

WYNNE  
BIRDWELL  
JOHNSON

CONTESTED AGENDA

Wednesday, January 16, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GYRO CHEMICAL AND EQUIPMENT COMPANY, INC., SWR NO. 39889. (Montelongo)

APPROVED, CJ/JB

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION TO AMEND THE COMMISSION'S ORDER OF MARCH 16, 1988, CONCERNING THE CITY OF CUMBY TO PROVIDE FOR THE ASSESSMENT OF STIPULATED PENALTIES SHOULD THE CITY FAIL TO HIRE AND RETAIN THE SERVICES OF A CERTIFIED SEWAGE TREATMENT PLANT OPERATOR AND TO EXTEND THE TERM OF THE ORDER TO MARCH 16, 1992. (Martinez)

APPROVED, JB/CJ

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF UTILITEC, INC., CERTIFICATE OF COMPETENCY NO. 20003. (Martinez)

SUBMITTED IN ERROR

Item 4. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATIONS OF TARRANT COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 AND BETHESDA WATER SUPPLY CORPORATION for an amendment to Certificate of Convenience and Necessity No. 10092 and 11089 to provide water service in Tarrant County, Texas; Dockets Nos. 8380-C and 8543-C. Recommendation: Issuance of Tarrant County FWSD No. 1 application and denial of Bethesda WSC application. (Parker)

CONTINUED TO JANUARY 23, 1991 AT 9:00 A.M. W/MOTION PENDING

Item 5. CONSIDERATION OF THE REQUEST OF THE MEADOWS OF CHANDLER CREEK MUNICIPAL UTILITY DISTRICT FOR REVIEW OF THE CITY OF ROUND ROCK'S WHOLESALE WATER AND SEWER RATES, DOCKET NO. 8599-M. (Montelongo)

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING TO BE HELD ON FEBRUARY 28, 1991 AT 10:00 A.M. IN ROOM 1149-A IN SFA BLDG.

Item 6. CONSIDERATION OF THE REQUEST BY THE CITY OF ROUND ROCK FOR REVIEW OF ITS WHOLESALE WATER RATES FOR WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 2, DOCKET NO. 8600-M. (Montelongo)

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING TO BE HELD ON FEBRUARY 28, 1991 AT 10:00 A.M. IN ROOM 1149-A IN SFA BLDG.

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF R. JUDD CRIBBS, D/B/A RIDGE HARBOR, DOCKET NO. 8239-E. (Keils)

APPROVED, JB/CJ

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 16, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of November 7, 1990 and December 12, 1990.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ROLLINS ENVIRONMENTAL SERVICES, INC., SWR NO. 50089. (McFaddin)

CONTINUED TO JANUARY 30, 1991 AT 9:00 A.M.

Item carried forward from Agenda of November 7, and December 12, 1990.

- Item 2. APPLICATION BY EXCEL CORPORATION for Temporary Order No. 90-40T to authorize disposal of accumulated solids from three on-site lagoons by application on up to 1500 acres of land in the vicinity of its meat packing and hide processing plant located in the City of Plainview, Hale County, Texas.

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

Item carried forward from the Agenda of December 12, 1990.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT, PETITION AND PROPOSED ENFORCEMENT ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ANZON, INC., PERMIT NO. 01264. (Montelongo)

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING.

Item carried forward from the Agenda of December 12, 1990.

- Item 4. CONSIDERATION OF THE COMPLAINT OF THE EXECUTIVE DIRECTOR AND PROPOSED ORDER IN THE MATTER OF AN UNAUTHORIZED DIVERSION, UNPERMITTED IMPOUNDMENT, AND DENIAL OF ACCESS TO WATERMASTER BY DAVID B. TERK AND RIO BRAVO, INC.; CERTIFICATE OF ADJUDICATION NO. 23-2811. (Kirick)

CONTINUED TO FEBRUARY 20, 1991 AT 9:00 AM.

Item carried forward from Agenda of January 9, 1991.

- Item 5. 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.

