

WYNN
BIRDWELL
JOHNSON

CONTESTED AGENDA

Wednesday, May 16, 1990

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF BAYTANK (HOUSTON), INC. FOR A RENEWAL OF PERMIT NO. 02547 to authorize the discharge of an intermittent flow of stormwater and filter backflush water at a volume variable with rainfall in Harris County, Texas, and Segment No. 2438 of the Bays and Estuaries. Recommendation: Issuance. (Murphy)

CONTINUED TO MAY 30, 1990 @ 9:00 AM

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF THE CITY OF ODESSA FOR AN AMENDMENT TO PERMITS NOS. 10238-01 AND A RENEWAL OF PERMIT NO. 10238-02 to authorize the discharge of 9.4 mgd - South Dixie Plant and 4.9 mgd - East Plant of treated domestic wastewater effluent in Midland and Ector Counties, Texas, and Segment No. 1412 of the Colorado River Basin. Recommendation: Issuance of permits. (Limes)

APPROVED, JB/CJ

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 DONNA FOR PERMIT NO.10504-01 IN HIDALGO COUNTY. (RAYOS)

APPROVED, CJ/JB

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF WEINERT PERMIT NO. 11018-01 (MONTELONGO)

CONTINUED TO MAY 23, 1990 @ 9:00 AM

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MERRITT TOOL COMPANY; SWR NO. 33042. (Renbarger)

CONTINUED TO JUNE 13, 1990 @ 9:00 AM

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AERO AVIATION, INC., SWR 39807. (THOMPSON)

CONTINUED TO AUGUST 8, 1990 @ 9:00 AM

Item 7. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF HARWARD COMPUTER SYSTEMS, INC.

DBA LAKE ROAD WATER COMPANY FOR A TRANSFER OF CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11666 TO THE CITY OF WEATHERFORD to provide water service in Parker County, Texas; Docket No. 8184-S. Recommendation: Issuance. (Demerle)

APPROVED, CJ/JB

Item 8. 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 art. 6252-17.

NO ACTION TAKEN

CONTESTED OLD BUSINESS

Wednesday, May 16, 1990

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of April 11, 1990.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF TYLER, PERMIT NO. 10653-001. (Mehta)

APPROVED, CJ/JB

Item carried forward from Agenda of March 7, 1990, April 4, 1990 and May 2, 1990.

- Item 2. CONSIDERATION OF NOTICE OF EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ALLIED TRANSPORT COMPANY. (Eccles)

APPROVED, JB/CJ

WYNNE
BIRDWELL
JOHNSON

UNCONTESTED AGENDA

Wednesday, May 16, 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY ARTHUR KALSBECK for a permit (Proposed Permit No. 03142) to authorize disposal of waste and wastewater from a dairy which consists of 990 milking head. The dairy is approximately 11.3 miles southeast of downtown Stephenville, on a county road in Erath County, Texas.

APPROVED, CJ/JB

Item 2. APPLICATION BY HENK POST DBA HERO DAIRY for a permit (Proposed Permit No. 03126) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 510 milking head. The dairy is 2500 feet west of Highway 37, approximately 3 miles south of the intersection of Highway 37 and IH 30, south of Mount Vernon in Franklin County, Texas.

APPROVED, CJ/JB

Item 3. APPLICATION BY DAN LOPER DBA RIO LECHE DAIRY for a permit (Proposed Permit No. 03089) to authorize disposal of waste and wastewater from a dairy which consists of 800 milking head. The dairy is approximately 2.5 miles southeast of the intersection of State Highway 6 and U.S. Highway 377 in Erath County, Texas.

APPROVED, CJ/JB

Item 4. APPLICATION BY THE JAVELINA CORPORATION for a permit (Proposed Permit No. 03137) to authorize a flow variable discharge of treated process wastewater, cooling tower blowdown, boiler blowdown and stormwater runoff. The plant site is between Up River Road and Interstate Highway 37, approximately one quarter mile west of Navigation Blvd. in the City of Corpus Christi, Nueces County, Texas.

