

CONTESTED AGENDA

Monday June 24, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF THUNDERBIRD BAY WATER SERVICES, INC. TO INCREASE RETAIL WATER RATES IN BROWN COUNTY, TEXAS (DOCKET NO. 9008-R). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 756 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (JACKSON).

Issue Order as Proposed, BJW/JEB

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF LITTLE CYPRESS UTILITY DISTRICT FOR AN EXTENSION OF TIME TO COMMENCE AND COMPLETE CONSTRUCTION OF THE LITTLE CYPRESS RESERVOIR PROJECT AUTHORIZED UNDER TEXAS WATER COMMISSION PERMIT NO. 5098. THE RESERVOIR IS TO BE LOCATED IN THE CYPRESS CREEK BASIN IN HARRISON, GREGG AND RUSK COUNTIES FOR USE IN THE CYPRESS CREEK BASIN AND IN THE SABINE RIVER BASIN. Recommendation: Issuance of authorization. (Arenson).

Issue Order With Changes as Recommended by Chairman Hall, BJW/JEB

Item 3. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF EGA, INC. FOR PERMIT NO. 13535 TO AUTHORIZE THE DISCHARGE OF 0.5 MGD OF TREATED DOMESTIC WASTEWATER EFFLUENT IN PARKER, COUNTY, TEXAS, AND SEGMENT NO. 0831 OF THE TRINITY RIVER BASIN. RECOMMENDATION: DISMISSAL OF APPLICATION AT REQUEST OF APPLICANT. (SULLIVAN).

Cont. to Sept 11, 1991, at 9:00 a.m.

Item 4. CONSIDERATION OF THE EXAMINER'S PROPOSAL FOR DECISION AND ORDER CONCERNING THE APPLICATION OF C.M. ACKER FOR PERMIT NO. 13207-01 to authorize the discharge of 35,000 gallons per day of treated domestic wastewater effluent to an unnamed tributary of Hadley Creek in Segment 0803 of the Trinity River Basin in Walker County, Texas. This matter was originally heard by the Commission on November 26, 1986. Following a series of appeals regarding the Commission's December 8, 1986 Order denying the application, this matter was remanded to the Commission for further proceedings by the 250th Judicial District Court of Travis County.

Dismiss w/o prejudice, Cont to July 17, 1991 to allow General Counsel time to adopt resolution, BJW/JEB

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF MIKE HINDERS DAIRY. (Smith, J.).

Issue Order as Proposed, JEB/BJW

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING

ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CHARLIE MYERS FEEDLOT. (Smith, J.).

Cont. to July 17, 1991 at 9:00 a.m.

- Item 7. CONSIDERATION OF AN APPLICATION BY AZTEX DAIRY, INC. for a temporary order to authorize the use of a 27 acre-foot surge basin/holding pond and an additional 300 acres to be used for irrigation. The applicant operates a dairy which authorizes disposal of waste and wastewater by irrigation. The dairy is approximately one mile west of the intersection of State Highway 219 and Farm-to-Market Road 2156; and 2.7 miles northwest of the intersection of U.S. Highways 67/377 and State Highway 6 in Erath County, Texas.

Issue Temporary Order for 120 days, BJW/JEB

- Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR REVOCATION OF PERMIT NO. 11501-001 ISSUED TO MARTIN JANZ AND DEVOE TREDWELL, TRI-DEVELOPMENT CORPORATION. (Ligarde)

Issue Proposed Order Revoking Permit, JEB/JH (Commissioner Wynne absent for this item.)

- Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF IMPERIAL HOLLY CORPORATION, PERMIT NOS. 00442-001, -101, AND -002. (Ray)

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

- Item 10. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REQUEST FOR REFERRAL OF WOOD INDUSTRIES (SWR NO. 69092), TO THE OFFICE OF THE ATTORNEY GENERAL FOR VIOLATIONS OF A COMMISSION ORDER ISSUED NOVEMBER 17, 1988 AS AMENDED BY AN ORDER ISSUED ON SEPTEMBER 15, 1989. (HALL, G.)

Refer to Attorney General, BJW/JEB

- Item 11. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF CONTINENTAL BELTON COMPANY, TEMPORARY SWR NO. 39951. (Warneke)

Cont. to Sept 18, 1991 at 9:00 a.m.