APPROVED STAFF RECOMMENDATIONS W/CHANGES AS PROPOSED, CJ/JB

WYNNE  
BIRDWELL  
JOHNSON

SPECIAL AGENDA

Wednesday, January 16, 1991

TEXAS WATER COMMISSION

2:00 p.m.  
Room 118

Item 1. SELECTION OF A CONSULTANT AND AUTHORIZATION OF THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT FOR REMEDIAL INVESTIGATION/FEASIBILITY STUDY FOR THE TEXAS AMERICAN OIL AND PRECISION MACHINE AND SUPPLY STATE SUPERFUND SITES. (Feeley)

CONTINUED TO JANUARY 30, 1991 AT 3:00 P.M.

WYNNE  
BIRDWELL  
JOHNSON - ABSENT AND EXCUSED FOR ITEMS 38 THRU 61

UNCONTESTED AGENDA

Wednesday, January 16, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER TERMINATING AN ENFORCEMENT ORDER ISSUED SEPTEMBER 16, 1986, AGAINST THE CITY OF AZLE, PERMIT NO. 11183-01. (Smith, S.)

APPROVED, CJ/JB

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF PADRE ISLAND SHRIMP, INC. (PERMIT NO. 02007-01) (RAYOS) (ARANSAS COUNTY)

APPROVED, JB/CJ

Item 3. APPLICATION BY JACK BEYER AND JIM BEYER for a permit (Proposed Permit No. 03211) to authorize disposal of waste and wastewater from an auction barn which will consist of a maximum of 1838 head in confinement. The auction barn is approximately 3.0 miles from the intersection of State Highway 377 and Farm-to-Market Road 988, approximately 3.5 miles southwest of Stephenville on State Highway 377 in Erath County, Texas.

APPROVED, JB/CJ

Item 4. APPLICATION BY DAR ANDERSON for a permit (Proposed Permit No. 03279) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 500 head and 50 calves in confinement. The dairy is on the south side of an unnamed county road, approximately four miles southeast of the intersection of Farm-to-Market Road 2823 and Farm-to-Market Road 1702 in Comanche and Erath Counties, Texas.

APPROVED, JB/CJ

Item 5. APPLICATION BY DELZON ELENBURG for a permit (Proposed Permit No. 03293) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 990 head in confinement. The dairy is approximately one mile west of the southerly intersection of U. S. Highway 281 and State Loop 187 in Jack County, Texas.

APPROVED, JB/CJ

Item 6. APPLICATION BY DENNIS KENNEDY for a permit (Proposed Permit No. 03261) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 450 head in confinement. The dairy is on the west side of Bagley Road,

approximately one mile north of the intersection of Bagley Road and Farm-to-Market Road 110 in Cherokee County, Texas.

APPROVED, JB/CJ

Item 7. APPLICATION BY JANNES STOKER for a permit (Proposed Permit No. 03238) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 650 head in confinement. The dairy is approximately 2 miles due north of the intersection of U.S. Highway 281 and Farm-to-Market 913 and approximately 4 miles south-southeast of the intersection of U.S. Highway 281 and State Highway 108 in Erath County, Texas.

APPROVED, JB/CJ

Item 8. APPLICATION BY SHINKO WIRE AMERICA, INC. for a permit (Proposed Permit No. 03287) to authorize a discharge of treated process wastewater at a volume not to exceed an average flow of 2,500 gallons per day. The applicant operates a metal finishing facility which manufactures steel cables from wire rod. The plant site is at 11020 Tanner Road, approximately 1200 feet west of the intersection of Tanner Road and Brittmore Road, Harris County, Texas.

APPROVED, JB/CJ

Item 9. APPLICATION BY ANDERSON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 for an amendment to Permit No. 01958 to authorize an increase in the irrigation area from approximately 81 acres to 105 acres. The facilities are adjacent to Farm to Market (F.M.) Road 323, approximately two (2) miles southeast of the City of Palestine in Anderson County, Texas.

APPROVED, JB/CJ

Item 10. APPLICATION BY CITY OF BARTLETT for an amendment to Permit No. 10880-01 in order to move the final treatment plant and discharge point 1500 feet downstream. The interim wastewater treatment facilities are on the south side of Town Branch, approximately 1/2 mile northeast of the intersection of U. S. Highway 95 and Farm-to-Market Road 487. The final wastewater treatment facilities are to be 3/4 mile northeast of the intersection of U. S. Highway 95 and Farm-to-Market Road 487, in Bell County, Texas.