APPROVED, CJ/JB

Item 5. APPLICATION BY KENAF PAPER COMPANY, LIMITED PARTNERSHIP for a permit (Proposed Permit No. 03168) to authorize disposal of wastewater from a pulp/newsprint mill by irrigation on a 350-acre tract which is part of the plant site. The plant site will be eight miles west of Raymondville, two miles north of the Community of Lasara and just north of State Highway 186, Willacy County, Texas.

APPROVED CJ/JB

Item 6. APPLICATION BY GEORGIA GULF CORPORATION, HOUSTON CHEMICAL PLANT for an amendment to Permit No. 02067 in order to re-

route the process wastewater from the present treatment system at the cumene plant (discharged via Outfall 001) to the biological wastewater treatment system at the phenol unit (Outfall 004). The plant site is on the south bank of the Houston Ship Channel, approximately 5250 feet east of Ethyl Road and approximately 7500 feet north of State Highway 225, Harris County, Texas.

APPROVED, CJ/JB

Item 7. APPLICATION BY NORTH TEXAS MUNICIPAL WATER DISTRICT for an amendment to Permit No. 10221-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 12,600,000 gallons per day to a volume not to exceed an average flow of 25,000,000 gallons per day. The plant site is approximately one-half mile south of the intersection of Lawson Road and Cartwright Road in the southeast portion of the City of Mesquite, Dallas County, Texas.

APPROVED, CJ/JB

Item 8. APPLICATION BY CANEY CREEK UTILITIES, INC. for an amendment to Permit No. 12023-01 in order to authorize a variance in monitoring frequencies from one per week to once per month. The plant site is on Hunters Point Road on the west bank of Lake Conroe, approximately 3/4 mile north of Farm to Market Road 1097 in Montgomery County, Texas.

APPROVED, CJ/JB

Item 9. APPLICATION BY CITY OF CROWELL for renewal of Permit No. 10638-01 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 1/2 mile east of the AT&SF Railroad crossing over State Highway 283, in the southeast corner of the City of Crowell in Foard County, Texas.

RENEWED, CJ/JB

Item 10. APPLICATION BY CITY OF BAYTOWN for renewal of Permit No. 10395-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,200,000 gallons per day from the Central District Wastewater Treatment Facilities. The plant site is at 1709 West Main Street in Harris County, Texas.

RENEWED, CJ/JB

Item 11. APPLICATION BY CITY OF WORTHAM for renewal of Permit No. 10551-01 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 wastewater treatment facilities are approximately 3/4 mile east of State Highway 14 and one mile north of Farm to Market Road 27 in the northeast section of the City of Wortham in Freestone County, Texas.

RENEWED, CJ/JB

Item 12. APPLICATION BY CITY OF HOLLAND for renewal of Permit No. 10897-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day. The plant site is south of the

City of Holland; approximately 2000 feet north of the intersection State Highway 95 and Farm to Market Road 2268 in Bell County, Texas.

RENEWED, CJ/JB

Item 13. APPLICATION BY CITY OF LEFORS for renewal of Permit No. 10411-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day. The wastewater treatment facilities are approximately 2.5 miles west of the intersection of Farm-to-Market Road 291 and State Highway 273, 1300 feet south of State Highway 273, south of the City of Lefors, Gray County, Texas.

RENEWED, CJ/JB

Item 14. APPLICATION BY STEDWELL JOHNSTON for renewal of Permit No. 12947-01 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 125,000 gallons per day from the not yet constructed wastewater treatment facilities. The plant site will be in the 9500 block of West Little York Road, approximately 2200 feet east of the intersection of U.S. Highway 290 and West Little York Road in the northwest sector of the City of Houston, Harris County, Texas.

