

WYNNE
BIRDWELL
JOHNSON

CONTESTED AGENDA

Wednesday, January 9, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LABEL & PACKAGING CORPORATION OF AMERICA (SWR NO. 38623) AND AMERICAN CONTACT PRODUCTS, INC. (SWR NO. NONE). (Hall)

CONTINUED TO FEBRUARY 27, 1991 AT 9:00 A.M.

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF NATIONAL METAL FINISHING, INC., SWR NO. 35454. (Smith, R.)

CONTINUED TO JANUARY 23, 1991 AT 9:00 A.M.

Item 3. CONSIDERATION OF THE NOTICE OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF BISLAYNE PROPERTIES, INC., PERMIT NO. 10791-001. (Corrigan)

APPROVED REFERRAL TO ATTORNEY GENERAL'S OFFICE, CJ/JB

Item 4. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF MAYFAIR ADDITION JOINT VENTURE FOR PERMIT NO. 13518-01 to authorize the discharge of 24,500 gpd of treated domestic wastewater effluent in Tarrant County, Texas, and Segment No. 0828 of the Trinity River Basin. Recommendation: Issuance of permit. (Colbert)

APPROVED ORDER AS PROPOSED, CJ/BJW

Item 5. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF ARROWHEAD WATER SYSTEM to increase retail water rates in Hill County, Texas; Docket No. 8242-G. Applicant provides retail water service to approximately 110 customers. Recommendation: Approval of rate increase. (Parker)

APPROVED W/CHANGES, JB/CJ

Item 6. CONSIDERATION OF THE NOTICE OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CHARLIE HOWARD DBA HOWARD WATER SYSTEM. (Montelongo).

APPROVED, CJ/JB

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER FOR A HEARING TO SHOW CAUSE WHY THE UNAUTHORIZED AND

HAZARDOUS SETTLEMENT DAM OWNED BY MR. AND MRS. BRIAN FRAZIER OF ARGYLE, TEXAS, SHOULD NOT BE REMOVED (NO PERMIT). (Keils)

CONTINUED TO THIS AFTERNOON'S AGENDA AT 3:00 P.M.

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, January 9, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 26th, October 3, and October 31, 1990.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF AGRICULTURE WAREHOUSE, INC., AND FMC CORPORATION (SWR NO. 30901). (Renbarger)

APPROVED AGREED ORDER, CJ/JB

Item carried forward from Agenda of November 7, 1990.

- Item 2. CONSIDERATION OF THE NOTICE OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF KELLER INDUSTRIES, INC., PERMIT NO. 02633. (Corrigan)

APPROVED, CJ/JB

Item carried forward from Agenda of November 14, 1990.

- Item 3. CONSIDERATION OF THE NOTICE OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EXXON CHEMICAL COMPANY, NO REGISTRATION. (Warneke)

APPROVED, JB/CJ

Item carried forward from Agenda of November 28, 1990.

- Item 4. APPLICATION OF BANDERA RIVER RANCH WATER COMPANY, INC. for a Rate/Tariff Change in Bandera County (Application No. 8382-G, Horst)

APPROVED PROPOSED ORDER W/LANGUAGE CHANGES, JB/CJ

Item carried forward from Agenda of September 5, October 10, and November 28, 1990.

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LOWENCO, INC., SWR NO. 38987. (Smith, R.)

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING.

Item carried forward from Agenda of September 5, October 17, and November 28, 1990.

- Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF STAR ENTERPRISE - TEXACO PORT ARTHUR REFINERY. (Renbarger)

CONTINUED TO JANUARY 23, 1991 AT 9:00 A.M.

Item carried forward from Agenda of March 21, 1990 and April 4, May 2, June 6, July 11, August 15, September 12, October 17, and November 28, 1990.

- Item 7. CONSIDERATION OF ALTERNATIVE ACTIONS WHICH THE COMMISSION COULD TAKE CONCERNING LAKE GRAPEVINE. WHEN THE COMMISSION DISMISSED THE COMPLAINT FILED BY PARK CITIES MUNICIPAL UTILITY DISTRICT AGAINST THE CITIES OF DALLAS AND GRAPEVINE ON OCTOBER 26, 1989, THE COMMISSION DIRECTED THE EXECUTIVE DIRECTOR TO PREPARE A LIST OF ALTERNATIVES THE COMMISSION COULD TAKE TO ADDRESS PROBLEMS WHICH WILL ARISE DURING A TIME OF DROUGHT IN THIS OVER APPROPRIATED RESERVOIR. (Smith, R.)

CONTINUED TO FEBRUARY 13, 1991 AT 9:00 A.M.

Item carried forward from Agenda of October 26, 1989, January 24, April 11, June 6, July 25, September 26th, October 3, October 31, and November 28, 1990.

- Item 8. 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 AND REQUIRING CERTAIN ACTIONS OF CONTINENTAL PRODUCTS OF TEXAS, SWR NO. 30251. (Dickman)

APPROVED, CJ/JB

Item carried forward from Agenda of November 7 and November 28, 1990.

- Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF STABILIZING TECHNOLOGY OF TEXAS, INC. (SWR NO. 39883) ALVARADO

APPROVED, JB/CJ

SPECIAL AGENDA

Wednesday, January 9, 1991

TEXAS WATER COMMISSION

1:30 P.M.
Room 123

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT ON AGENCY ADMINISTRATION POLICY BUDGET PROCEDURES AND PERSONNEL MATTERS. (Beinke)

A. The Commission will convene in open session to receive a briefing, discuss and/or take action on the above referenced matters.

B. The Commission reserved the right, following an appropriate announcement, to meet in Executive Session to discuss pending or contemplated litigation, and/or to discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by TEX.REX.CIV.STAT.ANN. art. 6252-17 Sections 2(e) and (g). Following any discussion in Executive Session, the Commission will reconvene in open meeting to take formal action, if necessary.

(Due to reasonably unforeseeable circumstances, an expedited setting of this matter is necessary).

NO ACTION TAKEN UPON THIS MATTER - MEETING HAS BEEN CANCELLED AND WILL BE TAKEN UP AT A LATER DATE.

WYNNE
BIRDWELL
JOHNSON

UNCONTESTED AGENDA

Wednesday, January 9, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY U.S. NAVY/U.S. NAVAL WEAPONS INDUSTRIAL RESERVE PLANT for a permit (Proposed Permit No. HW-50081) to authorize the continued operation of an existing Class I hazardous industrial solid waste storage and processing facility. The ordnance facility is located on a 9,700-acre tract of land contiguous to the west side of State Highway 317, having the main entrance positioned approximately one-half mile south of the City of McGregor in McLennan and Coryell Counties, Texas.

CONTINUED TO JANUARY 16, 1991 AT 3:00 P.M.

Item 2. APPLICATION BY STANDARD INDUSTRIES for a minor amendment to Permit No. HW-50118 which currently authorizes a hazardous waste storage, processing and disposal facility. The facility is located on 253.523 acres approximately 4,000 feet west and 3,750 feet north of the intersection of Nelson Road and Pearsall Road, southwest of the City of San Antonio, Bexar County, Texas.

APPROVED, CJ/JB

Item 3. APPLICATION BY MOBAY CORPORATION for an amendment to Permit No. HW-50173 which authorizes a Class I hazardous industrial solid waste facility for storage, processing and disposal of wastes generated from chemical manufacturing operations. The facility is located on a 727-acre tract of land east of Cedar Bayou, approximately one-half mile south of the intersection of FM 565 near the City of Baytown in Chambers County, Texas.

APPROVED, CJ/JB

Item 4. APPLICATION BY UNION CARBIDE CHEMICALS & PLASTICS CO., INC. for an amendment to Permit No. HW-50242 which authorizes a Class I hazardous industrial solid waste storage and processing facility for liquid wastes from petrochemical manufacturing. The facility is on a 440-acre tract of land northeast of the junction of State Highways 519 and 146 in Galveston County, Texas.

APPROVED, CJ/JB

Item 5. APPLICATION BY CAMPFIRE CHARCOAL, DIV. OF ARROW INDUSTRIES, INC. for a permit (Proposed Permit No. 03201) to authorize disposal of rainfall runoff from a coal storage area. The plant site is at 410 Selman Street in the City of Jacksonville, Cherokee County, Texas.

APPROVED, JB/CJ

Item 6. APPLICATION BY COBB DAIRY, INC. for a permit (Proposed Permit No. 03239) to authorize disposal of waste and wastewater from a dairy which consists of 600 head in confinement. The dairy is on the west side of a county road, approximately 1 mile west of State Highway 174, approximately 2-1/2 miles southwest of the intersection of State Highway 174 and Farm-to-Market Road 916 in Johnson County, Texas.

APPROVED, JB/CJ

Item 7. APPLICATION BY CUADRILLA IMPROVEMENT CORPORATION for a permit (Proposed Permit No. 13530-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 12,000 gallons per day. The proposed wastewater treatment facilities will serve a residential subdivision. The plant site is to be north of Cuadrilla cut-off Road and south of Cuadrilla Lateral, approximately 580 feet east of South Loop Road, and approximately 800 feet east of the intersection of Farm-to-Market Road 258 and Cuadrilla cut-off Road in El Paso County, Texas.

APPROVED, JB/CJ

Item 8. APPLICATION BY RICHARD FANNIN for a permit (Proposed Permit No. 03250) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 550 head in confinement. The dairy is on the north side of Farm-to-Market Road 3165, approximately 3 miles west of the intersection of Farm-to-Market Road 3165 and State Highway 259 in Bowie County, Texas.

APPROVED, JB/CJ

Item 9. APPLICATION BY GERBEN LEYENDEKKER for a permit (Proposed Permit No. 03259) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 700 head in confinement. The dairy is on an unnamed county road, approximately 3 miles northwest of Carlton, Texas and 1 mile north of Farm-to-Market Road 219 in Erath County, Texas.