APPROVED, JB/CJ

Item 11. APPLICATION BY TEMPLE-INLAND FOREST PRODUCTS CORPORATION for an amendment to Permit No. 01820 to authorize a diversion of part of the commingled wastewater in Pond G to the pond system that discharges through Outfall 001. The plant site is north of Farm to Market Road 2426 in the City of Pineland, Sabine County, Texas.

APPROVED, JB/CJ

Item 12. APPLICATION BY ACF INDUSTRIES INCORPORATED for a minor amendment to Permit No. 03115 which currently authorizes discharges of stormwater runoff via five outfalls. The proposed amendment would consolidate the five outfalls into two outfalls. The applicant operates the Shippers Car Line Facility which repairs and cleans railcars. The plant site is at 300 Stevens Street which is about one mile west of the

intersection of U.S. Highway 80 and Farm to Market (F.M.) Road 1845 and about three blocks south of U.S. Highway 80 in the City of Longview in Gregg County, Texas.

APPROVED, JB/CJ

Item 13. APPLICATION BY EL CAMPO ALUMINUM COMPANY for a minor amendment to Permit No. 01208 to change effluent limitations based on revised production data. The plant site is on Gladys Street, between Lilly Street and Route 59, in the City of El Campo, Wharton County, Texas.

APPROVED, JB/CJ

Item 14. APPLICATION BY PLAINS COTTON COOPERATIVE ASSOCIATION for a minor amendment to Permit No. 02599 in order to revise the general description and location of the waste disposal system due to the addition of new ponds. The plant site is adjacent to FM Road 54 (Spade Highway), approximately 1.4 miles east of the City of Littlefield. The disposal area is southwest of the plant and southeast of the City of Littlefield's wastewater treatment plant, Lamb County, Texas.

APPROVED, JB/CJ

Item 15. APPLICATION BY BOB'S TEXAS STYLE POTATO CHIPS, INC. for renewal of Permit No. 02816 which authorizes a flow variable discharge of treated process and wash water from a potato chip manufacturing facility. The plant site is adjacent and south of FM 529, approximately 4200 feet east of the intersection of FM 529 and FM 359, Waller County, Texas.

RENEWED, JB/CJ

Item 16. APPLICATION BY JOHN FRIAS for renewal of Permit No. 13041-01 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 35,000 gallons per day from the Saint Francis of Assisi Subdivision Wastewater Treatment Plant. The plant site is approximately two miles west-southwest of the City of Los Fresnos and 1.9 miles south-southwest of the intersection of State Highway 100 and Farm-to-Market Road 803 in Cameron County, Texas.

RENEWED, JB/CJ

Item 17. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 86 for renewal of Permit No. 12065-01 which authorizes a discharge of treated domestic wastewater effluent in phases with a final volume not to exceed an average flow of 850,000 gallons per day. The wastewater treatment facilities are approximately 0.4 mile south of the intersection of Farm-to-Market Road 1960 and Medberry Road in Harris County, Texas.

RENEWED, JB/CJ

Item 18. APPLICATION BY LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 13006-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 17,000 gallons per day from the Meyer Road Intermediate School No. 4 Wastewater Treatment Plant. The plant site is approximately 3.5 miles generally south of the City of Rosenberg and approximately 1300 feet

east of the intersection of J. Meyer Road and State Highway 36 in Fort Bend County, Texas.

RENEWED, JB/CJ

Item 19. APPLICATION BY LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 13007-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 17,000 gallons per day from the Manford Williams Elementary No. 8 wastewater treatment facilities. The plant site is at 5111 Farm-to-Market Road 762, approximately 4.5 miles east-southeast of the City of Rosenberg in Fort Bend County, Texas.

RENEWED, JB/CJ

Item 20. APPLICATION BY LOCHINVAR GOLF CLUB for renewal of Permit No. 12141-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 5,000 gallons per day from the Lochinvar Sewage Treatment Plant. The plant site is approximately 2100 feet east-southeast of the intersection of Hardy Road and Farrell Road, and 2.3 miles east northeast of the intersection of Interstate Highway 45 and Kuykendahl Road in Harris County, Texas.