RENEWED, CJ/JB

Item 15. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 68 for renewal of Permit No. 12981-01 which authorizes a discharge of treated domestic wastewater effluent at an interim volume not to exceed an average flow of 100,000 gallons per day and a final volume not to exceed an average flow of 500,000 gallons per day. The wastewater treatment facilities are approximately 5000 feet south of and approximately 3000 feet west of the intersection of Farm to Market Road 1464 and U.S. Highway 90A in Fort Bend County, Texas.

RENEWED, CJ/JB

Item 16. APPLICATION BY EXXON CHEMICAL AMERICAS, DIVISION OF EXXON CORPORATION for renewal of Permit No. 01215 which authorizes an intermittent flow of treated wastewater from a petrochemical manufacturing plant. The plant site is at the intersection of Burlson Street and Wooster Cedar Bayou County Road in the City of Baytown, Harris County, Texas.

RENEWED, CJ/JB

Item 17. APPLICATION BY MONSANTO CHEMICAL COMPANY for a minor amendment to Permit No. WDW-2 which currently authorizes underground injection of non-commercial hazardous wastewaters into a waste disposal well. The minor amendment is sought to conform the existing waste disposal well permit to the Monsanto Chemical Company, Chocolate Bayou Plant, No Migration Petition pursuant to 40 CFR Part 148. The disposal well is located on the applicant's property approximately 5,172 feet from the northwest line and 8,200 feet from the northeast line of the Perry and E. Austin League No. 2, A-107, near Alvin, Brazoria County, Texas.

APPROVED, JB/CJ

- Item 18. CONSIDERATION OF THE DISMISSAL OF THE APPLICATION OF LEROY B. WALKER TO RENEW PERMIT NO. 12043-01. (Corrigan)

APPLICATION DISMISSED, CJ/JB

- Item 19. CONSIDERATION OF a Temporary Order for PHILLIPS 66 COMPANY, BORGER REFINERY & NGL PROCESS CENTER to authorize discharge of approximately 280 acre-feet of water from the Pantex Reservoir, located adjacent to State Highway 119 approximately four miles northeast of the City of Borger, Hutchinson County, Texas

APPROVED, JB/CJ

- Item 20. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF REFINED SOLVENTS, INC. FOR PERMIT NO. HW-50240-001 to authorize the operation of a hazardous waste storage and processing facility in Caldwell County, Texas. Applicant seeks authorization to store and treat Class I hazardous materials at facilities located in Segment 1808 of the Guadalupe River Basin. Recommendation: Dismissal of application. (Sahs)

APPLICATION DISMISSED, CJ/JB

- Item 21. APPLICATION BY SOUTH SHORE HARBOUR MUNICIPAL UTILITY DISTRICT NO. 6 OF GALVESTON COUNTY FOR APPROVAL OF THE ISSUANCE OF \$6,100,000 IN UNLIMITED TAX AND REVENUE BONDS, 8.17% NET EFFECTIVE INTEREST RATE, SERIES 1990, FIRST ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$6,100,000 in tax bonds to finance water and wastewater capital recovery fees and utilities to serve residential and commercial areas.

APPROVED, JB/CJ

- Item 22. APPLICATION BY FRISCO MUD NO. 1 OF COLLIN & DENTON COUNTIES FOR APPROVAL OF THE ISSUANCE OF \$7,800,000 IN UNLIMITED TAX BONDS, 9.0% NET EFFECTIVE INTEREST RATE, SERIES 1990, FIRST ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$7,800,000 in tax bonds to finance construction of a water plant, water mains, a wastewater treatment plant, wastewater trunk lines, and utilities to serve residential and commercial areas.

CONTINUED TO MAY 30, 1990 @ 3:00 P.M.

- Item 23. APPLICATION BY HARRIS COUNTY UTILITY DISTRICT NO. 5 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$8,800,000 BOND ISSUE APPROVED AUGUST 20, 1987 AND \$2,440,000 BOND ISSUE APPROVED OCTOBER 20, 1988. For Commission consideration and action. The use of \$264,000 in surplus funds is proposed to finance Service Area "A" & "B"s share of engineering design work for a grit removal system, a dechlorination facility, and an emergency power system. Also, these surplus funds are intended to finance a preliminary engineering study of the emergency power system.

