permit No. 11931-01 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 Windermere Wastewater Treatment Facilities are approximately 5800 feet northwest of the intersection of Pflugerville Loop and Farm-to-Market Road 1825 and on the east bank of Gilleland Creek in Travis County, Texas.

RENEWED, PG/PR

Item 50. APPLICATION BY CITY OF WOLFE CITY for renewal of Permit No. 10383-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 195,000 gallons per day. The plant site is approximately 0.5 mile south of Wolfe City and 0.3 mile east of State Highway 34 adjacent to Oyster Creek in Hunt County, Texas.

RENEWED, PG/PR

UNCONTESTED (Water Right Permits)

Item 51. APPLICATION NO. 5458 BY TEXAS MUNICIPAL POWER AGENCY FOR A SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks authorization to construct and maintain a dam creating a reservoir on Peach Creek, Brazos River Basin, in Grimes County, for sediment control at the Gibbons Creek Lignite Mine, approximately eight miles northwest of Anderson, Texas and to divert not to exceed 100 acre-feet of water per annum from the reservoir for dust control. (SMITH;tls)

APPROVED, PR/PG

Item 52. APPLICATION NO 5455 BY DAVID C."CHARLIE" ZUNKER UNDER TEXAS WATER CODE SECTION 11.121 FOR A WATER USE PERMIT APPLICATION. FOR COMMISSION ACTION Applicant seeks to divert 3 acre-feet of water per annum from the San Antonio River, San Antonio River Basin for the irrigation of 1.81 acres of land in Karnes County, approximately 10 miles northwest of Karnes City, Tx.

CONTINUED TO AUGUST 25, 1993 AT 9:00 A.M.

Item 53. APPLICATION NO. 5454 BY THE SABINE MINING COMPANY FOR A WATER USE PERMIT PURSUANT TO TWC 11.121. FOR COMMISSION ACTION. Applicant seeks to impound 32.5 acre-feet of water in an existing, on-channel reservoir on an unnamed tributary of Hatley Creek, Sabine River Basin, and to divert and use 100 acre-feet of water per annum from the aforesaid reservoir for industrial purposes, approximately 10.5 miles southwest of Marshall, Harrison County, Texas. (SMITH/jme)

CONTINUED TO JULY 14, 1993 AT 9:00 A.M.

Item 54. APPLICATION NO. 5453 BY RICHARD WILLIAM WALTON FOR A WATER USE PERMIT PURSUANT TO TWC SECTION 11.121. FOR COMMISSION ACTION. Applicant seeks to divert and use 50 acre-feet of water per annum from Bear Creek, Trinity River Basin, to irrigate 30 acres of land out of three tracts totaling 34.04 acres approximately 12.5 miles northeast of Waxahachie, Ellis County, Texas. (SMITH/jme)

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

Item 55. APPLICATION NO. 23-2421G by BRASK-DUMONT RANCH, INC. TO AMEND CERTIFICATE NO. 23-2421, AS AMENDED, PURSUANT TO TWC 11.122 & TAC 303.42. FOR COMM-ISSION ACTION. Applicant seeks to amend Certificate of Adjudication No. 23-2421, as amended, to add 63 acre-feet of Class "A" irrigation water rights owned under Certificate No. 23-2688, as amended, to Certificate No. 23-2421, as amended, and restate the total diversion authorized from the Rio Grande in Webb Co. to be 3071 acre-feet of Class "A" irrigation right to irrigate 1903.20 acres of land.

APPROVED, PR/PG

Item 56. APPLICATION NO. 23-2688D BY KATHERINE RITCHIE COTTER AND MARGARET RITCHIE HARDT TO AMEND CERTIFICATE OF ADJUDICATION NO. 23-2688, AS AMENDED. For Commission consideration. Applicants seek to amend Certificate No. 23-2688, as amended, to change the purpose of use of the 10 acre-feet of Rio Grande Class "A" irrigation rights they own under the certificate to mining use, to change the place of use in Maverick . County and to establish diversion points for use of the water on the Rio Grande and on Elm Creek, tributary of the Rio Grande.

