

CONTESTED AGENDA

Wednesday, June 12, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR THE REFERRAL OF THOMAS L. VARKONYI D/B/A METAL RECYCLING COMPANY TO THE OFFICE OF THE ATTORNEY GENERAL. Metal Recycling Company's operations have allegedly resulted in contamination which may endanger human health or safety or the environment. (Renbarger)

Refer to Attorney General, JEB/BJW

Item 2. RECONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PROPOSED ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND REQUIRING CERTAIN ACTIONS OF THE U. S. DEPARTMENT OF JUSTICE, BASTROP FEDERAL CORRECTIONAL INSTITUTE; PERMIT NO. 12112-001. (Ligarde)

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

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF EXCEL CORPORATION; PERMIT NO. 01463. (Corrigan).

Cont. to July 10, 1991 at 9:00 a.m.

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF SAFETY RAILWAY SERVICE COMPANY, SWR NO. 31767, US EPA I.D. NO. TXDO63071393. (Alvarado)

Cont. to August 7, 1991 at 9:00 a.m.

Item 5. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATIONS OF CITY OF HARLINGEN, CITY OF SAN BENITO, MILITARY HIGHWAY WATER SUPPLY CORPORATION FOR AN AMENDMENT TO CERTIFICATES OF CONVENIENCE AND NECESSITY NOS. 11875, 10539, AND 10551 to provide water service in Cameron County, Texas; Docket Nos. 8485-C, 8512-C, and 8480-C. Recommendation: Issuance of Harlingen and San Benito amendments. Dismissal of Military Highway Water Supply Corporation application. (Parker)

Adopt Examiners Proposal and Issue Order as Proposed, BJW/JEB

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MEMORANDUM RECOMMENDING THE SETTING OF A HEARING ON THE COMPLAINT OF MILITARY HIGHWAY WATER SUPPLY CORPORATION AGAINST THE PUBLIC UTILITIES BOARD OF THE CITY OF BROWNSVILLE IN CAMERON COUNTY, TEXAS, PURSUANT TO CHAPTERS 11 AND 13 OF THE TEXAS WATER CODE, DOCKET NO. 9012-M. (Corrigan)

Remand to Office Hearings Examiner, BJW/JEB

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MEMORANDUM RECOMMENDING THE SETTING OF A HEARING ON THE COMPLAINT OF EL JARDIN WATER SUPPLY CORPORATION AGAINST THE PUBLIC UTILITIES

BOARD OF THE CITY OF BROWNSVILLE IN CAMERON COUNTY, TEXAS,
PURSUANT TO CHAPTERS 11 AND 13 OF THE TEXAS WATER CODE, DOCKET
NO. 9013-M. (Corrigan)

Remand to Office Hearings Examiner, BJW/JEB

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF DISPOSAL SYSTEMS, INC. (Mehta)

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

Item 9. APPLICATION BY TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 17 FOR APPROVAL TO AMEND ORDER APPROVING THE \$7,895,000 DEFINED AREA BOND ISSUE APPROVED SEPTEMBER 6, 1990; For Commission consideration and action. Applicant seeks approval to amend the Commission order approving the bond issue to allow the District to sell bonds on the open bond market rather than selling the bonds to the Texas Water Development Board as previously approved by the Commission.

Cont. to June 12, 1991 at 3:00 p.m.

Item 10. 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

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, June 12, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 11. COMMISSION CONSIDERATION OF VARIOUS ASPECTS OF C.S.S.B. 1099 (ACT OF THE 72nd LEGISLATURE RELATING TO THE PERMITTING OF SOLID AND HAZARDOUS WASTE FACILITIES); SPECIFICALLY, CONSIDERATION OF (i) C.S.S.B. 1099, Section 1.08 (RELATING TO EX PARTE CONTACTS) and (ii) C.S.S.B 1099, Section 1.24 (RELATING TO HEARING DISCOVERY PENDING ADOPTION OF NEW REGULATIONS).

(Due to reasonably unforeseen circumstances, namely recent passage of the referenced statutory provisions, an emergency setting is necessary).

(i) Recommend Attorney General give Opinion on Ex Parte Contacts, JH/BJW
(ii) Discovery postponed for 120 days or upon completion of new rules in regards to C.S.S.B 1099, JH/BJW

SECOND EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, June 12, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 12. CONSIDERATION OF THE ESTABLISHMENT OF AN ADVISORY COMMITTEE TO ASSIST THE COMMISSION IN PROMULGATING REGULATIONS MANDATED BY SENATE BILL 1099 (ACT OF THE 72nd LEGISLATURE RELATING TO THE PERMITTING OF SOLID AND HAZARDOUS WASTE MANAGEMENT FACILITIES AND POLLUTION PREVENTION). (Eden)

(Due to reasonably unforeseen circumstances, namely the recent passage of Senate Bill 1099 which mandates the promulgation of new regulations within certain deadlines, an emergency setting is necessary).