APPROVED, JB/CJ

Item 10. APPLICATION BY MIKE LLOYD DBA MIKE LLOYD DAIRY for a permit (Proposed Permit No. 03301) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 600 head in confinement. The dairy is on Farm-to-Market Road 219, approximately 2.5 miles south of the intersection of Farm-to-Market Road 219 and Farm-to-Market Road 8 in Erath County, Texas.

APPROVED, JB/CJ

Item 11. APPLICATION BY MILLSAP INDEPENDENT SCHOOL DISTRICT for a permit (Proposed Permit No. 13537-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 16,000 gallons per day. During the months of June and July, the Millsap I.S.D. plans to use the treated effluent for irrigation with application rates not to exceed 0.675 acre-feet/acre/year. The plant site is approximately 1,700 feet northeast of the intersection of Farm-to-Market Road 3028 and Farm-to-Market Road 113 in Parker County, Texas.

APPROVED, JB/CJ

Item 12. APPLICATION BY RICHARDS INDEPENDENT SCHOOL DISTRICT for a permit (Proposed Permit No. 13527-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000 gallons per day. The plant site is to be approximately 550 feet north of Farm-to-Market Road 149 and 1,800 feet west of the Chicago, Rock Island and Pacific Railroad in Grimes County, Texas.

APPROVED, JB/CJ

Item 13. APPLICATION BY TEXAS UTILITIES ELECTRIC COMPANY for a minor amendment to Permit No. 01528 in order to add stormwater wastestreams from a new ash disposal area via existing Outfall 401. The permit authorizes a discharge of once through cooling water and previously monitored effluents at a volume not to exceed an average flow of 1,785,000,000 gallons per day from the Monticello Steam Electric Station into the Monticello Reservoir. The permit also authorizes intermittent discharges from the Monticello Reservoir to Lake Bob Sandlin in Segment No. 0408 of the Cypress Creek Basin. The plant site is on the east shore of Monticello Reservoir which is located approximately one (1) mile south of FM Road 127 and five (5) miles southwest of the City of Mount Pleasant, Titus County, Texas.

APPROVED, JB/CJ

Item 14. APPLICATION BY CITY OF FROST for an amendment to Permit No. 10444-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 25,000 gallons per day to a volume not to exceed an average flow of 40,000 gallons per day. The wastewater treatment facilities are approximately 0.4 mile northwest of the intersection of State Highway 22 and Farm-to-Market Road 667 in Navarro County, Texas.

APPROVED, JB/CJ

Item 15. APPLICATION BY CITY OF MCGREGOR for an amendment to Permit No. 10219-02 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 785,000 gallons per day to a volume not to exceed an average flow of 1,100,000 gallons per day. The wastewater treatment facilities are adjacent to and west of State Highway 317, approximately 2 miles south of the intersection of U.S. Highway 84 and State Highway 317 in McLennan County, Texas.

APPROVED, JB/CJ

Item 16. APPLICATION BY CITY OF STERLING CITY for an amendment to Permit No. 12147-01 in order to change from discharge, with provisions for irrigation, to disposal by irrigation and to increase the authorized disposal volume. The permit currently authorizes a discharge at a volume not to exceed an average flow of 95,000 gallons per day with provisions that allow the use of effluent for irrigation. Effective January 1, 1992, the proposed amendment would increase the authorized flow to a volume not to exceed an average of 116,000 gallons per day, and disposal of effluent is to be by irrigation only. The plant site and irrigation area are approximately 650 feet southwest of the intersection of U.S. Highway 87 and State Highway 158 in Sterling County, Texas.

APPROVED, JB/CJ

Item 17. APPLICATION BY KEITH BLAIR DBA LAKE FORK MARINA for renewal of Permit No. 12960-01 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 facilities are approximately 1 mile south of the intersection of Farm-to-Market Roads 515 & 17; approximately 5 miles north of the intersection of Farm-to-Market Road 17 and State Highway 182 in Wood County, Texas.

RENEWED, JB/CJ

Item 18. APPLICATION BY BROWNSVILLE NAVIGATION DISTRICT for renewal of Permit No. 10332-05 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,000,000 gallons per day from the Turning Basin Wastewater Treatment Facilities. The plant site is on the north side of State Highway 48, approximately 0.7 mile east of the intersection of State Highway 48 with FM 511, northeast of the City of Brownsville in Cameron County, Texas.

RENEWED, JB/CJ

Item 19. APPLICATION BY CONTINENTAL CARBON COMPANY for renewal of Permit No. 02882 which authorizes disposal of commingled stormwater and process wastewater from a carbon black production facility by evaporation. The disposal volume is not to exceed a maximum of 3,000 gallons per day. The plant site is approximately 2.3 miles north-northwest of the intersection of FM Roads 119, 721 and 1284 and 8.5 miles northeast of the City of Dumas, Moore County, Texas.

