

HALL  
REED  
GARNER

UNCONTESTED AGENDA

Wednesday, June 30, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

UNCONTESTED (Presentation)

- Item 1. RECOGNITION OF WINNERS OF THE 1993 STATE OF TEXAS OPERATION AND MAINTENANCE EXCELLENCE AWARDS FOR MUNICIPAL WASTEWATER TREATMENT FACILITIES (RUDELL)

AWARDS PRESENTED

UNCONTESTED (Municipal Solid Waste Permits)

- Item 2. APPLICATION BY CITY OF LUBBOCK for a minor amendment to Permit No. MSW69 to authorize a change in the provision of their municipal solid waste permit entitled "Description of the waste materials processed at site". The provisions currently states "650 tons per day of municipal solid waste produced by the City of Lubbock". The amendment is to change it to eliminate the 650 tons per day restriction and the limitation for disposal of waste from the City of Lubbock. The plant site is 1 mile north of Farm-to-Market Road 2641 on North Avenue P in Lubbock County, Texas.

APPROVED, PG/PR

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR ADMINISTRATIVE APPROVAL FOR THE TRANSFER OF MUNICIPAL SOLID WASTE PERMIT NO. MSW-1841 FROM TRAVIS COUNTY LANDFILL COMPANY, INC. TO TRAVIS COUNTY LANDFILL COMPANY, L.L.C..

APPROVED, PR/PG

UNCONTESTED (Hazardous Waste Permits)

- Item 4. APPLICATION BY SAFETY-KLEEN CORPORATION for a permit (Proposed Permit No. HW50339) to authorize operation of a commercial industrial hazardous waste storage and processing facility. The facility will be used to collect and store Class I hazardous industrial solid waste generated from off-site sources. Following storage the waste materials will be transported to a Safety-Kleen center at another location for recycling-reprocessing. The facility is to be located within the city limits of LaPorte at 16th Street and M Street, in Harris County, Texas.

APPROVED, PG/PR

UNCONTESTED (Proposed Water Quality Permit)

Item 5. APPLICATION BY SURREY INC. for a permit (Proposed Permit No. 03503) to authorize disposal of process wash water and domestic wastewater through subsurface drainfields on property owned by the applicant. The disposal volume is not to exceed an average of 3,000 gallons per day. The applicant proposes to operate a specialty (personal care soaps) soap manufacturing plant. The plant site is at 13110 Trails End Road, which is on the northwest side of Trails End Road, approximately 1100 feet from the intersection of Trails End Road and FM 1431 in Travis County, Texas.

APPROVED, PG/PR

UNCONTESTED (Amendment to Water Quality Permits)

Item 6. APPLICATION BY ANGELINA & NECHES RIVER RAILROAD CO. for an amendment to Permit No. 03253 to authorize an increase in the discharge of treated wastewater from a volume not to exceed an average flow of 20,000 gallons per day to a volume not to exceed an average flow of 200,000 gallons per day. The applicant proposes to remediate and perform closure activities at a site which formerly had a creosote based wood treatment facility. The plant site is approximately 0.25 mile east of the intersection of State Highway 103 and Farm-to-Market Road 326 on the north side of State Highway 103 in Angelina County, Texas.

APPROVED, PG/PR

Item 7. APPLICATION BY CITY OF DECATUR for an amendment to Permit No. 10009-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 400,000 gallons per day to a volume not to exceed an average flow of 800,000 gallons per day. The applicant also requests a variance from the buffer zone requirements and authorization to compost sludge at the plant site. The wastewater treatment facility is approximately 1,300 feet east of Farm-to-Market Road 51, approximately one mile south of the intersection of Farm-to-Market Road 51 and U.S. Highway 81 in Wise County, Texas.

APPROVED, PG/PR

Item 8. APPLICATION BY DUMAS CATTLE FEEDERS, INC. for an amendment to Permit No. 01532 to authorize an increase in the number of cattle at the feedlot from 22,000 head to a maximum of 35,000 head. The proposed amendment would also authorize construction of additional ponds and facilities. Wastewater from the ponds is disposed of by evaporation and/or irrigation on agricultural land. Manure and/or solids are to be applied as fertilizer on agricultural land. The feedlot is on the west side of U.S. Highway 287, at the intersection of U.S. Highway 287 and Farm-to-Market Road 119 in Moore County, Texas.