(Smith;tls)

APPROVED, PR/PG

Item 57. APPLICATION NO. 4221A BY ANN WYLIE MARTIN TO AMEND WATER USE PERMIT NO. 3900. FOR COMMISSION ACTION. Applicant seeks to amend Permit No. 3900, which authorized, until December 31, 1992, the diversion and use of not to exceed 150 acre-feet of water per annum from a reservoir on the South Fork North Bosque River, Brazos River Basin, for irrigation of 106 acres of land per annum in Erath County, by deleting or extending the expiration date. The application was submitted with a letter that was postmarked December 30, 1992. (SMITH;tls)

APPROVED, PR/PG

Item 58. APPLICATION NO. 4087A BY MARY FRAZIER CLARK & DON FRAZIER CLARK TO AMEND PERMIT NO. 3808 (A-4087) PURSUANT TO TWC SECTION 11.122. FOR COM-MISSION ACTION. Applicants seek to remove or modify a special condition in the permit which causes the authorization to impound 1271 acre-feet of water and use 1060 acre-feet for irrigation to expire December 31, 1992. This permit is located above Lake Proctor owned by Brazos River Authority. (SMITH/lb)

CONTINUED TO AUGUST 18, 1993 AT 9:00 A.M.

Item 59. APPLICATION NO 3913A BY WILLIAM & AURORA WALKER & JOE G. SMYTH TO AMEND PERMIT NO. 3663(A-3913) TEXAS WATER CODE SECTION 11.122. FOR COM-MISSION ACTION. Applicants seek to delete or extend the term of the permit. Permit authorizes a 1281 acre-foot capacity reservoir on Wood Slough, Nueces River Basin which is maintained for domestic and livestock purposes in Uvalde County, 13 miles southwest of Uvalde, TX. (SMITH/lb)

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

Item 60. APPLICATION NO. 23-831E BY MILITARY HIGHWAY WATER SUPPLY CORPORATION TO SEVER THEIR PORTIONS OF THE WATER RIGHTS AUTHORIZED BY CERTIFICATE NOS. 23-68, 23-289, 23-803, 23-812, 23-838 AND COMBINING THE WATER RIGHTS AUTHORIZED BY CERTIFICATE NO. 23-815 AND 23-831 UNDER CERTIFICATE NO. 23-831. For Commission consideration. Applicant seeks to combined their portions of municipal water rights authorized by Certificate Nos. 23-68, 23-289, 23-803, 23-812, 23-838 and their municipal water rights authorized by Certificate Nos 23-815 and No. 23-831 under Certificate of 23-831 and pump from diversion point authorized by No 23-289 (Smith/arc)

APPROVED, PR/PG

Item 61. APPLICATION NO. TA-7037 BY WEIRICH BROTHERS, INC., FOR A TEMPORARY WATER PERMIT. Applicant is requesting to divert and use 180 acre-feet of water for a 3 year period from the North Llano River, Tributary of the Llano River, tributary of the Colorado River, Colorado River Basin, for mining purposes (gravel washing) in Kimble County. (Smith/arc)

APPROVED, PR/PG

UNCONTESTED (Water District Matters)

Item 62. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 264 FOR APPROVAL OF \$3,700,000 UNLIMITED TAX BOND ISSUE, 7.743% NET EFFECTIVE INTEREST RATE, FIFTH ISSUE, SERIES 1993. For Commission consideration and action. Applicant requests approval to issue \$3,700,000 in unlimited tax bonds to finance continued District development. (Ferguson)

APPROVED, PR/PG

Item 63. APPLICATION BY SOUTH SHORE HARBOUR MUNICIPAL UTILITY DISTRICT NO. 6 FOR APPROVAL OF THE ISSUANCE OR \$4,550,000 UNLIMITED TAX & REVENUE BONDS, 8.198% NET EFFECTIVE INTEREST RATE, SERIES 1993, THIRD ISSUE & CHANGE IN PLANS FOR SOUTH SHORE HARBOUR MUNICIPAL UTILITY DISTRICT NO. 2. For Commission consideration and action. Applicant requests approval to issue bonds to finance W,S & D for Harbour Park Sec. 5, Marina Bay Park, Sec. 2, Ph. I & II, S. Shore Park, Sec. 2, Harbour Park Sec. 5. Clear/Grub & W&WW crfs. The change in plans involves South Shore Harbour MUD No. 2 selling up to 430 water crf's to the District.