Recommend Adoption of Staff Recommendation, JH/BJW

CONTESTED OLD BUSINESS

Wednesday, June 12, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of April 3, 1991.

- Item 1. CONSIDERATION OF THE ADOPTION OF NEW 31 TEXAS ADMINISTRATIVE CODE, Sections 292.1-292.4, 292.11-292.13, and 292.21-292.26 concerning general provisions, administrative policies, and water management plans for water districts and river authorities. These new rules are proposed in order to provide guidelines for supervision of certain districts and river authorities.

Adopt Staff Recommendations of New Rules, JH/JEB

Item carried forward from Agenda of April 24, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MINERAL RESEARCH AND DEVELOPMENT CORPORATION, PERMIT NO. 01878. (Ligarde)

Cont. to July 10, 1991 at 9:00 a.m.

Item carried forward from Agenda of February 6, 1991 and May 8, 1991.

- Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AGAINST FELTING HAVINGS, SR., AND TECHNICOAT, INC., AND REQUIRING CERTAIN ACTIONS OF FELTON HAVINGS, SR., TECHNICOAT, INC., AND AMERICAN CYANAMID COMPANY, (SWR NO. 30068). (Gonzalez)

Cont. to July 10, 1991 at 9:00 a.m.

Item carried forward from Agenda of March 27, 1991 and May 15, 1991.

- Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF VALLEY SOLVENTS AND CHEMICALS, (SWR NO. 40424). (Hall)

Issue Agreed Order, BJW/JEB

Item carried forward from Agenda of January 23, 1991 and April 10, 1991, May 15, 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 Sept 11, 1991 at 9:00 a.m.

Item carried forward from Agenda of May 15, 1991.

Item 6. 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. 11170-01. (Smith, S.)

Issue Proposed Order, BJW/JEB

Item carried forward from Agenda of May 22, 1991.

Item 7. 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.

Approved Amended Staff Recommendations, BJW/JEB

Item carried forward from Agenda of May 22, 1991.

Item 8. CONSIDERATION OF THE ADOPTION OF REVISIONS TO THE TEXAS SURFACE WATER QUALITY STANDARDS, 31 TEXAS ADMINISTRATIVE CODE SECTIONS 307.2 - 307.10. (Ligarde)

Adopt Staff Recommendations on Surface Water Quality Standards with changes recommended by Chairman Hall, BJW/JEB

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, June 12, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 27 and April 24, 1991, May 29, 1991, and June 5, 1991.

- Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF FANNING ELECTRIC PLATING CO. (SWR NO. 34880). (BIRCH)

Cont. to July 3, 1991 at 9:00 a.m.

UNCONTESTED AGENDA

Wednesday, June 12, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. Employee Of The Month.

Carol Bradley

Item 2. APPLICATION BY GIFFORD-HILL-AMERICAN, INC. for a permit (Proposed Permit No. 03361) to authorize intermittent discharges of process and utility wastewaters plus stormwater runoff at a volume variable with rainfall. The plant is approximately five miles southwest of the city of Victoria, just north of the intersection of U.S. Highway 59 and Coletoville Road No. 1, Victoria County, Texas.

Approved, BJW/JEB

Item 3. APPLICATION BY HARRIS COUNTY for a permit (Proposed Permit No. 13561-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 500,000 gallons per day. The plant site is to be within the grounds of the Harris County Detention Center, 500 feet south of Atascocita Road, approximately one mile southeast of the intersection of Atascocita Road and Wilson Road in Harris County, Texas.

Approved, BJW/JEB

Item 4. APPLICATION BY TIERRA BLANCA PROPERTIES for a permit (Proposed Permit No. 03343) to authorize wastes and wastewater from a dairy. The dairy will contain a maximum of 800 milking head and a maximum of 1050 total head in confinement. The dairy is on the west side of Farm-to-Market Road 1057, approximately one mile south of the intersection of Farm-to-Market Road 1057 and Farm-to-Market Road 1058 in Deaf Smith County, Texas.

Approved, BJW/JEB

Item 5. APPLICATION BY SHELL OIL COMPANY for a permit (Proposed Permit No. 03297) to authorize intermittent flow variable discharges of stormwater and tank bottom water. The plant site is at 412 E Airport Freeway (State Highway 183) in the City of Irving, Dallas County, Texas.

Approved, BJW/JEB

Item 6. APPLICATION BY TRUCKSTOPS CORPORATION OF AMERICA for a permit (Proposed Permit No. 13505-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 30,000 gallons per day. The plant site is to be on the southwest corner of the intersection of Interstate Highway 40 and Farm-to-Market Road 1912 in Potter County, Texas.

