

WYNNE
BIRDWELL
JOHNSON

CONTESTED AGENDA

Wednesday, January 23, 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 GAF CHEMICALS CORPORATION. (Gonzalez)

CONTINUED TO APRIL 10, 1991 AT 9:00 A.M.

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF THE CITY OF ABILENE for amendments to Certificates of Adjudication Nos. 12-4161 and 12-4165 in Jones County, Texas, to change water use from industrial to municipal and irrigation from Fort Phantom Hill Reservoir, in the Brazos River Basin. Recommendation: Issuance of authorization. (O'Neal)

APPROVED AS PROPOSED, CJ/JB

Item 3. CONSIDERATION OF THE NOTICE AND COMPLAINT OF THE EXECUTIVE DIRECTOR AGAINST THE CITY OF LAREDO ALLEGING VIOLATIONS OF CHAPTER 11 OF THE TEXAS WATER CODE AND RULES OF THE TEXAS WATER COMMISSION AND REQUIRING CERTAIN ACTIONS, CERTIFICATE OF ADJUDICATION NO. 12-2997, ET AL. (Jordan)

CONTINUED TO FEBRUARY 6, 1991 AT 9:00 A.M.

Item 4. CONSIDERATION OF THE NOTICE AND COMPLAINT OF THE EXECUTIVE DIRECTOR AGAINST VALLEY MUNICIPAL UTILITY DISTRICT NO. 2 ALLEGING VIOLATIONS OF CHAPTER 11 OF THE TEXAS WATER CODE AND RULES OF THE TEXAS WATER COMMISSION AND REQUIRING CERTAIN ACTIONS, CERTIFICATE OF ADJUDICATION NO. 23-0072-002. (Jordan)

CONTINUED TO FEBRUARY 6, 1991 AT 9:00 A.M.

Item 5. 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.

APPROVED GLORIA A. VASQUEZ AS THE NEW CHIEF CLERK, JB/CJ

CONTESTED OLD BUSINESS

Wednesday, January 23, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of November 28, and December 12, 1990.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S RESPONSE TO ARCHEM COMPANY'S REQUEST TO AMEND A TEXAS WATER COMMISSION ORDER ISSUED ON FEBRUARY 21, 1990, AND REQUEST TO REFER TO THE ATTORNEY GENERAL FOR COLLECTION OF PENALTY. Archem Company has requested an extension of time of 180 days to comply with the provisions in an Agreed Order. (Smith, R.)

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

Item carried forward from Agenda of November 14, and November 28, and December 12, 1990.

- Item 2. CONSIDERATION OF ELEMENTS OF SUPERVISION OF CERTAIN DISTRICTS AND AUTHORITIES. (Robbins)

APPROVED THE INITIATION OF RULES PROCESS W/CHANGES AS PROPOSED BY STAFF AND TO BE RESET ON AGENDA FOR MARCH 27, 1991 AT 9:00 A.M. FOR FINAL APPROVAL, CJ/JB

Item carried forward from Agenda of January 9, 1991.

- Item 3. 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.)

APPROVED AGREED ORDER AS PROPOSED, JB/CJ

Item carried forward from Agenda of September 5, October 17, November 28th and January 9, 1990

- Item 4. 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)

APPROVED AGREED ORDER AS PROPOSED, CJ/JB

Item carried forward from Agenda of November 7, December 12, and January 16, 1990.

- Item 5. 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.

APPROVED AS PROPOSED BY STAFF, JB/CJ

Item carried forward from Agenda of January 16, 1991.

Item 6. 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)

APPROVED AS PROPOSED BY STAFF, JB/BJW. CLIFF JOHNSON VOTING NO.

WYNNE
BIRDWELL
JOHNSON

UNCONTESTED AGENDA

Wednesday, January 23, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

- Item 1. PRESENTATION OF CERTIFICATES OF APPRECIATION TO RESOURCE PANEL MEMBERS, PRESENTERS, AND PROGRAM DIVISIONS FOR THEIR WORK AND PARTICIPATION IN "TEXAS WATER: THE ENVIRONMENTAL MARK." (Beinke)

NAMED AND PRESENTED WERE 39 TWC EMPLOYEES WHO HELPED ORGANIZE "TEXAS WATER: THE ENVIRONMENTAL MARK."

- Item 2. APPLICATION BY HOECHST CELANESE CHEMICAL GROUP, INC. for a Class I Underground Injection Control permit (Proposed Permit No. WDW-283) to conduct underground injection of industrial hazardous wastewaters generated at the Clear Lake chemical manufacturing plant. Disposal Well WDW-283 is to be located on company property at the Clear Lake chemical manufacturing plant approximately five miles northeast of Clear Lake City, Harris County, Texas.