APPROVED, PR/PG

Item 64. APPLICATION BY NORTH AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1 OF TRAVIS AND WILLIAMSON COUNTIES FOR APPROVAL OF AMENDMENT TO COMMISSION ORDER DATED FEBRUARY 8, 1993 AUTHORIZING THE ISSUANCE OF \$3,350,000 IN BONDS. For Commission consideration and action. Applicant requests amendment to Commission Order to delete certain financial guarantee requirements. (Ferguson)

APPROVED, PR/PG

Item 65. APPLICATION BY SPENCER ROAD PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF AMENDMENT TO COMMISSION ORDER DATED FEBRUARY 18, 1993 AUTHORIZING THE ISSUANCE OF \$1,845,000 IN BONDS IN LIEU OF THE APPROVED \$1,625,000 IN UNLIMITED TAX AND REVENUE BONDS. For Commission consideration and action. Applicant requests amendment to Commission Order and increase of the authorization from \$1,625,000 to \$1,845,000 due to increase in project costs. (Ferguson)

APPROVED, PR/PG

Item 66. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 180 FOR APPROVAL TO USE SURPLUS FUNDS; \$6,500,000 BOND ISSUE APPROVED SEPTEMBER 14, 1984. For Commission consideration and action. Applicant requests approval to use \$146,929 in surplus funds for rehabilitation of a 24-inch wastewater trunkline. (Ferguson)

APPROVED, PR/PG

Item 67. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 24 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$3,110,000 BOND ISSUE APPROVED SEPTEMBER 3, 1991. For Commission consideration and action. Applicant requests approval to use \$125,438 in surplus funds to reimburse the developer for water, wastewater and drainage facilities to serve the Chesed Development, developer interest on previously funded HCFCD drainage contribution fees & other miscellaneous costs. (Ferguson)

APPROVED, PR/PG

Item 68. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 33 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$4,400,000 BOND ISSUE APPROVED JULY 20, 1984. For Commission consideration and action. Applicant requests Commission approval for use of \$101,702 in surplus funds to finance relocation and adjustments of existing water lines along Gears Road within the District. (Ferguson)

APPROVED, PR/PG

Item 69. APPLICATION BY BEECHNUT MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO LEVY A STANDBY FEE; \$4,970,000 BOND ISSUE APPROVED DECEMBER 2, 1983. For Commission consideration and action. Applicant requests approval to levy an annual uniform standby fee of \$152,400 to supplement the debt service account. (Ferguson)

REMANDED TO OFFICE OF HEARINGS EXAMINERS

Item 70. PETITION BY AMERICAN GENERAL REALTY INVESTMENT CORP. FOR APPOINTMENT OF DIRECTORS FOR CINCO MUNICIPAL UTILITY DISTRICT NO. 7 OF FORT BEND COUNTY. For Commission consideration and action. American General Realty Investment Corporation, a landowner within the District, has submitted a petition requesting that: Kurt Adkins, Deborah H. Arterburn, Sam Kruse, R.S. McClendon and Sharleen L. Walkoviak be appointed as directors. (Ferguson)

APPROVED, PR/PG

Item 71. PETITION BY AMERICAN GENERAL REALTY INVESTMENT CORP. FOR APPOINTMENT OF DIRECTORS FOR CINCO MUNICIPAL UTILITY DISTRICT NO. 14 OF FORT BEND COUNTY. For Commission consideration and action. American General Realty Investment Corporation, a landowner within the District, has submitted a petition requesting that: (1) Rob Bamford, (2) William H. Frey and (3) E. A. McCune, III be appointed as directors. (Ferguson)

