

WYNNE  
JOHNSON  
BIRDWELL-Absent & excused

UNCONTESTED AGENDA

Wednesday, January 24, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

- Item 1. CONSIDERATION OF THE MOTION OF THE EXECUTIVE DIRECTOR TO CANCEL TEXAS WATER CODE SECTION 11.121 WATER RIGHT PERMIT NO. 18-1989 HELD BY ELIZABETH FOWLER RILEY. The water right holder has agreed to the cancellation of the right to divert and use not to exceed 20 acre-feet of water per annum from the Guadalupe River Basin for irrigation in Kerr County, Texas. (Jordan/R. Smith)

MOTION APPROVED, CJ/BW

- Item 2. APPLICATION NO. 5267 BY FLETCHER JOHNSON FOR A PERMIT TO USE THE BED AND BANKS OF WATERCOURSES TO CONVEY ARTESIAN WATER TO A RESERVOIR EXEMPT FROM THE REQUIREMENT OF A PERMIT PURSUANT TO SECTION 11.142 OF THE TEXAS WATER CODE FOR SUBSEQUENT USE. For Commission consideration and action. Applicant seeks authorization to use the bed and banks of an unnamed tributary of Sandy Fork, Sandy Fork, Peach Creek, an unnamed tributary of Peach Creek and Denton Creek, Guadalupe River Basin, to convey water from artesian wells to his reservoir on Peach Creek for subsequent irrigation use. (JORDAN/SMITH:tls)

CONTINUED to 1/24/90 at 2 p.m.

- Item 3. CONSIDERATION OF THE CANCELLATION OF THAT PORTION OF CERTIFICATE OF ADJUDICATION NO. 19-1146 HELD BY PATRICIA J. NEW. (Persky)

APPROVED, CJ/BW

- Item 4. CONSIDERATION OF THE CANCELLATION OF THAT PORTION OF CERTIFICATE OF ADJUDICATION NO. 23-20 HELD BY AURORA CORTEZ. (Persky)

APPROVED, CJ/BW

- Item 5. CONSIDERATION OF THE CANCELLATION OF CERTIFICATE OF ADJUDICATION NO. 23-385 HELD BY JULIA CUELLAR. (Persky)

APPROVED, CJ/BW

- Item 6. CONSIDERATION OF THE CANCELLATION OF THAT PORTION OF CERTIFICATE OF ADJUDICATION NO. 18-2073 HELD BY IRENE A. SCHAEFERKOETER. (Persky)

APPROVED, CJ/BW

- Item 7. APPLICATION BY THE CITY OF WICHITA FALLS FOR AN EXTENSION OF TIME TO COMMENCE AND COMPLETE CONSTRUCTION OF A DAM AND RESERVOIR AUTHORIZED UNDER PERMIT NO. 5152. FOR COMMISSION

ACTION. Applicant seeks an extension of time to commence and complete the construction of a dam and reservoir authorized by Permit No. 5152 on the Wichita River, Red River Basin to November 2, 1991 and November 2, 1992, respectively. (JORDAN/SMITH/jme)

APPROVED, CJ/BW

Item 8. APPLICATION NO. 6274 BY GILVIN - TERRILL, INC. FOR A TEMPORARY WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION 11.138. FOR COMMISSION ACTION. Applicant seeks authorization to divert and use 22 acre-feet of water within 1-year from North Groesbeck Creek, Red River Basin for industrial purposes from two diversion points at the stream crossings of US 287, approximately 3 1/2 and 5 3/4 miles southeast of Childress, Childress County, Texas. (JORDAN/SMITH/jme)

APPROVED, CJ/BW

Item 9. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF ARANSAS COUNTY WCID FOR CONVERSION INTO A MUD IN ARANSAS COUNTY, TEXAS. Recommendation: Dismissal without prejudice in accordance with request of applicant. (Sullivan)

ORDER ADOPTED; DISMISSED WITHOUT PREJUDICE, CJ/BW

Item 10. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 275 FOR APPROVAL TO USE \$74,491 IN SURPLUS FUNDS; \$5,100,000 BOND ISSUE APPROVED DECEMBER 23, 1986. For Commission consideration and action. The applicant requests approval to use surplus funds to reimburse the developers the interest remaining associated with its previously approved bond issue

APPROVED, CJ/BW

Item 11. APPLICATION BY MEMORIAL HILLS UTILITY DISTRICT FOR APPROVAL OF CHANGE IN PLANS, RELEASE FROM ESCROW, AND USE OF SURPLUS FUNDS. For Commission consideration and action. Applicant requests approval of change in plans, release of \$84,637 of escrowed funds, and use of \$5,605 in surplus funds to construct a water well.