APPROVED AS PROPOSED, CJ/JB

- Item 3. APPLICATION BY HOECHST CELANESE CHEMICAL GROUP, INC. for a Class I Underground Injection Control permit (Proposed Permit No. WDW-277) to conduct underground injection of industrial hazardous wastes from its Bay City Plant. This disposal well is located on company property at the Hoechst Celanese chemical manufacturing plant, approximately ten miles southwest of Bay City, Matagorda County, Texas.

REMANDED TO OFFICE OF HEARINGS EXAMINER FOR A EVIDENTIARY HEARING.

- Item 4. APPLICATION BY LIVINGSTON RESORT COMPANY for a permit (Proposed Permit No. 13547- 01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day. The proposed wastewater treatment facility will serve a resort with residential and trailer park connections. The plant site is to be approximately 0.25 mile north of Farm-to- Market Road 356 and approximately 0.4 mile west of the intersection of Farm-to- Market Road 356 and Farm-to-Market Road 355 in Trinity County, Texas.

APPROVED, JB/CJ

- Item 5. APPLICATION BY C.W. PENNEBAKER for a permit (Proposed Permit No. 03181) to authorize disposal of waste and wastewater from a dairy which consists of maximum of 200 head kept on approximately 100 acres of pastureland. The dairy is on Farm-to-Market Road 3274, approximately 1.2 miles south-southeast of the intersection of State Highway 19 and Farm-to-Market Road 3274, approximately 4,000 feet south-southwest of the intersection of U.S. Highway 69 and Farm-to- Market Road 2795 in Rains County, Texas.

APPROVED, JB/CJ

Item 6. APPLICATION BY CITY OF CADDO MILLS for a minor amendment to Permit No. 10425-01 to revise the method of treatment proposed at the treatment plant site. The wastewater treatment facilities are approximately 0.7 mile south of the intersection of State Highway 60 and Farm-to-Market Road 36 in Hunt County, Texas.

APPROVED, JB/CJ

Item 7. APPLICATION BY CITY OF NACOGDOCHES for an amendment to Permit No. 10342-04 in order to increase the flow of treated domestic wastewater effluent from a volume not to exceed an average flow of 10,080,000 gallons per day to a volume not to exceed an average flow of 12,880,000 gallons per day. The wastewater treatment facilities are on the east side of Bayou LaNana between FM 1275 and FM 2863 in Nacogdoches County, Texas.

REMANDED TO EXECUTIVE DIRECTOR FOR FURTHER PROCESSING.

Item 8. APPLICATION BY SOUTHERN CLAY PRODUCTS, INC. for an amendment to Permit No. 02973 which currently authorizes a discharge of mine groundwater and stormwater at a volume not to exceed 115,000 gallons during any 24-hour period. The plant site is approximately 1 mile southwest of the intersection of FM Road 856 and FM Road 13 and 1.8 miles north-northwest of the Town of Concord, Cherokee County, Texas.

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

Item 9. APPLICATION BY TEXAS A & M UNIVERSITY for an amendment to Permit No. 10968-02 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 75,000 gallons per day. The plant site is on the south portion of the Texas A & M University Research and Extension Center (formerly Bryan Air Force Base), approximately 3 miles southeast of the intersection of State Highway 21 and Farm-to-Market Road 50 in Brazos County, Texas.

APPROVED, JB/CJ

Item 10. APPLICATION BY CITY OF BIG SANDY for renewal of Permit No. 10628-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 155,000 gallons per day. The wastewater treatment facilities are approximately 1 mile south of the intersection of U.S. Highway 80 and State Highway 155, approximately 1-1/4 miles east of State Highway 155 in Upshur County, Texas.

RENEWED, JB/CJ

Item 11. APPLICATION BY OPAL DURANT DBA RIDGE UTILITIES for renewal of Permit No. 13025-01 which authorizes a discharge of treated domestic wastewater effluent in phases with the final volume not to exceed an average flow of 60,000 gallons per day from the Sealey Ridge Wastewater Treatment Facilities. The plant site is approximately 1700 feet northeast of the intersection of Hood County Road 311-A and Farm-to-Market Road 3210, southeast of the City of Granbury in Hood County, Texas.

RENEWED, JB/CJ

Item 12. APPLICATION BY CITY OF GALVESTON for renewal of Permit No. 10688-04 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 Seawolf Park Wastewater Treatment Facilities. The plant site is at Seawolf Park on Pelican Island, approximately 3.5 miles northeast of the Pelican Island Bridge in Galveston County, Texas.

