

CONTESTED AGENDA

Wednesday, July 10, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 1. APPLICATION BY TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 17 FOR APPROVAL OF AN IMPACT FEE; For Commission consideration and action. Applicant seeks approval for the levy of an impact fee in the amount of \$2,900 per equivalent single family connection for out-of-district water service and \$1,450 per equivalent single family connection for in-district water service, within the District's service area.

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

Item 2. CONSIDERATION OF EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE APPLICATION OF GAFFORD FAMILY PARTNERSHIP FOR AN AMENDMENT TO WATER USE PERMIT NO. 5063 IN UVALDE COUNTY, TEXAS, TO DIVERT NOT TO EXCEED 10 ACRE-FEET OF WATER PER ANNUM FROM THE FRIO RIVER IN NUECES RIVER BASIN, FOR MUNICIPAL PURPOSES. Recommendation: Issuance of authorization for 6.4 acre-feet of water per annum. (O'Neal)

Issue Order as Proposed, BJW/JH

Item 3. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF NORTHEAST UTILITIES, INC., AND BLUEBONNET SAVINGS BANK FSB, PERMIT NO. 12733-01. (Smith, J.)

Cont. to Jul 31, at 9:00 a.m.

Item 4. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION RECOMMENDING DENIAL OF THE APPLICATION BY OCEAN ENTERPRISES, INC., FOR THE RENEWAL OF PERMIT NO. 02069. (Smith, J.)

Application denied, BJW/JH

Item 5. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF E & L LUMBER COMPANY, PROPOSED PERMIT NO. 03285. (Smith, S.)

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

Item 6. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION TO REVOKE CLASS B WASTEWATER OPERATORS CERTIFICATE OF COMPETENCY NO. 453-80-0262 HELD BY LARRY G. BUMPUS. (Smith, S.)

Revoke Operators Certificate, BJW/JH

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF PENNZOIL PRODUCTS COMPANY, PERMIT NO. 00377. (Smith, S.)

Issue Agreed Order, BJW/JEB

Item 8. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER AMENDING AN ENFORCEMENT ORDER DATED DECEMBER 13, 1989, CONCERNING OPAL DURANT DBA RIDGE UTILITIES; PERMIT NO. 10165-01. (Smith, S.)

Approved, BJW/JEB

Item 9. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION CONCERNING VIOLATIONS OF CHAPTER 26 OF THE TEXAS WATER CODE, PERMIT NO. 11311-001. (Martinez)

Issue Agreed Order, BJW/JH

Item 10. IN CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION TO REFER WES BOOTHE D/B/A AERO AVIATION, INC. TO THE OFFICE OF THE ATTORNEY GENERAL (SWR NO. 39807) (RENBARGER)

Refer to Attorney General, BJW/JH

Item 11. CONSIDERATION OF ALL MOTIONS FOR REHEARING ON EXAMINER'S PROPOSAL FOR DECISION CONCERNING THE PETITION OF TEXAS COPPER CORPORATION FOR PERMIT NO. 03120 TO AUTHORIZE THE DISCHARGE OF 23.3 MGD OF TREATED INDUSTRIAL WASTEWATER EFFLUENT IN GALVESTON COUNTY TEXAS, AND SEGMENT NO. 2439 OF THE BAY AND ESTUARIES. (This matter was considered on the agenda of May 1 and May 8, 1991.)

Adopt Chairman Hall's Recommendation in Order and No MFR's to be filed on Texas Copper, BJW/JH

Item 12. 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.

Approved Executive Director's Proposal, BJW/JH

EMERGENCY ADDENDUM TO CONTESTED AGENDA

Wednesday, July 10, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item 13. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PETITION FOR
EMERGENCY ORDER PURSUANT TO TEXAS WATER CODE CHAPTER 26,
REQUIRING CERTAIN ACTIONS OF DYNAGEN, INC., PERMIT NO. 00817.
(SMITH, S.)