Approved, BJW/JEB

Item 7. CONSIDERATION OF a staff initiated minor amendment to Permit No. 01886, issued to CITY OF AUSTIN ELECTRIC UTILITY, in order

to clarify testing and discharge requirements for wastewater received from off-site facilities. The permit currently authorizes a discharge of: condenser cooling water and previously monitored effluents at a volume not to exceed an average flow of 605,000,000 gallons per day via Outfall 001; low volume wastewater effluent at a volume not to exceed an average flow of 60,000 gallons per day via Outfall 002; plus stormwater runoff via Outfalls 003 and 004. The plant site is at 2400 Holly Street on the north side of Town Lake immediately upstream from Longhorn Dam in the City of Austin, Travis County, Texas.

Approved, BJW/JEB

Item 8. CONSIDERATION OF a staff initiated minor amendment to Permit No. 01699, issued to DANIEL C. LOPER, in order to update the format and to include a specific term of two years. The permit authorizes disposal of waste and wastewater from a dairy which consists of a maximum of 700 total head. The dairy is on the south side of Douglas Road, approximately two miles southwest of the intersection of State Highway 377 and Douglas Road in Erath County, Texas.

Approved, BJW/JEB

Item 9. APPLICATION BY KOCH CARBON INC. for an amendment to Permit No. 02774 in order to change from a discharge permit to a permit authorizing disposal by evaporation. The permit currently authorizes an intermittent discharge of stormwater runoff from a coke crushing, screening and storing facility. The plant site is approximately at 210 Materials Dock Road, near the Navigation Blvd. draw-bridge on the north side of Tule Lake in the City of Corpus Christi, Nueces County, Texas.

Approved, BJW/JEB

Item 10. APPLICATION BY CITY OF WELLINGTON for an amendment to Permit No. 10328-01 in order to change from a discharge permit to a permit authorizing disposal by evaporation and by irrigation. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 210,000 gallons per day with provisions enabling the permittee to dispose of treated effluent by irrigation. The proposed amendment would authorize disposal by evaporation and by irrigation on 120 acres of farmland with a disposal volume not to exceed 210,000 gallons per day average. The plantsite and irrigation site are approximately 1/2 mile southwest of the intersection of State Highway 338 (15th Street) and Farm-to-Market Road 1035 (Haskell Street) in Collingsworth County, Texas.

Approved, BJW/JEB

Item 11. APPLICATION BY CITY OF AUSTIN for a renewal of Permit No. 10543-02 which authorizes a discharge of settled filter backwash effluent at a volume not to exceed 150,000 gallons per day average from the Thomas C. Green Water Treatment Plant. The plant site is at 600 West 1st Street at the junction of Shoal Creek and West 1st Street in the City of Austin, Travis County, Texas.

Approved, BJW/JEB

Item 12. APPLICATION BY CITY OF BELLEVUE for renewal of Permit No.

11235-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 21,000 gallons per day from the wastewater treatment facilities. The plant site is due north of Bellevue, approximately 0.3 mile north of the intersection of U.S. Highway 287 and Farm-to-Market Road 1288, and 900 feet east of Farm-to-Market Road 1288 in Clay County, Texas.

Approved, BJW/JEB

Item 13. APPLICATION BY CITY OF CANTON for renewal of Permit No. 10399-02 which authorizes a discharge of treated domestic wastewater at a volume not to exceed an average flow of 500,000 gallons per day from the wastewater treatment facilities. The plant site is approximately 4000 feet northeast of the intersection of Interstate Highway 20 and State Highway 19 and approximately 5000 feet northwest of the intersection of Interstate Highway 20 and Farm-to-Market Road 17 in Van Zandt County, Texas.

Approved, BJW/JEB

Item 14. APPLICATION BY CLAYTON, WILLIAMS & SHERWOOD, INC. for renewal of Permit No. 13043-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 115,000 gallons per day from the Creekside Mobile Home Park Wastewater Treatment Facilities. The plant site is approximately 1.2 miles south and 0.1 mile west of the intersection of Farm-to-Market Road 3040 and a gravel road known as Ace Lane, and approximately 1.4 miles west and 1.2 miles south of the intersection of Farm-to-Market Road 3040 and State Highway 121 in Denton County, Texas.

Approved, BJW/JEB

Item 15. APPLICATION BY DRESSER INDUSTRIES, INC. for renewal of Permit No. 01474 which authorizes a discharge of once-through cooling water, air conditioning condensate, and stormwater runoff at a volume not to exceed a dry weather flow of 45,000 gallons per day average from a facility which manufactures oil field and mining equipment. The plant site is at 3400 West Illinois Avenue in the City of Dallas, Dallas County, Texas.