APPROVED, PG/PR

Item 9. APPLICATION BY ELF ATOCHEM NORTH AMERICA, INC. for an amendment to Permit No. 01872 which currently authorizes a discharge of treated process wastewater, sanitary wastewater, and stormwater at a volume not to exceed 21,000 gallons per day average. The proposed amendment would: (1) add an

internal outfall (Outfall 101) to regulate the discharge of treated effluent at a volume not to exceed 54,800 gallons per day average; (2) allow an intermittent flow variable discharge of treated wastewater via Outfall 001. The applicant operates a mercaptans and sulfides manufacturing plant. The plant site is approximately 2.5 miles east of the intersection of U.S. Highway 90 and State Highway 380 and between the Mobil Oil Refinery and P D Glycol near the City of Beaumont, Jefferson County, Texas.

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

Item 10. APPLICATION BY EXCEL CORPORATION for an amendment to Permit No. 01463 in order to authorize a different test method for biochemical oxygen demand, change the application of the ammonia-nitrogen limit, and reduce the testing frequency for leak detection systems and groundwater quality. The permit authorizes the disposal of treated wastewater from a meat packing house and hide processing plant by evaporation and/or by irrigation on a 775-acre tract of land. The disposal volume is not to exceed 1,600,000 gallons per day, which will remain the same. The plant site is immediately northeast of the intersection of Interstate Highway 27 and FM Road 3183, approximately 1.5 miles north of the City of Plainview, Hale County, Texas.

APPROVED, PG/PR

Item 11. APPLICATION BY CITY OF HOUSTON for an amendment to Permit No. 10495-23 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 9,400,000 gallons per day. The wastewater treatment facilities are at 5565 Kirkpatrick in the City of Houston in Harris County, Texas.

APPROVED, PG/PR

Item 12. APPLICATION BY HOUSTON MARINE SERVICES, INC. for an amendment to Permit No. 02842 to authorize an increase in the discharge of treated tank bottoms and stormwater via Outfall 002 from a volume not to exceed 50,000 gallons during any monthly period to a volume not to exceed 3,500,000 gallons during any monthly period. The permit currently authorizes a discharge of stormwater via Outfall 001 at a volume not to exceed 108,000 during any 24-hour period, which will remain the same. The applicant operates a petroleum storage and barge service facility. The plant site is at 850 Lynchburg Road in the City of Baytown, Harris County, Texas.

APPROVED, PG/PR

Item 13. APPLICATION BY IBP, INC. for an amendment to Permit No. 01873 in order to change from a permit authorizing disposal by irrigation to a discharge permit and to increase the volume of treated effluent discharged. The permit currently authorizes the disposal of slaughtering and processing wastes at a volume not to exceed 3,550,000 gallons per day by irrigation at an application rate on the order of 18-24 inches per year. The proposed amendment would authorize a discharge of slaughterhouse wastewater, tannery wastewaters, sewage and utility wastewaters at a volume not to exceed an average flow of 4,000,000 gallons per day with provisions for disposing of the treated effluent by irrigation. The proposed amendment

would authorize application rates for the irrigated land not to exceed 2.7 acre-feet per acre irrigated during any calendar year. The applicant operates a beef slaughtering, processing and rendering facility; and a cattle hide brine processing facility and through-the-blue tannery. The plant site is on the northeast side of the junction of U.S. Highway 66 East and F.M. 1912 and the disposal site is 2 miles northwest of the junction of U.S. Highway 66 East and F.M. 1912 and 5 miles northeast of Amarillo Municipal Airport in Potter County, Texas.

APPROVED, PG/PR

Item 14. APPLICATION BY NORTH MISSION GLEN MUNICIPAL UTILITY DISTRICT for an amendment to Permit No. 12379-01 to authorize a variance to the buffer zone requirements. The permit currently authorizes a daily average flow at a volume not to exceed 620,000 gallons per day, which will remain the same. The wastewater treatment facilities are at a point approximately 1/2 mile west of Gaines Road, approximately 3/4 mile south of the intersection of Addicks Clodine Road and Beechnut Street in Fort Bend County, Texas.