APPROVED, JB/CJ

Item 24. APPLICATION BY INTERWOOD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF \$80,000 IN SURPLUS FUNDS. For Commission consideration and action. Applicant seeks approval of the use of \$80,000 in surplus funds plus the interest accrued to purchase the wastewater treatment plant currently leased by the District.

APPROVED, JB/CJ

Item 25. APPLICATION BY LAKE FOREST UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS. For Commission consideration and action. Applicant seeks approval of the use of \$112,112.49 plus accrued interest in surplus construction funds to finance portion of the total construction costs of the Water Well and Plant No. 3 project.

APPROVED, JB/CJ

Item 26. APPLICATION BY PONDEROSA FOREST UTILITY DISTRICT FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$2,470,000 BOND ISSUE APPROVED FEBRUARY 8, 1985. For Commission consideration and action. Applicant requests approval of the use of \$71,088.05 of surplus funds for emergency repairs to Water Well No. 2.

APPROVED, JB/CJ

Item 27. APPLICATION BY LOST CREEK MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped lots in the District in the amount of \$138/connection to supplement the operation and maintenance account.

APPROVED, JB/CJ

Item 28. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WALTER J. CARROLL WATER CO., INC. DBA CARROLL WATER COMPANY TO INCREASE RETAIL WATER RATES IN RED OAK AND ELLIS COUNTIES, TEXAS; DOCKET NO. 8347-R. Applicant provides retail water service to approximately 146 customers. Recommendation: Adoption of agreement of parties. (Parker)

APPROVED, CJ/JB

Item 29. CONSIDERATION EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF DONALD L. DICKENS DBA HORSESHOE BEND WATER WORKS TO INCREASE RETAIL WATER RATES IN PARKER COUNTY, TEXAS; DOCKET NO. 8180-R. Applicant provides retail water service to approximately 461 customers. Recommendation: Adoption of agreement of parties. (Sahs)

APPROVED, CJ/JB

Item 30. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LOLLIPOP WATERWORKS, INC. TO INCREASE RETAIL WATER IN HENDERSON COUNTY, TEXAS; DOCKET NO. 8349-G. Applicant provides retail water service to approximately 69 customers. Recommendation: Adoption of agreement of parties with one modification (no \$500.00 tap fee). (Colbert)

APPROVED, CJ/JB

Item 31. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF EXECUTIVE DIRECTOR FOR ENFORCEMENT ACTION

AGAINST RANDY HUNT AND TERRY HUNT DBA HUNT'S WATER OPERATIONS, ET.AL., WHICH OPERATES IN MCLENNAN AND BOSQUE COUNTIES. Applicant provides retail water service to approximately 500 customers. Recommendation: Dismissal of action in accordance with the request of the Executive Director. (Sullivan)

CONTINUED TO MAY 23, 1990 @ 3:00 P.M.

Item 32. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF PAYNE UTILITIES, INC. TO INCREASE RETAIL WATER RATES IN MONTGOMERY COUNTY, TEXAS; DOCKET NO. 8297-R. Applicant provides retail water service to approximately 335 customers. Recommendation: Adoption of agreement of parties. (Sullivan)

APPROVED WITH CHANGES, CJ/JB

Item 33. APPLICATION OF BUENA VISTA WATER SYSTEM, Certificate of Convenience and Necessity No. 11656, to increase water rates in Burnet County. (Application No. 8315-G) (Wiley)

APPROVED, JB/CJ

Item 34. APPLICATION OF LAKEWOOD WATER CORPORATION, CCN No. 10844, to purchase facilities, transfer and cancel water Certificate of Convenience and Necessity No. 12035 from Zelda Farmer dba Oak Acres Water System in Henderson County, (Application No. 8295-S) (Carlson)