- Item 12. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TWC ORDER ASSESSING ADMINISTRATIVE PENALTIES OF LOWRY TANK & TERMINAL COMPANY, LOWENCO, INC., TINSE CHEMICAL COMPANY, INC. AND REQUIRING CERTAIN ACTIONS OF LOWRY TANK & TERMINAL COMPANY, LOWENCO, INC., AND TINSE CHEMICAL COMPANY, INC. AND EXXON CHEMICAL COMPANY. (ROBIN SMITH)

Cont. to Nov 20, 1991 at 9:00 a.m.

- Item 13. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR A TEXAS WATER COMMISSION ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF TINSE CHEMICAL COMPANY, INC.; SWR NO. 38465 (SMITH, ROBIN)

Cont. to Sept 11, 1991, at 9:00 a.m.

Item 14. FOR CONSIDERATION OF THE MOTION TO SEVER THE EXECUTIVE DIRECTOR'S ACTION AGAINST LOWENCO, INC. FROM A MARCH 14, 1991 ENFORCEMENT ACTION FILED BY THE EXECUTIVE DIRECTOR AND TO CONSOLIDATE WITH A JUNE 11, 1990 ENFORCEMENT ACTION FILED BY THE EXECUTIVE DIRECTOR. (SWR NO. 38987) SMITH, ROBIN.

Approve Staff Recommendations, BJW/JEB

Item 15. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF HYDROCARBON RECYCLERS, INC.. (Birch)

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

Item 16. 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 INTERIM PROCEDURES FOR THE PROCESSING OF SOLID AND HAZARDOUS WASTE PERMIT APPLICATIONS PENDING DEVELOPMENT OF THE REGULATIONS AND NEEDS ASSESSMENT REQUIRED BY THE ACT.

No Action Taken, when order expires on July 1, C.S.S.B 1099 In effect, BJW/JEB

Item 17. 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.

Commissioner's approved Executive Director's recommendations.

ADDENDUM TO CONTESTED AGENDA

Monday, June 24, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 18. CONSIDERATION OF ALL PENDING PETITIONS FOR THE ADOPTION OF REGULATIONS REGARDING THE DISPOSAL OF HAZARDOUS WASTE IN SALT DOME CAVERNS. Petitions for the adoption of regulations regarding salt dome cavern disposal have been received from the following entities: (i) Harris County Utility District No. 5 and Harris County Municipal Utility Districts Nos. 132, 151 and 153; (ii) the City of Houston and Harris County; and (iii) Area Citizens for the Environment (ACE), Friends Insist Stop Toxics (FIST), and Atascocita Environmental Resources Organization (AERO).

Approve Staff Recommendations, BJW/JEB

Item 19. CONSIDERATION OF ALL PENDING PETITIONS FOR THE ADOPTION OF REGULATIONS EXTENDING THE MORATORIUM REQUIRED BY SECTION 1.24 OF C.S.S.B. 1099 (ACT OF THE 72nd LEGISLATURE RELATING TO THE PERMITTING OF SOLID AND HAZARDOUS WASTE MANAGEMENT FACILITIES AND POLLUTION PREVENTION). A petition for the adoption of regulations extending the statutory moratorium has been received from North Channel-Concerned Citizens Against Pollution (NCCCAP), Friends Insist Stop Toxics (FIST), Area Citizens for the Environment (ACE), and Atascocita Environmental Resources Organization (AERO).

1. Petition Denied, 2. Final Order to be presented July 10, 1991 at 9:00 a.m.

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Monday, June 24, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 20. CONSIDERATION OF A MOTION BY THE BOARD OF DIRECTORS OF S.A.F.E. (SECURING A FUTURE ENVIRONMENT) FOR SUMMARY DENIAL OF THE APPLICATION OF LA FARGE AND SYSTECH INTERNATIONAL CO. TO STORE AND BURN HAZARDOUS WASTE AT THEIR BALCONES CEMENT PLANT IN NEW BRAUNFELS.

Remand to Executive Director, BJW/JEB

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

CONTESTED OLD BUSINESS

Monday, June 24, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of March 6, 1991.

- Item 1. CONSIDERATION OF WHETHER PROBABLE GROUNDS EXIST FOR THE COMMISSION TO TAKE JURISDICTION OVER THE CITY OF KILGORE'S PETITION REQUESTING COMMISSION REVIEW OF THE WHOLESALE WATER RATES CHARGED BY THE CITY OF LONGVIEW, DOCKET NO. 8746-M. (Lanning)

Dismiss w/o prejudice, BJW/JEB

Item carried forward from Agenda of February 13, 1991 and May 15, 1991.

