

BIRDWELL
JOHNSON/ACTING CHAIRMAN
WYNNE/ABSENT

CONTESTED AGENDA

Wednesday, February 27, 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 SAN MIGUEL ELECTRIC COOPERATIVE, INC., SWR NO. 31434. (Birch)

APPROVED, CJ/JEB

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF RED RIVER ARMY DEPOT. (SWR 67004) (WARNEKE)

CONT. TO 5/22/91, AT 9:00 A.M.

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PROPOSED ENFORCEMENT ORDER CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE BY THE CITY OF CROCKETT, PERMIT NOS. 10154-01 AND 10154-02. (Martinez)

APPROVED, CJ/JEB

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WILLIAM F. ST. CLAIR. (J. SMITH)

CONT. TO 3/27/91, AT 9:00 A.M.

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF ARLINGTON. NO PERMIT. (SMITH, S)

APPROVED, JEB/CJ

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE BY CEDAR POINT UTILITY COMPANY, PERMIT NO. 12454-01. The Executive Director is requesting the Commission to issue an order requiring certain actions as set out in his report and to consider the transfer of Permit No. 12454-01 from Cedar Point Utility Company, who is in bankruptcy, to another entity who will operate the facility pursuant to the terms and provisions of the permit, the Water Code and the rules of the Texas Water Commission. (Kirick)

CONT. TO 3/27/91, AT 9:00 A.M.

Item 7. CONSIDERATION OF THE APPLICATION OF EGA, INC., FOR AUTHORIZATION TO COMMENCE CONSTRUCTION OF A DOMESTIC WASTEWATER TREATMENT FACILITY PRIOR TO ISSUANCE OF PERMIT NO.

13535-01. The proposed Order would not authorize operation of the facility or the discharge of wastewater. (Kirick, M)

REMANDED TO OFFICE HEARING EXAMINERS, EXPEDITE HEARING PROCEDURES.

Item 8. THE COMMISSION WILL MEET IN EXECUTIVE SESSION TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS, AND/OR 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 2 (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 TEX.REV.CIV.STAT.ANN. art. 6252-17.

ITEM WAS NOT CONSIDERED.

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, February 27, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST TO REFER THE COMMISSION ORDER DATED DECEMBER 12, 1990, INVOLVING BOYT REALTY COMPANY AND TRINITY WATER RESERVE, INC. DBA DEVERS CANAL SYSTEM, DOCKET NO. 8388-M, TO THE ATTORNEY GENERAL'S OFFICE FOR ENFORCEMENT OF ALL REQUIREMENTS OF THE ORDER THAT HAVE NOT BEEN STAYED BY THE DISTRICT COURT.

APPROVED, CJ/JEB

(EMERGENCY ACTION IS NECESSARY DUE TO REASONABLY UNFORESEEABLE SITUATIONS REQUIRING IMMEDIATE ACTION BY THE COMMISSION).

CONTESTED OLD BUSINESS

Wednesday, February 27, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of September 26th, October 3, October 24, and November 28, 1990.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FAUST PROPERTIES, INC., PERMIT NO. 12342-01. (Corrigan)

CONT. TO 3/27/91, AT 9:00 A.M.

Item carried forward from Agenda of January 9, 1991.

- Item 2. 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)

CONT. TO 3/20/91, AT 9:00 A.M.

Item carried forward from Agenda of February 20, 1991.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WALLACE A. RAYNOR, PERMIT NO. 11032-01. (Smith, S.)

APPROVED, CJ/JEB

JOHNSON/ACTING CHAIRMAN
BIRDWELL
WYNNE/ABSENT

UNCONTESTED AGENDA

Wednesday, February 27, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY NATURAL GAS ODORIZING, INC. for an amendment to Permit No. 01385 to authorize an increase in the discharge of nonprocess wastewater from a volume not to exceed an average flow of 15,000 gallons per day to a volume not to exceed an average flow of 25,000 gallons per day. The plant site is approximately 900 feet from Decker Drive in the William Upper League Survey, bounded on the north by the League Line and on the West by the San Jacinto River Authority Industrial Water Canal, in the City of Baytown, Harris County, Texas.

APPROVED, CJ/JEB

Item 2. APPLICATION BY CITY OF WHITEWRIGHT for an amendment to Permit No. 10644-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 250,000 gallons per day to a volume not to exceed an average flow of 268,000 gallons per day. The plant site is approximately one block west of the intersection of Farm-to-Market Road 898 and the MK&T Railroad, north of Whitewright in Grayson County, Texas.