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

Item 15. APPLICATION BY CITY OF TERRELL for an amendment to Permit No. 10747-01 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 plant site is approximately one mile south of the intersection of Interstate Highway 20 and State Highway 34, south of the City of Terrell in Kaufman County, Texas.

APPROVED, PG/PR

UNCONTESTED (Renewal of Water Quality Permits)

Item 16. APPLICATION BY BACLIFF MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 10627-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,030,000 gallons per day. The wastewater treatment facilities are approximately 1 1/2 miles north of the intersection of State Highway 146 and Farm-to-Market Road 517, 1 1/2 miles east of State Highway 146, at the south boundary of the District in Galveston County, Texas.

RENEWED, PG/PR

Item 17. APPLICATION BY C.W. DERRINGTON for renewal of Permit No. 11838-01 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 Derrington Mobile Home Park Wastewater Treatment Plant. The plant site is approximately nine miles southeast of the City of Liberty, 2,000 feet northwest of the intersection of Farm-to-Market Road 563 and Farm-to-Market Road 770, adjacent to a county road in Liberty County, Texas.

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

Item 18. APPLICATION BY D BAR B MOBILE HOME RANCH HOMEOWNERS

ASSOCIATION, INC. for renewal of Permit No. 11166-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 25,000 gallons per day. The wastewater treatment plant site is approximately 1/2 mile north of the point where Dowdy Ferry Road crosses the Trinity River, on the east side of Dowdy Ferry Road in Dallas County, Texas.

RENEWED, PG/PR

Item 19. APPLICATION BY G & L TOOL COMPANY for renewal of Permit No. 12382-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 120,000 gallons per day from the Five Oaks Wastewater Treatment Facilities. The plant site is approximately 3,300 feet west from the bridge where Rothwood Road crosses Spring Creek in Harris County, Texas.

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

Item 20. APPLICATION BY CITY OF SANTA ANNA for renewal of Permit No. 10274-02 which authorizes a discharge of backwash water effluent at a volume not to exceed an average flow of 20,000 gallons per day from the surface water treatment facilities. The plant site is in the vicinity of Lakes Sealy and San Tana, approximately 3.5 miles northeast of the City of Santa Anna in Coleman County, Texas.

RENEWED, PG/PR

Item 21. APPLICATION BY CITY OF SEGUIN for renewal of Permit No. 10277-02 which authorizes a discharge of backwash water effluent at a volume not to exceed an average flow of 40,000 gallons per day from the Surface Water Treatment Plant. The plant site is 150 feet upstream from the State Highway 123 bridge on the Guadalupe River in the City of Seguin in Guadalupe County, Texas.

RENEWED, PG/PR

Item 22. APPLICATION BY SOUTHWESTERN ELECTRIC POWER COMPANY for renewal of Permit No. 01811 which authorizes the discharge of once-through cooling water and combined wastewaters at a volume not to exceed an average flow of 1,425,000,000 gallons per day from the Welsh Steam Electric Station, which will remain the same. The plant site is approximately two (2) miles northwest of the town of Cason, Texas and approximately one and one-half miles north of State Highway 11 in Titus County, Texas.

RENEWED, PG/PR

Item 23. APPLICATION BY STEINER UTILITY COMPANY, INC. for renewal of Permit No. 13294-01 which authorizes disposal of treated domestic wastewater effluent by irrigation on 580 acres of land. The disposal volume is not to exceed an average of 1,100,000 gallons per day. The renewed permit has decreased the disposal volume to an average of 525,000 gallons per day. Application rates for the irrigated land are not to exceed 2.13 acre-feet/acre/year. No discharge of pollutants into the waters of the State is authorized by this permit. The wastewater treatment facility and irrigation site are located approximately 2 miles south of the intersection of Ranch Road 620 and Quinlan Park Road in Travis County, Texas.

RENEWED, PG/PR

Item 24. APPLICATION BY TEXAS DEPARTMENT OF CRIMINAL JUSTICE - INSTITUTIONAL DIVISION for renewal of Permit No. 10829-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 450,000 gallons per day from the Retrieve Prison Farm Wastewater Treatment Facilities. The plant site is approximately 4 miles southeast of the intersection of State Highway 35 and Farm-to-Market Road 521, approximately 3 miles north of Farm-to-Market Road 2004 and State Highway 332 in Brazoria County, Texas.