- Item 2. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF APPLIED COATING SERVICES, INC., SWR NO. 39463. (Montelongo)

Cont. to July 31, 1991

Item carried forward from Agenda of May 15, 1991.

- Item 3. CONSIDERATION OF THE MATTER OF RECENT BACTERIOLOGICAL CONTAMINATION OF BARTON CREEK AND BARTON SPRINGS POOL WITHIN THE CITY OF AUSTIN, TEXAS. (Wynne).

Cont. to July 31, 1991

Item carried forward from Agenda of May 29, 1991.

- Item 4. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF CLIFFORD DEAL DBA SPRING VALLEY DAIRY FOR AN AMENDMENT TO PERMIT NO. 02049 to include all dairy expansion projects which have been implemented. The proposed amendment authorizes disposal of waste and wastewater from a dairy which consists of a maximum of 500 head in confinement. Recommendation: Issuance of permit. (Limes)

Issue Permit, JH/JEB, Commissioner Wynne voted nay.

ADDENDUM TO CONTESTED OLD BUSINESS

Monday June 24, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of June 12, 1991.

- Item 5. 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)

Issue Order as Proposed, JH/JEB, Commissioner Wynne absent for this item.

Item carried forward from Agenda of June 12, 1991.

- Item 6. 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)

Issue Agreed Order, JH/JEB, Commissioner Wynne absent for this item.

SECOND ADDENDUM TO CONTESTED OLD BUSINESS

Monday, June 24, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 7. COMMISSION CONSIDERATION OF DIAZINON IMPACTS AND BIOMONITORING
ISSUES AFFECTING TEXAS MUNICIPALITIES. (Randy Palachek)

Cont. to July 17, 1991, with a Resolution adopted by General Counsel.

UNCONTESTED AGENDA

Monday, June 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY HEAT ENERGY ADVANCED TECHNOLOGY, INC. for a minor amendment to Permit No.HW-50029-001 which currently operates a storage and processing facility for the recycling and reclamation of Class I hazardous industrial solid waste. The facility is located on a 2.409 acre tract of land at 4460 Singleton Boulevard in the City of Dallas, Dallas County, Texas.

Cont. to July 3, 1991 at 3:00 p.m.

Item 2. APPLICATION BY HULL FRESH WATER SUPPLY DISTRICT for a permit (Proposed Permit No. 13544-01) to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 250,000 gallons per day. The proposed wastewater treatment facilities will serve the community of Hull. The wastewater treatment facilities are to be on East Sabine Avenue, approximately 0.75 mile northeast of the intersection of State Highway 770 and the Missouri Pacific Railroad in Hull, Liberty County, Texas.

Approved, JEB/BJW

Item 3. APPLICATION BY J. W. JAMES for a permit (Proposed Permit No. 03345) to authorize disposal of waste and wastewater from a dairy which consist of a maximum of 640 total head in confinement. The dairy is on the south side of Farm-to-Market Road 2790, approximately 1.5 miles west of the intersection of Farm-to-Market Road 2790 and Farm-to-Market Road 476 in Bexar County, Texas.

Approved, JEB/BJW

Item 4. APPLICATION BY ROY ROY DAIRY, INC. for a permit (Proposed Permit No. 03175) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 400 head in confinement. The dairy is located on the east side of Midkiff Road, approximately two miles south of the intersection of U.S. Highway 80 and Midkiff Road in Midland County, Texas.

Approved, JEB/BJW

Item 5. APPLICATION BY CITY OF BULLARD for an amendment to Permit No. 11787-01 to authorize an increase in the discharge of treated domestic wastewater effluent from a volume not to exceed an average flow of 95,000 gallons per day to a volume not to exceed an average flow of 213,000 gallons per day. The plant site is approximately 3000 feet west-southwest of the intersection of Farm-to-Market Road 344 and Oak Street; approximately 2600 feet southwest of the Bullard School in Cherokee County, Texas.

Approved, JEB/BJW

Item 6. APPLICATION BY TEXAS MUNICIPAL POWER AGENCY for an amendment to Permit No. 02460 in order to add another outfall to regulate intermittent discharges from the sedimentation ponds. The plant site is approximately two miles south of Carlos, Grimes County, Texas.