Request Withdrawn

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

CONTESTED OLD BUSINESS

Wednesday, July 10, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of May 15, 1991.

- Item 1. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY ENFORCEMENT REPORT AND PETITION FOR ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF THE CITY OF RANGER, PERMIT NO. 11557-01. (Smith, J.)

Issue Agreed Order, BJW/JH

Item carried forward from Agenda of May 29, 1991, and June 5, 1991.

- Item 2. CONSIDERATION OF THE MOTION OF SHARYLAND WATER SUPPLY CORPORATION FOR A PROTECTIVE ORDER IN THE MATTER OF THE PETITION OF SHARYLAND WSC FOR REVIEW OF THE RATES OF UNITED IRRIGATION DISTRICT (DOCKET NO. 8293-M).

Dismiss Protective Order w/o prejudice, BJW/JH

Item carried forward from Agenda of June 12, 1991.

- 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 Aug 7 at 9:00 a.m.

Item carried forward from Agenda of April 24, 1991 and June 12, 1991.

- Item 4. 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)

Issue Agreed Order, BJW/JEB

Item carried forward from Agenda of February 6, 1991, May 8, 1991 and June 12, 1991.

- Item 5. 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 Jul 24, at 9:00 a.m.

Item carried forward from Agenda of June 24, 1991.

- Item 6. 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).

Issue Order as Adopted by General Counsel, BJW/JH

ADDENDUM TO CONTESTED OLD BUSINESS

Wednesday, July 10, 1991

TEXAS WATER COMMISSION

9:00 a.m.
Room 118

Item carried forward from Agenda of February 27, May 22, and July 3, 1991.

Item 7. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S PRELIMINARY REPORT AND PETITION FOR ORDER REQUIRING CERTAIN ACTIONS OF RED RIVER ARMY DEPOT. (SWR 67004) (WARNEKE)

Issue Agreed Order, BJW/JH

UNCONTESTED AGENDA

Wednesday, July 10, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 1. APPLICATION BY CHEMICAL WASTE MANAGEMENT, INC., CORPUS CHRISTI for a Class 2 Modification of Permit No. WDW-70 in accordance with 31 TAC, Section 305.69. The well is located 385.2 feet from the northeast line and 251.5 feet from the southeast line of Tract 2, W. T. Robinson Farm Tracts in Section 15 of the Bohemian Colony Lands Survey, Nueces County, Texas.

Approve, BJW/JEB

Item 2. APPLICATION BY INTERCONTINENTAL ENERGY CORPORATION DBA IEC CORPORATION for amendment to Permit No. WDW-156 (Lamprect Mine Site) to authorize an increase in the injection rate from 200 gallons per minute to 250 gallons per minute and increase the volume of injected wastewater from 6,696,000 gallons per month to 10,950,000 gallons per month. The Lamprect Mining Project is approximately 8 miles northeast of Three Rivers, Live Oak County, Texas.

Approve, BJW/JEB

Item 3. APPLICATION BY INTERCONTINENTAL ENERGY CORPORATION DBA IEC CORPORATION for an amendment to Permit No. WDW-159 (Zamzow Mine Site) to authorize an increase in the injection rate from 150 gallons per minute to 250 gallons per minute and increase the volume of injected wastewater from 5,580,000 gallons per month to 10,950,000 gallons per month. The Zamzow Mining Project is approximately 8 miles northeast of Three Rivers, Live Oak County, Texas.

Approve, BJW/JEB

Item 4. APPLICATION BY BLUEBONNET SAVINGS BANK FSB for a permit (Proposed Permit No. 13545-01) to authorize a discharge of treated domestic wastewater at a volume not to exceed an average flow of 100,000 gallons per day. The wastewater treatment plant is currently operating and had been authorized under Permit No. 12762-01 which was inadvertently allowed to expire. The plant site is on the southern bank of Midway Branch, approximately 0.5 of a mile south of State Highway 121 and 1.2 miles southwest of the intersection of Farm-to-Market Highway 544 and State Highway 121, on Holford Prairie Road, in Denton County, Texas.

