

CONTESTED AGENDA

Wednesday, May 22, 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 JOE JACKSON'S AUTOMATIC TRANSMISSION COMPANY, SWR NO. 39948. (Hall)

Cont. to July 24 1991, at 9:00 a.m.

Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF KRESTCO, INC., SWR NO. 31755. (Hahn).

Issue Order With Instructions To Staff, JEB/BJW

Item 3. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 53 FOR APPROVAL OF A \$1,285,000 UNLIMITED TAX AND REVENUE BONDS, SERIES 1991, SEVENTH ISSUE, 8.1889% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests Commission approval for a bond issue to finance the District's share of the proposed surface water transmission line project with North Channel Water Authority.

Cont. to Jun 12, at 9:00 a.m.

Item 4. CONSIDERATION OF THE ADOPTION OF REVISIONS TO THE TEXAS SURFACE WATER QUALITY STANDARDS, 31 TEXAS ADMINISTRATIVE CODE SECTIONS 307.2 - 307.10. (Ligarde)

Cont. to Jun 12, at 9:00 a.m.

Item 5. 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, May 22, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of February 27, 1991

- Item 1. 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 Jul 3, 1991 at 9:00 a.m.

Item carried forward from Agenda of May 1, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF LEE HARRIS, INDIVIDUALLY. (J. SMITH)

Issue Agreed Order, JEB/BJW

Item carried forward from Agenda of May 8, 1991.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF KYLE, PERMIT NO. 11041-001. (Corrigan)

Issue Agreed Order, JEB/BJW

Item carried forward from Agenda of May 8, 1991.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF STEWART AND STEVENSON SERVICES, INC., PERMIT NO. 13365-001. (Corrigan)

Issue Agreed Order, JEB/BJW

Item carried forward from Agenda of April 17, 1991 and May 8, 1991.

- Item 5. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF BRAZOS RIVER AUTHORITY FOR WATER USE PERMIT NO. 5093, BOSQUE COUNTY, TEXAS, TO CONSTRUCT A 112,438 ACRE-FT. RESERVOIR TO IMPOUND AND DIVERT NOT TO EXCEED 17,900 ACRE-FEET OF WATER PER ANNUM FROM THE NORTH BOSQUE RIVER, IN THE BRAZOS RIVER BASIN, FOR MUNICIPAL PURPOSES. RECOMMENDATION: DENIAL OF AUTHORIZATION. (WOOD)

Issue Order as Proposed by General Counsel, JEB/BJW

Item carried forward from Agenda of April 17, 1991 and May 8, 1991.

- Item 6. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF BRAZOS RIVER AUTHORITY FOR WATER USE PERMIT NO. 5094, MCLENNAN COUNTY, TEXAS TO IMPOUND AN ADDITIONAL 87,962 ACRE-FEET OF WATER IN LAKE WACO, IN THE BRAZOS BASIN, AND TO DIVERT NOT TO EXCEED 20,770 ACRE-FEET OF WATER PER ANNUM FOR MUNICIPAL PURPOSES. RECOMMENDATION: DENIAL OF APPLICATION. (WOOD)

Issue Order as Proposed by General Counsel, JEB/BJW

UNCONTESTED AGENDA

Wednesday, May 22, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY LUBBOCK CHRISTIAN COLLEGE INVESTMENT CORPORATION for a permit (Proposed Permit No. 13550-01) to authorize disposal of treated domestic wastewater effluent by irrigation on 3,402 acres of land. The disposal volume is not to exceed an annual average of 6,000,000 gallons per day and a minimum annual average of 1,000,000 gallons per day. The irrigation site, known as the Hancock Land Application Site (HLAS), has an approximate southern boundary located 0.6 mile north of the intersection of Farm-to-Market Road 400 and Farm-to-Market Road 211 (the City of Wilson) and is bounded by a county road 4.0 miles to the north; the east and west side of the irrigation site are bounded by parallel county roads two miles apart. The HLAS is in Lynn County, Texas.

Approved, JEB/BJW

Item 2. APPLICATION BY DON AND LOLA MITCHELL DBA CAL-TEX DAIRY for a permit (Proposed Permit No. 03311) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 500 head in confinement. The dairy is located approximately .5 mile north of the Community of Alexander, immediately northwest of the intersection of Farm-to-Market Road 914 and State Highway 6, in Erath County, Texas.