Approved, JEB/BJW

Item 7. APPLICATION BY BISSONNET MUNICIPAL UTILITIES DISTRICT for renewal of Permit No. 11461-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 600,000 gallons per day. The wastewater treatment facilities are at 13026 Bissonnet, on the northeast corner of the intersection of Synott (FM 1876) and Old Richmond (Bissonnet) in Harris County, Texas.

Approved, JEB/BJW

Item 8. APPLICATION BY CITY OF GRANDVIEW for renewal of Permit No. 10180-01 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 on the north side of County Road 102, approximately 1.5 miles southeast of Grandview in Johnson County, Texas.

Approved, JEB/BJW

Item 9. APPLICATION BY CITY OF ODEM for renewal of Permit No. 10237-01 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed 273,000 gallons per day average. The wastewater treatment facilities are approximately 0.5 mile northeast of the intersection of U.S. Highway 77, State Highway 234, and Farm-to-Market Road 631 in San Patricio County, Texas.

Approved, JEB/BJW

Item 10. APPLICATION BY ROYAL INDEPENDENT SCHOOL DISTRICT for renewal of Permit No. 10873-02 which authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 6,000 gallons per day from the Early Learning Center Wastewater Treatment Facilities. The plant site is immediately southeast of the intersection of Farm-to-Market Road 359 and North Street in the City of Pattison in Waller County, Texas.

Approved, JEB/BJW

Item 11. APPLICATION BY THE CELOTEX CORPORATION for renewal of Permit No. 00660 which authorizes a discharge of treated stormwater at a volume variable with rainfall from its plant which manufactures asphaltic roofing products. The plant site is at 1400 North Post Oak Road in the City of Houston, Harris County, Texas.

Approved, JEB/BJW

Item 12. APPLICATION BY SOUTH SHORE HARBOUR MUNICIPAL UTILITY DISTRICT NO. 6 OF GALVESTON COUNTY FOR APPROVAL OF THE ISSUANCE OF \$4,300,000 IN UNLIMITED TAX AND REVENUE BONDS, 8.6738% NET EFFECTIVE INTEREST RATE, SERIES 1991, SECOND ISSUE. For Commission consideration and action. Applicant requests approval of the issuance of \$4,300,000 in tax bonds to finance

water and wastewater capital recovery fees and utilities to serve residential area within the District.

Approved, JEB/JH

Item 13. APPLICATION BY KINGSBRIDGE MUNICIPAL UTILITY DISTRICT OF HARRIS AND FORT BEND COUNTIES FOR APPROVAL TO USE SURPLUS FUNDS; \$5,910,000 BOND ISSUE APPROVED July 12, 1985. For Commission consideration and action. Applicant seeks approval for the use of \$209,490 in surplus funds to purchase water, wastewater, and drainage facilities serving the Living Windows 15-acre tract from the developer.

Remand back to staff, JEB/JH

Item 14. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11 FOR APPROVAL OF THE USE OF SURPLUS FUNDS; \$700,000 BOND ISSUE APPROVED June 6, 1977. For Commission consideration and action. Applicant requests the approval to use \$74,228 in surplus construction funds to finance repairs to a blower/control building, rehabilitation of a water well and repairs to the wastewater treatment plant.

Approved, JEB/JH

Item 15. APPLICATION BY KINGSBRIDGE MUNICIPAL UTILITY DISTRICT OF FORT BEND COUNTY FOR APPROVAL OF THE USE OF SURPLUS FUNDS, \$5,910,000 BOND ISSUE APPROVED July 12, 1985. For Commission consideration and action. Applicant requests approval of the transfer of \$475,000 in surplus construction funds to debt service.

Approved, JEB/JH

Item 16. APPLICATION BY FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 106 FOR APPROVAL OF THE RELEASE OF ESCROWED FUNDS OR THE RESCISSION OF ESCROW REQUIREMENTS. For Commission consideration and action. Applicant requests approval of the release of \$2,091,654 of escrowed funds or the rescission of the escrow requirements in order to apply master utility district connection fee funds towards master utility district projects.

Approved, JEB/JH

Item 17. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 205 FOR APPROVAL OF STANDBY FEE. For Commission consideration and action. Applicant requests approval to adopt and impose a \$1,905/acre/year standby fee (\$1,505 for debt service and \$400 for operations and maintenance).