APPROVED, PR/PG

UNCONTESTED (Water Rate Matters)

Item 72. APPLICATION OF CHAMPS WATER COMPANY, INC TO AMEND WATER CERTIFICATE OF CONVENIENCE AND NECESSITY NUMBER 10972 IN HARRIS AND MONTGOMERY COUNTIES, TEXAS (APPLICATION NO. 9935-C, HOLCK)

APPROVED, PG/PR

Item 73. APPLICATION OF LACKLAND CITY WATER COMPANY TO AMEND WATER CERTIFICATE OF CONVENIENCE AND NECESSITY NUMBER 10734 IN BEXAR COUNTY, TEXAS. (APPLICATION NO. 9822-C, HOLCK).

APPROVED, PG/PR

Item 74. APPLICATION OF H2M WATER SYSTEMS INC TO AMEND WATER CERTIFICATE OF CONVENIENCE AND NECESSITY NUMBER 11908 IN WISE COUNTY, TEXAS. (APPLICATION NO. 9944-C, POE).

APPROVED, PG/PR

Item 75. APPLICATION OF HARRIS COUNTY MUD NO. 50 TO TRANSFER WATER CCN NO. 11839 FROM VORNSAND ENTERPRISES, INC. DBA ARCADIAN UTILITY COMPANY IN HARRIS COUNTY, TEXAS. (APPLICATION NO. 9775-S, HOLCK).

APPROVED, PG/PR

Item 76. APPLICATION OF SUBURBAN UTILITIES COMPANY INC TO TRANSFER WATER CCN NO. 12364 FROM LEE AND DEE STALCUP DBA FALCON CREST WATER SYSTEM; AMEND WATER CCN NO. 11943; CANCEL WATER CCN NO. 12364 IN JOHNSON COUNTY, TEXAS. (APPLICATION NO. 9956-S, POE).

APPROVED, PG/PR

Item 77. APPLICATION OF JEFFERY R. SHAVER DBA DOGWOOD WATER SYSTEM TO ACQUIRE DOGWOOD WATER SYSTEM AND TRANSFER WATER CCN NO. 11502 FROM MORRIS ROSSON IN ANDERSON COUNTY, TEXAS (APPLICATION NO. 9921-S, POE)

APPROVED, PG/PR

Item 78. APPLICATION OF FRANK E. DUNCAN, JOE M. HACKLER, AND THE ESTATE OF CHARLIE TRUITT DBA ALPHA UTILITY OF CAMP COUNTY TO DECERTIFY A PORTION OF CCN NO. 10490 OF BI-COUNTY WATER SUPPLY CORPORATION AND TO OBTAIN A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN CAMP COUNTY, TEXAS (APPLICATION NO. 9934-C, POE)

APPROVED, PG/PR

Item 79. APPLICATION OF POINT ROYAL WATER AND SEWAGE SUPPLY CORPORATION FOR A SEWER CCN AND DECERTIFICATION OF A PORTION OF CCN NO. 20036 ISSUED TO THE CITY OF ROWLETT IN ROCKWALL COUNTY, TEXAS (APPLICATION NO. 9904-C, HOLCK)

APPROVED, PG/PR

UNCONTESTED (Agreed Enforcement Order)

Item 80. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST ROY HUNT, INC., FOR VIOLATIONS OF THE TEXAS SOLID WASTE DISPOSAL ACT, TEX. HEALTH AND SAFETY CODE ANN. CHAPTER 361 (VERNON PAMPH. 1993), THE TEXAS WATER CODE, TEX. WATER CODE ANN. CHAPTER 26 (VERNON PAMPH. 1993), AND THE RULES OF THE TEXAS WATER COMMISSION; ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ROY HUNT, INC. (Grunberger)

APPROVED AGREED ORDER, PR/PG

UNCONTESTED (Superfund Authorization)

Item 81. CONSIDERATION OF EXECUTIVE DIRECTOR AUTHORIZATION TO UTILIZE FUND 550 TO CONTRACT FOR AN IMMEDIATE REMOVAL AT THE FORMER SITE OF HY-YIELD CHEMICAL COMPANY AND THE RESIDENTIAL AREAS AFFECTED BY ARSENIC CONTAMINATION IN HUNT COUNTY.