RENEWED, JB/CJ

Item 21. APPLICATION BY CITY OF LOVELADY for renewal of Permit No. 10734-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 50,000 gallons per day. The wastewater treatment facilities are approximately 1 mile northwest of the intersection of State Highway 19 and Farm-to-Market Road 1280 in Houston County, Texas.

RENEWED, JB/CJ

Item 22. APPLICATION BY THE CITY OF MONTGOMERY for renewal of Permit No. 11521-01 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 north of the City of Montgomery, approximately 4000 feet generally north of the intersection of Farm-to-Market Road 149 and State Highway 105, just west of a point where Farm-to-Market Road 149 crosses Town Creek in Montgomery County, Texas.

RENEWED, JB/CJ

Item 23. APPLICATION BY MONTGOMERY COUNTY UTILITY DISTRICT NO. 3 for renewal of Permit No. 11203-01 which authorizes a discharge of treated domestic wastewater effluent in phases with the final volume not to exceed an average flow of 1,400,000 gallons per day. The wastewater treatment facilities are immediately south of State Highway 105, approximately 8 and 1/2 miles due west of the intersection of State Highway 105 and Interstate Highway 45, in Montgomery County, Texas.

RENEWED, JB/CJ

Item 24. APPLICATION BY OXID, INCORPORATED, HOUSTON PLANT for renewal of Permit No. 02102 which authorizes a discharge of stormwater runoff at a volume variable with rainfall from a plant which

manufactures, distills and blends glycols and glycol ethers. The plant site is at 101 Concrete Street in the City of Houston, Harris County, Texas.

RENEWED, JB/CJ

Item 25. APPLICATION BY CITY OF RANGER for renewal of Permit No. 11557-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 430,000 gallons per day. The wastewater treatment facilities are approximately 2 1/2 miles north-northeast of the intersection of U.S. Highway 80 and Farm-to-Market Road 101 in Eastland County, Texas.

RENEWED, JB/CJ

Item 26. APPLICATION BY CITY OF SEABROOK for renewal of Permit No. 10671-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 2,500,000 gallons per day from the Wastewater Treatment Plant No. 1. The plant site is adjacent to the intersection of Second Street and Todville Street in Seabrook in Harris County, Texas.

RENEWED, JB/CJ

Item 27. APPLICATION BY SIENNA PLANTATION FRESH WATER SUPPLY DISTRICT for renewal of Permit No. 12178-01 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 2,000,000 gallons per day from Plant No. 1. The plant site is approximately 2.5 miles south-southwest of the intersection of State Highway 6 and State Highway 288, and approximately 4200 feet west of the Missouri Pacific Railroad tracks in Fort Bend County, Texas.

RENEWED, JB/CJ

Item 28. APPLICATION BY TEXAS PARKS AND WILDLIFE DEPARTMENT for renewal of Permit No. 12190-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 22,000 gallons per day from the Purtis Creek Park Wastewater Treatment Facilities. The plant site is in Purtis Creek Park, approximately 0.4 mile due west of the intersection of Farm-to-Market Road 316 and Goshen Road in Henderson County, Texas.

RENEWED, JB/CJ

Item 29. APPLICATION BY WARREN INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 11308-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 15,000 gallons per day from the Warren Junior High Wastewater Treatment Plant. The plant site is approximately 0.7 mile southwest of the intersection of U.S. Highway 69 and Farm-to-Market Road 1943 in Tyler County, Texas.

RENEWED, JB/CJ

Item 30. APPLICATION BY U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS for a permit (Proposed Permit No. HW-50296) to authorize the operation of existing and proposed storage, processing, and post-closure care units located on that portion of the

1.115- million-acre military reservation that is in El Paso County, Texas. The reservation extends into unincorporated portions of El Paso County, Texas and Dona Ana and Otero Counties in New Mexico. The active waste management units are located proximate to Biggs Army Airfield. The post-closure unit is west of the Biggs Airfield's main northeast/southwest runway, within the limits of the airfield.

APPROVED, JB/CJ

Item 31. APPLICATION BY RHONE-POULENC BASIC CHEMICALS COMPANY (formerly Stauffer Chemical Company) for a minor amendment to Permit No. HW-50095 which currently authorizes a commercial industrial hazardous and non-hazardous solid waste storage and processing facility. The facility is located at 8615 Manchester Road, west of Loop 610 East in the City of Houston, Harris County, Texas.