RENEWED, JB/CJ

Item 20. APPLICATION BY CITY OF DECATUR for renewal of Permit No. 10009-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 400,000 gallons per day. The wastewater treatment facilities are approximately 1300 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.

RENEWED, JB/CJ

Item 21. APPLICATION BY DOMESTIC UTILITY COMPANY for renewal of Permit No. 11762-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 150,000 gallons per day from the Aldine-Village Wastewater Treatment Facilities. The plant site is at 813 Hollyvale, east of Interstate Highway 45 in northern Houston in Harris County, Texas.

RENEWED, JB/CJ

Item 22. APPLICATION BY FINA OIL AND CHEMICAL COMPANY, PORT ARTHUR REFINERY for renewal of Permit No. 00657 which authorizes a discharge of treated ballast water via Outfall 001 at a volume not to exceed an average flow of 1,500,000 gallons per day plus uncontaminated stormwater via Outfalls 002, 003 and 004 from a crude oil and refined products marine terminal. The plant site is at the corner of 32nd and Grandview in the City of Port Arthur, Jefferson County, Texas.

RENEWED, JB/CJ

Item 23. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 266 for renewal of Permit No. 12292-02 which authorizes a discharge of treated domestic wastewater effluent in phases with the final volume not to exceed an average flow of 550,000 gallons per day. The wastewater treatment facilities are approximately 5,000 feet west of Lee Road and 700 feet south of Beltway 8 in Harris County, Texas.

RENEWED, JB/CJ

Item 24. APPLICATION BY HOOD COUNTY UTILITIES, INC. for renewal of Permit No. 13022-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 88,000 gallons per day from the Blue Water Shores Wastewater Treatment Facilities. The plant site is on the north shore of Lake Granbury, approximately 2 miles from the Lake Granbury Dam and south of Hood County Road No. 309 in Hood County, Texas.

RENEWED, JB/CJ

Item 25. APPLICATION BY OAKWILDE COMPANY for renewal of Permit No. 10236-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 450,000 gallons per day. The wastewater treatment facilities are immediately north of Mooney Road and east of Halls Bayou in Harris County, Texas.

RENEWED, JB/CJ

Item 26. APPLICATION BY H. WALTER PYE, JR. for renewal of Permit No. 13194-01 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 facilities are approximately 2700 feet west of the intersection of Interstate Highway 45 and Almeda Genoa Road between Rowett Road and Minnesota Street in Harris County, Texas.

RENEWED, JB/CJ

Item 27. APPLICATION BY CITY OF RHOME for renewal of Permit No. 10701-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 80,000 gallons per day. The wastewater treatment facilities are on Quail Ridge Drive, approximately 2000 feet north of the intersection of Farm-to-Market Road 114 and the Burlington Northern Railroad in Wise County, Texas.

RENEWED, JB/CJ

Item 28. APPLICATION BY VICTORIA COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 for renewal of Permit No. 10513-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day. The wastewater treatment facilities are approximately 1/2 mile northeast of the intersection of State Highway 185 and Farm-to-Market Road 616, and approximately 400 feet north of Farm-to-Market Road 616 just northeast of the City of Bloomington in Victoria County, Texas.

APPROVED, JB/CJ

Item 29. APPLICATION BY TOWN OF WINDOM for renewal of Permit No. 10666-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 30,000 gallons per day. The wastewater treatment facilities are east of Burnett Creek and about 1,000 feet west of Wall Street, approximately 0.25 mile southwest of the intersection of U.S. Highway 82 and Farm-to-Market Road 1743 in Fannin County, Texas.

APPROVED, JB/CJ

Item 30. APPLICATION BY WONDER CHEMICAL COMPANY DBA WONDER COMPANY for renewal of Permit No. 02901 which authorizes a discharge of stormwater runoff at a volume variable with rainfall from a bark processing facility. The plant site is adjacent to the Southern Pacific Railroad, approximately 0.5 mile southwest of New Willard in Polk County, Texas.

APPROVED, JB/CJ

Item 31. APPLICATION BY AUSTIN MUNICIPAL UTILITY DISTRICT NO.2 OF TRAVIS COUNTY (FORMERLY NORTH TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2) FOR APPROVAL OF \$1,900,000 UNLIMITED TAX BONDS, 8.6715% NET EFFECTIVE INTEREST RATE, FIRST ISSUE, SERIES 1991, PURSUANT TO V.T.C.A., WATER CODE SECTION 54.516. For Commission consideration and action. Applicant seeks approval of the issuance of \$1,900,000 in bonds to finance utilities to serve 265 connections in Harris Branch Phase IA, Sections 2, 3, 5 & 6.

APPROVED, CJ/JB

Item 32. APPLICATION BY HURST CREEK MUNICIPAL UTILITY DISTRICT OF TRAVIS COUNTY FOR APPROVAL OF A BOND AMENDMENT TO INCREASE THE AUTHORIZED BOND INSTALLMENT AMOUNT FROM \$950,000 TO \$1,200,000, OF THE \$4,525,000 BOND ISSUE APPROVED November 30, 1988. For Commission consideration and action. Applicant requests approval of a bond amendment to sell an installment of \$1,200,000 to construct an expansion of its wastewater treatment plant to 0.25 mgd.