Approved, JEB/BJW

Item 3. APPLICATION BY ATOCHEM NORTH AMERICA for an amendment to Permit No. 01393 in order to change from a permit authorizing disposal by evaporation and recycling to a discharge permit and to reclassify the waste stream. The plant site is at 201 W. Dodge Street in the City of Bryan, Brazos County, Texas.

Cont. to Jun 12, 3:00 p.m.

Item 4. APPLICATION BY CITY OF LUBBOCK for a minor amendment to Permit No. 10353-02 to modify the language to complement the application by Lubbock Christian College Investment Corporation to assume permit responsibility (Proposed Permit No. 13550-01) for the disposal of effluent on the Hancock Land Application Site (HLAS). Through an agreement, the City seeks to relinquish the authority and responsibility for the disposal of treated effluent on the HLAS. Permit No. 10353-02 will continue to authorize the City to treat a daily average flow of 25,000,000 gallons per day. The plant site is at the eastern terminus of East 38th Street, south of the Fort Worth and Denver Railroad bridge crossing of the North Fork of the Double Mountain Fork of the Brazos River, approximately one mile northwest of the intersection of State Highway-Loop 289 and Farm-to-Market Road 835 (Buffalo Springs Lake Road), in the southeastern portion of the City of Lubbock, Lubbock County, Texas.

Approved, JEB/BJW

Item 5. APPLICATION BY CITY OF EDEN for renewal of Permit No. 10081-01 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 is located approximately 2/3 of a mile east of U.S. Highway 83, 2/3 of a mile south of U.S. Highway 87 and immediately north of Harden Branch in the City of Eden in Concho County, Texas.

Approved, JEB/BJW

Item 6. APPLICATION BY HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT for renewal of Permit No. 10570-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 600,000 gallons per day from its wastewater treatment facilities. The plant site is on the south side of Hampton Road, approximately 0.5 mile west of the intersection of Fondren Road and Main Street (U.S. 90A) in Harris County, Texas.

Approved, JEB/BJW

Item 7. APPLICATION BY MINERAL WELLS SAND & GRAVEL, INC. for renewal of Permit No. 00006 which authorizes a discharge of settled sand and gravel wash water at a volume not to exceed an average flow of 25,500 gallons per day from its North Plant which is a sand and gravel washing and grading operation. The plant is north of U.S. Highway 180, adjacent to the portion of the Brazos River designated as Bath Bend, approximately four miles west of Mineral Wells, Palo Pinto County, Texas.

Approved, JEB/BJW

Item 8. APPLICATION BY NORTHWEST FREEWAY MUNICIPAL UTILITY DISTRICT for renewal of Permit No. 11913-01 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 Ranch Country Wastewater Treatment Facilities. The plant is located approximately 3/4 of a mile north-northwest of the intersection of Becker Road and U.S. Highway 290 in Harris County, Texas.

Approved, JEB/BJW

Item 9. APPLICATION BY STARR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 for renewal of Permit No. 10802-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 1,500,000 gallons per day from the wastewater treatment facilities. The plant site is on the north bank of the Rio Grande, approximately 1/2 mile upstream of the International Bridge (FM 755) and on the Old Fort Ringgold site east of Rio Grande City in Starr County, Texas.

Approved, JEB/BJW

Item 10. TEXAS PARKS AND WILDLIFE DEPARTMENT for renewal of Permit No. 11718-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 35,000 gallons per day from the Martin Dies, Jr. State Park Wastewater Treatment Facilities. The plant site is 3,500 feet due south of the intersection of U.S. Highway 190 and Park Road 48, 500 feet east of Park Road 48 in Jasper County, Texas.

Approved, JEB/BJW

Item 11. THE KING INTERESTS CORPORATION for renewal of Permit No. 12149-01 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 Greensmor Wastewater Treatment Facilities. The plant site is southwest of the intersection of Greens Road and Morales Road in the City of Houston in Harris County, Texas.

Approved, JEB/BJW

Item 12. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 239 FOR APPROVAL OF A STANDBY FEE; For Commission consideration and action. Applicant seeks approval of the levy of an annual standby fee against undeveloped single family lots, commercial, and multifamily acreage in the District in the amount of \$180/lot for residential development, and \$484.20/acre of reserves to supplement the operating account.