CONTINUED TO FEBRUARY 6, 1991 AT 3:00 P.M.

Item 32. APPLICATION BY TEXAS EASTMAN COMPANY for a minor amendment to Permit No. HW-50043 which currently authorizes a non-commercial hazardous waste storage, processing and disposal facility. The facility is located on a 5270-acre tract of land off of Estes Parkway (State Highway 149) at the end of Kodak Boulevard, near the City of Longview in Harrison County, Texas.

APPROVED, CJ/JB

Item 33. APPLICATION BY KLEINWOOD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY; \$640,000 BOND ISSUE, THIRD ISSUE, 7.68723% NET EFFECTIVE INTEREST RATE, SERIES 1991, PURSUANT TO V.T.C.A., TEXAS WATER CODE SECTION 54.516; AND APPLICATION FOR APPROVAL TO USE \$34,000 IN SURPLUS FUNDS, \$630,000 BOND ISSUE APPROVED JULY 1, 1978. For Commission consideration and action. Applicant seeks approval of \$640,000 Bond Issue and approval to use \$34,000 in Surplus Funds for a new water well and minor improvements at Water Plant No. 1.

APPROVED, JB/CJ

Item 34. APPLICATION BY NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 24 FOR APPROVAL OF AN ESCROW RELEASE & CALL OF A LETTER OF CREDIT; \$5,885,000 BOND ISSUE APPROVED SEPTEMBER 26, 1984. For Commission consideration and action. District seeks approval of the release of \$122,507 in escrowed funds to finance a utility extension along State Highway 249, to call a letter of credit for the developers 100% share of paving costs and 30% share of utility costs and to apply the remaining letter of credit funds towards the developers outstanding standby fee balance.

APPROVED W/ADDENDUM, JB/CJ

Item 35. APPLICATION BY CIRCLE C MUNICIPAL UTILITY DISTRICT NO. 3 OF TRAVIS COUNTY FOR APPROVAL OF A STANDBY FEE: For Commission Consideration and action. Applicant seeks approval of the levy of a standby fee against undeveloped property in the amount of \$135.60 per equivalent connection per year for debt service.

APPROVED, JB/CJ

Item 36. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 13 FOR APPROVAL OF NAME CHANGE; For Commission consideration and action. Applicant requests approval of a name change to Clear Brook City Municipal Utility District.

APPROVED, JB/CJ

Item 37. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HUNTERWOOD MUNICIPAL UTILITY DISTRICT TO LEVY STANDBY FEES IN HARRIS COUNTY, TEXAS. TWC IC NO. 012990-D02. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (HARRIS)

APPROVED AS PROPOSED, CJ/JB

Item 38. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WATER MAINTENANCE COMPANY to increase retail water rates in Polk and Liberty Counties, Texas; Docket No. 8545-R. Applicant provides retail water service to approximately 207 customers. Recommendation: Adoption of agreement of parties. (Zukauckas)

APPROVED AS PROPOSED W/CHANGES, JB/BJW

Item 39. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF OPAL DURANT DBA RIDGE UTILITIES to increase retail water and sewer rates in Hood County, Texas; Docket No. 8528-G. Applicant provides retail water and sewer service to approximately 52 customers. Recommendation: Adoption of agreement of parties. (Jackson)

APPROVED, JB/BJW

Item 40. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WALNUT CREEK WATER SUPPLY CORPORATION AND CITY OF SPRINGTOWN for a Certificate of Convenience and Necessity (Springtown) and an amendment to Certificate of Convenience and Necessity No. 10285 (Walnut Creek) to provide water service in Parker and Wise Counties, Texas; Dockets Nos. 8001-C and 8423-C. Recommendation: Adoption of agreement of parties. (Jackson)

APPROVED, JB/BJW

Item 41. APPLICATION OF MR. BUFORD H. FENNEL DBA CAREFREE AND CEDAR BAYOU WATER SUPPLY COMPANY to Obtain a Water Certificate of Convenience and Necessity in Grayson County (Application No. 8688-C, Mayhew)