APPROVED, CJ/JB

Item 33. APPLICATION BY SOUTH SHORE HARBOUR MUNICIPAL UTILITY DISTRICT NO. 3 OF GALVESTON COUNTY FOR APPROVAL OF THE ISSUANCE OF \$2,050,000 IN UNLIMITED TAX AND REVENUE BONDS, 8.725% NET EFFECTIVE INTEREST RATE, SERIES 1991, THIRD ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$2,050,000 in bonds to finance wastewater capital recovery fees and utilities to serve residential areas.

CONTINUED TO JANUARY 16, 1991 AT 9:00 A.M.

Item 34. APPLICATION BY BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 FOR APPROVAL TO USE SURPLUS FUNDS; \$1,620,000 BOND ISSUE APPROVED AUGUST 10, 1984. For Commission consideration and action. Applicant requests approval to use \$132,400 in surplus funds to finance the District's 72.81% share of costs to install a sand filter at the District's shared regional wastewater treatment plant.

APPROVED, CJ/JB

Item 35. APPLICATION BY ELLIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$14,095,000 BOND ISSUE APPROVED JULY 12, 1985. For Commission consideration and action. Applicant requests approval of the use of \$259,870 of surplus funds for increased construction costs for the Raw Water Pump Station No. 2 project.

APPROVED, CJ/JB

Item 36. APPLICATION BY HARRIS COUNTY UTILITY DISTRICT NO. 3 FOR APPROVAL TO USE SURPLUS FUNDS; \$4,040,000 BOND ISSUE APPROVED JULY 1, 1974. For Commission consideration and action. Applicant requests approval to use \$116,624.41 in surplus funds plus accrued interest to partially finance the costs to repair and replace the failed 8-inch wastewater line under Kingwood Drive.

APPROVED, CJ/JB

Item 37. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 102. For Commission consideration and action. Applicant seeks after-the-fact authorization to proceed with an emergency project by negotiated bids, and approval of the use of \$117,500 in surplus funds for repairs to the District's Water Well No. 2.

APPROVED, CJ/JB

Item 38. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$2,750,000 BOND ISSUE APPROVED February 20, 1985. For Commission consideration and action. The District is requesting the use of \$78,827 in surplus funds to finance the Chelford City Regional Wastewater Treatment Plant dechlorination facility project, contingencies and engineering, surveying and testing costs.

APPROVED, CJ/JB

Item 39. APPLICATION BY MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 2 OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$10,750,000 BOND ISSUE APPROVED APRIL 19, 1985. For Commission consideration and action. The District is requesting the use of \$63,499 in surplus funds to finance the Chelford City Regional Wastewater Treatment Plant dechlorination facility project, contingencies and engineering, surveying and testing costs.

APPROVED, CJ/JB

Item 40. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 13 FOR APPROVAL OF AN EXTENSION OF TIME OF APPROVAL OF A \$1,355,000 INSTALLMENT OF THE \$11,435,000 BOND ISSUE APPROVED August 5, 1988. For Commission consideration and action. Applicant requests approval of an extension of time to sell \$1,355,000 of the originally approved \$11,435,000 to fund costs for a 0.5 mgd interim wastewater treatment plant and a 0.75 mgd expansion of the plant.

APPROVED, CJ/JB

Item 41. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55

FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS, \$1,285,000 BOND ISSUE APPROVED February 21, 1990. For Commission consideration and action. Applicant requests approval of the release of \$276,036 of escrowed funds for construction costs for utilities within Heritage Park Section 16.

APPROVED, CJ/JB

Item 42. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286. For Commission consideration and action. Applicant seeks approval of the release of \$1,373,418 in escrowed funds to finance the construction of the Water Plant No. 1 expansion, and Water Well No. 2.

APPROVED, CJ/JB

Item 43. APPLICATION BY PONDEROSA FOREST UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS CONSTRUCTION FUNDS AND UNALLOCATED ESCROWED FUNDS; For Commission consideration and action. Applicant requests approval to use \$259,336.87 (\$74,261.87 in surplus funds and \$185,105 release of escrowed funds) to finance water line relocations; utility conflict relocations; replacement of hydropneumatic tank; drainage improvements; and painting of water storage tanks.

APPROVED, CJ/JB

Item 44. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 FOR APPROVAL OF AN ESCROW RELEASE; \$2,100,000 UNLIMITED TAX BONDS, APPROVED NOVEMBER 9, 1990. For Commission consideration and action. The District's application requests Commission approval of the release of \$819,104 from escrow to purchase outfall drainage capacity from the Harris County Flood Control District, and to finance a wastewater treatment plant expansion.