Approved, JEB/JH

Item 18. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WILLIS WATER COMPANY TO INCREASE RETAIL WATER RATES IN GRAYSON COUNTY, TEXAS; DOCKET NO. 8920-R. Applicant provides retail water service to approximately 621 residential and 4 commercial customers. Recommendation: Adoption of agreement of parties. (LIMES)

Issue Agreed Order, JEB/JH

Item 19. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF ROBERT C. GILBERT DBA PINE OAK WATER

COMPANY TO INCREASE RETAIL WATER RATES IN HARRIS COUNTY, TEXAS (DOCKET NO. 8958-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 38 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (LIMES).

Issue Agreed Order, JEB/JH

Item 20. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WINDSOR WATER COMPANY TO INCREASE RETAIL WATER RATES IN MCLENNAN COUNTY, TEXAS (DOCKET NO. 8837-G). APPLICANT PROVIDES RETAIL WATER SERVICE TO APPROXIMATELY 122 CUSTOMERS. RECOMMENDATION: ADOPTION OF AGREEMENT OF PARTIES. (SAHS).

Issue Agreed Order, JEB/JH

Item 21. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF HCH UTILITY COMPANY TO INCREASE RETAIL WATER AND SEWER RATES IN ROCKWALL COUNTY, TEXAS; DOCKET NO. 8821-R. Applicant provides retail water and sewer service to approximately 468 water and 349 sewer customers. Recommendation: Adoption of agreement of parties. (Zukauckas)

Issue Agreed Order, JEB/JH

Item 22. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF PETITIONERS FOR CREATION OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 355. RECOMMENDATION: CREATION OF DISTRICT. (ZUKAUCKAS)

Approved, JEB/JH

Item 23. APPLICATION OF CLAUDE BOYD DBA BOYD ACRES WATER SYSTEM for a Water Certificate of Convenience and Necessity in Denton County (Application No. 8548-C, Holck)

Approved, JEB/JH

Item 24. APPLICATION OF ENCINAL WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in La Salle and Webb Counties (Application No. 8646-C, Holck)

Approved, JEB/JH

Item 25. APPLICATION OF RAY W. BLAIR DBA LAST RESORT PROPERTIES for a Water Certificate of Convenience and Necessity in Denton County (Application No. 8818-C, Holck)

Approved, JEB/JH

Item 26. APPLICATION OF CANEY CREEK HAVEN CLUB, INC. for a Water Certificate of Convenience and Necessity in Matagorda County (Application No. 8814-c, Holck)

Approved, JEB/JH

Item 27. APPLICATION OF DIRGIN WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Rusk County (Application No. 8755-C, Holck)

Approved, JEB/JH

Item 28. APPLICATION OF E.M. KELLER & CO., INC. for a Water Certificate

of Convenience and Necessity in Gray County (Application No. 8781-C, Holck)

Approved, JEB/JH

Item 29. APPLICATION OF RANCH HILLS WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Bandera and Medina Counties (Application No. 8730-C, Fenner)

Approved, JEB/JH

Item 30. APPLICATION OF SYLVESTER-MCCAULEY WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Fisher County (Application No. 8692-C, Holck)

Approved, JEB/JH

Item 31. APPLICATION OF GEORGE PARKER, KENNETH EWINGS, AND LAMAR WHEELER, TRUSTEES OF NORTHWOODS HOME OWNERS ASSOCIATION AKA NORTHWOODS WATER SINKING FUND DBA NORTHWOODS WATER SUPPLY for a Water Certificate of Convenience and Necessity in Hardin County (Application No. 8861-C, Holck)

Approved, JEB/JH

Item 32. APPLICATION OF COMMERCE SAVINGS ASSOICATION DBA THE WOODLANDS for a Water Certificate of Convenience and Necessity (CCN), to Decertify a Portion of the Certificated Water Service Area of W & W Water Company, Inc., CCN No. 10692, and to Cancel Townsend Water System's Water Certificate of Conveinece and Necessity, CCN No. 11515, in Comal County (Application No. 8499-c, Mayhew)

Approved, JEB/JH

Item 33. APPLICATION OF UPPER JASPER COUNTY WATER AUTHORITY for an Amendment to Water Certificate of Convenience and Necessity No. 12020 in Jasper and Angeline Counties (Application No. 9000-C, Holck)