RENEWED, PG/PR

Item 25. APPLICATION BY TEXAS DEPARTMENT OF TRANSPORTATION for renewal of Permit No. 11987-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 15,000 gallons per day from the Bowie County Rest Area Wastewater Treatment Facilities. The plant site is on the right-of-way of Interstate Highway 30 at a point one mile west of Farm-to-Market Road 990 in Bowie County, Texas.

RENEWED, PG/PR

Item 26. APPLICATION BY TEXAS UTILITIES MINING COMPANY for renewal of Permit No. 02698 which authorizes an intermittent flow variable discharge of mine water and surface water runoff from the Forest Grove Lignite Mine, a surface lignite mining operation. The plant site is within a 20-mile radius of Forest Grove Reservoir, approximately 7 miles northwest of the City of Athens, Henderson County, Texas.

RENEWED, PG/PR

UNCONTESTED (Water Right Permits)

Item 27. APPLICATION NO 23-3997D BY THE CITY OF LAREDO FOR AN AMENDMENT TO CERTIFICATE OF ADJUDICATION 23-3997, AS AMENDED, PURSUANT TO TWC SECTION 11.122. FOR TEXAS WATER COMMISSION. Applicant seeks to amend Certificate of Adjudication 23-3997, as amended, to combined their 98 acre-feet of water rights authorized by Certificate 23-2695 under Certificate 23-3997, as amended, and diversion point be changed to the Jefferson Water Plant authorized by Certificate 23-3997, as amended, Rio Grande, Rio Grande Basin, Webb County. (SMITH/arc)

APPROVED, PR/PG

Item 28. APPLICATION NO 23-828C BY THE CITY OF MISSION FOR AN AMENDMENT TO CERTIFICATE OF ADJUDICATION 23-828, AS AMENDED, PURSUANT TO TWC SECTION 11.122. FOR COMMISSION CONSIDERATION. Applicant seeks to amend Certificate of Adjudication 23-828, as amended, to change the purpose of use of 2500 acre-feet of Class "A" Rio Grande Irrigation Right to municipal use (which will result in authorization to use 1250 acre-feet of water per annum for municipal use) and to change the diversion point on the Rio Grande in Hidalgo County. (SMITH/tls)

APPROVED, PR/PG

Item 29. APPLICATION NO. 4041A BY FLOYD B. NEUMAN FOR AN AMENDMENT TO WATER USE PERMIT NO. 3747 PURSUANT TO TWC SECTION NO. 11.122. FOR COMMISSION ACTION. Applicant seeks to increase his

authorized annual appropriation of water from 25 acre-feet to 45 acre-feet out of San Miguel Creek, Nueces River Basin, approximately 15.5 miles NE of Pearsall, Frio County, Texas. (SMITH/jme)

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

Item 30. APPLICATION TA-7071 BY REFUGIO COUNTY FOR A TEMPORARY WATER USE PERMIT 11.138. FOR COMMISSION ACTION. Applicant seeks to divert 1 acre-foot within a 3-year for industrial purposes (road maintenance) from two diversion points: 1) Mission River, tributary of Mission Bay and 2) Aransas River, tributaries of Copano Bay, trib. of the Aransas Bay, trib. of Gulf of Mexico, San Antonio-Nueces Coastal Basin, approximately 8.4 miles SE and 12.2 miles S of Refugio, Refugio County. (SMITH/arc).