APPROVED, CJ/JB

Item 45. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF DANVILLE WATER SUPPLY FOR A CEASE AND DESIST ORDER AGAINST THE CITY OF MCKINNEY RELATING TO THE PROVISION OF WATER SERVICE IN COLLIN COUNTY; DOCKET NO. 7265. Recommendation: Adoption of agreement of parties. (Colbert)

APPROVED AGREED ORDER, JB/CJ

Item 46. APPLICATION OF CLAY WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity Number in Burleson County. (Application No. 8569-C, Holck)

APPROVED, CJ/JB

Item 47. APPLICATION OF CLEARWATER WOODS PROPERTY OWNERS ASSOCIATION for a Water Certificate of Convenience and Necessity in Liberty County. (Application No. 8703-C, Holck)

APPROVED, CJ/JB

Item 48. APPLICATION OF EAST EL PASO WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in El Paso County. (Application No. 8624-C, Holck)

APPROVED, CJ/JB

Item 49. APPLICATION OF DAVID P. EVERETT, SR., DBA COONEY CAVERN LODGE for a Water Certificate of Convenience and Necessity in Bosque County. (Application No. 8685-C, Holck)

APPROVED, CJ/JB

Item 50. APPLICATION OF FARNSWORTH WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Ochiltree County. (Application No. 8701, Holck)

APPROVED, CJ/JB

Item 51. APPLICATION OF FARRAR WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Limestone County. (Application No. 8711-C, Holck)

APPROVED, CJ/JB

Item 52. APPLICATION OF BEN FRANKLIN WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Delta County (Application No. 8680-C, Holck)

APPROVED, CJ/JB

Item 53. APPLICATION OF HUNTERS COVE SECTION I PROPERTY OWNERS ASSOCIATION for a Water Certificate of Convenience and Necessity in Liberty County. (Application No. 8702-C, Holck)

APPROVED, CJ/JB

Item 54. APPLICATION OF MARION FOWLER for a Water Certificate of Convenience and Necessity in Travis County. (Application No. 8677-C, Holck)

APPROVED, CJ/JB

Item 55. APPLICATION OF LAKE NAVIGATION COMPANY, INC. DBA OAK SHORES WATER SYSTEM for a Water Certificate of Convenience and Necessity in Travis County. (Application No. 8676-C, Holck)

APPROVED, CJ/JB

Item 56. APPLICATION OF OTTINE WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Gonzales County. (Application No. 8671-C, Holck)

APPROVED, CJ/JB

Item 57. APPLICATION OF RIO BRAVO WATER COMPANY, INC. for a Water Certificate of Convenience and Necessity in Webb County. (Application No. 8516-C, Holck)

APPROVED, CJ/JB

Item 58. APPLICATION OF E. M. PARKER DBA ROYAL OAK WATER for a Water Certificate of Convenience and Necessity in Kerr County. (Application No. 8668-C, Holck)

APPROVED, CJ/JB

Item 59. APPLICATION OF TIMBER RIDGE ASSOCIATION for a Water Certificate of Convenience and Necessity in Nacogdoches County. (Application No. 8683-C, Holck)

APPROVED, CJ/JB

Item 60. APPLICATION OF THE CITY OF WAXAHACHIE for an Amendment to Water Certificate of Convenience and Necessity No. 10915 in Ellis County. (Application No. 8531-C, Holck)

APPROVED, CJ/JB

Item 61. APPLICATION OF DRIPPING SPRINGS WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity No. 10315 in Hays County. (Application No. 8684-C, Holck)

APPROVED, CJ/JB

Item 62. APPLICATION OF ODIE L. NEHRING for an Amendment to Water Certificate of Convenience and Necessity No. 11977 in Williamson County. (Application No. 8669-C, Holck)

APPROVED, CJ/JB

Item 63. APPLICATION OF PLEASANT GROVE WATER SUPPLY CORPORATION to Amend Water Certificate of Convenience and Necessity No. 10756 in Freestone and Navarro Counties. (Application No. 8663-C, Holck)

APPROVED, CJ/JB

Item 64. APPLICATION OF CITY OF WEATHERFORD, CCN No. 10282, to Purchase Facilities and Transfer a Portion of CCN No. 11908 from H2M Water Systems, Inc. in Parker County, and Application No. 8649-C; Application of H2M Water Systems, Inc. for an Amendment to Certificate of Convenience and Necessity No. 11908 in Wise County. (Application No. 8587-C, Carlson, and Application No. 8649-C, Holck)

APPROVED, CJ/JB

Item 65. APPLICATION NO. 5320 BY SHELBY KOEHLER AND WIFE, MARJORIE KOEHLER AND CALVIN KOEHLER FOR A WATER USE PERMIT PURSUANT TO SECTION 11.121 OF THE TEXAS WATER CODE. For Commission action. Applicant seeks authorization to divert 200 acre-feet of water per annum from the San Antonio River, San Antonio River Basin, to irrigate 200 acres out of a 262-acre tract in Wilson County, approximately 3.5 miles south of Floresville, Texas. (JORDAN:rma)