APPROVED, JB/CJ

Item 35. APPLICATION OF LIPAN WATER WORKS, INC., Certificate of Convenience and Necessity No. 12283, for a Rate/Tariff change in Hood County. (Application No. 8336-G) (Wiley, Mayhew)

APPROVED, JB/CJ

Item 36. APPLICATION OF S. S. WATER SUPPLY CORPORATION to amend water Certificate of Convenience and Necessity No. 11489 (Application No. 8019-C); APPLICATION OF OAK HILL WATER SUPPLY CORPORATION to amend water Certificate of Convenience and Necessity No. 10647 and to cancel Tower Lake Water Company's Certificate of Convenience and Necessity No. 10661 (Application No. 8202-C); and APPLICATION OF EAST CENTRAL WATER SUPPLY CORPORATION to amend by decertification of portions of water Certificate of Convenience and Necessity No. 10655 (Application No. 8170-C) in Wilson and Bexar Counties. (Holck)

APPROVED, JB/CJ

Item 37. APPLICATION OF TRI-WATER SUPPLY CORPORATION for an amendment to water Certificate of Convenience and Necessity No. 10402 in Titus County. (Application No. 7992-C) (Childs)

APPROVED, JB/CJ

Item 38. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LAKESIDE COUNTRY CLUB FOR WATER USE PERMIT NO. 5257 IN HARRIS COUNTY, TEXAS, TO DIVERT A RESERVOIR TO IMPOUND AND DIVERT NOT TO EXCEED 200 ACRE-FEET OF WATER PER ANNUM FROM THE BUFFALO BAYOU IN SAN JACINTO RIVER BASIN, FOR IRRIGATION PURPOSES. Recommendation: Issuance of authorization. (Demerle)

APPROVED, CJ/JB

Item 39. CONSIDERATION OF THE MOTION OF THE EXECUTIVE DIRECTOR TO CANCEL PERMIT NO. 4295 HELD BY THE LOWER COLORADO RIVER AUTHORITY, WHICH AUTHORIZES THE USE OF 762.73 ACRE-FEET OF WATER FROM AN UNNAMED TRIBUTARY OF SHAW CREEK AND SHAW CREEK, TRIBUTARY OF CUMMINS CREEK IN THE COLORADO RIVER BASIN FOR MINING PURPOSES. (Smith, D.)

APPROVED, JB/CJ

Item 40. APPLICATION NO. 23-349A BY W.G. BELL, JR. AND CONLY BELL, TRUSTEE, TO COMBINE WATER RIGHTS OWNED UNDER CERTIFICATE NOS. 23-300, 23-347, 23-348 AND 23-349 UNDER CERT. NO. 23-349 AND TO AMEND CERT. NO. 23-349. For Commission Action. Applicants seek to combine their water rights owned under Cert. Nos. 23-300, 23-347, 23-348 and 23-349 under Cert. No. 23-349 and amend Cert. No. 23-349 to restate their total authorizations thereunder, viz., 1875 acre-feet of water, with Class "A" priority, and 432.75 acre-feet of water, with Class "B" priority, from the Rio Grande to irrigate 923.10 acres in Hidalgo County, Texas. (JORDAN/wph).

APPROVED, JB/CJ

Item 41. APPLICATION NO. 23-528A BY CONNECTICUT MUTUAL LIFE INSURANCE COMPANY TO AMEND CERTIFICATE OF ADJUDICATION NO. 23-528. For Commission consideration and action. Applicant seeks to amend Certificate No. 23-528 by increasing the area within which irrigation is authorized from the Rio Grande, increasing the number of acres to be irrigated per year and establishing three diversion points on the Rio Grande in Hidalgo County. (JORDAN;tls)