APPROVED, PR/PG

Item 31. APPLICATION NO. 4332A BY CHARLES T. TREFNY, AS TRUSTEE, AND CHARLES T. TREFNY AND WIFE, DONNA G. TREFNY, INDIVIDUALLY, TO AMEND WATER USE PERMIT NO. 4068. FOR COMMISSION ACTION. Applicants seek to amend Permit No. 4068, which authorizes, until December 31, 1993, the diversion and use of not to exceed 400 acre-feet of water per annum from the Colorado River to irrigate 400 acres of land in Colorado County, by deleting or extending the expiration date. (SMITH;tls)

REMANDED TO OFFICE OF HEARINGS EXAMINERS; HEARING IS SCHEDULED FOR 10:00 A.M. ON AUGUST 26, 1993 IN ROOM 211

Item 32. APPLICATION NO. TA-7061 BY WUNDERLICH READY MIX, INC. FOR A TEMPORARY WATER USE PERMIT TEXAS WATER CODE SECTION 11.138. FOR COMMISSION ACTION. Applicant seeks to divert and use 9 acre-feet of water within a 3-year period for mining purposes (wash sand) and municipal purposes from Barons Creek, tributary of the Pedernales River, tributary of the Colorado River, Colorado River Basin, approximately 3/10 mile south of the Gillespie County Courthouse in Fredericksburg, Gillespie County, Texas. (SMITH/arc)

APPROVED, PR/PG

Item 33. APPLICATION NO. 4343A BY FRED T. ZAPALAC, MORRIS F. ZAPALAC AND LILLIAN ZAPALAC TO AMEND WATER USE PERMIT NO. 4070. FOR COMMISSION ACTION. Applicants seek to amend Permit No. 4070, which authorizes, until December 31, 1993, the diversion and use of not to exceed 300 acre-feet of water per annum from the Colorado River for the irrigation of 300 acres of land in Fayette County, by deleting or extending the expiration date. (SMITH;tls)

REMANDED TO OFFICE OF HEARINGS EXAMINERS; HEARING IS SCHEDULED FOR 10:00 A.M. ON AUGUST 26, 1993 IN ROOM 211

UNCONTESTED (Water District Matters)

Item 34. APPLICATION BY CYPRESSWOOD UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$600,000 BOND ISSUE APPROVED November 8, 1985. For Commission consideration and action. The District is requesting approval to use \$106,436 in surplus funds for a pro rata share of costs of dechlorination facilities at the Ponderosa Joint Powers Agency

Regional Wastewater Treatment Plant (PWWT), water plant improvements, wastewater collection system improvements, and District Office and Meeting Facility costs. (Ferguson)

APPROVED, PG/PR

Item 35. APPLICATION BY EL PASO COUNTY LOWER VALLEY WATER DISTRICT AUTHORITY FOR APPROVAL OF A \$264,000 UTILITY SYSTEM JUNIOR LIEN REVENUE BONDS, SERIES 1994 (LOT A) & \$1,180,000 UTILITY SYSTEM JUNIOR LIEN REVENUE BONDS, SERIES 1994 (LOT B); 3rd & 4th ISSUES; 7.0% NET EFFECTIVE INTEREST RATE & USE OF SURPLUS FUNDS. For Commission consideration and action. Applicant requests approval of bond issues to finance construction of a wastewater collection system and water line extensions to a portion of the City of Socorro. (Ferguson)

APPROVED, PG/PR

Item 36. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 41 FOR APPROVAL FOR USE OF SURPLUS FUNDS; \$1,010,000 BOND ISSUE APPROVED SEPTEMBER 10, 1992. For Commission consideration and action. Applicant requests Commission approval for use of \$100,000 in surplus funds to finance developer interest reimbursement. (Ferguson)

APPROVED, PG/PR

Item 37. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 215 FOR APPROVAL OF \$2,100,000 IN UNLIMITED TAX BOND ISSEU, 8.186% NET EFFECTIVE INTEREST ARET, SECOND ISSUE, SERIES 1993. For Commission consideration and action. Applicant requests approval of \$2,100,000 in unlimited tax bonds to finance utility infrastructure serving the District. (Ferguson)

APPROVED, PG/PR

Item 38. APPLICATION BY KINGSBRIDGE MUNICIPAL UTILITY DISTRICT OF HARRIS & FORT BEND COUNTIES FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS; \$5,910,000 BOND ISSUE APPROVED JULY 12, 1985. For Commission consideration and action. Applicant requests approval of the release of \$668,700 of escrowed funds to finance engineering & construction costs for water well & plant no. 2. (Ferguson)