APPROVED, CJ/JEB

Item 3. APPLICATION BY BROOKELAND INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 13092-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,000 gallons per day. The wastewater treatment facilities are on the east side of State Highway Loop No. 149, approximately 1000 feet south of the intersection of State Highways 149 and 165 in Sabine County, Texas.

APPROVED, CJ/JEB

Item 4. APPLICATION BY ELLIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1 for renewal of Permit No. 10561-01 which authorizes a discharge of backwash water effluent at a volume not to exceed an average flow of 104,000 gallons per day from the water treatment facilities. The facilities are south of Waxahachie, northeast of Farm to Market Road 877, approximately one mile southeast of the intersection of Farm to Market Road 877 and U.S. Highway 77 in Ellis County, Texas.

APPROVED, CJ/JEB

Item 5. APPLICATION BY CITY OF FAIRFIELD for renewal of Permit No. 10168-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 200,000 gallons per day from the Walnut Creek Wastewater Treatment Plant. The plant is located approximately 4,000

feet north of the intersection of U.S. Highway 84 and Farm to Market Road 488, approximately 5,000 feet northeast of the intersection of U.S. Highways 75 and 84 in Freestone County, Texas.

APPROVED, CJ/JEB

Item 6. APPLICATION BY FIRST EQUITY SAVINGS ASSOCIATION for renewal of Permit No. 12761-01 which authorizes a discharge of treated domestic wastewater effluent at an interim volume not to exceed an average flow of 50,000 gallons per day and a final volume not to exceed an average flow of 100,000 gallons per day from the Westmont Mobil Home Park Wastewater Treatment Plant. The plant is approximately a quarter mile southeast of the intersection of State Highway 105 and Old State 105; approximately a quarter mile due west of the intersection of State Highway 105 and East Beech Road in Montgomery County, Texas.

APPROVED, CJ/JEB

Item 7. APPLICATION BY CITY OF LONGVIEW for renewal of Permit No. 02002 which authorizes a discharge of backwash water effluent at a volume not to exceed an average flow of 4,200 gallons per day from the Sabine River Water Treatment Plant. The plant site is south of Farm-to-Market Road 2206, on the east side of Swinging Bridge Road and 600 feet south of Premier Road in the City of Longview in Gregg County, Texas.

APPROVED, CJ/JEB

Item 8. APPLICATION BY SHELL OFFSHORE, INC. for renewal of Permit No. 10931-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,000 gallons per day. The wastewater treatment facilities are in the southeast portion of Pelican Island, adjacent to the Galveston Channel, approximately 6000 feet east of the Todd Shipyards in Galveston County, Texas.

APPROVED, CJ/JEB

Item 9. APPLICATION BY CITY OF TAFT for renewal of Permit No. 10705-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 900,000 gallons per day. The wastewater treatment plant is approximately 1.4 miles east-northeast of the intersection of Farm-To-Market Road 631 and Rincon Road, northeast of the City of Taft in San Patricio County, Texas.

APPROVED, CJ/JEB

Item 10. APPLICATION BY VICTORIA COUNTY AIRPORT COMMISSION for renewal of Permit No. 10856-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 450,000 gallons per day from the Foster Field Wastewater Treatment Facilities. The facilities are approximately 2.5 miles southwest of the intersection of U.S. Highway 59 and Farm-to-Market Road 1686, adjacent to the north side of U.S. Highway 59, approximately six miles east of the City of Victoria in Victoria County, Texas.

APPROVED, CJ/JEB

Item 11. APPLICATION BY CIMARRON MUNICIPAL UTILITY DISTRICT OF HARRIS

COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$8,900,000 BOND ISSUE APPROVED MAY 15, 1985. For Commission consideration and action. Applicant requests the approval to use \$66, 125 in surplus construction funds to finance a storm sewer extension to serve a car dealership and a portion of the future single family development.

APPROVED, CJ/JEB

Item 12. APPLICATION BY SAN ANTONIO RIVER AUTHORITY; For Commission consideration and action. Applicant seeks approval for the levy of an impact fee in the amount of \$850 per equivalent single family connection for wastewater service in the Salatrillo Wastewater Collection and Treatment System.