Approved, BJW/JEB

Item 16. APPLICATION BY TEDDY L. FRANKS for renewal of Permit No. 12180-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 22,500 gallons per day from the West Circle M/H Ranch Wastewater Treatment Facilities. The plant site is approximately 3,000 feet due west of the intersection of West Circle Drive and Farm-to-Market Road 105, 1,000 feet due south of West Circle Drive in Orange County, Texas.

Approved, BJW/JEB

Item 17. APPLICATION BY GULF COAST PORTLAND CEMENT CO. for renewal of Permit No. 01021 which authorizes the discharge of process cooling water and rainfall runoff at a volume not to exceed an average flow of 50,000 gallons per day from a cement manufacturing plant. The plant site is at 6203 Industrial Way, 0.5 mile north of Navigation Boulevard and 0.5 mile east of McFarland Street at the termination of Industrial Way in the City of Houston.

Approved, BJW/JEB

Item 18. APPLICATION BY HARDIN COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 for renewal of Permit No. 10678-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 300,000 gallons per day average from the wastewater treatment facilities. The plant site is north of Little Pine Island Bayou, approximately two miles north of the intersection of State Highway 105 and Pine Wood Boulevard in Hardin County, Texas.

Approved, BJW/JEB

Item 19. APPLICATION BY HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 76 for renewal of Permit No. 10451-01 which authorizes a discharge of treated domestic wastewater effluent in phases with the final volume not to exceed an average flow of 1,050,000 gallons per day from the Riverwood Estates Wastewater Treatment Facilities. The plant site is approximately 700 feet south of the intersection of U.S. Highway 59 and Hamill Road in Harris County, Texas.

Approved, BJW/JEB

Item 20. APPLICATION BY CITY OF LIBERTY for renewal of Permit No. 10108-01 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 Main Wastewater Treatment Facilities. The plant site is approximately 0.5 mile west from the intersection of Farm-to-Market Road 2684 and Farm-to-Market Road 3361, south of the City of Liberty in Liberty County, Texas.

Approved, BJW/JEB

Item 21. APPLICATION BY BILLY M. MOTT DBA FOREST HILLS WATER SUPPLY for renewal of Permit No. 10998-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 30,000 gallons per day from the Forest Hill Wastewater Treatment Plant. The plant site is approximately 5 miles west of the intersection of Recreation Road 255 and U.S. Highway 96; approximately 400 feet south of Recreation Road 255 in Jasper County, Texas.

Approved, BJW/JEB

Item 22. APPLICATION BY PALMER BARGE LINE, INC. for renewal of Permit No. 02573 which authorizes an intermittent, flow variable discharge of stormwater runoff from the Palmer Terminal, a plant which cleans barges. The plant site is on the east side of Pleasure Islet, approximately 0.5 mile downstream from the confluence of the Neches River and the Gulf Intracoastal Waterway (Sabine - Neches Canal) in the City of Port Arthur, Jefferson County, Texas.

Approved, BJW/JEB

Item 23. APPLICATION BY WESTERN SEAFOOD COMPANY, INC. for renewal of Permit No. 02727 which authorizes a discharge of treated wash water at a volume not to exceed 35,000 gallons during any 24-hour period from a shrimp handling facility. The plant site is at 400 West Brazos Street in the City of Freeport, Brazoria County, Texas.

Approved, BJW/JEB

Item 24. APPLICATION BY WHITE OAK OWNERS ASSOCIATION for renewal of Permit No. 12132-01 which authorizes a discharge of treated domestic wastewater at a volume not to exceed an average flow of 59,000 gallons per day from the White Oak Village Wastewater Treatment Facilities. The plant site is at 1880 White Oak Drive, on the north side of White Oak Drive, approximately 1700 feet west of Houston Avenue in the City of Houston, in Harris County, Texas.

Approved, BJW/JEB

Item 25. APPLICATION BY PECAN GROVE MUNICIPAL UTILITY DISTRICT OF FORT BEND COUNTY FOR APPROVAL OF \$6,230,000 UNLIMITED TAX BONDS, 8.211% NET EFFECTIVE INTEREST RATE, SERIES 1991, EIGHTH ISSUE. For Commission consideration and action. Applicant seeks approval for the issuance of its \$6,230,000 eighth bond issue to finance construction of a wastewater treatment plant expansion; and water, wastewater and drainage infrastructure to serve 461 equivalent single family connections.

Approved, BJW/JEB

Item 26. APPLICATION BY CAMERON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 FOR APPROVAL OF A \$7,500,000 UNLIMITED TAX AND REVENUE BONDS, SERIES 1991, 11th ISSUE, 7.75% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The District's application requests Commission approval for a bond issue to finance upgrading and improving the District's wastewater collection system, to improve and expand two wastewater treatment plants, and to construct a new wastewater treatment plant.