Approve, BJW/JEB

Item 5. APPLICATION BY REX BULLARD DBA REX BULLARD DAIRY for a permit (Proposed Permit No. 03341) to authorize disposal of wastes and wastewater from a dairy which consist of a maximum 750 total head in confinement. The dairy is on the south side of an unnamed County Road located approximately two miles northwest of the intersection of Farm-to-Market Road 67 and Farm-to-Market Road 2488 in Hill County, Texas.

Approve, BJW/JEB

Item 6. APPLICATION BY CARE SHIPPING TERMINAL, INC. for renewal of Permit No. 13203-01 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 is at 16800 Peninsula Boulevard in Harris County, Texas.

Approve, BJW/JEB

Item 7. APPLICATION BY D-S-M Dairy Farms, Inc. for (Proposed Permit No. 03342) to authorize wastes and wastewater from a dairy. The dairy will contain a maximum of 350 head in confinement. The dairy is on the north side of County Road 1127 located one and one half mile south of the intersection of Farm-to-Market Road 2331 and State Highway 171 in Johnson County, Texas.

Approve, BJW/JEB

Item 8. APPLICATION BY CITY OF HUNTSVILLE for renewal of Permit No. 10781-02 which authorizes a discharge of treated domestic wastewater at a volume not to exceed an average flow of 1,600,000 gallons per day from the South Wastewater Treatment Facilities. The plant site is 3.5 miles due south of the intersection of Farm-to-Market Road 1374 and Interstate Highway 45, and approximately 1.4 miles southwest of the Elkins Lake Dame, south of the City of Huntsville in Walker County, Texas.

Approve, BJW/JEB

Item 9. APPLICATION BY LYONDELL PETROCHEMICAL COMPANY for an amendment to Permit No. 00391 in order to add Outfall 002 to regulate intermittent, flow variable discharges of stormwater runoff. The plant site is at 8280 Sheldon Road, approximately 4 miles north of Interstate Highway 10 in the extraterritorial jurisdiction of the City of Houston, Harris County, Texas.

Approve, BJW/JEB

Item 10. APPLICATION BY HUDSPETH COUNTY CONSERVATION & RECLAMATION DISTRICT NO. 1 FOR APPROVAL OF THE ISSUANCE OF \$2,250,000 IN UNLIMITED TAX BONDS, 7.5% NET EFFECTIVE INTEREST RATE, SERIES 1991. For Commission consideration and action. Applicant requests approval of the issuance of \$2,250,000 in unlimited tax bonds to finance improvements to its Reservoir No. 1 and construction of the Diablo Reservoir.

Approve, JEB/BJW

Item 11. APPLICATION BY HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36 FOR APPROVAL OF RELEASE OF ESCROWED FUNDS; \$7,900,000 BOND ISSUE APPROVED February 16, 1982. For Commission consideration and action. Applicant requests approval for release of \$215,000 in escrowed funds to finance the District's wastewater treatment plant site costs.

Approve, JEB/BJW

Item 12. APPLICATION BY CIRCLE C MUNICIPAL UTILITY DISTRICT NO.4 OF TRAVIS COUNTY FOR APPROVAL TO DELETE SURCHARGE. For Commission consideration and action. Applicant requests approval to delete a preannexation surcharge requirement from the City of Austin consent agreement.

