

CONTESTED AGENDA

Wednesday, April 10, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT, PETITION AND PROPOSED ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GUNDLIN LINDEN SYSTEMS, INC., CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 13443-01. (McCalla)

Cont. to 5/1/91, at 9:00 a.m.

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF A CATHOLIC HIGH SCHOOL FOR AUSTIN, INC., PERMIT NO. 12916-01. (Smith, J.)

Issue Agreed Order, CJ/JEB

Item 3. CONSIDERATION OF A PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DON PURSE, DBA RIO VALLEY ESTATES MOBILE HOME PARK, PERMIT NO. 11469-01. (Montelongo)

Cont. to 5/15/91, at 9:00 a.m.

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TRUCKSTOPS OF AMERICA, INC., PERMIT NO. 13505-01. (Corrigan)

Cont. to 5/8/91, at 9:00 a.m.

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR HEARING AND PETITION TO REVOKE CLASS B WASTEWATER OPERATORS CERTIFICATE OF COMPETENCY NO. 460-68-2307 ISSUED TO JUAN BUSTAMANTE. (Corrigan)

Issue Order as Proposed, JEB/CJ

Item 6. 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.

No Action Taken

CONTESTED OLD BUSINESS

Wednesday, April 10, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from the Agenda of December 12, 1990 and January 16, 1991 and February 20, 1991.

- Item 1. 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 RIO BRAVO, INC.; CERTIFICATE OF ADJUDICATION NO. 23-2811. (Kirick)

Cont. to 5/29/91, at 9:00 a.m.

Item carried forward from the Agenda of March 6, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTORS INVESTIGATION INTO THE OPERATIONS AND SERVICES RENDERED BY R.C. D/B/A/ LAWSON WATER SERVICE/ ORANGE COUNTY, TEXAS. (KEILS, K.) D-8809

Cont. to 5/01/91, at 9:00 a.m.

Item carried forward from Agenda of February 13, 1991 and March 13, 1991

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF WILLIAM K. BATES, D/B/A SPRING CREEK TRAILS WATER SYSTEM, DOCKET NO. 8239-E. (Smith, D.)

Cont. to 4/24/91, at 9:00 a.m.

Item carried forward from Agenda of February 20, 1991 and March 27, 1991.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DOUGLAS UTILITY COMPANY, PERMIT NO. 11200-01. (Montelongo)

Issue Agreed Order, CJ/JEB

Item carried forward from Agenda of January 23, 1991

- Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF GAF CHEMICALS CORPORATION. (Gonzalez)

Cont. to 5/15/91, at 9:00 a.m.

Item carried forward from Agenda of February 27, 1991 and

March 27, 1991.

- Item 6. 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)

Issue Order as Proposed, JEB/CJ

Item carried forward from Agenda of March 27, 1991.

- Item 7. CONSIDERATION OF THE REQUEST BY FORMOSA PLASTICS CORPORATION, TEXAS FOR AUTHORIZATION TO COMMENCE CONSTRUCTION OF A TERTIARY TREATMENT FACILITY FOR INDUSTRIAL WASTEWATER AND CONTAMINATED STORMWATER, PERMIT NO. 02436. (Ray)

Approved, CJ/JEB

DOCKET

Wednesday, April 10, 1991

TEXAS WATER COMMISSION

9:00 a.m.  
Room 118

Item carried forward from Agenda of March 27, 1991.

- Item 1. COMMISSION CONSIDER WHETHER TO AFFIRM, MODIFY OR SET ASIDE EMERGENCY ORDER NO. 91-6E ISSUED ON MARCH 27, 1991 TO DAN ROBERTS DBA DAN ROBERTS WATER SYSTEM TO PROVIDE CONTINUOUS AND ADEQUATE WATER UTILITY SERVICE IN THE CYPRESS CREEK ACRES AND THE INWOOD FOREST SUBDIVISIONS IN HAYS COUNTY. DOCKET NO. 9035-E.

Affirm, CJ/JEB

WYNNE  
BIRDWELL  
JOHNSON

UNCONTESTED AGENDA

Wednesday, April 10, 1991

TEXAS WATER COMMISSION

3:00 p.m.  
Room 118

Item 1. APPLICATION BY DISPOSAL SYSTEMS, INC. (DSI) for a permit (Proposed Permit No. HW-50058, EPA I.D.No. TXD-000719518) to authorize the continued operation of a commercial hazardous industrial solid waste storage and processing facility. The facility is located on a 20-acre tract of land adjacent to State Highway 134 (Battleground Road) approximately 1.1 miles southwest of the San Jacinto Monument in Deer Park, Harris County, Texas.

Cont. Indef.

Item 2. APPLICATION BY E.I. DUPONT DE NEMOURS & COMPANY for a permit (Proposed Permit No. WDW-282) to authorize an additional waste disposal well for disposal of hazardous waste waters from its Sabine River Works. Waste disposal well WDW-282 is to be located on company property, 1490 feet north and 1980 feet west of the southeast corner of the W. H. Stark Survey in Orange County, Texas.