APPROVED, CJ/BW

Item 12. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HIGHLAND SERVICE COMPANY TO TRANSFER CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10263 TO THE CITY OF HUDSON OAKS TO PROVIDE WATER UTILITY SERVICE IN PARKER COUNTY, TEXAS; DOCKET NO. 8017-S. Recommendation: Issuance of the Order. (Wood)

ORDER ADOPTED, CJ/BW

Item 13. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF KERRVILLE SOUTH WATER SUPPLY CORPORATION FOR A CEASE AND DESIST ORDER AGAINST THE CITY OF KERRVILLE IN KERR COUNTY, TEXAS; DOCKET NO. 7893-D. Applicant is authorized under CCN No. 11485 to provide retail water service to customers in Kerr County, Texas. Applicant alleges that the City of Kerrville is interfering with its service area. Recommendation: Denial of application for a cease and desist order. (Murphy)

CONTINUED to 1-24-90 at 2 p.m.

Item 14. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPEAL OF WILLIAMSON COUNTY MUD NO. 2 OF WATER RATES OF THE CITY OF ROUND ROCK IN WILLIAMSON COUNTY, TEXAS; DOCKET NO. 8037-A. Recommendation: Appeal dismissed. (Wood)

MEMORANDUM AND ORDER ADOPTED; APPEAL DISMISSED, CJ/BW

Item 15. APPLICATION OF JAMES W. JOHNSTON DBA HIGHLAND SHORES UTILITIES COMPANY for a water Certificate of Convenience and Necessity in Harris County (Application No. 7862-C)

APPROVED, CJ/BW

Item 16. APPLICATION OF CRYSTAL MOUNTAIN at Barton Creek Homeowners Association, Inc. dba Crystal mountain Utility Company for a water Certificate of Convenience and Necessity in Travis County (Application No. 8131-C)

APPROVED, CJ/BW

Item 17. APPLICATION OF GARY RICHARDSON for a water Certificate of Convenience and Necessity in Montgomery County (Application No. 8126-C).

APPROVED, CJ/BW

Item 18. APPLICATION OF LARRY D. BREWER to purchase facilities and transfer and cancel water Certificate of Convenience and Necessity No. 11586 from Realty Alliance of Texas, Ltd. dba Country Wood Estates and to amend water Certificate of Convenience and Necessity No. 12243 in Hardin County (Application No. 8164-S)

APPROVED, CJ/BW

Item 19. APPLICATION OF SETH WARD WATER SUPPLY CORPORATION for a water Certificate of Convenience and Necessity in Hale County (Application No. 8138-C)

APPROVED, CJ/BW

Item 20. APPLICATION OF LARRY BREWER to amend a water Certificate of Convenience and Necessity in Orange County (Application No. 7798-C)

APPROVED, CJ/BW

Item 21. APPLICATION OF THE CITY OF JOSEPHINE for a sewer Certificate of Convenience and Necessity in Collin and Hunt Counties (Application No. 8077-C)

APPROVED, CJ/BW

Item 22. APPLICATION OF THE CITY OF JOSEPHINE for a water Certificate of Convenience and Necessity in Collin and Hunt Counties (Application No. 8078-C)

APPROVED, CJ/BW

Item 23. APPLICATION OF DAVIS BAYOU SERVICE COMPANY, INC. for an amendment to water Certificate of Convenience and Necessity No. 11189 in Liberty County (Application No. 8102-C)

APPROVED, CJ/BW

Item 24. APPLICATION OF CIRCLE R. RANCHETTES PROPERTY OWNERS ASSOCIATION for a water Certificate of Convenience and Necessity in Tarrant County (Application No. 8159-C)

APPROVED, CJ/BW

Item 25. APPLICATION OF TOMMY J. PATTERSON DBA T & A Water for water Certificate of Convenience and Necessity No. 12320 to provide water service to the Waco/China Springs subdivision in McLennan County (Application No. 8195-C)

APPROVED, CJ/BW

Item 26. APPLICATION OF JAMES A. DYCHE DBA CREST WATER COMPANY to purchase the facilities of Earl Fenn (Chisholm Trail Retreat Subdivision), cancel Certificate of Convenience and Necessity No. 11485 and amend CCN No. 12037 in Hill County (Application No. 8114-S)  
APPLICATION OF JAMES A. DYCHE DBA CREST WATER COMPANY to purchase the facilities of Friendship Water Company (Rolling Oaks Subdivision), cancel CCN No. 12170 and amend CCN No. 12037 in Johnson County (Application No. 8123-S)

APPROVED, CJ/BW

Item 27. APPLICATION OF JAMES A. DYCHE DBA CREST WATER COMPANY to amend CCN No. 12037 to include Thomas Acres, Sunset Canyon and Fisherman's Paradise subdivisions in Johnson County and Oak River Ranch subdivision in Somervell County (Application No. 8134-C)  
APPLICATION OF JAMES A. DYCHE DBA CREST WATER COMPANY to purchase the facilities of H. D. and Wilma Fonville (Thomas Acres Subdivision) in Johnson County (Application No. 8135-S)