Approved, JEB/JH

Item 34. APPLICATION OF LINDALE RURAL WATER SUPPLY CORPORATION for an Amendment to Water Certificate of Convenience and Necessity (CCN) No. 10758 and Decertification of a Portion of Sand Flat Water Supply Corporation, CCN No. 10761, in Smith County (Application No. 8282-C, Holck)

Approved, JEB/JH

Item 35. APPLICATION OF TCW SUPPLY, INC. to Amend Water Certificate of Convenience and Necessity (CCN) No. 11957 to include area transferred from Richard S. Coon dba Windsong Development dba Windsong Water Company in Hutchinson (Application No. 9046-C, Carlson)

Approved, JEB/JH

Item 36. APPLICATION OF MYRTLE SPRINGS WATER SUPPLY CORPORATION to amend Water Certificate of Convenience and Necessity No. 11200 in Van Zandt County (Application No. 8981-C, Shires)

Approved, JEB/JH

Item 37. APPLICATION OF H2M WATER SYSTEMS, INC. to Transfer a Portion of Water Certificate of Convenience and Necessity No. 10912 from D. R. Satterwhite and Clarence T. Key dba Mohawk Water Company and to Amend Water CCN No. 11908 in Denton County (Application No. 8986-S, Erwin)

Approved, JEB/JH

Item 38. APPLICATION OF THE CITY OF BAYTOWN to Transfer Water and Sewer Certificate of Convenience and Necessity (CCN) Nos. 12081 and 20686 from Cedar Bayou Utilities, Inc.; to Cancel Water and Sewer CCN Nos. 12081 and 20686 and to Amend Water and Sewer CCN Nos. 10860 and 20333 in Chambers County (Application No. 8999-S, Erwin)

Approved, JEB/JH

Item 39. APPLICATION OF WILDWOOD PROPERTY OWNERS ASSOCIATION to Transfer Water and Sewer Certificate of Convenience and Necessity (CCN) Nos. 10107 and 20044 from Recereation World, Inc. in Hardin and Tyler Counties (Application No. 8971-S, Erwin)

Approved, JEB/JH

Item 40. APPLICATION OF TRAVIS VISTA, SECTION II, INC. for a Sewer Certificate of Convenience and Necessity in Travis County (Application No. 9016-C, Shires)

Approved, JEB/JH

Item 41. CONSIDERATION OF EXAMINER'S MEMORANDUM CONCERNING THE APPLICATION OF ANZON, INC. FOR A RENEWAL OF PERMIT NO. 01264 TO AUTHORIZE THE DISPOSAL OF STORMWATER RUNOFF AND RECOVERED GROUNDWATER FROM AN ANTIMONY PROCESSING PLANT IN WEBB COUNTY, TEXAS. STORMWATER RUNOFF AND CONTAMINATED GROUNDWATER WILL BE RETAINED IN AN EVAPORATION POND. THE PLANT SITE IS BETWEEN THE MISSOURI PACIFIC RAILWAY AND FARM-TO-MARKET ROAD 1472, APPROXIMATELY ONE MILE NORTH OF LAREDO, WEBB COUNTY, TEXAS. RECOMMENDATION: ISSUANCE OF PERMIT. (ZUKAUCKAS).

Issue Permit, JEB/JH

Item 42. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE APPLICATION OF WILLARD HOWLE FOR PERMIT NO. 03269 TO AUTHORIZE THE DISPOSAL BY IRRIGATION (DAIRY OPERATION) IN ERATH COUNTY, TEXAS, AND SEGMENT NO. 1229 OF THE BRAZOS RIVER BASIN. Recommendation: Issuance of permit. (Jackson)

Issue Permit, JEB/JH

Item 43. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S REPORT OF SUBSTANTIAL NONCOMPLIANCE AND ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND FINDING NO FURTHER ACTION IS NECESSARY OF CITY OF LITTLE.

Cont. to July 10, 1991 at 3:00 p.m.