Approved, BJW/JEB

Item 27. APPLICATION BY MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 53 FOR APPROVAL OF A \$2,275,000 TAX BOND ISSUE, 8.67561% NET EFFECTIVE INTEREST RATE AND USE OF SURPLUS FUNDS, \$2,615,000 BOND ISSUE APPROVED September 7, 1984. For Commission consideration and action. The District's application requests Commission approval for a bond issue to finance the District's share of utility infrastructure to serve the remaining 93.6 acres within the District.

Approved, BJW/JEB

Item 28. APPLICATION BY FAULKLEY GULLY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY FOR APPROVAL OF A \$4,325,000 TAX AND REVENUE FOURTH BOND ISSUE, 8.181% 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 utility infrastructure to serve 780 equivalent single family connections, purchase additional wastewater treatment capacity, and construct an additional water treatment plant.

Approved, BJW/JEB

Item 29. APPLICATION BY GALVESTON COUNTY WATER AUTHORITY FOR APPROVAL OF A \$2,460,000 CONTRACT REVENUE 12th BOND ISSUE, SERIES 1991, 8.05% NET EFFECTIVE INTEREST RATE. For Commission consideration and action. The Authority's application requests Commission approval for a contract revenue bond issue

to finance the Mainland Water Supply System - Kemah Extension.

Approved, BJW/JEB

Item 30. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 46 FOR APPROVAL TO USE SURPLUS FUNDS; \$2,400,000 BOND ISSUE APPROVED JUNE 2, 1978; For Commission consideration and action. Applicant seeks approval for the use of \$339,532 in surplus funds to finance the construction of improvements to its water treatment plant and repairs to its water well.

Approved, BJW/JEB

Item 31. APPLICATION BY HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 133 FOR APPROVAL OF THE RELEASE OF \$145,000 FROM ESCROW; \$2,550,000 BOND ISSUE APPROVED August 8, 1989. For Commission consideration and action. The District's application requests Commission approval for the release of \$145,000 from escrow for site acquisition for a water plant.

Approved, BJW/JEB

Item 32. APPLICATION BY BASTROP COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3 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 in the annual amount of \$372 for each platted lot, to supplement the operating account.

Cont. to June 24, 1991 at 3:00 p.m.

Item 33. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286 FOR APPROVAL OF CHANGE ORDERS; \$3,300,000 BOND ISSUE APPROVED December 21, 1989. For Commission consideration and action. Applicant requests approval of Change Order No. 3 (-\$50,875), and Change Order No. 4 (+\$480) to the contract for construction of the Expansion of Water Plant No. 1 and Water Well No. 2.

Approved, BJW/JEB

Item 34. APPLICATION BY CEDAR PARK MUNICIPAL UTILITY DISTRICT NO. 1 OF TRAVIS AND WILLIAMSON COUNTIES FOR APPROVAL OF A FIRE PROTECTION PLAN. For Commission consideration and action. The District requests Commission approval of a plan for fire protection by contracting with Cedar Park Voluntary Fire Department.

Approved, BJW/JEB

Item 35. CONSIDERATION OF THE APPLICATION OF W. A. ALSPANGH FOR THE APPOINTMENT OF TEMPORARY DIRECTORS FOR LAKE LBJ MUNICIPAL UTILITY DISTRICT NO. 2. (Hall)

Approved, BJW/JEB

Item 36. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER ON REMAND CONCERNING THE APPLICATION OF TWIN CREEK PARK WATER SUPPLY COMPANY TO INCREASE RETAIL WATER RATES IN TRAVIS COUNTY, TEXAS; DOCKET NO. 8556-R. Applicant provides retail water service to approximately 79 customers. Recommendation: Adoption of agreement of parties. (Jackson)

Issue Proposed Order, BJW/JEB

Item 37. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION AGAINST THE CITY OF CEDAR PARK FROM WILLIAMSON-TRAVIS COUNTIES MUD NO. 1 CONCERNING WATER RATES IN WILLIAMSON-TRAVIS COUNTIES, TEXAS (DOCKET NO. 8830-A). PETITIONER PROVIDES WHOLESAL WATER AND SEWER SERVICE TO APPROXIMATELY 629 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (DEMERLE).

No Action Taken, Petition Withdrawn

Item 38. APPLICATION OF MELTON DIMOCK DBA TIMBERCREEK VALLEY UTILITY for a Water Certificate of Convenience and Necessity in Parker County (Application No. 8580-C, Shires)

Remand to Executive Director, JEB/BJW

Item 39. APPLICATION OF CHARLES MCINTOSH, PRESIDENT OF TIMBERLEA ESTATES WATER FUND for a Water Certificate of Convenience and Necessity in Tyler County (Application No. 8777-C, Fenner)

Approved, JEB/BJW

Item 40. APPLICATION OF J. D. MALONE DBA MALONE WATER SYSTEM for a Water Certificate of Convenience and Necessity in Travis County (Application No. 8867-C, Holck).