APPROVED, CJ/BW

Item 28. APPLICATION OF JAMES A. DYCHE DBA CREST WATER COMPANY to purchase to facilities of Bill Boomer and Mark Shelton dba Sunset Canyon Water Company in Johnson County (Application No. 8136-S)  
APPLICATION OF JAMES A. DYCHE DBA CREST WATER COMPANY to purchase the facilities of Friendship Water Company (Oak River Ranch Subdivision) in Somervell County (Application No. 8137-S)

APPROVED, CJ/BW

Item 29. APPLICATION OF JAMES A. DYCHE DBA CREST WATER COMPANY to purchase the facilities of Charles Teague dba Fisherman's Paradise Water Company in Johnson County (Application No. 8198-S)

APPROVED, CJ/BW

Item 30. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF SHERMAN WILLIAMSON FOR PERMIT NO. 03113 authorize the disposal by irrigation of wastes and wastewater from operation of the Sherman Williamson Dairy which consists of 800 head of cattle in Erath County, Texas, and Segment No. 1226 of the Brazos River Basin. Recommendation: Issuance of permit. (Parker)

EXAMINER'S MEMORANDUM APPROVED, CJ/BW

Item 31. APPLICATION BY SANDY M. ANDERSON DBA SCENIC HILLS WATER COMPANY to determine whether Emergency Order No. 89-43E (Docket No. 8311-E) should be affirmed, modified or set aside by the Texas Water Commission. The Order requires Sandy M. Anderson dba Scenic Hills Water Company to immediately provide continuous and adequate water service to every customer in Scenic Hills Subdivision in conformance with 13.250 of the Texas Water Code (Code), and to take other steps necessary to ensure compliance with Chapter 13 of the Code and with the Rules of the Texas Water Commission. The certified service area is set forth in Water Certificate of Convenience and Necessity Number 11110, which includes the area within the Scenic Hill Subdivision in Bexar County, Texas. The Order, if affirmed, is to be subject to the terms set forth in Emergency Order No. 89-43E.

ITEM SUBMITTED IN ERROR NO ACTION TAKEN (ITEM TO BE HEARD AT THE 2PM AGENDA - 01/24/90)

Item 32. APPLICATION BY FRIENDSWOOD DEVELOPMENT COMPANY for a permit (Proposed Permit No. 13506-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,400,000 gallons per day. The applicant plans to construct the Fairfield Village Wastewater Treatment Facilities. The plant site is approximately 1500 feet north of U.S. Highway 290 and 2,000 feet west of Mueschke Road in Harris County, Texas. The effluent is discharged into a Harris County Flood Control Ditch; thence to Cypress Creek in Segment No. 1009 of the San Jacinto River Basin.

APPROVED, CJ/BW

Item 33. APPLICATION BY MANOR DOWNS, INC. for a permit (Proposed Permit No. 13504-01) to authorize disposal of treated domestic wastewater effluent from a race track by irrigation on 30 acres of Bermuda grass/pasture land. The disposal volume is not to exceed an average flow of 100,000 gallons per day. Application rates for the irrigated land shall not exceed 3.80 acre-feet/acre/year. No discharge of pollutants into the waters of the State is authorized by this permit. The treatment plant and irrigation site are approximately 100 feet south of Hill Lane and Manor Downs and 1.5 miles northwest of City of Manor, Travis County, Texas. The plant site and irrigation area are in the drainage area of the Colorado River in Segment No. 1428 of the Colorado River Basin.

APPROVED, CJ/BW

Item 34. APPLICATION BY CITY OF CARMINE has initiated a minor amendment to Permit No. 12272-01, in order to update the terms and format and to include a specific term of ten years. The permit regulates the disposal of treated domestic wastewater effluent by evaporation and by irrigation on an 11.5 acre field. The disposal volume is not to exceed an average of 21,000 gallons per day. Application rates for the irrigated land shall not exceed 3.1 acre-feet/acre/year. No discharge of pollutants into the waters of the State is authorized by this permit. The plant site and the irrigation site are approximately 0.8 mile northwest of the intersection of U.S. Highway 290 and State Highway Spur 458, and north of the City of Carmine in Fayette County, Texas. The plant site and irrigated land are in the drainage area of Colorado River,

Segment No. 1402 of the Colorado River Basin.

APPROVED, CJ/BW

Item 35. APPLICATION BY CITY OF LA JOYA has initiated a minor amendment to Permit No. 12675-01 in order to update the terms and format and to include a specific term of ten years. The permit regulates the disposal of treated domestic wastewater effluent by evaporation and by irrigation on 5.2 acres of grassland. The disposal volume is not to exceed an average of 175,000 gallons per day. Application rates for the irrigated land shall not exceed 6.79 acre-feet/acre/year. No discharge of pollutants into the waters of the State is authorized by this permit. The plant site is approximately 1.5 miles south-southwest of the intersection of U.S. Highway 83 and Farm-to-Market Road 2521 in Hidalgo County, Texas. The plant site and irrigation area are in the drainage area of the Rio Grande below Falcon Reservoir, Segment No. 2302, in the Rio Grande Basin.