Approve, JEB/BJW

Item 13. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING PETITION OF APPEAL BY TWO WAY PROPERTY OWNER'S ASS'N OF AN INCREASE IN RETAIL WATER RATES IN GRAYSON COUNTY, TEXAS (DOCKET NO. 8992-W). Applicant provides retail water service to approximately 149 customers. Recommendation: Dismiss appeal without prejudice (HARRIS)

Dismiss Appeal w/o prejudice, BJW/JH

Item 14. APPLICATION OF MICHAEL AVEY, EDWARD L. BROOKS, JAMES COLE, GLADYS COLE, ADOLPH KLANDER, MARION SMITH AND MARIE WATSON, BOARD MEMBERS OF WATSON LAKE ESTATES PROPERTY OWNERS DBA WATSON LAKE COMMUNITY WATER SYSTEM for a Water Certificate of Convenience and Necessity in Walker County (Application NO. 8735-C, Holck)

Approve, BJW/JH

Item 15. APPLICATION OF CALVIN VICK DBA RIO VISTA WATER COMPANY for a Water Certificate of Convenience and Necessity in Bandera County (Application No. 9018-C, Holck)

Approve, BJW/JH

Item 16. APPLICATION OF RAYBURN HIDEAWAY RECREATION ASSOCIATION, INC. for a Water Certificate of Convenience and Necessity in Nacogdoches County (Application No. 8888-C, Holck)

Approve, BJW/JH

Item 17. APPLICATION OF LANGTRY WATER SUPPLY CORPORATION for a Water Certificate of Convenience and Necessity in Val Verde County (Application No. 8845-C, Fenner)

Approve, BJW/JH

Item 18. APPLICATION OF 2432 INVESTMENTS, INC. DBA PINELOCH WATER SYSTEM for a Water Certificate of Convenience and Necessity in Montgomery County (Application No. 8851-C, Holck)

Approve, BJW/JH

Item 19. APPLICATION OF CONCEPT-THERAPY INSTITUTE, INC. DBA AUM SAT TAT RANCH for a Water Certificate of Convenience and Necessity in Bexar County, Texas (Application No. 9043-C, Fenner)

Approve, BJW/JH

Item 20. APPLICATION OF JOSEPH W. MAYHEW DBA WOOD TRAILS WATER SUPPLY for an Amendment to Water Certificate of Convenience and Necessity Number 11880 in Kerr County (Application No. 9072-C, Horst)

Approve, BJW/JH

Item 21. APPLICATION OF LARRY BREWER to Amend Water Certificate of Convenience and Necessity Number 12243 in Jasper County (Application No. 8797-C, Carlson)

Approve, BJW/JH

Item 22. APPLICATION OF SOUTHWEST WATER SERVICES, INC. to Transfer

Water Certificate of Convenience and Necessity No. 11057 from Garry Z. Luker and Joe Nutt dba Oak Trail Plaza; to cancel Water CCN No. 11057 and to Amend Water CCN No. 10764 in Hood County (Application No. 9061-S, Horst)

Approve, BJW/JH

Item 23. APPLICATION OF WILLIAM K. BATES DBA SPRING CREEK TRAILS WATER SYSTEM to Transfer Water Certificate of Convenience and Necessity (CCN) No. 11444 from Sanford Water Company in Harris County (Application No. 9026-S, Carlson)

Cont. to Jul 24, at 3:00 p.m.

Item 24. APPLICATION OF Mr. Truett G. Moore, Mr. Mark H. Willemin and Mr. Leonard J. Ohmes, Maintenance Committee Members of Canyon Lake Estates Water Department for a Water Certificate of Convenience and Necessity and to Decertify a Portion of the Certificated Water Service Area of W & W Water Company, Inc., CCN No. 10692, in Comal County (Application No. 8752-C, Mayhew)

Approve, BJW/JEB

Item 25. CONSIDERATION OF EXAMINER'S MEMORANDUM AND ORDER CONCERNING THE PETITION OF THE EXECUTIVE DIRECTOR FOR AN ORDER ASSESSING ADMINISTRATIVE PENALTIES AND REQUIRING CERTAIN ACTIONS OF ROLLINS ENVIRONMENTAL SERVICES IN HARRIS COUNTY, TEXAS. The applicant's facilities are located in Segment No. 1006 of the San Jacinto River Basin. Recommendation: Adoption of the Agreed Order. (BILL ZUKAUCKAS, Examiner).