APPROVED, JB/CJ

Item 42. APPLICATION NO. 18-3866A BY SOUTHWEST TEXAS STATE UNIVERSITY TO AMEND CERTIFICATE OF ADJUDICATION NO. 18-3866. For Commission consideration and action. Applicant seeks to amend Certificate No. 18-3866, which includes authorization to divert and use not to exceed 20 acre-feet of water per annum from the San Marcos River, Guadalupe River Basin to irrigate ten acres of land in Hays County, by increasing the amount of water authorized for irrigation use per year from 20 to 40 acre-feet. (JORDAN;tls)

APPROVED, JB/CJ

Item 43. APPLICATION NO. 23-23A BY TENNECO REALTY, INC. TO COMBINE WATER RIGHTS OWNED UNDER CERTIFICATE NOS. 23-23 AND 23-123 UNDER CERT. NO. 23-23 AND TO AMEND CERT. NO. 23-23. For Commission Action. Applicant seeks to combine water rights owned under Cert. Nos. 23-23 and 23-123 under Cert. No. 23-23 and amend Cert. No. 23-23 to restate applicant's total rights under said certificate. viz., 629.80 acre-feet of water per annum, with Class "B" priority, from the Rio Grande, Rio Grande Basin, to irrigate 251.92 acres of land approximately 3 miles northwest of Brownsville, Cameron County, Texas. (JORDAN/wph).

APPROVED, JB/CJ

Item 44. CONSIDERATION OF A MOTION OF THE EXECUTIVE DIRECTOR TO CANCEL A PORTION OF CERTIFICATE OF ADJUDICATION NO. 23-421 HELD BY

JESUS H. QUINTERO. (Kirick)

APPROVED, JB/CJ

Item 45. CONSIDERATION OF A MOTION FOR REHEARING ON THE ORDER CONCERNING THE INQUIRY INTO THE RATES CHANGED AND SERVICE PROVIDED BY HUNT'S WATER OPERATIONS OF MCLENNAN COUNTY, TEXAS; DOCKET #8210-I. (This item was considered on March 28, 1990.)

CONTINUED TO MAY 23, 1990 @ 3:00 P.M. AND EXTENDED DEADLINE FOR CONSIDERATION OF THE MOTION FOR REHEARING

Item 46. CONSIDERATION OF THE FINAL SELECTION OF ENGINEERING SERVICES FIRMS FOR INVESTIGATIVE AND REMEDIAL ACTIVITIES IN RESPONSE TO RELEASES FROM PETROLEUM STORAGE TANKS AND REGIONS I-VI AND RELEASES FROM UNDERGROUND STORAGE TANKS COVERED BY (LUST) TRUST FUNDS. (Vay)

CONTINUED TO MAY 23, 1990 @ 3:00 P.M.

Item 47. CONSIDERATION OF JOINT MOTION FOR ENTRY OF CONSENT ORDER, CONSENT ORDER, AND CONTINGENT MOTION TO DISMISS COMPLAINTS FILED BY SPRINGWOODS MUD, NORTH CENTRAL AUSTIN GROWTH CORRIDOR MUD NO. 1, NORTH AUSTIN GROWTH CORRIDOR MUD NO. 1, THE CITY OF ROLLINGWOOD, AND THE CITY OF AUSTIN. DOCKET NOS. 7144-M, 7439-D, 7518-M, 7466-M, 8013-M, 8012-M AND 8011-M.

APPROVED, CJ/JB

Item. 48. CONSIDERATION OF AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACT AMENDMENT NO. 6 TO THE CONTRACT WITH CHEMICAL WASTE MANAGEMENT INC. FOR REMEDIAL ACTION CONSTRUCTION OF THE GENEVA INDUSTRIES SUPERFUND SITE.

APPROVED, CJ/JB

EMERGENCY SUPPLEMENTAL UNCONTESTED AGENDA

Wednesday, May 16, 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 49. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN EMERGENCY ORDER FOR THE AUTHORIZATION OF E. I. du PONT de NEMOURS, INC., TO STORE, PROCESS AND DISPOSE OF CHEMICALS. (Alvarado)

An emergency posting is necessary due to the existing situations at Cuero High School, Cuero, Texas, and at Nazareth Academy of Victoria, Texas, which present imminent and substantial endangerment to human health and safety, and to the environment.