APPROVED, CJ/BW

Item 36. APPLICATION BY WATER SUPPLY & SEWER SERVICE CORPORATION has initiated a minor amendment to Permit No. 10974-01 in order to update the terms and format and to include a specific term of ten years. The permit regulates the disposal of treated domestic wastewater effluent by evaporation. The disposal volume is not to exceed an average of 28,000 gallons per day. No discharge of pollutants into the waters of the State is authorized by this permit. The plant site is approximately 5,000 feet south of U.S. Highway 90 and 1-1/2 miles west of U.S. Highway 385, and approximately one mile southwest of the City of Marathon, Brewster County, Texas. The plant site is in the drainage area of Rio Grande in Segment No. 2306 of the Rio Grande Basin.

APPROVED, CJ/BW

Item 37. APPLICATION BY U.S. ARMY CORPS OF ENGINEERS has initiated a minor amendment to Permit No. 12255-01 in order to update the terms and format and to include a specific term of ten years. The permit regulates the disposal of treated domestic wastewater effluent from park facilities by evaporation. The disposal volume is not to exceed an average of 2,100 gallons per day. No discharge of pollutants into the waters of the State is authorized by this permit. The treatment plant is in Russell Park which is adjacent to the northeast side of North Fork Lake and is at the northwest end of Park Road No. 10 in Williamson County, Texas. The plant site is in the drainage area of North Fork Lake and the North Fork San Gabriel River in Segment No. 1214 of the Brazos River Basin.

APPROVED, CJ/BW

Item 38. APPLICATION BY CHASEWOOD WATER SUPPLY CORPORATION for renewal of Permit No. 12541-01 which authorizes a discharge of treated domestic wastewater effluent in phases with the final phase being a volume not to exceed an average flow of 250,000 gallons per day from the Chasewood Wastewater Treatment Facilities. The plant site is at 20131 Farm-to-Market Road 149, immediately northwest of the point where Farm-to-Market Road 149 crosses Cypress Creek in Harris County, Texas. The effluent is discharged into Cypress Creek in Segment No. 1009 of the San Jacinto River Basin. The uses for the unclassified

receiving waters in the area of this discharge have been determined to be contact recreation, high quality aquatic habitat and public water supply. The effluent limits in the draft permit are expected to maintain the instream uses. All determinations concerning effluent limits required to meet instream criteria, antidegradation, and all other conditions of the proposed permit are considered preliminary and subject to additional review and/or revision.

RENEWED, CJ/BW

- Item 39. APPLICATION BY COFLEXIP AND SERVICES, INC. for renewal of Permit No. 12874-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,500 gallons per day from the Jacintoport Facility Sewage Treatment Plant. The plant site is at 16661 Jacintoport Boulevard in Harris County, Texas. The effluent is discharged into a drainage ditch; thence to Carpenter Bayou; thence to the Houston Ship Channel in Segment No. 1006 of the San Jacinto River Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff has determined the existing uses for the receiving water in the area of the proposed discharge and whether the proposed discharge will cause significant degradation to any high quality waters in the area. The uses for the unclassified receiving waters are no significant aquatic life for the drainage ditch and limited aquatic life for Carpenter Bayou. The designated uses for Segment No. 1006 are navigation, no significant aquatic life uses and industrial water supply. The effluent limitations in the draft permit will maintain and protect the existing instream uses, and no significant degradation of high quality receiving waters is anticipated. All determinations are preliminary and subject to additional review and/or revision.

RENEWED, CJ/BW

- Item 40. APPLICATION BY FIRST SOUTH SAVINGS ASSOCIATION for renewal of Permit No. 12913-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000 gallons per day. The wastewater treatment facilities are 1000 feet southwest of the intersection of Rankin Road and Aldine-Westfield Road in Harris County, Texas. The effluent is discharged into Harris County Flood Control Ditch No. P140-04-00; thence to Greens Bayou; thence to the Houston Ship Channel in Segment No. 1006 of the San Jacinto River Basin. The uses for the unclassified receiving waters in the area of this discharge, Harris County Flood Control Ditch No. P140-04-00, has been determined to be no significant aquatic life uses. The designated uses for the receiving waters of Segment No. 1006 are navigation, industrial water supply and no significant aquatic life uses. The effluent limits in the draft permit are expected to maintain the instream criteria required to protect these uses. The Executive Director of the Texas Water Commission has prepared a draft permit which, if approved by the Commission, will specify conditions and limitations generally the same as those currently enforced by the existing permit. All determinations concerning effluent limits required to meet instream criteria, antidegradation, uses and criteria for unclassified receiving waters and all other conditions of the proposed permit are considered preliminary and subject to additional review and/or revision. It is proposed that the

expiration date of the renewed permit be specified as midnight, five years after date of Commission approval.