Issue Agreed Order, BJW/JEB

Item 26. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MEMORANDUM REQUESTING AN AMENDMENT TO THE COMMISSION'S ORDER FINDING SUBSTANTIAL NONCOMPLIANCE AND REQUIRING CERTAIN ACTIONS OF THE CITY OF BARTLETT, PERMIT NO. 10880-01. (Ligarde)

Approve, BJW/JEB

Item 27. CONSIDERATION OF THE MOTION OF THE EXECUTIVE DIRECTOR FOR AN ORDER NUNC PRO TUNC SEPARATING PERMIT NO. SW-39062 INTO SOLID WASTE PERMIT NO. SW-39062 AND WATER QUALITY PERMIT NO. 03333, HELD BY AMERIPOL SYNPOL COMPANY, A DIVISION OF GOODRICH TIRE COMPANY. (Ray)

Approve, BJW/JEB

Item 28. APPLICATION NO. 5357 BY THE CITY OF COLLEGE STATION FOR A 11.121 WATER USE PERMIT. For Commission action. Applicant seeks authorization to impound a total of 13.35 acre-feet of water in a reservoir to be created by a dam (overflow weir) on Wolf Pen Creek, Brazos River Basin, for in-place recreation purposes within the city limits of College Station, Brazos County, Texas. (JORDAN:rma)

Approve, BJW/JEB

Item 29. CONSIDERATION OF THE EXECUTIVE DIRECTOR'S MOTION TO CANCEL THAT PORTION OF CERTIFICATE OF ADJUDICATION NO. 23-455AB HELD BY WADE W. HASH AND FRANCIS A. HASH, WHO HAVE EXECUTED THE PROPER TEXAS WATER COMMISSION FORM REQUESTING THE CANCELLATION OF ALL OR PART OF A WATER RIGHT WHICH IS NOT

BEING USED. (Martinez)

Approve, BJW/JEB

Item 30. CONSIDERATION OF REQUEST TO CANCEL THAT PORTION OF CERTIFICATE OF ADJUDICATION NO. 23-20 HELD BY REGELIO R. RINCONES AND DOLORES H. RINCONES WHICH AUTHORIZES THE USE OF 0.233 ACRE-FEET OF WATER FROM THE RIO GRANDE RIVER IN THE RIO GRANDE RIVER BASIN FOR IRRIGATION PURPOSES. (Martinez)

Approve, BJW/JEB

Item 31. CONSIDERATION OF THE REQUEST TO CANCEL THAT PORTION OF CERTIFICATE OF ADJUDICATION NO. 23-20 HELD BY AURORA HERNANDEZ WHICH AUTHORIZES THE USE OF 0.215 ACRE-FEET OF WATER FROM THE RIO GRANDE RIVER IN THE RIO GRANDE RIVER BASIN FOR IRRIGATION PURPOSES. (Martinez)

Approve, BJW/JEB

ADDENDUM TO UNCONTESTED AGENDA

Wednesday, July 10, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item 32. APPLICATION NO. 5358 BY ALAMO CONSERVATION AND REUSE DISTRICT FOR A PERMIT TO AUTHORIZE DIVERSION AND RE-USE OF TREATED WASTEWATER. For Commission consideration and action. Applicant seeks authorization to install diversion facilities in Bexar County on Leon Creek, San Antonio River Basin, and divert and use from the creek an amount of water equal to that amount of treated wastewater discharged at the Leon Creek Wastewater Treatment Plant into Comanche Creek, tributary of Leon Creek, approximately 2800 feet upstream. (JORDAN;tls)

Cont. to Sep 11, at 9:00 a.m.

UNCONTESTED OLD BUSINESS

Wednesday, July 10, 1991

TEXAS WATER COMMISSION

3:00 p.m.
Room 118

Item carried forward from Agenda of June 24, 1991.

- Item 1. 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 LYTLE.

Issue Agreed Order, JEB/BJW