APPROVED, JB/BJW

Item 42. APPLICATION OF ROY STIMITS DBA EVADALE WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Jasper County. (Application No. 8620-C)

APPROVED, JB/BJW

Item 43. APPLICATION OF ESTATE OF W. B. FLOYD (deceased) DBA FLOYD WATER SYSTEMS 1 AND 2 AKA COUNTRYSIDE WATER SUPPLY for a Water Certificate of Convenience and Necessity in Upshur County. (Application No. 8718-C, Holck)

APPROVED, JB/BJW

Item 44. APPLICATION OF HAMSHIRE COMMUNITY WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Jefferson County. (Application No. 8743-C, Holck)

APPROVED, JB/BJW

Item 45. APPLICATION OF HARROLD WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Wichita and Wilbarger Counties. (Application No. 8673-C, Holck)

APPROVED, JB/BJW

Item 46. APPLICATION OF HUMBLE ADDITION WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Robertson County. (Application No. 8681-C, Holck)

APPROVED, JB/BJW

Item 47. APPLICATION OF NEW ULM WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Austin and Colorado Counties. (Application No. 8679-C, Holck)

APPROVED, JB/BJW

Item 48. APPLICATION OF RAINBOW DEVELOPMENT, INC. DBA RAINTREE LAKES WATER COMPANY to Obtain a Water Certificate of Convenience and Necessity in Upshur County. (Application No. 8069-C, Mayhew)

APPROVED, JB/BJW

Item 49. APPLICATION OF SPRING VALLEY WATER COOPERATIVE for a Water Certificate of Convenience and Necessity in Johnson County. (Application No. 8723-C, Holck)

APPROVED, JB/BJW

Item 50. APPLICATION OF WELDON W. ALDERS DBA WOODLAND HILLS WATER COMPANY for a Water Certificate of Convenience and Necessity in Liberty County. (Application No. 8611-C, Arroyo)

APPROVED, JB/BJW

Item 51. APPLICATION OF FIRST AMERICAN LAND, INC. for Water and Sewer Certificates of Convenience and Necessity in Navarro County. (Application Nos. 8510-C and 8511-C, Holck)

APPROVED, JB/BJW

Item 52. APPLICATION OF HEARTLAND FEDERAL SAVINGS AND LOAN DBA TANGLEWOOD WATER COMPANY to Acquire Facilities and Transfer Water Certificate of Convenience and Necessity No. 11390 from Tanglewood Hills Joint Venture dba Tanglewood Water Company in Grayson County. (Application No. 8662-S, Carlson)

APPROVED, JB/BJW

Item 53. APPLICATION OF STAPLES FARMERS CORPORATION for a Water Certificate of Convenience and Necessity (CCN) and to Decertify Portions of Crystal Clear Water Supply Corporation (WSC) CCN No. 10297 and Tri-Community WSC CCN No. 10313 in Guadalupe and Caldwell Counties. (Application No. 8644-C, Holck)

APPROVED, JB/BJW

Item 54. APPLICATION NO 5323 BY WILLIAM I. DUBEL FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. For Commission consideration and action. Applicant seek authorization to divert and use not to exceed 100 acre-feet of water per annum from the San Antonio River, San Antonio River Basin, to irrigate 50 acres of land in Karnes County, Texas. (JORDAN/TS)

APPROVED, JB/BJW

Item 55. APPLICATION NO 5324 BY LEROY W. RABIUS AND WIFE, GEORGIA MAE RABIUS FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. For Commission action. Applicants seek authorization to divert 87 acre-feet of water per annum from the Old Channel of the San Bernard River, Brazos-Colorado Coastal Basin for the irrigation of 54 acres of land 19 miles northeast of Wharton, Wharton County, Texas. (JORDAN/lb)

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING TO BE HELD ON MARCH 7, 1991 AT 10:00 A.M., ROOM 1149-A IN SFA BLDG.