RENEWED, CJ/BW

Item 41. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23 for renewal of Permit No. 11999-01 which authorizes an interim discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day and a final volume not to exceed an average flow of 400,000 gallons per day. The wastewater treatment facilities are north of Rabb Road, approximately 1.4 miles west of its intersection with FM 521, north of Arcola in Fort Bend County, Texas. The effluent is discharged into a drainage ditch; thence to Long Point Creek; thence to Oyster Creek, above tidal in Segment No. 1110 of the San Jacinto-Brazos Coastal Basin. The drainage ditch has been determined to have no significant aquatic life uses. Long Point Creek has been determined to have limited aquatic life uses. The designated uses for the receiving waters of Segment No. 1110 are contact recreation, high quality aquatic habitat and public water supply. The effluent limits in the proposed permit are expected to maintain the instream uses. The Executive Director of the Texas Water Commission has prepared a draft permit which, if approved by the Commission, will specify conditions and limitations generally the same as those currently enforced by the existing permit except that the flows have been decreased to an interim volume of 125,000 gallons per day average and a final volume of 250,000 gallons per day average. The renewed permit has also revised effluent limitations for minimum dissolved oxygen concentration from 2 mg/l to 4 mg/l. All determinations concerning effluent limits required to meet instream criteria, antidegradation, uses and criteria for unclassified receiving waters and all other conditions of the proposed permit are considered preliminary and subject to additional review and/or revision. It is proposed that the expiration date of the renewed permit be specified as midnight, five years after date of Commission approval.

RENEWED, CJ/BW

Item 42. APPLICATION BY PARKSIDE LODGE OF TEXAS, INC. DBA PARKSIDE LODGE OF CHOCOLATE BAYOU for renewal of Permit No. 12867-01 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 Lifemark Recovery Center Wastewater Treatment Plant. The plant site is approximately 300 feet west of Chocolate Bayou and approximately 4.5 miles south of the intersection of State Highway 35 and Farm-to-Market Road 2917, Brazoria County, Texas. The effluent is discharged into Chocolate Bayou in Segment No. 1107 of the San Jacinto-Brazos Coastal Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff has determined the existing uses for the receiving water in the area of the proposed discharge and whether the proposed discharge will cause significant degradation to any high quality waters in the area. The designated uses for Segment No. 1107 are contact recreation and high quality aquatic habitat. The effluent limitations in the draft permit will maintain and protect the existing instream uses, and no significant degradation of high quality receiving waters is anticipated. All determinations are preliminary and subject to additional review and/or revision.

RENEWED, CJ/BW

Item 43. APPLICATION BY CITY OF ROCKDALE for renewal of Permit No. 10658-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 750,000 gallons per day. The plant site is southwest of the intersection of Beverly Road and Southern Pacific Railroad in Milam County, Texas. The effluent is discharged into Ham Branch; thence to the East Yegua Creek; thence to Yegua Creek; thence to Lake Somerville in Segment No. 1212 of the Brazos River Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff has determined the existing uses for the receiving water in the area of the proposed discharge and whether the proposed discharge will cause significant degradation to any high quality waters in the area. The uses for the unclassified receiving waters are limited aquatic life. The designated uses for Segment No. 1212 are contact recreation, high quality aquatic habitat and public water supply. The effluent limitations in the draft permit will maintain and protect the existing instream uses, and no significant degradation of high quality receiving waters is anticipated. All determinations are preliminary and subject to additional review and/or revision.

RENEWED, CJ/BW

Item 44. APPLICATION BY TEXAS EASTMAN COMPANY, DIVISION OF EASTMAN KODAK COMPANY for renewal of Permit No. 00471 which authorizes an intermittent discharge of cooling water, stormwater runoff, steam plant blowdown, HCl vent scrubber water and vacuum jet water via Outfall 001. The permit also authorizes a discharge of treated wastewater at a volume not to exceed an average flow of 1,620,000 gallons per day via Outfall 002 and a discharge of treated industrial wastewater at a volume not to exceed an average flow of 8,300,000 gallons per day via Outfall 003. The applicant operates a plant manufacturing chemical and plastics. The plant site is five miles south of the City of Longview and south of IH 20 and east of State Highway 149, Harrison County, Texas. The effluent is discharged into the Sabine River, Segment No. 0505 of the Sabine River Basin. The designated uses for the receiving waters of Segment No. 0505 are high quality aquatic habitat, contact recreation and public water supply. The effluent limits in the proposed permit are expected to maintain the instream criteria required to protect these uses. The Executive Director of the Texas Water Commission has prepared a draft permit which, if approved by the Commission, will specify conditions and limitations generally the same as those currently enforced by the existing permit except that monitoring requirements for dissolved silver and total silver via Outfall 003 have been added. All determinations concerning effluent limits required to meet instream criteria, antidegradation, and all other conditions of the proposed permit are considered preliminary and subject to additional review and/or revision. It is proposed that the expiration date of the renewed permit be specified as midnight, August 1, 1991.