APPROVED STAFF RECOMMENDATION, JH/PR

UNCONTESTED (Emergency Order)

Item 82. DETERMINE WHETHER EMERGENCY ORDER NO. 93-5E, GRANTED BY THE TEXAS WATER COMMISSION ON APRIL 14, 1993 TO PHILLIPS PETROLEUM COMPANY SHOULD BY AFFIRMED, MODIFIED OR SET ASIDE.

SET ASIDE ORDER, JH/PG

UNCONTESTED (Budget)

Item 83. CONSIDERATION OF APPROVAL OF 3RD QUARTER BUDGET AMENDMENTS.

APPROVED, PR/PG

UNCONTESTED (Hearing Examiner's Matters)

Item 84. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF JIM SOWELL CONSTRUCTION COMPANY, INC. FOR CREATION OF A MUD TO PROVIDE WATER AND SEWER SERVICES IN HARRIS COUNTY, TEXAS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (WOOD)

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

Item 85. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF J.M. SLEGER dba ASPEN DAIRY FOR PERMIT NO. 03468 TO AUTHORIZE THE DEPOSIT OR DISPOSAL OF WASTES AND WASTEWATER FROM A DAIRY IN ERATH COUNTY, TEXAS, AND SEGMENT NO. 1226 OF THE BRAZOS RIVER BASIN. APPLICANT VOLUNTARILY SEEKS DISMISSAL OF APPLICATION WITH PREJUDICE. RECOMMENDATION: DISMISSAL OF APPLICATION WITH PREJUDICE (ROGAN)

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

Item 86. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF SAM ELLIOTT DBA COMSTOCK CATTLE CORPORATION FOR PERMIT NO. 03509 TO AUTHORIZE THE DISPOSAL BY IRRIGATION AND APPLICATION OF WASTES AND WASTEWATER FROM A CATTLE FEEDLOT IN POTTER COUNTY, TEXAS, IN THE DRAINAGE AREA OF THE NORTH FORK OF THE RED RIVER IN SEGMENT NO. 0224 OF THE RED RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (BATEMAN).

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

Item 87. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF THE CITY OF CORSICANA FOR PERMIT NO. MSW-2190 TO AUTHORIZE THE OPERATION OF A SOLID WASTE LANDFILL TYPE I IN NAVARRO COUNTY, TEXAS. APPLICANT SEEKS AUTHORIZATION TO DISPOSE OF SOLID WASTE. RECOMMENDATION: ISSUANCE OF PERMIT. (L. SORRELLS)

ADOPT EXAMINER'S MEMORANDUM AND ISSUE ORDER WITH THE INCLUSION OF THE EXECUTIVE DIRECTOR'S RECOMMENDATIONS, PR/JH

Item 88. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF ALEDO INDEPENDENT SCHOOL DISTRICT FOR A RENEWAL OF PERMIT NO. 13438-001 TO AUTHORIZE THE DISCHARGE OF 15,000 gpd OF TREATED DOMESTIC WASTEWATER EFFLUENT IN PORTER COUNTY, TEXAS, and SEGMENT NO. 0831 OF THE TRINITY RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (BILL ZUKAUCKAS)

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

(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, June 23, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 89. CONSIDERATION OF ALL MOTIONS FOR REHEARING AND REPLIES TO THOSE MOTIONS ON AN APPLICATION BY CITY OF CORPUS CHRISTI for renewal of Permit No. 10401-03 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 8,000,000 gallons per day from the Westside Wastewater Treatment Facilities. The plant site is located to the south of the State Highway 357 (Saratoga Boulevard), approximately one mile west of the intersection of State Highway 286 and State Highway 357 in the City of Corpus Christi in Nueces County, Texas. (This matter was considered on May 5, 1993.)