RENEWED, JB/CJ

Item 13. APPLICATION BY E.J. GILBERT for renewal of Permit No. 12176-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 43,000 gallons per day from the G & G Trailer Park Wastewater Treatment Facilities. The plant site is at 8243 Fairbanks North Houston Road in Harris County, Texas.

RENEWED, JB/CJ

Item 14. APPLICATION BY GRIMES COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 1 for renewal of Permit No. 11437-01 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 2.5 miles west of the intersection of Farm-to-Market Road 2445 and Farm-to-Market Road 1774, 0.2 mile north of Farm-to-Market Road 2445, 11 miles east northeast of the City of Navasota in Grimes County, Texas.

RENEWED, JB/CJ

Item 15. APPLICATION BY WILLIAM D. HEFNER DBA L & D MOBILE HOME PARK for renewal of Permit No. 13054-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000 gallons per day from the L & D Mobile Home Park Wastewater Treatment Facilities. The plant site is at 20810 Cypress Wood Drive in Harris County, Texas.

RENEWED, JB/CJ

Item 16. APPLICATION BY HI-PORT INCORPORATED (formerly Hi-Port Industries, Division of Peterson/Puritan, Inc.) for renewal of Permit No. 01062 which authorizes a discharge of washwater, boiler blowdown and contaminated stormwater runoff at a volume not to exceed an average flow of 115,000 gallons per day from a packaging facility for a variety of organic compounds including automotive and industrial antifreeze; blended engine oils, hydraulic oils and transmission fluids; and agricultural chemicals. The plant site is at 409 Wallisville Road, in the Community of Highlands, Harris County, Texas.

RENEWED, JB/CJ

Item 17. APPLICATION BY CITY OF HICO for renewal of Permit No. 10188-01 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 southeast of Hico, at a point approximately 3/4 mile east of U.S. Hwy. 281 and 1/4 mile south of State Hwy. 6 in Hamilton County, Texas.

RENEWED, JB/CJ

Item 18. APPLICATION BY HOUSTON COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 for renewal of Permit No. 10871-01 which authorizes a discharge of backwash water effluent at a volume not to exceed an average flow of 60,000 gallons per day from the Surface water treatment facilities. The plant site is approximately one mile southwest of Latexo, approximately 1 and 3/4 miles northwest of the intersection of U.S. Highway 287 and Farm-to-Market Road 2160 in Houston County, Texas.

RENEWED, JB/CJ

Item 19. APPLICATION BY CITY OF HUBBARD for renewal of Permit No. 10534-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 150,000 gallons per day. The wastewater treatment facilities are south of Hubbard, approximately 2 miles south of intersection of State Highways 31 and 171 in Hill County, Texas.

RENEWED, JB/CJ

Item 20. APPLICATION BY MARKHAM MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 10580-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day. The plant site is approximately 500 feet southwest of intersection of Farm-to-Market Roads 1468 and 2431 in Matagorda County, Texas.

RENEWED, JB/CJ

Item 21. APPLICATION BY MONTGOMERY COUNTY UTILITY DISTRICT NO. 2 for renewal of Permit No. 11271-01 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 on the east side of Lake Conroe, immediately south of Farm-to-Market Road 830 and approximately 500 feet east of Kingston Cove Lane in Montgomery County, Texas.

RENEWED, JB/CJ

Item 22. APPLICATION BY CITY OF MORGAN for renewal of Permit No. 12217-01 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 adjacent to Steele Creek, approximately 1/2 mile southeast of the intersection of State Highway 174 and Farm-to-Market Road 927 in Bosque County, Texas.

RENEWED, JB/CJ

Item 23. APPLICATION BY CITY OF PECAN GAP for renewal of Permit No. 10744-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 40,000 gallons per day. The wastewater treatment facilities are approximately 0.5 mile west and 0.3 mile south of the intersection of Farm-to-Market Road 64 and Farm-to-Market Road 128 and immediately west of South Third Street in Delta County, Texas.

RENEWED, JB/CJ

Item 24. APPLICATION BY CITY OF SABINAL for renewal of Permit No. 10604-01 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 permittee is also authorized to use the treated effluent to irrigate 15 acres of land adjacent to the plant site with application rates not to exceed 3.5 acre-feet/acre/year. The wastewater treatment facilities are approximately 0.75 mile northwest of the intersection of U.S. Highway 90 and State Highway 127, 200 yards west of the western end of Tyler Street, on the west side of the Sabinal River in Uvalde County, Texas.