Approved, JEB/BJW

Item 41. APPLICATION OF W. LATHAN CAUDLE, LLOYD FASON, JR., LLOYD O. OLSON, D. M. PARNELL, TIMOTHY L. RENDAHL, DOUGLAS RILEY, JR., DARYL R. STAUFFER AND J. PERRY WILLIAMS, TRUSTEES OF WHITNEY CAMP TRUST DBA SHULER POINT WATER SYSTEM for a Water Certificate of Convenience and Necessity in Bosque County (Application No. 8849-C, Holck).

Approved, JEB/BJW

Item 42. APPLICATION OF JAMES T. DENNIS DBA TWIN LAKES WATER COMPANY for a Water Certificate of Convenience and Necessity in Tarrant County (Application No. 8887-C, Fenner).

Approved, JEB/BJW

Item 43. APPLICATION OF TOM N. CULLINS DBA SHERWOOD ADDITION WATER SYSTEM for a Water Certificate of Convenience and Necessity in Cass County (Application No. 9021-C, Holck).

Remand to Executive Director, JEB/BJW

Item 44. APPLICATION OF JJM DEVELOPMENT, INC. DBA VALLEY ACRES MOBILE HOME WATER SYSTEM for a Water Certificate of Convenience and Necessity in El Paso County (Application No. 8967-C, Holck).

Approved, JEB/BJW

Item 45. APPLICATION OF JESIE W. ENGLISH DBA LONE ELM WATER COMPANY for a Water Certificate of Convenience and Necessity in Kaufman County (Application No. 8733-C, Holck).

Approved, JEB/BJW

Item 46. APPLICATION OF WASHINGTON COUNTY STATE BANK, EXECUTOR OF LILLIE LANGE ESTATE DBA LANGE WATER COMPANY for a Water Certificate of Convenience and Necessity in Washington County

(Application No. 8690-C, Mayhew)

Approved, JEB/BJW

Item 47. APPLICATION OF EZZAT ABOULEISH AND K. G. KHALIL, A PARTNERSHIP, DBA COUNTRY LIVING APARTMENT WATER WELL for a Water Certificate of Convenience and Necessity in Harris County (Application No. 8976-C, Shires)

Approved, JEB/BJW

Item 48. APPLICATION OF DOG RIDGE WATER SUPPLY CORPORATION to Transfer Water Certificate of Convenience and Necessity (CCN) No. 11380 from J & R Water Supply Corporation; to Cancel Water CCN No. 11380 and to Amend Water CCN No. 10048 in Bell County (Application No. 8584-S, Erwin)

Remand to Office Hearings Examiner, JEB/BJW

Item 49. APPLICATION OF PORTER WATER SUPPLY CORPORATION to Transfer Water Certificate of Convenience and Necessity (CCN) No. 11901 from Ruby Johnson dba D. J. Water System; to Cancel Water CCN No. 11901 and to Amend Water CCN No. 11473 in Montgomery County (Application No. 8829-S, Erwin)

Approved, JEB/BJW

Item 50. APPLICATION OF HERBERT R. AND ISABELL MORRELL DBA DOUCETTE WATER SYSTEM to Transfer CCN No. 12001 from Edith Gray dba Doucette Water System in Tyler County (Application No. 8226-S, Carlson).

Issue Order Nunc Pro Tunc, JEB/BJW

Item 51. APPLICATION OF GERARD AND COLLEEN ORTIZ DBA RIVER OAKS WATER SYSTEM to Transfer Water Certificate of Convenience and Necessity (CCN) No. 11172 from River Oaks Development, Inc. in Burnet County (Application No. 8922-S, Schaubhut).

Approved, JEB/BJW

Item 52. APPLICATION OF MORRIS HARPER DBA HARPER WATER COMPANY to Transfer and Cancel Water Certificate of Convenience and Necessity No. 11838 for Evelyn Freidrich dba Deerwood Subdivision Water System; to Transfer and Cancel CCN No. 12421 for Morris Harper dba Aqua Vista Utilities; to Transfer and Cancel CCN No. 11994 for Morris Harper dba Northwest Hills Water Company; to Transfer and Cancel CCN No. 11486 from Morris Harper dba Harper Road Estates, to Transfer CCN No. 11421 from Morris Harper dba Guadalupe Heights Utility and to Amend Water CCN No. 11421 in Kerr and Gillespie Counties (Application No. 8761-S, Horst).