Approved, CJ/JEB

Item 3. APPLICATION BY INTERNATIONAL BUSINESS MACHINES for a permit (Proposed Permit No. 03321) to authorize disposal of treated ground water from a remediation system at an electronics manufacturing plant by irrigation on 65 acres of landscaped property. The plant site is at 11400 Burnet Rd. in the City of Austin, Travis County, Texas.

Approved, CJ/JEB

Item 4. APPLICATION BY CHAMPION INTERNATIONAL CORPORATION for a minor amendment to Permit No. 01160 to authorize a discharge of treated process wastewater in phases with the final phase being a volume not to exceed an average flow of 19,640,000 gallons per day plus stormwater runoff, which will remain the same. The plant site is on the north side of U.S. Highway 90, between the San Jacinto River and Sheldon Road, Harris County, Texas.

Approved, CJ/JEB

Item 5. APPLICATION BY HOLLANDER (FORT WORTH) CORPORATION for a minor amendment to Permit No. 02030 in order to update the terms and format of the permit and to include a specific term of ten years. The permit regulates the disposal of industrial wastewater from a hide processing plant by evaporation. The disposal volume is not to exceed an average of 15,400 gallons per day. The plant site is at 102 Beefco Street in the City of Amarillo, Potter County, Texas.

Approved, CJ/JEB

Item 6. APPLICATION BY CITY OF BAIRD for renewal of Permit No. 10037-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 180,000 gallons per day from the wastewater treatment facilities. The plant site is located immediately east of the Baird Railroad Lake dam and immediately south of the Texas-Pacific Railroad right of way in Callahan County, Texas.

Approved, CJ/JEB

Item 7. APPLICATION BY EARL AND GILDA DUNGAN DBA LAKE LIVINGSTON PROPERTIES for renewal of Permit No.13145-01 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 50,000 gallons per day from the Holiday Shores Subdivision II Wastewater Treatment Facilities. The plant site is approximately 4,000 feet north of the intersection of State Highway 156 and Farm to Market Road 224, approximately 4.2 miles southeast of the intersection of U.S. Highway 190 and State Highway 156 in San Jacinto County, Texas.

Approved, CJ/JEB

Item 8. APPLICATION BY CITY OF FARMERSVILLE for renewal of Permit No. 10442-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 225,000 gallons per day from the wastewater treatment facilities. The plant site is located approximately 1,600 feet south of the intersection of State Highway 78 and U.S. Highway 380 in the southwest corner of the City of Farmersville in Collin County, Texas.

Approved, CJ/JEB

Item 9. APPLICATION BY OHMSTEDE, INC. for renewal of Permit No. 01318 which authorizes a discharge of process water, hydrotest water, stormwater runoff, cooling water and domestic sewage at a volume not to exceed an average flow of 85,000 gallons per day from a heat exchanger repair plant. The plant site is on the north side of State Highway 225, approximately one-half mile west of the intersection of State Highway 225 with State Highway 146 in the City of LaPorte, Harris County, Texas.

Cont. to 4/17/91, at 3:00 p.m.

Item 10. APPLICATION BY CITY OF OLNEY for renewal of Permit No. 10050-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 790,000 gallons per day. The permit also authorizes the use of treated effluent for irrigation of a golf course with an application rate not to exceed 1 acre-foot/acre/year. The wastewater treatment facilities are located approximately 1500 feet southeast of the intersection of Farm-to-Market Road 210 (Spring Creek Road) and State Highway 79 in Young County, Texas.

Approved, CJ/JEB

Item 11. APPLICATION BY CITY OF SHAMROCK for renewal of Permit No. 10279-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day from the North Wastewater Treatment

Plant. Treated effluent may also be used to irrigate agricultural land at an application rate of not to exceed 4.1 acre-feet/acre/year. The plant site is on the south side of Roundup Creek, approximately 0.5 mile east of U. S. Highway 83 and 1.6 miles north-northeast of the intersection of U. S. Highway 83 and Interstate Highway 40 in the City of Shamrock in Wheeler County, Texas.

Cont. to 5/8/91, at 3:00 p.m.

Item 12. APPLICATION BY J. C. WALTER, JR. for renewal of Permit No. 13146-01 which authorizes a discharge of treated domestic wastewater effluent in phases with a final volume not to exceed an average flow of 2,250,000 gallons per day from the Bear Creek Utility District Wastewater Treatment Facilities. The plant site is located approximately 3300 feet southeast of the intersection of Freeman Road (Farm-to-Market Road 529) and Stockdick Road in Harris County, Texas.

Approved, CJ/JEB

Item 13. APPLICATION BY CY-CHAMP PUBLIC UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO USE SURPLUS FUNDS; \$3,160,000 BOND ISSUE APPROVED January 24, 1985. For Commission consideration and action. Applicant seeks approval to use \$115,240 in surplus funds to finance the District's costs associated with lift station improvements, assessment of wastewater trunk line repair alternatives, procurement and installation of an emergency power generator, and installation of wastewater collection lines and taps.