RENEWED, JB/CJ

Item 25. APPLICATION BY TEXAS UTILITIES ELECTRIC COMPANY for renewal of Permit No. 01481 which authorizes a discharge of once through cooling water commingled with previously monitored effluents at a volume not to exceed an average flow of 1,041,480,000 gallons per day from the DeCordova Steam Electric Station. The plant site is on the south shore of Lake Granbury along County Road 312, approximately 7 miles southeast of the U.S. Highway 377 - State Highway 144 intersection in the City of Granbury, Hood County, Texas.

RENEWED, JB/CJ

Item 26. APPLICATION BY THOUSAND TRAILS, INC. for renewal of Permit No. 13074-01 which authorizes disposal of treated domestic wastewater effluent by absorption in a 95,000 square-foot field. The disposal volume is not to exceed an average of 95,000 gallons per day. The treatment facility and absorption field are adjacent to Lake Medina on the northern shore of Spettel Cove, approximately 2.25 miles southwest of the intersection of Park Road 37 and Farm to Market Road 1283 and 400 feet in a northwesterly direction from the Adult Lodge, in Bandera County, Texas.

RENEWED, JB/CJ

Item 27. APPLICATION BY UNION CARBIDE CHEMICALS AND PLASTICS COMPANY, INC. for renewal of Permit No. 00448 which authorizes intermittent discharges of stormwater runoff from an organic chemicals manufacturing plant. The plant site is at 3301 5th Avenue South in the City of Texas City, Galveston County, Texas.

RENEWED, JB/CJ

Item 28. CONSIDERATION OF THE REQUEST BY UPPER TRINITY REGIONAL WATER DISTRICT TO VACATE THE NOVEMBER 7, 1990 ORDER TRANSFERRING PERMIT NO. 11600-01 FROM THE TOWN OF LITTLE ELM TO THE DISTRICT. (Smith, S.)

APPROVED AS RECOMMENDED BY STAFF, CJ/JB

Item 29. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286 FOR APPROVAL OF AN EXTENSION OF TIME; REMAINING \$1,180,000 INSTALLMENT OF THE \$3,300,000 BOND ISSUE, APPROVED DECEMBER 21, 1989. For Commission consideration and action. Applicant seeks approval of an extension of time for the remaining \$1,180,000 installment of the \$3,300,000 bond issue to finance the design and construction of the expansion of the District's wastewater treatment plant and water supply facilities, and construction of storm sewer improvements.

APPROVED, JB/CJ

Item 30. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF LAKE LAND SEC. FOUR CIVIC CLUB, INC. to increase retail water rates in Montgomery County, Texas; Docket No. 8658-G. Applicant provides retail water service to approximately 106 customers. Recommendation: Adoption of agreement of parties. (Harris)

APPROVED, CJ/JB

Item 31. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE REQUEST OF WOODROW OSCEOLA WATER SUPPLY CORPORATION FOR A CEASE AND DESIST OR OTHER ORDER AGAINST DOUBLE DIAMOND, INC. IN HILL COUNTY, TEXAS; DOCKET NO. 8575-D. Recommendation: Adoption of agreement of parties. (Sahs)

APPROVED, CJ/JB

Item 32. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF W.S.W.S. COMPANY to increase retail water rates in Sherman County, Texas; Docket No. 8478-G. Applicant provides retail water service to approximately 176 customers. Recommendation: Adoption of agreement of parties. (Arenson will present for Colbert)

APPROVED, CJ/JB

Item 33. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDERS CONCERNING THE APPLICATION OF WERD'S WATER WORKS for a Certificate of Convenience and Necessity to increase retail water rates in Tarrant County, Texas; Docket Nos. 8200-C and 8369-G. Applicant provides retail water service to approximately 13 customers. Recommendation: Adoption of agreement of parties. (Wood)

APPROVED, JB/CJ

Item 34. APPLICATION OF EAST LAMAR WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity No. 10394 in Shelby County. (Application No. 8783-C, Holck)

APPROVED, CJ/JB

Item 35. APPLICATION OF DARRYL AND MARJORIE WINSTEAD for an Amendment to Water Certificate of Convenience and Necessity No. 10320 in Travis County. (Application No. 8456-C, Holck)

APPROVED, CJ/JB

Item 36. APPLICATION OF JOHN M. VANYA AND DAVID A. VANYA, A TEXAS GENERAL PARTNERSHIP, DBA WATER MAINTENANCE COMPANY to Amend Water Certificate of Convenience and Necessity No. 12056 and to Decertify a Portion of Soda Water Supply Corporation's Certified Area, CCN No. 10146, in Polk County. (Application No. 8776-C, Wiley)