APPROVED, CJ/JB

Item 66. APPLICATION NO. 5318 BY NORTHWESTERN RESOURCES COMPANY FOR A WATER USE PERMIT PURSUANT TO SECTION 11.121 OF THE TEXAS WATER CODE For Commission action. Applicant seeks to impound State water in five reservoirs created by existing dams located on tributaries of Buffalo Creek, Trinity River Basin, and use not to exceed 130 acre-feet of water per annum from the reservoirs for industrial use (dust suppression, compaction of civil projects and stabilization of disturbed soils) in Freestone and Leon Counties, approximately one mile east of Donie, Texas. (JORDAN:rma)

APPROVED W/ADDT'L LANGUAGE, CJ/JB

Item 67. APPLICATION NO. 5319 BY NORTHWESTERN RESOURCES COMPANY FOR A WATER USE PERMIT PURSUANT TO SECTION 11.121 OF THE TEXAS WATER CODE For Commission action. Applicant seeks to impound State

water in 15 reservoirs created by existing dams located on tributaries in the Navasota River watershed, Brazos River Basin and use water from six of the reservoirs for industrial purposes (dust suppression, compaction and stabilization of disrurbured soils) in Freestone and Leon Counties.

APPROVED, W/ADDT'L LANGUAGE, CJ/JB

Item 68. APPLICATION NO. 5316 BY ROBERT E. JONES, ET AL FOR A SECTION 11.121 WATER USE PERMIT. For Commission consideration and action. Applicants seek authorization to maintain a dam and reservoir on an unnamed tributary of Scatterbranch Creek, Red River Basin in Childress County for non-consumptive recreational purposes. (JORDAN/tls)

APPROVED, CJ/JB

Item 69. APPLICATION NO. 12-4059A BY THE ESTATE OF HELEN T. DURHAM TO AMEND CERTIFICATE NO. 12-4059. FOR COMMISSION ACTION. Applicant seeks to amend Cert. No. 12-4059 by specifying a diversion point on the Brazos River (Lake Granbury) pursuant to Special Condition 4. of the certificate, on the applicant's property, approximately 3.5 miles northwest of Granbury, Hood County, Texas. (JORDAN/jme)

APPROVED, CJ/JB

Item 70. APPLICATION NO. 4083A BY DEREL FILLINGIM TO AMEND PERMIT NO. 3783. FOR COMMISSION ACTION. Applicant seeks to extend the term contained in Special Condition 4.(e) of the permit which authorizes the diversion and use of not to exceed a combined total of 200 acre-feet of water per annum from an existing reservoir on an unnamed tributary of the North Bosque River, Brazos River Basin, to irrigate 200 acres of land approximately 19 miles northeast of Hamilton, Hamilton County, Texas. (JORDAN/jme)

APPROVED, CJ/JB

Item 71. APPLICATION NO. 23-2706A BY ROBERT S. PHELPS, ET. AL. TO AMEND CERT. NO. 23-2706. For Commission Action. Applicants seek to amend Certificate of Adjudication No. 23-2706 to temporarily change the purpose of use of 40 acre-feet of the 384 acre-feet of water authorized to be diverted from the Rio Grande under the certificate from irrigation to mining purposes for a period time in accordance with agreement between applicants and Pete Gallegos Paving Inc. and will revert to irrigation purposes upon termination of said agreement, approximately 12 miles northwest of Laredo, Webb County, Texas. (JORDAN/wph).

APPROVED, CJ/JB

Item 72. APPLICATION NO. 12-3502A BY DONALD K. SETZLER TO AMEND CERTIFICATE NO. 12-3502 FOR COMMISSION ACTION. Applicant seeks to amend the certificate to extend the term of the certificate which is set to expire December 31, 1990. Authorization includes the diversion and use of not to exceed 64 acre-feet of water per annum from an exempt 64 acre-foot dam and reservoir located on an unnamed tributary of the Leon River, Brazos River Basin, to irrigate a maximum of 56 acres of land out of a 120-acre tract in Comanche County, approximately 7 miles north of DeLeon, Texas. (JORDAN:rma)

APPROVED, CJ/JB

Item 73. APPLICATION NO. 12-3524A BY ARCHIE E. SKAGGS TO AMEND CERTIFICATE OF ADJUDICATION NO. 12-3524. FOR COMMISSION ACTION. Applicant seeks to remove or extend the term contained in Special Condition 4.(B) of the certificate. The certificate currently authorizes diversion of not to exceed a total of 25 acre-feet of water per annum from two existing, exempt reservoirs on an unnamed tributary of the Sabana River, Brazos River Basin, to irrigate 41.8 acres of land, approximately 13.5 miles SE of Eastland, Eastland County, Texas. (JORDAN/jme)