APPROVED, PG/PR

Item 39. APPLICATION BY LUMBERTON MUNICIPAL UTILITY DISTRICT OF HARDIN COUNTY, \$470,000 WATERWORKS AND SEWER SYSTEM JUNIOR LIEN REVENUE BONDS, SERIES 1993; 4th ISSUE, 5.5% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. Applicant requests approval to issue bonds to finance costs associated with planning & design of improvements to the existing wastewater treatment and collection systems. (Ferguson)

APPROVED, PG/PR

UNCONTESTED (Water Rate Matters)

Item 40. APPLICATION OF LEWIS E. FAIR DBA 3186 WATER SYSTEM FOR A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN POLK COUNTY, TEXAS. (APPLICATION NO. 9980-C, HOLCK)

APPROVED, PR/PG

Item 41. APPLICATION OF WEST CEDAR CREEK MUD TO TRANSFER 11255 FROM KEY WEST ESTATES WSC, AMEND CCN 11499 AND CANCEL 11255. (APPLICATION NO. 9969-S, HOLCK).

APPROVED, PR/PG

Item 42. APPLICATION OF LAKE BONANZA WATER SUPPLY CORPORATION FOR A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN MONTGOMERY COUNTY, TEXAS. (APPLICATION NO. 9979-C, ZEVALLOS).

APPROVED, PR/PG

Item 43. APPLICATION OF THE ACQUISITION OF AREACO INVESTMENT COMPANY DBA LOG CABIN ESTATES WATER COMPANY AND THE TRANSFER OF WATER CCN NO. 11147 BY THE CITY OF LOG CABIN IN HENDERSON COUNTY, TEXAS. (APPLICATION NO. 9924-S, HOLCK)

APPROVED, PR/PG

Item 44. APPLICATION OF POINT ENTERPRISE WATER SUPPLY CORPORATION TO AMEND WATER CERTIFICATE OF CONVENIENCE AND NECESSITY NUMBER 11422 AND TO DECERTIFY A PORTION OF CCN 10756 OF PLEASANT GROVE WSC IN FREESTONE AND LIMESTONE COUNTIES. (APPLICATION NO. 9942-C, HOLCK)

APPROVED, PR/PG

UNCONTESTED (Agreed Enforcement Order)

Item 45. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST ANN DENBOW AND RICHARD BILLINGS DBA INDIAN HILLS WATER COMPANY ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS FOR VIOLATIONS OF THE TEXAS WATER CODE, DOCKET NO. 9237-E. (Montelongo)

ADOPT AGREED ORDER, PG/PR

UNCONTESTED (Decision on Emergency Order)

Item 46. CONSIDERATION OF WHETHER EMERGENCY ORDER NO. 93-4E, GRANTED ON MARCH 24, 1993 TO INDUSTRIAL COMPLIANCE SHOULD BE AFFIRMED, MODIFIED OR SET ASIDE.

AFFIRMED, PR/PG

UNCONTESTED (Authorization)

Item 47. CONSIDERATION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREED ORDER TO CONDUCT A REMEDIAL INVESTIGATION/FEASIBILITY STUDY AT THE FEDERATED METALS STATE SUPERFUND SITE.

ENTER INTO AGREED ORDER, PR/PG

Item 48. CONSIDERATION OF EXECUTIVE DIRECTOR'S REQUEST TO ENTER INTO A CONTRACT WITH A HAZARDOUS WASTE MANAGEMENT FIRM FOR THE COLLECTION AND DISPOSAL OF AGRICULTURAL WASTES COLLECTED DURING THE 1993 AGRICULTURAL CHEMICAL WASTE COLLECTION

PROGRAM. (V. RAMIREZ)

APPROVED REQUEST TO ENTER INTO CONTRACT, PG/PR

UNCONTESTED (Hearings Examiner's Matter)

Item 49. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF THE CITY OF INGLESIDE FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10562 TO DECERTIFY A PORTION OF ITS WATER SERVICE AREA IN SAN PATRICIO COUNTY, TEXAS. (DOCKET NO. 9441-C) RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (SORRELLS)

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, June 30, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of March 31 and April 28, 1993.

- Item 1. APPLICATION BY CITY OF ELDORADO for renewal of Permit No. 10165-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 385,000 gallons per day. The wastewater treatment facilities are approximately 5,000 feet northeast of the intersection of U.S. Highway 277 and U.S. Highway 915 in Schleicher County, Texas.