Approved, JEB/BJW

Item 13. APPLICATION BY LAKE LBJ MUNICIPAL UTILITY DISTRICT OF LLANO & BURNET COUNTIES FOR APPROVAL TO LEVY A STANDBY FEE; \$1,600,000 BOND ISSUE APPROVED June 11, 1990. For Commission consideration and action. Applicant seeks approval to impose a standby fee of \$36 per lot per year on approximately 7,698 unimproved lots to supplement the operations and maintenance account.

Cont. to Jun 12, at 3:00 p.m.

Item 14. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 132 FOR APPROVAL TO USE SURPLUS FUNDS; \$4,350,000 BOND ISSUE APPROVED NOVEMBER 21, 1985. For Commission consideration and action. Applicant requests approval to use \$98,500 in surplus funds to finance costs to combine two pump stations and upsize an existing force main.

Approved, JEB/BJW

Item 15. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 13 FOR FUNDING OF PROJECTS AND UP TO FIVE YEARS OF DEVELOPER INTEREST TO BE FUNDED WITH CONNECTION FEES. For Commission consideration and action. The District requests Commission approval of construction projects and 5-years of developer interest, which is to be financed with the collection of connection fees.

Approved, JEB/BJW

Item 16. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF THE EXECUTIVE DIRECTOR FOR AN ENFORCEMENT ORDER AGAINST WALTER CLINT HANKINS DBA TRI-COUNTY UTILITIES AND HANCO UTILITIES, INC., APPLICATION OF HANCO UTILITIES, INC. for a certificate of convenience and necessity and decertification of a portion of CCN No. 11908 held by H2M Water Systems, Inc. to provide water service in Johnson, Parker, Denton, Ellis, Hood, Somervell, Tarrant and Wise Counties, Texas; Docket Nos. 8549-E, 8533-S, 8520-C, 8546-S and 8547-C. Recommendation: Adoption of agreement of parties. (Sahs)

Issue Agreed Order, JEB/BJW

Item 17. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF MAURICEVILLE WATER SUPPLY CORPORATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN JASPER, ORANGE, AND NEWTON COUNTIES, TEXAS. (DOCKET NO. 8532-C) RECOMMENDATION: Adoption of agreement of parties. (JACKSON).

Issue Agreed Order, JEB/BJW

Item 18. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CORONADO SHORES WATER COMPANY TO INCREASE RETAIL WATER RATES IN BRISCOE COUNTY, TEXAS; DOCKET NO. 8694-G. Applicant provides retail water service to approximately 50 customers. Recommendation: Adoption of staff recommendation. (Harris).

Issue Agreed Order, JEB/BJW

Item 19. APPLICATION OF ROBERT C. GILBERT, SR. DBA PINE OAK WATER COMPANY for a Water Certificate of Convenience and Necessity in Harris County (Application No. 8786-C, Shires).

Approved, JEB/BJW

Item 20. APPLICATION OF FIRST SAVINGS BANK OF HEMPSTEAD, F. S. B. DBA WILLOWBROOK WATER SYSTEM for a Water Certificate of Convenience and Necessity in Walker County (Application No. 8947-C, Holck).

Approved, JEB/BJW

Item 21. APPLICATION OF FLOMOT WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Motley County (Application No. 8968-C, Holck).

Approved, JEB/BJW

Item 22. APPLICATION OF VERN NORMAN DBA SOMERSETSHIRE ESTATES SYSTEM for a Water Certificate of Convenience and Necessity in Brazoria County (Application No. 8907-C, Holck).

Approved, JEB/BJW

Item 23. APPLICATION OF HOOD COUNTY UTILITIES, INC. to Amend Water CCN No. 11805 to include area served by Florence Prewett dba Sunset Cove Water Systems in Hood County (Application No. 8952-C, Carlson).

Approved, JEB/BJW

Item 24. APPLICATION ON CONCHO RURAL WATER CORPORATION to Amend Water Certificate of Convenience and Necessity No. 11361 in Tom Green County (Application No. 8664-C, Holck).

Approved, JEB/BJW

Item 25. APPLICATION OF WILLIAM N. KELLEY, JR. DBA KELLEY WELL SERVICE to Amend Water CCN No. 12143 to include area served by Gary Savell dba Carriage Trails Water System in Chambers County (Application No. 8868-C, Schaubhut).