APPROVED, CJ/JB

Item 74. APPLICATION BY LOWER COLORADO RIVER AUTHORITY FOR AN EXTENSION OF TIME TO COMMENCE AND COMPLETE CONSTRUCTION OF THE DAM FOR THE RESERVOIR AUTHORIZED BY CERTIFICATE NO. 14-5474. For Commission action. Applicant seeks an extension of time for commencement of construction of the dam on Baylor Creek, Colorado River Basin in Fayette County, Texas from September 18, 1991 to September 18, 1996 and the completion date from September 18, 1994 to September 18, 1999. (JORDAN:rma)

APPROVED, CJ/JB

Item 75. APPLICATION NO. 4609 BY RUSK STATE HOSPITAL FOR AN EXTENSION OF TIME TO COMMENCE AND COMPLETE MODIFICATIONS TO THE EXISTING FACILITIES AUTHORIZED BY PERMIT NO. 4292. FOR COMMISSION ACTION. Applicant seeks a third extension of time for commencement and completion of the modifications to the existing facilities authorized under Permit No. 4292, to September 27, 1991 and September 27, 1992, approximately 1-mile north of Rusk, Cherokee County, Texas. (JORDAN/jme)

APPROVED, CJ/JB

Item 76. APPLICATION BY WATER WORKS BOARD OF TRUSTEES OF SAN ANTONIO FOR AN EXTENSION OF TIME TO BEGIN AND COMPLETE CONSTRUCTION OF APPLEWHITE DAM AND RESERVOIR. For Commission consideration and action. Applicant seeks authorization to extend the date by which construction of Applewhite Reservoir on Leon Creek and the Medina River in Bexar County, included in Water Use Permit No. 3914, must begin from October 20, 1990 to October 20, 1992 and to extend the date by which construction must be completed from October 20, 1996 to October 20, 1998. (JORDAN/tls)

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING.

Item 77. CONSIDERATION OF THE EMERGENCY ADOPTION OF NEW 31 TEXAS ADMINISTRATIVE CODE SECTIONS 334.481 AND 334.482, CONCERNING UNDERGROUND AND ABOVEGROUND STORAGE TANKS. The emergency rules will develop a procedure whereby waste resulting from a petroleum substance released from an aboveground or underground storage tank may be properly treated and disposed. (Mehta)

APPROVED, JB/CJ

Item 78. APPLICATION OF THE CITY OF MCKINNEY to Amend Certificate of Convenience and Necessity (CCN) No. 10194 and CCN No. 10190, Danville Water Supply Corporation (WSC), By Agreement, Pursuant to Section 13.255, Texas Water Code in Collin County. (Application No. 7397-C, Mayhew)

APPROVED, JB/CJ

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, January 9, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

- Item 79. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN EMERGENCY ORDER AUTHORIZING E.I. DUPONT DE NEMOURS AND COMPANY TO STORE AND INCINERATE THREE MILLION POUNDS OF TANK SEDIMENT WASTE. (Mehta, S.)

(Due to an imminent and substantial endangerment to the human health, safety and to the environment, an emergency setting is necessary.)

APPROVED W/AFFIRM AND MODIFICATION DATE TO BE WEDNESDAY, MARCH 6, 1991
AT 3:00 P.M., JB/CJ

UNCONTESTED OLD BUSINESS

Wednesday, January 9, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of December 12, 1990.

Item 1. EMPLOYEE OF THE MONTH PRESENTATIONS. Beinke.

NAMED WERE SHARON SMITH FOR THE MONTH OF DECEMBER, '90.
DAVID PETRICK FOR THE MONTH OF JANUARY, '91.

Item carried forward from Agenda of November 28, 1990.

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION TO AMEND THE ENFORCEMENT ORDER FOR THE CITY OF RED OAK, PERMIT NO. 11119-01. (Smith,

APPROVED, CJ/JB

Item carried forward from Agenda of December 12, 1990.

Item 3. APPLICATION BY WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 3 FOR APPROVAL OF AN ESCROW RELEASE; \$1,400,000 UNLIMITED TAX BONDS, APPROVED MARCH 17, 1989. For Commission consideration and action. The District's application requests Commission approval of the release of \$118,697 from escrow to purchase wastewater capacity in the City of Cedar Park wastewater out-fall main that was constructed by the City, and finance an air lift pump at the District's wastewater treatment plant.

CONTINUED TO JANUARY 16, 1991 AT 3:00 P.M.

Item carried forward from Agenda of December 12, 1990.

Item 4. CONSIDERATION OF A MOTION FOR REHEARING OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES OF ADVANCED AROMATICS, INC., PERMIT NO. 01914-01. (This matter was considered on October 31, 1990.)

APPROVED REVISED ORDER AS PROPOSED, CJ/JB

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, January 9, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of January 9, 1991 at 9:00 a.m.

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN ORDER FOR A HEARING TO SHOW CAUSE WHY THE UNAUTHORIZED AND HAZARDOUS SETTLEMENT DAM OWNED BY MR. AND MRS. BRIAN FRAZIER OF ARGYLE, TEXAS, SHOULD NOT BE REMOVED. (NO PERMIT). (Keils)

APPROVED AGREED ORDER AS PROPOSED, JB/CJ