MOTION FOR REHEARING GRANTED AND SENT TO OFFICE OF HEARINGS EXAMINERS WITH A 60-DAY ABATEMENT, ITEM IS TO BE BROUGHT BEFORE THE COMMISSION WITHIN THE 60-DAY ABATEMENT PERIOD, JH/PR

SECOND ADDENDUM TO UNCONTESTED AGENDA

Wednesday, June 23, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 90. CONSIDERATION OF AN ORDER DELETING WITHOUT PREJUDICE EL PASO ELECTRIC COMPANY AS A RESPONSIBLE PARTY FROM THE SECTION 361.272 ORDER ISSUED APRIL 30, 1993 CONCERNING THE COLTEX STATE SUPERFUND SITE IN COLORADO CITY, TEXAS. ORIGINAL APPEAL DEADLINE UNAFFECTED. (R. Dasch)

APPROVED STAFF RECOMMENDATION TO DELETE WITHOUT PREJUDICE, PR/PG

UNCONTESTED OLD BUSINESS

Wednesday, June 23, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of January 13, 1993 and February 17, March 17, 1993.

- Item 1. APPLICATION BY CITY OF SOUR LAKE for renewal of Permit No. 10703-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 460,000 gallons per day. The wastewater treatment facilities are approximately 1/2 mile southwest of the City of Sour Lake, approximately 3/4 mile west of State Highway 326 in Hardin County, Texas.

RENEWED, PR/PG

Item carried forward from Agenda of May 12, 1993.

- Item 2. APPLICATION NO. 5448 BY CITY OF DALLAS PARKS AND RECREATION DEPARTMENT UNDER TWC SECTION 11.121 FRO A WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks authorization to build a dam and resulting 157 acre-feet capacity reservoir on White Rock Creek, Trinity River Basin for erosion control and recreation purposes (for Tenision Golf course) in Tarrant County in Dallas Texas. (Smith/lb)

APPROVED, PG/PR

Item carried forward from Agenda of May 26, 1993.

- Item 3. 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)

APPROVED, PG/PR

Item carried forward from Agenda of June 2, 1993.

- Item 4. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11 for an amendment to Permit No. 11351-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 300,000 gallons per day to a volume not to exceed an average flow of 500,000 gallons per day. The wastewater treatment facilities are approximately 500 feet west of the intersection of Steubner-Airline Road and Aldine Western Road and south of

and adjacent to a Harris County Flood Control Ditch in Harris County, Texas.

APPROVED, PR/PG

Item carried forward from Agenda of June 2, 1993.

- Item 5. 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. Washdown water, flushwater and stormwater is retained in two (2) ponds. Wastewater from the ponds is disposed of by irrigation on agricultural land. 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.

APPROVED, PR/PG

Item carried forward from Agenda of June 2, 1993.

- Item 6. APPLICATION BY FRANKLIN FEDERAL BANCORP, THE CLIFFS for renewal of Permit No. 02789 which authorizes intermittent flow variable discharges of reject water from a reverse osmosis unit, a partial desalting unit and effluent from a wastewater treatment facility. The permittee is also authorized to use the effluent to irrigate a golf course at an application rate not to exceed 4.0 acre-feet/acre/year. The plant site is adjacent to Possum Kingdom Lake immediately west of State Highway 16 and south of the Brazos River, Palo Pinto County, Texas.

RENEWED, PR/PG

Item carried forward from Agenda of June 2, 1993.

- Item 7. APPLICATION BY SOUTHWESTERN WATER CORPORATION for renewal of Permit No. 13293-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 42,400 gallons per day from the Goforth Utility Company Wastewater Treatment Facilities. The plant site is approximately 4 miles southeast of the intersection of Interstate Highway 35 and Farm to Market Road 2001 and 5 miles north of the intersection of State Highway 21 and Farm to Market Road 2720 in Hays County, Texas.

RENEWED, PR/PG

Item carried forward from Agenda of June 2, 1993.