REMANDED TO EXECUTIVE DIRECTOR

Item carried forward from Agenda of May 5, 1993.

- Item 2. APPLICATION NO. 5446 BY U. S. FISH & WILDLIFE SERVICE - SAN BERNARD NATIONAL WILDLIFE REFUGE UNDER TWC SECTION 11.121 FOR A WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks authorization to divert 2545 acre-feet of water per annum from Cedar Lake Creek, Brazos-Colorado Coastal Basin into a 1086 acre-feet capacity off-channel reservoir for subsequent release by gravity flow directly into wetland areas or into (Old & New) Cocklebur Slough into wetland areas in Brazoria Co. (Smith)

APPROVED, PR/PG

Item carried forward from Agenda of June 2, 1993.

- Item 3. APPLICATION NO. 5433 BY EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. ONE FOR A PERMIT GRANTING SPECIFIC RIGHTS. FOR COMMISSION ACTION. Applicant seeks a permit that will indicate its total water rights as included in Certified Filing No. 123, Water Use Permit No. 293, the Loomis affidavits filed with El Paso County Clerk on July 6, 1889 and its portion of water in Project Storage (as defined in the Rio Grande Compact) and legally available for release and its use, all of which will be diverted from the Rio Grande for use in El Paso and Hudspeth Counties. (SMITH;tls)

CONTINUED TO SEPTEMBER 8, 1993 CONTESTED AGENDA AT 9:00 A.M.

Item carried forward from Agenda of June 2, 1993.

- Item 4. APPLICATION NO. 1584C BY THE CITY OF EL PASO WATER UTILITIES PUBLIC SERVICE BOARD TO AMEND WATER USE PERMIT NO. 1535B. FOR COMMISSION ACTION. Applicant seeks to amend Water Use Permit No. 1535, as amended, which authorizes the diversion and use of 11,000 acre-feet of water per annum from the Rio Grande for municipal and domestic use, by adding a diversion point, identifying the City's three existing water treatment plants and allowing for use of a proposed canal extension. (SMITH;tls)

CONTINUED TO SEPTEMBER 8, 1993 CONTESTED AGENDA AT 9:00 A.M.

Item carried forward from Agenda of June 2, 1993.

- Item 5. APPLICATION NO 244A BY HUDSPETH COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. ONE TO AMEND WATER USE PERMIT NUMBER 236 (A-244) FOR COMMISSION ACTION. Applicant seeks to amend Permit No. 236, which authorizes the diversion and use of not to exceed 27,000 acre-feet of water per annum from a specific point on the Rio Grande to irrigate 9000 acres of land in El Paso and Hudspeth County, by adding two diversion points on the Rio Grande and one diversion point each on Tornillo Drain, Faben Wasteway and Tornillo Wasteway. (SMITH;tls)

CONTINUED TO SEPTEMBER 8, 1993 CONTESTED AGENDA AT 9:00 A.M.

CONTESTED AGENDA

Wednesday, June 30, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

CONTESTED (Water Quality Enforcement)

- Item 1. CONSIDERATION OF A PROPOSED AGREED ORDER RESOLVING AN ENFORCEMENT ACTION BROUGHT AGAINST COASTAL REFINING AND MARKETING, INC FOR VIOLATIONS OF THE TEXAS WATER CODE, TEX. WATER CODE ANN. CHAPTER 26 (VERNON SUPP. 1993); ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF COASTAL REFINING & MARKETING, INC., PERMIT NO. 00465. (Keils)

Issue Agreed Order, PR/JH

CONTESTED (Briefing)

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S UPDATE OF PROGRESS ON NEGOTIATIONS REGARDING PENDING ENFORCEMENT ACTIONS RELATED TO FORMOSA PLASTICS CORPORATION TEXAS.