APPROVED, CJ/JEB

Item 13. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF HENRY BOWMAN TO DISCONTINUE WATER UTILITY SERVICE IN CALHOUN COUNTY, TEXAS; DOCKET NO. 8574-Q. Recommendation: Adoption of agreement of parties to discontinue water utility service. (Wood)

APPROVED, JEB/CJ

Item 14. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CORBELLO WATER SYSTEM AND B&C UTILITIES TO INCREASE RETAIL WATER IN HARRIS AND MONTGOMERY COUNTIES, TEXAS (DOCKET NOS. 8570-G and 8598-G). Corbello provides retail water service to approximately 42 customers. B&C provides retail water service to approximately 113 customers. RECOMMENDATION: Approval of rate increase. (SAHS)

APPROVED, JEB/CJ

Item 15. APPLICATION OF WALTER J. CARROLL WATER COMPANY, INC. DBA CARROLL WATER COMPANY to Purchase Facilities of Bill Bray dba B & B Water Company and to Amend Water Certificate of Convenience and Necessity No. 11543 in Ellis County (Application No. 8461-C and 8462-S, Erwin)

APPROVED, CJ/JEB

Item 16. APPLICATION OF BILLY CORBELLO DBA B & C UTILITY to Purchase Banana Bend Subdivision and to Amend Water Certificate of Convenience and Necessity No. 12250 in Harris County (Application No. 8629-C, Horst)

APPROVED, CJ/JEB

Item 17. APPLICATION OF CLIFFORD RAY WITT DBA VALLEY ESTATES WATER SYSTEM for a Water Certificate of Convenience and Necessity in Lubbock County (Application No. 8824-C, Fenner)

APPROVED, CJ/JEB

Item 18. APPLICATION OF CHATFIELD WATER SUPPLY CORPORATION to Transfer and Cancel Water Certificate of Convenience and Necessity No. 11075 and to Amend Water Certificate of Convenience and Necessity No. 11086 in Navarro County (Application No. 8762-S, Erwin)

APPROVED, CJ/JEB

Item 19. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF JAY D. AND DEBORAH MILLS FOR WATER USE PERMIT NO. 5295 IN ERATH COUNTY, TEXAS to divert not to exceed 100 acre-feet of water per annum from one dam and not to exceed 100 acre-feet from another dam, Crockett Creek for reservoir No. 1 and Richards Creek for Reservoir No. 2 in Brazos River Basin, for irrigation. Recommendation: Issuance of authorization. (Zukauckas)

APPROVED, JEB/CJ

Item 20. APPLICATION NO. 5328 BY T. C. STEINER FOR A SECTION 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to divert and use not to exceed 1000 acre-feet of water per annum from the Colorado River, Colorado River Basin, at a maximum rate of 22.2 cfs to irrigate 1000 acres out of a total of 1848.6 acres in the Leman Barker Grant, Abstract No. 6 and the S. M. Williams Survey, Abstract No. 71, approximately 6 miles northwest of Bastrop, Bastrop County, Texas. (JORDAN/wph)

REMANDED TO OFFICE HEARINGS EXAMINERS

Item 21. APPLICATION BY CITY OF TEMPLE FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to maintain a 203 acre-foot capacity reservoir on Bird Creek and a smaller (7.5 acre-foot capacity) reservoir downstream on Bird Creek and to divert 187 acre-feet of water from the reservoirs for the irrigation of the City's 76-acre golf course in Bell County. Water will be diverted from the upstream reservoir for irrigation and conveyed via bed and banks to the smaller downstream reservoir for diversion for irrigation purposes 1.4 miles west of downtown Temple, Texas. (JORDAN/lb)

APPROVED, CJ/JEB

Item 22. APPLICATION NO. 12-3489A BY THOMAS A. BIRDSONG, III TO AMEND CERTIFICATE OF ADJUDICATION NO. 12-3489. For Commission Action. Applicant seeks to amend Certificate No. 12-3489 to delete the special condition contained in the certificate whereby the authorization to divert and use 80 acre-feet of water per annum with the priority date of January 3, 1977 shall become null and void on December 31, 1990 or to extend the term of said authorization for an additional period of years. (JORDAN/wph).