RENEWED, CJ/BW

Item 45. APPLICATION BY U.S. ARMY CORPS OF ENGINEERS for renewal of Permit No. 12059-01 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 Mallard Park

Wastewater Treatment Plant. The plant site is in Mallard Park, on the east side of Lake Lavon, northwest of the intersection of State Highway 78 and Farm to Market Road 6 in Collin County, Texas. The effluent is discharged into Lake Lavon in Segment No. 0821 of the Trinity River Basin. In accordance with the Texas Surface Water Quality Standards, the Commission staff has determined the existing uses for the receiving water in the area of the proposed discharge and whether the proposed discharge will cause significant degradation to any high quality waters in the area. The designated uses for Segment No. 0821 are contact recreation, high quality aquatic habitat, and public water supply. The effluent limitations in the draft permit will maintain and protect the existing instream uses, and no significant degradation of high quality receiving waters is anticipated. All determinations are preliminary and subject to additional review and/or revision.

RENEWED, CJ/BW

Item 46. APPLICATION BY CECOS INTERNATIONAL, INC. for a permit (Proposed Permit NO. HW-50270, EPA ID NO. TXD-091270017) to authorize the continued operation of an existing Class I hazardous and non-hazardous and Class II non-hazardous industrial solid waste storage and processing facility. This commercial facility is engaged in the storage and processing of hazardous industrial solid wastes, generated from on-site and off-site sources, which are destined for on-site, deep-well injection into an existing RCRA-permitted deep well (Permit No. WDW-146). Wastes authorized under the terms and conditions of existing Permit No. WDW-146 are stored in 1) a 4,400-gallon capacity container storage area, 2) a 5,000-gallon containment sump, and 3) a 6,000-gallon emergency storage tank, prior to being filtered through a filtration apparatus with a capacity of 180 gallons per minute. Following filtration, the waste streams are deep-well injected into injection well WDW-146. Wastes authorized for storage and processing are ignitable, toxic, corrosive, EP toxic, reactive and acutely hazardous. The Odessa facility occupies a 3-acre parcel of land in an unincorporated area and is located nine tenths of a mile southeast of the intersection of U.S. Highway 80 (also known as 2nd Street) and Grandview Avenue in Odessa, Ector County, Texas. This location is in the drainage area of Segment No. 1425 of the Colorado River Basin (north latitude 31°51'11", west longitude 102°19'45").

APPROVED, CJ/BW

Item 47. APPLICATION BY MOTOROLA, INC. - SEMI-CONDUCTOR PRODUCTS SECTOR for a permit (Proposed Permit No. HW-50281, EPA ID No. TXD-069450997) to authorize the continued operation of a Class I hazardous and non-hazardous industrial solid waste storage facility. Liquid and solid wastes stored at this facility are generated as a result of on-site and off-site integrated circuit device manufacturing at Motorola, Inc. owned and operated plants. The facility consists of two container storage areas with a total maximum capacity of 12,320 gallons and nine storage tanks with a combined total capacity of 45,000 gallons. Organic and inorganic wastes authorized for storage are ignitable, toxic, corrosive, EP toxic, reactive, and acutely hazardous. The facility is located on a 228-acre tract of land owned by Motorola, Inc. on U.S. Highway 183 (Ed Bluestein Blvd.), approximately one mile south of Martin Luther King Blvd. in Austin, Travis County, Texas. This

location is in the drainage area of Segment 1402 of the Colorado River Basin (north latitude 30°16'32", west longitude 97°39'54").

APPROVED, CJ/BW

Item 48. APPLICATION BY U.S. AIR FORCE/LAUGHLIN AIR FORCE BASE, 47 ABG/CC for a permit (Proposed Permit No. HW-50258, EPA ID No. TX 2571524105) to operate a Class I hazardous industrial solid waste management facility at Laughlin Air Force Base. The permit would authorize operation of an existing all-weather container storage building having a total capacity of 18,000 gallons. The wastes managed at this facility are industrial hazardous wastes such as waste solvents, which are incidental to the maintenance and support of aircraft used to train U.S. Air Force pilots. The wastes managed are acutely hazardous, ignitable, toxic, corrosive, reactive, and EP toxic liquids, sludges and solids. Authorized wastes may be received from off-site federal facilities. Laughlin Air Force Base occupies a 3,908-acre tract of land which is positioned along the southside of U.S. Highway 90, approximately 5.0 miles east of the Highway 90/San Felipe River Bridge in the City of Del Rio, Val Verde County, Texas. This location is in the drainage area of Segment 2304 of the Rio Grande Basin (north latitude 29°21'15", west longitude 100°47'30").