Briefing received, no action taken

CONTESTED (Hazardous Waste Enforcement)

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LABEL AND PACKAGING CORPORATION OF AMERICA AND CARROLL MERLICK; SWR NO. 38623. (Hall)

Issue Agreed Order, PR/PG

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF RANGER AVIATION ENTERPRISES, INC.; TEXAS SOLID WASTE REGISTRATION NO. 23714. (Carlton)

Issue Agreed Order, PG/PR

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GLITSCH, INC.; TEXAS SOLID WASTE REGISTRATION NO. 30848. (Ballard)

Issue Agreed Order, PR/PG

- Item 6. 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 AMERICAN PLATING COMPANY, INC.; SWR. NO. 32125 (GRUNBERGER)

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

Item 7. 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 REESE AIR FORCE BASE; SWR. NO. 62005 (HALL)

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

Item 8. 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 INTERNATIONAL SWITCHBOARD CORPORATION; SWR. NOS. 33451 AND 52159.

Issue Agreed Order, PR/PG

CONTESTED (Municipal Solid Waste Enforcement)

Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR THE ISSUANCE OF AN AGREED ORDER REQUIRING CERTAIN CORRECTIVE ACTIONS OF BROWNING-FERRIS INDUSTRIES; TEXAS MUNICIPAL SOLID WASTE PERMIT NO. 00242A. (Ramirez)

Issue Agreed Order, PR/PG

CONTESTED (Authorization to Construct)

Item 10. CONSIDERATION OF A REQUEST BY ASSOCIATED MILK PRODUCERS, INC., FOR AN ORDER AUTHORIZING COMMENCEMENT OF CONSTRUCTION PURSUANT TO SECTIONS 26.019 AND 26.027(c) OF THE TEXAS WATER CODE. Applicant requests authorization to construct one additional aeration basin having a three million gallon capacity. (Ramirez)

Deny Request to Construct, PR/PG

EXECUTIVE SESSION

Item 11. 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 12. 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 13. 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, June 30, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of April 28, 1993.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BETACO; TEXAS SOLID WASTE REGISTRATION NO. 37201. (Hahn)

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

Item carried forward from Agenda of May 12, 1993.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MR. JERRY FLOYD; TEXAS MUNICIPAL SOLID WASTE UNAUTHORIZED SITE NO. 32081. (RAMIREZ)

Approve Order Assessing Penalties, PR/PG

Item carried forward from Agenda of May 12, 1993.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF JAKE BLACKMON; TEXAS MUNICIPAL SOLID WASTE UNAUTHORIZED SITE NO. 32411 (J. SMITH)

Issue Agreed Order, PG/PR

Item carried forward from Agenda of February 17, March 10, and June 2, 1993.

- Item 4. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF TEXCOR INDUSTRIES, INC. FOR PERMIT NO. 03328 AND RADIOACTIVE MATERIALS LICENSE L04336 TO AUTHORIZE THE OPERATION OF A STORAGE/EVAPORATION POND AND RADIOACTIVE BY-PRODUCT MATERIAL DISPOSAL FACILITY IN KINNEY COUNTY, TEXAS. RECOMMENDATION: DENIAL OF LICENSE. (HARDIN)

Continued to 1:00 p.m. room 118

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, June 30, 1993

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 14. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR AN EMERGENCY ORDER PURSUANT TO TEXAS WATER CODE SECTION 13.4132 APPOINTING A TEMPORARY MANAGER AND OPERATOR FOR THE SPRING VALLEY WATER COMPANY AND REQUEST FOR AUTHORIZATION TO REFER SPRING VALLEY WATER COMPANY TO THE ATTORNEY GENERAL FOR RECEIVERSHIP. (Carlton)

Issue Emergency Order as recommended by staff, JH/PR

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

CONTESTED OLD BUSINESS AGENDA

Wednesday, June 30, 1993

TEXAS WATER COMMISSION

1:00 p.m.  
Room 118

Item carried forward from Agenda of February 17, March 10, and June 2, 1993.

- Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF EXCOR INDUSTRIES, INC. FOR PERMIT NO. 03328 AND RADIOACTIVE MATERIALS LICENSE L04336 TO AUTHORIZE THE OPERATION OF A STORAGE/EVAPORATION POND AND RADIOACTIVE BY-PRODUCT MATERIAL DISPOSAL FACILITY IN KINNEY COUNTY, TEXAS. RECOMMENDATION: DENIAL OF LICENSE. (HARDIN)

Adopt Examiner's Proposal For Decision and Issue Order, JH/PG