APPROVED, CJ/JEB

Item 23. APPLICATION NO. 12-5328A BY DOW CHEMICAL COMPANY TO AMEND CERTIFICATION NO. 12-5328. FOR COMMISSION ACTION. Applicant seeks to convert 1800 acre-feet out of the 60,000 acre-feet of water authorized for industrial and municipal use, over to irrigation use. Also to authorize the place of use as 600 acres of land in Brazoria County owned by George Munson. Mr. Munson has entered into a contract with Dow for this water which will be diverted from Oyster Creek, San Jacinto-Brazos Coastal Basin. A diversion rate of 15.6 cfs and a diversion point is also sought for the 1800 acre-feet of water. (JORDAN/lb)

APPROVED, CJ/JEB

Item 24. APPLICATION NO. 11-5338A BY TEXAS DEPARTMENT OF CRIMINAL

JUSTICE TO AM-END CERTIFICATE NO. 11-5338. FOR COMMISSION ACTION. Applicant seeks to amend the certificate to reduce the stream flow restriction set forth in special condition 4., (b) from 80 cfs down to 64 cfs, exclusive of releases from Harris Reservoir made by Dow Chemical Company as long as Dow has to deliver water under contract to a point upstream of TDCJ;s diversion point on Oyster Creek, San Jacinto-Brazos Coastal Basin, Brazoria County. (JORDAN/lb)

APPROVED, CJ/JEB

Item 25. APPLICATION NO. 18-1996A BY THE CITY OF KERRVILLE TO AMEND CERTIFICATE NO. 18-1996. For Commission action. Applicant seeks to amend Certificate No. 18-1996 by adding a diversion point with no change in the authorized diversion rate. The proposed diversion point is currently owned and maintained by the Upper Guadalupe River Authority. (JORDAN:rma)

APPROVED, CJ/JEB

Item 26. APPLICATION NO. 12-4355A BY THE CITY OF MARLIN TO AMEND CERTIFICATE OF ADJUDICATION NO. 12-4355. For Commission action. Applicant seeks to amend Certificate No. 12-4355, which includes authorization to maintain Marlin City Reservoir and to maintain and enlarge New Marlin Reservoir, both on Big Sandy Creek, Brazos River Basin, and to use water from New Marlin Reservoir and the Brazos River for municipal and industrial use, by building a reservoir on Brushy Creek, transferring storage now included in the proposed enlargement of New Marlin Reservoir to Brushy Creek Lake and to re-allocate the diversions authorized. (JORDAN;tls)

CONT. TO 3/27/91, AT 9:00 A.M.

Item 27. APPLICATION NO. 06-4437A BY TEXACO CHEMICAL COMPANY TO AMEND CERTIFICATE NO. 06-4437. For Commission action. Applicant seeks to amend Certificate No. 06-4437 by adding a diversion point with no change in the authorized diversion rate. (JORDAN:rma)

APPROVED, CJ/JEB

Item 28. APPLICATION NO. TA-6515 BY ROBERT L. CARROLL, INC. FOR A TEXAS WATER CODE SECTION 11.138 TEMPORARY WATER USE PERMIT. FOR COMMISSION ACTION. Applicant seeks to divert and use 10 acre-feet of water within a 3-year period from Bull and Nabors Creeks, Colorado River Basin, for industrial purposes (highway construction - US 183) from the creek crossings of US 183, approximately 0.5 and 4 miles south, respectively, of Goldthwaite, Mills County, Texas. (JORDAN/jme)

APPROVED, JEB/CJ

Item 29. CONSIDERATION OF THE CANCELLATION OF FALCON DOMESTIC PERMIT NO. DF-70, HELD BY LEONARD DAIKER. (Smith, D.)

APPROVED, JEB/CJ

Item 30. Leaking Underground Storage Tank (LUST) Trust Fund Contract Amendment for Additional Funding. (Jameson/Lien/Bohl)

APPROVED, JEB/CJ

Item 31. Petroleum Storage Tank Remediation (PSTR) Fund Contract

Amendment for Additional Funding. (Jameson/Lien/Bohl)

APPROVED, JEB/CJ

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Wednesday, February 27, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 32. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF TCW SUPPLY, INC. to increase retail water rates in Hutchinson County, Texas; Docket No. 8586-R. Applicant provides retail water service to approximately 698 customers. Recommendation: Adoption of agreement of parties. (O'Neal)

(AN EMERGENCY ADDENDUM TO THE AGENDA IS NEEDED DUE TO UNFORESEEN CIRCUMSTANCES)

APPROVED, JEB/CJ

UNCONTESTED OLD BUSINESS

Wednesday, February 27, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of January 30, 1991.

- Item 1. APPLICATION BY PONDEROSA JOINT POWERS AGENCY for renewal of Permit No. 11081-01 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 6,000,000 gallons per day. The wastewater treatment facilities are at 17940 Butte Creek Drive in Houston, immediately south of Cypress Creek and approximately 2.3 miles west of Interstate Highway 45 in Harris County, Texas.

APPROVED, CJ/JEB