CONTINUED to 1-31-90 at 2p.m.

Item 49. CONSIDERATION OF A MOTION FOR REHEARING ON CHEM-PAC, INC., PERMIT NO. 03055. (THIS MATTER WAS CONSIDERED ON NOVEMBER 16, 1989 AND WAS DENIED ON DECEMBER 1, 1989.)

MOTION FOR REHEARING DENIED, CJ/BW

Item 50. CONSIDERATION ON A MOTION FOR REHEARING FOR AN APPLICATION BY ELLIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR USE OF SURPLUS FUNDS. (THIS MATTER WAS CONSIDERED OCTOBER 31, 1989 AND WAS DENIED ON NOVEMBER 22, 1989.)

MOTION FOR REHEARING GRANTED; PREVIOUS ORDER AND A.G. REFERRAL RESCINDED; APPLICATION FOR SURPLUS FUNDS APPROVED, CJ/BW

REVISED UNCONTESTED AGENDA

Wednesday, January 24, 1990

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 51. CONSIDERATION OF THE EMERGENCY ADOPTION OF NEW SUBCHAPTER I AND AMENDMENTS TO EXISTING SECTIONS OF 31 TEXAS ADMINISTRATIVE CODE CHAPTER 334, CONCERNING UNDERGROUND STORAGE TANK CONTRACTOR CERTIFICATION. These emergency rules will implement the provisions of H.B. 183, 71st Legislature, Regular Session, 1989, which relates to the registration of underground storage tank contractors through a fee generating process consistent with the terms of H.B. 183. (Thompson)

SUBCHAPTER I ADOPTED (AMENDMENTS NOT CONSIDERED), CJ/BW

OLD BUSINESS

TEXAS WATER COMMISSION

Wednesday, January 24, 1990

9:00 a.m.

Room 118

Item carried forward from Agenda of June 5, July 31,  
September 26, and November 28, 1989.

- Item 1. APPLICATION NO. 5216 BY RALEIGH R. ROSS FOR A SECTION 11.121 WATER USE PERMIT. For Commission consideration and action. Applicant seeks a permit to maintain an existing dam on Sycamore Creek, Colorado River Basin, and plug a pipe in the dam thereby creating a 467 acre-foot capacity reservoir to be used for domestic and livestock purposes in Burnet County. (Bohl/Smith:ts)

CONTINUED to 2/21/90 at 2p.m.

ADDENDUM TO OLD BUSINESS

TEXAS WATER COMMISSION

Wednesday, January 24, 1990

9:00 a.m.

Room 188

Item carried forward from Agenda of January 17, 1990.

Item 2. EMPLOYEE OF THE MONTH AWARD PRESENTATION. (Beinke)

CRAIG MEPPEN NAMED

WYNNE  
JOHNSON  
BIRDWELL-absent & excused

CONTESTED AGENDA

Wednesday, January 24, 1990

TEXAS WATER COMMISSION

2:00 p.m.  
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE PETITION OF ERNIE'S ACRES WATER COMPANY, INC.; DOCKET NO. 7873-Q FOR DISCONTINUANCE OF RETAIL WATER UTILITY SERVICE IN BRAZORIA COUNTY, TEXAS. Recommendation: Denial.

Examiner's proposal and order ADOPTED with modifications as discussed; petition DENIE; CJ/BW

Item 2. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF KERRVILLE SOUTH WATER COMPANY, INC. TO INCREASE RETAIL WATER RATES IN KERR COUNTY, TEXAS AND APPEAL OF RATE ORDINANCE ADOPTED BY THE CITY OF KERRVILLE; DOCKET NOS. 8051-R AND 8116-A. Applicant provides retail water service to approximately 860 customers. Recommendation: Adoption of agreement of parties.

Examiner's memorandum and order ADOPTED as proposed, CJ/BW

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND REQUIRING CERTAIN ACTIONS OF THE CITY OF SAN JUAN. (PERMIT NO.11512-01) (SHAVER)

Order ADOPTED with stipulated penalties, CJ/BW

Item 4. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF FRY ROAD MUNICIPAL UTILITY DISTRICT FOR AN AMENDMENT TO PERMIT NO. 11989-01 to authorize a variance to the 150-foot buffer zone and to discharge 0.533/0.800 mgd of treated domestic wastewater effluent in Harris County, Texas, and Segment No. 1014 of the San Jacinto River Basin. Recommendation: Issuance of permit and granting of variance. (Harris)

Examiner's proposal for decision and order ADOPTED with changes as discussed, CJ/BW

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DAVID C. MOORE D/B/A MOORELAND WATER SYSTEM. (Corrigan)

CONTINUED to 02/28/90 at 2:00 p.m.