APPROVED, CJ/JB

Item 37. APPLICATION OF HILL COUNTRY WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Hays and Travis County. (Application No. 8750-C, Strouse)

APPROVED, CJ/JB

Item 38. APPLICATION OF STEVEN AND MONIQUE BOWLES DBA IMPERIAL WATER

COMPANY for a Water Certificate of Convenience and Necessity in Pecos County. (Application No. 8647-C, Fenner)

APPROVED, CJ/JB

Item 39. APPLICATION ON MYSTIC OAK WATER SUPPLY, INC., A Water Supply Corporation for a Water Certificate of Convenience and Necessity in Travis County. (Application No. 8682-C, Holck)

APPROVED, CJ/JB

Item 40. APPLICATION OF TWIN CREEK WATER SUPPLY CORPORATION for a Certificate of Convenience and Necessity in Robertson County. (Application No. 8704-C, Nichols)

APPROVED, CJ/JB

Item 41. APPLICATION OF CHARLES M. MANADE DBA WINDWOOD OAKS WATER SYSTEM for a Water Certificate of Convenience and Necessity in Kerr County. (Application No. 8706-C, Mayhew)

APPROVED, CJ/JB

Item 42. APPLICATION OF G-M WATER SUPPLY CORPORATION to Transfer Water Certificate of Convenience and Necessity No. 10387 from Bronson Water Supply Corporation in Sabine County (Application No. 8558-S, Erwin)

APPROVED, CJ/JB

Item 43. APPLICATION OF THE VILLAGE OF BRIARCLIFF, CCN No. 11141, to Transfer Water Certificate of Convenience and Necessity No. 11141 from Whitecliff Services, Inc. in Travis County. (Application No. 8537-S, Erwin)

APPROVED, CJ/JB

Item 44. APPLICATION OF G & W WATER SUPPLY CORPORATION to Purchase Facilities and Transfer Water Certificate of Convenience and Necessity No. 11576 from Glenn Davis Fuqua and to Amend CCN No. 12391 and Cancel CCN No. 11576 in Grimes County. (Application No. 8527-S, Schaubhut)

APPROVED, CJ/JB

Item 45. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION TO CANCEL THAT PORTION OF CERTIFICATE OF ADJUDICATION NO. 18-1991 HELD BY LAZY HILLS GUEST RANCH, INC. The President of Lazy Hills Guest Ranch, Inc., has filed a Partial abandonment of Water Rights Form cancelling that portion of Certificate of Adjudication No. 18-1991 and waiving notice and hearing in the matter. (Kirick)

APPROVED, JB/CJ

Item 46. APPLICATION NO. 23-2792A TO AMEND CERTIFICATE NO. 23-2792 BY HORACE OWENS D/B/A BORDER ENERGY SERVICES, INC. FOR COMMISSION ACTION. Applicant seeks to change the purpose of use of 40 acre-feet out of the total of 45 acre-feet of Class "B" irrigation water rights under the certificate from irrigation to mining for the water diverted from the Rio Grande in Webb and Zapata Counties. 5 acre-feet will remain as irrigation use. (JORDAN/lb).

APPROVED, CJ/JB

Item 47. APPLICATION BY LARRY WILDE FOR A WATER PERMIT (FOR GROUNDWATER REUSE) FOR COMMISSION CONSIDERATION AND ACTION. Applicant runs groundwater through his fields into a natural pool in Lipan Creek, Colorado River Basin, and then diverts the tailwater to complete his irrigation of land in Tom Green County. A complaint was filed regarding this operation and applicant now seeks to quantify his operation for the Commission to avoid continuing complaints. Applicant states that no state water is diverted. See Dist. 12 and staff comments. (JORDAN/MARTINEZ/LB)

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

Item 48. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE PETITION OF DEVERS CANAL RICE PRODUCERS ASSOCIATION, INC.; DOCKET NO. 8388-M. (This matter was considered on December 12, 1990.)

ALL MFR'S OVERRULED, CJ/JB

DOCKET

Wednesday, January 23, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. COMMISSION CONSIDERATION WHETHER TO AFFIRM, MODIFY OR SET ASIDE EMERGENCY ORDER NO. 90-43E ISSUED ON NOVEMBER 29, 1990 TO TECHNICAL ENVIRONMENTAL SYSTEMS, INC., TO REPACKAGE CERTAIN PESTICIDE WASTES. (Alvarado, M.)

AFFIRMED, JB/CJ