Approved, JEB/BJW

Item 53. APPLICATION OF SLEEPY HOLLOW WATER SYSTEM for a Rate/Tariff Change in Polk County (Application No. 8898-G)

Approved, JEB/BJW

Item 54. REQUEST FOR ORDER NUNC PRO TUNC; APPLICATION OF B & C UTILITIES for a Rate Increase for CCN No. 12250 in Harris County (Docket No. 8598-G, Horst).

Approved, JEB/BJW

Item 55. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PERMIT CONCERNING THE APPLICATION OF APG LIME CORPORATION FOR AN AMENDMENT TO PERMIT NO. 01554 TO AUTHORIZE THE DISCHARGE OF 576,000 GPD OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN COMAL COUNTY, TEXAS AND SEGMENT NO. 1811 OF THE GUADALUPE RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. DEMERLE.

Issue Permit, BJW/JEB

Item 56. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ATTACHED PROPOSED PERMIT CONCERNING THE APPLICATION OF GORE'S INC. DBA GORE BROS' DAIRY FOR PERMIT NO. 03331 TO AUTHORIZE THE DISPOSAL BY IRRIGATION (WASTEWATER) AND THE DISPOSAL BY LAND APPLICATION AS FERTILIZER (MANURE/SOLIDS) OF DAIRY WASTE/WASTEWATER IN COMANCHE COUNTY, TEXAS, AND SEGMENT NO. 1221 OF THE BRAZOS RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (COLBERT).

Cont. to June 24, 1991 at 3:00 p.m.

Item 57. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PROPOSED PERMIT CONCERNING THE APPLICATION OF BOUKE DEWITTE FOR PERMIT NO. 03240 TO AUTHORIZE THE DISPOSAL BY IRRIGATION ON AGRICULTURAL LAND OF WASTE/WASTEWATER FROM DAIRY OPERATION DISPOSAL OF MANURE/SOLIDS AS FERTILIZER ON AGRICULTURAL LAND IN HOPKINS COUNTY, TEXAS, AND SEGMENT NO. 0303 OF THE SULPHUR RIVER BASIN. RECOMMENDATION: ISSUANCE OF PERMIT. (JACKSON).

Cont. to June 24, 1991 at 3:00 p.m.

Item 58. CONSIDERATION OF EXAMINER'S MEMORANDUM AND PERMIT CONCERNING THE APPLICATION OF ALFRED J. DAVENPORT AND WIFE, NANCY DAVENPORT FOR WATER USE PERMIT NO. 5304, UVALDE COUNTY, TEXAS, TO MAINTAIN AN EXISTING DAM AND RESERVOIR TO IMPOUND NOT TO EXCEED 3.5 ACRE-FEET OF WATER PER ANNUM ON THE FRIO RIVER, IN THE NUECES RIVER WATERSHED, FOR RECREATIONAL PURPOSES. RECOMMENDATION; ISSUANCE OF AUTHORIZATION. (O'NEAL)

Issue Permit, JEB/BJW

Item 59. APPLICATION NO. 5351 BY PROJECTS AMERICAN CORPORATION FOR A 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to impound water in a proposed 111.94 acre-foot reservoir to be created by a dam on an unnamed tributary of Slater Creek, tributary of Kickapoo Creek, tributary of the Neches River, Neches River Basin for in-place recreation use, approximately 16 miles southeast of Canton, Van Zandt County, Texas. (JORDAN/rma).

Approved, JEB/BJW

Item 60. APPLICATION NO. 5350 BY THE CITY OF FARMERS BRANCH FOR A 11.121 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to construct and maintain 6 dams and reservoirs on Rawhide Creek, tributary of Elm Fork Trinity River, tributary of Trinity River, Trinity River Basin with a combined capacity of 2.51 acre-feet for in-place recreational use, within the city limits of Farmers Branch, Dallas County, Texas. (JORDAN/rma).

Approved, JEB/BJW

Item 61. APPLICATION NO. 5353 BY PAKTANK CORPORATION - GALENA PARK

TERMINAL FOR A WATER USE PERMIT PURSUANT TO TEXAS WATER CODE SECTION NO. 11.121. FOR COMMISSION ACTION. Applicant seeks to divert and use 100 acre-feet of water per annum from Buffalo Bayou, San Jacinto River Basin, for industrial purposes from the bayou on the applicant's property at 1500 Clinton Dr. in Galena Park, Texas which is approximately 1.5 miles upstream of the Washburn Tunnel and approximately 8 miles southeast of Houston, Harris County Texas. (JORDAN/jme).

Approved, JEB/BJW

Item 62. APPLICATION NO. 23-985A BY ARTHUR GLEN RIMER AND WIFE, SHIRLEY C. RIMER TO AMEND CERTIFICATE NO. 23-985. For Commission Consideration. Applicants seek an amendment to Certificate No. 23-985 to increase the number of acres authorized to be irrigated per annum under the certificate from 5 to 12 acres. Water is diverted from the Rio Grande, Rio Grande Basin, approximately 18.5 miles southeast of Presidio, Presidio County, Texas. (JORDAN/wph).