Approved, CJ/JEB

Item 14. APPLICATION BY WOODCREEK MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$3,650,000 BOND ISSUE APPROVED October 10, 1984. For Commission consideration and action. Applicant requests approval of the transfer of \$220,000 in surplus construction funds to debt service.

Approved, CJ/JEB

Item 15. APPLICATION BY KLEINWOOD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL TO RESCIND ESCROW REQUIREMENT; \$640,000 BOND ISSUE APPROVED February 8, 1991. For Commission consideration and action. Applicant requests approval to rescind the requirement to escrow \$450,000 for the new water well construction and minor improvements at Water Plant No. 1.

Approved, CJ/JEB

Item 16. APPLICATION BY PRESTONWOOD FOREST UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration and action. Applicant seeks approval of a fire protection plan to enhance fire protection with the District.

Approved, CJ/JEB

Item 17. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF MANVILLE WATER SUPPLY CORPORATION FOR AN AMENDMENT TO CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11144. To provide water service in Williamson and Travis Counties, Texas; Docket No. 8278-C. Recommendation: Adoption

of agreement of parties. (O'Neal)

Issue Order as Proposed JEB/CJ

Item 18. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE EXECUTIVE DIRECTOR'S REQUEST THAT ALTOGA WATER SUPPLY CORPORATION BE REQUIRED TO PROVIDE SERVICE TO ALL CURRENT AND FORMER CUSTOMER LOCATIONS IN COLLIN COUNTY, TEXAS AND SPECIFICALLY TO BENNIE AND DONNA BRIDGEFARMER; DOCKET NO. 8563-E. (WOOD)

Issue Order as Proposed JEB/CJ

Item 19. APPLICATION OF EARL TRIMBLE DBA BLUE JAY WATER COMPANY for a Water Certificate of Convenience and Necessity in Henderson County (Application No. 8801-C, Holck)

Approved, JEB/CJ

Item 20. APPLICATION OF SOUTH CLEVELAND WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Liberty County (Application No. 8940-C, Holck)

Approved, JEB/CJ

Item 21. APPLICATION OF VALLEY WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Dickens County (Application No. 8948-C, Holck)

Approved, JEB/CJ

Item 22. APPLICATION OF WHITHARRAL WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Hockley County (Application No. 8927-C, Holck)

Approved, JEB/CJ

Item 23. APPLICATION OF CHAMP'S WATER COMPANY, INC. to Transfer and Cancel Water and Sewer Certificate of Convenience and Necessity Nos. 10866 and 20343 of West Montgomery Utilities Company, Ltd. and to Amend CCN Nos. 10972 and 20385 in Harris County. (Application No. 8660-S, Schaubhut)

Approved, JEB/CJ

Item 24. APPLICATION OF LAMAR COUNTY WATER SUPPLY DISTRICT to Merge Facilities and Transfer Water Certificate of Convenience and Necessity No. 10533 from Lamar County Water Supply Corporation in Lamar County. (Application No. 8635-S, Schaubhut); also to Merge Facilities and Transfer and Cancel Water Certificate of Convenience and Necessity No. 11071 of Cunningham Water Supply Corporation in Lamar County. (Application No. 8661-S, Schaubhut); and to Merge Facilities and Transfer and Cancel Water Certificate of Convenience and Necessity No. 10529 of Brookston Water Corporation (Application No. 8699-S, Schaubhut)

Approved, JEB/CJ

Item 25. APPLICATION OF COTTON-TERRACE WATER SYSTEM, INC. for an Amendment to Water Certificate of Convenience and Necessity No. 10933 in Burnet County. (Application No. 8893-C, Holck)

Approved, JEB/CJ

Item 26. APPLICATION OF RATCLIFF WATER SUPPLY CORPORATION to amend Water Certificate of Convenience and Necessity No. 11337 in Houston County. (Application No. 8736-C, Strouse)

Approved, JEB/CJ

Item 27. APPLICATION NOS. 18-5173A, 18-5174A, 18-5175A, 18-5176A, 18-5177A AND 18-5178A BY GUADALUPE BLANCO RIVER AUTHORITY AND UNION CARBIDE CHEMICALS AND PLASTICS CO. TO AMEND CERTIFICATE NOS. 18-5173, 18-5174, 18-5175, 18-5176, 18-5177 AND 18-5178. For Commission action. Applicants seek to amend the referenced certificates, which include the diversion of water from a specific point on Goff Bayou, Lavaca-Guadalupe Coastal Basin, for various uses by adding an additional diversion point on Goff Bayou in Calhoun County upstream from the authorized one. (JORDAN;tls)

Approved, JEB/CJ

Item 28. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON THE ORDER CONCERNING THE APPLICATION OF THE CITY OF HIGHLAND VILLAGE VS. CITY OF LEWISVILLE. (This matter was considered on February 13, 1991.)

Granted/Issue Order with Amendments as Drafted by Staff, CJ/JEB