EMERGENCY ORDER APPROVED AND SET FOR HEARING JULY 11, 1990 @ 3:00 P.M. TO AFFIRM, MODIFY OR SET ASIDE, JB/CJ

UNCONTESTED OLD BUSINESS

Wednesday, May 16, 1990

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of March 28, 1990.

- Item 1. APPLICATION BY T.J. THOMAS for renewal of Permit No. 12919-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 18,000 gallons per day from the Deertrail Mobile Home Park Wastewater Treatment Facilities. The plant site is on the 9800 block of Deertrail Drive, approximately one mile northwest of the intersection of Farm-to-Market Road 149 and Interstate Highway 45 in Harris County, Texas. The effluent is discharged into Harris County Flood Control Ditch No. P-118-31-00; thence to Halls Bayou; thence to the Greens 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 must determine the existing uses for the receiving water in the area of the proposed discharge. The unclassified receiving waters of the drainage ditch have no aquatic life uses. The designated uses for Segment No. 1006 are navigation, industrial water supply and no aquatic life. The effluent limitations in the draft permit will maintain and protect the existing instream uses. All determinations are preliminary and subject to additional review and/or revisions.

RENEWED, CJ/JB

Item carried forward from Agenda of April 25, 1990

- Item 2. APPLICATION OF THE CITY OF BELTON, Certificate of Convenience and Necessity (CCN) No. 11133, to transfer a portion of water Certificate of Convenience and Necessity No. 10048 in Bell County (Application No. 8323-S)

APPROVED, JB/CJ

Item carried forward from Agenda of March 28, 1990 and April 25, 1990.

- Item 3. APPLICATION NO. 5272 BY CITY OF GILMER FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. For Commission consideration and action. Applicant seeks authorization to (1) construct and maintain a 12,720 acre-foot capacity reservoir on Kelsey Creek, Cypress Basin; (2) divert 6470 acre-feet of water per annum for municipal purposes; (3) divert 1000 acre-feet of water per annum for industrial purposes; (4) use the reservoir for recreational purposes and (5) divert a total of 300 acre-feet of water for construction purposes in Upshur County, approximately 3 miles northwest of Gilmer, Texas. (JORDAN:rma)

APPROVED, CJ/JB

Item carried forward from Agenda of March 21, 1990 and April 25, 1990.

- Item 4. APPLICATION BY SMITH INDUSTRIES, INC. for a minor amendment to Permit No. 11975-01, 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 a steel fabricating plant by irrigation on approximately 56 acres of company-owned pastureland. The disposal volume is not to exceed an average of 6,000 gallons per day. Application rates for the irrigated land shall not exceed 2.1 acre-feet/acre/year. No discharge of pollutants into waters of the State is authorized by this permit. The plant and irrigation sites are approximately four miles east of the City of Alleyton, 2100 feet west of the intersection of Interstate Highway 10 and Farm-to-Market Road 949, in Colorado County, Texas. The plant site and irrigated land are located in the drainage area of San Bernard River, Segment No. 1302 of the Brazos-Colorado Coastal Basin.

APPROVED, JB/CJ

Item carried forward from April 25, 1990.

- Item 5. CONSIDERATION OF THE ADOPTION OF AMENDMENTS TO CHAPTERS 297 AND 305 AND ADOPTION OF NEW CHAPTER 310 OF 31 TEXAS ADMINISTRATIVE CODE, CONCERNING WATER RIGHTS AND RECLAIMED WATER. These amendments and new rules are in an effort to encourage the substitution of reclaimed water in place of potable water where appropriate and to promote conservation of existing natural resources. (McCalla)

CONTINUED TO MAY 30, 1990 @ 3:00 P.M.