Approved, JEB/BJW

Item 63. APPLICATION NO. 5311A BY BRAE-BURN COUNTRY CLUB TO AMEND CERTIFICATE NO. 5311. For Commission action. Applicant seeks to amend Certificate No. 5311 by changing the authorized diversion point to a location 1240 feet downstream, Brays Bayou, San Jacinto River Basin, Harris County, Texas. (JORDAN:rma)

Approved, JEB/BJW

Item 64. To authorize the Executive Director to enter into contract negotiations for assistance with the development and implementation of the first release of the Texas Water Commission Regulatory Activity and Compliance System (TRACS).

Adopt Staff Recommendation, BJW/JH

UNCONTESTED OLD BUSINESS

Wednesday, June 12, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of May 22, 1991.

- Item 1. 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.

Remand to Office Hearings Examiner, BJW/JEB

Item carried forward from Agenda of May 22, 1991.

- Item 2. 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.

Approve Staff Recommendation, BJW/JH

Item carried forward from Agenda of May 8, 1991 and May 29, 1991.

- Item 3. CONSIDERATION OF THE ADOPTION OF NEW 31 TEXAS ADMINISTRATIVE CODE SECTIONS 334.481 AND 334.482, CONCERNING THE STORAGE, TREATMENT AND DISPOSAL OF PETROLEUM SUBSTANCE WASTE. These rules will be adopted as a new Subchapter K in 31 Texas Administrative Code Chapter 334, regarding petroleum storage tanks. (Mehta S.)

Adopt Revised Rules by Staff, BJW/JH

Item carried forward from Agenda of May 29, 1991.

- Item 4. APPLICATION NO. 5347 BY THE TOWN OF HOLIDAY LAKES FOR A SECTION 11.121 WATER USE PERMIT. For Commission consideration and action. Applicant seeks authorization to maintain three off-channel reservoirs in Brazoria County and to divert not to exceed 130 acre-feet of water per annum from Oyster Creek, San Jacinto-Brazos Coastal Basin, to maintain the level of the reservoirs for recreational purposes in a housing development. (JORDAN;tls)

Cont. to September 11, 1991 at 3:00 p.m.

Item carried forward from Agenda of Jun 5, 1991.

- Item 5. APPLICATION NO. 5346 BY SPECIAL CAMPS FOR SPECIAL KIDS FOR A

SECTION 11.143 WATER USE PERMIT. For Commission Action. Applicant seeks authorization to maintain a dam and 90 acre-foot capacity reservoir, exempt pursuant to Section 11.142 of the Texas Water Code, on an unnamed tributary of Cedron Creek, Brazos River Basin, and to use the impounded water for in place recreational purposes, approximately 6.5 miles northeast of Meridian, Bosque County, Texas. (JORDAN/wph).

Approved, JEB/BJW

Item carried forward from Agenda of Jun 5, 1991.

Item 6. APPLICATION NO. 5458 BY BYRON A. DONZIS FOR A TEXAS WATER CODE SECTION 11.121 WATER USE PERMIT APPLICATION. FOR COMMISSION ACTION. Applicant seeks to divert 5 acre-feet of water per annum from the Blanco River, Guadalupe River Basin to irrigate 3.5 acres of land in Kerr County, 16 miles northwest of Kerrville. Applicant has a subordination agreement with the Guadalupe-Blanco River Authority for the diversion of the 5 ac/ft of water per annum. (JORDAN/lb).

Approved, JEB/BJW

Item carried forward from Agenda of Jun 5, 1991.

Item 7. APPLICATION NO. 12-3509A BY WAYNE MOORE AND WIFE, ALICE MOORE TO AMEND CERTIFICATE OF ADJUDICATION NO. 12-3509. FOR COMMISSION ACTION. Applicant seeks to delete or extend the term contained in Special Condition 4B of the certificate which states the authorization under the certificate shall expire and become null and void on December 31, 1990, unless prior to the expiration date, the owner applies for and is granted a renewal in whole or in part. (JORDAN/jme).

Approved, JEB/BJW

ADDENDUM TO UNCONTESTED OLD BUSINESS

Wednesday, June 12, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of June 12, 1991 at 9:00 a.m.

- Item 8. APPLICATION BY TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 17 FOR APPROVAL TO AMEND ORDER APPROVING THE \$7,895,000 DEFINED AREA BOND ISSUE APPROVED SEPTEMBER 6, 1990; For Commission consideration and action. Applicant seeks approval to amend the Commission order approving the bond issue to allow the District to sell bonds on the open bond market rather than selling the bonds to the Texas Water Development Board as previously approved by the Commission.

Approved, BJW/JEB