Item 44. APPLICATION NO. 5354 BY TEXAS MUNICIPAL POWER AGENCY FOR A WATER USE PERMIT PURSUANT TO SECTION 11.121 OF THE TEXAS WATER CODE. For Commission action. Applicant seeks to construct and maintain two dams and reservoirs on unnamed tributaries of Gibbons Creek, Brazos River Basin, with a combined capacity of 191.4 acre-feet and to divert and use not to exceed 100 acre-

feet of water per annum from each reservoir for in-place sedimentation control and dust suppression (industrial) purposes and to construct a control ditch from an unnamed tributary of Gibbons Creek to one of the reservoirs, Grimes County, Texas. (JORDAN/rma)

Remand to Office Hearings Examiner, JH/JEB

Item 45. APPLICATION NO. 06-4411B BY LOWER NECHES VALLEY AUTHORITY FOR AN AMENDMENT TO CERTIFICATE NO. 06-4411, AS AMENDED. For Commission action Applicant seeks to amend Certificate No. 06-4411, as amended, to construct temporary saltwater barriers, one on the Neches River and one on Pine Island Bayou in the Neches River Basin, as needed from time to time, in Jefferson, Hardin and Orange, Counties, Texas. (JORDAN:rma)

Approved with changes by staff, JEB/BJW

Item 46. CONSIDERATION OF THE ADOPTION OF AMENDMENTS TO 31 TEXAS ADMINISTRATIVE CODE CHAPTER 335, SECTIONS 335.112(a)(13) AND 335.431(a) CONCERNING THE TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP) AUTHORIZATION REQUIREMENTS. THESE AMENDMENTS REFLECT SEPTEMBER 25, 1990, AS THE EFFECTIVE DATE OF TCLP IMPLEMENTATION IN THE STATE. (Celestino)

Adopt Amendments, JEB/BJW

Item 47. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF MIDANCO, INC. for review of the financial circumstances of Northwest Harris County Municipal Utility District No. 25 and to levy a standby fee; TWC IC No. 020890-D-02. (This matter was considered on the agenda of May 8, 1991.)

MFR Overruled, BJW/JEB

ADDENDUM TO UNCONTESTED AGENDA

Monday, June 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 48. APPLICATION BY PALM VALLEY ESTATES UTILITY DISTRICT TO AMEND CERTIFICATE OF ADJUDICATION NO. 23-809. FOR COMMISSION ACTION. Applicant seeks to amend Cert. No. 23-809, as to the applicant's 625 acre-foot portion, by changing the purpose of use of their Class "A" irrigation water rights to municipal use, to change the place of use to the District's service area, and to change the point of diversion to that of the Harlingen Irrigation District, Cameron County No. 1

Approved, BJW/JH

SECOND ADDENDUM TO UNCONTESTED AGENDA

Monday, June 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 49. PRESENTATION OF SERVICE AWARDS TO MEMBERS OF THE COMMISSION'S WASTE REDUCTION ADVISORY COMMITTEE. (Wynne).

Certificates presented

Item 50. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON 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. (THIS MATTER WAS CONSIDERED ON MAY 22, 1991.)

MFR Overruled, BJW/JH

Item 51. CONSIDERATION OF ALL MOTIONS FOR DECISION ON 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. (THIS MATTER WAS CONSIDERED ON MAY 22, 1991.)

MFR Overruled, BJW/JH

THIRD ADDENDUM TO UNCONTESTED AGENDA

Monday, June 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 52. CONSIDERATION OF THE REQUEST BY LLOYD, GOSSELINK, FOWLER, BLEVINS & MATHEWS, P.C., TO DRAFT NEW 31 TEXAS ADMINISTRATIVE CODE SECTIONS 334.483, 334.484, 334.485, AND 334.486, CONCERNING THE DEFINITION OF PETROLEUM SUBSTANCE WASTE RECYCLING AND PETROLEUM SUBSTANCE WASTE RECYCLING PERMIT REQUIREMENTS. (Mehta)

Request Withdrawn

EMERGENCY ADDENDUM TO UNCONTESTED AGENDA

Monday, June 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 53. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR AN EMERGENCY ORDER REQUIRING CERTAIN ACTIONS OF SCENIC OAKS WATER SUPPLY, INC., DOCKET NO. 9134-E. (Corrigan)

(Due to reasonably unforeseeable circumstances, setting of this matter is necessary)

Issue Emergency Order (Modify, Affirm or Set Aside, July 24, 1991)

UNCONTESTED OLD BUSINESS

Monday, June 24, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of June 12, 1991.

- Item 1. 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 Jul 24, 1991 at 9:00 a.m.

Item carried forward from Agenda of June 12, 1991.

- Item 2. 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).

Issue order w/changes recommended by staff, BJW/JEB

Item carried forward from Agenda of June 12, 1991.

- Item 3. 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).

Issue order w/changes recommended by staff, BJW/JEB