- Item 8. APPLICATION NO. 4191A BY BERNARR N. AND O. LAVERNE PRITCHARD FOR COMMISSION ACTION. Bernarr N. and O. LaVerne Pritchard request an amendment to Permit No. 3862 to extend the term beyond the current expiration of December 31, 1992, or in perpetuity. Permit authorizes 45 acre-feet of water per annum from Dry Creek, tributary of Rock Creek, tributary of the Brazos River, Brazos River Basin, Parker County, Texas.

APPROVED, PG/PR

Item carried forward from Agenda of June 2, 1993.

Item 9. APPLICATION BY NORTHAMPTON MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF \$1,900,000 UNLIMITED TAX AND REVENUE BONDS, 6.94% NET EFFECTIVE INTEREST RATE, SERIES 1993, SEVENTH ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$1,900,000 in unlimited tax and revenue bonds to finance continued District development. (Ferguson)

APPROVED, PG/PR

CONTESTED AGENDA

Wednesday, June 23, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

CONTESTED (Water Quality Enforcement)

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MR. THOMAS L. BAUDAT, PERMIT NO. 12301-01. (RAMIREZ)

Remand to Office Hearing's Examiner, all Commissioner's in agreement

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PROPOSED AGREED ENFORCEMENT ORDER RESOLVING AN ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS OF THE TEXAS WATER CODE, ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BANDERA DOWNS, INC.; PERMIT NO. 13531. (Smith, J.)

Issue Agreed Order, PG/PR

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF THE CITY OF WEST, PERMIT NO. 10544-001. (Winter)

No Action Required

- Item 4. CONSIDERATION OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WAYNE PITTMAN DAIRY. NO PERMIT. RESPONSIBLE PARTY: WAYNE PITTMAN (RUBEY)

Remand to Office Hearing's Examiner, all Commissioner's in agreement

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE UNIVERSITY OF TEXAS AT AUSTIN, NO PERMIT. (Keils)

Issue Agreed Order, PR/PG

- Item 6. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST PETROLEUM WHOLESale, INC., FOR VIOLATIONS OF THE TEXAS WATER CODE AND RULES OF THE TEXAS WATER COMMISSION, ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PETROLEUM WHOLESale, INC. (Winter)

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)

Revoke Permit as Recommended by staff, PG/PR

CONTESTED (Hazardous Waste Enforcement)

- Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DIAMOND SHAMROCK REFINING AND MARKETING COMPANY; TEXAS SOLID WASTE REGISTRATION NO. 31553. (Ballard)

Issue Agreed Order, PR/PG

- Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BURBANK BARREL & DRUM, INC.; TEXAS SOLID WASTE REGISTRATION NO. 71151. (Ballard)

Remand to Office Hearing's Examiner, all Commissioner's in agreement

- Item 10. 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 OCCIDENTAL CHEMICAL CORPORATION; SWR. NO. 38280 (HAHN)

Remand to Office Hearing's Examiner, all Commissioner's in agreement

CONTESTED (Rate Matters)

- Item 11. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF OZUNA'S WATER SYSTEM; CCN NO. 12332; DOCKET NO. 9927-E. (Sanchez)

Issue Order as Recommended, PG/JH (Commissioner Reed absent for vote)

- Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GUSTAVO VELA DBA P.B.S. WATER SYSTEM; DOCKET NO. 9800-E. (Sanchez)

Issue Order as Recommended, PG/JH (Commissioner Reed absent for vote)

CONTESTED (Bankruptcy)

- Item 13. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 56 FOR AUTHORIZATION TO PROCEED IN FEDERAL BANKRUPTCY. For Commission consideration and action. Applicant requests authorization to implement a plan to secure the bonds by: (1) the levy of an ad valorem tax of \$1.25 per \$100 assessed valuation (with the right reserved to the District to reduce the rate to \$1.00 if necessary to enhance the marketability and sales price of property in the District) and (2) net proceeds from the sale of property foreclosed on, after establishing a sufficient operating reserve. (Cavazos)

Proceed in Federal Bankruptcy (Commissioner Reed absent for vote)

CONTESTED (PST Enforcement)

- Item 14. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST AUSTIN LUBRICATION