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF RANDY HUNT D/B/A HUNT WATER OPERATIONS. (GONZALEZ)

REMANDED TO OFFICE OF HEARINGS EXAMINERS, CJ/BW

Item 7. The Commission will meet in executive session to discuss pending or contemplated litigation, and to discuss 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 (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 Article 6252-17.

NO ACTION TAKEN.

OLD BUSINESS

TEXAS WATER COMMISSION

Wednesday, January 24, 1990

2:00 p.m.  
Room 118

Item carried forward from Agenda of October 26, 1989.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SIVALLS TANKS, INC., SWR NO. 35690. (McFaddin)

CONTINUED to 04/11/90 at 2:00 p.m.

Item carried forward from Agenda of November 16, 1989.

- Item 2. CONSIDERATION OF NOTICE OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EAST TEXAS STEEL FACILITIES, INC., (FORMERLY LONE STAR STEEL COMPANY), PERMIT NO. 00348. (Jordan)

CONTINUED to 03/21/90 at 2:00 p.m.

Items carried forward from Agenda of December 7, 1989.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF LLANO, PERMIT NO. 10209-01. (Jordan)

Order ADOPTED, CJ/BW

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CONSOLIDATED FEDERAL BANK, FSB D/B/A RAINTREE MOBILE HOME PARK. (Mehta)

CONTINUED to 02/28/90 at 2:00 P.M.

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 1, PERMIT NO. 11459-01. (Jordan)

CONTINUED to 03/21/90 at 2:00 p.m.

DOCKET

TEXAS WATER COMMISSION

Wednesday, January 24, 1990

Room 118

2:00 p.m.

- Item 1. IN RE: EMERGENCY ORDER NO. 89-43E ISSUED TO SANDY ANDERSON ON DECEMBER 19, 1989. FOR COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY, OR SET ASIDE. THE EMERGENCY ORDER REQUIRED SANDY ANDERSON TO PROVIDE CONTINUOUS AND ADEQUATE WATER SERVICE TO SCENIC HILLS SUBDIVISION IN BEXAR COUNTY, TEXAS. (An Emergency existed in that continuous and adequate water service was not being provided to the Scenic Hills Subdivision resulting in an imminent threat to public health and safety.) (Petrov)

Emergency Order No. 89-43E AFFIRMED, CJ/BW

ADDENDUM TO OLD BUSINESS

TEXAS WATER COMMISSION

Wednesday, January 24, 1990  
2:00 p.m.  
Room 118

- Item 6. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF KERRVILLE SOUTH WATER SUPPLY CORPORATION FOR A CEASE AND DESIST ORDER AGAINST THE CITY OF KERRVILLE IN KERR COUNTY, TEXAS; DOCKET NO. 7875-D. Applicant is authorized under CCN No. 11485 to provide retail water service to customers in Kerr County, Texas. Applicant alleges that the City of Kerrville is interfering with its service area. Recommendation: Denial of application for a cease and desist order. (Murphy)

CEASE AND DESIST ORDER TAKEN UNDER ADVISEMENT; REMANDED TO OFFICE OF HEARINGS EXAMINERS FOR HEARING ON AMENDMENT TO CCN; CJ/BW

ADDENDUM TO OLD BUSINESS AGENDA

TEXAS WATER COMMISSION

2:00 p.m.  
Room 118

Item carried forward from Agenda of January 24, 1989 at 9 a.m.

- Item 7. APPLICATION NO. 5267 BY FLETCHER JOHNSON FOR A PERMIT TO USE THE BED AND BANKS OF WATERCOURSES TO CONVEY ARTESIAN WATER TO A RESERVOIR EXEMPT FROM THE REQUIREMENT OF A PERMIT PURSUANT TO SECTION 11.142 OF THE TEXAS WATER CODE FOR SUBSEQUENT USE. For Commission consideration and action. Applicant seeks authorization to use the bed and banks of an unnamed tributary of Sandy Fork, Sandy Fork, Peach Creek, an unnamed tributary of Peach Creek and Denton Creek, Guadalupe River Basin, to convey water from artesian wells to his reservoir on Peach Creek for subsequent irrigation use. (JORDAN/SMITH:tls)

CONTINUED TO 2/14/90 AT 2:00 P.M.

EMERGENCY AGENDA

Wednesday, January 24, 1990

TEXAS WATER COMMISSION

2:30 p.m.  
Room 118

- Item 1. Consideration of the request by E-Systems for an Emergency Order authorizing the handling and disposal of small quantities of potentially reactive and explosive chemicals in Hunt County.

This emergency agenda is needed due to an imminent threat to public health and safety. If emergency order is approved the matter will be set for hearing, March 21, 1990 at 9:00 a.m., to be affirmed, modified or set aside.

EMERGENCY ORDER NO. 90-3E ISSUED AND SET FOR HEARING TO AFFIRM, MODIFY OR SET ASIDE ON MARCH 21, 1990; CJ/BW