Item 56. APPLICATION NO. 12-4144A BY BILL JAY, ET AL TO AMEND CERTIFICATE OF ADJUDICATION NO. 12-4144. For Commission consideration and action. Applicants seeks to amend Certificate No. 12-4144, which authorizes the maintenance of a dam creating a 120 acre-foot reservoir on an unnamed tributary of Elm Creek, Brazos River Basin and the diversion and use of not to exceed 73 acre-feet of water per annum from the reservoir for industrial use in Taylor County by establishing a maximum diversion rate as required in the certificate. (JORDAN;tls)

APPROVED, JB/BJW

Item 57. APPLICATION NO. 12-4145A BY BILL JAY, ET AL TO AMEND CERTIFICATE OF ADJUDICATION NO. 12-4145. For Commission consideration and action. Applicants seeks to amend Certificate No. 12-4145, which authorizes the maintenance of a dam creating a 150 acre-foot reservoir on an unnamed tributary of Elm Creek, Brazos River Basin and the diversion and use of not to exceed 168 acre-feet of water per annum from the reservoir for industrial use in Taylor County by establishing

a maximum diversion rate as required in the certificate.  
(JORDAN; tls)

APPROVED, JB/BJW

Item 58. APPLICATION NO. 24-4910 BY THE CITY OF DENISON FOR AN EXTENSION OF TIME TO COMPLETE CONSTRUCTION. FOR COMMISSION ACTION. Applicant seeks a seventh extension of time to complete construction of the dam authorized by Certificate No. 02-4910 which authorizes the construction and/or update of an existing dam (locally known as Waterloo Lake Dam) creating a 684 acre-foot reservoir on an unnamed tributary of Iron Ore Creek, Red River Basin, for recreation purposes in Grayson County, Texas. (JORDAN/jme)

APPROVED, JB/BJW

Item 59. TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT BETWEEN THE TEXAS WATER COMMISSION AND THE TEXAS AIR CONTROL BOARD TO ALLOW THE BOARD TO PERFORM AIR QUALITY REVIEWS OF HAZARDOUS AND SOLID WASTE FACILITY PERMIT APPLICATIONS. THIS CONTRACT IS SUPPORTED BY FEDERAL FUNDS TO IMPLEMENT THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) AND SHALL NOT EXCEED \$120,000.00 FOR FISCAL 1991. (Dan Eden/Susan Ferguson)

APPROVED, JB/BJW

Item 60. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE APPLICATION BY TEXAS ECOLOGISTS, INC.; PERMIT NOS. 278 AND 279. (This matter was considered on November 28, 1990.)

MFR OVERRULED, JB/BJW

Item 61. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPEAL OF OAKRIDGE WATER COMPANY dba PINE SPRINGS UTILITIES FROM RATEMAKING ACTIONS OF CITIES OF ONALASKA AND POINT BLANK WATER RATES IN POLK AND SAN JACINTO COUNTY, TEXAS; DOCKET NOS. 8386-A AND 8387-A (This matter was considered on November 28, 1990.)

MFR OVERRULED, JB/BJW

UNCONTESTED OLD BUSINESS

Wednesday, January 16, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item carried forward from Agenda of December 12, 1990.

- Item 1. APPLICATION BY CYPRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1 OF HARRIS COUNTY; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped single family lots in the District in the amount of \$254.37/lot in Cypress Mill Section 1, and \$171.27/lot in Cypress Mill Section 2, to supplement the operating account and \$791.38/lot in Cypress Mill Section 1 and \$533/lot in Cypress Mill Section 2 to supplement the debt service account.

APPROVED, CJ/JB

Item carried forward from Agenda of December 12, 1990.

- Item 2. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 119; For Commission consideration and action. Applicant seeks approval for the levy of an annual standby fee against undeveloped single family lots, commercial acreage and multifamily acreage in amounts varying from \$12/ac. for commercial tracts with only plant capacity and \$720/lot for single family lots with full utilities to supplement the debt service account.

DISMISSED WITHOUT PREJUDICE, JB/CJ

Item carried forward from Agenda of December 12th and January 9, 1991.

- 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.

APPROVED, CJ/JB

Item carried forward from Agenda of January 9, 1991.

- Item 4. 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.

APPROVED, JB/CJ

DOCKET

Wednesday, January 16, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY OR SET  
ASIDE EMERGENCY ORDER NO. 90-44E ISSUED ON DECEMBER 13, 1990  
TO RAMON G. SANCHEZ DBA BOCA CHICA WATER SUPPLY, INC.; CCN NO.  
11736. (Petrov)

AFFIRMED, CJ/JB