CORPORATION FOR VIOLATIONS OF THE RULES OF THE TEXAS WATER COMMISSION, 31 TAC SECTIONS 334.55(a)(c) AND 313.11, ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AUSTIN LUBRICATION CORPORATION. (Winter)

Issue Agreed Order, PG/JH (Commissioner Reed absent for vote)

CONTESTED (Rules)

Item 15. CONSIDERATION OF PROPOSED AMENDMENTS TO 31 TAC SECTION 335, HAZARDOUS WASTE; SECTION 321, UNDERGROUND INJECTION WELLS; AND SECTION 305, HAZARDOUS WASTE PERMITTING. (Clayton)

Remand to Executive Director, all Commissioner's in agreement

Item 16. CONSIDERATION OF THE ADOPTION OF 31 TEXAS ADMINISTRATIVE CODE SECTIONS 312.1-312.101 (SUBCHAPTERS A-E) CONCERNING SEWAGE SLUDGE USE AND DISPOSAL (RUBEY)

Adopt Rules as Recommended and approval of other request by staff, JH/PR

CONTESTED (Authorization to Construct)

Item 17. CONSIDERATION OF THE APPLICATION OF MAGNOLIA INDEPENDENT SCHOOL DISTRICT, FOR AUTHORIZATION TO CONSTRUCT A NEW WASTEWATER TREATMENT PLANT FACILITY NEAR MONTGOMERY COUNTY, TEXAS, IN ACCORDANCE WITH SECTIONS 26.019 AND 26.027(c) OF THE TEXAS WATER CODE, PRIOR TO THE ISSUANCE OF A PERMIT. (Mears)

Approve Authorization to Construct, PG/PR

CONTESTED (Hearing Examiner's)

Item 18. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF INDUSTRIAL UTILITIES SERVICES, INC. TO INCREASE RETAIL WATER RATES IN HARRIS COUNTY, TEXAS (DOCKET NO. 9309-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 43 CUSTOMERS. RECOMMENDATION: DENIAL OF RATE INCREASE. (CRAVEN)

Adopt Examiner's Proposal For Decision and include provisions of finding of facts and conclusions of law by Executive Director, PR/JH

Item 19. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF GIBRALTAR CHEMICAL RESOURCES, INC. FOR DISMISSAL OF APPLICATION WITHOUT PREJUDICE IN SMITH COUNTY, TEXAS. RECOMMENDATION: DISMISS WITHOUT PREJUDICE. (SORRELLS)

Deny Memorandum, allow withdrawal without prejudice, remand to Office Hearing's Examiner and instructed Hearing's Examiner to hear case on costs and attorney fees. (Chairman Hall voted against), PR/PG

Item 20. 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.

General Counsel will do certified Agenda

- Item 21. 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).

General Counsel will do certified Agenda

- Item 22. 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).

General Counsel will do certified Agenda

(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, June 23, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of February 3, 1993 and April 7, 1993.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SOUTHWESTERN CONTAINER CORPORATION, FORMERLY PERMIAN DRUM AND CONTAINER COMPANY; TEXAS SOLID WASTE REGISTRATION NO. 39255. (Hall)

Issue Agreed Order, PR/PG

Item carried forward from Agenda of April 14, 1993.

- Item 2. 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)

Remanded to Office Hearing's Examiner, all Commissioner's in agreement

Item carried forward from Agenda of January 13, and April 14, 1993.

- Item 3. 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.)

Remanded to Office Hearing's Examiner, all Commissioner's in agreement

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 CLESTER FREDERICK DBA NEWTOWER WATER SYSTEM; D-9389-E. (Carlton)

Issue Order as Recommended by Staff, PG/PR

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, June 23, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 23. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR EMERGENCY ORDER PURSUANT TO TEXAS WATER CODE SECTION 13.041 REQUIRING CONTINUOUS AND ADEQUATE SERVICE OF TIM MORROW AND SPRING VALLEY WATER COMPANY; CCN 11844

Issue Emergency Order, PR/PG

This item needs to be considered on an emergency basis in order to prevent the possible endangerment of public health and safety.