Approved, JEB/BJW

Item 26. APPLICATION OF LEE COUNTY WATER SUPPLY CORPORATION to Transfer and Cancel Water Certificate of Convenience and Necessity No. 11769 of Lakes in the Pines, Inc. dba Clear Lake Pines Water System and to Amend CCN No. 10310 in Fayette County (Application No. 8488-S, Schaubhut) APPLICATION OF LEE COUNTY WATER SUPPLY CORPORATION to Amend Certificate of Convenience and Necessity No. 10310 and to Decertify a Portion of Fayette Water Supply Corporation, CCN No. 10726, in Fayette, Bastrop, and Lee Counties (Application No. 8924-C, Schaubhut).

Approved, JEB/BJW

Item 27. APPLICATION OF GLENPOOL COMPANY, INC. DBA FAIRCO WATER COMPANY to Transfer Water Certificate of Convenience and Necessity (CCN) No. 11246 form Fairco, Inc. in Bexar, Comal, and Kendall Counties (Application No. 8969-T, Horst).

Approved, JEB/BJW

Item 28. APPLICATION OF KENDALL COUNTY UTILITY COMPANY, INC. to Transfer Water Certificate of Convenience and Necessity (CCN) No. 11848 from Miller Smyth dba Cibolo Oaks Joint Venture Water Company; to Cancel Water CCN No. 11848 and to Amend Water CCN No. 11904 in Kendall County (Application No. 8993-S, Schaubhut).

Approved, JEB/BJW

Item 29. APPLICATION OF BETHEL-ASH WATER SUPPLY CORPORATION to Transfer Water Certificate of Convenience and Necessity No. 11551 from Robert McAtee, Sr. dba Trey Meadows Water Company; to Cancel Water CCN No. 11551 and to Amend Water CCN No. 10821 in Henderson County (Application No. 8896-S, Schaubhut).

Approved, JEB/BJW

Item 30. APPLICATION OF J. E. FRANKLIN TRUST for a Sewer Certificate of Convenience and Necessity in Lubbock County (Application No. 8975-C, Fenner).

Approved, JEB/BJW

Item 31. APPLICATION NO. 23-20A BY JUAN FRANCISCO RUIZ AND WIFE, ISAURA RUIZ TO AMEND CERTIFICATE NO. 23-20. For Commission Action. Applicants seek to amend Certificate No. 23-20 to change the place of use for 3.531 acre- feet of Class "B" irrigation water rights acquired under Cert. No. 23-20 to a 24.72-acre tract owned by applicants in the Jose S. de la Garza (Espiritu Santo) Grant, Abstract No. 2, approximately 16 miles northwest of Brownsville, Cameron County, Texas. (JORDAN/wph).

Approved, JEB/BJW

Item 32. APPLICATION NO. 23-932A BY FRANK ARMENDARIZ AND WIFE, MARTHA R. ARMENDARIZ TO COMBINE CERTIFICATE NOS. 23-932 AND 23-935 UNDER 23-932, AND TO AMEND CERT. NO. 23-932, AS COMBINED AND AMENDED. FOR COMMISSION ACTION. Applicants seek to combine their water rights on the Rio Grande and to amend the combined rights to authorize the use of the combined 606 acre-feet of water per annum any where within the combined 202 acres now authorized by the aforesaid certificates. (JORDAN/jme).

Approved, JEB/BJW

Item 33. APPLICATION NO. 23-434B BY FULLER FARMS, A PARTNERSHIP, TO COMBINE WATER RIGHTS UNDER CERTIFICATE NO. 23-434 AND TO AMEND CERTIFICATE NO. 23-434. For Commission Consideration. Applicant seeks to combine water rights owned pursuant Certificate Nos. 23-434, 23-438, 23-440 and 23-508 under Cert. No. 23-434 and to amend Certificate No. 23-434 to restate their total authorizations under the certificate, via., the diversion and use, with Class "B" priority, 870.298 acre-feet of water per annum from the Rio Grande to irrigate 333.66 acres, approximately 22 miles southeast of Edinburg, Hidalgo County, Texas. (JORDAN/wph).

Approved, JEB/BJW

Item 34. CONSIDERATION OF SECOND QUARTER BUDGET AMENDMENT.

Adopt Amendments, JEB/BJW